

STATE OF MINNESOTA

Journal of the Senate

EIGHTIETH LEGISLATURE

FIFTY-FOURTH DAY

St. Paul, Minnesota, Tuesday, May 6, 1997

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

CALL OF THE SENATE

Mr. Belanger imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Walter D. Flesner.

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

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

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

Mr. Stevens was excused from the Session of today.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 1000 and 1404.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1997

Mr. President:

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

S.F. No. 641: A bill for an act relating to utilization review organizations; requiring a peer of the treating mental health or substance abuse provider to review a utilization review organization's determination not to certify a mental health or substance abuse service; amending Minnesota Statutes 1996, section 62M.09, subdivision 3, and by adding a subdivision.

Senate File No. 641 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1997

CONCURRENCE AND REPASSAGE

Ms. Berglin moved that the Senate concur in the amendments by the House to S.F. No. 641 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 641 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 36 and nays 16, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Kelly, R.C.	Morse	Stumpf
Beckman	Hottinger	Krentz	Novak	Ten Eyck
Berg	Johnson, D.E.	Langseth	Pappas	Vickerman
Berglin	Johnson, D.H.	Lessard	Piper	Wiger
Betzold	Johnson, D.J.	Lourey	Ranum	
Dille	Johnson, J.B.	Marty	Sams	
Foley	Junge	Metzen	Scheid	
Frederickson	Kelley, S.P.	Moe, R.D.	Spear	

Those who voted in the negative were:

Fischbach	Larson	Neuville	Pariseau	Runbeck
Kiscaden	Lesewski	Oliver	Robertson	Scheevel
Kleis	Limmer	Olson	Robling	Terwilliger
Knutson				

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 1097: A bill for an act relating to transportation; creating revolving loan accounts for trunk highways, county state-aid highways, and municipal state-aid streets; creating transportation revolving loan fund for federally eligible transportation projects, managed by public facilities authority; adding commissioner of transportation as member of the authority; creating transportation committee; providing for rulemaking; amending Minnesota Statutes 1996, sections 161.04, by adding a subdivision; 162.06, by adding a subdivision; 162.07, subdivision 1; 162.12, by adding a subdivision; 162.13, subdivision 1; 446A.03, subdivision 1; and 446A.04, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 162; and 446A.

Senate File No. 1097 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1997

CONCURRENCE AND REPASSAGE

Ms. Pappas moved that the Senate concur in the amendments by the House to S.F. No. 1097 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1097 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 724: A bill for an act relating to transportation; exempting certain roads, streets, and highways from noise standards; clarifying that specific service signs may be placed at certain intersections of trunk highways; defining residential roadway; defining daytime and nighttime; directing the commissioner of transportation to determine cost reimbursement policies; correcting obsolete reference; directing commissioner of transportation to study and prepare a report proposing a comprehensive, statewide highway access management policy; directing transfer of ownership of licenses for public safety radio system frequencies; requiring reduced speed near stopped emergency vehicles; providing civil penalties; amending Minnesota Statutes 1996, sections 116.07, subdivision 2a; 160.292, subdivision 5; 169.01, subdivision 81, and by adding subdivisions; 169.14, subdivisions 2, 3, and 5d; 169.17; 174.23, by adding a subdivision; and 473.894, subdivision 3; repealing Minnesota Statutes 1996, section 169.14, subdivision 4a; Minnesota Rules, parts 8840.0100; 8840.0200; 8840.0300; 8840.0400; 8840.0500; 8840.0600; 8840.0700; 8840.0800; 8840.0900; 8840.1000; 8840.1100; 8840.1200; and 8840.1300.

Senate File No. 724 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1997

Ms. Johnson, J.B. moved that S.F. No. 724 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS**SPECIAL ORDERS**

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately.

H.F. No. 1377, S.F. No. 900, H.F. No. 1863, S.F. No. 418, H.F. No. 858 and S.F. No. 436.

SPECIAL ORDER

H.F. No. 1370: A bill for an act relating to excavation notification; requiring notice of underground facilities in drawings for bid specifications or plans; amending Minnesota Statutes 1996, section 216D.04, by adding a subdivision.

Mr. Novak moved to amend H.F. No. 1370, as amended pursuant to Rule 49, adopted by the Senate April 25, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 546.)

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1996, section 216D.04, is amended by adding a subdivision to read:

Subd. 1a. [PLANS FOR EXCAVATION.] (a) Any person, prior to soliciting bids or entering into a contract for excavation, shall provide a proposed excavation request to the notification center to obtain from the affected operators of underground facilities the type, size, and general location of underground facilities. Affected operators shall provide the information within 15 working days. An operator may indicate any portions of the information which are proprietary and may require the person to provide appropriate confidentiality protection; except that any information provided to a governmental unit is subject to the terms of chapter 13. The information obtained from affected operators must be submitted with the final drawing used for the bid or contract. This information must be obtained not more than 90 days before completion of the final drawing used for the bid or contract.

(b) This subdivision does not apply to bids and contracts for: (1) routine maintenance of underground facilities or installation, maintenance, or repair of service lines; (2) excavation for operators of underground facilities performed on a unit of work or similar basis; or (3) excavation for home construction and projects by homeowners.

(c) This subdivision does not affect the obligation to provide a notice of excavation as required under subdivision 1."

Mr. Betzold moved to amend the Novak amendment to H.F. No. 1370 as follows:

Page 1, line 17, delete "; except" and insert a period

Page 1, delete line 18

Page 1, line 19, delete everything before "The"

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

The question recurred on the adoption of the Novak amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

H.F. No. 1370 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S.F. No. 900: A bill for an act relating to environment; amending provisions regulating toxics in packaging; amending Minnesota Statutes 1996, section 115A.965, subdivisions 3, 7, and by adding a subdivision; repealing Minnesota Statutes 1996, section 115A.965, subdivision 6.

Ms. Johnson, J.B. moved to amend S.F. No. 900 as follows:

Page 3, after line 34, insert:

"Sec. 4. Minnesota Statutes 1996, section 115A.9651, is amended to read:

115A.9651 [~~TOXICS LISTED METALS~~ IN SPECIFIED PRODUCTS; ENFORCEMENT.]

Subdivision 1. [~~PROHIBITION.~~] ~~(a) Except as provided in paragraphs (d) and (e), no person may distribute for sale or use in this state any ink, dye, pigment, paint, or fungicide manufactured after September 1, 1994, into which lead, cadmium, mercury, or hexavalent chromium has been intentionally introduced.~~

~~(b) For the purposes of this subdivision, "intentionally introduce" means to deliberately use a metal listed in paragraph (a) as an element during manufacture or distribution of an item listed in paragraph (a). Intentional introduction does not include the incidental presence of any of the prohibited elements.~~

~~(c) The concentration of a listed metal in an item listed in paragraph (a) may not exceed 100 parts per million.~~

~~(d) The prohibition on the use of lead in substances utilized in marking road, street, highway, and bridge pavements does not take effect until July 1, 1998.~~

~~(e) The use of lead in substances utilized in marking road, street, highway, and bridge pavements is exempt from this subdivision until July 1, 1998. After July 1, 1998, no person may distribute a listed product for sale or use in this state.~~

Subd. 2. [~~TEMPORARY EXEMPTION.~~] ~~(a) An item listed in subdivision 1 is exempt from this section until July 1, 1998, if the manufacturer of the item submitted to the commissioner a written request for an exemption by August 1, 1994. The request must include at least:~~

~~(1) an explanation of why compliance is not technically feasible at the time of the request;~~

~~(2) how the manufacturer will comply by July 1, 1997; and~~

~~(3) the name, address, and telephone number of a person the commissioner can contact for further information.~~

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

~~(1) an explanation of why the person must continue to use the item and a discussion of potential alternatives;~~

~~(2) an explanation of why it is not technically feasible at the time of the request to formulate or manufacture the item without intentionally introducing a listed metal;~~

~~(3) that the person will seek alternatives to using the item by July 1, 1997, if it still contains an intentionally introduced listed metal; and~~

~~(4) the name, address, and telephone number of a person the commissioner can contact for further information.~~

~~(c) A person who submits a request for temporary exemption under paragraph (b) may submit a request for a temporary exemption after September 1, 1994, for an item that the person will use as an alternative to the item for which the request was originally made as long as the new item has a total concentration level of all the listed metals that is significantly less than in the original item. An exemption under this paragraph expires July 1, 1998, and the person who requests it must submit the progress description required in paragraph (e).~~

~~(d) By October 1, 1994, and annually thereafter if requests are received under paragraph (c), the commissioner shall submit to the environment and natural resources committees of the senate and house of representatives, the finance division of the senate committee on environment and natural resources, and the house of representatives committee on environment and natural resources finance a list of manufacturers and persons that have requested an exemption under this subdivision and the items for which exemptions were sought, along with copies of the requests.~~

~~(e) By July 1, 1996, each manufacturer on the list shall submit to the commissioner a description of the progress the manufacturer has made toward compliance with subdivision 1, and the date compliance has been achieved or the date on or before July 1, 1998, by which the manufacturer anticipates achieving compliance. By July 1, 1996, each person who has requested an exemption under paragraph (b) or (c) shall submit to the commissioner:~~

~~(1) a description of progress made to eliminate the listed metal or metals from the item or progress made by the person to find a replacement item that does not contain an intentionally introduced listed metal; and~~

~~(2) the date or anticipated date the item is or will be free of intentionally introduced metals or the date the person has stopped or will stop using the item.~~

~~By October 1, 1996, the commissioner shall submit to the environment and natural resources committees of the senate and house of representatives, the finance division of the senate committee on environment and natural resources, and the house of representatives committee on environment and natural resources finance a summary of the progress made by the manufacturers and other persons and any recommendations for appropriate legislative or other action to ensure that products are not distributed in the state after July 1, 1998, that violate subdivision 1.~~

Subd. 2. [DEFINITIONS.] (a) For the purposes of this section, the following terms have the meanings given them.

(b) "Council" means the council established under subdivision 5.

(c) "Essential product" means a specified product into which the introduction of a listed metal is required under military specifications or to ensure the integrity of a product essential for aviation or railroad safety, and which is being used only in that application.

(d) "Intentionally introduce" means to deliberately use a listed metal as an element during manufacture or distribution of a specified product. Intentional introduction does not include the incidental presence of a listed metal.

(e) "Listed metal" means lead, cadmium, mercury, or hexavalent chromium.

(f) "Listed product" means a specified product that is included on the prohibited products list published under subdivision 4.

(g) "New product" means a specified product which was not used, sold, or distributed in the state before July 2, 1998, or which has been reformulated so that it contains more of a listed metal.

(h) "Official" means an officer of a corporation, a general partner of a partnership or limited partnership, a sole proprietor, or, in the case of any other entity, a person with high level management responsibilities.

(i) "Specified product" means an ink, dye, pigment, paint, or fungicide into which a listed metal has been intentionally introduced or in which the incidental presence of a listed metal exceeds a concentration of 100 parts per million.

Subd. 3. [~~APPLICATION; ENFORCEMENT CERTIFICATION OF COMPLIANCE.~~] (a) ~~This section does not apply to art supplies.~~

~~(b) This section may be enforced under sections 115.071 and 116.072. The attorney general or the commissioner of the agency shall coordinate enforcement of this section with the director of the office. By July 1, 1998, each person who has filed the progress report specified in Laws 1994, chapter 585, section 30, subdivision 2, paragraph (e), indicating compliance would be achieved by July 1, 1998, shall certify to the commissioner that the products referenced in that report have been reformulated and no longer meet the definition of a specified product. The certification must be in writing and signed by an official of the company. If, due to significant change in circumstances, the person cannot so certify by July 1, 1998, a product review report and fee shall be submitted as provided under subdivision 6.~~

~~(b) The person submitting the certification shall keep a copy on file and make copies available to the commissioner or the attorney general upon request or to any member of the public within 60 days of receipt of a written request that specifies the type of product for which the information is requested.~~

Subd. 4. [PROHIBITED PRODUCTS LIST.] By October 1, 1998, the commissioner shall publish in the State Register a list of specified products for which the commissioner has received certifications as provided under subdivision 3.

Subd. 5. [LISTED METALS ADVISORY COUNCIL.] (a) The purpose of the listed metals advisory council is to promote sustainable development, as defined in section 4A.07, the public health and welfare and protect the environment and the state's economy by removing listed metals from specified products so that the listed metals do not contribute to bioaccumulation and burden taxpayers with unnecessary disposal costs.

(b) By July 1, 1997, the commissioner shall appoint a listed metals advisory council consisting of the following five permanent members: a chair, a representative of government, a representative of business, a representative of a citizens' organization, and a representative from a relevant field of academia. Temporary members of the council shall be appointed by the commissioner under paragraph (f). No permanent or temporary member of the council who is an employee of a manufacturer or user of a specified product may sit in consideration of that product.

(c) The council shall have the following duties:

(1) review reports submitted under subdivisions 6, 7, and 8 and provide advice to the commissioner pursuant to paragraph (d); and

(2) report to the commissioner on October 1, 2000, and October 1, 2005, on any reasonable

measures that would allow the criteria in paragraph (d) to be met with regard to products reviewed based on information obtained during the review of products.

(d) The council's advice to the commissioner under paragraph (c), clause (1), shall be based on an evaluation of the environmental impact of the product and the ability of the manufacturer or user to reduce or eliminate the listed metal. Before making a recommendation that the commissioner take action under subdivision 9, the council must conclude that:

(1) there is an alternative to the specified product that does not contain the listed metal that performs the same technical function, is commercially available, and is economically practicable; and

(2) replacement of the product with the alternative will result in an environmental benefit in the state.

(e) A recommendation that the commissioner take action under subdivision 9 shall include the information required by section 14.131 to the extent the council, through reasonable effort, can ascertain this information.

(f) Before the council evaluates a specific product or group of products, the commissioner shall appoint temporary council members in an even number up to six. The commissioner shall seek to appoint as temporary members persons having expertise on the product or group of products under review as well as persons representing community interests. The temporary members shall be voting members of the council on all matters related to consideration of the product or group of products. The terms of the temporary members shall expire when the council has completed its review of the product or group of products and has submitted its recommendation to the commissioner pursuant to this subdivision.

(g) The permanent members of the council must prioritize the council's review of a specific product or group of products by publishing a notice in the State Register by October 1, 1998, identifying those specified products, or groups of products, which will be reviewed by July 1, 2000. By October 1, 2000, the council shall publish a notice in the State Register identifying those specified products, or groups of products, which will be reviewed by July 1, 2005. The council shall consider potential environmental impacts in prioritizing its review. The council shall notify manufacturers and users who have submitted product review reports of the appropriate review schedule. A manufacturer who has submitted a product review report may request an expedited review by the council.

(h) The commissioner shall provide staff and administrative services to the council. Compensation and removal of council members shall be as provided in section 15.059, subdivisions 3 and 4. The council shall dissolve on June 30, 2006.

Subd. 6. [PRODUCT REVIEW REPORTS.] (a) Except as provided under subdivision 7, the manufacturer, or an association of manufacturers, of any specified product distributed for sale or use in this state that is not listed pursuant to subdivision 4 shall submit a product review report and fee as provided in paragraph (c) to the commissioner for each product by July 1, 1998. Each product review report shall contain at least the following:

(1) a policy statement articulating upper management support for eliminating or reducing intentional introduction of listed metals into its products;

(2) a description of the product and the amount of each listed metal distributed for use in this state;

(3) a description of past and ongoing efforts to eliminate or reduce the listed metal in the product;

(4) an assessment of options available to reduce or eliminate the intentional introduction of the listed metal including any alternatives to the specified product that do not contain the listed metal, perform the same technical function, are commercially available, and are economically practicable;

(5) a statement of objectives in numerical terms and a schedule for achieving the elimination of the listed metals and an environmental assessment of alternative products;

(6) a listing of options considered not to be technically or economically practicable; and

(7) certification attesting to the accuracy of the information in the report signed and dated by an official of the manufacturer or user.

If the manufacturer fails to submit a product review report, a user of a specified product may submit a report and fee which comply with this subdivision by August 15, 1998.

(b) By July 1, 1999, and annually thereafter until the commissioner takes action under subdivision 9, the manufacturer or user must submit a progress report and fee as provided in paragraph (c) updating the information presented under paragraph (a).

(c) The fee shall be \$295 for each report. The fee shall be deposited in the state treasury and credited to the environmental fund.

(d) Where it cannot be determined from a progress report submitted by a person pursuant to Laws 1994, chapter 585, section 30, subdivision 2, paragraph (e), the number of products for which product review reports are due under this subdivision, the commissioner shall have the authority to determine, after consultation with that person, the number of products for which product review reports are required.

(e) The commissioner shall summarize, aggregate, and publish data reported under paragraphs (a) and (b) annually.

(f) A product that is the subject of a decision under section 115A.965 is exempt from this section.

Subd. 7. [ESSENTIAL PRODUCTS; PUBLISHED LIST.] (a) By January 1, 1998, a manufacturer or user of an essential product must submit a certification to the commissioner that the product meets the definition in subdivision 2, paragraph (c). By July 1, 2002, each manufacturer or user of an essential product shall submit a report to the commissioner which includes the information required in subdivision 6, paragraph (a), and a statement of whether the product continues to meet the definition in subdivision 2, paragraph (c).

(b) By October 1, 1998, the commissioner shall publish in the State Register a list of essential products for which the commissioner has received certification pursuant to this subdivision. By October 1, 2002, the commissioner shall publish in the State Register a list of essential products based on reports submitted by July 1, 2002, as provided in paragraph (a).

Subd. 8. [NEW PRODUCTS; CRITERIA FOR REVIEW.] (a) After July 1, 1998, but before July 1, 2005, no person shall sell, distribute, or offer for sale in this state a new product prior to the manufacturer or user submitting a product review report and fee specified in subdivision 6.

(b) The council shall review reports submitted under this subdivision and provide advice to the commissioner. The council's advice to the commissioner under this subdivision shall be based on an evaluation of the environmental impact of the product and the ability of the manufacturer or user to reduce or eliminate the listed metal. Before making a recommendation that the commissioner take action under subdivision 9, the council must conclude that:

(1) there is an alternative to the specified product that does not contain the listed metal that performs the same technical function, is commercially available, and is economically practicable, and replacement of the product with the alternative will result in an environmental benefit in the state; or

(2) if there is no alternative to the new product, that the use of the listed metal in the new product presents a significant threat to the safe and efficient operation of waste facilities, or use of the listed metal does not increase the useful life span of the new product, reduce the overall toxicity of the final product or of material used in production of the final product, or otherwise provide a net environmental benefit to the state.

(c) Notwithstanding subdivision 5, paragraph (f), where the commissioner determines that a new product subject to paragraph (a) is sufficiently similar to a product or products previously reviewed by the council, the commissioner may authorize the permanent members of the council to perform the duties established in paragraph (b) without the appointment of temporary members. In performing those duties, the council shall utilize information gathered in any previous review of a similar product or products.

(d) Beginning July 1, 2005, no person shall sell, distribute, or offer for sale in this state a new product without the commissioner's approval. A person seeking approval of a new product shall submit a product review report including the information and fee specified in subdivision 6. The commissioner shall not approve the new product unless the commissioner determines that it meets the criteria in paragraph (b). The commissioner shall make a determination within six months of receipt of a complete request.

Subd. 9. [AUTHORITY OF COMMISSIONER.] (a) The commissioner may, upon the recommendation of the council, prohibit the distribution for sale or use in this state of a specified product that is not an essential product.

(b) Before taking action under this subdivision, the commissioner must conclude that:

(1) there is an alternative to the specified product that does not contain the listed metal that performs the same technical function, is commercially available, and is economically practicable, and replacement of the product with the alternative will result in an environmental benefit to the state; or

(2) if there is no alternative to the new product, that the use of the listed metal in the new product presents a significant threat to the safe and efficient operation of waste facilities, or use of the listed metal does not increase the useful life span of the new product, reduce the overall toxicity of the final product or of material used in production of the final product, or otherwise provide a net environmental benefit to the state.

(c) If the commissioner fails to take action under this subdivision as recommended by the council, the commissioner shall submit a report to the legislature explaining the reasons for not taking such action.

(d) The commissioner shall provide the legislature a report and recommendations based on any report prepared by the council under subdivision 5, paragraph (c), clause (2).

Subd. 10. [APPLICATION; ENFORCEMENT.] (a) This section does not apply to art supplies.

(b) This section may be enforced under sections 115.071 and 116.072. The attorney general or the commissioner of the agency shall coordinate enforcement of this section with the director of the office.

Subd. 11. [RULEMAKING AUTHORITY.] (a) The pollution control agency may adopt, amend, suspend, and repeal rules to implement this section.

(b) Publication of notice under subdivision 5, paragraph (g), shall be deemed to satisfy the requirements of section 14.101.

(c) The commissioner may adopt a council recommendation under subdivision 5 as the agency's statement of need and reasonableness. A recommendation adopted in this manner shall be deemed to satisfy any content requirements for a statement of need and reasonableness imposed by law.

(d) Any hearings on rules adopted under this section shall be conducted in accordance with sections 14.14 to 14.20 and address whether the rule meets the standards for review under which the judge is required to approve or disapprove the rule.

(e) Section 14.125 does not apply to the agency's rulemaking authority under this section.

(f) A rule adopted under this section is effective until repealed by the agency."

Page 4, after line 1, insert:

"Sec. 6. [EFFECTIVE DATE.]

Section 4 is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 900 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Ms. Junge moved that the following members be excused for a Conference Committee on H.F. No. 117 at 9:45 a.m.:

Mses. Junge, Wiener and Mr. Oliver. The motion prevailed.

SPECIAL ORDER

H.F. No. 1863: A bill for an act relating to agriculture; establishing task force to make recommendations on modifications to the agricultural marketing and bargaining law.

Mr. Frederickson moved that the amendment made to H.F. No. 1863 by the Committee on Rules and Administration in the report adopted May 1, 1997, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1863 was read the third time and placed on its final passage. <IN1>The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Berg	Cohen	Fischbach	Frederickson
Beckman	Berglin	Day	Flynn	Hanson
Belanger	Betzold	Dille	Foley	Higgins

Hottinger	Knutson	Lourey	Ourada	Scheevel
Johnson, D.E.	Krentz	Marty	Pappas	Spear
Johnson, D.J.	Laidig	Metzen	Pariseau	Stumpf
Johnson, J.B.	Langseth	Morse	Piper	Ten Eyck
Kelley, S.P.	Larson	Murphy	Price	Terwilliger
Kelly, R.C.	Lesewski	Neuville	Robling	Vickerman
Kiscaden	Lessard	Novak	Runbeck	Wiener
Kleis	Limmer	Oliver	Sams	Wiger

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 418: A bill for an act relating to state agencies; providing that for certain contracts the design-build method of construction may be used; amending Minnesota Statutes 1996, sections 16B.31, subdivision 1; and 16B.33, 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 53 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 858: A bill for an act relating to health; regulating health plans; providing for certain disclosures; amending Minnesota Statutes 1996, sections 62J.04, subdivisions 1, 1a, and 3; 62J.041; and 62J.042, subdivisions 2, 3, and 4.

Ms. Berglin moved to amend H.F. No. 858, as amended pursuant to Rule 49, adopted by the Senate May 5, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 920.)

Page 5, after line 34, insert:

"Sec. 4. Minnesota Statutes 1996, section 62J.04, is amended by adding a subdivision to read:

Subd. 3a. [DISCLOSURE; COST CONTAINMENT DATA.] Marketing materials for health care policies issued or renewed by a health plan company in the individual or small employer market must disclose the increase in net expenditures for the health plan company's individual and small employer market business for the previous two years and the annual cost containment goal established under this section that is in effect for that period of time."

Page 12, after line 29, insert:

"Sec. 8. [EFFECTIVE DATE.]

Section 4 is effective for marketing materials printed after July 1, 1997."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Ms. Berglin then moved to amend the Berglin amendment to H.F. No. 858 as follows:

Page 1, line 20, delete "July 1, 1997" and insert "January 1, 1998"

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

The question recurred on the Berglin amendment, as amended.

The roll was called, and there were yeas 10 and nays 47, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Kiscaden	Neuville	Piper
Berglin	Higgins	Lourey	Pappas	Ranum

Those who voted in the negative were:

Beckman	Hanson	Krentz	Novak	Spear
Belanger	Hottinger	Laidig	Oliver	Stumpf
Berg	Johnson, D.E.	Langseth	Ourada	Ten Eyck
Betzold	Johnson, D.H.	Larson	Pariseau	Terwilliger
Cohen	Johnson, D.J.	Lesewski	Price	Vickerman
Day	Johnson, J.B.	Lessard	Robling	Wiener
Dille	Kelley, S.P.	Limmer	Runbeck	Wiger
Fischbach	Kelly, R.C.	Metzen	Sams	
Foley	Kleis	Moe, R.D.	Scheevel	
Frederickson	Knutson	Morse	Solon	

The motion did not prevail. So the Berglin amendment, as amended, was not adopted.

H.F. No. 858 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	Hanson	Krentz	Neuville	Scheevel
Beckman	Higgins	Laidig	Novak	Solon
Belanger	Hottinger	Langseth	Oliver	Spear
Berg	Johnson, D.E.	Larson	Ourada	Stumpf
Betzold	Johnson, D.H.	Lesewski	Pappas	Ten Eyck
Cohen	Johnson, D.J.	Lessard	Pariseau	Terwilliger
Day	Johnson, J.B.	Limmer	Piper	Vickerman
Dille	Kelley, S.P.	Lourey	Price	Wiener
Fischbach	Kelly, R.C.	Metzen	Ranum	Wiger
Flynn	Kiscaden	Moe, R.D.	Robling	
Foley	Kleis	Morse	Runbeck	
Frederickson	Knutson	Murphy	Sams	

Ms. Berglin voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 436: A bill for an act relating to the environment; modifying the requirements for a program for environmental learning centers; changing the source of funds for certain projects; appropriating money; amending Laws 1994, chapter 643, section 23, subdivision 28, as amended;

Laws 1996, chapter 407, section 8, subdivision 3; and Laws 1996, chapter 463, sections 7, subdivision 9; and 22, subdivision 8; repealing Laws 1996, chapter 463, section 7, subdivision 26.

Mr. Morse moved to amend S.F. No. 436 as follows:

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 1996, section 16B.335, subdivision 3, is amended to read:

Subd. 3. [PREDESIGN REQUIREMENT.] The definitions in paragraphs (a) and (b) apply to this section.

(a) "Predesign" means the stage in the development of a project during which the purpose, scope, cost, and schedule of the complete project are defined and instructions to design professionals are produced.

(b) "Design" means the stage in the development of a project during which schematic, design development, and contract documents are produced.

(c) A recipient to whom an appropriation is made for a project subject to review under subdivision 1 or notice under subdivision 2 shall prepare a predesign package and submit it to the commissioner for review and recommendation before proceeding with design activities. The commissioner must complete the review and recommendation within ten working days after receiving it. Failure to review and recommend within the ten days is considered a positive recommendation. The predesign package must be sufficient to define the purpose, scope, cost, and schedule of the project and must demonstrate that the project has been analyzed according to appropriate space needs standards."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 5, after the first semicolon, insert "defining design and predesign;" and after "amending" insert "Minnesota Statutes 1996, section 16B.335, subdivision 3;"

The motion prevailed. So the amendment was adopted.

Mr. Morse then moved to amend S.F. No. 436 as follows:

Page 1, after line 11, insert:

"ARTICLE 1

PETROLEUM CONTAMINATION CLEANUP

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) Until December 31, 1999, \$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, is amended by adding a subdivision to read:

Subd. 3e. [REIMBURSEMENTS; SMALL GASOLINE RETAILERS.] (a) As used in this subdivision, "small gasoline retailer" means a responsible person who owns no more than one location where motor fuel was dispensed into motor vehicles or aircraft in the previous year.

(b) For eligible applicants who are small gasoline retailers that have dispensed less than 500,000 gallons of motor fuel during the most recent calendar year that petroleum products were dispensed at the location owned by the retailer, the board shall reimburse the applicant for 90 percent of the applicant's total reimbursable cost for tank removal projects started after January 1, 1997, including, but not limited to, closure in place, backfill, resurfacing, and utility service restoration costs, provided that the tank involved is a regulated underground storage tank.

(c) For eligible applicants who are small gasoline retailers that have dispensed less than 250,000 gallons of motor fuel during the most recent calendar year that petroleum products were dispensed at the location owned by the retailer, provided that the tank involved is a regulated underground storage tank, the board shall reimburse the applicant for 95 percent of the following costs:

(1) tank removal costs described in paragraph (b);

(2) installation and excavation costs incurred in conjunction with new tank installation; and

(3) petroleum contamination cleanup as provided under subdivision 1.

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. Section 115C.09, subdivision 3e, is repealed effective December 31, 1999.

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

Subdivision 1. [LOAN PROGRAM.] (a) The commissioner shall establish and implement an underground petroleum tank replacement loan program to facilitate the continued operation of small gasoline retailers, as defined in section 115C.09, subdivision 3e, paragraph (a), in this state.

(b) The commissioner may make a direct loan for the cost of a replacement tank to a small gasoline retailer who has dispensed less than 500,000 gallons of motor fuel during the previous year who demonstrates an ability to repay the loan. The interest rate on the loan shall not exceed three percent per year, and the term of the loan may not exceed seven years. Loans made under this subdivision may not exceed \$10,000 or the total out-of-pocket expenses of the small gasoline

retailer for tank replacement, whichever is less. Payments on the principal shall be credited to the petroleum tank fund under section 115C.08. The interest payments 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 underground petroleum tank replacement loan program.

Subd. 2. [APPROPRIATION.] An amount necessary is appropriated from the petroleum tank release cleanup fund to the commissioner of trade and economic development for the underground petroleum tank replacement loan program established under this section.

Subd. 3. [REPEALER.] This section is repealed effective December 31, 1999.

Sec. 5. [EFFECTIVE DATE.]

Sections 2 and 4 are effective the day following enactment.

ARTICLE 2

CONTAMINATED SITE CLEANUP GRANTS

Section 1. Minnesota Statutes 1996, section 116J.551, is amended to read:

116J.551 [CREATION OF ACCOUNT; GRANTS AND REPAYMENT.]

A contaminated site cleanup and development predevelopment account is created in the general fund. Money in the account may be used, as appropriated by law, to make grants as provided in section sections 116J.554 and 116J.564 and to pay for the commissioner's costs in reviewing applications and making grants. Grants from the contaminated site cleanup and predevelopment account must be repaid without interest to the commissioner according to the formula in this section and deposited into the account. The grantee must repay an amount equal to the fair market value of the property multiplied by the percentage that the grant received for the property bears to the property's total cleanup and predevelopment costs; provided that in no event may the repayment exceed the amount of the grant. The fair market value shall be determined by the commissioner at the time the cleanup and predevelopment phases are completed and the property is ready to develop. The commissioner shall negotiate a payback schedule providing for payback over a period of up to three years beginning at the time the property is ready to develop.

Sec. 2. Minnesota Statutes 1996, section 116J.553, subdivision 2, is amended to read:

Subd. 2. [REQUIRED CONTENT.] (a) The commissioner shall prescribe and provide the application form. Except as provided in paragraph (b), the application must include at least the following information:

- (1) identification of the site;
- (2) an approved response action plan for the site, including the results of engineering and other tests showing the nature and extent of the release or threatened release of contaminants at the site;
- (3) a detailed estimate, along with necessary supporting evidence, of the total cleanup costs for the site;
- (4) an appraisal of the current market value of the property, separately taking into account the effect of the contaminants on the market value, prepared by a qualified independent appraiser using accepted appraisal methodology;
- (5) an assessment of the development potential or likely use of the site after completion of the response action plan, including any specific commitments from third parties to construct improvements on the site;
- (6) the manner in which the municipality will meet the local match requirement; and
- (7) any additional information or material that the commissioner prescribes.

(b) An application for a grant under section 116J.554, subdivision 1, paragraph (b), must include a detailed estimate of the cost of the actions for which the grant is sought, but need not include the information specified in paragraph (a), clauses (2) to (4), and (6).

Sec. 3. Minnesota Statutes 1996, section 116J.554, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY.] (a) The commissioner may make a grant to an applicant development authority to pay for up to 75 percent of the cleanup costs for a qualifying site, except the grant may not exceed or 50 percent of the project costs, whichever is greater.

(b) The commissioner may also make a grant to an applicant development authority to pay up to 75 percent or \$50,000, whichever is less, toward the cost of performing contaminant investigations and the development of a response action plan for a qualifying site.

(c) The determination of whether to make a grant for a qualifying site is within the sole discretion of the commissioner, subject to the process provided by this section, and available unencumbered money in the appropriation. The commissioner's decisions and application of the priorities under section 116J.555 are not subject to judicial review, except for abuse of discretion.

(d) The total amount of money provided in grants under paragraph (b) may not exceed \$250,000 per fiscal year.

(e) In making grants under paragraph (b), the commissioner shall give priority to applicants that have not received a grant under paragraph (a) or section 473.252 during the year ending on the date of application.

Sec. 4. [116J.562] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] For the purposes of sections 116J.562 to 116J.564, the following terms have the meanings given.

Subd. 2. [DEVELOPMENT AUTHORITY.] "Development authority" has the meaning given in section 116J.552, subdivision 4.

Subd. 3. [METROPOLITAN AREA.] "Metropolitan area" has the meaning given in section 116J.552, subdivision 5.

Subd. 4. [MUNICIPALITY.] "Municipality" has the meaning given in section 116J.552, subdivision 6.

Subd. 5. [QUALIFYING SITE.] "Qualifying site" means:

(1) a qualifying site under section 116J.564, subdivision 2; or

(2) a site that would represent more than 50 percent of the remaining land in a city suitable for industrial development if it was properly filled.

Subd. 6. [PREDEVELOPMENT COSTS.] "Predevelopment costs" means costs of the following: property acquisition; demolition of existing improvements; relocation of persons or businesses; site preparation and grading.

Sec. 5. [116J.563] [GRANT APPLICATIONS.]

Subdivision 1. [APPLICATION REQUIRED.] To obtain a predevelopment and job creation grant, a development authority shall apply to the commissioner.

Subd. 2. [REQUIRED CONTENT.] The commissioner shall prescribe and provide the application form. An application must include at least the following information:

(1) identification of the site;

(2) a detailed estimate, along with necessary supporting evidence, of the total predevelopment costs for the site;

(3) an assessment of the development potential or likely use of the site, including any specific commitments from third parties to construct improvements on the site; and

(4) any additional information or material that the commissioner prescribes.

Sec. 6. [116J.564] [GRANTS.]

Subdivision 1. [AUTHORITY.] The commissioner may make grants to development authorities for up to 75 percent of the predevelopment costs at qualifying sites. The determination of whether to make a grant for a qualifying site is within the sole discretion of the commissioner, subject to the process and criteria provided by this section and available appropriations. The commissioner's decisions and application of the priorities under subdivision 3 are not subject to judicial review, except for abuse of discretion.

Subd. 2. [QUALIFYING SITES.] A site qualifies for a grant under this section if:

(1) the appraised value of the site, after adjusting for the effect on the value of the presence or possible presence of contaminants, using accepted appraisal methodology (i) is less than 50 percent of the estimated cleanup costs for the site or (ii) is less than or equal to the estimated cleanup costs for the site and the cleanup costs equal or exceed \$3 per square foot for the site; or

(2) the site is a qualifying site under section 116J.562, subdivision 5, clause (2); and

(3) after completion of the grant-funded project, it is expected that the site will be further improved in a manner that complies with the conditions in subdivision 4.

Subd. 3. [PRIORITIES] (a) The legislature expects that applications for grants will exceed the available appropriations and the commissioner will be able to provide grants to only some of the applicant development authorities.

(b) The commissioner shall make grants for sites that, in the commissioner's judgment, provide the highest return in public benefits for the public costs incurred and that meet all of the requirements provided by law. In making this judgment, the commissioner shall consider the following factors:

(1) the number of jobs expected to be created and retained after development of a qualified site and the average anticipated wage levels of the jobs;

(2) the total amount of the requested assistance in relation to the total full-time jobs which will result from the redevelopment on the qualified site;

(3) the proportion of the requested assistance to the estimated total predevelopment costs for a qualified site;

(4) the probability that a qualified site will be redeveloped without use of public money in the reasonably foreseeable future;

(5) the proportion of the estimated total costs of contamination cleanup at a qualified site to the estimated total of redevelopment costs;

(6) the availability of funds for contamination cleanup;

(7) the current unemployment rate in the municipality in which the qualified site is located;

(8) the level of reliance on public assistance in the municipality in which the qualified site is located, as measured by the applicable county welfare rolls; and

(9) the extent of poverty in the municipality in which the qualified site is located, as measured by percentage of population living below the poverty line, percentage of children under 18 years of age living below the poverty line, and percentage of ethnic minorities living below the poverty line.

(c) The factors in paragraph (b) are not listed in order of priority and the commissioner may weigh each factor, depending upon the facts and circumstances, as the commissioner considers appropriate. The absence of a specific commitment from a third party to construct improvements on a site does not make the site ineligible for a grant. The commissioner shall provide a written statement of the supporting reasons for each grant.

Subd. 4. [GRANT CONDITIONS.] A grant awarded under this section is subject to the following conditions applicable to the use of the site when fully developed:

- (1) the site must be used for industrial purposes;
- (2) at least 30 percent of the site must be covered by buildings;
- (3) the buildings constructed on the site must have an average construction value of at least \$30 per square foot if the qualified site is located in the metropolitan area and \$20 per square foot if the qualified site is located outside of the metropolitan area;
- (4) the site must provide at least one job for each 1,000 square feet of building space; and
- (5) preference for employees hired to work at a business located at the site must be given to qualified residents of the municipality in which the site is located. If at least 60 percent of the employees hired to work at a business are not residents, then the business must certify to the municipality that a sufficient number of qualified residents are not available and agree to fill vacant positions with qualified residents referred to the business by the municipality, until the 60 percent level is attained.

Subd. 5. [APPLICATION CYCLES; REPORTS.] (a) In making grants, the commissioner shall establish semiannual application deadlines in which grants will be authorized from all or part of the available appropriations of money in the account.

(b) The commissioner shall annually report to the legislature on the status of the predevelopment and job creation projects undertaken under grants made under this program. The commissioner shall include in the annual report information on the predevelopment and job creation activities undertaken for the grants made in that and previous fiscal years. The commissioner shall make this report no later than 120 days after the end of the fiscal year.

Sec. 7. [APPROPRIATION.]

\$13,500,000 in fiscal year 1998 and \$8,500,000 in fiscal year 1999 is appropriated from the general fund to the commissioner of trade and economic development for transfer to the contaminated site cleanup and predevelopment account and is appropriated to the commissioner of the department of trade and economic development for the purposes specified in Minnesota Statutes, section 116J.551. Of this amount, \$7,000,000 for the biennium is included in the department's base.

ARTICLE 3

INDIVIDUAL SEWAGE AND WASTEWATER TREATMENT PROGRAMS

Section 1. Minnesota Statutes 1996, section 116.18, subdivision 3c, is amended to read:

Subd. 3c. [INDIVIDUAL ON-SITE TREATMENT SYSTEMS PROGRAM.] (a) Beginning in fiscal year 1989, up to ten percent of the money to be awarded as grants under subdivision 3a in any single fiscal year, up to a maximum of \$1,000,000, may be set aside for the award of grants by the authority agency to municipalities to reimburse owners of individual on-site wastewater treatment systems for a part of the costs of upgrading or replacing the systems.

(b) An individual on-site treatment system is a wastewater treatment system, or part thereof, that uses soil treatment and disposal technology to treat 5,000 gallons or less of wastewater per day from dwellings or other establishments.

(c) Municipalities may apply yearly for grants of up to 50 percent of the cost of replacing or

upgrading individual on-site treatment systems within their jurisdiction, up to a limit of \$5,000 per system or per connection to a cluster system. Before agency approval of the grant application, a municipality must certify that:

(1) it has adopted and is enforcing the requirements of Minnesota Rules governing individual sewage treatment systems;

(2) the existing systems for which application is made do not conform to those rules, were constructed prior to January 1, 1977 are at least 20 years old, do not serve seasonal residences, and were not constructed with state or federal funds; and

(3) the costs requested do not include administrative costs, costs for improvements or replacements made before the application is submitted to the authority agency unless it pertains to the plan finally adopted, and planning and engineering costs other than those for the individual site evaluations and system design.

(d) The federal and state regulations regarding the award of state and federal wastewater treatment grants do not apply to municipalities or systems funded under this subdivision, except as provided in this subdivision.

~~(e) The authority shall award individual on-site wastewater treatment grants to municipalities selected by the state pollution control commissioner upon certification by the state pollution control commissioner that the municipalities' applications have been reviewed and approved in accordance with this subdivision and agency rules adopted under paragraph (f).~~

~~(f) The agency shall adopt permanent rules regarding priorities, distribution of funds, payments, inspections, procedures for administration of the agency's duties, and other matters that the agency finds necessary for proper administration of grants awarded under this subdivision.~~

~~(g) The commissioner of trade and economic development may adopt rules containing procedures for administration of the authority's duties as set forth in paragraph (e).~~

Sec. 2. Minnesota Statutes 1996, section 446A.072, is amended by adding a subdivision to read:

Subd. 4a. [LOAN REPAYMENT; NEW DEVELOPMENT.] (a) For the purposes of this subdivision, "loan" includes a loan that has been forgiven under this section.

(b) A municipality that receives a supplemental assistance loan under this section that later extends sewer service to serve a residential, industrial, or commercial development that is completed on unplatted land after March 1, 1996, or that is on a lot whose plat was recorded after that date, must repay a portion of the loan to the authority prior to providing the sewer connection. The commissioner shall calculate the amount to be repaid by first determining the number of households included in the extension financed by the original loan. The commissioner must then determine the present value of the original loan amount. The interest rate used to calculate the present value must be equivalent to the interest rate on the loan made to the municipality under section 446A.07 at the time of the original supplemental assistance loan under this section. The commissioner must then divide the present value of the loan by the number of households included in the original loan. For an extension to a residential development, the repayment to the authority must be equal to the per household amount calculated for the original loan multiplied by the number of households in the proposed extension. For an extension to a commercial or industrial development, the commissioner shall determine the repayment to the authority by using the per household amount calculated for the original loan to calculate a proportionally equivalent amount based on the projected wastewater discharge from the proposed development. The total repayments to the authority under this paragraph may not exceed the original amount of the supplemental assistance loan. The repayment must be processed as provided in subdivision 7.

Sec. 3. [APPROPRIATION FOR COUNTYWIDE INDIVIDUAL SEWAGE TREATMENT SYSTEM LOAN PROGRAMS.]

\$10,000,000 in fiscal year 1998 and \$5,000,000 in fiscal year 1999 from the general fund is

appropriated to the commissioner of agriculture to provide loans to counties for loans to property owners under Minnesota Statutes, section 115.57 or 17.117. Individual counties may elect to apply for and administer the loans pursuant to the agricultural best management loan practices program established in Minnesota Statutes, section 17.117, or under section 115.57. Regardless of the section a county applies under, the commissioner shall review and rank allocation requests from counties pursuant to the procedure and relevant criteria listed in Minnesota Statutes, section 17.117, subdivision 9. Loans made under Minnesota Statutes, section 17.117 with funds appropriated under this section must be used for site evaluation, design, installation, repair, and replacement of individual sewage treatment systems only. Notwithstanding the eligibility criteria in Minnesota Statutes, section 17.117, subdivision 1 and subdivision 4, paragraph (e), all private landowners in a county may apply for loans made under this section. Loans made under Minnesota Statutes, section 115.57 may be used for any of the purposes specified in that section. Counties receiving funds under this section must use the funds to administer loan programs on a countywide basis. This biennial appropriation is a one-time appropriation and must not be included in the agency's base.

Sec. 4. [APPROPRIATION TO WASTEWATER INFRASTRUCTURE FUNDING PROGRAMS.]

\$12,500,000 is appropriated from the bond proceeds fund to the public facilities authority for loans to eligible municipalities under the wastewater infrastructure funding program established in Minnesota Statutes, section 446A.072.

Sec. 5. [BOND SALE.]

To provide the money appropriated in this act from the state bond proceeds fund, the commissioner of finance, on request of the governor, shall sell and issue bonds of the state in an amount up to \$12,500,000 in the manner, upon the terms, and with the effect presented by Minnesota Statutes, sections 16A.631 to 16A.675, the Minnesota Constitution, article XI, sections 4 to 7, and paragraph (b).

Sec. 6. [APPROPRIATION; INDIVIDUAL SEWAGE TREATMENT SYSTEM GRANTS.]

\$1,500,000 in fiscal year 1998 and \$1,500,000 in fiscal year 1999 from the general fund is appropriated to the commissioner of the pollution control agency for grants to municipalities for the purposes specified in Minnesota Statutes, section 116.18, subdivision 3c. For purposes of grants awarded under this section, the definition of "individual on-site treatment system" in Minnesota Statutes, section 116.18, subdivision 3c, paragraph (b), also includes an alternative discharging sewage system serving one or more dwellings and other establishments that discharges less than 10,000 gallons of water per day and uses any treatment and disposal methods other than subsurface soil treatment and disposal, as permitted under Minnesota Statutes, section 115.58. Up to ten percent of this appropriation may be used for administration of the grants. This biennial appropriation is a one-time appropriation and must not be included in the agency's base.

ARTICLE 4

USED MOTOR OIL AND USED MOTOR OIL FILTER COLLECTION

Section 1. Minnesota Statutes 1996, section 115A.916, is amended to read:

115A.916 [MOTOR VEHICLE FLUIDS AND FILTERS; PROHIBITIONS.]

(a) A person may not knowingly place motor oil, brake fluid, power steering fluid, transmission fluid, motor oil filters, or motor vehicle antifreeze:

(1) in solid waste or in a solid waste management facility other than a recycling facility or a household hazardous waste collection facility;

(2) in or on the land, unless approved by the agency; or

(3) in or on the waters of the state or in a stormwater or wastewater collection or treatment system.

(b) For the purposes of this section, "antifreeze" does not include small amounts of antifreeze contained in water used to flush the cooling system of a vehicle after the antifreeze has been drained and does not include deicer that has been used on the exterior of a vehicle.

(c) For businesses that purchase or use an annual average of over ~~150~~ 50 gallons of motor vehicle antifreeze per month for on-site installation in motor vehicles, this section does not apply to antifreeze placed in a wastewater collection system that includes a publicly owned treatment works that is permitted by the agency until December 31, ~~1996~~ 1997. For businesses that purchase or use an annual average of ~~150~~ 50 gallons or less of motor vehicle antifreeze per month for on-site installation in motor vehicles, this section does not apply to antifreeze placed in a wastewater collection system that includes a publicly owned treatment works that is permitted by the agency until ~~December 31, 1997~~ July 1, 1998.

(d) Notwithstanding paragraph (a), motor oil filters and portions of motor oil filters may be processed at a permitted mixed municipal solid waste resource recovery facility that directly burns the waste if:

(1) the facility is subject to an industrial waste management plan that addresses management of motor oil filters and the owner or operator of the facility can demonstrate to the satisfaction of the commissioner that the facility is in compliance with that plan;

(2) the facility recovers ferrous metal after incineration for recycling as part of its operation; and

(3) the motor oil filters are collected separately from mixed municipal solid waste and are not combined with it except for the purpose of incinerating the waste.

(e) The commissioner of the pollution control agency, industry organizations representing automotive repair businesses and antifreeze recycling businesses, and environmental organizations shall work together to develop and promote opportunities to recycle waste motor vehicle antifreeze and to review the impact of alternative antifreeze disposal or recycling methods on businesses and the environment.

Sec. 2. Minnesota Statutes 1996, section 325E.10, subdivision 2, is amended to read:

Subd. 2. "Motor oil" means ~~petroleum-based~~ oil used as a lubricant or hydraulics in a transmission or internal combustion engine motor vehicle as defined in section 168.011, subdivision 4.

Sec. 3. Minnesota Statutes 1996, section 325E.10, is amended by adding a subdivision to read:

Subd. 2a. "Motor oil filter" means any filter used in combination with motor oil.

Sec. 4. Minnesota Statutes 1996, section 325E.10, is amended by adding a subdivision to read:

Subd. 5. "Used motor oil filter" means a motor oil filter which through use, storage, or handling has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.

Sec. 5. Minnesota Statutes 1996, section 325E.11, is amended to read:

325E.11 [COLLECTION FACILITIES; NOTICE.]

(a) Any person selling at retail or offering motor oil or motor oil filters for retail sale in this state shall:

(1) post a notice indicating the nearest location where used motor oil and used motor oil filters may be returned at no cost for recycling or reuse, post a toll-free telephone number that may be called by the public to determine a convenient location, or post a listing of locations where used motor oil and used motor oil filters may be returned at no cost for recycling or reuse; or

(2) if the person is subject to section 325E.112, post a notice informing customers purchasing

motor oil or motor oil filters of the location of the used motor oil and used motor oil filter collection site established by the retailer in accordance with section 325E.112 where used motor oil and used motor oil filters may be returned at no cost.

(b) A notice under paragraph (a) shall be posted on or adjacent to the motor oil and motor oil filter displays, be at least 8-1/2 inches by 11 inches in size, contain the universal recycling symbol with the following language:

- (1) "It is illegal to put used oil and used motor oil filters in the garbage.";
- (2) "Recycle your used oil and used motor oil filters."; and
- (3)(i) "There is a free collection site here for your used oil and used motor oil filters."; or
(ii) "There is a free collection site for used oil and used motor oil filters located at (name of business and street address).";
(iii) "For the location of a free collection site for used oil and used motor oil filters call (toll-free phone number)."; or
(iv) "Here is a list of free collection sites for used oil and used motor oil filters."

(c) The division of weights and measures under the department of public service shall enforce compliance with this section as provided in section 239.54. The pollution control agency shall enforce compliance with this section under sections 115.071 and 116.072 in coordination with the division of weights and measures.

Sec. 6. Minnesota Statutes 1996, section 325E.112, subdivision 2, is amended to read:

Subd. 2. [REIMBURSEMENT PROGRAM.] A contaminated used motor oil reimbursement program is established to provide partial reimbursement of the costs of disposing of contaminated used motor oil. In order to receive reimbursement, persons who accept used motor oil from the public or parties that they have contracted with to accept used motor oil must provide to the commissioner of the pollution control agency proof of contamination, information on methods the person used to prevent the contamination of used motor oil at the site, a copy of the billing for disposal costs incurred because of the contamination and proof of payment, and a copy of the hazardous waste manifest or shipping paper used to transport the waste. The commissioner shall reimburse a recipient of contaminated used motor oil ~~90~~ 100 percent of the costs of properly disposing of the contaminated used motor oil. The commissioner may not reimburse persons who intentionally place contaminants or do not take precautions to prevent contaminants from being placed in used motor oil, or operate a private collection site that:

- (1) is not publicly promotable or listed with the agency;
- (2) does not accept up to five gallons of used motor oil and five used motor oil filters per person per day without charging a fee; or
- (3) does not control access to the site during times when the site is closed.

A person operating a collection site may refuse to accept any used motor oil or used motor oil filter:

- (1) that is from a business;
- (2) that appears to be contaminated with antifreeze, hazardous waste, or other materials that may increase the cost of used motor oil management and disposal; or
- (3) when the storage equipment for that particular waste is temporarily filled.

Persons operating government collection sites are eligible for reimbursement of the costs of disposing of contaminated used motor oil. Reimbursements made under this subdivision are limited to the money available in the contaminated used motor oil reimbursement account.

Sec. 7. Laws 1996, chapter 351, section 2, is amended to read:

Sec. 2. [PLAN RECYCLING GOALS AND ACTIONS.]

~~(a) By September 1, 1996, an industry group representing retailers and manufacturers in Minnesota that sell motor oil and motor oil filters shall submit a list to the commissioner of the pollution control agency of all existing current sites that collect used motor oil, used motor oil filters, or both, from the public, delineating which sites collect for free, that can be publicly promoted.~~

~~(b) By September 1, 1996, an industry group representing retailers and manufacturers that sell motor oil and motor oil filters shall submit to the commissioner of the pollution control agency a plan for a collection and recycling system for used motor oil and used motor oil filters generated by the public under which:~~

~~(1) at least 90 percent of state residents outside the seven-county metropolitan area would have access to a free collection site for used motor oil and used motor oil filters within 25 miles of their residences;~~

~~(2) at least 90 percent of state residents within the seven-county metropolitan area and state residents of cities with populations of greater than 2,000 residents would have access to a free collection site for used motor oil and used motor oil filters within five miles of their residences; and~~

~~(3) at least one free collection site for used motor oil and used motor oil filters generated by the public would be located in each county.~~

~~(c) The plan required in paragraph (b) must include:~~

~~(1) an explanation of the proposed system for collecting and recycling used motor oil and used motor oil filters;~~

~~(2) a clear assignment of responsibility and accountability for implementation;~~

~~(3) a strategy for educating the parties responsible for implementing the plan;~~

~~(4) a strategy for educating the public on how to recycle used motor oil and used motor oil filters;~~

~~(5) a description of government's role, if any; and~~

~~(6) recommendations for legislation, if necessary.~~

~~(d) The plan must be implemented by June 1, 1997, and the requirements in paragraph (b), clauses (1) to (3), must be met by December 31, 1997. The industry group must also submit a list of sites that collect used motor oil and used motor oil filters from the public, specifying those sites that collect used motor oil and used motor filters for free, to the pollution control agency by December 31, 1997. The agency must be informed by the industry group when sites begin and cease to collect, or charge for the collection of, used motor oil and used motor oil filters from the public, in order to allow the agency to provide the public with accurate information regarding collection sites.~~

~~(e) The industry group and the agency shall monitor the effects of the collection system set forth in the plan required in paragraph (b) to determine whether the requirements in clauses (1) to (3) of that paragraph have been met. By November 1, 1998, the industry group shall submit information to the agency on the amount of used oil and the number of used oil filters collected.~~

Subdivision 1. (a) The following recycling or reuse goals shall be considered met if the actions in this subdivision are initiated by the identified parties on or before September 1, 1997, and are fully completed by December 31, 1998. Additionally, the goals in paragraph (b) must be met in at least 50 percent of counties by December 31, 1997; 75 percent by June 1, 1998; and 100 percent by December 31, 1998.

(b) Motor oil and motor oil filter manufacturers and retailers shall ensure that:

(1) at least 90 percent of residents within the seven-county metropolitan area and residents of a city or town with a population greater than 1,500 have access to a free nongovernment collection site for used motor oil and used motor oil filters within five miles of their residences; and

(2) at least one free nongovernment collection site for used motor oil and used motor oil filters generated by the public would be located in each county.

(c) Motor oil and motor oil filter manufacturers and retailers shall inform the public about environmental problems associated with improper disposal of used motor oil and used motor oil filters and proper disposal practices for used motor oil and used motor oil filters. At a minimum, this shall include public service announcements designed to reach residents of the state that generate used motor oil and used motor oil filters.

(d) The commissioner of the pollution control agency shall, by December 31, 1997, and at least annually thereafter or more frequently if deemed necessary, request motor oil and motor oil filter manufacturers and retailers, persons who haul used motor oil and used motor oil filters, and nongovernment persons who accept used motor oil and used motor oil filters from the public to provide an updated list of all existing sites that collect used motor oil, used motor oil filters, or both, from the public, delineating for public promotion which sites collect for free. The commissioner shall use this information to determine whether the parties identified in paragraph (b) have met the goals listed in that paragraph. A collection site operated by the state or a political subdivision, as defined in Minnesota Statutes, section 115A.03, subdivision 24, may be counted towards meeting recycling goals, provided that the parties responsible for meeting the goals of this subdivision voluntarily reimburse the state or political subdivision for all of the costs at that collection site that are associated with used motor oil and used motor oil filter recycling. Persons who accept used motor oil and used motor oil filters from the public shall cooperate with manufacturers and retailers of motor oil and motor oil filters to inform the agency within ten days of initiating or ceasing to collect used motor oil or used motor oil filters from the public. The information shall be provided in a form and manner prescribed by the commissioner.

(e) Motor oil filter manufacturers shall disclose to retailers whether lead has been intentionally introduced in manufacturing, and retailers shall not knowingly sell motor oil filters containing lead intentionally introduced in manufacturing.

Subd. 2. The commissioner of the pollution control agency may appoint an advisory group of diverse interests to assist the agency with experimentation with various approaches to public education, financial incentives, waste management, and other issues that might affect the effectiveness of recycling efforts. The commissioner may request parties responsible for meeting the recycling goals in subdivision 1 to voluntarily pay for some of the experimentation costs. The existence of this advisory group in no way relieves the parties identified in subdivision 1 of responsibility for meeting the goals listed in that subdivision. The commissioner of the pollution control agency shall appoint an advisory group chair.

(f) Subd. 3. By January 15, 1999, the commissioner of the pollution control agency shall report to the environment and natural resources committees of the senate and the house of representatives on the amount of used motor oil and used motor oil filters being recycled and whether the requirements goals in paragraph (b), clauses (1) to (3), subdivision 1 have been met and recommend whether the mandate for retailers of motor oil and filters described in Minnesota Statutes, section 325E.112, subdivision 1, is needed to achieve the recycling goals.

Sec. 8. [EFFECTIVE DATE.]

This article is effective the day following final enactment.

ARTICLE 5

CAPITAL BUDGET MODIFICATIONS

Section 1. Minnesota Statutes 1996, section 268.917, is amended to read:

268.917 [EARLY CHILDHOOD LEARNING AND CHILD PROTECTION FACILITIES.]

The commissioner may make grants to state agencies and political subdivisions to construct or rehabilitate facilities for Head Start, early childhood and family education facilities programs, other early childhood intervention programs, or demonstration family service centers housing multiagency collaboratives, with priority to centers in counties or municipalities with the highest number of children living in poverty. The commissioner may also make grants to state agencies and political subdivisions to construct or rehabilitate facilities for crisis nurseries or child visitation centers. The facilities must be owned by the state or a political subdivision, but may be leased under section 16A.695 to organizations that operate the programs. The commissioner shall prescribe the terms and conditions of the leases. A grant for an individual facility must not exceed \$200,000 for each program that is housed in the facility, up to a maximum of \$500,000 for a facility that houses three programs or more. The commissioner shall give priority to grants that involve collaboration among sponsors of programs under this section. At least 25 percent of the amounts appropriated for these grants must be used in conjunction with the youth employment and training programs operated by the commissioner. Eligible programs must consult with appropriate labor organizations to deliver education and training.

Sec. 2. Laws 1994, chapter 643, section 3, subdivision 2, is amended to read:

Subd. 2. Restore and Renovate

Capitol Building Exterior

5,000,000

To the commissioner of administration to renovate and improve the capitol including reroofing, repair of the roof balustrade, and Quadriga restoration, and for an exterior stone testing program. No more than \$35,000 of this appropriation is to the capitol area architectural and planning board for design review fees.

Sec. 3. Laws 1994, chapter 643, section 10, subdivision 10, as amended by Laws 1995, First Special Session chapter 2, article 1, section 42, is amended to read:

Subd. 10. Rochester Technical College University Center Rochester

1,200,000

~~This appropriation is to for predesign and design of an integrated campus in accordance with this subdivision. \$600,000 of this appropriation is available immediately. The remainder is available after a master academic plan has been approved under clause (3) and the technical college has been sold.~~ remodeling of student support facilities, remodeling of facilities for joint academic programming, and construction of roads and other infrastructure to integrate the campus for the delivery of consolidated college, state university, and University of Minnesota programs at the University Center Rochester. Planning may include consideration of codevelopment of facilities with local units of government.

~~(1) The board of trustees of the Minnesota state colleges and universities may enter into an agreement for the sale of the Rochester Technical College. The sale is contingent on the approval of the board of trustees and a~~

determination by the board of trustees that the sale is consistent with its priorities. The sale price shall equal the appraised value if sold to independent school district No. 535, Rochester, or, if sold to any other party, the sale price shall not be less than the appraised value.

It is the intent of the legislature that no technical college program reduction, apart from normal program review, shall occur as a result of this sale.

(2) The sale shall not cause the technical college to lease space or to move to any temporary site.

(3) Prior to the preparation of design documents, the post-secondary boards and the relevant campus staff shall jointly prepare a master academic plan for an integrated campus for the Rochester center facility. The boards shall consider the creation of a polytechnic university. The plan shall be submitted for review to the higher education finance divisions by January 16, 1996, and must be approved by the legislature before the remaining \$600,000 of the appropriation is available.

(4) The proceeds from the sale of the technical college are appropriated for the design and construction necessary to integrate technical college programs into the Rochester center and to add or modify space where necessary. The new technical college program space must be attached to and must maximize the current services, space, and programs of the technical college, community college, state university, and University of Minnesota cooperative campus. The state board of trustees may not begin construction of this project until the legislature has approved the construction plans.

(5) The state board of trustees shall develop a plan to relocate to the Austin, Faribault, and other Southeastern Minnesota campuses all Rochester campus programs that are not essential to the integrated mission planned for the Rochester center facility. This plan must be completed prior to preparing design documents for the technical college addition to the Rochester center.

(6) The state board of trustees shall consider relocating the horticulture technology program from the Rochester campus to the Austin campus of Riverland technical college before the start of the 1995-1996 academic year.

Sec. 4. Laws 1994, chapter 643, section 15, subdivision 2, is amended to read:

Subd. 2. Bloomington Ferry Bridge

7,631,000

5,131,000

This appropriation is from the state transportation fund as provided in Minnesota Statutes, section 174.50, to match federal funds to complete construction of the Bloomington ferry bridge and approaches.

This appropriation is added to the appropriation in Laws 1993, chapter 373, section 14, subdivision 2.

Sec. 5. Laws 1994, chapter 643, section 15, subdivision 4, is amended to read:

Subd. 4. Local Bridge

Replacement and Rehabilitation

12,445,000

14,945,000

This appropriation is from the state transportation fund as provided in Minnesota Statutes, section 174.50, to match federal funds and to replace or rehabilitate local deficient bridges.

Political subdivisions may use grants made under this section to construct or reconstruct bridges, including:

- (1) matching federal-aid grants to construct or reconstruct key bridges;
- (2) paying the costs to abandon an existing bridge that is deficient and in need of replacement, but where no replacement will be made;
- (3) paying the costs to construct a road or street to facilitate the abandonment of an existing bridge determined by the commissioner to be deficient, if the commissioner determines that construction of the road or street is more cost-efficient than the replacement of the existing bridge; and
- (4) paying the costs of preliminary engineering and environmental studies authorized under Minnesota Statutes, section 174.50, subdivision 6a."

Page 5, before line 1, insert:

"Sec. 8. Laws 1996, chapter 463, section 3, subdivision 7, is amended to read:

Subd. 7. Twin Cities

(a) Architecture Renovation

9,000,000

Design, renovate construct, furnish, and equip an addition to the architecture building and partially renovate the existing building.

(b) Haecker Hall Renovation

12,000,000

Design, renovate, furnish, and equip Haecker Hall and related space.

(c) Magnetic Resonance Research Building 3,500,000

Design, construct, furnish, and equip a new magnetic resonance research building.

(d) Minnesota Library Access Center 38,500,000

Construct, furnish, and equip the Minnesota library access center to house the university's archives and special collections, immigration history research center documents and collections, to store less frequently used library materials for state university, private college, city, county, and regional libraries in the state, and to house Minitex services.

(e) Molecular and Cellular Therapeutics Facility Remodeling 3,000,000

Remodel and equip the molecular and cellular therapeutics facility, including the modification of utilities, air filtration, and distribution systems, to accommodate new research programs."

Page 5, after line 33, insert:

"Sec. 10. Laws 1996, chapter 463, section 13, subdivision 2, is amended to read:

Subd. 2. Capital Asset Preservation and Replacement (CAPRA) 12,000,000

To be spent in accordance with Minnesota Statutes, section 16A.632.

Up to \$900,000 of the money appropriated in this subdivision may be used as necessary to renovate the Governor's Residence in St. Paul for life safety, code, security, and ancillary storage facility improvements.

Up to \$600,000 of the money appropriated in this subdivision may be used to continue the electrical utility infrastructure conversion of the primary feeder loop system to a primary selective system by rerouting the system around the capitol.

In accordance with Minnesota Statutes, section 16B.31, subdivision 6, the commissioner of administration shall identify the condition and suitability of all major state buildings and office space and report the commissioner's findings by June 30, 1997, to the chairs of the senate committee on finance and the house of representatives committees on ways and means and on capital investment. The report must identify the useful life, the current condition, the

estimated cost of currently needed repairs, and the suitability for the current state purposes of all major state-owned buildings and office space owned or leased by the state. The legislature intends to use the report in considering future appropriations to the commissioner of administration and to state agencies for asset preservation.

Sec. 11. Laws 1996, chapter 463, section 13, subdivision 4, is amended to read:

Subd. 4. Renovate Capitol Building

7,400,000

\$4,800,000 ~~\$3,765,000~~ is to predesign, design, and reconstruct the northeast terrace and predesign and design the northwest terraces terrace of the capitol building.

\$1,400,000 is to renovate the lantern and related structures on the capitol dome.

\$1,200,000 ~~\$2,235,000~~ is to predesign, design, construct, furnish, and equip the renovation of the capitol cafeteria and related spaces.

The balance of the appropriation in this subdivision that is not needed for the projects specified may be used for other structural stabilization projects at the capitol or to improve the capitol mall."

Page 5, after line 42, insert:

"Sec. 13. Laws 1996, chapter 463, section 24, subdivision 8, is amended to read:

Subd. 8. Lyn/Lake ~~Jungle~~
Theatre Performing Arts Center

335,000

For a grant to Hennepin county to design, construct, furnish, and equip the Lyn/Lake/~~Jungle~~ Theatre community performing arts center to provide a community theater and rehearsal space, offices, classrooms and meeting rooms for performing arts organizations, arts education, and arts development and outreach in a formerly tax-forfeited structure in Hennepin county. Hennepin county may contract with a nonprofit organization for operation of the center, subject to Minnesota Statutes, section 16A.695. This appropriation is not available until the commissioner has determined that at least \$1,630,000 has been committed by nonstate sources to complete the Lyn/Lake/Jungle Theatre main stage in a nearby building owned and operated by the Jungle Theater and that \$100,000 has been committed by nonstate sources to complete the community performing arts center. This is the final state appropriation for this project."

Page 5, line 47, delete "act" and insert "article"

Renumber the sections in sequence and correct the internal references

Delete the title and insert:

"A bill for an act relating to capital improvements; cleaning up lands contaminated by petroleum leaks; providing for replacement of leaking underground petroleum tanks; clean up contaminated building sites; transferring authority to administer individual on-site sewage treatment programs to the pollution control agency; modifying sewer loan repayment provisions; authorizing the sale of state bonds; encouraging recycling of antifreeze; requiring collection and recycling of used motor oil and filters; clarifying limits on grants for early childhood learning and protection facilities; modifying previous appropriations for certain capital improvements; changing the source of funds for certain projects, appropriating money; amending Minnesota Statutes 1996, sections 115A.916; 115C.08, subdivision 4; 115C.09, by adding a subdivision; 115C.13; 116.18, subdivision 3c; 116J.551; 116J.553, subdivision 2; 116J.554, subdivision 1; 268.917; 325E.10, subdivision 2, and by adding subdivisions; 325E.11; 325E.112, subdivision 2; and 446A.072, by adding a subdivision; Laws 1994, chapter 643, sections 3, subdivision 2; 10, subdivision 10, as amended; 15, subdivisions 2 and 4; and 23, subdivision 28; and Laws 1996, chapters 351, section 2; 407, section 8, subdivision 3; and 463, sections 3, subdivision 7; 8, subdivision 3; 13, subdivisions 2 and 4; 22, subdivision 8; and 24, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Laws 1996, chapter 463, section 7, subdivision 7."

Ms. Kiscaden moved to amend the Morse amendment to S.F. No. 436 as follows:

Pages 23 and 24, delete section 3

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

The question recurred on the adoption of the Morse amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Ms. Johnson, J.B. moved to amend S.F. No. 436 as follows:

Page 5, after line 42, insert:

"Sec. 5. [LOCAL BRIDGE REPLACEMENT AND REHABILITATION.]

The appropriation of \$7,631,000 in Laws 1994, chapter 643, section 15, subdivision 2, for the Bloomington ferry bridge is reduced to \$5,131,000 and the appropriation of \$12,445,000 in Laws 1994, chapter 643, section 15, subdivision 4, for local bridge replacement and rehabilitation is increased to \$14,945,000.

Sec. 6. [APPROPRIATION FOR LOCAL BRIDGES.]

\$5,800,000 is appropriated to the commissioner of transportation from the state transportation fund, as provided in Minnesota Statutes, section 174.50, to match federal funds and to replace or rehabilitate local bridges.

Sec. 7. [TRANSPORTATION FUND.]

To provide the additional money appropriated in this act from the state transportation fund, the commissioner of finance, on request of the governor, shall sell and issue general obligation bonds of the state in an amount up to \$5,800,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7. The proceeds of the bonds, except accrued interest and any premium received on the sale of the bonds, must be credited to a bond proceeds account in the state transportation fund."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Ms. Johnson, J.B. then moved to amend the Johnson, J.B. amendment to S.F. No. 436 as follows:

Page 1, delete lines 3 to 9

Renumber the sections in sequence

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

The question recurred on the adoption of the Johnson, J.B. amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Ms. Johnson, J.B. then moved to amend S.F. No. 436 as follows:

Page 4, after line 1, insert:

"Sec. 2. Laws 1994, chapter 643, section 23, is amended by adding a subdivision to read:

Subd. 31. St. Croix Valley
Heritage Center

150,000

To the commissioner of natural resources for a grant to the city of Taylors Falls to prepare a preliminary design for a heritage center, subject to Minnesota Statutes, section 16A.695."

Page 5, line 44, before "Laws" insert "Laws 1994, chapter 643, section 19, subdivision 11, and" and delete "is" and insert "are"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 5, before "appropriating" insert "transferring authority to administer grants for certain projects;"

Page 1, line 6, before the semicolon, insert ", and by adding a subdivision;"

Page 1, line 9, after "repealing" insert "Laws 1994, chapter 643, section 19, subdivision 11; and"

The motion prevailed. So the amendment was adopted.

Mr. Morse moved to amend S.F. No. 436 as follows:

Page 5, after line 42, insert:

"Sec. 5. [APPROPRIATION.]

\$6,400,000 is transferred from the general fund to the environmental response, compensation, and compliance account in the environmental fund and is appropriated for the purposes provided in Minnesota Statutes, chapter 115B."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Cohen moved to amend S.F. No. 436 as follows:

Page 5, after line 33, insert:

"Sec. 4. Laws 1996, chapter 463, section 13, subdivision 8, is amended to read:

Subd. 8. Revenue Facilities

Design

1,950,000
49,500,000

To design, acquire, construct, furnish, and equip new revenue department facilities. \$1,450,000 of this appropriation is not available until the report required by subdivision 10 has been completed. No more than \$23,000,000 of this appropriation may be used to purchase the building presently occupied by the department of revenue at 10 River Park Place.

Notwithstanding Minnesota Statutes, section 15.50, subdivision 2, paragraph (e), plans for the building need not be selected through a design competition.

~~The plans for the facilities for the department of revenue may provide for two or more buildings in separate locations. The principal administrative offices of the department must be located in or near the capitol area. Other operations may be located outside of the capitol area as appropriate and conveniently situated for efficient operations of the department.~~

~~The design development phase of the revenue department building project must include an analysis of the cost, benefit, and operational feasibility of relocating revenue department jobs to areas in greater Minnesota.~~

The commissioner of administration may use a design-build method of project development and construction for this project. The commissioner may award a design-build contract on the basis of requests for proposals or requests for qualifications without bids."

Page 5, after line 42, insert:

"Sec. 6. [BOND SALE.]

To provide the money appropriated in section 4 from the bond proceeds fund, the commissioner of finance, on request of the governor, shall sell and issue bonds of the state in an amount up to \$47,600,000 in the manner, upon the terms, and with the effect presented by Minnesota Statutes, sections 16A.631 to 16A.675, the Minnesota Constitution, article XI, sections 4 to 7."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Pursuant to Rule 22, Mr. Metzen moved that he be excused from voting on the Cohen amendment to S.F. No. 436. The motion prevailed.

The question was taken on the adoption of the Cohen amendment. The motion prevailed. So the amendment was adopted.

Mr. Stumpf moved to amend S.F. No. 436 as follows:

Page 5, after line 42, insert:

"Sec. 5. [FLOOD DAMAGE REDUCTION; APPROPRIATION.]

\$12,000,000 is appropriated from the bond proceeds fund to the commissioner of natural resources to fund flood damage reduction projects under Minnesota Statutes, section 103F.161, including the non-federal portion of federal hazard mitigation grant program projects. \$2,000,000 of this appropriation is to implement flood water storage projects proposed by watershed districts in the Red River Valley. Up to \$200,000 of this appropriation is available for a position and related expenses to assist local governments in applying for federal grants and to administer contracts for the grants. The appropriation is available until expended.

Sec. 6. [BOND SALE AUTHORIZATION.]

To provide the money appropriated in section 5 from the bond proceeds fund the commissioner of finance, on request of the governor, shall sell and issue bonds of the state in an amount up to \$12,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Ms. Krentz moved to amend the Stumpf amendment to S.F. No. 436 as follows:

Page 1, line 11, delete "a position" and insert "staffing"

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

The question recurred on the adoption of the Stumpf amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

S.F. No. 436 was read the third time.

Mr. Morse moved that S.F. No. 436 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Johnson, J.B. moved that S.F. No. 724 be taken from the table. The motion prevailed.

S.F. No. 724: A bill for an act relating to transportation; exempting certain roads, streets, and highways from noise standards; clarifying that specific service signs may be placed at certain intersections of trunk highways; defining residential roadway; defining daytime and nighttime; directing the commissioner of transportation to determine cost reimbursement policies; correcting obsolete reference; directing commissioner of transportation to study and prepare a report proposing a comprehensive, statewide highway access management policy; directing transfer of ownership of licenses for public safety radio system frequencies; requiring reduced speed near stopped emergency vehicles; providing civil penalties; amending Minnesota Statutes 1996, sections 116.07, subdivision 2a; 160.292, subdivision 5; 169.01, subdivision 81, and by adding subdivisions; 169.14, subdivisions 2, 3, and 5d; 169.17; 174.23, by adding a subdivision; and 473.894, subdivision 3; repealing Minnesota Statutes 1996, section 169.14, subdivision 4a; Minnesota Rules, parts 8840.0100; 8840.0200; 8840.0300; 8840.0400; 8840.0500; 8840.0600; 8840.0700; 8840.0800; 8840.0900; 8840.1000; 8840.1100; 8840.1200; and 8840.1300.

CONCURRENCE AND REPASSAGE

Ms. Johnson, J.B. moved that the Senate concur in the amendments by the House to S.F. No. 724 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 724 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 40 and nays 16, as follows:

Those who voted in the affirmative were:

Beckman	Hanson	Kleis	Morse	Runbeck
Berg	Higgins	Knutson	Neuville	Sams
Betzold	Johnson, D.E.	Langseth	Oliver	Scheevel
Cohen	Johnson, J.B.	Lesewski	Olson	Spear
Day	Junge	Lessard	Ourada	Stumpf
Fischbach	Kelley, S.P.	Limmer	Pariseau	Vickerman
Foley	Kelly, R.C.	Marty	Piper	Wiener
Frederickson	Kiscaden	Metzen	Price	Wiger

Those who voted in the negative were:

Anderson	Flynn	Johnson, D.J.	Larson	Pappas
Belanger	Hottinger	Krentz	Lourey	Ranum
Berglin	Johnson, D.H.	Laidig	Murphy	Robling
Dille				

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Metzen moved that the following members be excused for a Conference Committee on S.F. No. 1905 at 11:45 a.m.:

Messrs. Price, Cohen, Metzen, Frederickson and Betzold. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Ms. Junge, designee of the Chair of the Committee on Rules and Administration, designated H.F. No. 254 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 254: A bill for an act relating to courts; providing for open juvenile court hearings in certain proceedings; providing certain juvenile records are open to public inspection as provided by the rules of juvenile court; amending Minnesota Statutes 1996, sections 260.155, subdivision 1; and 260.161, subdivision 2.

Mr. Neuville moved to amend H.F. No. 254, as amended pursuant to Rule 49, adopted by the Senate May 1, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 855.)

Page 3, line 15, after the period, insert "In addition, upon request the person is entitled to attend hearings in the delinquency or certification proceeding or extended jurisdiction juvenile prosecution unless the judge determines the person's presence would adversely affect the best interests of the juvenile. The county attorney may notify the person of the hearings and of the person's right to request attendance."

Page 3, after line 17, insert:

"Sec. 2. Minnesota Statutes 1996, section 260.161, subdivision 2, is amended to read:

Subd. 2. [PUBLIC INSPECTION OF RECORDS.] Except as otherwise provided in this section, and except for legal records arising from proceedings or portions of proceedings that are public under section 260.155, subdivision 1, none of the records of the juvenile court and none of the records relating to an appeal from a nonpublic juvenile court proceeding, except the written appellate opinion, shall be open to public inspection or their contents disclosed except (a) by order of a court or, (b) as required by sections 245A.04, 611A.03, 611A.04, 611A.06, and 629.73, or (c) the name of a juvenile who is the subject of a delinquency petition shall be released to the victim of the alleged delinquent act upon the victim's request. The records of juvenile probation officers and county home schools are records of the court for the purposes of this subdivision. Court services data relating to delinquent acts that are contained in records of the juvenile court may be released as allowed under section 13.84, subdivision 5a. This subdivision applies to all proceedings under this chapter, including appeals from orders of the juvenile court, except that this subdivision does not apply to proceedings under section 260.255, 260.261, or 260.315 when the proceeding involves an adult defendant. The court shall maintain the confidentiality of adoption files and records in accordance with the provisions of laws relating to adoptions. In juvenile court proceedings any report or social history furnished to the court shall be open to inspection by the attorneys of record and the guardian ad litem a reasonable time before it is used in connection with any proceeding before the court.

When a judge of a juvenile court, or duly authorized agent of the court, determines under a proceeding under this chapter that a child has violated a state or local law, ordinance, or regulation pertaining to the operation of a motor vehicle on streets and highways, except parking violations, the judge or agent shall immediately report the violation to the commissioner of public safety. The report must be made on a form provided by the department of public safety and must contain the information required under section 169.95.

Sec. 3. Minnesota Statutes 1996, section 260.161, subdivision 3, is amended to read:

Subd. 3. [PEACE OFFICER RECORDS OF CHILDREN.] (a) Except for records relating to an offense where proceedings are public under section 260.155, subdivision 1, peace officers' records of children who are or may be delinquent or who may be engaged in criminal acts shall be kept separate from records of persons 18 years of age or older and are private data but shall be disseminated: (1) by order of the juvenile court, (2) as required by section 126.036, (3) as authorized under section 13.82, subdivision 2, (4) to the child or the child's parent or guardian unless disclosure of a record would interfere with an ongoing investigation, or (5) as otherwise provided in this subdivision. Except as provided in paragraph (c), no photographs of a child taken into custody may be taken without the consent of the juvenile court unless the child is alleged to have violated section 169.121 or 169.129. Peace officers' records containing data about children who are victims of crimes or witnesses to crimes must be administered consistent with section 13.82, subdivisions 2, 3, 4, and 10. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

In the case of computerized records maintained about juveniles by peace officers, the requirement of this subdivision that records about juveniles must be kept separate from adult records does not mean that a law enforcement agency must keep its records concerning juveniles on a separate computer system. Law enforcement agencies may keep juvenile records on the same computer as adult records and may use a common index to access both juvenile and adult records so long as the agency has in place procedures that keep juvenile records in a separate place in computer storage and that comply with the special data retention and other requirements associated with protecting data on juveniles.

(b) Nothing in this subdivision prohibits the exchange of information by law enforcement agencies if the exchanged information is pertinent and necessary ~~to the requesting agency in initiating, furthering, or completing a criminal investigation~~ for law enforcement purposes.

(c) A photograph may be taken of a child taken into custody pursuant to section 260.165,

subdivision 1, clause (b), provided that the photograph must be destroyed when the child reaches the age of 19 years. The commissioner of corrections may photograph juveniles whose legal custody is transferred to the commissioner. Photographs of juveniles authorized by this paragraph may be used only for institution management purposes, case supervision by parole agents, and to assist law enforcement agencies to apprehend juvenile offenders. The commissioner shall maintain photographs of juveniles in the same manner as juvenile court records and names under this section.

(d) Traffic investigation reports are open to inspection by a person who has sustained physical harm or economic loss as a result of the traffic accident. Identifying information on juveniles who are parties to traffic accidents may be disclosed as authorized under section 13.82, subdivision 4, and accident reports required under section 169.09 may be released under section 169.09, subdivision 13, unless the information would identify a juvenile who was taken into custody or who is suspected of committing an offense that would be a crime if committed by an adult, or would associate a juvenile with the offense, and the offense is not a minor traffic offense under section 260.193.

(e) A law enforcement agency shall notify the principal or chief administrative officer of a juvenile's school of an incident occurring within the agency's jurisdiction if:

(1) the agency has probable cause to believe that the juvenile has committed an offense that would be a crime if committed as an adult, that the victim of the offense is a student or staff member of the school, and that notice to the school is reasonably necessary for the protection of the victim; or

(2) the agency has probable cause to believe that the juvenile has committed an offense described in subdivision 1b, paragraph (a), clauses (1) to (3), that would be a crime if committed by an adult, regardless of whether the victim is a student or staff member of the school.

A law enforcement agency is not required to notify the school under this paragraph if the agency determines that notice would jeopardize an ongoing investigation. Notwithstanding section 138.17, data from a notice received from a law enforcement agency under this paragraph must be destroyed when the juvenile graduates from the school or at the end of the academic year when the juvenile reaches age 23, whichever date is earlier. For purposes of this paragraph, "school" means a public or private elementary, middle, or secondary school.

(f) In any county in which the county attorney operates or authorizes the operation of a juvenile prepetition or pretrial diversion program, a law enforcement agency or county attorney's office may provide the juvenile diversion program with data concerning a juvenile who is a participant in or is being considered for participation in the program.

(g) Upon request of a local social service agency, peace officer records of children who are or may be delinquent or who may be engaged in criminal acts may be disseminated to the agency to promote the best interests of the subject of the data."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 254 as read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

Lesewski	Murphy	Piper	Sams	Vickerman
Lessard	Neuville	Pogemiller	Samuelson	Wiener
Limmer	Oliver	Price	Scheevel	Wiger
Lourey	Olson	Ranum	Scheid	
Marty	Ourada	Robertson	Spear	
Moe, R.D.	Pappas	Robling	Stumpf	
Morse	Pariseau	Runbeck	Ten Eyck	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Price moved that H.F. No. 1314, No. 14 on General Orders, be stricken and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Mr. Lessard moved that his name be stricken as a co-author to S.F. No. 436. The motion prevailed.

Mr. Morse moved that the name of Mr. Cohen be added as a co-author to S.F. No. 436. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Johnson, D.H. introduced--

S.F. No. 1945: A bill for an act relating to crime; providing increased sentence for second violent crime offense; providing increased sentence for third felony offense; recodifying laws providing other increased and mandatory sentences; providing criminal penalties; authorizing consecutive sentences for felony offenses under certain circumstances; providing for the tolling of a stay of sentence while a defendant serves an executed, consecutive sentence; directing the sentencing guidelines commission to modify its policy on permissive consecutive sentencing; making technical changes; amending Minnesota Statutes 1996, sections 609.135, subdivision 7, and by adding a subdivision; 609.152; 609.347, subdivisions 1, 2, 3, 5, and 6; 609.348; and 631.045; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes, sections 609.1352; and 609.346.

Referred to the Committee on Crime Prevention.

Ms. Junge, Messrs. Stumpf; Johnson, D.E.; Lessard and Moe, R.D. introduced--

S.F. No. 1946: A bill for an act relating to public employment; increasing compensation for state employees on leave to serve as certified disaster service volunteers of the American Red Cross; amending Minnesota Statutes 1996, section 43A.185, subdivision 1.

Referred to the Committee on Governmental Operations and Veterans.

MEMBERS EXCUSED

Mr. Novak was excused from the Session of today at 11:45 a.m. Messrs. Solon and Pogemiller were excused from the Session of today from 9:00 to 9:45 a.m. Mses. Flynn, Wiener and Mr. Cohen were excused from the Session of today from 9:00 to 10:00 a.m. Mr. Price was excused from the Session of today from 9:00 to 9:55 a.m. Mr. Murphy was excused from the Session of today from 9:20 to 10:00 a.m. Mr. Pogemiller, Ms. Olson and Mrs. Scheid were excused from the Session of today from 10:00 to 11:10 a.m. Ms. Robertson was excused from the Session of today from 10:00 a.m. to 12:00 noon. Mr. Samuelson was excused from the Session of today from 9:00

a.m. to 12:30 p.m. Mr. Janezich was excused from the Session of today from 9:00 a.m. to 12:00 noon.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Thursday, May 8, 1997. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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