

STATE OF MINNESOTA

Journal of the Senate

EIGHTIETH LEGISLATURE

THIRTY-SIXTH DAY

St. Paul, Minnesota, Thursday, April 10, 1997

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. Rick Skare.

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

Anderson	Higgins	Krentz	Oliver	Samuelson
Beckman	Hottinger	Laidig	Olson	Scheevel
Belanger	Janezich	Langseth	Ourada	Scheid
Berg	Johnson, D.E.	Larson	Pappas	Solon
Betzold	Johnson, D.H.	Lesewski	Pariseau	Spear
Cohen	Johnson, D.J.	Limmer	Piper	Stevens
Day	Johnson, J.B.	Lourey	Pogemiller	Stumpf
Dille	Junge	Marty	Price	Ten Eyck
Fischbach	Kelley, S.P.	Metzen	Ranum	Terwilliger
Flynn	Kelly, R.C.	Morse	Robertson	Vickerman
Foley	Kiscaden	Murphy	Robling	Wiener
Frederickson	Kleis	Neuville	Runbeck	Wiger
Hanson	Knutson	Novak	Sams	

The President declared a quorum present.

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

MEMBERS EXCUSED

Ms. Berglin, Messrs. Lessard and Moe, R.D. were excused from the Session of today.

REPORTS OF COMMITTEES

Ms. Junge moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 133, 273 and the report pertaining to the appointment. The motion prevailed.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1419: A bill for an act relating to utilities; authorizing municipal and cooperative utilities to form joint ventures for the provision of utility services; proposing coding for new law as Minnesota Statutes, chapter 453B; repealing Laws 1996, chapter 300, section 1.

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

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

S.F. No. 133: A bill for an act relating to crime prevention; clarifying that a victim's impact statement may not be rebutted by a defendant; providing a community representative the right to submit an impact statement; requiring that notice of a defendant's pending appeal be given to crime victims; making various changes to the crime victim emergency assistance grant statute; extending the sunset date of the Minnesota crime victim and witness advisory council and expanding its duties; adding "criminal vehicular homicide and injury" to the definition of "crime of violence" in the gun control laws; appropriating money; amending Minnesota Statutes 1996, sections 611A.038; 611A.675; 611A.71, subdivisions 5 and 7; and 624.712, subdivision 5; 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 5, line 6, delete "1999" and insert "2001"

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

S.F. No. 273: A bill for an act relating to veterans; authorizing certain improvements at the Hastings, Luverne, and Silver Bay veterans homes using donated funds.

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

Page 1, line 14, delete "sidewalk" and insert "three-season porch"

Page 1, line 16, delete "space" and insert "building"

Page 1, after line 22, insert:

"Sec. 2. [FISCAL ACCOUNTING.]

Money donated for purposes listed in section 1 must be accounted for in accordance with Minnesota Statutes, section 198.161."

Amend the title as follows:

Page 1, line 4, before the period, insert "; requiring accounting of donations"

And when so amended the bill do pass and be placed on the Consent Calendar.

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

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

S.F. No. 363: A bill for an act relating to state employment; making changes of a technical and housekeeping nature; amending Minnesota Statutes 1996, sections 43A.01, subdivision 2; 43A.02, subdivisions 1, 14, 20, 30, and 37; 43A.04, subdivisions 1, 2, 3, and 9; 43A.05, subdivisions 1 and 3; 43A.08, subdivisions 1 and 1a; 43A.13, subdivision 7; 43A.27, subdivision 1; 43A.30, subdivision 1; and 43A.36, subdivisions 1 and 2.

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

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

S.F. No. 890: A bill for an act relating to motor vehicles; new motor vehicle dealers; requiring persons to obtain a license to engage in certain business practices; amending Minnesota Statutes 1996, section 168.27, 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 1996, section 168.27, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them:

(1) "Leasing motor vehicles" means furnishing a motor vehicle for a fee under a bailor-bailee relationship where no incidences of ownership are intended to be transferred other than the right to use the vehicle for a stated period of time.

(2) "Brokering motor vehicles" means arranging sales or leases between willing buyers and sellers, or lessees and lessors, of motor vehicles and receiving a fee for said service those services.

(3) "Wholesaling motor vehicles" means selling new or used motor vehicles to dealers for resale to the public.

(4) "Auctioning motor vehicles" means arranging for and handling the sale of motor vehicles, not the property of the auctioneer, to the highest bidder.

(5) "Dealer" includes licensed new motor vehicle dealers, used motor vehicle dealers, motor vehicle brokers, wholesalers, auctioneers, lessors of new or used motor vehicles, scrap metal processors, used vehicle parts dealers, and salvage pools.

(6) "Commercial building" means a permanent, enclosed building that is on a permanent foundation and connected to local sewer and water facilities or otherwise complying with local sanitary codes, is adapted to commercial use, and conforms to local government zoning requirements. "Commercial building" may include strip office malls or garages if a separate entrance and a separate address are maintained and the dealership is clearly identified as a separate business.

(7) "Commercial office space" means office space occupying all or part of a commercial building.

(8) "Horse trailer" is a trailer designed and used to carry horses and other livestock, which has not more than three axles and a maximum gross weight capacity of not more than 24,000 pounds.

(9) "Isolated or occasional sales or leases" means the sale or lease of not more than five motor vehicles in a 12-month period, exclusive of pioneer or classic motor vehicles as defined in section 168.10, subdivisions 1a and 1b, or sales by a licensed auctioneer selling motor vehicles at an auction if, in the ordinary course of the auctioneer's business, the sale of motor vehicles is incidental to the sale of other real or personal property.

(10) "Used motor vehicle" means a motor vehicle for which title has been transferred from the person who first acquired it from the manufacturer, distributor, or dealer. A new motor vehicle will not be considered a used motor vehicle until it has been placed in actual operation and not held for resale by an owner who has been granted a certificate of title on the motor vehicle and has registered the motor vehicle in accordance with this chapter and chapters 168A and 297B, or the laws of the residence of the owner.

(11) "New motor vehicle" means a motor vehicle other than described in paragraph (10).

(12) "Junked vehicle" means a vehicle that is declared unrepairable under section 168A.151.

(13) "Motor vehicle" has the meaning given it in section 168.011, subdivision 4, and also includes a park trailer as defined in section 168.011, subdivision 8.

(14) "Motor vehicle broker" means a person who arranges the sale of a motor vehicle between a buyer and a seller, or the lease of a motor vehicle between a lessee and a lessor, for which service the broker receives a fee.

Sec. 2. Minnesota Statutes 1996, section 168.27, subdivision 2, is amended to read:

Subd. 2. [NEW MOTOR VEHICLE DEALER.] (a) No person shall engage in the business of selling new motor vehicles or shall offer to sell, solicit, deliver, or advertise the sale of new motor vehicles without first acquiring a new motor vehicle dealer license. A new motor vehicle dealer licensee shall be entitled thereunder to sell, broker, wholesale, or auction and to solicit and advertise the sale, broker, wholesale, or auction of new motor vehicles covered by the franchise and any used motor vehicles or to lease and to solicit and advertise the lease of new motor vehicles and any used motor vehicles and such sales or leases may be either for consumer use at retail or for resale to a dealer. A new motor vehicle dealer may engage in the business of buying or otherwise acquiring vehicles for dismantling the vehicles and selling used parts and remaining scrap materials under chapter 168A, except that a new motor vehicle dealer may not purchase a junked vehicle from a salvage pool, insurance company, or its agent unless the dealer is also licensed as a used vehicle parts dealer. Nothing herein shall be construed to require an applicant for a dealer license who proposes to deal in: (1) new and unused motor vehicle bodies; or (2) type A, B, or C motor homes as defined in section 168.011, subdivision 25, to have a bona fide contract or franchise in effect with either the first-stage manufacturer of the motor home or the manufacturer or distributor of any motor vehicle chassis upon which the new and unused motor vehicle body is mounted. The modification or conversion of a new van-type vehicle into a multipurpose passenger vehicle which is not a motor home does not constitute dealing in new or unused motor vehicle bodies, and a person engaged in the business of selling these van-type vehicles must have a bona fide contract or franchise with the appropriate manufacturer under subdivision 10. A van converter or modifier who owns these modified or converted van-type vehicles may sell them at wholesale to new motor vehicle dealers having a bona fide contract or franchise with the first-stage manufacturer of the vehicles.

(b) The requirements pertaining to franchises do not apply to persons who remodel or convert motor vehicles for medical purposes. For purposes of this subdivision, "medical purpose" means certification by a licensed physician that remodeling or conversion of a motor vehicle is necessary to enable a disabled person to use the vehicle.

(c) A new motor vehicle dealer shall not deliver a manufacturer's or importer's certificate of origin for a passenger automobile, pickup truck, or van requiring a certificate of title pursuant to chapter 168A to any person in conjunction with the sale of a vehicle except to the department, another new motor vehicle dealer licensed to sell the same line or make, or a person whose primary business is picking up and delivering motor vehicle title documents.

(d) If a new motor vehicle dealer agrees to sell or lease a new motor vehicle using the services of a motor vehicle broker, the new motor vehicle dealer may not refuse to deliver possession of the vehicle to the buyer or lessee. This paragraph does not require delivery unless all arrangements have been properly completed for payment, insurance, titling, transfer, and registration of the new vehicle and any trade-in vehicle. This paragraph also does not require delivery to a person who appears incompetent to enter into a binding vehicle purchase or lease contract or to safely operate a motor vehicle.

Sec. 3. Minnesota Statutes 1996, section 168.27, is amended by adding a subdivision to read:

Subd. 7a. [MOTOR VEHICLE BROKER.] (a) No person shall engage in the business of brokering motor vehicles without first acquiring a motor vehicle broker's license. A motor vehicle broker shall provide each buyer or lessee with a written disclosure stating whether the motor vehicle broker receives a fee from the dealers with whom the broker does business. The new or

used motor vehicle dealer shall be the seller of record in all such transactions. The motor vehicle dealer may pay the motor vehicle broker a fee for brokering services rendered. A motor vehicle broker may:

(1) advertise and solicit the brokering of new motor vehicles. A motor vehicle broker shall not advertise or make any representations which state, imply, or suggest that the motor vehicle broker itself sells vehicles, is authorized to sell vehicles, or obtains vehicles directly from the motor vehicle manufacturer. All advertising or other solicitations by a motor vehicle broker shall disclose that sales of new motor vehicles are arranged through franchised motor vehicle dealers;

(2) negotiate or quote the sale price or lease terms of motor vehicles;

(3) accept a down payment of not to exceed \$500, but otherwise may not accept payment in full or in part for a motor vehicle unless the payment is in the form of a negotiable instrument payable to the vehicle dealer;

(4) accompany a motor vehicle purchaser or lessee at the time of delivery by the selling dealer of a new motor vehicle; and

(5) be present when warranties and safety features are described by the selling dealer in conjunction with the delivery of a new motor vehicle.

(b) A motor vehicle broker shall not:

(1) engage in the business of selling new or used motor vehicles as described in subdivisions 2 and 3;

(2) prepare or execute contracts or official documents for the sale or lease of a new motor vehicle;

(3) describe a new vehicle's warranties or safety features in conjunction with the delivery of a new motor vehicle;

(4) display motor vehicles available for sale or lease; or

(5) perform any dealer preparation of new motor vehicles.

All dealer preparation shall be performed only by a licensed new motor vehicle dealer.

Sec. 4. Minnesota Statutes 1996, section 168.27, subdivision 10, is amended to read:

Subd. 10. [ESTABLISHED PLACE OF BUSINESS.] All licensees under this section shall have an established place of business which shall include as a minimum:

(1) For a new motor vehicle dealer, the following:

(a) a commercial building owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours. Dealership business hours must be conspicuously posted on the place of doing business and readily viewable by the public;

(b) a bona fide contract or franchise (1) in effect with a manufacturer or distributor of the new motor vehicles the dealer proposes to sell, broker, wholesale, or auction, or (2) in effect with the first-stage manufacturer or distributor of new motor vehicles purchased from a van converter or modifier which the dealer proposes to sell, broker, wholesale, or auction, or (3) in effect with the final stage manufacturer of the new type A, B, or C motor homes which the dealer proposes to sell, broker, wholesale, or auction;

(c) a facility for the repair and servicing of motor vehicles and the storage of parts and accessories, not to exceed ten miles distance from the principal place of business. Such service may be provided through contract with bona fide operators actually engaged in such services;

(d) an area either indoors or outdoors to display motor vehicles which is owned or under lease by the licensee; and

(e) a sign clearly identifying the dealership by name which is readily viewable by the public.

(2) For a used motor vehicle dealer, the following:

(a) a commercial building owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or automatic telephone answering service during normal business hours. Dealership business hours must be conspicuously posted on the place of doing business and readily viewable by the public;

(b) an area either indoors or outdoors to display motor vehicles which is owned or under lease by the licensee; and

(c) a sign clearly identifying the dealership by name which is readily viewable by the public.

(3) For a motor vehicle lessor, the following: a commercial office space where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours. Business hours must be conspicuously posted on the place of doing business and readily viewable by the public. The office space must be owned or under lease for a minimum term of one year by the licensee.

(4) For a motor vehicle wholesaler, the following: a commercial office space where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours. The office space must be owned or under lease for a minimum term of one year by the licensee.

(5) For a motor vehicle auctioneer, the following: a permanent enclosed commercial building, within or without the state, on a permanent foundation, owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(6) For a motor vehicle broker, the following: a commercial office space where books, records, and files necessary to conduct business are kept and maintained with personnel available during normal business hours, or an automatic telephone answering service available during normal business hours. Business hours must be conspicuously posted on the place of business and readily viewable by the public. A sign, clearly identifying the motor vehicle broker by name and viewable by the public must be posted on the place of business. The office space must be owned or under lease for a minimum term of one year by the licensee.

(7) If a new or used motor vehicle dealer maintains more than one place of doing business in a county, the separate places shall be listed on the application. If additional places of business are maintained outside of one county, separate licenses shall be obtained for each county.

(7) (8) If a motor vehicle lessor, wholesaler, or auctioneer, or motor vehicle broker maintains more than one permanent place of doing business, either in one or more counties, the separate places shall be listed in the application, but only one license shall be required. If a lessor proposes to sell previously leased or rented vehicles or if a broker proposes to establish an office at a location outside the seven-county metropolitan area, as defined in section 473.121, subdivision 2, other than cities of the first class, the lessor or broker must obtain a license for each nonmetropolitan area county in which the lessor's sales are to take place or where the broker proposes to locate an office.

~~(8)~~ (9) If a motor vehicle dealer, lessor, or wholesaler, or motor vehicle broker does not have

direct access to a public road or street, any privately owned roadway providing access to a public road or street must be clearly identified and adequately maintained.

Sec. 5. Minnesota Statutes 1996, section 168.27, subdivision 11, is amended to read:

Subd. 11. [LICENSES.] Application for license or notification of a change of location of a license must include a street address, not a post office box, and is subject to the registrar's approval. Upon the filing of an application for a license and the proper fee, the registrar is authorized, unless the application on its face appears to be invalid, to grant a 90-day temporary license and during said 90-day period shall investigate the fitness of the applicant, inspect the site and make such other investigation as is necessary to insure compliance with the licensing law. The registrar may extend the temporary license 30 days. At the end of the period of investigation the license shall either be granted or denied. The license must be denied if within the previous five ten years the applicant was enjoined due to a violation of section 325F.69 or convicted of violating section 325E.14, 325E.15, 325E.16, or 325F.69, or convicted under section 609.53 of receiving or selling stolen vehicles, or convicted of violating United States Code, title 15, sections 1981 to 1991, as amended through December 31, 1984, or pleaded guilty, entered a plea of nolo contendere or no contest, or has been found guilty in a court of competent jurisdiction of any charge of failure to pay state or federal income or sales taxes or felony charge of forgery, embezzlement, obtaining money under false pretenses, theft by swindle, extortion, conspiracy to defraud, or bribery. If the application is approved, the registrar shall license the applicant as a motor vehicle dealer for the remainder of the calendar year, and issue a certificate of license therefor as the registrar may provide upon which shall be placed a distinguishing number of identification of such dealer. Each initial application for a license shall be accompanied by a fee of \$50 in addition to the annual fee. The annual fee shall be \$100. All initial fees and annual fees shall be paid into the state treasury and credited to the general fund. If the initial application is received by the registrar after July 1 of any year, the first annual fee shall be reduced by one-half.

Sec. 6. Minnesota Statutes 1996, section 168.27, subdivision 12, is amended to read:

Subd. 12. [GROUNDS FOR SUSPENSION AND REVOCATION.] A license may be suspended or revoked by the registrar of motor vehicles upon proof satisfactory to the registrar of any of the following:

- (1) violations of any of the provisions of this chapter or chapter 168A, 297B, 325E, or 325F;
- (2) violation of or refusal to comply with the requests and order of the registrar;
- (3) failure to make or provide to the registrar all listings, notices, and reports required by the registrar;
- (4) failure to pay to the registrar all taxes, fees, and arrears due from and by such dealer;
- (5) failure to duly apply for renewal of license provided for herein;
- (6) revocation of previous license, of which the records of the registrar relating thereto shall be prima facie evidence of such previous revocation;
- (7) failure of continued occupancy of an established place of business;
- (8) sale of a new and unused current model motor vehicle other than the make of motor vehicle described in the franchise or contract filed with the original application or renewal thereof, without permission from the registrar;
- (9) sale of a new and unused current model motor vehicle to anyone except for consumer use, or to a dealer duly licensed to sell the same make of motor vehicle;
- (10) material misstatement or misrepresentation in application for license or renewal thereof;
- (11) having advertised, printed, displayed, published, distributed, broadcast or televised or caused or permitted to be advertised, printed, displayed, published, distributed, broadcast or

televised in any manner whatsoever, or having made orally any statement or representation with regard to the sale, lease or financing of motor vehicles which is false, deceptive or misleading;

(12) having been convicted of violating section 325F.69, or having been enjoined due to a violation of section 325F.69;

(13) having been convicted of violating the Minnesota odometer law, section 325E.14, 325E.15, or 325E.16, or the federal odometer law, United States Code, title 15, sections 1981 to 1991, as amended through December 31, 1984;

(14) having been convicted of violating the sale of motor vehicles on Sunday law, section 168.275; ~~or~~

(15) having been convicted under section 609.53 of receiving or selling stolen vehicles; or

(16) having pleaded guilty, entered a plea of nolo contendere or no contest, or having been found guilty in a court of competent jurisdiction of any charge of failure to pay state or federal income or sales taxes or felony charge of forgery, embezzlement, obtaining money under false pretenses, theft by swindle, extortion, conspiracy to defraud, or bribery.

With respect to clauses (12), (13), ~~and~~ (15), and (16), the registrar may suspend or revoke a license immediately upon receiving certification of conviction or permanent injunction. A hearing is required under subdivision 13 within 30 days following a summary suspension or revocation under this paragraph, if a hearing is requested by the licensee.

Sec. 7. Minnesota Statutes 1996, section 168.27, subdivision 19a, is amended to read:

Subd. 19a. [INJUNCTION.] The commissioner or a county attorney may institute a civil action in the name of the state in district court for an injunction prohibiting a violation of this section and for civil penalties not to exceed \$1,000 for each violation of subdivisions 2, 3, 4, 5a, 6, 7, or 7a. The court, upon proper proof that the defendant has engaged in a practice prohibited by this section, may enjoin the future commission of that practice and award civil penalties for violations of subdivisions 2, 3, 4, 5a, 6, 7, or 7a. It is not a defense to an action that the state may have adequate remedies at law. Service of process must be as in any other civil suit, except that where a defendant in the action is a natural person or firm residing outside the state, or is a foreign corporation, service of process may also be made by personal service outside the state; in the manner provided by section 5.25; or as the court may direct. Process is valid if it satisfies the requirements of due process of law, whether or not the defendant is doing business in Minnesota regularly or habitually. Nothing in this subdivision limits the rights or remedies otherwise available to persons under common law or other statutes of this state.

Sec. 8. Minnesota Statutes 1996, section 168.27, subdivision 24, is amended to read:

Subd. 24. [BONDS.] All persons licensed hereunder shall keep in full force and effect a bond with a corporate surety to be approved by the registrar of motor vehicles in amounts as herein provided; in the case of boat trailer, snowmobile trailer, horse trailer or motorized bicycle dealers in the amount of \$5,000; and as to all other persons in the amount of ~~\$25,000~~ \$50,000. The bond shall be conditioned on the faithful performance by the licensee of the obligations imposed by the laws of this state, including the conduct required of a licensee by this section and other sections governing the sale or transfer of motor vehicles, and the payment of all taxes, license fees, and penalties. The bond shall be for the benefit of the state of Minnesota and any transferor, seller, or purchaser of a motor vehicle for any monetary loss caused by failure of the licensee to meet the obligations enumerated above. Proceedings on the forfeiture of the bonds shall be commenced in the district court of the county wherein the business of the licensed person was carried on, or if in more than one county, the county in which the offense occurred. This subdivision does not apply to a used vehicle parts dealer or a scrap metal processor."

Amend the title as follows:

Page 1, line 2, delete "new motor vehicle dealers" and insert "providing for regulation and licensing of motor vehicle brokers"

Page 1, delete line 3

Page 1, line 4, delete "certain business practices;"

Page 1, line 5, delete "subdivision 2" and insert "subdivisions 1, 2, 10, 11, 12, 19a, 24, and by adding a subdivision"

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

Mr. Sams from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 1562: A bill for an act relating to agriculture; rural economic development; providing a tax credit for investments in certain agricultural cooperatives; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Mr. Sams from the Committee on Agriculture and Rural Development, to which was referred

H.F. No. 1067: A resolution memorializing the President, Congress, and the Secretary of Agriculture of the United States to design and implement adjustments to the federal milk marketing order system that are equitable to Minnesota's family dairy farmers; including reassessment of the use of wholesale price indicators derived from trade on the Green Bay Cheese Exchange.

Reports the same back with the recommendation that the resolution do pass and be placed on the Consent Calendar. Report adopted.

Mr. Sams from the Committee on Agriculture and Rural Development, to which was referred the following appointment as reported in the Journal for April 3, 1997:

BOARD OF ANIMAL HEALTH

Joni Scheftel, D.V.M.

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

Ms. Junge moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 1419, 363 and 890 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 1067 was read the second time.

MOTIONS AND RESOLUTIONS

Ms. Runbeck moved that her name be stricken as a co-author to S.F. No. 488. The motion prevailed.

Mr. Laidig moved that his name be stricken as a co-author to S.F. No. 861. The motion prevailed.

Ms. Junge moved that her name be stricken as chief author, shown as a co-author and the name of Mr. Kelley, S.P. be added as chief author to S.F. No. 1584. The motion prevailed.

Mr. Laidig and Ms. Krentz introduced--

Senate Resolution No. 35: A Senate resolution congratulating the Stillwater Area High School girls' ski team on winning the 1997 Girls Nordic Ski Team Racing meet.

Referred to the Committee on Rules and Administration.

Mr. Laidig and Ms. Krentz introduced--

Senate Resolution No. 36: A Senate resolution congratulating the Stillwater Area High School boys' ski team on placing second in the 1997 Boys Nordic Ski Team Racing meet.

Referred to the Committee on Rules and Administration.

Mr. Laidig and Ms. Krentz introduced--

Senate Resolution No. 37: A Senate resolution congratulating the Stillwater Area High School boys' ski team on winning the 1997 Boys Nordic Ski Racing meet 3K relay.

Referred to the Committee on Rules and Administration.

Mr. Laidig and Ms. Krentz introduced--

Senate Resolution No. 38: A Senate resolution congratulating the Stillwater Area High School girls' ski team on placing third in the 1997 Girls Nordic Ski Racing meet 3K relay.

Referred to the Committee on Rules and Administration.

Remaining on the Order of Business of Motions and Resolutions, Ms. Junge 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. Knutson in the chair.

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

S.F. Nos. 1146, 652, 1094, 868, 154, 574, 329, 517, 355, 375, 755, 98, 1155, 612, 772, 789, 848, 1189, 1646, 1027, 555, 1527 and H.F. Nos. 379, 835, 601, 90, 1382, 958, which the committee recommends to pass.

S.F. No. 330, which the committee recommends to pass with the following amendment offered by Mr. Spear:

Page 1, line 10, before "A" insert "Subdivision 1. [LIMIT ON AMOUNT OF LIABILITY.]"

Page 1, after line 19, insert:

"Subd. 2. [EFFECT OF EXCESS LIABILITY INSURANCE.] Notwithstanding subdivision 1, if a treatment facility has insurance coverage in excess of the liability limits under section 3.736, subdivision 4, the procurement of that insurance constitutes a waiver of those limits but only to the extent that valid and collectible insurance exceeds those limits and covers a claim. The purchase of excess insurance has no other effect on the liability of the treatment facility."

The motion prevailed. So the amendment was adopted.

S.F. No. 1091, which the committee recommends to pass with the following amendment offered by Mrs. Lourey:

Page 3, line 4, delete "shall" and insert "may"

The motion prevailed. So the amendment was adopted.

S.F. No. 122, which the committee recommends to pass with the following amendment offered by Ms. Robertson:

Page 2, lines 28 to 30, reinstate the stricken language

Page 3, line 3, delete "one year" and insert "six months"

The motion prevailed. So the amendment was adopted.

S.F. No. 309, which the committee recommends to pass with the following amendments offered by Messrs. Stevens and Price:

Mr. Stevens moved to amend S.F. No. 309 as follows:

Page 6, after line 31, insert:

"Sec. 7. [PRIVATE SALE OF TAX-FORFEITED LAND; CARLTON COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Carlton county may sell by private sale the tax-forfeited land described in paragraph (d) under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The land described in paragraph (d) may be sold by private sale. The consideration for the conveyance must include the taxes due on the property and any penalties, interest, and costs. If the lands are sold, the conveyance must reserve to the state a conservation easement, in a form prescribed by the commissioner of natural resources, for the land within 100 feet of the ordinary high water level of Slaughterhouse creek for angler access and stream habitat protection and enhancement.

(c) The conveyance must be in a form approved by the attorney general.

(d) The land to be conveyed is located in Carlton county and is described as:

North 6.66 acres of the West Half of the Northeast Quarter of the Southwest Quarter, subject to pipeline easement, Section 6, Township 48 North, Range 16 West, City of Carlton.

(e) Carlton county has determined that this sale best serves the land management interests of Carlton county."

Re-number 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. 309 as follows:

Page 6, after line 31, insert:

"Sec. 7. [TRANSFER OF TAX-FORFEITED LAND; WASHINGTON COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Washington county shall transfer the tax-forfeited land bordering public water that is 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 and provide that ownership of the land reverts to the state if development of the land is not limited to the north 230 feet of Outlot A.

(c) The land to be conveyed is located in Washington county and is described as follows: Outlot A, Oakpond Terrace, Washington County, State of Minnesota.

(d) Washington county has determined that the land is needed by the city of Oakdale for construction of a new fire station.

Sec. 8. [TRANSFER OF TAX-FORFEITED LAND; WASHINGTON COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45; 103F.535; and 282.018, subdivision 1, paragraph (a), and the public sale provisions of Minnesota Statutes, chapter 282, Washington county may convey to the city of Hugo, without consideration, the lands bordering public waters that are 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 and provide that ownership of the land reverts back to the state if the property is not used for stormwater management or open space recreational purposes.

(c) The land that may be conveyed is located in Washington county, is designated by Washington county parcel number 93030-2250, and is described as follows:

The West One-Half (W 1/2) of the Northeast Quarter (NE 1/4) of Section 30, Township 31 North, Range 21 West, City of Hugo, Washington County, Minnesota.

(d) The county has determined that the county's land management interests would best be served if the land described in paragraph (c) is transferred to the city of Hugo to allow improvements to Clearwater Creek, to make more effective use of storage available on existing wetlands, to create several regional ponding areas, to reserve areas for future recreational uses including, but not limited to, nature parks and walking trails, and to allow extension of various city streets."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Stevens then moved to amend S.F. No. 309 as follows:

Page 6, after line 31, insert:

"Sec. 7. [PRIVATE SALE OF TAX-FORFEITED LAND BORDERING ON PUBLIC WATERS; COOK COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Cook county may sell by private sale the tax-forfeited lands bordering public waters that are described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyances must be in a form approved by the attorney general.

(c) The parcels of land that may be conveyed are located in Cook county and are described as:

(1) an undivided 1/3 interest in Government Lot 5, Section 28, Township 63 North, Range 1 East, containing approximately 14.08 acres; and

(2) an undivided 1/4 interest in the South one-half of the SW 1/4, the NW 1/4 of the SW 1/4, and Government Lot 4, Section 23, Township 63 North, Range 4 East.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 8. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING ON PUBLIC WATERS; COOK COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Cook county may sell the tax-forfeited lands bordering public waters that are 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 parcel of land that may be conveyed is located in Cook county and is described as:

Part of Lot 2 and part of the NE 1/4 of SE 1/4, Section 22, Township 63 North, Range 3 East, containing approximately 65 acres.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership."

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. 399, which the committee recommends to pass with the following amendment offered by Ms. Lesewski:

Page 3, line 34, before the period, insert "and with the commissioner"

Page 4, line 4, before the comma, insert "and the commissioner"

Page 4, line 6, delete "center" and insert "service area"

Page 4, line 13, delete "a grant recipient" and insert "the recipients for local grants"

Page 4, line 14, after "local" insert "workforce service area"

The motion prevailed. So the amendment was adopted.

S.F. No. 525, which the committee recommends to pass with the following amendment offered by Ms. Pappas:

Page 2, after line 35, insert:

"Sec. 5. Minnesota Statutes 1996, section 471A.10, is amended to read:

471A.10 [PUBLIC EMPLOYEE LAWS; SALE OR LEASE OF EXISTING FACILITY.]

(a) Unless expressly provided therein, and except as provided in this section, no state law, charter provision, or ordinance of a municipality relating to public employees shall apply to a person solely by reason of that person's employment by a private vendor in connection with services rendered under a service contract.

(b) A private vendor purchasing or leasing existing related facilities from a municipality or operating or maintaining the facility shall recognize all exclusive bargaining representatives and existing labor agreements and those agreements shall remain in force until they expire by their terms. Persons who are not employed by a municipality in a related facility at the time of a lease or purchase of the facility by the private vendor are not "public employees" within the meaning of the public employees retirement act, chapter 353. Persons employed by a municipality in a related facility at the time of a lease or purchase of the facility by a private vendor shall continue to be considered to be "public employees" within the meaning of the public employees retirement act,

chapter 353, but may elect to terminate their participation in the public employees retirement association as provided in this section. Each such employee may exercise the election annually on the anniversary of the person's initial employment by the municipality. An employee electing to terminate participation in the association is entitled to benefits that the employee would be entitled to if terminating public employment and may participate in a retirement program established by the private vendor."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, delete line 7 and insert "6, 11, and 13; 471A.03, subdivision 3; and 471A.10."

The motion prevailed. So the amendment was adopted.

S.F. No. 277, which the committee recommends to pass with the following amendments offered by Messrs. Betzold and Stumpf:

Mr. Betzold moved to amend S.F. No. 277 as follows:

Page 11, after line 30, insert:

"Sec. 11. [CITY OF SPRING LAKE PARK; LIQUOR LICENSES.]

The city of Spring Lake Park may issue one on-sale intoxicating liquor license in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section."

Page 12, after line 17, insert:

"Section 11 is effective on approval by the Spring Lake Park city council and compliance with Minnesota Statutes, section 645.021."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Stumpf moved to amend S.F. No. 277 as follows:

Page 4, after line 6, insert:

"Sec. 3. [340A.3075] [DISCRIMINATION; MALT BEVERAGES.]

An off-sale retailer served by a North Dakota wholesaler as of January 1, 1997, with respect to any particular brand of malt beverage, shall have the right to purchase, on a nondiscriminatory basis, such brand from the nearest Minnesota wholesaler of the brand."

Page 12, line 8, delete "2, 3, and 7" and insert "2, 3, 4, and 8"

Page 12, line 10, delete "8" and insert "9"

Page 12, line 13, delete "9" and insert "10"

Page 12, line 16, delete "10" and insert "11"

Page 12, line 18, delete "11" and insert "12"

Page 12, line 20, delete "12" and insert "13"

Page 12, line 22, delete "13" and insert "14"

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. 1715, which the committee recommends to pass with the following amendment offered by Mr. Oliver:

Page 2, line 26, delete "in the federal"

Page 2, delete line 27

Page 2, line 28, delete everything before "United" and insert "under"

Page 2, line 29, delete "2741(b)" and insert "300gg-41(b)"

Page 7, line 26, delete "32" and insert "22"

Page 8, line 36, delete "section 3(6) of" and insert "United States Code, title 29, section 1002(6)"

Page 9, line 1, delete everything before "is"

Page 17, line 26, delete "2712(c)" and insert "300gg-12(c)"

Page 18, line 36, delete "1136, subsection (c)" and insert "1136(c)"

Page 19, line 13, delete "300gg" and insert "300gg(e)" and delete everything after "300gg-43"

Page 19, line 14, delete everything before the period

The motion prevailed. So the amendment was adopted.

S.F. No. 36, which the committee recommends to pass with the following amendments offered by Mr. Sams:

Page 1, line 16, after the second comma, insert "paragraph (b),"

Page 2, line 30, after the comma, insert "that are attached or related to a nursing home, are providing supportive services to elderly persons who are not yet in need of nursing home care, including congregate housing, adult day care, and respite care services, and are"

Page 2, line 36, after the second comma, insert "paragraph (b),"

Page 3, line 3, after the comma, insert "that are attached or related to a nursing home and are providing supportive services to elderly persons who are not yet in need of nursing home care, including congregate housing, adult day care, and respite care services,"

Page 3, line 23, before "With" insert "(a)"

Page 3, line 29, reinstate the stricken language and delete the new language

Page 3, after line 35, insert:

"(b) With respect to facilities attached or related to a nursing home providing supportive services to elderly persons who are not yet in need of nursing home care, including congregate housing, adult day care, and respite care services, a hospital district may exercise the powers in sections 447.45 to 447.50 as if these facilities were hospital or nursing home facilities within the meaning of sections 447.45 to 447.50."

The motion prevailed. So the amendment was adopted.

Mr. Sams then moved to amend S.F. No. 36 as follows:

Page 4, line 6, delete everything after the period

Page 4, delete lines 7 and 8

The motion prevailed. So the amendment was adopted.

On motion of Ms. Junge, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

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

REPORTS OF COMMITTEES

Ms. Junge moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 1834, 1399, 638, 1303 and the report pertaining to the appointment. The motion prevailed.

Mr. Sams from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 1834: A bill for an act relating to agriculture; providing for competition and economic fairness in the marketing of dairy products; allowing retail price flexibility in sales of milk and milk products; repealing Minnesota Statutes 1996, sections 32.70; 32.71; 32.72; 32.73; and 32.74.

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 1996, section 32.72, subdivision 2, is amended to read:

Subd. 2. [EXCEPTIONS.] The minimum processor, wholesaler, and retailer prices of subdivision 1 do not apply:

(i) to a sale complying with section 325D.06, clauses (1) to (4);

(ii) to a retailer giving away selected class I and class II dairy products free if the customer is not required to make a purchase; ~~or~~

(iii) to a processor, wholesaler, or retailer giving away selected class I and class II dairy products free or at a reduced cost to a bona fide charity; or

(iv) to a sale made during the month of June.

Sec. 2. [REPEALER.]

Minnesota Statutes 1996, section 32.73, is repealed.

Amend the title as follows:

Page 1, line 2, delete "providing for competition and" and insert "suspending the dairy trade practices laws during the month of June;"

Page 1, delete lines 3 and 4

Page 1, line 5, delete "milk products" and insert "amending Minnesota Statutes 1996, section 32.72, subdivision 2"

Page 1, delete line 6 and insert "section 32.73."

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 Human Resources Finance, to which was referred

S.F. No. 1880: A bill for an act relating to the organization and operation of state government; appropriating money for the judicial branch, public safety, public defense, corrections, criminal justice, crime prevention programs, and other related purposes; implementing, clarifying, and modifying certain criminal and juvenile provisions; prescribing, clarifying, and modifying certain penalty provisions; modifying and enacting various arson provisions; making various changes to the data privacy laws; establishing, modifying, and expanding permanent programs, pilot programs, grant programs, studies, offices, strike forces, task forces, councils, committees, and working groups; requiring reports; providing for an adjustment to the soft body armor reimbursement fund; authorizing the board on judicial standards to award attorneys fees; changing the name of the "superintendent" of the bureau of criminal apprehension to the "director" of the bureau of criminal apprehension; authorizing testing for HIV or Hepatitis B under certain circumstances; permitting the sale of ten or fewer unused hypodermic needles or syringes without a prescription; providing for statewide arson training courses; creating a criminal gang investigative data system; requiring the department of corrections to submit an annual performance report; expanding the commissioner of corrections' authority to release inmates on conditional medical release and the commissioner's authority related to rules and guidelines; requiring the department of corrections to amend a rule; ending the state's operation of the Minnesota correctional facility-Sauk Centre; requiring the commissioner of administration to issue a request for proposals and select a vendor to operate the facility; requiring the commissioner of corrections to charge counties for juveniles placed at the Minnesota correctional facility-Red Wing and to develop admissions criteria for the facility; striking the requirement that the Minnesota correctional facility-Red Wing accept all juveniles; establishing a state policy discouraging the out-of-state placement of juveniles; lowering the per se standard for alcohol concentration from 0.10 to 0.08 for adults, and to 0.04 for persons under 21 years of age, for driving motor vehicles, snowmobiles, all-terrain vehicles, and motorboats while impaired, as well as for criminal vehicular operation and hunting; providing orders for protection in the case of domestic abuse perpetrated by a minor; amending Minnesota Statutes 1996, sections 13.99, by adding a subdivision; 84.91, subdivision 1; 84.911, subdivision 1; 86B.331, subdivisions 1 and 4; 86B.335, subdivision 1; 97B.065, subdivision 1; 97B.066, subdivision 1; 119A.31, subdivision 1; 144.761, subdivisions 5 and 7; 144.762, subdivision 2; 144.765; 144.767, subdivision 1; 151.40; 152.01, subdivision 18; 152.021, subdivisions 1 and 2; 152.022, subdivisions 1 and 2; 152.023, subdivision 2; 169.121, subdivisions 1, 2, and 10a; 169.123, subdivisions 2, 4, 5a, and 6; 171.29, subdivision 2; 241.01, subdivision 3b; 242.19, subdivision 2; 242.32, by adding a subdivision; 242.55; 244.05, subdivision 8; 244.17, subdivision 2; 256E.03, subdivision 2; 257.071, subdivisions 3, 4, and by adding subdivisions; 257.072, subdivision 1; 259.41; 259.59, by adding a subdivision; 259.67, subdivision 2; 260.012; 260.015, subdivisions 2a and 29; 260.131, subdivisions 1 and 2; 260.155, subdivisions 1a, 2, 3, 4, and 8; 260.161, subdivisions 1, 1a, and by adding a subdivision; 260.165, subdivisions 1 and 3; 260.171, subdivision 2; 260.191, subdivisions 1, 3a, 3b, and 4; 260.192; 260.221, subdivisions 1 and 5; 260.241, subdivisions 1 and 3; 299A.38, subdivision 2, and by adding a subdivision; 299A.61, subdivision 1; 299C.065, subdivision 1; 299C.095; 299C.10, subdivisions 1 and 4; 299C.13; 299F.051; 299F.06, subdivisions 1 and 3; 326.3386, subdivision 3, and by adding subdivisions; 363.073, subdivision 1; 401.13; 609.035, subdivision 1, and by adding a subdivision; 609.10; 609.101, subdivision 5; 609.115, subdivision 1; 609.125; 609.135, subdivision 1; 609.21, subdivisions 1, 2, 2a, 2b, 3, 4, and 4a; 609.221; 609.748, subdivision 1; 609.902, subdivision 4; 611A.038; 611A.675; 611A.71, subdivision 5; 611A.74, subdivisions 1, 3, and by adding a subdivision; and 611A.75; Laws 1995, chapter 226, article 2, section 37, subdivision 2; article 3, section 60, subdivision 4, and by adding a subdivision; and Laws 1996, chapter 408, article 8, sections 21; 22, subdivision 1; and 24; proposing coding for new law in Minnesota Statutes, chapters 241; 242; 257; 259; 299A; 299C; 299F; 609; 611A; and 626; repealing Minnesota Statutes 1996, sections 119A.30; 242.51; 244.09, subdivision 11a; 259.33; and 299F.07.

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

Page 3, line 4, delete "484,473,000" and insert "485,872,000" and delete "498,377,000" and insert "496,978,000"

Page 3, line 10, delete "493,896,000" and insert "495,420,000" and delete "507,728,000" and insert "506,204,000"

Page 3, line 17, delete "20,243,000" and insert "21,642,000" and delete "23,253,000" and insert "21,854,000"

Page 4, line 39, delete "7,505,000" and insert "8,904,000" and delete "10,405,000" and insert "9,006,000"

Page 4, line 40, delete "\$2,798,000" and insert "\$1,399,000 the first year and \$1,399,000" and delete "is" and insert "are"

Page 5, line 38, delete "43,027,000" and insert "43,408,000" and delete "41,003,000" and insert "40,855,000"

Page 5, line 41, delete "39,452,000" and insert "39,482,000"

Page 6, after line 11, insert:

"The appropriation for fiscal year 1997 is added to the appropriation in Laws 1995, chapter 226, article 1, section 7, subdivision 2, to provide matching funds for federal emergency management assistance funds received for natural disaster assistance payments."

Page 6, line 13, delete "28,094,000" and insert "28,105,000" and delete "26,150,000" and insert "25,911,000"

Page 7, line 45, delete "\$267,000" and insert "\$300,000" and delete "\$233,000" and insert "\$200,000"

Page 7, line 47, delete "fire marshal" and insert "superintendent of the bureau of criminal apprehension"

Page 10, line 34, delete "140,000" and insert "170,000"

Page 10, after line 50, insert:

"\$30,000 the first year is for the firefighter training study committee described in article 8, section 34."

Page 11, line 45, delete "\$904,000" in both places and insert "\$969,000" in both places

Page 13, after line 16, insert:

"The commissioner may delay the start-up of the proposed Brainerd facility until July 1, 1999."

Page 16, delete lines 19 to 22

Page 18, line 10, after the period, insert "This appropriation may not be added to the department's budget base for the 2000-2001 biennium."

Page 18, line 29, delete "100,000" and insert "70,000"

Page 18, line 30, delete "\$100,000" and insert "\$70,000"

Page 30, line 17, after the period, insert "If the commissioner determines that the pilot project is effective, the commissioner shall include in the report recommendations on how school-based probation programs may be implemented statewide at no additional cost to the state."

Page 123, after line 34, insert:

"Sec. 4. Minnesota Statutes 1996, section 144.762, is amended by adding a subdivision to read:

Subd. 2a. [PROTOCOL FOR PEACE OFFICERS.] Employers of peace officers shall adopt a postexposure notification protocol for emergency medical services personnel, as defined in section 144.761, subdivision 5, clause (2), who have experienced a significant exposure in a case where a patient was not transported to an emergency medical services agency. The protocol must include the following:

(1) a method for the emergency medical services personnel to notify the facility that they may have experienced a significant exposure in the performance of their duties;

(2) a method for the employer to notify the patient, whether or not immediately available, that an emergency medical services personnel has presented notice in accordance with the protocol provided in clause (1); and

(3) a process for transferring the emergency medical services personnel and the patient to an emergency medical services agency, or for bringing a qualified representative and the services of an emergency medical services agency to the facility in which the patient is being held for an assessment in accordance with the protocol provided in subdivisions 1 and 2."

Page 125, line 35, delete "shall" and insert "may"

Page 146, after line 35, insert:

"Sec. 37. [SUNSET.]

Minnesota Statutes, section 299A.465, expires June 30, 2001."

Page 147, delete line 4 and insert:

"Sections 1 to 6, 14, 16 to 23, 25, 33, 35, 36, and 38 are"

Page 147, line 5, delete "8 to 12, 23, and 26 to 31" and insert "9 to 13, 24, and 27 to 32"

Page 147, line 9, delete "28" and insert "29" and delete "25" and insert "26"

Page 147, line 11, delete "6 and 7" and insert "7 and 8" and delete "14 and 33" and insert "15 and 34"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 21, after the semicolon, insert "requiring employers of law enforcement officers to adopt a protocol;"

Page 2, line 9, after "2" insert ", and by adding a subdivision"

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

Mr. Johnson, D.J. from the Committee on Taxes, to which was referred

S.F. No. 1888: A bill for an act relating to education; appropriating money for education and related purposes to the higher education services office, board of trustees of the Minnesota state colleges and universities, board of regents of the University of Minnesota, and the Mayo medical foundation, with certain conditions; prescribing changes in certain financial assistance programs;

establishing educational savings plan accounts; clarifying duties of the higher education services office; providing for appropriations for certain enrollments; defining the mission for the Minnesota state colleges and universities system; clarifying the common numbering and credit transfer requirements; making technical corrections relating to the post-secondary merger; modifying the higher education facilities authority revenue bond authority; modifying certain capital improvement projects; placing a condition on referendums by campus student associations; establishing the Minnesota Virtual University and a roundtable on vocational technical education; amending Minnesota Statutes 1996, sections 16A.69, subdivision 2; 125.1385, subdivision 2; 126.56, subdivisions 2, 4a, and 7; 135A.031, subdivision 2; 135A.052, subdivision 1; 135A.08, subdivision 2; 136A.01, subdivision 2, and by adding a subdivision; 136A.03; 136A.121, subdivisions 5, 7, and 9a; 136A.125, subdivisions 3 and 4; 136A.136, subdivision 2; 136A.15, by adding a subdivision; 136A.16, subdivisions 1, 2, 8, and by adding subdivisions; 136A.171; 136A.173, subdivisions 1, 3, and 5; 136A.174; 136A.175, subdivisions 1 and 2; 136A.233, subdivisions 1 and 2; 136A.29, subdivision 9; 136F.05; 216C.27, subdivision 7; 290.01, subdivision 19b; Laws 1994, chapter 643, sections 10, subdivision 10, as amended; and 19, subdivision 9, as amended; proposing coding for new law in Minnesota Statutes, chapters 136A; and 290; repealing Laws 1995, chapter 212, article 4, section 34; and Laws 1995 First Special Session chapter 2, article 1, sections 35 and 36.

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

Pages 15 to 21, delete sections 8 and 9 and insert:

"Sec. 8. [136A.90] [EDVEST PROGRAM ESTABLISHED.]

An EdVest savings program is established. In establishing this program, the legislature seeks to encourage individuals to save for post-secondary education by:

- (1) providing a qualified state tuition program under federal tax law;
- (2) providing matching grants for contributions to the program by low- and middle-income families; and
- (3) by encouraging individuals, foundations, and businesses to provide additional grants to participating students.

Sec. 9. [136A.91] [DEFINITIONS.]

Subdivision 1. [GENERAL.] For purposes of sections 136A.90 to 136A.93, the following terms have the meanings given.

Subd. 2. [ADJUSTED GROSS INCOME.] "Adjusted gross income" means adjusted gross income as defined in section 62 of the Internal Revenue Code.

Subd. 3. [BENEFICIARY.] "Beneficiary" means the designated beneficiary for the account, as defined in section 529(e)(1) of the Internal Revenue Code.

Subd. 4. [BOARD.] "Board" means the state board of investment.

Subd. 5. [DIRECTOR.] "Director" means the director of the higher education services office.

Subd. 6. [EXECUTIVE DIRECTOR.] "Executive director" means the executive director of the state board of investment.

Subd. 7. [INTERNAL REVENUE CODE.] "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended.

Subd. 8. [OFFICE.] "Office" means the higher education services office.

Subd. 9. [PROGRAM.] "Program" or "EdVest" refers to the program established under section 136A.90.

Sec. 10. [136A.92] [HIGHER EDUCATION SERVICE OFFICE.]

Subdivision 1. [ESTABLISH TERMS.] (a) The director shall establish the rules, terms, and conditions for the program, subject to the requirements of sections 136A.90 to 136A.93.

(b) The director shall prescribe the application forms, procedures, and other requirements that apply to the program.

Subd. 2. [ACCOUNTS-TYPE PROGRAM.] The office must establish the program and the program must be operated as an accounts-type program that permits individuals to save for qualified higher education costs incurred at any institution, regardless of whether it is private or public or whether it is located within or outside of this state. A separate account must be maintained for each beneficiary for whom contributions are made.

Subd. 3. [CONSULTATION WITH STATE BOARD OF INVESTMENT.] In designing and establishing the program's requirements and in negotiating or entering contracts with third parties under subdivision 8, the director shall consult with the executive director.

Subd. 4. [PROGRAM TO COMPLY WITH FEDERAL LAW.] The director shall take steps to ensure that the program meets the requirements for a qualified state tuition program under section 529 of the Internal Revenue Code. The director may request a private letter ruling or rulings from the Internal Revenue Service or take any other steps to ensure that the program qualifies under section 529 of the Internal Revenue Code or other relevant provisions of federal law.

Subd. 5. [MINIMUM PENALTY.] In establishing the terms of the program, the office must provide that refunds of amounts in an account are subject to a minimum penalty, as required by section 529(b)(3) of the Internal Revenue Code. If the refunds or payments are not used for qualified higher education expenses of the designated beneficiary, this penalty must equal, at least, the proportionate amount of any matching grants deposited in the account under section 136A.94 and the investment return on the grants, plus an additional penalty that meets the requirement of federal law.

Subd. 6. [THREE-YEAR PERIOD FOR WITHDRAWAL OF GRANTS.] A matching grant deposited in the account under section 136A.94 may not be withdrawn within three years of the establishment of the account of the beneficiary. In calculating the three year period, the period held in another account is included, if the account includes a rollover from another account under section 529(c)(3)(C) of the Internal Revenue Code.

Subd. 7. [MARKETING.] the director shall make parents and other interested individuals aware of the availability and advantages of the program as a way to save for higher education costs. The cost of these promotional efforts must be paid entirely from state general fund appropriations and may not be funded with fees imposed on participants.

Subd. 8. [ADMINISTRATION.] The director shall administer the program, including accepting and processing applications, maintaining account records, making payments, and undertaking any other necessary tasks to administer the program. The office may contract with one or more third parties to carry out some or all of these administrative duties, including promotion and marketing of the program. The office and the board may jointly contract with third-party providers, if the office and board determine that it is desirable to contract with the same entity or entities for administration and investment management.

Subd. 9. [AUTHORITY TO IMPOSE FEES.] The office may impose fees on participants in the program to recover the costs of administration. The office must use its best efforts to keep these fees as low as possible, consistent with efficient administration, so that the returns on savings invested in the program will be as high as possible.

Subd. 10. [RULEMAKING.] (a) The office may adopt administrative rules under chapter 14 to carry out the provisions of sections 136A.90 to 136A.93.

(b) The office may adopt emergency rules under chapter 14. Any emergency rules adopted under this authority expire on July 1, 1998.

Sec. 11. [136A.93] [INVESTMENT OF ACCOUNTS.]

Subdivision 1. [STATE BOARD TO INVEST.] The state board of investment shall invest the money deposited in accounts in the program.

Subd. 2. [PERMITTED INVESTMENTS.] The board may invest the accounts in any permitted investment under section 11A.24. The legislature intends that each account be invested in a mix of investments that is appropriate to the number of years remaining before the funds will be withdrawn, if this is feasible given the costs and any other relevant factors.

Subd. 3. [CONTRACTING AUTHORITY.] The board may contract with one or more third parties for investment management, record keeping, or other services in connection with investing the accounts. The board and office may jointly contract with third-party providers, if the office and board determine that it is desirable to contract with the same entity or entities for administration and investment management.

Subd. 4. [FEES.] The board may impose fees on participants in the program to recover the cost of investment management and related tasks for the program. The board must use its best efforts to keep these fees as low as possible, consistent with high quality investment management, so that the returns on savings invested in the program will be as high as possible.

Sec. 12. [136A.94] [MATCHING GRANTS.]

Subdivision 1. [MATCHING GRANT QUALIFICATION.] A state matching grant must be added to each account established under the program by March 1 of each year, if the following conditions are met:

- (1) the contributor applies, in writing in a form prescribed by the director, for a matching grant;
- (2) a minimum contribution of \$200 was made during the preceding calendar year; and/or
- (3) the family income of the beneficiary did not exceed \$80,000.

Subd. 2. [FAMILY INCOME.] For purposes of this section, "family income" means:

- (1) if the beneficiary is under age 25, the combined adjusted gross income of the beneficiary's parents as reported on the federal tax return or returns for the most recently available tax year; or
- (2) if the beneficiary is age 25 or older, the combined adjusted gross income of the beneficiary and spouse, if any.

Subd. 3. [AMOUNT OF MATCHING GRANT.] The amount of the matching grant for a beneficiary equals:

- (1) if the beneficiary's family income is \$50,000 or less, 15 percent of the sum of the contributions made to the beneficiary's account during the calendar year, not to exceed \$300; and
- (2) if the beneficiary's family income is more than \$50,000 but not more than \$80,000, five percent of the sum of the contributions made to the beneficiary's account during the calendar year, not to exceed \$300.

Subd. 4. [BUDGET LIMIT.] If the total amount of matching grants determined under subdivision 3 exceeds the amount of the appropriation for the fiscal year, the director shall proportionately reduce each grant so that the total equals the available appropriation.

Subd. 5. [COORDINATION WITH DEPARTMENT OF REVENUE.] In administering matching grants, the director may require that applicants submit sufficient information to determine whether the beneficiary qualifies for a grant, including the Social Security numbers, family income information, and any other information the director determines necessary. The applicant or applicants may authorize the director to request information from the commissioner of revenue to verify eligibility for a grant from tax information on file with the commissioner or obtained from the Internal Revenue Service. If this method is used and the taxpayer has authorized

a release of the information to the director, the commissioner of revenue may verify that the beneficiary is eligible for a grant at a specified rate and maximum and disclose that information to the director, notwithstanding the provisions of chapter 270B.

Subd. 6. [PRIVATE CONTRIBUTIONS.] (a) The office may solicit and accept contributions from private corporations, other businesses, foundations, or individuals to provide:

(1) matching grants under this section in addition to those funded with direct appropriations; or

(2) grants to students who withdraw money from accounts established under the program.

(b) Amounts contributed may only be used for those purposes. Amounts contributed are appropriated to the director to make grants.

(c) Contributors may designate a specific field of study, geographic area, or other criteria that govern use of the grants funded with their contributions, but may not discriminate on the basis of race, ethnicity, or gender. The office may refuse contributions that are subject, in the judgment of the director, to unacceptable conditions on their use.

Sec. 13. [APPROPRIATION.]

\$3,600,000 is appropriated from the general fund for the 1998-1999 biennium for purposes of sections 8 to 12."

Page 22, line 4, delete "8 and 9" and insert "5 to 12"

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 34 and 35, delete "290.01, subdivision 19b;"

Page 1, line 38, delete "chapters" and insert "chapter" and delete "and 290;"

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

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

S.F. No. 233: A bill for an act relating to peace officers; requiring employers who employ peace officers injured or killed in the line of duty to continue to provide health insurance coverage; proposing coding for new law in Minnesota Statutes, chapter 299A.

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

Delete everything after the enacting clause and insert:

"Section 1. [299A.465] [CONTINUED HEALTH INSURANCE COVERAGE TO DISABLED.]

Subdivision 1. [OFFICER OR FIREFIGHTER DISABLED IN LINE OF DUTY.] (a) This subdivision applies when a peace officer or firefighter suffers a disabling injury that:

(1) results in the officer's or firefighter's retirement or separation from service;

(2) occurs while the officer or firefighter is acting in the course and scope of duties as a peace officer or firefighter; and

(3) the officer or firefighter has been approved to receive the officer's or firefighter's duty-related disability pension.

(b) The officer's or firefighter's employer shall continue to provide health coverage for:

(1) the officer or firefighter; and

(2) the officer's or firefighter's dependents if the officer or firefighter was receiving dependent coverage at the time of the injury under the employer's group health plan.

(c) The employer is responsible for the continued payment of the employer's contribution for coverage of the officer or firefighter and, if applicable, the officer's or firefighter's dependents. Coverage must continue for the officer or firefighter and, if applicable, the officer's or firefighter's dependents until the officer or firefighter reaches the age of 65. However, coverage for dependents does not have to be continued after the person is no longer a dependent.

Subd. 2. [OFFICER OR FIREFIGHTER KILLED IN LINE OF DUTY.] (a) This subdivision applies when a peace officer or firefighter is killed while on duty and discharging the officer's or firefighter's duties as a peace officer or firefighter.

(b) The officer's or firefighter's employer shall continue to cover the deceased officer's or firefighter's dependents if the officer or firefighter was receiving dependent coverage at the time of the officer's or firefighter's death under the employer's group health plan.

(c) The employer is responsible for the employer's contribution for the coverage of the officer's or firefighter's dependents. Coverage must continue for a dependent of the officer or firefighter for the period of time that the person is a dependent up to the age of 65.

Subd. 3. [COORDINATION OF BENEFITS.] Health insurance benefits payable to the officer or firefighter and the officer's or firefighter's dependents from any other source provide the primary coverage, and coverage available under this section is secondary.

Subd. 4. [PUBLIC EMPLOYER REIMBURSEMENT.] A public employer subject to this section may annually apply to the commissioner of public safety for reimbursement of its costs of complying with this section. The commissioner shall provide reimbursement to the public employer out of the public safety officer's benefit account.

Subd. 5. [DEFINITION.] For purposes of this section:

(a) "Peace officer" or "officer" has the meaning given in section 626.84, subdivision 1, paragraph (c).

(b) "Dependent" means a person who meets the definition of dependent in section 62L.02, subdivision 11, at the time of the officer's injury or death.

(c) "Firefighter" has the meaning given in section 424.03, but does not include volunteer firefighters.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to public safety; requiring employers who employ peace officers or firefighters injured or killed in the line of duty to continue to provide health insurance coverage; proposing coding for new law in Minnesota Statutes, chapter 299A."

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

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

S.F. No. 256: A bill for an act relating to commerce; regulating building and construction contracts; regulating payments and retainages, and indemnification provisions and agreements to insure; prohibiting certain contract provisions; regulating mechanics liens; amending Minnesota Statutes 1996, sections 15.72; 16A.124, subdivision 8; 16A.1245; 337.02; 471.425, subdivision 5;

and 514.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 337; repealing Minnesota Statutes 1996, section 337.05.

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

Delete everything after the enacting clause and insert:

"Section 1. [337.10] [BUILDING AND CONSTRUCTION CONTRACTS; PROHIBITED PROVISIONS.]

Subdivision 1. [APPLICATION OF LAWS OF ANOTHER STATE.] Provisions contained in, or executed in connection with, a building and construction contract to be performed in Minnesota making the contract subject to the laws of another state or requiring that any litigation, arbitration, or other dispute resolution process on the contract occur in another state are void and unenforceable.

Subd. 2. [WAIVER OF LIEN OR CLAIM.] Provisions contained in, or executed in connection with, a building and construction contract requiring a contractor, subcontractor, or material supplier to waive the right to a mechanics lien or to a claim against a payment bond before the person has been paid for the labor or materials or both that the person furnished are void and unenforceable. This provision shall not affect the validity of the lien waiver as to any third party who detrimentally relies upon the lien waiver.

Subd. 3. [PROMPT PAYMENT TO SUBCONTRACTORS.] A building and construction contract must require the prime contractor and all subcontractors to promptly pay any subcontractor or material supplier contract within ten days of the prime contractor's receipt of payment from the owner or owner's agent for undisputed services provided by the subcontractor. The contract must require the prime contractor to pay interest of 1-1/2 percent per month to the subcontractor on any undisputed amount not paid on time to the subcontractor. The minimum monthly interest penalty payment for an unpaid balance of \$100 or more is \$10. For an unpaid balance of less than \$100, the prime contractor shall pay the actual penalty due to the subcontractor. A subcontractor who prevails in a civil action to collect interest penalties from a prime contractor must be awarded its costs and disbursements, including attorney fees incurred in bringing the action. This subdivision does not apply to improvements to residential real estate as defined in section 326.83, subdivision 17, or to construction of or improvements to townhomes.

Subd. 4. [PROGRESS PAYMENTS AND RETAINAGES.] (a) Unless the building and construction contract provides otherwise, the owner or other persons making payments under the contract must make progress payments monthly as the work progresses. Payments shall be based upon estimates of work completed as approved by the owner or the owner's agent. A progress payment shall not be considered acceptance or approval of any work or waiver of any defects therein.

(b) Unless the building and construction contract provides otherwise, an owner or owner's agent may reserve as retainage from any progress payment on a building and construction contract an amount not to exceed five percent of the payment. An owner or owner's agent may reduce the amount of retainage and may eliminate retainage on any monthly contract payment if, in the owner's opinion, the work is progressing satisfactorily.

(c) This subdivision does not apply to construction of and improvements to residential real estate, as defined in section 326.83, subdivision 17, or to construction of or improvements to townhomes.

Subd. 5. [DEFINITION.] For the purpose of this section, "building and construction contract" has the meaning given the term in section 337.01.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1997, and applies to contracts or agreements entered into on or after that date."

Delete the title and insert:

"A bill for an act relating to commerce; regulating building and construction contracts; regulating payments and retainages; proposing coding for new law in Minnesota Statutes, chapter 337."

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

Mr. Vickerman from the Committee on Local and Metropolitan Government, to which was referred

S.F. No. 1423: A bill for an act relating to St. Louis county; adding court bailiffs to the unclassified service; amending Minnesota Statutes 1996, section 383C.035.

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

Mr. Vickerman from the Committee on Local and Metropolitan Government, to which was referred

S.F. No. 1391: A bill for an act relating to local government; authorizing certain cities, towns, and the county for certain unorganized townships to create the Virginia area ambulance district; authorizing a tax levy; requiring local approval.

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

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

S.F. No. 1399: A bill for an act relating to local government; authorizing abandonment of a ditch; appropriating money.

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

Page 1, line 11, delete "APPROPRIATION" and insert "TAX LEVY"

Page 1, delete lines 12 to 15 and insert:

"Notwithstanding Minnesota Statutes, section 103E.725, Chisago and Washington counties may levy an ad valorem tax for the purposes of section 1."

Amend the title as follows:

Page 1, line 3, delete "appropriating money" and insert "providing tax levy authority"

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

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. 638: A bill for an act relating to the environment; petroleum release compensation fund; creating a petroleum tank upgrade assistance program; amending Minnesota Statutes 1996, section 115C.09, 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 1996, section 115C.08, subdivision 4, is amended to read:

Subd. 4. [EXPENDITURES.] (a) Money in the fund may only be spent:

- (1) to administer the petroleum tank release cleanup program established in this chapter;
- (2) for agency administrative costs under sections 116.46 to 116.50, sections 115C.03 to 115C.06, and costs of corrective action taken by the agency under section 115C.03, including investigations;
- (3) for costs of recovering expenses of corrective actions under section 115C.04;
- (4) for training, certification, and rulemaking under sections 116.46 to 116.50;
- (5) for agency administrative costs of enforcing rules governing the construction, installation, operation, and closure of aboveground and underground petroleum storage tanks;
- (6) for reimbursement of the harmful substance compensation account under subdivision 5 and section 115B.26, subdivision 4;
- (7) for administrative and staff costs as set by the board to administer the petroleum tank release program established in this chapter; and
- (8) for corrective action performance audits under section 115C.093; and
- (9) for contamination cleanup grants, as provided in paragraph (c).

(b) Except as provided in paragraph (c), money in the fund is appropriated to the board to make reimbursements or payments under this section.

(c) \$6,200,000 is annually appropriated from the fund to the commissioner of trade and economic development for contamination cleanup grants under section 116J.554, provided that money appropriated in this paragraph may be used only for cleanup costs attributable to petroleum contamination, as determined by the commissioner of the pollution control agency.

Sec. 2. Minnesota Statutes 1996, section 115C.09, subdivision 3, is amended to read:

Subd. 3. [REIMBURSEMENTS; SUBROGATION; APPROPRIATION.] (a) The board shall reimburse an eligible applicant from the fund in the following amounts:

- (1) 90 percent of the total reimbursable costs on the first \$250,000 and 75 percent on any remaining costs in excess of \$250,000 on a site;
- (2) for corrective actions at a residential site used as a permanent residence at the time the release was discovered, 92.5 percent of the total reimbursable costs on the first \$100,000 and 100 percent of any remaining costs in excess of \$100,000; ~~or~~
- (3) 90 percent of the total reimbursable costs on the first \$250,000 and 100 percent of the cumulative total reimbursable costs in excess of \$250,000 at all sites in which the responsible person had interest, and for which the commissioner has not issued a closure letter as of April 3, 1996, if the responsible person dispensed less than 1,000,000 gallons of petroleum at each location in each of the last three calendar years that the responsible person dispensed petroleum at the location and:
 - (i) has owned no more than three locations in the state at which motor fuel was dispensed into motor vehicles and has discontinued operation of all petroleum retail operations; or
 - (ii) has owned no more than one location in the state at which motor fuel was dispensed into motor vehicles; or
- (4) until December 31, 1999, 95 percent of the total reimbursable cost, plus tank removal, closure in place, installation and excavation costs incurred in conjunction with new tank installation, backfill, site restoration, resurfacing, and utility service restoration costs if the

responsible person dispensed less than 300,000 gallons of petroleum during the last year in which petroleum products were dispensed at the location, and if, as of January 1, 1997, the responsible person owns no more than one location in this or any other state at which motor fuel was dispensed into motor vehicles or watercraft.

Not more than \$1,000,000 may be reimbursed for costs associated with a single release, regardless of the number of persons eligible for reimbursement, and not more than \$2,000,000 may be reimbursed for costs associated with a single tank facility.

(b) A reimbursement may not be made from the fund under this chapter until the board has determined that the costs for which reimbursement is requested were actually incurred and were reasonable.

(c) When an applicant has obtained responsible competitive bids or proposals according to rules promulgated under this chapter prior to June 1, 1995, the eligible costs for the tasks, procedures, services, materials, equipment, and tests of the low bid or proposal are presumed to be reasonable by the board, unless the costs of the low bid or proposal are substantially in excess of the average costs charged for similar tasks, procedures, services, materials, equipment, and tests in the same geographical area during the same time period.

(d) When an applicant has obtained a minimum of two responsible competitive bids or proposals on forms prescribed by the board and where the rules promulgated under this chapter after June 1, 1995, designate maximum costs for specific tasks, procedures, services, materials, equipment and tests, the eligible costs of the low bid or proposal are deemed reasonable if the costs are at or below the maximums set forth in the rules.

(e) Costs incurred for change orders executed as prescribed in rules promulgated under this chapter after June 1, 1995, are presumed reasonable if the costs are at or below the maximums set forth in the rules, unless the costs in the change order are above those in the original bid or proposal or are unsubstantiated and inconsistent with the process and standards required by the rules.

(f) A reimbursement may not be made from the fund in response to either an initial or supplemental application for costs incurred after June 4, 1987, that are payable under an applicable insurance policy, except that if the board finds that the applicant has made reasonable efforts to collect from an insurer and failed, the board shall reimburse the applicant.

(g) If the board reimburses an applicant for costs for which the applicant has insurance coverage, the board is subrogated to the rights of the applicant with respect to that insurance coverage, to the extent of the reimbursement by the board. The board may request the attorney general to bring an action in district court against the insurer to enforce the board's subrogation rights. Acceptance by an applicant of reimbursement constitutes an assignment by the applicant to the board of any rights of the applicant with respect to any insurance coverage applicable to the costs that are reimbursed. Notwithstanding this paragraph, the board may instead request a return of the reimbursement under subdivision 5 and may employ against the applicant the remedies provided in that subdivision, except where the board has knowingly provided reimbursement because the applicant was denied coverage by the insurer.

(h) Money in the fund is appropriated to the board to make reimbursements under this chapter. A reimbursement to a state agency must be credited to the appropriation account or accounts from which the reimbursed costs were paid.

(i) The board may reduce the amount of reimbursement to be made under this chapter if it finds that the applicant has not complied with a provision of this chapter, a rule or order issued under this chapter, or one or more of the following requirements:

(1) the agency was given notice of the release as required by section 115.061;

(2) the applicant, to the extent possible, fully cooperated with the agency in responding to the release; and

(3) the state and federal rules and regulations applicable to the condition or operation of the tank when the noncompliance caused or failed to mitigate the release.

(j) The reimbursement may be reduced as much as 100 percent for failure by the applicant to comply with the requirements in paragraph (i), clauses (1) to (3). In determining the amount of the reimbursement reduction, the board shall consider:

(1) the reasonable determination by the agency of the environmental impact of the noncompliance;

(2) whether the noncompliance was negligent, knowing, or willful;

(3) the deterrent effect of the award reduction on other tank owners and operators; and

(4) the amount of reimbursement reduction recommended by the commissioner.

(k) An applicant may assign the right to receive reimbursement to each lender who advanced funds to pay the costs of the corrective action or to each contractor or consultant who provided corrective action services. An assignment must be made by filing with the board a document, in a form prescribed by the board, indicating the identity of the applicant, the identity of the assignee, the dollar amount of the assignment, and the location of the corrective action. An assignment signed by the applicant is valid unless terminated by filing a termination with the board, in a form prescribed by the board, which must include the written concurrence of the assignee. The board shall maintain an index of assignments filed under this paragraph. The board shall pay the reimbursement to the applicant and to one or more assignees by a multiparty check. The board has no liability to an applicant for a payment under an assignment meeting the requirements of this paragraph.

Sec. 3. Minnesota Statutes 1996, section 115C.13, is amended to read:

115C.13 [REPEALER.]

Sections 115C.01, 115C.02, 115C.021, 115C.03, 115C.04, 115C.045, 115C.05, 115C.06, 115C.065, 115C.07, 115C.08, 115C.09, 115C.092, 115C.10, 115C.11, and 115C.12, are repealed effective June 30, 2000 2005.

Sec. 4. [116J.56] [PETROLEUM TANK UPGRADE LOAN PROGRAM.]

Subdivision 1. [ESTABLISHMENT.] The commissioner may establish a petroleum tank upgrade loan program to finance petroleum tank upgrades.

Subd. 2. [LOANS.] Direct loans may be made to borrowers who meet the requirements of section 115C.09, subdivision 3, paragraph (a), clause (4). The interest rate on the loan shall be three percent. Loans shall not exceed 50 percent of the cost of the upgrade or \$10,000, whichever is less, but not to exceed the total out of pocket expense of the borrower. Each loan must be secured by a mortgage on real property and such other security as the commissioner may require.

Subd. 3. [APPLICATION AND ORIGINATION FEE.] The commissioner may impose a reasonable nonrefundable application fee for each application for a loan and an origination fee for each loan issued under the petroleum tank upgrade loan program. The origination fee initially shall be set at no more than 1.5 percent and the application fee at \$50. The commissioner 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 petroleum tank upgrade loan program.

Subd. 4. [APPROPRIATION.] An amount necessary is appropriated from the petroleum tank fund to the commissioner of trade and economic development for the petroleum tank upgrade assistance loan program established under this section.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective July 1, 1997."

Delete the title and insert:

"A bill for an act relating to the environment; petroleum release compensation fund; creating a petroleum tank upgrade assistance program; extending the authority of the commissioner of the pollution control agency to issue liability assurances in certain situations; extending the repealer of the program; amending Minnesota Statutes 1996, sections 115C.08, subdivision 4; 115C.09, subdivision 3; and 115C.13."

And when so amended the bill do pass and be re-referred to the Committee on State Government 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. 1303: A bill for an act relating to local government; providing for the purchase and transfer of certain development rights; appropriating money; amending Minnesota Statutes 1996, sections 394.25, subdivision 2; and 462.357, subdivision 1.

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

Page 2, line 7, after "purchase" insert "of development rights" and delete "of development"

Page 2, line 8, delete "rights"

Page 2, line 11, after "desirable" insert "for development"

Page 2, line 31, after "purchase" insert "of development rights" and delete "of"

Page 2, line 32, delete "development rights"

Page 2, line 36, after "appropriate" insert "for development"

Page 3, delete section 3

Amend the title as follows:

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

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. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

H.F. No. 1383: A bill for an act relating to occupational safety and health; providing that certain notices are filed when placed in the United States mail; amending Minnesota Statutes 1996, section 182.661, subdivision 3b.

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

Page 1, line 19, after "filing" insert "or otherwise timely received by the commissioner"

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 re-referred

S.F. No. 1823: A bill for an act relating to labor relations; requiring arbitration in certain circumstances; establishing procedures; providing penalties; amending Minnesota Statutes 1996, sections 179.06, by adding a subdivision; and 179A.16, subdivision 3, and by adding a subdivision.

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

Page 5, line 23, delete "board" and insert "bureau"

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. 1156: A bill for an act relating to telecommunications; establishing the practices of slamming and loading as consumer fraud; providing penalties and remedies; making permanent the requirement to disclose local telecommunications service options; amending Minnesota Statutes 1996, sections 237.121; 237.16, subdivision 5; and 237.5799; proposing coding for new law in Minnesota Statutes, chapter 325F.

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 1996, section 237.121, is amended to read:

237.121 [PROHIBITED PRACTICES.]

(a) A telephone company or telecommunications carrier may not do any of the following with respect to services regulated by the commission:

(1) upon request, fail to disclose in a timely and uniform manner information necessary for the design of equipment and services that will meet the specifications for interconnection;

(2) intentionally impair the speed, quality, or efficiency of services, products, or facilities offered to a consumer under a tariff, contract, or price list;

(3) fail to provide a service, product, or facility to a consumer other than a telephone company or telecommunications carrier in accordance with its applicable tariffs, price lists, or contracts and with the commission's rules and orders;

(4) refuse to provide a service, product, or facility to a telephone company or telecommunications carrier in accordance with its applicable tariffs, price lists, or contracts and with the commission's rules and orders;

(5) impose restrictions on the resale or shared use of its services or network functions, provided that:

(i) it may require that residential service may not be resold as a different class of service; and

(ii) the commission may prohibit resale of services it has approved for provision for not-for-profit entities at rates less than those offered to the general public; or

(6) provide telephone service to a person acting as a telephone company or telecommunications carrier if the commission has ordered the telephone company or telecommunications carrier to discontinue service to that person.

(b) A telephone company or telecommunications carrier may not violate a provision of section 325F.693, with regard to any of the services provided by the company or carrier.

Sec. 2. Minnesota Statutes 1996, section 237.16, subdivision 5, is amended to read:

Subd. 5. [REVOCAION AND TEMPORARY SUSPENSION.] Any certificate of authority may, after notice of hearing and a hearing, be revoked or temporarily suspended by the commission, in whole or in part, for: the failure of its holder to furnish reasonably adequate telephone service within the area or areas determined and defined in the certificate of authority; failure to meet the terms and conditions of its certificate; or intentional violation of the commission's rules or orders; or intentional violation of any applicable state or federal law relating to the provision of telephone or telecommunications services.

Sec. 3. Minnesota Statutes 1996, section 237.5799, is amended to read:

237.5799 [EXPIRATION.]

Sections 237.58, 237.59, 237.60, 237.61, 237.62, 237.625, 237.63, 237.64, 237.65, ~~237.66~~, and 237.68 expire on August 1, 1999.

Sec. 4. Minnesota Statutes 1996, section 237.66, is amended by adding a subdivision to read:

Subd. 1b. [LOADING.] (a) Except as provided in paragraph (b) or (c), a telephone company or telecommunications carrier providing local service shall not charge a telephone service subscriber as defined in section 325F.692 for a telephone or telecommunications service that is not required by the commission to be offered and for which the subscriber did not explicitly contract.

(b) If a charge is assessed on a per use basis for a service described in paragraph (a), the charge shall be applied as a credit to the subscriber's next monthly bill, if the subscriber notifies the telephone company or telecommunications carrier that the subscriber did not utilize the service or did not authorize the utilization of the service.

(c) A telephone company or telecommunications carrier that receives a notification from a telephone service subscriber under paragraph (b) shall inform the subscriber of the ability to block the services from future use by the subscriber, and shall block the services from future use by the subscriber, if the subscriber so requests. If a subscriber requests that the carrier or company not block the service or later requests to have the block lifted, the subscriber shall be responsible for charges caused by the future utilization of that service. The carrier or company may not charge a recurring fee for blocking the service.

Sec. 5. [325F.693] [FRAUDULENT TELEPHONE SERVICES; SLAMMING.]

Subdivision 1. [DEFINITIONS.] (a) For the purposes of this section, a "telephone service subscriber" means a person who contracts with a telephone company for telephone services or a telecommunications company for telecommunications services.

(b) The definitions contained in chapter 237 apply to this section.

Subd. 2. [SLAMMING DEEMED CONSUMER FRAUD.] (a) It is fraud under section 325F.69 to request a change in a telephone service subscriber's local exchange or interexchange carrier without the subscriber's verified consent.

(b) A telephone service subscriber may employ the remedies provided in section 237.66 for violations of paragraph (a). Section 8.31 may also be employed to remedy violations of paragraph (a).

(c) For the purposes of paragraph (a):

(1) the consent of the telephone service subscriber may be verified utilizing any method that is consistent with federal law or regulation;

(2) compliance with applicable federal law and regulation, or state law and rule, whichever is more stringent, is a complete defense to an allegation of consumer fraud under paragraph (a); and

(3) it is the responsibility of the company or carrier requesting a change in a telephone service

subscriber's company or carrier to verify that the subscriber has authorized the change. A telephone company or telecommunications carrier providing local exchange service who has been requested by another telephone company or telecommunications carrier to process a change in a subscriber's carrier is only liable under this section if it knowingly participates in processing a requested change that is unauthorized.

Nothing in this section shall be construed to change a telephone company's or telecommunications carrier's obligations under section 237.66.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 7, delete "and" and after "237.5799;" insert "and 237.66, 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. 1807: A bill for an act relating to workers' compensation; changing certain reporting deadlines; modifying certain workers' compensation procedures; adding correctional officers to the presumption of occupational disease; amending Minnesota Statutes 1996, sections 79.55, subdivisions 9 and 10; 176.011, subdivision 15; and 176.191, subdivision 1.

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

Page 5, line 8, delete "section shall apply" and insert "subdivision applies"

Page 5, after line 19, insert:

"Sec. 5. Minnesota Statutes 1996, section 176.191, subdivision 5, is amended to read:

Subd. 5. [ARBITRATION.] Where a dispute exists between an employer, insurer, the special compensation fund, or the workers' compensation reinsurance association, regarding apportionment of liability for benefits payable under this chapter, and the requesting party has expended over \$10,000 in medical or 52 weeks worth of indemnity benefits and made the request within one year thereafter, a party may require submission of the dispute as to apportionment of liability among employers and insurers to binding arbitration. However, these monetary thresholds shall not apply in any case where the employers and insurers agree to submit the apportionment dispute to arbitration. The decision of the arbitrator shall be conclusive on the issue of apportionment among employers and insurers. Consent of the employee is not required for submission of a dispute to arbitration pursuant to this section and the employee is not bound by the results of the arbitration. An arbitration award shall not be admissible in any other proceeding under this chapter. Notice of the proceeding shall be given to the employee.

The employee, or any person with material information to the facts to be arbitrated, shall attend the arbitration proceeding if any party to the proceeding deems it necessary. Nothing said by an employee in connection with any arbitration proceeding may be used against the employee in any other proceeding under this chapter. Reasonable expenses of meals, lost wages, and travel of the employee or witnesses in attending shall be reimbursed on a pro rata basis. Arbitration costs shall be paid by the parties, except the employee, on a pro rata basis."

Page 5, line 20, delete "5" and insert "6"

Page 5, line 22, after the period, insert "Section 4 is effective the day following final enactment."

Amend the title as follows:

Page 1, delete line 8 and insert "subdivisions 1 and 5."

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

H.F. No. 704: A bill for an act relating to utilities; exempting large electric power generating plant from certificate of need proceeding when selected by public utilities commission from a bidding process to select resources to meet utility's projected energy demand; amending Minnesota Statutes 1996, section 216B.2422, subdivision 5.

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

Page 2, delete lines 4 to 7

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. 839: A bill for an act relating to employment; modifying bond requirements for certain search firms; amending Minnesota Statutes 1996, section 184.30, subdivision 1.

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

Page 1, lines 9 and 10, delete the new language

Page 1, line 13, before the period, insert "except, that for a search firm, the bond is required only for the first five years of registration"

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

Mr. Vickerman from the Committee on Local and Metropolitan Government, to which was referred

S.F. No. 634: A bill for an act relating to local government; regulating the development, imposition, and management of state mandates upon local political subdivisions; proposing coding for new law in Minnesota Statutes, chapters 3; and 14; repealing Minnesota Statutes 1996, section 3.982.

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

Delete everything after the enacting clause and insert:

"Section 1. [3.986] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The terms used in sections 3.986 to 3.989 have the meanings given them in this section.

Subd. 2. [COSTS MANDATED BY THE STATE.] (a) "Costs mandated by the state" means increased costs that a political subdivision is required to incur as a result of:

(1) a law enacted after June 30, 1997, that mandates a new program or an increased level of service of an existing program;

(2) an executive order issued after June 30, 1997, that mandates a new program;

(3) an executive order issued after June 30, 1997, that implements or interprets a state law and, by its implementation or interpretation, increases program levels above the levels required before July 1, 1997;

(4) a law enacted after June 30, 1997, or executive order issued after June 30, 1997, that implements or interprets federal law and, by its implementation or interpretation, increases program or service levels above the levels required by the federal law;

(5) a law enacted after June 30, 1997, or executive order issued after June 30, 1997, that implements or interprets a statute or amendment adopted or enacted pursuant to the approval of a statewide ballot measure by the voters and, by its implementation or interpretation, increases program or service levels above the levels required by the ballot measure;

(6) a law enacted after June 30, 1997, or executive order issued after June 30, 1997, that removes an option previously available to political subdivisions and thus increases program or service levels or prohibits a specific activity and so forces political subdivisions to use a more costly alternative to provide a mandated program or service;

(7) a law enacted after June 30, 1997, or executive order issued after June 30, 1997, that requires that an existing program or service be provided in a shorter time period and thus increases the cost of the program or service;

(8) a law enacted after June 30, 1997, or executive order issued after June 30, 1997, that adds new requirements to an existing optional program or service and thus increases the cost of the program or service because the political subdivisions have no reasonable alternative other than to continue the optional program;

(9) a law enacted after June 30, 1997, or executive order issued after June 30, 1997, that creates new revenue losses by new property or sales and use tax exemptions;

(10) a law enacted after June 30, 1997, or executive order issued after June 30, 1997, that requires costs previously incurred at local option that have subsequently been mandated by the state; or

(11) a law enacted or an executive order issued after June 30, 1997, that requires payment of a new fee or increases the amount of an existing fee.

(b) When state law or executive actions are intended to achieve compliance with federal law or court orders, state mandates shall be determined as follows:

(1) if the federal law or court order is discretionary, the state law or executive action is a state mandate;

(2) if the state law or executive action exceeds what is required by the federal law or court order, only the provisions of the state action that exceed the federal requirements are a state mandate; and

(3) if the state statutory or executive action does not exceed what is required by the federal statute or regulation or court order, the state action is not a state mandate.

(c) Costs mandated by the state include the costs of:

(1) a rule issued after June 30, 1997, that mandates a new responsibility; and

(2) a rule issued after June 30, 1997, that implements or interprets a state statute, and by doing so increases program levels above the levels required before June 30, 1997.

Subd. 3. [EXECUTIVE ORDER.] "Executive order" means an order, plan, requirement, or rule issued by the governor, an official serving at the pleasure of the governor, or an agency, department, board, or commission of state government. Executive order does not include an order, plan, requirement, or rule issued by a regional water quality control board.

Subd. 4. [MANDATE.] A "mandate" is a requirement imposed upon a political subdivision in a law by a state agency or by judicial authority that, if not complied with, results in (1) civil liability, (2) criminal penalty, or (3) administrative sanctions such as reduction or loss of funding.

Subd. 5. [POLITICAL SUBDIVISION.] A "political subdivision" is a county, home rule charter or statutory city, town, or other taxing district or municipal corporation, except a school district.

Subd. 6. [REQUIRING AN INCREASED LEVEL OF SERVICE.] "Requiring an increased level of service" includes requiring that an existing service be provided in a shorter time.

Subd. 7. [RULE.] "Rule" means a rule, order, or standard of general application adopted by a state agency to implement, interpret, or make specific the law it enforces or administers or to govern its procedure. Rule includes an amendment to a rule. Rule does not include a rule that relates only to the internal management of a state agency.

Subd. 8. [SAVINGS.] "Savings" includes budget reductions and the freeing of staff or resources to be reassigned to a political subdivision's other areas of concern.

Sec. 2. [3.987] [FISCAL NOTES FOR STATE-MANDATED ACTIONS.]

Subdivision 1. [STATE AND LOCAL MANDATES OFFICE.] When the state proposes to mandate that a political subdivision take an action, and when reasonable compliance with that action would force the political subdivision to incur costs mandated by the state, a fiscal note must be prepared as provided in section 3.98, subdivision 2, and made available to the public upon request. If the action is among the exceptions listed in section 3.988, a fiscal note need not be prepared.

An office of state and local mandates in the department of finance is created. The commissioner shall make a reasonable and timely determination of the estimated and actual financial effects on each political subdivision of each program mandated by law including each rulemaking proposed by an administrative agency. The commissioner of finance may require the commissioner of the appropriate administrative agency of the state to supply in a timely manner any information determined by the division to be necessary to determine local financial effects. The commissioner shall convey the requested information to the commissioner of finance with a signed statement to the effect that the information is accurate and complete to the best of the commissioner's ability.

The commissioner, when requested, shall update its determination of financial effects based on either actual cost figures or improved estimates or both.

Subd. 2. [MANDATE EXPLANATIONS.] Any bill introduced in the legislature after June 30, 1997, that seeks to impose program or financial mandates on political subdivisions must include an attachment that gives appropriate responses to the following guidelines. It must state and list:

(1) the policy goals that are sought to be attained, the performance standards that are to be imposed, and an explanation why the goals and standards will best be served by requiring compliance by political subdivisions;

(2) performance standards that will allow political subdivisions flexibility and innovation of method in achieving these goals;

(3) the reasons for each prescribed standard and the process by which each standard governs inputs such as staffing and other administrative aspects of the program;

(4) the sources of additional revenue, in addition to existing funding for similar programs, that are directly linked to imposition of the mandates that will provide adequate and stable funding for their requirements;

(5) what input has been obtained to ensure that the implementing agencies have the capacity to carry out the delegated responsibilities; and

(6) the reasons why less intrusive measures such as financial incentives or voluntary compliance would not yield the equity, efficiency, or desired level of statewide uniformity in the proposed program.

Subd. 3. [LOCAL INVOLVEMENT; LAWS.] Any bill introduced in the legislature after June 30, 1997, that seeks to impose a program or financial mandate on political subdivisions must include as an attachment a description of the efforts put forth, if any, to involve political subdivisions in the creation or development of the proposed mandate.

Subd. 4. [NO MANDATE RESTRICTION.] Except as specifically provided by this act, nothing in this act restricts or eliminates the authority of the state to create or impose programs by law upon political subdivisions.

Sec. 3. [3.988] [EXCEPTIONS TO FISCAL NOTES.]

Subdivision 1. [COSTS RESULTING FROM INFLATION.] A fiscal note need not be prepared for increases in the cost of providing an existing service if the increases result directly from inflation. "Resulting directly from inflation" means attributable to maintaining an existing level of service rather than increasing the level of service. A cost-of-living increase in welfare benefits is an example of a cost resulting directly from inflation.

Subd. 2. [COSTS NOT THE RESULT OF A NEW PROGRAM OR INCREASED SERVICE.] A fiscal note need not be prepared for increased local costs that do not result from a new program or an increased level of service.

Subd. 3. [MISCELLANEOUS EXCEPTIONS.] A fiscal note or an attachment as provided in section 3.987, subdivision 2, need not be prepared for the cost of a mandated action if the law, including a rulemaking, containing the mandate:

- (1) accommodates a specific local request;
- (2) results in no new local government duties;
- (3) leads to revenue losses from exemptions to taxes;
- (4) provided only clarifying or conforming, nonsubstantive charges on local government;
- (5) imposes additional net local costs that are minor (less than \$200 for any single local government if the mandate does not apply statewide or less than one-tenth of a mill times the entire value of taxable property in the state if the mandate is statewide) and do not cause a financial burden on local government;
- (6) is a law or executive order enacted before July 1, 1997, or a rule initially implementing a law enacted before July 1, 1997;
- (7) implements something other than a law or executive order, such as a federal, court, or voter-approved mandate;
- (8) defines a new crime or redefines an existing crime or infraction;
- (9) results in savings that equal or exceed costs;
- (10) requires the holding of elections;
- (11) insures due process or equal protection;
- (12) provides for the notification and conduct of public meetings;
- (13) establishes the procedures for administrative and judicial review of actions taken by political subdivisions;
- (14) protects the public from malfeasance, misfeasance, or nonfeasance by officials of political subdivisions;
- (15) relates directly to financial administration, including the levy, assessment, and collection of taxes;

(16) relates directly to the preparation and submission of financial audits necessary to the administration of state laws; or

(17) requires uniform standards to apply to public and private institutions without differentiation.

Sec. 4. [3.989] [REIMBURSEMENT TO LOCAL POLITICAL SUBDIVISIONS FOR COSTS OF STATE MANDATES.]

Subdivision 1. [DEFINITIONS.] In this section:

(1) "Class A state mandates" means those laws under which the state mandates to political subdivisions, their participation, the organizational structure of the program, and the procedural regulations under which the law must be administered; and

(2) "Class B state mandates" means those mandates that allow the political subdivisions to opt for administration of a law with program elements mandated beforehand and with an assured revenue level from the state of 90 percent of full program and administrative costs.

Subd. 2. [REPORT.] The commissioner of finance shall prepare by September 1, 1998, and by September 1 of each year thereafter, a report by political subdivisions of the costs of class A state mandates established after June 30, 1997.

The commissioner shall annually include the statewide total of the statement of costs of class A mandates as a notation in the state budget for the next fiscal year.

Subd. 3. [CERTAIN POLITICAL SUBDIVISIONS; REPORT.] The political subdivisions that have opted to administer class B state mandates shall report to the commissioner of finance by September 1, 1998, and by September 1 of each year thereafter, identifying each instance when revenue for a class B state mandate has fallen below 85 percent of the total cost of the program and the political subdivision intends to cease administration of the program.

The commissioner shall forward a copy of the report to the chairs of the appropriate funding committees of the senate and the house for proposed inclusion of the shortfall as a line item appropriation in the state budget for the next fiscal year.

The political subdivision may exercise its option to cease administration only if the legislature has failed to include the shortfall as an appropriation in the state budget for the next fiscal year.

Subd. 4. [EXEMPTIONS.] Laws and executive orders enumerated in section 3.988 are exempted from this section.

Sec. 5. [14.401] [PERIODIC REVIEW OF ADMINISTRATIVE RULES.]

Subdivision 1. [DEFINITIONS.] The terms defined in section 3.986, subdivision 1, apply to this section.

Subd. 2. [SIGNIFICANT FINANCIAL IMPACT.] The commissioner of finance shall review, every five years, rules adopted after June 30, 1997, that have significant financial impact upon political subdivisions. In this section, "significant financial impact" means requiring local political subdivisions to expand existing services, employ additional personnel, or increase local expenditures. The commissioner shall determine the costs and benefits of each rulemaking and submit a report to the legislative coordinating commission with its opinion, if any, for the continuation, modification, or elimination of the rules in the rulemaking.

Sec. 6. Minnesota Statutes 1996, section 477A.014, subdivision 4, is amended to read:

Subd. 4. [COSTS.] The director of the office of strategic and long-range planning shall annually bill the commissioner of revenue for one-half of the costs incurred by the state demographer in the preparation of materials required by section 4A.02. The state auditor shall bill the commissioner of revenue for the costs of the services provided by the government information division and the parts of the constitutional office that are related to the government information

function, not to exceed \$217,000 in fiscal year 1992 and \$217,000 in fiscal year 1993 and thereafter. The commissioner of administration shall bill the commissioner of revenue for the costs of the local government records program and the intergovernmental information systems activity, not to exceed \$201,100 in fiscal year 1992 and \$205,800 in fiscal year 1993 and thereafter. The commissioner of employee relations shall bill the commissioner of revenue for the costs of administering the local government pay equity function, not to exceed \$56,000 in fiscal year 1992 and \$55,000 in fiscal year 1993 and thereafter. The commissioner of finance shall bill the commissioner of revenue for the cost of preparation of fiscal notes as required by section 3.897 only to the extent to which those costs exceed those costs incurred in fiscal year 1997 and for any other new costs attributable to the operation of the state and local mandates office required by section 3.897, not to exceed \$..... in each fiscal year beginning in 1998 and thereafter.

Sec. 7. [REPEALER.]

Minnesota Statutes 1996, section 3.982, is repealed."

Delete the title and insert:

"A bill for an act relating to local government; regulating the development, imposition, and management of state mandates upon local political subdivisions; amending Minnesota Statutes 1996, section 477A.014, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 3; and 14; repealing Minnesota Statutes 1996, section 3.982."

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

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

S.F. No. 157: A bill for an act relating to state government; rulemaking; enacting, eliminating, continuing, or modifying certain exemptions from the rulemaking requirements of the administrative procedures act; making technical and conforming changes; amending Minnesota Statutes 1996, sections 14.03, subdivision 3, and by adding a subdivision; 14.386; 14.47, subdivision 1; 15.50, subdivision 2; 16A.632, subdivision 2; 16B.18, subdivision 3; 16D.11, subdivision 7; 17.03, subdivision 10; 17.54, subdivision 4; 17.56, subdivision 2; 17.57, subdivision 1; 17.64, subdivision 2; 18.022, subdivision 9; 18.0227, subdivision 3; 32.394, subdivision 12; 41B.07; 41C.13; 43A.182; 48.221; 50.175, subdivision 2; 51A.361; 52.17, subdivision 2; 53.07, subdivision 1; 60A.13, subdivision 6; 60K.19, subdivision 6; 61B.21, subdivision 1; 62E.10, subdivision 8; 62J.04, subdivision 1; 62J.152, subdivision 4; 62L.13, subdivision 3; 62N.23; 62N.25, subdivision 6; 65B.28, subdivision 3; 79.34, subdivisions 1 and 2a; 79.362; 84.98, subdivision 2; 85.045, subdivision 3; 85A.02, subdivision 5b; 85A.05, subdivision 2; 88.80, subdivision 2; 97A.085, subdivision 4a; 115A.11, subdivision 2; 115A.20; 115A.58, subdivision 2; 116.17, subdivision 2; 116.44, subdivision 1; 116C.06, subdivision 1; 116O.05, subdivision 3; 123.3514, subdivision 8; 124.41, subdivision 2; 124.46, subdivision 2; 124.648, subdivision 3; 128C.02, subdivision 4, and by adding a subdivision; 129C.10, subdivision 3; 136A.40; 145.925, subdivision 9; 147A.26; 148B.66, subdivision 3; 148C.03, subdivision 1; 150A.04, subdivision 5; 152.02, subdivision 12; 153A.15, subdivision 3; 161.1231, subdivision 5; 167.50, subdivision 2; 169.06, subdivision 1; 169.452; 169.99, subdivision 2; 171.321, subdivision 2; 174.51, subdivision 2; 176.102, subdivision 2; 176A.08; 182.655, subdivision 1; 216D.03, subdivision 2; 240A.02, subdivision 2; 244.13, subdivision 1; 245.494, subdivision 1; 245A.09, subdivision 10; 256.027; 256.9357, subdivision 3; 256.9685, subdivision 1; 256.969, subdivision 3a; 256B.0625, subdivision 25; 256B.431, subdivision 2e; 256B.434, subdivision 12; 256B.501, subdivision 10; 256B.502; 256B.503; 273.112, subdivision 6a; 299C.155, subdivisions 2 and 3; 299F.093, subdivision 1; 325F.665, subdivision 6; 346.58; 347.51, subdivision 2a; 401.03; 458A.03, subdivision 2; 475A.06, subdivision 2; 507.09; 518.14, subdivision 2; 518.611, subdivision 9; 518.613, subdivision 6; 518.64, subdivision 5; 518.641, subdivision 4; 624.22, subdivision 1; and 624.7151; Laws 1988, chapter 688, article 21, section 7, subdivision 1; and Laws 1991, chapter 265, article 4, section 28; proposing coding for new law in Minnesota Statutes, chapter 14; repealing Minnesota Statutes 1996, sections 14.38, subdivisions 5, 6, 7, 8, and 9; 14.387; 126.56, subdivision 8; 469.173, subdivision 2; and 469.308, subdivision 2.

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

Pages 12 to 14, delete sections 14 and 15 and insert:

"Sec. 14. Minnesota Statutes 1996, section 169.452, is amended to read:

169.452 [ACCIDENT AND SERIOUS INCIDENT REPORTING.]

(a) The department commissioner of public safety shall adopt rules to:

(1) 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; and

(2) determine what type of information on school bus accidents and incidents, including criminal conduct, and bus driver dismissals for cause should be collected and.

(b) The commissioner shall develop a uniform accident and incident reporting form to collect those data, including data relating to type III vehicles, statewide. In addition to the form, the department shall have an alternative method of reporting that allows school districts to use computer technology to provide the required information. School districts shall report the information required by the department using either format. A school district must not be charged for reporting forms or reporting procedures under this section. This paragraph is not subject to chapter 14.

(c) Data collected under this section shall be analyzed to help develop accident, crime, and misconduct prevention programs. This section is not subject to chapter 14.

Sec. 15. Minnesota Statutes 1996, section 216D.03, subdivision 2, is amended to read:

Subd. 2. [ESTABLISHMENT OF NOTIFICATION CENTER.] (a) ~~The notification center services must be provided by a nonprofit corporation approved in writing by the commissioner. A group or nonprofit corporation that intends to seek approval under this paragraph shall notify the commissioner by September 1, 1987, of the date, time, and location of its first meeting. The commissioner shall provide advance notice of the first organizational meeting by publication in qualified legal newspapers and in appropriate trade journals and by written notice to all appropriate trade associations. The nonprofit corporation must be governed by a board of directors of up to 20 members, one of whom is the director of the office of pipeline safety. The other board members must represent and be elected by operators, excavators, and other persons eligible to participate in the center. By November 1, 1987, the board shall, with input from all interested parties, determine the operating procedures and technology needed for a single statewide notification center and establish a notification process and competitive bidding procedure to select a vendor to provide the notification service. In deciding to approve a nonprofit corporation, the commissioner shall consider whether it meets the requirements of this paragraph and whether it demonstrates that it has the ability to contract for and implement the notification center service.~~

(b) ~~If the commissioner has not approved a nonprofit corporation under paragraph (a) by January 1, 1988, the commissioner shall follow the procedure in this paragraph. The commissioner shall prepare a preliminary draft of adopt rules:~~

(1) establishing a notification process and competitive bidding procedure for selecting a vendor to provide the notification service;

(2) governing the operating procedures and technology needed for a statewide notification center; and

(3) setting forth the method for assessing the cost of the service among operators. After holding at least one public hearing on the preliminary draft following notice given in the manner required by paragraph (a), the commissioner shall adopt final operating procedures, technology, and assessment methods. The preliminary draft, public hearings, and final adoption are not subject to chapter 14. By June 1, 1988,

(c) The commissioner shall select a vendor to provide the notification center service. The commissioner shall may advertise for bids as provided in section 16B.07, subdivision 3, and base the selection of a vendor on an identification of the lowest responsible bidder as provided in section 16B.09, subdivision 1. The commissioner shall select and contract with the vendor to provide the notification center service, but all costs of the center must be paid by the operators. The commissioner may at any time appoint a task force to advise on the renewal of the contract or any other matter involving the center's operations.

~~(e) The notification center must be in operation by October 1, 1988.~~ (d) An operator may submit a bid and be selected to contract to provide the notification center service under paragraph (a) or ~~(b)~~ (c). The commissioner shall annually review the services provided by the nonprofit corporation approved under paragraph (a) or the vendor selected under paragraph ~~(b)~~ (c)." (c)."

Pages 19 and 20, delete section 21

Page 20, delete sections 23 and 24

Pages 21 to 23, delete section 26 and insert:

"Sec. 23. Minnesota Statutes 1996, section 624.22, subdivision 1, is amended to read:

Subdivision 1. [GENERAL REQUIREMENTS; PERMIT; INVESTIGATION; FEE.] (a) Sections 624.20 to 624.25 shall do not prohibit the supervised display of fireworks by a statutory or home rule charter city, fair association, amusement park, or other organization, except that:

(1) a fireworks display may be conducted only when supervised by an operator certified by the state fire marshal; and

(2) a fireworks display must either be given by a municipality or fair association within its own limits, or by any other organization, whether public or private, only after a permit for the display has first been secured.

~~(b) Every~~ An application for ~~such~~ a permit shall must be made in writing to the municipal clerk at least 15 days in advance of the date of the display and shall must list the name of an operator who ~~(1)~~ is certified by the state fire marshal and ~~(2)~~ will supervise the display. The application shall must be promptly referred to the chief of the fire department, who shall make an investigation to determine whether the operator of the display is competent and is certified by the state fire marshal, and whether the display is of such a character and is to be so located, discharged, or fired that it will not be hazardous to property or endanger any person. The fire chief shall report the results of this investigation to the clerk. If the fire chief reports that the operator is certified, that in the chief's opinion the operator is competent, and that the fireworks display as planned will conform to the safety guidelines of the state fire marshal provided for in paragraph (e), the clerk shall issue a permit for the display when the applicant pays a permit fee.

(c) When the supervised fireworks display for which a permit is sought is to be held outside the limits of an incorporated municipality, the application shall must be made to the county auditor, and the auditor shall perform duties imposed by sections 624.20 to 624.25 upon the clerk of the municipality shall be performed in such case by the county auditor. When an application is made to the auditor, the county sheriff shall perform the duties imposed on the fire chief of the municipality by sections 624.20 to 624.25 shall be performed in such case by the county sheriff.

(d) After ~~such~~ a permit shall have ~~been~~ granted, sales, possession, use and distribution of fireworks for ~~such~~ a display shall be ~~are~~ lawful for that purpose only. ~~No~~ A permit ~~so~~ granted shall be ~~is~~ not transferable.

~~(e) By January 1, 1996,~~ The state fire marshal shall adopt and disseminate to political subdivisions reasonable rules establishing guidelines on fireworks display safety, ~~which are exempt from chapter 14,~~ that are consistent with sections 624.20 to 624.25 and the most recent editions of the Minnesota Uniform Fire Code and the National Fire Protection Association Standards, to insure that fireworks displays are given safely. In the guidelines, the state fire marshal shall allow political subdivisions to exempt the use of relatively safe fireworks for

theatrical special effects, ceremonial occasions, and other limited purposes, as determined by the state fire marshal."

Page 52, line 2, before "The" insert "(a)"

Page 52, line 14, before "The" insert "(b)"

Page 52, line 15, after "adopt" insert "rules prescribing"

Page 59, after line 3, insert:

"Section 1. Minnesota Statutes 1996, section 62J.61, is amended to read:

62J.61 [RULEMAKING; IMPLEMENTATION.]

Subdivision 1. [EXEMPTION.] The commissioner of health is exempt from rulemaking chapter 14, including section 14.386, in implementing sections 62J.50 to 62J.54, subdivision 3, and 62J.56 to 62J.59.

Subd. 2. [PROCEDURE.] (a) The commissioner shall publish proposed rules in the State Register or, if the commissioner determines that publishing the text of the proposed rules would be unduly cumbersome, shall publish notice of the proposed rules that contains a detailed description of the rules along with a statement that a free copy of the entire set of rules is available upon request to the agency.

(b) Interested parties have 30 days to comment on the proposed rules. After the commissioner has considered all comments, the commissioner shall publish the final rules notice in the State Register that the rules have been adopted 30 days before they are to take effect.

(c) If the adopted rules are the same as the proposed rules, the notice shall state that the rules have been adopted as proposed and shall cite the prior publication. If the adopted rules differ from the proposed rules, the portions of the adopted rules which differ from the proposed rules shall be included in the notice of adoption together with a citation to the prior State Register that contained the notice of the proposed rules.

(d) The commissioner may use emergency and permanent rulemaking to implement the remainder of this article.

Subd. 3. [RESTRICTIONS.] The commissioner shall not adopt 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 adopt 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.

Subd. 4. [PATIENT PRIVACY.] 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.

Subd. 5. [BIENNIAL REVIEW OF RULEMAKING PROCEDURES AND RULES.] The commissioner shall biennially seek comments from affected parties about the effectiveness of and continued need for the rulemaking procedures set out in subdivision 2 and about the quality and effectiveness of rules adopted using these procedures. The commissioner shall seek comments by holding a meeting and by publishing a notice in the State Register that contains the date, time, and location of the meeting and a statement that invites oral or written comments. The notice must be published at least 30 days before the meeting date. The commissioner shall write a report summarizing the comments and shall submit the report to the Minnesota health data institute and to the Minnesota administrative uniformity committee by January 15 of every even-numbered year."

Pages 59 to 61, delete section 3 and insert:

"Sec. 4. [128C.03] [PROCEDURES.]

The league shall adopt procedures to ensure public notice of all eligibility rules and policies that will afford the opportunity for public hearings on proposed eligibility rules. If requested by 100 or more parents or guardians of students, the public hearing must be conducted by an administrative law judge from the office of administrative hearings, by a person hired under contract by the office of administrative hearings, or by an independent hearing officer appointed by the commissioner of children, families, and learning from a list maintained for that purpose. At the conclusion of a hearing requested by 100 or more parents or guardians of students, the person conducting the hearing shall write a report evaluating the extent to which the league has shown that the proposed rule is needed and reasonable and the legality of the proposed rule. The league shall pay for hearings under this section."

Page 62, after line 1, insert:

"Sec. 8. [INITIAL REPORT.]

The first report required by Minnesota Statutes, section 62J.61, subdivision 5, is due by January 15, 1998."

Page 62, line 3, delete "4, and 5" and insert "2, and 4 to 6" and delete "Sections" and insert "Section"

Page 62, line 4, delete "2 and 3" and insert "3 is"

Page 62, line 5, delete "sections 2 and 3" and insert "section 3"

Page 62, lines 6 and 7, delete ", except as provided in section 3, paragraph (e)"

Page 62, line 9, delete "TECHNICAL" and insert "OTHER"

Page 62, after line 9, insert:

"Section 1. Minnesota Statutes 1996, section 3.305, is amended by adding a subdivision to read:

Subd. 8. [RULE REVIEW.] Upon written request of two or more of its members or five or more members of the legislature, the legislative coordinating commission shall review a state agency rule as defined in section 14.02, subdivision 4. The commission may perform this review by holding one or more commission meetings or by establishing a bicameral group as provided in subdivision 6 to hold these meetings."

Page 62, line 23, after "agency" insert ", provided the topic areas to be covered by the minimum educational requirements are specified in statute or rule"

Page 62, line 26, delete the semicolon and insert a period

Page 62, delete lines 27 to 30

Page 63, after line 20, insert:

"Sec. 3. Minnesota Statutes 1996, section 14.03, is amended by adding a subdivision to read:

Subd. 3a. [POLICY FOR FUTURE EXCLUSIONS.] The legislature will consider granting further exemptions from the rulemaking requirements of this chapter for rules that are necessary to comply with a requirement in federal law or that are necessary to avoid a denial of funds or services from the federal government that would otherwise be available to the state."

Page 64, line 27, delete "referred to in this paragraph" and insert "enacted after January 1, 1997, authorizing or requiring rules to be adopted but excluded from the rulemaking provisions of chapter 14 or from the definition of a rule"

Page 66, line 2, after "3" insert ", except as otherwise provided by law"

Page 66, after line 10, insert:

"(e) If a statute provides that a rule is exempt from chapter 14, and section 14.386 does not apply to the rule, the rule has the force of law unless the context of the statute delegating the rulemaking authority makes clear that the rule does not have force of law."

Page 84, after line 27, insert:

"Sec. 27. Minnesota Statutes 1996, section 176.136, subdivision 1a, is amended to read:

Subd. 1a. [RELATIVE VALUE FEE SCHEDULE.] The liability of an employer for services included in the medical fee schedule is limited to the maximum fee allowed by the schedule in effect on the date of the medical service, or the provider's actual fee, whichever is lower. The medical fee schedule effective on October 1, 1991, ~~shall remain~~ remains in effect until the commissioner adopts a new schedule by permanent rule. The commissioner shall adopt permanent rules regulating fees allowable for medical, chiropractic, podiatric, surgical, and other health care provider treatment or service, including those provided to hospital outpatients, by implementing a relative value fee schedule to be effective on October 1, 1993. The commissioner may adopt by reference the relative value fee schedule adopted for the federal Medicare program or a relative value fee schedule adopted by other federal or state agencies. The relative value fee schedule ~~shall~~ must contain reasonable classifications including, but not limited to, classifications that differentiate among health care provider disciplines. The conversion factors for the original relative value fee schedule must reasonably reflect a 15 percent overall reduction from the medical fee schedule most recently in effect. The reduction need not be applied equally to all treatment or services, but must represent a gross 15 percent reduction.

After permanent rules have been adopted to implement this section, the conversion factors must be adjusted annually on October 1 by no more than the percentage change computed under section 176.645, but without the annual cap provided by that section. The commissioner shall annually give notice in the State Register of the adjusted conversion factors and may also give annual notice of any additions, deletions, or changes to the relative value units or service codes adopted by the federal Medicare program. The relative value units may be statistically adjusted in the same manner as for the original workers' compensation relative value fee schedule. The notices of the adjusted conversion factors and additions, deletions, or changes to the relative value units and service codes ~~shall be~~ is in lieu of the requirements of chapter 14. The commissioner shall follow the requirements of section 14.386, paragraph (a). The annual adjustments to the conversion factors and the medical fee schedules adopted ~~pursuant to~~ under this section, including all previous fee schedules, are not subject to expiration under ~~section 14.387~~ 14.386, paragraph (b)."

Page 88, after line 2, insert:

"(c) Minnesota Statutes 1996, section 214.06, subdivision 3, is repealed."

Page 88, line 4, delete "33, and 34" and insert "36, and 37"

Page 88, line 6, delete "34, paragraph (a), is" and insert "37, paragraphs (a) and (c), are"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after "sections" insert "3.305, by adding a subdivision;" and delete "a"

Page 1, line 8, delete the first "subdivision" and insert "subdivisions"

Page 1, line 19, after "4;" insert "62J.61;"

Page 1, line 30, delete ", and by adding a subdivision"

Page 1, line 37, before "176A.08;" insert "176.136, subdivision 1a;"

Page 1, lines 42 and 43, delete "256B.0625, subdivision 25;"

Page 1, lines 45 and 46, delete "299C.155, subdivisions 2 and 3;"

Page 2, line 9, delete "chapter 14" and insert "chapters 14; and 128C"

Page 2, line 12, after "8;" insert "214.06, subdivision 3;"

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

Mr. Marty from the Committee on Election Laws, to which was referred the following appointment as reported in the Journal for January 9, 1997

STATE ETHICAL PRACTICES BOARD

Charles A. Slocum

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

Ms. Junge moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 1880, 233, 256, 1423, 1823, 1156, 1807, 839 and 157 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1383 and 704 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Ms. Junge moved that the Senate take up the Calendar. The motion prevailed.

CALENDAR

S.F. No. 539: A bill for an act relating to highways; modifying designation of the George Mann memorial highway; designating the Augie Mueller and Don Rickers memorial highways; amending Minnesota Statutes 1996, section 161.14, subdivision 21, 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 57 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Knutson	Olson	Scheid
Belanger	Hottinger	Krentz	Ourada	Solon
Berg	Janezich	Langseth	Pappas	Spear
Betzold	Johnson, D.E.	Larson	Pariseau	Stevens
Cohen	Johnson, D.H.	Lesewski	Piper	Stumpf
Day	Johnson, D.J.	Lourey	Price	Ten Eyck
Dille	Johnson, J.B.	Marty	Ranum	Terwilliger
Fischbach	Junge	Metzen	Robertson	Vickerman
Flynn	Kelley, S.P.	Morse	Robling	Wiener
Foley	Kelly, R.C.	Murphy	Runbeck	
Frederickson	Kiscaden	Neuville	Sams	
Hanson	Kleis	Novak	Scheevel	

Mr. Oliver voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 762: A bill for an act relating to insurance; modifying and recodifying certain required provisions of disability policies; amending Minnesota Statutes 1996, section 62A.04, subdivisions 2 and 3; 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Krentz	Olson	Scheid
Belanger	Hottinger	Langseth	Ourada	Solon
Berg	Janezich	Larson	Pappas	Spear
Betzold	Johnson, D.E.	Lesewski	Pariseau	Stevens
Cohen	Johnson, D.J.	Lourey	Piper	Stumpf
Day	Johnson, J.B.	Marty	Price	Ten Eyck
Dille	Junge	Metzen	Ranum	Terwilliger
Fischbach	Kelley, S.P.	Morse	Robertson	Vickerman
Flynn	Kelly, R.C.	Murphy	Robling	Wiener
Foley	Kiscaden	Neuville	Runbeck	
Frederickson	Kleis	Novak	Sams	
Hanson	Knutson	Oliver	Scheevel	

So the bill passed and its title was agreed to.

S.F. No. 4: A bill for an act relating to the military; changing the tuition and textbook reimbursement grant program; amending Minnesota Statutes 1996, section 192.501, 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:

Anderson	Higgins	Krentz	Oliver	Scheevel
Belanger	Hottinger	Laidig	Olson	Scheid
Berg	Janezich	Langseth	Ourada	Solon
Betzold	Johnson, D.E.	Larson	Pappas	Spear
Cohen	Johnson, D.J.	Lesewski	Pariseau	Stevens
Day	Johnson, J.B.	Lourey	Piper	Stumpf
Dille	Junge	Marty	Price	Ten Eyck
Fischbach	Kelley, S.P.	Metzen	Ranum	Terwilliger
Flynn	Kelly, R.C.	Morse	Robertson	Vickerman
Foley	Kiscaden	Murphy	Robling	Wiener
Frederickson	Kleis	Neuville	Runbeck	
Hanson	Knutson	Novak	Sams	

So the bill passed and its title was agreed to.

S.F. No. 1071: A bill for an act relating to local government; authorizing removal and reinterment of bodies in the city of Luverne.

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	Higgins	Krentz	Oliver	Scheevel
Belanger	Hottinger	Laidig	Olson	Scheid
Berg	Janezich	Langseth	Ourada	Solon
Betzold	Johnson, D.E.	Larson	Pappas	Spear
Cohen	Johnson, D.J.	Lesewski	Pariseau	Stevens
Day	Johnson, J.B.	Lourey	Piper	Stumpf
Dille	Junge	Marty	Price	Ten Eyck
Fischbach	Kelley, S.P.	Metzen	Ranum	Terwilliger
Flynn	Kelly, R.C.	Morse	Robertson	Vickerman
Foley	Kiscaden	Murphy	Robling	Wiener
Frederickson	Kleis	Neuville	Runbeck	Wiger
Hanson	Knutson	Novak	Sams	

So the bill passed and its title was agreed to.

S.F. No. 420: A bill for an act relating to state agencies; modifying department of administration authority for elevator regulation, the building code, leases, and other administrative matters; modifying licensure provisions for manufactured home installers; amending Minnesota Statutes 1996, sections 16B.24, subdivisions 6 and 6a; 16B.482; 16B.49; 16B.50; 16B.54, subdivision 8; 16B.72; 16B.73; 16B.747, subdivision 3; and 326.841; Laws 1996, chapter 463, section 13, subdivision 7; repealing Minnesota Statutes 1996, sections 15.171; 15.172; 15.173; 15.174; and 16B.88, 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Laidig	Ourada	Scheid
Belanger	Janezich	Langseth	Pappas	Solon
Berg	Johnson, D.E.	Larson	Pariseau	Spear
Betzold	Johnson, D.H.	Lesewski	Piper	Stevens
Cohen	Johnson, D.J.	Lourey	Pogemiller	Stumpf
Day	Johnson, J.B.	Marty	Price	Ten Eyck
Dille	Junge	Metzen	Ranum	Terwilliger
Fischbach	Kelley, S.P.	Morse	Robertson	Wiener
Flynn	Kelly, R.C.	Murphy	Robling	Wiger
Foley	Kiscaden	Neuville	Runbeck	
Frederickson	Kleis	Novak	Sams	
Hanson	Knutson	Oliver	Samuelson	
Higgins	Krentz	Olson	Scheevel	

So the bill passed and its title was agreed to.

H.F. No. 538: A resolution memorializing Congress to support legislative initiatives to mitigate the economic competition among the states that has resulted from the adoption of targeted business incentive programs.

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Johnson, J.B.	Langseth	Novak
Belanger	Frederickson	Junge	Larson	Oliver
Berg	Hanson	Kelley, S.P.	Lesewski	Olson
Betzold	Higgins	Kelly, R.C.	Lourey	Ourada
Cohen	Hottinger	Kiscaden	Marty	Pappas
Day	Janezich	Kleis	Metzen	Pariseau
Dille	Johnson, D.E.	Knutson	Morse	Piper
Fischbach	Johnson, D.H.	Krentz	Murphy	Pogemiller
Flynn	Johnson, D.J.	Laidig	Neuville	Price

Ranum	Sams	Solon	Ten Eyck	Wiger
Robertson	Samuelson	Spear	Terwilliger	
Robling	Scheevel	Stevens	Vickerman	
Runbeck	Scheid	Stumpf	Wiener	

So the resolution passed and its title was agreed to.

S.F. No. 291: A bill for an act relating to tourism; modifying requirements relating to expenditure of tourism money; amending Minnesota Statutes 1996, section 116J.615, 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	Hottinger	Krentz	Olson	Samuelson
Belanger	Janezich	Laidig	Ourada	Scheevel
Berg	Johnson, D.E.	Langseth	Pappas	Scheid
Betzold	Johnson, D.H.	Larson	Pariseau	Solon
Cohen	Johnson, D.J.	Lesewski	Piper	Spear
Day	Johnson, J.B.	Lourey	Pogemiller	Stevens
Fischbach	Junge	Marty	Price	Stumpf
Flynn	Kelley, S.P.	Metzen	Ranum	Ten Eyck
Foley	Kelly, R.C.	Morse	Robertson	Terwilliger
Frederickson	Kiscaden	Neuville	Robling	Vickerman
Hanson	Kleis	Novak	Runbeck	Wiener
Higgins	Knutson	Oliver	Sams	Wiger

So the bill passed and its title was agreed to.

H.F. No. 293: A bill for an act relating to taxation; making technical and administrative changes and corrections; amending Minnesota Statutes 1996, sections 60A.15, subdivision 2a; 60E.04, subdivision 4; 69.021, subdivision 2; 270.07, subdivision 3; 272.02, subdivision 4; 272.04, subdivision 1; 273.032; 273.124, subdivisions 1 and 13; 273.1392; 273.1398, subdivision 1; 275.011, subdivision 1; 275.065, subdivision 3; 275.295, subdivision 3; 276A.01, subdivision 7; 277.21, subdivision 3; 287.22; 289A.01; 289A.08, subdivision 11; 289A.09, subdivision 2; 289A.10, subdivision 1; 289A.11, subdivision 1; 289A.18, subdivision 2; 289A.19, subdivisions 1, 2, 3, and 4; 289A.35; 289A.38, subdivision 7; 289A.65, subdivision 1; 290.01, subdivisions 2 and 4a; 290.06, subdivision 22; 290.17, subdivision 2; 290.92, subdivision 24; 290A.04, subdivision 6; 295.50, subdivisions 3, 4, 7, 13, and by adding a subdivision; 295.51, subdivision 1; 295.52, subdivision 1b; 295.53, subdivisions 1, 3, and 5; 295.54, subdivision 1; 295.582; 297A.01, subdivision 1; 297A.09; 297A.12; 297A.14, subdivision 4; 297A.22; 297A.23; 297A.25, subdivisions 1, 2, 3, 6, 8, 9, 11, 16, 17, 18, 19, 20, 21, 23, 26, 27, 28, 29, 30, 34, 35, 38, 39, 40, 41, 42, 43, 46, 49, 51, 52, 53, 57, and 61; 297A.256, subdivision 1; 297A.44, subdivision 1; 297B.03; 297B.035, subdivision 3; 297B.11; 299F.21, subdivision 2; 414.033, subdivisions 7 and 12; 469.177, subdivision 9; 473.388, subdivision 7; and 473F.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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Hottinger	Kelley, S.P.	Langseth
Beckman	Fischbach	Janezich	Kelly, R.C.	Larson
Belanger	Flynn	Johnson, D.E.	Kiscaden	Lesewski
Berg	Foley	Johnson, D.H.	Kleis	Lourey
Betzold	Frederickson	Johnson, D.J.	Knutson	Marty
Cohen	Hanson	Johnson, J.B.	Krentz	Metzen
Day	Higgins	Junge	Laidig	Morse

Murphy	Pappas	Robertson	Scheid	Terwilliger
Neuville	Pariseau	Robling	Solon	Vickerman
Novak	Piper	Runbeck	Spear	Wiener
Oliver	Pogemiller	Sams	Stevens	Wiger
Olson	Price	Samuelson	Stumpf	
Ourada	Ranum	Scheevel	Ten Eyck	

So the bill passed and its title was agreed to.

S.F. No. 526: A bill for an act relating to agriculture; providing for food handler certification; proposing coding for new law in Minnesota Statutes, chapter 31.

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	Higgins	Krentz	Olson	Scheevel
Beckman	Hottinger	Laidig	Ourada	Scheid
Belanger	Janezich	Langseth	Pappas	Solon
Berg	Johnson, D.E.	Larson	Pariseau	Spear
Betzold	Johnson, D.H.	Lesewski	Piper	Stevens
Cohen	Johnson, D.J.	Lourey	Pogemiller	Stumpf
Day	Johnson, J.B.	Marty	Price	Ten Eyck
Dille	Junge	Metzen	Ranum	Terwilliger
Fischbach	Kelley, S.P.	Morse	Robertson	Vickerman
Flynn	Kelly, R.C.	Murphy	Robling	Wiener
Foley	Kiscaden	Neuville	Runbeck	Wiger
Frederickson	Kleis	Novak	Sams	
Hanson	Knutson	Oliver	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 877: A bill for an act relating to civil actions; clarifying admissibility of evidence regarding seat belts and child passenger restraint systems in certain actions; amending Minnesota Statutes 1996, section 169.685, 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 1, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Krentz	Pappas	Solon
Beckman	Hottinger	Laidig	Pariseau	Spear
Belanger	Janezich	Larson	Piper	Stevens
Berg	Johnson, D.E.	Lesewski	Pogemiller	Stumpf
Betzold	Johnson, D.H.	Lourey	Price	Ten Eyck
Cohen	Johnson, D.J.	Marty	Ranum	Terwilliger
Day	Johnson, J.B.	Metzen	Robertson	Vickerman
Dille	Junge	Morse	Robling	Wiener
Fischbach	Kelley, S.P.	Neuville	Runbeck	Wiger
Flynn	Kelly, R.C.	Novak	Sams	
Foley	Kiscaden	Oliver	Samuelson	
Frederickson	Kleis	Olson	Scheevel	
Hanson	Knutson	Ourada	Scheid	

Mr. Murphy voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 535: A bill for an act relating to the metropolitan council; providing for service redesign and employee compensation for exceeding redesign plan goals; establishing a pilot

project for greater efficiency in the provision of metropolitan council services; 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Krentz	Olson	Scheevel
Beckman	Hottinger	Laidig	Ourada	Scheid
Belanger	Janezich	Langseth	Pappas	Solon
Berg	Johnson, D.E.	Larson	Pariseau	Spear
Betzold	Johnson, D.H.	Lesewski	Piper	Stevens
Cohen	Johnson, D.J.	Lourey	Pogemiller	Stumpf
Day	Johnson, J.B.	Marty	Price	Ten Eyck
Dille	Junge	Metzen	Ranum	Terwilliger
Fischbach	Kelley, S.P.	Morse	Robertson	Vickerman
Flynn	Kelly, R.C.	Murphy	Robling	Wiener
Foley	Kiscaden	Neuville	Runbeck	Wiger
Frederickson	Kleis	Novak	Sams	
Hanson	Knutson	Oliver	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 1116: A bill for an act relating to Hennepin county; allowing use of certain county facilities for commercial wireless service providers and allowing the lease of sites for public safety communication equipment; amending Minnesota Statutes 1996, section 383B.255, subdivision 1, 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Krentz	Olson	Scheevel
Beckman	Hottinger	Laidig	Ourada	Scheid
Belanger	Janezich	Langseth	Pappas	Solon
Berg	Johnson, D.E.	Larson	Pariseau	Spear
Betzold	Johnson, D.H.	Lesewski	Piper	Stevens
Cohen	Johnson, D.J.	Lourey	Pogemiller	Stumpf
Day	Johnson, J.B.	Marty	Price	Ten Eyck
Dille	Junge	Metzen	Ranum	Terwilliger
Fischbach	Kelley, S.P.	Morse	Robertson	Vickerman
Flynn	Kelly, R.C.	Murphy	Robling	Wiener
Foley	Kiscaden	Neuville	Runbeck	Wiger
Frederickson	Kleis	Novak	Sams	
Hanson	Knutson	Oliver	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 199: A bill for an act relating to health; providing comprehensive regulation of mortuary science; providing for the disposition of dead bodies; establishing enforcement mechanisms; providing civil penalties; amending Minnesota Statutes 1996, sections 13.99, subdivision 52a; 52.04, subdivision 1; 116J.70, subdivision 2a; 145.423, subdivision 3; 169.71, subdivision 4; and 524.1-201; proposing coding for new law as Minnesota Statutes, chapter 149A; repealing Minnesota Statutes 1996, sections 145.14; 145.15; 145.16; 145.162; 145.163; 145.24; 149.01; 149.02; 149.03; 149.04; 149.05; 149.06; 149.08; 149.09; 149.10; 149.11; 149.12; 149.13; 149.14; and 149.15; Minnesota Rules, parts 4610.0400; 4610.0410; 4610.0700; 4610.0800; 4610.0900; 4610.1000; 4610.1100; 4610.1200; 4610.1300; 4610.1500; 4610.1550; 4610.1600; 4610.1700; 4610.1800; 4610.1900; 4610.2000; 4610.2200; 4610.2300; 4610.2400; 4610.2500; 4610.2600; and 4610.2700.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Krentz	Olson	Scheevel
Beckman	Hottinger	Laidig	Ourada	Scheid
Belanger	Janezich	Langseth	Pappas	Solon
Berg	Johnson, D.E.	Larson	Pariseau	Spear
Betzold	Johnson, D.H.	Lesewski	Piper	Stevens
Cohen	Johnson, D.J.	Lourey	Pogemiller	Stumpf
Day	Johnson, J.B.	Marty	Price	Ten Eyck
Dille	Junge	Metzen	Ranum	Terwilliger
Fischbach	Kelley, S.P.	Morse	Robertson	Vickerman
Flynn	Kelly, R.C.	Murphy	Robling	Wiener
Foley	Kiscaden	Neuville	Runbeck	Wiger
Frederickson	Kleis	Novak	Sams	
Hanson	Knutson	Oliver	Samuelson	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Ms. Junge, designee of the Chair of the Committee on Rules and Administration, designated S.F. No. 1675 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1675: A resolution memorializing the strawberry industry to recognize and respect the rights of strawberry workers.

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 57 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Laidig	Pappas	Scheid
Beckman	Janezich	Langseth	Pariseau	Solon
Betzold	Johnson, D.E.	Larson	Piper	Spear
Cohen	Johnson, D.H.	Lourey	Pogemiller	Stumpf
Day	Johnson, D.J.	Marty	Price	Ten Eyck
Dille	Johnson, J.B.	Metzen	Ranum	Terwilliger
Fischbach	Junge	Morse	Robertson	Vickerman
Flynn	Kelley, S.P.	Murphy	Robling	Wiener
Foley	Kelly, R.C.	Novak	Runbeck	Wiger
Frederickson	Kleis	Oliver	Sams	
Hanson	Knutson	Olson	Samuelson	
Higgins	Krentz	Ourada	Scheevel	

Messrs. Belanger, Berg, Ms. Lesewski and Mr. Stevens voted in the negative.

So the resolution 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. Higgins introduced--

S.F. No. 1889: A bill for an act relating to employment; appropriating money for certain career and technology training programs.

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

Ms. Anderson introduced--

S.F. No. 1890: A bill for an act relating to landlords and tenants; requiring a pretenancy walk-through of residential rental property; requiring restitution for criminal damage to leased residential rental property by a tenant; amending Minnesota Statutes 1996, section 504.20, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 611A.

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

Mr. Limmer introduced--

S.F. No. 1891: A bill for an act relating to controlled substances; creating a drug-free zone around residential chemical dependency treatment facilities; increasing criminal penalties for drug crimes committed within these zones; amending Minnesota Statutes 1996, sections 152.01, by adding a subdivision; 152.021, subdivision 1; 152.022, subdivision 1; 152.023, subdivision 2; 152.024, subdivision 1; and 152.029.

Referred to the Committee on Crime Prevention.

Mrs. Scheid introduced--

S.F. No. 1892: A bill for an act relating to education; assisting school districts in complying with state and federal laws prohibiting discrimination; appropriating money.

Referred to the Committee on Children, Families and Learning.

Messrs. Morse, Vickerman, Price, Frederickson and Laidig introduced--

S.F. No. 1893: A bill for an act relating to natural resources; imposing restrictions on state land use in the boundary waters canoe area wilderness; providing civil penalties; proposing coding for new law as Minnesota Statutes, chapter 84E.

Referred to the Committee on Environment and Natural Resources.

Messrs. Moe, R.D.; Langseth; Johnson, D.E.; Stumpf and Frederickson introduced--

S.F. No. 1894: A bill for an act relating to flood relief; appropriating money.

Referred to the Committee on Human Resources Finance.

Mses. Anderson, Pappas and Mr. Novak introduced--

S.F. No. 1895: A bill for an act relating to taxation; providing a low-income housing tax credit; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes.

Messrs. Stumpf, Langseth and Wiger introduced--

S.F. No. 1896: A bill for an act relating to technology; appropriating money for grants to regional management information centers.

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

Messrs. Johnson, D.E.; Knutson; Mses. Olson, Piper and Wiener introduced--

S.F. No. 1897: A bill for an act relating to education; providing for children who are deaf, deafblind, and hard-of-hearing in Minnesota; proposing coding for new law in Minnesota Statutes, chapter 120.

Referred to the Committee on Children, Families and Learning.

Messrs. Vickerman, Price, Berg, Stumpf and Moe, R.D. introduced--

S.F. No. 1898: A bill for an act relating to public safety; providing for matching funds for federal disaster relief; appropriating money.

Referred to the Committee on Human Resources Finance.

Mr. Dille introduced--

S.F. No. 1899: A bill for an act relating to appropriations; studying the feasibility of a museum for fishing artifacts; appropriating money.

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

Ms. Berglin introduced--

S.F. No. 1900: A bill for an act relating to taxation; dedicating a portion of the sales tax revenue for distributions as aids to cities and counties; eliminating payment of homestead and agricultural credit aid to towns, cities, and counties; amending Minnesota Statutes 1996, sections 273.1398, subdivisions 1, 2, and 6; and 297A.44, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 477A.

Referred to the Committee on Taxes.

MEMBERS EXCUSED

Mr. Limmer 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 11:20 a.m. Mr. Novak was excused from the Session of today from 9:30 to 11:15 a.m. Mr. Wiger was excused from the Session of today from 11:10 to 11:20 a.m.

ADJOURNMENT

Ms. Junge moved that the Senate do now adjourn until 8:00 a.m., Friday, April 11, 1997. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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