

STATE OF MINNESOTA

# Journal of the Senate

SEVENTY-NINTH LEGISLATURE

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SEVENTY-FOURTH DAY

St. Paul, Minnesota, Wednesday, February 7, 1996

The Senate met at 11:30 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 Senator Pat Piper.

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

Anderson	Hottinger	Laidig	Novak	Sams
Beckman	Janezich	Langseth	Oliver	Samuelson
Belanger	Johnson, D.E.	Larson	Olson	Scheevel
Berg	Johnson, D.J.	Lesewski	Ourada	Solon
Berglin	Johnson, J.B.	Lessard	Pappas	Spear
Betzold	Johnston	Limmer	Piper	Stevens
Chandler	Kelly	Marty	Pogemiller	Stumpf
Day	Kiscaden	Merriam	Price	Terwilliger
Dille	Kleis	Metzen	Ranum	Vickerman
Finn	Knutson	Moe, R.D.	Reichgott Junge	Wiener
Flynn	Kramer	Morse	Riveness	
Frederickson	Krentz	Murphy	Robertson	
Hanson	Kroening	Neuville	Runbeck	

The President declared a quorum present.

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

## MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2085, 2380, 2239, 2114, 2125, 2190, 2625, 2042, 2132, 2310, 2355 and 2834.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 5, 1996

## FIRST READING OF HOUSE BILLS

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

**H.F. No. 2085:** A bill for an act relating to local government; excluding certain fire and police department employees from civil service in the city of St. Louis Park.

Referred to the Committee on Metropolitan and Local Government.

**H.F. No. 2380:** A bill for an act relating to motor vehicles; specifying percentages of the motorcycle safety fund that may be spent on administration and motorcycle safety instruction; amending Minnesota Statutes 1995 Supplement, section 126.115, subdivision 3.

Referred to the Committee on Transportation and Public Transit.

**H.F. No. 2239:** A bill for an act relating to local government; allowing the city of Morristown to maintain and pay for certain electrical power outside the city.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1843, now on the Consent Calendar.

**H.F. No. 2114:** A bill for an act relating to drivers' licenses; changing codes for two types of driver's license; amending Minnesota Statutes 1994, sections 171.02, subdivision 2; 171.04, subdivision 2; 171.05, subdivision 1; 171.06, subdivision 3; 171.07, subdivisions 1b, 2, and 3a; 171.165, subdivision 5; and 171.321, subdivision 1; Minnesota Statutes 1995 Supplement, sections 171.02, subdivision 2a; 171.06, subdivision 2; and 171.30, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2320.

**H.F. No. 2125:** A bill for an act relating to the environment; repealing obsolete air quality and wastewater treatment rules; amending Minnesota Rules, parts 7009.0080; 7035.2835, subpart 3; 7050.0185, subpart 8; 7050.0210, subpart 17; and 7077.0100; proposing coding for new law in Minnesota Statutes, chapter 116; repealing Minnesota Rules, parts 7011.0400; 7011.0405; 7011.0410; 7077.0500; 7077.0505; 7077.0510; 7077.0515; 7077.0520; 7077.0525; 7077.0530; 7077.0535; 7077.0540; 7077.0545; 7077.0550; 7077.0555; 7077.0560; 7077.0600; 7077.0605; 7077.0610; 7077.0615; 7077.0620; 7077.0625; 7077.0630; 7077.0635; 7077.0640; 7077.0645; 7077.0650; 7077.0655; and 7077.0660.

Referred to the Committee on Environment and Natural Resources.

**H.F. No. 2190:** A bill for an act relating to health; providing for the cancellation of recodification efforts; repealing Laws 1994, chapter 625, article 5, section 5, as amended.

Referred to the Committee on Health Care.

**H.F. No. 2625:** A bill for an act relating to the city of Baxter; allowing the city of Baxter to expand its public utilities commission to five members.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2214, now on General Orders.

**H.F. No. 2042:** A bill for an act relating to the human rights act; providing that making certain equal opportunities in athletic programs available on the basis of sex is not an unfair discriminatory practice; amending Minnesota Statutes 1994, section 363.02, subdivision 4.

Referred to the Committee on Judiciary.

**H.F. No. 2132:** A bill for an act relating to education; permitting certain school district school years to begin before Labor Day.

Referred to the Committee on Education.

**H.F. No. 2310:** A bill for an act relating to health; transferring certain authority from the commissioner of health to the emergency medical services regulatory board; adding two members to the emergency medical services regulatory board; adding an exemption to the medical license requirement; specifying effective date of appointments and board actions; amending Minnesota Statutes 1994, section 169.686, subdivision 3; Minnesota Statutes 1995 Supplement, sections 144.8093, subdivision 4; 144E.01, subdivision 1; and 147.09.

Referred to the Committee on Health Care.

**H.F. No. 2355:** A bill for an act relating to local government; authorizing a city, county, or town to require certain information in applying for or as a condition of granting approval of permits required under official controls; amending Minnesota Statutes 1994, section 462.353, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 366 and 394.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1964, now on General Orders.

**H.F. No. 2834:** A bill for an act relating to watercraft; modifying the requirements for operation of a motor boat by a youth; modifying the provisions for operation of a personal watercraft by a youth; amending Minnesota Statutes 1994, sections 86B.305, subdivisions 1 and 2; and 86B.313, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

### REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

#### **Mr. Spear from the Committee on Crime Prevention, to which was referred**

**S.F. No. 1824:** A bill for an act relating to crime; requiring suspension of a driver's license for a person charged with fleeing a peace officer in a motor vehicle; requiring revocation after conviction of that offense; amending Minnesota Statutes 1994, section 609.487, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 171.

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

Delete everything after the enacting clause and insert:

"Section 1. [171.174] [SUSPENSION; FLEEING PEACE OFFICER IN MOTOR VEHICLE.]

The commissioner shall suspend the driver's license of a person charged with fleeing a peace officer under section 609.487, upon receiving notification by the court having jurisdiction over the case of the charge. The suspension must continue until the charge has been adjudicated. A limited license under section 171.30 may be issued only pursuant to the court's recommendation.

Sec. 2. [171.175] [REVOCATION; FLEEING PEACE OFFICER OFFENSE.]

The commissioner shall revoke the driver's license of a person upon receiving notification by the convicting court that the person has violated section 609.487. The commissioner shall revoke the license as follows:

- (1) for the first offense under section 609.487, subdivision 3, for not less than one year;
- (2) for the second offense or subsequent offenses under section 609.487, subdivision 3, for not less than three years;
- (3) for an offense under section 609.487, subdivision 4, clause (a), for not less than ten years;
- (4) for an offense under section 609.487, subdivision 4, clause (b), for not less than seven years; and
- (5) for an offense under section 609.487, subdivision 4, clause (c), for not less than five years.

A limited license under section 171.30 may not be issued for the first half of the revocation period specified in clauses (1) to (5). A limited license may only be issued for the second half of the revocation period if recommended by the adjudicating court.

Sec. 3. Minnesota Statutes 1994, section 609.487, is amended by adding a subdivision to read:

Subd. 5. [SUSPENSION; FLEEING PEACE OFFICER OFFENSE.] When a person is charged with violating this section, the court shall notify the commissioner of public safety of the charge, and whether the court recommends that a limited license under section 171.30 be issued, and if so, under what conditions.

Sec. 4. Minnesota Statutes 1994, section 609.487, is amended by adding a subdivision to read:

Subd. 6. [REVOCAION; FLEEING PEACE OFFICER OFFENSE.] When a person is convicted of violating this section, the court shall notify the commissioner of public safety of the conviction and whether the court recommends that a limited license under section 171.30 be issued, and if so, under what conditions.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective August 1, 1996, and apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to crime; requiring suspension of a driver's license for a person charged with fleeing a peace officer in a motor vehicle; requiring revocation after conviction of that offense; amending Minnesota Statutes 1994, section 609.487, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 171."

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

**Mr. Spear from the Committee on Crime Prevention, to which was referred**

**S.F. No. 2089:** A bill for an act relating to corrections; authorizing peace officers and probation officers to detain probationers based on an order from the chief executive officer of community correction agencies not organized under chapter 401; amending Minnesota Statutes 1994, section 260.311, subdivision 3a.

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

Page 1, lines 12 and 26, delete "chief executive officer" and insert "court services director"

Page 1, line 13, delete "community corrections" and insert "county probation" and delete "organized" and insert "established"

Page 1, line 19, after "release" insert "under their jurisdiction"

Page 2, line 1, delete "community corrections" and insert "county probation"

Page 2, line 13, after "probation" insert "under their jurisdiction"

Page 2, line 21, delete "chief executive officer" and insert "court services director"

Page 2, line 22, delete "community corrections" and insert "county probation" and delete "established under"

Page 2, line 23, delete everything before "under" and insert "not established"

Amend the title as follows:

Page 1, line 4, delete "chief executive officer" and insert "court services director" and delete "community"

Page 1, line 5, delete "correction" and insert "county probation"

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

**Mr. Spear from the Committee on Crime Prevention, to which was referred**

**S.F. No. 2011:** A bill for an act relating to crime; providing that whoever flees the scene of an accident in which death or injury occurs and who was driving under the influence of alcohol is guilty of criminal vehicular operation; prescribing penalties; amending Minnesota Statutes 1994, section 609.21, subdivisions 1, 2, 2a, 3, and 4.

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

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1994, section 169.09, subdivision 14, is amended to read:

Subd. 14. [PENALTIES.] (a) ~~The driver of any vehicle who violates subdivision 1 or 6 and who caused the accident is punishable as follows:~~

(1) ~~if the accident results in the death of any person, the driver is guilty of a felony and may be sentenced to imprisonment for not more than ten years, or to payment of a fine of not more than \$20,000, or both;~~

(2) ~~if the accident results in great bodily harm to any person, as defined in section 609.02, subdivision 8, the driver is guilty of a felony and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$10,000, or both; or~~

(3) ~~if the accident results in substantial bodily harm to any person, as defined in section 609.02, subdivision 7a, the driver is guilty of a felony and may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$5,000, or both.~~

(b) The driver of any vehicle who violates subdivision 1 or 6 and who did not cause the accident is punishable as follows:

(1) if the accident results in the death of any person, the driver is guilty of a felony and may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$5,000, or both;

(2) if the accident results in great bodily harm to any person, as defined in section 609.02, subdivision 8, the driver is guilty of a felony and may be sentenced to imprisonment for not more than two years, or to payment of a fine of not more than \$4,000, or both; or

(3) if the accident results in substantial bodily harm to any person, as defined in section 609.02, subdivision 7a, the driver may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both.

(e) (b) The driver of any vehicle involved in an accident not resulting in substantial bodily harm or death who violates subdivision 1 or 6 may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both.

(d) (c) Any person who violates subdivision 2, 3, 4, 5, 7, 8, 10, 11, or 12 is guilty of a misdemeanor.

The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section."

Page 1, line 11, delete "(a)"

Page 1, line 19, strike "or"

Page 1, line 21, strike the comma and insert "; or

(5) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6,"

Page 1, delete lines 25 and 26

Page 2, delete lines 1 to 4

Page 2, line 7, delete "(a)"

Page 2, line 15, strike "or"

Page 2, line 17, strike the comma and insert "; or

(5) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6,"

Page 2, delete lines 22 to 28

Page 2, line 31, delete "(a)"

Page 3, line 3, strike "or"

Page 3, line 5, strike the comma and insert "; or

(5) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6,"

Page 3, delete lines 10 to 15

Page 3, line 18, delete "(a)"

Page 3, line 26, strike "or"

Page 3, line 28, strike the comma and insert "; or

(5) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6,"

Page 3, delete line 36

Page 4, delete lines 1 to 5

Page 4, line 8, delete "(a)"

Page 4, line 17, strike "or"

Page 4, line 19, strike the comma and insert "; or

(5) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6,"

Page 4, delete lines 27 to 33

Page 4, line 35, delete "4" and insert "6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "section" and insert "sections 169.09, subdivision 14; and"

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

**Mr. Spear from the Committee on Crime Prevention, to which was referred**

**S.F. No. 2385:** A bill for an act relating to crime prevention; defining probation; clarifying jurisdiction of probation service providers; requiring reports and reviews; requiring policies to be

adopted; requiring the commissioner of corrections to provide training and technical assistance; requiring probation service providers to collect and maintain certain information; creating a task force; amending Minnesota Statutes 1994, sections 260.311, subdivision 1; and 609.02, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 244.

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

Page 1, line 14, after "SUPERVISION" insert "OF FELONS"

Page 1, delete lines 15 to 19

Page 1, line 20, delete "Subd. 2. [SUPERVISION OF FELONS.]"

Page 1, line 28, delete "February" and insert "January"

Page 2, line 3, delete "August" and insert "April"

Page 2, line 24, delete the comma and insert "a collaborative plan addressing the local needs shall be developed."

Page 2, line 27, before the period, insert "according to the approved plan"

Page 2, line 29, delete "August" and insert "April"

Page 3, line 3, delete "provide" and insert "assist probation agencies in locating organizations that may provide"

Page 4, line 35, delete "shall be" and insert "is"

Page 5, lines 5 and 6, delete "TASK FORCE" and insert "WORK GROUP"

Page 5, lines 6 and 7, delete "A task force is established" and insert "The commissioner of corrections shall establish a work group"

Page 5, lines 10, 13, 18, 21, 22, 25, 28, and 34, delete "task force" and insert "work group"

Page 5, line 30, delete "crime prevention" and delete "judiciary"

Page 5, line 31, after "committees" insert "having jurisdiction over criminal justice policies"

Page 6, line 13, delete "1999" and insert "1998"

Amend the title as follows:

Page 1, line 5, delete everything after the semicolon

Page 1, delete line 6

Page 1, line 7, delete "assistance;"

Page 1, line 9, delete "task force" and insert "work group"

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

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

**S.F. No. 1956:** A bill for an act relating to the environment; providing for an environmental permitting project; amending Minnesota Statutes 1994, sections 115.03, subdivisions 1 and 2; 115.04; 115.071, subdivisions 1, 2, 3, 4, and 5; 115.072; 115.075; 115.076, subdivision 1; 116.07, subdivision 9; and 116.091, subdivisions 1 and 3; Minnesota Statutes 1995 Supplement, section 116.072, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 114C.

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

Delete everything after the enacting clause and insert:

"ENVIRONMENTAL REGULATORY INNOVATIONS ACT

Section 1. [114C.01] [POLICY.]

The legislature recognizes that Minnesota's existing environmental laws play a critical role in protecting the environment. However, the legislature finds that environmental protection could be further enhanced by authorizing innovative advances in environmental regulatory methods. It is the policy of the legislature that Minnesota should develop environmental regulatory methods that:

(1) encourage facility owners and operators to assess the pollution they emit or cause, directly and indirectly, to the air, water, and land;

(2) encourage facility owners and operators to innovate, set measurable and verifiable goals, and implement the most effective pollution prevention, source reduction, or other pollution reduction strategies for their particular facilities, while complying with verifiable and enforceable pollution limits;

(3) encourage superior environmental performance and continuous improvement toward sustainable levels of resource usage and minimization of pollution discharges;

(4) reward facility owners and operators that reduce pollution to levels below what is required by applicable law;

(5) consolidate into one permit environmental requirements that are currently included in different permits, sometimes issued by different state or local agencies;

(6) reduce the time and money spent by agencies and facility owners and operators on paperwork and other administrative tasks that do not benefit the environment;

(7) increase public participation and encourage stakeholder consensus in the development of innovative environmental regulatory methods and in monitoring the environmental performance of projects under this chapter;

(8) encourage groups of facilities and communities to work together to reduce pollution to levels below what is required by applicable law;

(9) provide reasonable technical assistance to facilitate meaningful stakeholder participation;  
and

(10) increase levels of trust and communication among agencies, regulated parties, and the public.

Sec. 2. [114C.02] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of this chapter, the definitions in this section have the meanings given them.

Subd. 2. [POLLUTION PREVENTION.] "Pollution prevention" has the meaning given in section 115D.03.

Subd. 3. [SOURCE REDUCTION.] "Source reduction" has the meaning given in section 115A.03.

Subd. 4. [STAKEHOLDERS.] "Stakeholders" means citizens in the communities near the project site, facility workers, government representatives, business groups, educational groups, environmental groups, other public interest groups, or other similar entities.

Subd. 5. [STATE OR LOCAL AGENCY.] "State or local agency" means any agency, department, board, bureau, office or other instrumentality of the state, any political subdivision of the state, any public corporation, any municipality, and any other local unit of government.

PERMIT PROJECT



Sec. 3. [114C.10] [ESTABLISHMENT OF MINNESOTA XL PERMIT PROJECT.]

Subdivision 1. [PROJECT.] The pollution control agency is authorized to establish and implement a permit project under sections 114C.10 to 114C.14. The purpose of the project is to work toward the policy goals listed in section 114C.01 by issuing and studying the effect of permits that require permittees to reduce overall levels of pollution below what is required by applicable law, but which grant greater operational flexibility than current law would otherwise allow. Permits issued under this project shall be called Minnesota XL permits.

Subd. 2. [REPORT TO LEGISLATURE.] By January 15, 1998, the commissioner of the pollution control agency shall report to the legislature on implementation of the project, the environmental results of the project, and recommendations for future legislation to further the policy of this chapter.

Sec. 4. [114C.11] [MINNESOTA XL PERMITS.]

Subdivision 1. [PARTICIPATION IN PROJECT.] The commissioner of the pollution control agency may solicit requests for participation and shall select the participants in the project based on the policy set forth in section 114C.01 and to satisfy the criteria of subdivisions 2 and 3. In addition, the commissioner shall select participants that collectively represent a variety of facility types and projects that are expected to reduce air, water, and land pollution. The prospective permittees must be regulated by the agency under chapter 115, chapter 116, or both, and voluntarily submit a proposal for a Minnesota XL permit. If, in the course of preparing a Minnesota XL permit for a prospective permittee, the commissioner concludes that the Minnesota XL permit will not sufficiently promote the policy of section 114C.01 or meet the issuance criteria in this section, the commissioner may remove the prospective permittee from the project. In that event, the commissioner shall provide the prospective permittee with a reasonable amount of time to obtain alternative permits made necessary by removal from the project.

Subd. 2. [MINIMUM CRITERIA FOR MINNESOTA XL PERMIT ISSUANCE.] The pollution control agency may issue and amend a Minnesota XL permit if the agency finds that the following minimum criteria are met:

(1) the permit will facilitate pollution prevention and source reduction activities by the facility and result in significantly lower overall levels of pollution from the facility, its customers, or suppliers than would otherwise be required by applicable laws, without increasing any negative impact on the environment, the local community, or worker health and safety;

(2) the pollution prevention, source reduction, or other pollution reduction goals are verifiable;

(3) the pollution limits contained in the permit are verifiable and enforceable;

(4) the stakeholder group has been involved through a decision-making process that seeks consensus in the design of the permit and will have the opportunity for continued involvement in the implementation and evaluation of it;

(5) the permittee agrees to make available information that it gives the agency about the XL project, except information that is nonpublic under chapter 13 or confidential under section 116.075, to the stakeholder group in a format that is easily understood;

(6) the permittee agrees to provide an assessment of the success of the project in reducing the time and money spent at the facility on paperwork and other administrative tasks that do not directly benefit the environment;

(7) the permittee, the pollution control agency, and other state and local agencies are likely to expend less time and resources over the long term to administer the Minnesota XL permit than other types of permits; and

(8) the project is not inconsistent with the federal government's Project XL guidance or any federal laws governing the Project XL program.

Subd. 3. [ADDITIONAL CRITERIA.] In addition to the minimum criteria in subdivision 2, the

commissioner in selecting participants and the agency in issuing or amending a Minnesota XL permit, must find that the permit meets one or more of the following criteria:

(1) the permit allows the facility owner or operator as much operational flexibility as can be reasonably provided consistent with the need to achieve the anticipated pollution reduction and ensure the verifiability and enforceability of the permit's pollution limits;

(2) the permit provides facility-wide pollution limits where practical, verifiable, and enforceable;

(3) the permit regulates air, water, and land pollution effects, direct and indirect;

(4) the permit encourages pollution prevention or source reduction;

(5) the permit encourages innovation in the design, production, distribution, use, reuse, recycling, or disposal of a product such that air, water, and land pollution impacts are minimized over the life cycle of a product;

(6) the permit reduces the emission of nontoxic pollutants regulated under applicable law;

(7) the permit reduces indoor chemical exposure, water use, or energy use;

(8) the permit minimizes transfer, direct and indirect, of pollution between the air, water, and land;

(9) the regulatory techniques employed in the permit have potential application to other permittees;

(10) the permittee agrees to measure and demonstrate the success of the Minnesota XL permit in addition to the assessment in subdivision 2, clause (6), such as tracking pollution prevention incentives and initiatives or using surveys to measure any attitudinal changes by facility personnel or the public;

(11) the permit is multiagency, under subdivision 4.

Subd. 4. [MULTIAGENCY MINNESOTA XL PERMITS.] The pollution control agency may include or vary in a Minnesota XL permit the related requirements of other state or local agencies, if the pollution control agency, the prospective permittee, and the other state or local agency find that it is reasonable to do so. Notwithstanding conflicting procedural requirements, the other agencies may exercise their related permitting, licensing, or other approval responsibilities by including their requirements in the Minnesota XL permit. The pollution control agency may not include or vary the related requirements of other state or local agencies in a Minnesota XL permit unless the other agencies agree to sign the permit. The Minnesota XL permit shall identify any requirement, the source of which is not the pollution control agency, and identify the source agency. The commissioner of the pollution control agency and the other agencies may agree to share inspection or other responsibilities related to the Minnesota XL permit. For purposes of this subdivision, requirements are related if they have a direct or indirect bearing on environmental protection or indoor chemical exposure.

Subd. 5. [ENVIRONMENTAL POLICY ACT.] Sections 114C.10 to 114C.14 do not supersede the requirements of chapter 116D and the rules adopted under it.

Subd. 6. [PLANS AND PROGRESS REPORTS UNDER CHAPTERS 115D AND 115E.] A permittee complies with the plan content and timing requirements of sections 115D.07, 115E.04, and 115E.045 if the Minnesota XL permit requires the permittee to include in an overall environmental management plan satisfactory alternative information. A permittee complies with the progress report content and timing requirements of section 115D.08 if the Minnesota XL permit requires the permittee to include in its overall reporting requirements satisfactory alternative information, and specifies a schedule for submitting the information.

Sec. 5. [114C.12] [ISSUANCE, AMENDMENT, AND REVOCATION PROCEDURE.]

Subdivision 1. [STAKEHOLDER GROUP.] The commissioner of the pollution control agency shall:

(1) ensure that the stakeholder group for each Minnesota XL permit includes members that represent the diversity of types of stakeholders and that places a priority on participation by members from the local community;

(2) ensure that a decision-making process that seeks consensus is in place; and

(3) ensure that reasonable technical assistance is provided to facilitate stakeholder understanding of the design, implementation, and evaluation of each Minnesota XL permit.

Subd. 2. [UNIFIED PERMIT ACTION AND VARIANCE PROCEDURE.] The pollution control agency may issue, amend, or revoke Minnesota XL permits using the single permit and variance procedure in subdivision 4, notwithstanding conflicting state or local procedural requirements. If a Minnesota XL permit includes variances from applicable state rules or local ordinances or local regulations, the issuance or amendment of the permit constitutes adoption of a variance to such state rules or local ordinances or local regulations if the Minnesota XL permit identifies, in general terms, any state rules or local ordinances or local regulations being varied.

Subd. 3. [VARIANCE STANDARDS.] Although subdivision 2 establishes the procedure for granting variances in a Minnesota XL permit, the agency in deciding whether to grant a variance must apply the substantive standards for granting a variance applicable to the state rule, local ordinance, or local regulation being varied or find that the variance either:

(1) promotes reduction in overall levels of pollution beyond what is required by applicable law, consistent with the purposes of this chapter; or

(2) reduces the administrative burden on state or local agencies or the permittee, provided that alternative monitoring, testing, notification, recordkeeping, or reporting requirements will provide the information needed by the state or local agency to ensure compliance.

Subd. 4. [PROCEDURE.] (a) The pollution control agency must provide at least 30 days for public comment on the agency's proposed issuance, amendment, or revocation of a Minnesota XL permit. Before the start of the public comment period, the commissioner of the pollution control agency must prepare a draft permit, permit amendment, or notice of permit revocation and a fact sheet that:

(1) briefly describes the principal facts and the significant factual, legal, methodological, and policy questions considered by the commissioner and the commissioner's proposed determination;

(2) briefly describes how the permit action proposed by the commissioner meets the criteria of section 114C.11 and furthers the policy of section 114C.01; and

(3) identifies any rules that would be varied by the commissioner's proposed permit action.

(b) The commissioner shall prepare a public notice of the proposed permit action that:

(1) briefly describes the facility or activity that is the subject of the proposed permit action;

(2) states the commissioner's proposed permit action and whether it includes a variance of any state rules or local ordinances or local regulations;

(3) identifies an agency person to contact for additional information;

(4) states that the draft permit, permit amendment, or notice of revocation and the fact sheet are available upon request;

(5) states that comments may be submitted to the agency by the public during the comment period; and

(6) describes the procedures that the agency will use to make a final decision, including how persons may request public informational meetings, contested case hearings, and appearances at public meetings of the agency.

(c) The commissioner shall mail the public notice to the applicant, all persons who have registered with the agency to receive notice of permit actions, and to any interested person upon request. The commissioner shall make a copy of the public notice available at the agency's main office and the applicable regional office. The commissioner shall circulate the public notice in the geographic area of the facility or activity subject to the proposed permit action, either by posting in public buildings, by publication in local newspapers or periodicals, by publication in the State Register, or by an alternate method deemed by the commissioner to be more effective such as an electronic bulletin board or mail service.

Subd. 5. [PERMIT REVOCATION.] (a) The pollution control agency may revoke a Minnesota XL permit if requested by the permittee or if the agency finds that:

(1) the permittee is in significant noncompliance with the Minnesota XL permit or with applicable law;

(2) the permittee is not able, or has shown a lack of willingness, to comply with future pollution reduction deadlines in the Minnesota XL permit;

(3) the permitted facility or activity endangers human health or the environment and the danger cannot be removed by an amendment to the Minnesota XL permit; or

(4) after proper notification and a reasonable amount of time has passed, the permittee has not satisfactorily addressed a substantive issue raised by a majority of members of the stakeholders group.

(b) If the agency revokes a Minnesota XL permit, it shall in its revocation order:

(1) delay any compliance deadlines that had been varied by the Minnesota XL permit if the agency finds it necessary to provide the permittee a reasonable amount of time to obtain alternative permits under chapters other than this chapter and under local ordinances and regulations, and to achieve compliance; and

(2) establish practical interim requirements to replace the requirements of the Minnesota XL permit that the agency finds the permittee will not be able to comply with between the time of permit revocation and issuance of the alternative permits, provided that such interim requirements shall not allow pollution from the facility in excess of that allowed by applicable law at the time the permit was issued.

(c) The permittee shall comply with the agency's order and with all requirements of the Minnesota XL permit for which alternative interim requirements have not been established in the agency's order, until the applicable alternative permits have been issued.

Sec. 6. [114C.13] [FEES.]

Minnesota XL permittees shall continue to be subject to the same fee structures they would have been subject to if they had obtained the permits that the Minnesota XL permit replaces.

Sec. 7. [114C.14] [ENFORCEMENT AND JUDICIAL REVIEW.]

Subdivision 1. [ENFORCEMENT.] A Minnesota XL permit may be enforced in any manner provided by law for the enforcement of permits issued under chapter 115 or 116, except for requirements of other state or local agencies that are included in the permit and except that the defense in section 609.671, subdivision 14, also applies to any misdemeanor action taken under section 115.071, subdivision 2, paragraph (a). Requirements of other state or local agencies may be enforced using whatever authorities would be available if the requirements had been included in permits, licenses, or other approvals issued directly by the other agencies. The other agencies shall consult with the commissioner of the pollution control agency prior to taking any action enforcing a Minnesota XL permit.

Subd. 2. [JUDICIAL REVIEW.] Any person aggrieved by a final decision of the pollution control agency to issue, amend, or revoke a Minnesota XL permit may obtain judicial review pursuant to sections 14.63 to 14.69.

## VARIANCES

## Sec. 8. [114C.15] [VARIANCES THAT PROMOTE POLLUTION REDUCTIONS OR REDUCE UNNECESSARY ADMINISTRATIVE BURDEN.]

In addition to the grounds for granting a variance set forth in section 116.07, subdivision 5, the pollution control agency may grant variances from its rules in order to:

(1) promote reduction in overall levels of pollution beyond what is required by applicable law, consistent with the purposes of this chapter; or

(2) reduce the administrative burden on the agency or the permittee, provided that alternative monitoring, testing, notification, recordkeeping, or reporting requirements will provide the information needed by the agency to ensure compliance.

Sec. 9. Minnesota Statutes 1994, section 115.03, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] The agency is hereby given and charged with the following powers and duties:

- (a) To administer and enforce all laws relating to the pollution of any of the waters of the state;
  - (b) To investigate the extent, character, and effect of the pollution of the waters of this state and to gather data and information necessary or desirable in the administration or enforcement of pollution laws, and to make such classification of the waters of the state as it may deem advisable;
  - (c) To establish and alter such reasonable pollution standards for any waters of the state in relation to the public use to which they are or may be put as it shall deem necessary for the purposes of this chapter and, with respect to the pollution of waters of the state, chapter 116;
  - (d) To encourage waste treatment, including advanced waste treatment, instead of stream low-flow augmentation for dilution purposes to control and prevent pollution;
  - (e) To adopt, issue, reissue, modify, deny, or revoke, enter into or enforce reasonable orders, permits, variances, standards, rules, schedules of compliance, and stipulation agreements, under such conditions as it may prescribe, in order to prevent, control or abate water pollution, or for the installation or operation of disposal systems or parts thereof, or for other equipment and facilities;
- (1) Requiring the discontinuance of the discharge of sewage, industrial waste or other wastes into any waters of the state resulting in pollution in excess of the applicable pollution standard established under this chapter;
  - (2) Prohibiting or directing the abatement of any discharge of sewage, industrial waste, or other wastes, into any waters of the state or the deposit thereof or the discharge into any municipal disposal system where the same is likely to get into any waters of the state in violation of this chapter and, with respect to the pollution of waters of the state, chapter 116, or standards or rules promulgated or permits issued pursuant thereto, and specifying the schedule of compliance within which such prohibition or abatement must be accomplished;
  - (3) Prohibiting the storage of any liquid or solid substance or other pollutant in a manner which does not reasonably assure proper retention against entry into any waters of the state that would be likely to pollute any waters of the state;
  - (4) Requiring the construction, installation, maintenance, and operation by any person of any disposal system or any part thereof, or other equipment and facilities, or the reconstruction, alteration, or enlargement of its existing disposal system or any part thereof, or the adoption of other remedial measures to prevent, control or abate any discharge or deposit of sewage, industrial waste or other wastes by any person;
  - (5) Establishing, and from time to time revising, standards of performance for new sources taking into consideration, among other things, classes, types, sizes, and categories of sources, processes, pollution control technology, cost of achieving such effluent reduction, and any

nonwater quality environmental impact and energy requirements. Said standards of performance for new sources shall encompass those standards for the control of the discharge of pollutants which reflect the greatest degree of effluent reduction which the agency determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants. New sources shall encompass buildings, structures, facilities, or installations from which there is or may be the discharge of pollutants, the construction of which is commenced after the publication by the agency of proposed rules prescribing a standard of performance which will be applicable to such source. Notwithstanding any other provision of the law of this state, any point source the construction of which is commenced after May 20, 1973, and which is so constructed as to meet all applicable standards of performance for new sources shall, consistent with and subject to the provisions of section 306(d) of the Amendments of 1972 to the Federal Water Pollution Control Act, not be subject to any more stringent standard of performance for new sources during a ten-year period beginning on the date of completion of such construction or during the period of depreciation or amortization of such facility for the purposes of section 167 or 169, or both, of the Federal Internal Revenue Code of 1954, whichever period ends first. Construction shall encompass any placement, assembly, or installation of facilities or equipment, including contractual obligations to purchase such facilities or equipment, at the premises where such equipment will be used, including preparation work at such premises;

(6) Establishing and revising pretreatment standards to prevent or abate the discharge of any pollutant into any publicly owned disposal system, which pollutant interferes with, passes through, or otherwise is incompatible with such disposal system;

(7) Requiring the owner or operator of any disposal system or any point source to establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment or methods, including where appropriate biological monitoring methods, sample such effluents in accordance with such methods, at such locations, at such intervals, and in such a manner as the agency shall prescribe, and providing such other information as the agency may reasonably require;

(8) Notwithstanding any other provision of this chapter, and with respect to the pollution of waters of the state, chapter 116, requiring the achievement of more stringent limitations than otherwise imposed by effluent limitations in order to meet any applicable water quality standard by establishing new effluent limitations, based upon section 115.01, subdivision 13, clause (b), including alternative effluent control strategies for any point source or group of point sources to insure the integrity of water quality classifications, whenever the agency determines that discharges of pollutants from such point source or sources, with the application of effluent limitations required to comply with any standard of best available technology, would interfere with the attainment or maintenance of the water quality classification in a specific portion of the waters of the state. Prior to establishment of any such effluent limitation, the agency shall hold a public hearing to determine the relationship of the economic and social costs of achieving such limitation or limitations, including any economic or social dislocation in the affected community or communities, to the social and economic benefits to be obtained and to determine whether or not such effluent limitation can be implemented with available technology or other alternative control strategies. If a person affected by such limitation demonstrates at such hearing that, whether or not such technology or other alternative control strategies are available, there is no reasonable relationship between the economic and social costs and the benefits to be obtained, such limitation shall not become effective and shall be adjusted as it applies to such person;

(9) Modifying, in its discretion, any requirement or limitation based upon best available technology with respect to any point source for which a permit application is filed after July 1, 1977, upon a showing by the owner or operator of such point source satisfactory to the agency that such modified requirements will represent the maximum use of technology within the economic capability of the owner or operator and will result in reasonable further progress toward the elimination of the discharge of pollutants; and

(10) Requiring that applicants for wastewater discharge permits evaluate in their applications the potential reuses of the discharged wastewater;

(f) To require to be submitted and to approve plans and specifications for disposal systems or point sources, or any part thereof and to inspect the construction thereof for compliance with the approved plans and specifications thereof;

(g) To prescribe and alter rules, not inconsistent with law, for the conduct of the agency and other matters within the scope of the powers granted to and imposed upon it by this chapter and, with respect to pollution of waters of the state, in chapter 116, provided that every rule affecting any other department or agency of the state or any person other than a member or employee of the agency shall be filed with the secretary of state;

(h) To conduct such investigations, issue such notices, public and otherwise, and hold such hearings as are necessary or which it may deem advisable for the discharge of its duties under this chapter and, with respect to the pollution of waters of the state, under chapter 116, including, but not limited to, the issuance of permits, and to authorize any member, employee, or agent appointed by it to conduct such investigations or, issue such notices and hold such hearings;

(i) For the purpose of water pollution control planning by the state and pursuant to the Federal Water Pollution Control Act, as amended, to establish and revise planning areas, adopt plans and programs and continuing planning processes, including, but not limited to, basin plans and areawide waste treatment management plans, and to provide for the implementation of any such plans by means of, including, but not limited to, standards, plan elements, procedures for revision, intergovernmental cooperation, residual treatment process waste controls, and needs inventory and ranking for construction of disposal systems;

(j) To train water pollution control personnel, and charge such fees therefor as are necessary to cover the agency's costs. All such fees received shall be paid into the state treasury and credited to the pollution control agency training account;

(k) To impose as additional conditions in permits to publicly owned disposal systems appropriate measures to insure compliance by industrial and other users with any pretreatment standard, including, but not limited to, those related to toxic pollutants, and any system of user charges ratably as is hereby required under state law or said Federal Water Pollution Control Act, as amended, or any regulations or guidelines promulgated thereunder;

(l) To set a period not to exceed five years for the duration of any National Pollutant Discharge Elimination System permit;

(m) To require each governmental subdivision identified as a permittee for a wastewater treatment works to annually evaluate the condition of its existing system and identify future capital improvements that will be needed to attain or maintain compliance with a national pollutant discharge elimination system or state disposal system permit; and

(n) To train individual sewage treatment system personnel, including persons who design, construct, install, inspect, service, and operate individual sewage treatment systems, and charge fees as necessary to pay the agency's costs. All fees received must be paid into the state treasury and credited to the agency's training account. Money in the account is appropriated to the agency to pay expenses related to training.

The information required in clause (m) must be submitted annually to the commissioner on a form provided by the commissioner. The commissioner shall provide technical assistance if requested by the governmental subdivision.

The powers and duties given the agency in this subdivision also apply to permits issued under chapter 114C.

Sec. 10. Minnesota Statutes 1994, section 115.03, subdivision 2, is amended to read:

Subd. 2. [HEARING OR INVESTIGATION.] In any hearing or investigation conducted pursuant to this chapter and chapters 114C, 116, and 116F, any employee or agent thereto authorized by the agency, may administer oaths, examine witnesses and issue, in the name of the agency, subpoenas requiring the attendance and testimony of witnesses and the production of

evidence relevant to any matter involved in any such hearing or investigation. Witnesses shall receive the same fees and mileage as in civil actions.

Sec. 11. Minnesota Statutes 1994, section 115.04, is amended to read:

115.04 [DISPOSAL SYSTEMS AND POINT SOURCES.]

Subdivision 1. [INFORMATION.] Any person operating or installing a disposal system or other point source, or portion thereof, when requested by the agency, or any member, employee or agent thereof, when authorized by it, shall furnish to it any information which that person may have or which is relevant to the subject of this chapter, chapter 114C, and, with respect to the pollution of waters of the state, of chapter 116.

Subd. 2. [EXAMINATION OF RECORDS.] The agency or any member, employee or agent thereof, when authorized by it, upon presentation of credentials, may examine and copy any books, papers, records or memoranda pertaining to the installation, maintenance, or operation or discharge, including, but not limited to, monitoring data, of disposal systems or other point sources, in accordance with the purposes of this chapter, chapter 114C, and, with respect to the pollution of waters of the state, chapter 116.

Subd. 3. [ACCESS TO PREMISES.] Whenever it shall be necessary for the purposes of this chapter, chapter 114C, and, with respect to pollution of waters of the state, chapter 116, the agency or any member, employee, or agent thereof, when authorized by it, upon presentation of credentials, may enter upon any property, public or private, for the purpose of obtaining information or examination of records or conducting surveys or investigations.

Sec. 12. Minnesota Statutes 1994, section 115.071, subdivision 1, is amended to read:

Subdivision 1. [REMEDIES AVAILABLE.] The provisions of sections 103F.701 to 103F.761, this chapter and chapters 114C, 115A, and 116, and sections 325E.10 to 325E.1251 and 325E.32 and all rules, standards, orders, stipulation agreements, schedules of compliance, and permits adopted or issued by the agency thereunder or under any other law now in force or hereafter enacted for the prevention, control, or abatement of pollution may be enforced by any one or any combination of the following: criminal prosecution; action to recover civil penalties; injunction; action to compel performance; or other appropriate action, in accordance with the provisions of said chapters and this section.

Sec. 13. Minnesota Statutes 1994, section 115.071, subdivision 2, is amended to read:

Subd. 2. [CRIMINAL PENALTIES.] (a) [VIOLATIONS OF LAWS; ORDERS; PERMITS.] Except as provided in section 609.671, any person who willfully or negligently violates any provision of this chapter or chapter 114C or 116, or any standard, rule, variance, order, stipulation agreement, schedule of compliance or permit issued or adopted by the agency thereunder shall upon conviction be guilty of a misdemeanor.

(b) [DUTY OF LAW ENFORCEMENT OFFICIALS.] It shall be the duty of all county attorneys, sheriffs and other peace officers, and other officers having authority in the enforcement of the general criminal laws to take all action to the extent of their authority, respectively, that may be necessary or proper for the enforcement of said provisions, rules, standards, orders, stipulation agreements, variances, schedule of compliance, or permits.

Sec. 14. Minnesota Statutes 1994, section 115.071, subdivision 3, is amended to read:

Subd. 3. [CIVIL PENALTIES.] Any person who violates any provision of this chapter or chapter 114C or 116, except any provisions of chapter 116 relating to air and land pollution caused by agricultural operations which do not involve National Pollutant Discharge Elimination System permits, or of (1) any effluent standards and limitations or water quality standards, (2) any permit or term or condition thereof, (3) any National Pollutant Discharge Elimination System filing requirements, (4) any duty to permit or carry out inspection, entry or monitoring activities, or (5) any rules, stipulation agreements, variances, schedules of compliance, or orders issued by the agency, shall forfeit and pay to the state a penalty, in an amount to be determined by the court, of



not more than \$10,000 per day of violation except that if the violation relates to hazardous waste the person shall forfeit and pay to the state a penalty, in an amount to be determined by the court, of not more than \$25,000 per day of violation.

In addition, in the discretion of the court, the defendant may be required to:

(a) forfeit and pay to the state a sum which will adequately compensate the state for the reasonable value of cleanup and other expenses directly resulting from unauthorized discharge of pollutants, whether or not accidental;

(b) forfeit and pay to the state an additional sum to constitute just compensation for any loss or destruction to wildlife, fish or other aquatic life and for other actual damages to the state caused by an unauthorized discharge of pollutants.

As a defense to any of said damages, the defendant may prove that the violation was caused solely by (1) an act of God, (2) an act of war, (3) negligence on the part of the state of Minnesota, or (4) an act or failure to act which constitutes sabotage or vandalism, or any combination of the foregoing clauses.

The civil penalties and damages provided for in this subdivision may be recovered by a civil action brought by the attorney general in the name of the state.

Sec. 15. Minnesota Statutes 1994, section 115.071, subdivision 4, is amended to read:

Subd. 4. [INJUNCTIONS.] Any violation of the provisions, rules, standards, orders, stipulation agreements, variances, schedules of compliance, or permits specified in this chapter and ~~chapter~~ chapters 114C and 116 shall constitute a public nuisance and may be enjoined as provided by law in an action, in the name of the state, brought by the attorney general.

Sec. 16. Minnesota Statutes 1994, section 115.071, subdivision 5, is amended to read:

Subd. 5. [ACTIONS TO COMPEL PERFORMANCE.] In any action to compel performance of an order of the agency for any purposes relating to the prevention, control or abatement of pollution under this chapter and ~~chapter~~ chapters 114C and 116, the court may require any defendant adjudged responsible to do and perform any and all acts and things within the defendant's power which are reasonably necessary to accomplish the purposes of the order. In case a municipality or its governing or managing body or any of its officers is a defendant, the court may require it to exercise its powers, without regard to any limitation of any requirement for an election or referendum imposed thereon by law and without restricting the powers of the agency to do any or all of the following, without limiting the generality hereof: to levy taxes, levy special assessments, prescribe service or use charges, borrow money, issue bonds, employ assistance, acquire real or personal property, let contracts or otherwise provide for the doing of work or the construction, installation, maintenance, or operation of facilities, and do all other acts and things reasonably necessary to accomplish the purposes of the order, but the court shall grant the municipality the opportunity to determine the appropriate financial alternatives to be utilized in complying with the court imposed requirements.

Sec. 17. Minnesota Statutes 1994, section 115.072, is amended to read:

115.072 [RECOVERY OF LITIGATION COSTS AND EXPENSES.]

In any action brought by the attorney general, in the name of the state, pursuant to the provisions of this chapter and ~~chapter~~ chapters 114C and 116, for civil penalties, injunctive relief, or in an action to compel compliance, if the state shall finally prevail, and if the proven violation was willful, the state, in addition to other penalties provided in this chapter, may be allowed an amount determined by the court to be the reasonable value of all or a part of the litigation expenses incurred by the state. In determining the amount of such litigation expenses to be allowed, the court shall give consideration to the economic circumstances of the defendant.

Amounts recovered under the provisions of this section and section 115.071, subdivisions 3 to 5, shall be paid into the environmental fund in the state treasury to the extent provided in section 115.073.

Sec. 18. Minnesota Statutes 1994, section 115.075, is amended to read:

115.075 [INFORMATION AND MONITORING.]

A person may not:

(1) make a false material statement, representation, or certification in; omit material information from; or alter, conceal, or fail to file or maintain a notice, application, record, report, plan, manifest, or other document required under section 103F.701 or this chapter or chapter 114C, 115A, or 116; or

(2) falsify, tamper with, render inaccurate, or fail to install a monitoring device or method required to be maintained or followed for the purpose of compliance with sections 103F.701 to 103F.761 or this chapter or chapter 114C, 115A, or 116.

Sec. 19. Minnesota Statutes 1994, section 115.076, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY OF COMMISSIONER.] The agency may refuse to issue or to authorize the transfer of a hazardous waste facility permit or a solid waste facility permit to construct or operate a commercial waste facility as defined in section 115A.03, subdivision 6, if the agency determines that the permit applicant does not possess sufficient expertise and competence to operate the facility in conformance with the requirements of this chapter and ~~chapter~~ chapters 114C and 116, or if other circumstances exist that demonstrate that the permit applicant may not operate the facility in conformance with the requirements of this chapter and ~~chapter~~ chapters 114C and 116. In making this determination, the agency may consider:

(1) the experience of the permit applicant in constructing or operating commercial waste facilities;

(2) the expertise of the permit applicant;

(3) the past record of the permit applicant in operating commercial waste facilities in Minnesota and other states;

(4) any criminal convictions of the permit applicant in state or federal court during the past five years that bear on the likelihood that the permit applicant will operate the facility in conformance with the requirements of this chapter and ~~chapter~~ chapters 114C and 116; and

(5) in the case of a corporation or business entity, any criminal convictions in state or federal court during the past five years of any of the permit applicant's officers, partners, or facility managers that bear on the likelihood that the facility will be operated in conformance with the requirements of this chapter and ~~chapter~~ chapters 114C and 116.

Sec. 20. Minnesota Statutes 1994, section 116.07, subdivision 9, is amended to read:

Subd. 9. [ORDERS; INVESTIGATIONS.] The agency shall have the following powers and duties for the enforcement of any provision of this chapter and chapter 114C, relating to air contamination or waste:

(a) to adopt, issue, reissue, modify, deny, revoke, enter into or enforce reasonable orders, schedules of compliance and stipulation agreements;

(b) to require the owner or operator of any emission facility, air contaminant treatment facility, potential air contaminant storage facility, or any system or facility related to the storage, collection, transportation, processing, or disposal of waste to establish and maintain records; to make reports; to install, use, and maintain monitoring equipment or methods; and to make tests, including testing for odor where a nuisance may exist, in accordance with methods, at locations, at intervals, and in a manner as the agency shall prescribe; and to provide other information as the agency may reasonably require;

(c) to conduct investigations, issue notices, public and otherwise, and order hearings as it may deem necessary or advisable for the discharge of its duties under this chapter and chapter 114C,

including but not limited to the issuance of permits; and to authorize any member, employee, or agent appointed by it to conduct the investigations and issue the notices.

Sec. 21. Minnesota Statutes 1995 Supplement, section 116.072, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY TO ISSUE PENALTY ORDERS.] (a) The commissioner may issue an order requiring violations to be corrected and administratively assessing monetary penalties for violations of this chapter and chapters 114C, 115, 115A, 115D, and 115E, any rules adopted under those chapters, and any standards, limitations, or conditions established in an agency permit; and for failure to respond to a request for information under section 115B.17, subdivision 3. The order must be issued as provided in this section.

(b) A county board may adopt an ordinance containing procedures for the issuance of administrative penalty orders and may issue orders beginning August 1, 1996. Before adopting ordinances, counties shall work cooperatively with the agency to develop an implementation plan for the orders that substantially conforms to a model ordinance developed by the counties and the agency. After adopting the ordinance, the county board may issue orders requiring violations to be corrected and administratively assessing monetary penalties for violations of county ordinances adopted under section 400.16, 400.161, or 473.811 or chapter 115A that regulate solid and hazardous waste and any standards, limitations, or conditions established in a county license issued pursuant to these ordinances. For violations of ordinances relating to hazardous waste, a county's penalty authority is described in subdivisions 2 to 5. For violations of ordinances relating to solid waste, a county's penalty authority is described in subdivision 5a. Subdivisions 6 to 11 apply to violations of ordinances relating to both solid and hazardous waste.

(c) Monetary penalties collected by a county must be used to manage solid and hazardous waste. A county board's authority is limited to violations described in paragraph (b). Its authority to issue orders under this section expires August 1, 1999.

Sec. 22. Minnesota Statutes 1994, section 116.091, subdivision 1, is amended to read:

Subdivision 1. [INFORMATION.] Any person operating any emission system or facility specified in chapter 114C or section 116.081, subdivision 1, when requested by the pollution control agency, shall furnish to it any information which that person may have which is relevant to pollution or the rules or provisions of this chapter.

Sec. 23. Minnesota Statutes 1994, section 116.091, subdivision 3, is amended to read:

Subd. 3. [ACCESS TO PREMISES.] Whenever the agency deems it necessary for the purposes of this chapter or chapter 114C, the agency or any member, employee, or agent thereof, when authorized by it, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations.

Sec. 24. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall codify the environmental improvement pilot program, Laws 1995, chapter 168, sections 8 to 20, as Minnesota Statutes, sections 114C.20 to 114C.33.

Sec. 25. [EFFECTIVE DATE.]

Sections 1 to 23 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to the environment; providing for an environmental permitting project; providing penalties; amending Minnesota Statutes 1994, sections 115.03, subdivisions 1 and 2; 115.04; 115.071, subdivisions 1, 2, 3, 4, and 5; 115.072; 115.075; 115.076, subdivision 1; 116.07, subdivision 9; and 116.091, subdivisions 1 and 3; Minnesota Statutes 1995 Supplement, section 116.072, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 114C."

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

**Messrs. Pogemiller and Stumpf from the Committee on Education, to which was referred**

**S.F. No. 2019:** A bill for an act relating to education; clarifying approved costs for a magnet school facility; amending Minnesota Statutes 1994, section 124C.498, subdivision 3; Minnesota Statutes 1995 Supplement, section 124C.498, subdivision 2.

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

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

**S.F. No. 2306:** A bill for an act relating to the environment; modifying provisions relating to the environmental improvement pilot program; providing penalties; amending Laws 1995, chapter 168, sections 9, subdivisions 3, 4, and 7; 10, subdivision 2; 13, subdivisions 1, 2, 3, and by adding a subdivision; and 19; repealing Laws 1995, chapter 168, section 11.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1995 Supplement, section 115B.03, subdivision 9, is amended to read:

Subd. 9. [PERSONAL REPRESENTATIVES OF ESTATES.] A personal representative, guardian, or conservator of an estate who is not otherwise a responsible party for a release or threatened release of a hazardous substance from a facility is not a responsible person under this section solely because the facility is among the assets of the estate or solely because the personal representative, guardian, or conservator has the capacity to direct the operation of the facility.

Sec. 2. Laws 1995, chapter 168, section 9, subdivision 3, is amended to read:

Subd. 3. [ENVIRONMENTAL REQUIREMENT.] "Environmental requirement" means a requirement in:

(1) a law administered by the agency, a rule adopted by the agency, a permit or order issued by the agency, an agreement entered into with the agency, or a court order issued pursuant to any of the foregoing; or

(2) an ordinance or other legally binding requirement of a local government unit under authority granted by state law relating to environmental protection, including solid and hazardous waste management.

Sec. 3. Laws 1995, chapter 168, section 9, subdivision 4, is amended to read:

Subd. 4. [ENVIRONMENTAL AUDIT; AUDIT.] "Environmental audit" or "audit" means a systematic, documented, and objective review by a regulated entity of one or more facility operations and practices related to compliance with one or more environmental requirements and, if deficiencies are found, a plan for corrective action. The final audit document must be designated as an "audit report" and must include the date of the final written report of ~~finding~~ findings for the audit.

Sec. 4. Laws 1995, chapter 168, section 9, subdivision 7, is amended to read:

Subd. 7. [LOCAL GOVERNMENTAL UNIT.] "Local governmental unit" means a county, a statutory or home rule charter city, a town, a sanitary district, or the metropolitan area.

Sec. 5. Laws 1995, chapter 168, section 13, subdivision 1, is amended to read:

Subdivision 1. [DEFERRED ENFORCEMENT.] The state must defer for at least 90 days to enforce enforcement of an environmental requirement against the owner or operator of a facility if a report that meets the requirements of section 10, subdivision 2, has been submitted to the commissioner. If the report includes a performance schedule, and the performance schedule is approved under section 12, the state must defer enforcement for the term of the approved performance schedule unless the owner or operator of the facility fails to meet an interim performance date contained in the schedule.

Sec. 6. Laws 1995, chapter 168, section 13, subdivision 2, is amended to read:

Subd. 2. [PENALTIES WAIVED.] If, within 90 days after the report required in section 10, subdivision 2, is received by the commissioner or within the time specified in an approved performance schedule, the owner or operator of a facility corrects the violations identified in the audit or self-evaluation and certifies to the commissioner that the violations have been corrected, the state may not impose or bring an action for any administrative, civil, or criminal penalties against the owner or operator of the facility for the reported violations.

Sec. 7. Laws 1995, chapter 168, section 13, subdivision 3, is amended to read:

Subd. 3. [EXCEPTIONS.] Notwithstanding subdivisions 1 and 2, the state may at any time bring:

(1) a criminal enforcement action against any person who knowingly commits a violation under Minnesota Statutes, section 609.671;

(2) a civil or administrative enforcement action, which may include a penalty, under Minnesota Statutes, section 115.071 or 116.072, against the owner or operator of a facility if:

(i) less than one year has elapsed since the final resolution of a notice of violation, an administrative penalty order, or a civil or criminal lawsuit that resulted in an enforcement action being taken against the owner or operator of a facility for a violation of a requirement that was also shown as having been violated in the report required under section 10, subdivision 2; or

(ii) a violation caused serious harm to public health or the environment; or

(3) an the enforcement action is against the owner or operator of a facility to enjoin an imminent threat to public health or the environment.

Sec. 8. Laws 1995, chapter 168, section 13, is amended by adding a subdivision to read:

Subd. 6. [FALSE STATEMENTS.] (a) A person may not knowingly make a false material statement or representation in the report filed in accordance with Laws 1995, chapter 168, section 10, subdivision 2. As used in this subdivision, "knowingly" has the meaning given in Minnesota Statutes, section 609.671, subdivision 2.

(b) A person found to have knowingly made a false material statement or representation shall be subject to the administrative penalties and process set forth in Minnesota Statutes, section 116.072.

Sec. 9. Laws 1995, chapter 168, section 19, is amended to read:

Sec. 19. [REPEALER.]

Sections 8 to 10 and 12 to 18 are repealed effective July 1, 1999.

Sec. 10. [REPEALER.]

Laws 1995, chapter 168, section 11, is repealed.

Sec. 11. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to the environment; modifying provisions relating to the environmental improvement pilot program; providing penalties; amending Minnesota Statutes 1995 Supplement, section 115B.03, subdivision 9; Laws 1995, chapter 168, sections 9, subdivisions 3, 4, and 7; 13, subdivisions 1, 2, 3, and by adding a subdivision; and 19; repealing Laws 1995, chapter 168, section 11."

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

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

**S.F. No. 1978:** A bill for an act relating to game and fish; permitting the commissioner of natural resources to enter a reciprocal agreement with North Dakota for the issuance of youth small game licenses; modifying youth small game licensing provisions; amending Minnesota Statutes 1994, section 97A.045, by adding a subdivision; Minnesota Statutes 1995 Supplement, section 97A.451, subdivision 3.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 97A.015, is amended by adding a subdivision to read:

Subd. 25a. [GUARDIAN.] "Guardian" means a legal guardian of a person or a person age 18 or older who has been authorized by the parent or legal guardian to supervise the person.

Sec. 2. Minnesota Statutes 1995 Supplement, section 97A.451, subdivision 3, is amended to read:

Subd. 3. [PERSONS RESIDENTS UNDER AGE 16; SMALL GAME.] (a) A ~~person~~ resident under age 16 may not obtain a small game license but may take small game by firearms or bow and arrow without a license if the ~~person is a resident~~ is:

- (1) age 14 or 15 and possesses a firearms safety certificate;
  - (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian;
- or
- (3) age 12 or under and is accompanied by a parent or guardian.

(b) A resident under age 16 may take small game by trapping without a small game license, but a resident 13 years of age or older must have a trapping license. A resident under age 13 may trap without a trapping license.

Sec. 3. Minnesota Statutes 1994, section 97A.451, is amended by adding a subdivision to read:

Subd. 3a. [NONRESIDENTS UNDER AGE 16; SMALL GAME.] (a) A nonresident under age 16 may obtain a small game license at the resident fee if the nonresident:

- (1) possesses a firearm safety certificate or equivalent document issued by the state of residence; or
  - (2) if age 13 or under, is accompanied by a parent or guardian when purchasing the license.
- (b) A nonresident under age 13 must be accompanied by a parent or guardian to take small game.

Sec. 4. Minnesota Statutes 1994, section 97B.021, subdivision 1, is amended to read:

Subdivision 1. [RESTRICTIONS.] (a) Except as provided in this subdivision, a person under the age of 16 may not possess a firearm, unless accompanied by a parent or guardian.

(b) A person under age 16 may possess a firearm without being accompanied by a parent or guardian:

(1) on land owned by, or occupied as the principal residence of, the person or the person's parent or guardian;

(2) while participating in an organized target shooting program with adult supervision;

(3) while the person is participating in a firearms safety program or traveling to and from class;  
or

(4) if the person is age 14 or 15 and has a firearms safety certificate.

~~(c) For purposes of this section a guardian is a legal guardian or a person age 18 or older that has been authorized by the parent or legal guardian to supervise the person under age 16."~~

Delete the title and insert:

"A bill for an act relating to game and fish; allowing nonresidents under age 16 to take small game under certain conditions; amending Minnesota Statutes 1994, sections 97A.015, by adding a subdivision; 97A.451, by adding a subdivision; 97B.021, subdivision 1; and Minnesota Statutes 1995 Supplement, section 97A.451, subdivision 3."

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

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

**S.F. No. 2597:** A bill for an act relating to local government; providing for creation of an advisory council on intergovernmental relations; proposing coding for new law in Minnesota Statutes, chapter 15.

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

**Mr. Spear from the Committee on Crime Prevention, to which was referred**

**S.F. No. 1833:** A bill for an act relating to employee relations; excepting convicted sex offenders from standard discharge procedure; amending Minnesota Statutes 1994, section 43A.33, subdivisions 1, 3, and by adding a subdivision.

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

Page 1, line 21, delete "rights of rehire" and insert "continuing or future employment rights. This discharge does not bar future state employment"

Page 1, line 22, delete "in this section,"

Page 1, line 23, delete ", and" and insert "or"

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

**Mr. Kelly from the Committee on Judiciary, to which was referred**

**S.F. No. 2198:** A bill for an act relating to statutes of limitations; reviving and extending certain civil actions barred by the statute of limitations; proposing coding for new law in Minnesota Statutes, chapter 541.

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

Delete everything after the enacting clause and insert:

"Section 1. [ACTIONS FOR DAMAGES INVOLVING THE USE OF CERTAIN BLOOD PRODUCTS.]

Notwithstanding any other law to the contrary, an action for damages involving the use of blood products containing the human immunodeficiency virus that is brought by the person who received the blood products, the spouse or children of the person, or the person's estate, that would otherwise be barred before June 1, 1997, as a result of expiration of the applicable period of limitation, is revived or extended. An action revived or extended under this section must be commenced before June 1, 1997. This section does not apply to an action based in contract or tort for malpractice, error, mistake, or failure to cure against a nonprofit blood bank; or a hospital, physician, surgeon, dentist, or other health care professional, as defined in Minnesota Statutes, section 145.61. This section does not revive an action against a nonprofit organization that was staffed only by volunteers to the extent that the action was based on the dissemination of information by the volunteers about the use of blood products.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to statutes of limitations; reviving and extending certain civil actions barred by the statute of limitations."

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

**Mr. Kelly from the Committee on Judiciary, to which was referred**

**S.F. No. 2119:** A bill for an act relating to administration of the courts; authorizing a third consecutive term for the chief judge of the fourth judicial district; amending Minnesota Statutes 1994, section 484.66, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 484.69, subdivision 1, is amended to read:

Subdivision 1. [ELECTION; TERM; REMOVAL.] The judges of the district court resident in each of the judicial districts shall meet and elect from among their number a single chief judge and an assistant chief judge. The chief judge and the assistant chief judge shall serve a term of two years beginning July 1 of the year in which they are elected. No judge may serve as chief judge or assistant chief judge for more than ~~two~~ three consecutive two year terms, except as provided in subdivision 1a. For the term beginning July 1, 1991, and after that, the chief judge and assistant chief judge in the odd-numbered judicial district shall be elected to a term of two years. For the term beginning July 1, 1991, the chief judge and assistant chief judge in the even-numbered judicial districts shall be elected to a term of one year. For the term beginning July 1, 1992, and after that, the chief judge and assistant chief judge in the even-numbered judicial districts shall be elected to a term of two years.

The seniority of judges and rotation of the position of chief judge or assistant chief judge shall not be criteria for the election of the chief judge or the assistant chief judge.

A chief judge or assistant chief judge may be removed for cause as chief judge or assistant chief judge by the chief justice of the supreme court, or by a majority of the judges of the judicial district.

Sec. 2. [EFFECTIVE DATE.]



Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to judicial administration; increasing the number of terms that may be held by chief judges from two to three; amending Minnesota Statutes 1994, section 484.69, subdivision 1."

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

**Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 2079** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				2079	1912

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

**Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 2308** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				2308	1962

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

**Mr. Berg from the Committee on Gaming Regulation, to which was referred**

**S.F. No. 2502:** A bill for an act relating to lawful gambling; permitting veterans organizations to pay real estate taxes and assessments and certain utility bills from receipts from lawful gambling; amending Minnesota Statutes 1995 Supplement, section 349.12, subdivision 25.

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

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

**S.F. No. 2312:** A bill for an act relating to health; allowing a director of nursing to serve as a licensed nursing home administrator under certain circumstances; amending Minnesota Statutes 1994, section 144A.04, subdivision 5.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1995 Supplement, section 144A.04, subdivision 5a, is amended to read:

Subd. 5a. [SHARED ADMINISTRATORS.] (a) Notwithstanding subdivision 5, two nonprofit nursing homes may share the services of a licensed administrator if the two homes have a total of 60 beds or less and are located within 20 miles of each other in St. Louis county. The administrator must divide the full-time work week between the two facilities in proportion to the number of beds in each facility.

(b) Notwithstanding subdivision 5, the administrator of a hospital licensed pursuant to sections 144.50 to 144.56 may serve as the nursing home administrator of a hospital attached nursing home and another nursing home located within one mile if the hospital and nursing homes are under common ownership, the total nursing home beds do not exceed 152 beds, and the hospital administrator is licensed pursuant to section 144A.20."

Delete the title and insert:

"A bill for an act relating to health; permitting nursing home administrators to be shared under certain circumstances; amending Minnesota Statutes 1995 Supplement, section 144A.04, subdivision 5a."

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

**Mr. Price from the Committee on Commerce and Consumer Protection, to which was referred**

**S.F. No. 2472:** A bill for an act relating to consumer protection; providing for the licensing and regulation of pawnbrokers; providing penalties; amending Minnesota Statutes 1994, sections 471.924, subdivision 1; 471.925; and 471.927; proposing coding for new law as Minnesota Statutes, chapter 325J; repealing Minnesota Statutes 1994, section 609.81.

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

Page 3, line 5, delete everything after "must"

Page 3, line 6, delete "in paragraphs (b) to (j)" and insert "of this chapter"

Page 3, line 16, after "give" insert "at least"

Page 3, line 19, delete "zoning restrictions" and insert "ordinances"

Page 6, line 22, delete "in"

Page 6, delete line 23

Page 6, line 24, delete everything before "not"

Page 6, line 26, after "transaction" insert "plus a reasonable fee for storage and services"

Page 8, line 36, delete "20" and insert "ten driving"

Page 9, line 1, after the period, insert "No pawnshop, lawfully operating as of the date of the enactment of this section, shall be required to relocate or close as a result of this section."

Page 9, line 20, delete everything after the period

Page 9, delete line 21 and insert "Nothing in this chapter preempts a local ordinance that provides for penalties against any person, or that otherwise provides for additional or more restrictive regulation of pawnbrokers or pawn transactions."

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

**Mr. Price from the Committee on Commerce and Consumer Protection, to which was referred**

**S.F. No. 2624:** A bill for an act relating to insurance; providing for immunity under homeowner's insurance for day care services; amending Minnesota Statutes 1994, section 65A.27, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 65A.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 65A.27, subdivision 1, is amended to read:

Subdivision 1. For purposes of sections 65A.27 to ~~65A.29~~ 65A.30 the following terms have the meanings given.

Sec. 2. [65A.30] [DAY CARE SERVICES; COVERAGE.]

Unless:

(1) specifically covered in a policy; or

(2) covered by a rider for business coverage attached to a policy, there shall be no coverage under homeowner's insurance for losses or damages arising in any manner out of the operation of day care services.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to insurance; clarifying coverage under homeowner's insurance for day care services; amending Minnesota Statutes 1994, section 65A.27, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 65A."

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

**Mr. Price from the Committee on Commerce and Consumer Protection, to which was re-referred**

**S.F. No. 1903:** A bill for an act relating to motor vehicles; establishing automobile theft prevention program and creating board; appropriating money; amending Minnesota Statutes 1994, section 609.52, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 168A.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Governmental Operations and Veterans.

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

**S.F. No. 1982:** A bill for an act relating to veterinarians; changing the veterinary practice act; amending Minnesota Statutes 1994, sections 156.001, subdivisions 3 and 6; 156.01, subdivisions 1, 2, 5, and by adding a subdivision; 156.02; 156.04; 156.05; 156.06; 156.07; 156.071; 156.072; 156.081; 156.10; 156.12, subdivisions 2, 3, and 4; 156.16, subdivisions 3 and 14; 156.17; and 156.18, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 156; repealing Minnesota Statutes 1994, section 156.12, subdivision 5.

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

Page 11, line 34, after "client" insert "or"

Page 15, delete line 6 and insert "board has"

Page 15, lines 9 and 30, delete "executive director" and insert "board"

Page 16, delete line 5 and insert "board may"

Page 16, line 8, delete "executive director" and insert "board"

Page 16, line 21, delete from "through" to page 16, line 22, to "members"

Page 16, line 23, delete everything after "the" and insert " board"

Page 16, line 24, delete everything before "finds"

Page 17, line 26, delete "a civil" and insert "an administrative"

Page 17, line 27, delete "civil" and insert "administrative"

Page 18, line 26, delete "shall" and insert "may"

Page 18, line 27, after "all" insert "public"

Page 18, line 29, delete "license number" and insert "business address"

Page 18, line 31, delete from "The" through page 18, line 34, to "(13)."

Page 20, line 9, reinstate the stricken language

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

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

**S.F. No. 2272:** A bill for an act relating to health; extending the repealer of the prohibition on exclusive relationships; amending Minnesota Statutes 1994, section 62Q.09, subdivision 5.

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

**Mr. Marty from the Committee on Ethics and Campaign Reform, to which was re-referred**

**S.F. No. 153:** A bill for an act proposing an amendment to the Minnesota Constitution, article VIII, section 5; providing for recall of elected state officers.

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

**Messrs. Pogemiller and Stumpf from the Committee on Education, to which was re-referred**

**S.F. No. 2137:** A bill for an act relating to crime prevention; creating an intensive juvenile monitoring pilot program; providing for the use of college students to supervise juveniles who have committed or are at risk to commit status offenses or delinquent acts; appropriating money.

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

Page 1, line 24, delete "will" and insert "may"

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

**Mr. Spear from the Committee on Crime Prevention, to which was referred**

**S.F. No. 2134:** A bill for an act relating to crime prevention; expanding the criminal penalty for fleeing a peace officer to include the forfeiture of motor vehicles used in the offense; providing a penalty; amending Minnesota Statutes 1994, section 609.487, by adding a subdivision; repealing Minnesota Statutes 1995 Supplement, section 609.5312, subdivision 4.

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

Page 1, line 15, after the period, insert "In deciding whether to order forfeiture, the court may consider whether the forfeiture of the vehicle would create an undue hardship for members of the owner's family."

Page 1, line 19, before the period, insert "and is subject to the limitations contained in section 609.5312, subdivision 2"

Page 1, line 21, delete "for a period of 180 days or less"

Page 1, after line 22, insert:

"Sec. 2. [609.5319] [FINANCIAL INSTITUTION SECURED INTEREST.]

Property which is subject to a bona fide security interest, based upon a loan or other financing arranged by a bank, credit union, or any other financial institution, is subject to the interest of the bank, credit union, or other financial institution in any forfeiture proceeding which is based upon a violation of any provision of chapter 609 or the commission of any other criminal act. The security interest must be established by clear and convincing evidence."

Page 1, line 23, delete "2" and insert "3"

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "proposing coding for new law in Minnesota Statutes, chapter 609;"

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

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

**S.F. No. 2495:** A bill for an act relating to public utilities; modifying provisions relating to dry cask storage of nuclear waste; amending Minnesota Statutes 1994, sections 116C.771; 116C.772, by adding a subdivision; 116C.773; 116C.776; 116C.777; and 116C.778; repealing Minnesota Statutes 1994, sections 116C.779; and 116C.80.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 116C.771, is amended to read:

116C.771 [ADDITIONAL CASK LIMITATIONS.]

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

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

(c)(4) ~~An additional eight casks may be filled and placed at Prairie Island if the legislature has not revoked the authorization under clause (2) or the public utility has satisfied the wind power and biomass mandate requirements in sections 216B.2423, subdivision 1, clause (1), and 216B.2424, clause (1), and the alternative site in Goodhue county is operational or under construction. (2) If the site is not under construction or operational or the. If these wind and biomass mandates are not satisfied, the legislature may revoke the authorization for the additional eight casks by a law enacted prior to June 1, 1999.~~

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

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

Sec. 2. Minnesota Statutes 1994, section 116C.778, is amended to read:

116C.778 [RERACKING.]

The spent fuel storage pool at Prairie Island may be reracked ~~a third time~~. The reracking does not require legislative authorization but is subject to other applicable state review, except that pool storage is not permanent storage for the purposes of sections 116C.71 and 116C.72. The additional storage capacity added by the third reracking and utilized when added to the total storage capacity of dry cask storage utilized, cannot exceed the total capacity of 17 TN-40 casks.

Sec. 3. Minnesota Statutes 1994, section 116C.779, is amended to read:

116C.779 [FUNDING FOR RENEWABLE DEVELOPMENT.]

Subdivision 1. [RENEWABLE ACCOUNT.] The public utility that operates the Prairie Island nuclear generating plant must transfer to a to the department of public service for deposit in the renewable development account \$500,000 in the general fund \$4,000,000 each year for each a dry cask containing spent fuel that is located at the independent spent fuel storage installation at Prairie Island after January 1, 1999. The fund transfer must be made if waste is stored in a cask for any part of a year. Funds in the account can only be expended for development of renewable energy sources, including earnings thereon, are annually appropriated to the commissioner of the department of public service for the purposes of this section.

Subd. 2. [ACCOUNT PURPOSES.] Funds in the account may be used to:

(1) provide financial assistance to develop renewable energy technology including wind, biomass, photovoltaics, low head hydropower, but excluding ethanol;

(2) provide financial assistance to develop extremely high efficiency state-of-the-art energy technology involving nonrenewable energy resources if a proposal has high potential for energy savings for the state;

(3) facilitate technology transfer between research and the marketplace of projects that would be eligible for assistance under clause (1) or (2); and

(4) assist in informational and educational programs designed to promote understanding and knowledge concerning projects that would be eligible for assistance under clause (1) or (2).

Projects eligible for financial assistance must involve pilot or demonstration programs using innovative energy technology.

Subd. 3. [ASSISTANCE.] Financial assistance may, without limitation, include:

(1) interest rate write-downs;

(2) direct loans;

- (3) loan guarantees; and
- (4) grants, both matching and unmatched.

Subd. 4. [INDEPENDENT NONPROFIT ORGANIZATION.] The department must contract, without public bidding, with a nonprofit organization with expertise and experience in energy technology research and in evaluating and assessing the impact of energy projects to Minnesota communities to assist the department in selecting recipients of assistance under this section. The department may expend up to eight percent of the annual payments to the fund for the purposes of the contract.

Subd. 5. [ASSISTANCE PROCESS.] The department shall initiate at least once annually a request for proposal process to award assistance. The process must be designed by the nonprofit corporation selected under subdivision 4 and be as simple as possible so as to minimize the cost and complexity to applicants. The nonprofit organization must convene a project review committee of local and national experts on energy technology to review applications for assistance and make recommendations to the commissioner. The commissioner shall award assistance based on the recommendations.

Subd. 6. [ADMINISTRATION.] The department may retain up to two percent of the annual payments to the account for its administrative expenses under this section including the hiring of financial consultants. The department is responsible for administering assistance provided under this section.

Sec. 4. Minnesota Statutes 1995 Supplement, section 272.02, subdivision 1, is amended to read:

Subdivision 1. All property described in this section to the extent herein limited shall be exempt from taxation:

- (1) All public burying grounds.
- (2) All public schoolhouses.
- (3) All public hospitals.
- (4) All academies, colleges, and universities, and all seminaries of learning.
- (5) All churches, church property, and houses of worship.
- (6) Institutions of purely public charity except parcels of property containing structures and the structures described in section 273.13, subdivision 25, paragraph (c), clauses (1), (2), and (3), or paragraph (d), other than those that qualify for exemption under clause (25).
- (7) All public property exclusively used for any public purpose.
- (8) Except for the taxable personal property enumerated below, all personal property and the property described in section 272.03, subdivision 1, paragraphs (c) and (d), shall be exempt.

The following personal property shall be taxable:

- (a) personal property which is part of an electric generating, transmission, or distribution system or a pipeline system transporting or distributing water, gas, crude oil, or petroleum products or mains and pipes used in the distribution of steam or hot or chilled water for heating or cooling buildings and structures;
- (b) railroad docks and wharves which are part of the operating property of a railroad company as defined in section 270.80;
- (c) personal property defined in section 272.03, subdivision 2, clause (3);
- (d) leasehold or other personal property interests which are taxed pursuant to section 272.01, subdivision 2; 273.124, subdivision 7; or 273.19, subdivision 1; or any other law providing the property is taxable as if the lessee or user were the fee owner;

(e) manufactured homes and sectional structures, including storage sheds, decks, and similar removable improvements constructed on the site of a manufactured home, sectional structure, park trailer or travel trailer as provided in section 273.125, subdivision 8, paragraph (f); and

(f) flight property as defined in section 270.071.

(9) Personal property used primarily for the abatement and control of air, water, or land pollution to the extent that it is so used, and real property which is used primarily for abatement and control of air, water, or land pollution as part of an agricultural operation, as a part of a centralized treatment and recovery facility operating under a permit issued by the Minnesota pollution control agency pursuant to chapters 115 and 116 and Minnesota Rules, parts 7001.0500 to 7001.0730, and 7045.0020 to 7045.1260, as a wastewater treatment facility and for the treatment, recovery, and stabilization of metals, oils, chemicals, water, sludges, or inorganic materials from hazardous industrial wastes, or as part of an electric generation system. For purposes of this clause, personal property includes ponderous machinery and equipment used in a business or production activity that at common law is considered real property.

Any taxpayer requesting exemption of all or a portion of any real property or any equipment or device, or part thereof, operated primarily for the control or abatement of air or water pollution shall file an application with the commissioner of revenue. The equipment or device shall meet standards, rules, or criteria prescribed by the Minnesota pollution control agency, and must be installed or operated in accordance with a permit or order issued by that agency. The Minnesota pollution control agency shall upon request of the commissioner furnish information or advice to the commissioner. On determining that property qualifies for exemption, the commissioner shall issue an order exempting the property from taxation. The equipment or device shall continue to be exempt from taxation as long as the permit issued by the Minnesota pollution control agency remains in effect.

(10) Wetlands. For purposes of this subdivision, "wetlands" means: (i) land described in section 103G.005, subdivision 18; (ii) land which is mostly under water, produces little if any income, and has no use except for wildlife or water conservation purposes, provided it is preserved in its natural condition and drainage of it would be legal, feasible, and economically practical for the production of livestock, dairy animals, poultry, fruit, vegetables, forage and grains, except wild rice; or (iii) land in a wetland preservation area under sections 103F.612 to 103F.616. "Wetlands" under items (i) and (ii) include adjacent land which is not suitable for agricultural purposes due to the presence of the wetlands, but do not include woody swamps containing shrubs or trees, wet meadows, meandered water, streams, rivers, and floodplains or river bottoms. Exemption of wetlands from taxation pursuant to this section shall not grant the public any additional or greater right of access to the wetlands or diminish any right of ownership to the wetlands.

(11) Native prairie. The commissioner of the department of natural resources shall determine lands in the state which are native prairie and shall notify the county assessor of each county in which the lands are located. Pasture land used for livestock grazing purposes shall not be considered native prairie for the purposes of this clause. Upon receipt of an application for the exemption provided in this clause for lands for which the assessor has no determination from the commissioner of natural resources, the assessor shall refer the application to the commissioner of natural resources who shall determine within 30 days whether the land is native prairie and notify the county assessor of the decision. Exemption of native prairie pursuant to this clause shall not grant the public any additional or greater right of access to the native prairie or diminish any right of ownership to it.

(12) Property used in a continuous program to provide emergency shelter for victims of domestic abuse, provided the organization that owns and sponsors the shelter is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1992, notwithstanding the fact that the sponsoring organization receives funding under section 8 of the United States Housing Act of 1937, as amended.

(13) If approved by the governing body of the municipality in which the property is located, property not exceeding one acre which is owned and operated by any senior citizen group or association of groups that in general limits membership to persons age 55 or older and is organized



and operated exclusively for pleasure, recreation, and other nonprofit purposes, no part of the net earnings of which inures to the benefit of any private shareholders; provided the property is used primarily as a clubhouse, meeting facility, or recreational facility by the group or association and the property is not used for residential purposes on either a temporary or permanent basis.

(14) To the extent provided by section 295.44, real and personal property used or to be used primarily for the production of hydroelectric or hydromechanical power on a site owned by the state or a local governmental unit which is developed and operated pursuant to the provisions of section 103G.535.

(15) If approved by the governing body of the municipality in which the property is located, and if construction is commenced after June 30, 1983:

(a) a "direct satellite broadcasting facility" operated by a corporation licensed by the federal communications commission to provide direct satellite broadcasting services using direct broadcast satellites operating in the 12-ghz. band; and

(b) a "fixed satellite regional or national program service facility" operated by a corporation licensed by the federal communications commission to provide fixed satellite-transmitted regularly scheduled broadcasting services using satellites operating in the 6-ghz. band.

An exemption provided by clause (15) shall apply for a period not to exceed five years. When the facility no longer qualifies for exemption, it shall be placed on the assessment rolls as provided in subdivision 4. Before approving a tax exemption pursuant to this paragraph, the governing body of the municipality shall provide an opportunity to the members of the county board of commissioners of the county in which the facility is proposed to be located and the members of the school board of the school district in which the facility is proposed to be located to meet with the governing body. The governing body shall present to the members of those boards its estimate of the fiscal impact of the proposed property tax exemption. The tax exemption shall not be approved by the governing body until the county board of commissioners has presented its written comment on the proposal to the governing body or 30 days have passed from the date of the transmittal by the governing body to the board of the information on the fiscal impact, whichever occurs first.

(16) Real and personal property owned and operated by a private, nonprofit corporation exempt from federal income taxation pursuant to United States Code, title 26, section 501(c)(3), primarily used in the generation and distribution of hot water for heating buildings and structures.

(17) Notwithstanding section 273.19, state lands that are leased from the department of natural resources under section 92.46.

(18) Electric power distribution lines and their attachments and appurtenances, that are used primarily for supplying electricity to farmers at retail.

(19) Transitional housing facilities. "Transitional housing facility" means a facility that meets the following requirements. (i) It provides temporary housing to individuals, couples, or families. (ii) It has the purpose of reuniting families and enabling parents or individuals to obtain self-sufficiency, advance their education, get job training, or become employed in jobs that provide a living wage. (iii) It provides support services such as child care, work readiness training, and career development counseling; and a self-sufficiency program with periodic monitoring of each resident's progress in completing the program's goals. (iv) It provides services to a resident of the facility for at least three months but no longer than three years, except residents enrolled in an educational or vocational institution or job training program. These residents may receive services during the time they are enrolled but in no event longer than four years. (v) It is owned and operated or under lease from a unit of government or governmental agency under a property disposition program and operated by one or more organizations exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1992. This exemption applies notwithstanding the fact that the sponsoring organization receives financing by a direct federal loan or federally insured loan or a loan made by the Minnesota housing finance agency under the provisions of either Title II of the National Housing Act or the

Minnesota housing finance agency law of 1971 or rules promulgated by the agency pursuant to it, and notwithstanding the fact that the sponsoring organization receives funding under Section 8 of the United States Housing Act of 1937, as amended.

(20) Real and personal property, including leasehold or other personal property interests, owned and operated by a corporation if more than 50 percent of the total voting power of the stock of the corporation is owned collectively by: (i) the board of regents of the University of Minnesota, (ii) the University of Minnesota Foundation, an organization exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1992, and (iii) a corporation organized under chapter 317A, which by its articles of incorporation is prohibited from providing pecuniary gain to any person or entity other than the regents of the University of Minnesota; which property is used primarily to manage or provide goods, services, or facilities utilizing or relating to large-scale advanced scientific computing resources to the regents of the University of Minnesota and others.

(21)(a) Wind energy conversion systems, as defined in section 216C.06, subdivision 12, installed after January 1, 1991, and before January 2, 1995, and used as an electric power source, are exempt.

(b) Wind energy conversion systems, as defined in section 216C.06, subdivision 12, installed after January 1, 1995, including the foundation or support pad, which are (i) used as an electric power source; (ii) located within one county and owned by the same owner; and (iii) produce two megawatts or less of electricity as measured by nameplate ratings, are exempt.

(c) Wind energy conversion systems, as defined in section 216C.06, subdivision 12, installed after January 1, 1995, and used as an electric power source but not exempt under item (b), are treated as follows: (i) the foundation and support pad are taxable; (ii) the associated supporting and protective structures are exempt for the first five assessment years after they have been constructed, and thereafter, 30 percent of the market value of the associated supporting and protective structures are taxable; and (iii) the turbines, blades, transformers, and its related equipment, are exempt.

(22) Containment tanks, cache basins, and that portion of the structure needed for the containment facility used to confine agricultural chemicals as defined in section 18D.01, subdivision 3, as required by the commissioner of agriculture under chapter 18B or 18C.

(23) Photovoltaic devices, as defined in section 216C.06, subdivision 13, installed after January 1, 1992, and used to produce or store electric power.

(24) Real and personal property owned and operated by a private, nonprofit corporation exempt from federal income taxation pursuant to United States Code, title 26, section 501(c)(3), primarily used for an ice arena or ice rink, and used primarily for youth and high school programs.

(25) A structure that is situated on real property that is used for:

(i) housing for the elderly or for low- and moderate-income families as defined in Title II of the National Housing Act, as amended through December 31, 1990, and funded by a direct federal loan or federally insured loan made pursuant to Title II of the act; or

(ii) housing lower income families or elderly or handicapped persons, as defined in Section 8 of the United States Housing Act of 1937, as amended.

In order for a structure to be exempt under (i) or (ii), it must also meet each of the following criteria:

(A) is owned by an entity which is operated as a nonprofit corporation organized under chapter 317A;

(B) is owned by an entity which has not entered into a housing assistance payments contract under Section 8 of the United States Housing Act of 1937, or, if the entity which owns the structure has entered into a housing assistance payments contract under Section 8 of the United

States Housing Act of 1937, the contract provides assistance for less than 90 percent of the dwelling units in the structure, excluding dwelling units intended for management or maintenance personnel;

(C) operates an on-site congregate dining program in which participation by residents is mandatory, and provides assisted living or similar social and physical support services for residents; and

(D) was not assessed and did not pay tax under chapter 273 prior to the 1991 levy, while meeting the other conditions of this clause.

An exemption under this clause remains in effect for taxes levied in each year or partial year of the term of its permanent financing.

(26) Real and personal property that is located in the Superior National Forest, and owned or leased and operated by a nonprofit organization that is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1992, and primarily used to provide recreational opportunities for disabled veterans and their families.

(27) Manure pits and appurtenances, which may include slatted floors and pipes, installed or operated in accordance with a permit, order, or certificate of compliance issued by the Minnesota pollution control agency. The exemption shall continue for as long as the permit, order, or certificate issued by the Minnesota pollution control agency remains in effect.

(28) Notwithstanding clause (8), item (a), attached machinery and other personal property which is part of a facility containing a cogeneration system as described in section 216B.166, subdivision 2, paragraph (a), if the cogeneration system has met the following criteria: (i) the system utilizes natural gas as a primary fuel and the cogenerated steam initially replaces steam generated from existing thermal boilers utilizing coal; (ii) the facility developer is selected as a result of a procurement process ordered by the public utilities commission; and (iii) construction of the facility is commenced after July 1, 1994, and before July 1, 1997.

(29) Real property acquired by a home rule charter city, statutory city, county, town, or school district under a lease purchase agreement or an installment purchase contract during the term of the lease purchase agreement as long as and to the extent that the property is used by the city, county, town, or school district and devoted to a public use and to the extent it is not subleased to any private individual, entity, association, or corporation in connection with a business or enterprise operated for profit.

(30) Real and personal property used for the dry cask storage of spent nuclear fuel from a nuclear electric generating plant having two or more reactors provided the property is located at the site of the plant.

#### Sec. 5. [CONTRACTUAL OBLIGATION.]

The state releases the public utility operating the Prairie Island nuclear plant from its contractual obligations under Minnesota Statutes 1994, section 116C.773, to the extent the contract conflicts with this act.

#### Sec. 6. [LAND TRANSFER; TRUST STATUS.]

The legislature finds that it is appropriate that land in this state conveyed to the Prairie Island Indian Community by the public utility operating the Prairie Island nuclear plant as part of a settlement agreement be placed in trust status for the community.

#### Sec. 7. [REPEALER.]

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

#### Sec. 8. [EFFECTIVE DATE.]

Section 4 is effective for taxes levied in 1996, and thereafter and payable in 1997, and thereafter."

Delete the title and insert:

"A bill for an act relating to public utilities; modifying provisions relating to dry cask storage of nuclear waste; exempting certain property from taxation; appropriating money; amending Minnesota Statutes 1994, sections 116C.771; 116C.778; and 116C.779; Minnesota Statutes 1995 Supplement, section 272.02, subdivision 1; repealing Minnesota Statutes 1994, section 116C.80."

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

**Mr. Marty from the Committee on Ethics and Campaign Reform, to which was re-referred**

**S.F. No. 2464:** A bill for an act relating to metropolitan government; providing for a nonbinding referendum on the issue of a stadium in the metropolitan area.

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

Page 1, line 18, delete "or" and insert "of"

Page 1, line 22, delete "regular" and insert "state"

Page 2, after line 6, insert:

"The result of the referendum is not binding on the legislature."

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

**Messrs. Pogemiller and Stumpf from the Committee on Education, to which was referred**

**S.F. No. 2517:** A bill for an act relating to education; making certain changes in the composition of the board of regents and the Minnesota state college and university board; specifying certain responsibilities of board members; changing the candidate advisory council's membership; amending Minnesota Statutes 1994, sections 137.023; and 137.0245, subdivisions 2 and 4; Minnesota Statutes 1995 Supplement, sections 136F.02, subdivision 1; and 136F.03, subdivisions 2 and 4; proposing coding for new law in Minnesota Statutes, chapters 136F; and 137.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1995 Supplement, section 136F.03, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] The advisory council consists of ~~24~~ 14 members. ~~Twelve~~ Five members are appointed by the subcommittee on committees of the committee on rules and administration of the senate. ~~Twelve, five~~ members are appointed by the speaker of the house of representatives. ~~Four~~ members are appointed by the governor. No more than ~~one-third~~ two of the members appointed by each appointing authority may be ~~current or~~ former legislators. No more than ~~two-thirds~~ four of the members appointed by each appointing authority may belong to the same political party; however, political activity or affiliation is not required for the appointment of a member. Geographical representation must be taken into consideration when making appointments. Section 15.0575 governs the advisory council, except that the members must be appointed to ~~six-year~~ four-year terms.

Sec. 2. Minnesota Statutes 1995 Supplement, section 136F.03, subdivision 4, is amended to read:

Subd. 4. [RECOMMENDATIONS.] The advisory council shall recommend at least two and

not more than four candidates for each seat, except that in the case of an incumbent trustee seeking reappointment, the council shall automatically forward the name of the incumbent without council review, together with at least one and no more than four other candidates. By April 15 of each even-numbered year, the advisory council shall submit its recommendations to the governor. The governor is not bound by these recommendations.

Sec. 3. Minnesota Statutes 1994, section 137.0245, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] The regent candidate advisory council shall consist of 24 ~~14~~ members. Twelve ~~Seven~~ members shall be appointed by the subcommittee on committees of the committee on rules and administration of the senate. Twelve, ~~seven~~ members shall be appointed by the speaker of the house of representatives. No more than one-third ~~two~~ of the members appointed by each appointing authority may be ~~current~~ or former legislators. No more than two-thirds ~~four~~ of the members appointed by each appointing authority may belong to the same political party; however, political activity or affiliation is not required for the appointment of any member. Geographical representation must be taken into consideration when making appointments. Section 15.0575 shall govern the advisory council, except that the members shall be appointed to six-year ~~four-year~~ terms with one-third appointed each even-numbered year.

Sec. 4. Minnesota Statutes 1994, section 137.0245, subdivision 4, is amended to read:

Subd. 4. [RECOMMENDATIONS.] The advisory council shall recommend at least two and not more than four candidates for each seat, except that in the case of an incumbent regent seeking reelection, the council shall automatically forward the name of the incumbent without council review, together with at least one and no more than four other candidates. By March 15 of each odd-numbered year, the advisory council shall submit its recommendations to the president of the senate and the speaker of the house of representatives. The legislature shall not be bound by these recommendations.

Sec. 5. [TRANSITION OF COUNCIL MEMBERS.]

Terms of all current members of the regent candidate advisory council and the Minnesota state college and university candidate advisory council are terminated on June 30, 1996. By July 1, 1996, the speaker of the house and the subcommittee on committees of the committee on rules and administration of the senate shall make their appointments to the regent candidate advisory council. These appointments may include current council members. The speaker of the house and the subcommittee on committees of the committee on rules and administration of the senate shall each appoint four members to four-year initial terms and three members to two-year initial terms. By July 1, 1996, the speaker of the house, the subcommittee on committees of the committee on rules and administration of the senate, and the governor shall make their appointments to the Minnesota state college and university candidate advisory council. These appointments may include current council members. The speaker of the house and the subcommittee on committees of the committee on rules and administration of the senate shall each appoint three members to four-year initial terms and two members to two-year initial terms. The governor shall appoint two members to four-year initial terms and two members to two-year initial terms.

Sec. 6. [EFFECTIVE DATE.]

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

Amend the title as follows:

Page 1, line 2, delete "making certain changes in the"

Page 1, delete lines 3 and 4

Page 1, line 5, delete "responsibilities of board members;" and delete "the"

Page 1, line 6, delete "council's" and insert "council"

Page 1, delete lines 7 to 11 and insert "Minnesota Statutes 1994, section 137.0245, subdivisions 2 and 4; and Minnesota Statutes 1995 Supplement, section 136F.03, subdivisions 2 and 4."

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

**Ms. Piper from the Committee on Family Services, to which was referred**

**S.F. No. 1885:** A bill for an act relating to human services; clarifying foster care payment and placement; clarifying adoption assistance; amending Minnesota Statutes 1994, sections 256E.08, by adding a subdivision; 257.071, subdivision 1a, and by adding subdivisions; 257.072, subdivisions 1, 5, and 8; 257.0725; 259.67, subdivisions 4 and 6; and 259.77; Minnesota Statutes 1995 Supplement, section 256.045, subdivision 3; Laws 1995, chapter 207, article 1, section 2, subdivision 4.

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

Page 1, delete lines 12 and 13

Page 3, line 31, after the period, insert "When there is not a family foster home of the same race or ethnic heritage available that can meet the needs of the child, the agency must place the child in a home of a foster family that is of different racial or ethnic heritage that can meet the needs of the child. Placement of a child cannot be delayed or denied based solely on race."

Page 8, delete section 13 and insert:

"Sec. 13. Minnesota Statutes 1994, section 260.015, is amended by adding a subdivision to read:

Subd. 29. [EGREGIOUS HARM.] "Egregious harm" means the infliction of bodily harm to a child or neglect of a child which demonstrates a grossly inadequate ability to provide minimally adequate parental care. The egregious harm need not have occurred in the state or in the county where a termination of parental rights action is otherwise properly venued. Egregious harm includes, but is not limited to:

(1) conduct towards a child that constitutes a violation of sections 609.185 to 609.21, or any other similar law of the United States or any other state;

(2) the infliction of "great bodily harm" to a child, as defined in section 609.02, subdivision 8;

(3) conduct towards a child that constitutes felony malicious punishment of a child under section 609.377; or

(4) conduct towards a child that constitutes unreasonable restraint of a child under section 609.255, subdivision 3.

Sec. 14. Minnesota Statutes 1994, section 260.181, subdivision 3, is amended to read:

Subd. 3. [PROTECTION OF HERITAGE OR BACKGROUND.] The policy of the state is to ensure that the best interests of children are met by requiring due, not sole, consideration of the child's race or ethnic heritage in foster care placements.

The court, in transferring legal custody of any child or appointing a guardian for the child under the laws relating to juvenile courts, shall place the child, in the following order of preference, in the absence of good cause to the contrary, in the legal custody or guardianship of an individual who (a) is the child's relative, or if that would be detrimental to the child or a relative is not available, who (b) is of the same racial or ethnic heritage as the child, or if that is not possible, who (c) is knowledgeable and appreciative of the child's racial or ethnic heritage. ~~The court may require the county welfare agency to continue efforts to find a guardian of the child's racial or ethnic heritage when such a guardian is not immediately available.~~ For purposes of this subdivision, "relative" includes members of a child's extended family and important friends with whom the child has resided or had significant contact.

If the child's birth parent or parents explicitly request that the preference described in clause (a)

or in clauses (a) and (b) not be followed, the court shall honor that request consistent with the best interests of the child.

If the child's birth parent or parents express a preference for placing the child in a foster or adoptive home of the same or a similar religious background to that of the birth parent or parents, in following the preferences in clause (a) or (b), the court shall order placement of the child with an individual who meets the birth parent's religious preference. Only if no individual is available who is described in clause (a) or (b) may the court give preference to an individual described in clause (c) who meets the parent's religious preference.

Sec. 15. Minnesota Statutes 1995 Supplement, section 260.221, subdivision 1, is amended to read:

Subdivision 1. [VOLUNTARY AND INVOLUNTARY.] The juvenile court may upon petition, terminate all rights of a parent to a child in the following cases:

(a) With the written consent of a parent who for good cause desires to terminate parental rights; or

(b) If it finds that one or more of the following conditions exist:

(1) That the parent has abandoned the child. Abandonment is presumed when:

(i) the parent has had no contact with the child on a regular basis and no demonstrated, consistent interest in the child's well-being for six months; and

(ii) the social service agency has made reasonable efforts to facilitate contact, unless the parent establishes that an extreme financial or physical hardship or treatment for mental disability or chemical dependency or other good cause prevented the parent from making contact with the child. This presumption does not apply to children whose custody has been determined under chapter 257 or 518. The court is not prohibited from finding abandonment in the absence of this presumption; or

(2) That the parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental, or emotional health and development, if the parent is physically and financially able, and reasonable efforts by the social service agency have failed to correct the conditions that formed the basis of the petition; or

(3) That a parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has continuously failed to do so without good cause. This clause shall not be construed to state a grounds for termination of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth; or

(4) That a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental, or emotional needs of the child. It is presumed that a parent is palpably unfit to be a party to the parent and child relationship upon a showing that:

(i) the child was adjudicated in need of protection or services due to circumstances described in section 260.015, subdivision 2a, clause (1), (2), (3), (5), or (8); and

(ii) within the three-year period immediately prior to that adjudication, the parent's parental rights to one or more other children were involuntarily terminated under clause (1), (2), (4), or (7), or under clause (5) if the child was initially determined to be in need of protection or services due to circumstances described in section 260.015, subdivision 2a, clause (1), (2), (3), (5), or (8); or

(5) That following upon a determination of neglect or dependency, or of a child's need for

protection or services, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination. It is presumed that reasonable efforts under this clause have failed upon a showing that:

(i) a child has resided out of the parental home under court order for more than one year following an adjudication of dependency, neglect, need for protection or services under section 260.015, subdivision 2a, clause (1), (2), (3), (6), (8), or (9), or neglected and in foster care, and an order for disposition under section 260.191, including adoption of the case plan required by section 257.071;

(ii) conditions leading to the determination will not be corrected within the reasonably foreseeable future. It is presumed that conditions leading to a child's out-of-home placement will not be corrected in the reasonably foreseeable future upon a showing that the parent or parents have not substantially complied with the court's orders and a reasonable case plan, and the conditions which led to the out-of-home placement have not been corrected; and

(iii) reasonable efforts have been made by the social service agency to rehabilitate the parent and reunite the family.

This clause does not prohibit the termination of parental rights prior to one year after a child has been placed out of the home.

It is also presumed that reasonable efforts have failed under this clause upon a showing that:

(i) the parent has been diagnosed as chemically dependent by a professional certified to make the diagnosis;

(ii) the parent has been required by a case plan to participate in a chemical dependency treatment program;

(iii) the treatment programs offered to the parent were culturally, linguistically, and clinically appropriate;

(iv) the parent has either failed two or more times to successfully complete a treatment program or has refused at two or more separate meetings with a caseworker to participate in a treatment program; and

(v) the parent continues to abuse chemicals.

Provided, that this presumption applies only to parents required by a case plan to participate in a chemical dependency treatment program on or after July 1, 1990; or

~~(6) That the parent has been convicted of causing the death of another of the parent's children~~ child has experienced egregious harm in the parent's care which is of a nature, duration, or chronicity that indicates a lack of regard for the child's well-being, such that a reasonable person would believe it contrary to the best interest of the child or of any child to be in the parent's care; or

(7) That in the case of a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born the person is not entitled to notice of an adoption hearing under section 259.49 and either the person has not filed a notice of intent to retain parental rights under section 259.51 or that the notice has been successfully challenged; or

(8) That the child is neglected and in foster care.

In an action involving an American Indian child, sections 257.35 to 257.3579 and the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923, control to the extent that the provisions of this section are inconsistent with those laws.

Sec. 16. Minnesota Statutes 1994, section 260.221, is amended by adding a subdivision to read:

Subd. 6. [NO REQUIREMENT FOR REASONABLE EFFORTS.] At the initial hearing of a termination of parental rights petition and upon notice to the parties, the social services agency



responsible for making reasonable efforts under sections 260.011 and 260.012 may request to discontinue the provision of services that are aimed at returning the child to the parent. The discontinuation of these reunification services shall be reviewed by the court. If the parent establishes a substantial likelihood that the provision of additional services would likely correct the conditions which form the basis for the petition to terminate parental rights within six months of the date the petition is filed the court shall not discontinue the reunification services."

Page 10, line 28, delete "14" and insert "17"

Pages 10 and 11, delete article 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "assistance;" insert "defining egregious harm in the juvenile code; amending the parental rights termination statute;"

Page 1, line 7, delete the second "and" and after "259.77;" insert "260.015, by adding a subdivision; 260.181, subdivision 3; and 260.221, by adding a subdivision;"

Page 1, line 8, delete "section" and insert "sections"

Page 1, line 9, after "3;" insert "and 260.221, subdivision 1;"

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

### **Mr. Spear from the Committee on Crime Prevention, to which was referred**

**S.F. No. 1613:** A bill for an act relating to corrections; authorizing the creation of a nonprofit corporation to manage correctional work programs; providing for the organization, duties, and authority of the corporation; creating a correctional work program revolving fund; providing inmate labor to operate correctional work programs; authorizing sale of corporation services and goods to governmental entities and private enterprises; requiring reports on corporation performance; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 241.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1995 Supplement, section 16B.181, is amended to read:

16B.181 [PURCHASES FROM CORRECTIONS INDUSTRIES.]

~~(a) The commissioner, in consultation with the commissioner of corrections, shall prepare a list of products and services that are available for purchase from department of corrections industries. After publication of the product and service list by the commissioner, state agencies and institutions shall purchase the listed products and services from department of corrections industries if the products and services are equivalent in price and quality to products and services available from other sources unless the commissioner of corrections certifies that the correctional institutions cannot provide them at a price within five percent of the fair market price for comparable level of quality and within a reasonable delivery time. In determining the fair market price, the commissioner of administration shall use competitive bidding or consider open market bid prices in previous years for similar products and services, plus inflationary increases.~~

~~(b) The commissioner of administration shall ensure that state agency specifications are not unduly restrictive as to prevent corrections industries from providing products or services that meet the needs of the purchasing department, institution, or agency.~~

Subdivision 1. [DEFINITIONS.] As used in this section:

(1) "public entity" or "public entities" include the state; an office, agency, department, or institution of the state; the metropolitan council; a metropolitan agency; the metropolitan mosquito control district; the courts; a county; a statutory or home-rule charter city; a town; a school district; a special taxing district; and a college or university; and

(2) "items" include articles, products, supplies, and services.

Subd. 2. [PUBLIC ENTITIES; PURCHASES FROM CORRECTIONS INDUSTRIES.] (a) The commissioner of corrections shall prepare updated lists of the items available for purchase from department of corrections industries and annually forward a copy of the most recent list to all public entities within the state. The commissioner of administration, in consultation with the commissioner of corrections, shall determine the fair market price for listed items. A public entity that is supported in whole or in part with funds from the state treasury shall purchase directly from correctional industries those items that are comparable in price and quality to items available from other vendors. The price paid by public entities for correctional industry items may not exceed the fair market price. The provisions relating to competitive bidding in section 16B.07 do not apply to purchases made under this section.

(b) The commissioner of administration shall develop an M-contract to enable public entities to purchase items directly from correctional industries.

(c) No public entity may evade the intent of this section by adopting slight variations in specifications when Minnesota correctional industry items meet the reasonable needs and specifications of the public entity. Any public bid request or request for purchase generated by a public entity for items available from correctional industries must include product specifications and descriptions compatible with the specifications and descriptions used by the commissioner of corrections.

(d) As part of its ongoing audit process, the legislative auditor is requested to ensure that state agencies are in compliance with this section. The state auditor shall ensure that other public entities are in compliance.

(e) (e) The commissioners of administration and corrections shall appoint a joint task force to explore additional methods that support the philosophy of providing a substantial market opportunity to correctional industries that maximizes inmate work opportunities. The task force shall develop a plan and prepare a set of criteria with which to evaluate the effectiveness of the recommendations and initiatives in the plan.

Sec. 2. [241.2705] [MINNPRIDE.]

Subdivision 1. [MINNPRIDE ESTABLISHED.] A private council named MinnPride may be established to evaluate the adequate, regular and suitable employment, and vocational training to inmates of state and local correctional facilities. The council shall evaluate industrial and commercial activities suitable to the profitable employment, vocational training and development of proper work habits of the inmates of state and local correctional facilities.

Subd. 2. [INCORPORATION; BOARD OF DIRECTORS, SELECTION AND POWERS.] The council must have a 15-member board appointed by the governor. Members of the board shall be from the private sector and have demonstrated experience in business or industry. However, no member of the board may be presently associated with the department of corrections. The board may employ a director and other consultants, and other persons deemed necessary by the board. In addition to any money received as a grant under section 4, MinnPride may seek contributions from other sources.

Sec. 3. [MINNCOR, MINNPRIDE; FIVE-YEAR BUSINESS PLAN REQUIRED.]

Subdivision 1. [PLAN REQUIRED.] MinnCor and MinnPride shall develop five-year business plans for the operation of prison industries in this state. By February 1, 1997, the chief executive officers of MinnCor and MinnPride shall report to the governor and the majority and minority leaders of the senate and house of representatives on the contents of its respective plans.

Subd. 2. [ACCESS TO INFORMATION.] In developing its five-year plan, MinnPride shall have access to:

- (1) all records kept by MinnCor in the course of its business, including financial records;
- (2) all correctional facilities;
- (3) all noninmate employees of MinnCor; and
- (4) all inmates employed by MinnCor.

MinnPride shall have the right to conduct private, confidential interviews with all inmate and noninmate employees of MinnCor who consent to be interviewed. The commissioner of corrections and the chief executive officer of MinnCor shall cooperate with MinnPride to ensure that MinnPride has the access specified in this subdivision. If necessary, the chief executive officer of MinnPride may bring a motion in district court to compel this access.

Subd. 3. [MINNPRIDE FIVE-YEAR BUSINESS PLAN.] (a) In developing its five-year business plan, MinnPride shall assume that it will be required to:

(1) employ at least the same number of inmates by the end of its first year of operation as MinnCor employed on January 15, 1996;

(2) offer employment to noninmate MinnCor employees to fill available positions at substantially the same salaries as the employees were earning as of January 15, 1996;

(3) operate without any state subsidy, however, if it is not possible to profitably operate the program with the requirements contained in this subdivision, MinnPride shall state the minimum amount of subsidy necessary to comply with this section;

(4) provide adequate security at its own expense; and

(5) provide maintenance for leased facilities and equipment.

(b) In developing its five-year business plan, MinnPride also shall assume:

(1) that it will be able to lease all, or any percentage, of the facilities and equipment used by MinnCor on January 15, 1996, to operate its business for \$1 per year;

(2) that it may operate as a corporation deemed to be primarily acting as an instrumentality of the state with Minnesota Statutes, sections 3.732, 3.736, 3.738, and 3.739 applying to it;

(3) that it will be liable within the limitations provided by applicable law for inmate injury due to MinnPride's negligence;

(4) that members of the board of directors will not be liable to any inmate for any injury sustained in an industry program; and

(5) that inmates will not be considered employees of MinnPride for any purpose.

(c) The plan must address the possibility of future capital expansion and improvements of industry programs at state and local correctional facilities. Specifically, the plan must address the need for additional equipment and buildings, and improvements to existing equipment and buildings. The plan may assume that the state will finance these expenses, but will require MinnPride to enter into leases to reimburse these expenses at cost.

(d) The plan must describe the advantages and disadvantages of a private corporation operating prison industries as opposed to the department of corrections, specifically as relating to purchases, sales, management, marketing, and personnel decisions.

(e) The plan must describe the most feasible method and timetable for transferring the assets and operations of MinnCor to MinnPride if MinnPride were to assume control over prison industries.

(f) If MinnPride is dissolved or otherwise ceases to fulfill the purposes described in subdivision 1, any interest of MinnPride in buildings, land, furnishings, fixtures, equipment, and other chattels purchased or leased in connection with its operation of industry programs shall automatically revert, subject to valid security interests, to the department of corrections.

Subd. 4. [MINNPRIDE, MINNCOR; FIVE-YEAR PLANS.] At a minimum, and in addition to the requirements applicable only to MinnPride's plan contained in subdivision 3, both MinnPride and MinnCor shall address in its respective five-year business plans:

- (1) methods to increase the number of inmate workers;
- (2) methods to increase profits and expand markets, including recommended changes in the state use law;
- (3) proposed new product lines;
- (4) methods to employ inmates who require lower security in settings outside state and local correctional facilities;
- (5) appropriate compensation for management, employees, and inmates;
- (6) methods to assist inmate employees in obtaining employment upon the inmate's release from confinement; and
- (7) methods to determine what effect employment in a prison industry program has upon recidivism of inmates who have participated in the program, including methods to track former inmate employees to determine recidivism.

Sec. 4. [APPROPRIATION.]

\$...... is appropriated from the general fund to the commissioner of finance for a grant to MinnPride to implement section 2.

Sec. 5. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1996. Sections 2 to 4 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to crime prevention; requiring the incorporation of a private, nonprofit corporation to employ inmates in state correctional facilities in industrial and commercial activities; directing the governor to appoint the corporation's board of directors; authorizing the board to employ certain individuals; requiring five-year business plans to be developed; specifying the content of the plans; requiring notice be given to public entities of the products available from prison industries; requiring public entities to purchase from prison industries in certain cases; appropriating money; amending Minnesota Statutes 1995 Supplement, section 16B.181; proposing coding for new law in Minnesota Statutes, chapter 241."

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

**Mr. Kelly from the Committee on Judiciary, to which was referred**

**S.F. No. 1792:** A bill for an act relating to children; authorizing a parent to name a designated parent; providing procedures; amending Minnesota Statutes 1994, sections 171.07, by adding a subdivision; and 524.5-505; Minnesota Statutes 1995 Supplement, section 13.69, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 257A.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1995 Supplement, section 13.69, subdivision 1, is amended to read:

Subdivision 1. [CLASSIFICATIONS.] (a) The following government data of the department of public safety are private data:

(1) medical data on driving instructors, licensed drivers, and applicants for parking certificates and special license plates issued to physically handicapped persons;

(2) other data on holders of a disability certificate under section 169.345, except that data that are not medical data may be released to law enforcement agencies; and

(3) social security numbers in driver's license and motor vehicle registration records, except that social security numbers must be provided to the department of revenue for purposes of tax administration and the department of labor and industry for purposes of workers' compensation administration and enforcement; and

(4) data on persons listed as designated parents under section 171.07, subdivision 11, except that the data must be released to:

(i) law enforcement agencies for the purpose of verifying that an individual is a designated parent; or

(ii) law enforcement agencies who state that the license holder is unable to communicate at that time and that the information is necessary for notifying the designated parent of the need to care for a child of the license holder.

(b) The following government data of the department of public safety are confidential data: data concerning an individual's driving ability when that data is received from a member of the individual's family.

Sec. 2. Minnesota Statutes 1994, section 171.07, is amended by adding a subdivision to read:

Subd. 11. [DESIGNATED PARENT.] (a) Upon the written request of the applicant on a form developed by the department which contains the information specified in paragraph (b), and upon payment of an additional fee of \$....., the department shall issue a driver's license or Minnesota identification card bearing a symbol or other appropriate identifier indicating that the license holder has appointed an individual to serve as a designated parent under chapter 257A.

(b) The form shall provide as follows:

"...(Name of parent(s))... appoints ...(name of designated parent)... to provide care for ...(name of child or children)... when requested by the parent(s) or when the parent(s) is unable to care for the child (children) and unable to request the designated parent's assistance.

The designated parent will care for the child (children) named in this form for (choose one of the following):

(indicate a specified period of time that is less than one year); or

(indicate that care is to be provided for one year).

The designated parent has the powers and duties to make decisions and meet the child's (children's) needs in the areas checked or specified below:

education .....

health care .....

religion .....

day care .....

recreation .....

other .....

.....  
.....  
.....

The designated parent (choose one of the following):

is ...

is not...

authorized to make decisions about financial issues and control financial resources provided for the child (children) by the parent.

This designated parent agreement is effective for four years following the date it is signed by the parent(s), designated parent, any child age 14 or older, and any alternate designated parent. However, the agreement may be canceled by a parent, a designated parent, or an alternate designated parent at any time before that date, upon notice to the other parties to the agreement.

(Parent(s) signature(s) and Minnesota driver's license(s) or Minnesota identification card number(s))

(Designated parent signature, Minnesota driver's license or Minnesota identification card number, address, and telephone number)

(Alternate designated parent signature, Minnesota driver's license, or Minnesota identification card number, address, and telephone number)

(Child age 14 or older signature .....

(Date .....

(Notarization .....)"

(c) The department shall maintain a computerized records system of all persons listed as designated parents by driver's license and identification card applicants. This data shall be released to appropriate law enforcement agencies under section 13.69. Upon a parent's request and payment of a fee of \$....., the department shall revise its list of designated parents and alternates to reflect a change in the appointment of a designated parent.

(d) At the request of the license or card holder, the department shall cancel the designated parent indication without additional charge. However, this paragraph does not prohibit a fee that may be applicable for a duplicate or replacement license or card, renewal of a license, or other service applicable to a driver's license or identification card.

(e) Notwithstanding sections 13.08, subdivision 1, and 13.69, the department and department employees are conclusively presumed to be acting in good faith when employees rely on statements made, in person or by telephone, by persons purporting to be law enforcement and subsequently release information described in paragraph (b). When acting in good faith, the department and department personnel are immune from civil liability and not subject to suit for damages resulting from the release of this information.

(f) The department and its employees:

(1) have no duty to inquire or otherwise determine whether a form submitted under this subdivision contains the signatures of all parents who have legal custody of a child; and

(2) are immune from all civil liability and not subject to suit for damages resulting from a claim that any parent with legal custody of a child has not signed the form.

Sec. 3. [257A.01] [DESIGNATED PARENT.]

A parent who has legal custody of a child may name an adult to serve as a designated parent to care for the parent's minor child for a period of time specified in a designated parent agreement, but not to exceed one year.

Sec. 4. [257A.02] [DESIGNATED PARENT; ALTERNATE.]

An individual acting as a designated parent is exempt in that role from any statute or administrative rule requiring a foster care license. A parent who has named a guardian by will for the parent's children may name that guardian or another individual as a designated parent for the child. A parent who has legal custody of more than one child may appoint the same or a different designated parent for each child.

A parent may appoint an alternate designated parent who would serve if the designated parent is unwilling or unable to serve. All the provisions of this chapter dealing with a designated parent apply to an alternate designated parent.

Sec. 5. [257A.03] [POWERS AND DUTIES OF DESIGNATED PARENT.]

Subdivision 1. [GENERAL.] A designated parent has all the powers regarding the care, custody, and financial interests of a minor child specified in the designated parent agreement, except as otherwise provided in this section. A designated parent does not have the power to consent to marriage or adoption of the child.

Subd. 2. [CHILD SUPPORT.] A pre-existing child support order is not suspended or terminated during the time a child is cared for by a designated parent, unless otherwise provided by court order. A designated parent has a cause of action for child support against an absent parent under section 256.87, subdivision 5.

Sec. 6. [257A.04] [CONSENTS AND NOTICE REQUIRED.]

To be valid, a designated parent agreement must have the consent of:

- (1) every parent whose parental rights to the child have not been terminated; and
- (2) the designated parent.

In addition, the agreement must be signed by a child age 14 or older to whom it applies, to indicate that the child has been notified of the agreement.

Sec. 7. [257A.05] [DURATION.]

Subdivision 1. [IN GENERAL.] Unless canceled earlier under section 257A.08 by a parent or the designated parent, a designated parent agreement is effective for four years, after which date a new agreement may be entered. The new agreement may name the same or a different designated parent. A designated parent agreement automatically terminates as to any child when that child reaches age 18 or is lawfully married.

Subd. 2. [DEATH OF A PARENT.] If a parent dies while a designated parent agreement is in effect, and there is no living parent able to care for the child, the designated parent shall care for the child until a guardian appointed by will is able to take custody of the child or until a court order otherwise provides for the care of the child. However, the designated parent may cancel the agreement at any time under section 257A.08.

Sec. 8. [257A.06] [FORM.]

Subdivision 1. [WRITING.] A designated parent agreement must be made in writing and all signatures must be notarized.

Subd. 2. [DESIGNATED PARENT INDICATION ON DRIVER'S LICENSE.] A parent who wishes to have a designated parent indication placed on the parent's driver's license or identification card under section 171.07, subdivision 11, must submit a copy of the notarized designated parent agreement to the department of public safety and pay any required fee.

Sec. 9. [257A.07] [MULTIPLE AGREEMENTS.]

If more than one otherwise valid designated parent agreement exists regarding the same child, the priority among agreements is determined as follows:

(1) if one or more agreements have been submitted to the department of public safety under section 171.07, subdivision 11, the agreement with the most recent date that has been submitted to the department controls; or

(2) if multiple agreements exist, none of which has been submitted to the department of public safety, the agreement with the most recent date controls.

Sec. 10. [257A.08] [CANCELLATION.]

Subdivision 1. [HOW AND BY WHOM.] A parent may cancel a designated parent agreement at any time. The parent shall notify the designated parent of the cancellation. If the designated parent is caring for the child at the time of cancellation, the child must be returned to the parent immediately upon the parent's request.

A designated parent may decline to serve at any time, and the parent must cancel the agreement immediately upon request by the designated parent. If a designated parent is caring for a child when the designated parent cancels the agreement, the parent must take physical custody of the child immediately. If the parent is unable to resume physical custody at that time:

(1) the parent may name a new designated parent to care for the child who shall immediately take custody of the child; or

(2) the designated parent may contact the local social service agency, which shall take custody of the child.

Subd. 2. [NOTICE TO DEPARTMENT OF PUBLIC SAFETY.] A parent who has had a designated parent indication placed on the parent's driver's license or identification card under section 171.07, subdivision 11, has the responsibility to notify the department of public safety in writing whenever a designated parent agreement is canceled or a new designated parent or alternate is chosen.

Sec. 11. [257A.09] [EXTENDING PERIOD OF CARE.]

If a parent is unable to resume caring for a child upon expiration of the period of care indicated in the designated parent agreement, the period of care may be extended for a length of time agreed by the parent and designated parent, but not to exceed one year. If a parent cannot be contacted or is unable to communicate a decision about the child's care when the agreed period of care expires, the designated parent may:

(1) petition the juvenile court to authorize continued care by the designated parent until the parent is able to resume the child's care, or for one year, whichever is sooner; or

(2) contact the local social service agency, which shall take custody of the child.

Sec. 12. [257A.10] [CONTEST OF APPOINTMENT.]

A local social service agency may file a motion in juvenile court to contest a designated parent agreement that applies to a child who is taken into custody under section 260.165 or about whom a petition is filed alleging that the child is in need of protection or services.

Sec. 13. Minnesota Statutes 1994, section 260.173, subdivision 2, is amended to read:

Subd. 2. Notwithstanding the provisions of subdivision 1, if the child had been taken into custody pursuant to section 260.165, subdivision 1, clause (a) or clause (c)(2), and is not alleged to be delinquent, the child shall be detained in the least restrictive setting consistent with the child's health and welfare and in closest proximity to the child's family as possible. Placement may be with a child's relative, a designated parent under chapter 257A, or in a shelter care facility.



Sec. 14. Minnesota Statutes 1994, section 524.5-505, is amended to read:

524.5-505 [DELEGATION OF POWERS BY PARENT OR GUARDIAN.]

A parent or a guardian of a minor or incapacitated person, by a properly executed power of attorney, may delegate to another person, for a period not exceeding six months, any powers regarding care, custody, or property of the minor or ward, except the power to consent to marriage or adoption of a minor ward. A parent of a minor child may delegate those powers for a period not exceeding one year by a designated parent agreement under chapter 257A.

Sec. 15. [APPROPRIATION.]

The sum of \$..... is appropriated from the general fund to the commissioner of public safety for the purposes of section 2.

Sec. 16. [EFFECTIVE DATE.]

Sections 1 to 14 are effective January 1, 1997."

Amend the title as follows:

Page 1, line 5, after "subdivision;" insert "260.173, subdivision 2;"

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

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

**S.F. No. 2311:** A bill for an act relating to health insurance; requiring an assessment report for any proposed mandated health benefit; proposing coding for new law in Minnesota Statutes, chapter 62Q.

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

Delete everything after the enacting clause and insert:

"Section 1. [62A.310] [ASSESSMENT OF PROPOSED HEALTH COVERAGE MANDATES.]

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

(1) "mandated health benefit proposal" means a proposal that would statutorily require a health plan to do the following:

(i) provide coverage, or increase the amount of coverage, for the treatment of a particular disease, condition, or other health care need; or

(ii) provide coverage, or increase the amount of coverage, of a particular type of health care treatment or service or of equipment, supplies, or drugs used in connection with a health care treatment or service;

(2) "commissioner" means the commissioner of health; and

(3) "health plan" means a health plan as defined in section 62A.011, subdivision 3, but includes coverage listed in section 62A.011, subdivision 3, clauses (7) and (10), within the definition.

Subd. 2. [HEALTH COVERAGE MANDATE ASSESSMENT PROCESS ESTABLISHED.] The commissioner of health, in consultation with the commissioners of commerce, human services, and employee relations, shall establish and administer a process for the review, assessment, and cost benefit analysis of mandated health benefit proposals. The purpose of the process is to provide the legislature with a cost benefit analysis of the social and financial impact of each mandated health benefit proposal before legislative action is taken.

Subd. 3. [REQUESTS FOR ASSESSMENT.] Whenever a legislative measure containing a mandated health benefit proposal is introduced as a bill or offered as an amendment to a bill, or is likely to be introduced or offered as an amendment, the chairs of the standing committees having jurisdiction over the proposal shall request that the commissioner complete an assessment of the proposal prior to any committee action by either house of the legislature. Any person or organization may also request that the commissioner complete an assessment. If multiple requests are received, the commissioner shall consult with the chairs of the standing legislative committees having jurisdiction over mandated health benefit proposals to prioritize the requests.

Subd. 4. [ASSESSMENT OF PROPOSED MANDATES; REPORT TO THE LEGISLATURE.] The commissioner shall conduct an assessment of each mandated health benefit proposal selected for assessment and submit a report to the legislature. The commissioner shall, in consultation with the chairs of the standing committees having jurisdiction over the proposal, develop a reporting date for each proposal to be assessed. If the commissioners of health and commerce determine that the assessment of a particular mandated health benefit proposal should be completed entirely or in part by the commissioner of commerce, the commissioners may agree to have the commissioner of commerce complete the assessment and submit the report to the legislature. The commissioner responsible for completing an assessment may seek the assistance and advice of consultants, contractors, researchers, or other persons or organizations with relevant expertise and may request advice or analysis from the health technology advisory committee.

Subd. 5. [NONLEGISLATIVE SOLUTIONS.] If, in the course of reviewing a mandated health benefit proposal, the commissioner determines that the problem can be solved without legislation through the exercise of existing state regulatory authority or other actions, the commissioner may take action to resolve the problem. The commissioner shall inform the chairs of the standing committees having jurisdiction over the mandated health benefit proposal of any nonlegislative action taken.

Subd. 6. [PUBLIC HEARINGS.] The commissioner shall solicit comments and recommendations on a mandated health benefit proposal from any interested persons and organizations and may schedule public hearings. The commissioner shall also seek the comments and recommendations of representatives of health care consumers and employers. The commissioner shall summarize the various comments and recommendations received in the commissioner's report to the legislature.

Subd. 7. [ADVICE AND RECOMMENDATIONS OF THE MINNESOTA HEALTH CARE COMMISSION.] The commissioner shall seek the advice and recommendations of the Minnesota health care commission regarding a mandated health benefit proposal and shall include a summary of the commission's advice and recommendations in the commissioner's report to the legislature.

Sec. 2. [APPROPRIATION.]

\$..... is appropriated from the state government special revenue fund to the commissioner of health for the purpose of establishing and administering the review process established in section 1.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to health; establishing a process for assessing proposed health coverage mandates; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 62A."

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

**SECOND READING OF SENATE BILLS**

S.F. Nos. 1824, 2089, 2011, 2385, 1956, 2019, 2306, 1978, 2198, 2119, 2312, 2624, 2272 and 2134 were read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. Nos. 2079 and 2308 were read the second time.

**MOTIONS AND RESOLUTIONS**

Ms. Runbeck moved that her name be stricken as a co-author to S.F. No. 1831. The motion prevailed.

Ms. Lesewski moved that the name of Ms. Johnson, J.B. be added as a co-author to S.F. No. 1898. The motion prevailed.

Mr. Pogemiller moved that the name of Mr. Kleis be added as a co-author to S.F. No. 1916. The motion prevailed.

Mr. Belanger moved that the name of Mr. Neuville be added as a co-author to S.F. No. 1918. The motion prevailed.

Ms. Runbeck moved that the names of Mses. Olson and Krentz be added as co-authors to S.F. No. 1923. The motion prevailed.

Ms. Wiener moved that the name of Mr. Cohen be added as a co-author to S.F. No. 2011. The motion prevailed.

Mr. Metzen moved that the names of Messrs. Solon, Day and Pogemiller be added as co-authors to S.F. No. 2297. The motion prevailed.

Mr. Mondale moved that the name of Ms. Flynn be added as a co-author to S.F. No. 2365. The motion prevailed.

Mr. Pogemiller moved that the name of Ms. Pappas be added as a co-author to S.F. No. 2390. The motion prevailed.

Mr. Chmielewski moved that the names of Mr. Murphy and Ms. Wiener be added as co-authors to S.F. No. 2460. The motion prevailed.

Mr. Kelly moved that the name of Ms. Anderson be added as a co-author to S.F. No. 2537. The motion prevailed.

Mr. Solon moved that the name of Mr. Morse be added as a co-author to S.F. No. 2644. The motion prevailed.

Mr. Vickerman moved that the name of Mr. Price be added as a co-author to S.F. No. 2646. The motion prevailed.

Mr. Dille moved that S.F. No. 2269 be withdrawn from the Committee on Jobs, Energy and Community Development and returned to its author. The motion prevailed.

Mr. Price moved that S.F. No. 2496 be withdrawn from the Committee on Metropolitan and Local Government and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

**Ms. Berglin, Mr. Moe, R.D.; Ms. Piper and Mr. Samuelson introduced--**

**Senate Resolution No. 94:** A Senate resolution urging the President and Congress to accomplish the budget balancing objective without placing at risk the health and security of the rural and senior citizens of Minnesota and the Nation.

Referred to the Committee on Rules and Administration.

Mr. Knutson moved that the name of Mr. Marty be added as a co-author to S.F. No. 2066. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Vickerman be added as a co-author to S.F. No. 2288. The motion prevailed.

Ms. Lesewski moved that S.F. No. 2097 be withdrawn from the Committee on Jobs, Energy and Community Development and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Pogemiller moved that S.F. No. 2594 be withdrawn from the Committee on Jobs, Energy and Community Development and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Ms. Pappas moved that S.F. No. 2603 be withdrawn from the Committee on Family Services and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Ms. Lesewski moved that S.F. No. 1932 be withdrawn from the Committee on Governmental Operations and Veterans and returned to its author. The motion prevailed.

Mr. Kelly moved that S.F. No. 2697 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

#### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

##### **Ms. Krentz introduced--**

**S.F. No. 2726:** A bill for an act relating to education; exploring disciplinary policies to address inappropriate classroom behavior and provide continuing instruction; providing grants to implement and evaluate prevention behavior intervention; appropriating money.

Referred to the Committee on Education.

##### **Messrs. Marty and Merriam introduced--**

**S.F. No. 2727:** A bill for an act relating to crimes; extending the qualifying conditions of impairment for snowmobiling, motorboating, hunting, driving, and flying while intoxicated to include being under the influence of noncontrolled drugs; lowering relevant evidence standard for indicating influence of alcohol; amending Minnesota Statutes 1994, sections 84.81, subdivision 1, and by adding subdivisions; 84.91, subdivisions 1, 3, and 4; 84.911, subdivisions 1, 2, 3, and 4; 86B.005, by adding subdivisions; 86B.331, subdivisions 1, 3, and 4; 86B.335, subdivisions 1, 2, 6, 7, and 10; 97A.015, by adding subdivisions; 97B.065, subdivisions 1, 3, and 4; 97B.066, subdivisions 1, 2, 3, and 4; 169.01, by adding subdivisions; 169.121, subdivisions 1, 2, 6, 10a, and by adding a subdivision; 169.123, subdivisions 2, 2a, 3, 4, and 6; 360.0752, subdivisions 1, 2, 5, and 7; 360.0753, subdivisions 2, 3, and 6; and 609.21; Minnesota Statutes 1995 Supplement, sections 84.911, subdivision 7; and 86B.335, subdivision 13.

Referred to the Committee on Crime Prevention.

##### **Mses. Johnson, J.B.; Berglin and Mr. Marty introduced--**

**S.F. No. 2728:** A bill for an act relating to health; requiring a study of migrant farmworker health and socio-economic data; creating an advisory committee; appropriating money.

Referred to the Committee on Health Care.

**Messrs. Janezich and Johnson, D.J. introduced--**

**S.F. No. 2729:** A bill for an act relating to the city of Mountain Iron; changing original net tax capacity and extending duration of a tax increment financing district; providing for creation of a soils condition district and for expenditures of the tax increment.

Referred to the Committee on Taxes and Tax Laws.

**Messrs. Janezich and Johnson, D.J. introduced--**

**S.F. No. 2730:** A bill for an act relating to local government; authorizing certain cities, towns, and the county for certain unorganized townships to create the Virginia area ambulance district; authorizing a tax levy; requiring local approval.

Referred to the Committee on Metropolitan and Local Government.

**Mr. Murphy introduced--**

**S.F. No. 2731:** A bill for an act relating to state lands; providing for payments in lieu of taxes for certain acquired natural resources lands; amending Minnesota Statutes 1994, section 97A.061, subdivision 1, and by adding a subdivision; Minnesota Statutes 1995 Supplement, sections 477A.12; and 477A.14.

Referred to the Committee on Environment and Natural Resources.

**Mr. Samuelson, Ms. Berglin and Mr. Kramer introduced--**

**S.F. No. 2732:** A bill for an act relating to human services; adult mental health services for deaf and hard-of-hearing persons; appropriating money.

Referred to the Committee on Health Care.

**Messrs. Solon and Johnson, D.J. introduced--**

**S.F. No. 2733:** A bill for an act relating to medical assistance; changing the geographic designation of certain counties for purposes of ICF/MR reimbursement; amending Minnesota Statutes 1995 Supplement, section 256B.501, subdivision 5b.

Referred to the Committee on Health Care.

**Mr. Scheevel introduced--**

**S.F. No. 2734:** A bill for an act relating to family law; child support; making county participation in the administrative process for support optional in certain cases; amending Minnesota Statutes 1995 Supplement, section 518.5511, subdivision 1.

Referred to the Committee on Judiciary.

**Mr. Lessard introduced--**

**S.F. No. 2735:** A bill for an act relating to natural resources; providing for protection of a designated trout stream; appropriating money for the replacement of culverts in Morrison brook; authorizing the issuance of state bonds.

Referred to the Committee on Environment and Natural Resources.

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

**S.F. No. 2736:** A bill for an act relating to the town of Biwabik; authorizing a different election date.

Referred to the Committee on Ethics and Campaign Reform.

**Ms. Runbeck introduced--**

**S.F. No. 2737:** A bill for an act relating to public utilities; enacting the retail wheeling for qualifying facilities act; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

**Mr. Beckman introduced--**

**S.F. No. 2738:** A bill for an act relating to emergency management; creating a fund for disaster relief for individuals and families; appropriating money; amending Minnesota Statutes 1994, section 9.061, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 299A.

Referred to the Committee on Crime Prevention.

**Messrs. Kroening, Metzen and Frederickson introduced--**

**S.F. No. 2739:** A bill for an act relating to the Minnesota historical society; modifying compensation policies; appropriating money; amending Minnesota Statutes 1995 Supplement, section 138.01, by adding a subdivision.

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

**Mr. Pogemiller introduced--**

**S.F. No. 2740:** A bill for an act relating to transportation; appropriating money for repairs to the Stone Arch Bridge.

Referred to the Committee on Transportation and Public Transit.

**Mr. Kroening introduced--**

**S.F. No. 2741:** A bill for an act relating to economic security; appropriating money for the YOUTHBUILD program.

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

**Mr. Metzen introduced--**

**S.F. No. 2742:** A bill for an act relating to natural resources; amending the wetlands conservation act to allow for an exemption for wetlands used for sewage sludge disposal prior to January 1, 1992; amending Minnesota Statutes 1994, section 103G.2241.

Referred to the Committee on Environment and Natural Resources.

**Mr. Finn introduced--**

**S.F. No. 2743:** A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Hubbard county.

Referred to the Committee on Environment and Natural Resources.

**Mr. Pogemiller introduced--**

**S.F. No. 2744:** A bill for an act relating to crime prevention; requiring the creation and dissemination to the public of a brochure relating to harassment and stalking crimes; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Crime Prevention.

**Messrs. Morse and Murphy introduced--**

**S.F. No. 2745:** A bill for an act relating to agriculture; creating a pilot project assisting retiring farmers in transferring farms to beginning farmers; appropriating money.

Referred to the Committee on Agriculture and Rural Development.

**Mr. Oliver introduced--**

**S.F. No. 2746:** A bill for an act relating to taxation; property; changing the class rates applied to residential homesteads; amending Minnesota Statutes 1994, section 273.13, subdivision 22; Minnesota Statutes 1995 Supplement, section 273.1398, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

**Ms. Reichgott Junge introduced--**

**S.F. No. 2747:** A bill for an act relating to insurance; requiring insurers to notify insureds of cancellation or nonrenewal by certified mail; amending Minnesota Statutes 1994, sections 62A.04, subdivision 3; 62A.48, subdivision 8; 62D.12, subdivision 2a; 62D.121, subdivision 5; 62I.13, subdivision 5; 65A.01, subdivision 3; 65A.07; 65A.29, subdivision 7; 65B.16; 65B.17, subdivision 1; 65B.18; and 72A.20, subdivision 24; Minnesota Statutes 1995 Supplement, sections 60A.085; and 62A.04, subdivision 2.

Referred to the Committee on Commerce and Consumer Protection.

**Mr. Stumpf introduced--**

**S.F. No. 2748:** A bill for an act relating to tax increment financing; allowing the city of East Grand Forks to extend the duration of a tax increment financing district.

Referred to the Committee on Taxes and Tax Laws.

**Mr. Kelly introduced--**

**S.F. No. 2749:** A bill for an act relating to criminal justice; creating a separate law applicable to the possession or sale of a small amount of marijuana in a motor vehicle; clarifying application of the handicapped parking law; reducing the penalty for first-time violators of driving after license suspension law; eliminating the enhancement to a misdemeanor of third and subsequent petty traffic offenses committed within a single year; increasing the maximum fine for petty misdemeanor and misdemeanor offenses; requiring certain information to be included on the uniform traffic ticket; clarifying that the definition of "juvenile petty offense" excludes traffic offenses; amending Minnesota Statutes 1994, sections 152.027, subdivision 3; 169.346, subdivision 1; 169.89, subdivisions 1 and 2; 169.99, subdivision 1; 171.24, subdivision 1; 609.02, subdivisions 3 and 4a; 609.03; 609.033; 609.0331; 609.0332; and 609.034; Minnesota Statutes 1995 Supplement, section 260.015, subdivision 21.

Referred to the Committee on Crime Prevention.

**Messrs. Price and Chandler introduced--**

**S.F. No. 2750:** A bill for an act relating to highways; directing the commissioner of transportation to construct an overpass over marked trunk highway No. 36 in North St. Paul; providing for apportionment of costs.

Referred to the Committee on Transportation and Public Transit.

**Ms. Krentz introduced--**

**S.F. No. 2751:** A bill for an act relating to education; further clarifying the process for adopting a graduation rule; amending Minnesota Statutes 1995 Supplement, sections 121.11, subdivision 7c; and 124A.29, subdivision 1; Laws 1993, chapter 224, article 12, section 32; proposing coding for new law in Minnesota Statutes, chapter 121.

Referred to the Committee on Education.

**Ms. Runbeck and Mr. Neuville introduced--**

**S.F. No. 2752:** A bill for an act relating to data privacy; authorizing release of certain arrest data to crime victims; amending Minnesota Statutes 1994, section 13.82, by adding a subdivision.

Referred to the Committee on Crime Prevention.

**Mses. Runbeck and Anderson introduced--**

**S.F. No. 2753:** A bill for an act relating to education; providing for grants to certain school districts for coordination of volunteer networks for reading mentorships; appropriating money.

Referred to the Committee on Education.

**Mses. Runbeck and Anderson introduced--**

**S.F. No. 2754:** A bill for an act relating to sexual health; appropriating money to the department of health to be used for the institute for child and adolescent sexual health programs.

Referred to the Committee on Crime Prevention.

**Mr. Cohen introduced--**

**S.F. No. 2755:** A bill for an act relating to crime prevention; authorizing peace officers to issue citations for truancy; requiring that certain juveniles taken into secure custody be formally booked and fingerprinted; requiring that any known street names or aliases of certain juvenile offenders be included in the statewide juvenile information system; amending Minnesota Statutes 1994, sections 168.36, by adding a subdivision; and 260.161, subdivision 1a; Minnesota Statutes 1995 Supplement, sections 260.132, subdivision 1; 260.161, subdivision 3; and 299C.10, subdivision 1.

Referred to the Committee on Crime Prevention.

**Mr. Cohen introduced--**

**S.F. No. 2756:** A bill for an act relating to the Minnesota humanities commission; appropriating money.

Referred to the Committee on Finance.

**Mr. Johnson, D.J. introduced--**



**S.F. No. 2757:** A bill for an act relating to economic development; modifying the tourism loan program; appropriating money; amending Minnesota Statutes 1994, section 116J.617, subdivision 2.

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

**Ms. Wiener, Messrs. Stumpf, Pogemiller and Ms. Kiscaden introduced--**

**S.F. No. 2758:** A bill for an act relating to libraries; establishing a process for selecting and implementing a statewide online information system; appropriating money.

Referred to the Committee on Education.

**Mses. Krentz and Hanson introduced--**

**S.F. No. 2759:** A bill for an act relating to human services; requiring background studies of individuals who provide transportation services to patients and residents of health care facilities licensed by the department of health and the department of human services; requiring criminal background checks of individuals who provide transportation services to elderly, handicapped, and other individuals with special transportation needs through contracts with the metropolitan council; amending Minnesota Statutes 1995 Supplement, sections 144.057, subdivision 1; 245A.04, subdivision 3; and 473.386, subdivision 2.

Referred to the Committee on Health Care.

**Mr. Lessard introduced--**

**S.F. No. 2760:** A bill for an act relating to agriculture; providing an exception to alien ownership of agricultural land for production of timber and forestry products; amending Minnesota Statutes 1994, section 500.221, subdivision 2.

Referred to the Committee on Agriculture and Rural Development.

#### **MEMBERS EXCUSED**

Mr. Chmielewski was excused from the Session of today.

#### **ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Thursday, February 8, 1996. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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