

STATE OF MINNESOTA

# Journal of the Senate

SEVENTY-NINTH LEGISLATURE

ONE HUNDRED THIRD DAY

St. Paul, Minnesota, Thursday, March 21, 1996

The Senate met at 10:00 a.m. and was called to order by the President.

## CALL OF THE SENATE

Ms. Reichgott Junge imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. L. Douglas Throckmorton.

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

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

The President declared a quorum present.

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

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

February 14, 1996

The Honorable Allan H. Spear  
President of the Senate

Dear Sir:

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

### STATE ETHICAL PRACTICES BOARD

Sidney Pauly, 17450 W. 78th St., Eden Prairie, Hennepin County, effective March 1, 1996, for a term expiring on the first Monday in January, 2000.

(Referred to the Committee on Ethics and Campaign Reform.)

March 13, 1996

The Honorable Allan H. Spear  
President of the Senate

Dear Sir:

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

ENVIRONMENTAL TRUST FUND CITIZENS' ADVISORY COMMITTEE

Jeffrey R. Johnson, 4620 Minnesota Ln., Plymouth, Hennepin County, effective March 18, 1996, for a term expiring on the first Monday in January, 1997.

Greta Hesse Gauthier, 2526 Thomas Ave. S., Minneapolis, Hennepin County, effective March 18, 1996, for a term expiring on the first Monday in January, 2000.

Arlan H. Anderson, 1023 Jefferson Ct., Argyle, Marshall County, effective March 18, 1996, for a term expiring on the first Monday in January, 2000.

Nancy Gibson, 2712 Glenhurst Ave., St. Louis Park, Hennepin County, effective March 18, 1996, for a term expiring on the first Monday in January, 2000.

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

Warmest regards,  
Arne H. Carlson, Governor

March 19, 1996

The Honorable Allan H. Spear  
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 2319, 1793 and 1797.

Warmest regards,  
Arne H. Carlson, Governor

March 20, 1996

The Honorable Irv Anderson  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1996 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1996	Date Filed 1996
	2008	335	3:40 p.m. March 19	March 19
	732	336	3:42 p.m. March 19	March 19
	168	337	4:00 p.m. March 19	March 19
	2155	338	3:55 p.m. March 19	March 19

	2222	339	3:56 p.m. March 19	March 19
	2055	340	3:58 p.m. March 19	March 19
	2682	341	4:05 p.m. March 19	March 19
2319		344	4:14 p.m. March 19	March 19
1793		345	4:16 p.m. March 19	March 19
1797		346	4:22 p.m. March 19	March 19
	2115	347	4:07 p.m. March 19	March 19
	2149	348	4:10 p.m. March 19	March 19

Sincerely,  
Joan Anderson Growe  
Secretary of State

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 2471.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 20, 1996

Mr. President:

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

**S.F. No. 2457:** A bill for an act relating to public employees; regulating the salaries of certain higher education officers; prescribing the form and use of uniform collective bargaining settlement forms; allowing certain students to work for department of transportation for 48 months; ratifying certain labor agreements and compensation plans; appropriating money; amending Minnesota Statutes 1994, sections 3.855, subdivision 4; 43A.08, subdivision 4; 43A.17, subdivision 1; 179A.03, subdivision 4; and 179A.07, by adding a subdivision; Minnesota Statutes 1995 Supplement, sections 15A.081, subdivision 7b; 43A.18, subdivision 2; and 179A.04, subdivision 3.

Senate File No. 2457 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 20, 1996

Ms. Flynn moved that the Senate do not concur in the amendments by the House to S.F. No. 2457, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

**S.F. No. 1915:** A bill for an act relating to commerce; changing the enforcement authority to the commissioner; providing continuing education and reporting requirements for certain licenses; regulating inspections of cosmetology salons and schools; regulating disclosures of information and data; regulating securities registrations and exemptions; regulating franchise registrations and

definitions; modifying the definition of an aggrieved person for purposes of the real estate recovery fund; regulating cancellations of membership camping contracts; modifying the bond or insurance requirements for abstractors; regulating residential building contractors; regulating unclaimed properties and notaries public; requiring a study; removing a certain licensing exception; repealing an obsolete provision; regulating the repair of certain consumer goods; modifying agency disclosure requirements in real estate transactions; modifying licensing requirements; amending Minnesota Statutes 1994, sections 45.011, subdivision 1; 45.027, subdivision 7, and by adding subdivisions; 53A.081, subdivision 1; 60K.19, subdivisions 7, 8, and 10; 80A.05, subdivision 1; 80A.06, subdivision 3; 80A.09, by adding a subdivision; 80A.10, subdivision 4; 80A.11, by adding a subdivision; 80A.14, by adding subdivisions; 80A.15, subdivisions 2 and 3; 80C.01, by adding a subdivision; 80C.05, by adding a subdivision; 82.19, subdivision 5; 82.195, subdivision 2; 82.196, subdivisions 1 and 2; 82.197, subdivisions 1, 2, 3, and 4; 82.22, subdivision 13; 82A.11, by adding a subdivision; 82B.19, by adding a subdivision; 155A.08, subdivision 3; 155A.09, subdivision 7; 155A.095; 325F.56, subdivision 2; 326.37, by adding a subdivision; 326.87, by adding a subdivision; 326.91, by adding subdivisions; 326.991; 332.34; 345.41; 345.42; 345.43, by adding a subdivision; 345.515; 359.01, subdivisions 1 and 2; 359.02; and 359.061; Minnesota Statutes 1995 Supplement, sections 16A.6701, subdivision 1; 80A.15, subdivision 1; 82.20, subdivision 15; 82.34, subdivision 7; 83.26, subdivision 2; and 386.66; proposing coding for new law in Minnesota Statutes, chapters 45; and 332; repealing Minnesota Statutes 1994, sections 80A.14, subdivision 8; 326.95, subdivision 4; 326.97, subdivision 3; 326.99; and 345.43, subdivisions 1 and 2; Laws 1994, chapter 447, section 2.

Senate File No. 1915 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 20, 1996

Mr. Oliver moved that the Senate do not concur in the amendments by the House to S.F. No. 1915, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

**S.F. No. 1980:** A bill for an act relating to insurance; regulating coverages; modifying agent cancellations or terminations; providing certain filing requirements for domestic insurers; regulating disclosures and policy and contract provisions; providing for the operation and administration of the medical malpractice joint underwriting association and the Minnesota joint underwriting association; regulating policy cancellations or terminations and claims practices; modifying standards for participation in the assigned claims plan; regulating information handling practices; establishing solvency requirements; making technical changes; amending Minnesota Statutes 1994, sections 60A.07, subdivision 8; 60A.08, subdivision 14; 60A.09, subdivision 4a; 60A.11, subdivision 21; 60A.171, subdivision 7, and by adding a subdivision; 60A.36, subdivision 1; 60C.09, subdivision 2; 60C.11, by adding a subdivision; 61A.02, subdivision 2, and by adding a subdivision; 61A.072, subdivision 4; 61A.32; 61B.20, subdivision 15; 61B.28, subdivision 7; 62A.011, subdivision 3; 62A.02, by adding a subdivision; 62A.31, subdivisions 1p, 1r, 1s, and 3; 62A.315; 62A.318; 62A.36, subdivision 1; 62A.39; 62A.44, subdivision 2; 62A.60; 62F.03, subdivision 6; 62F.04, subdivision 1a; 62I.02, subdivisions 2, 5, and by adding a subdivision; 62I.07; 62L.02, subdivision 15; 62L.09, subdivision 3; 65A.01, subdivision 3; 65A.10, subdivision 1; 65A.295; 65B.14, by adding a subdivision; 65B.15, subdivision 1; 65B.51, subdivision 3; 65B.64, subdivision 3; 70A.07; and 72A.20, subdivisions 17, 23, 26, 30, and by adding a subdivision; Minnesota Statutes 1995 Supplement, sections 60A.07, subdivision 10; 60A.67, subdivision 2; 60K.03, subdivision 7; 61A.09, subdivision 1; 62A.042; 62A.135, subdivision 1; 62A.31, subdivision 1h; 62C.14, subdivision 14; 62E.05, subdivision 1; 62F.02, subdivision 2; and 62L.12, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 60A; 61A; 62A; and 72A; repealing Minnesota Statutes 1994, sections 60A.13, subdivision 8; 60A.40; 60B.27; 62I.20; 65A.25; 72A.205; and Laws 1995, chapter 140, section 1.

Senate File No. 1980 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 20, 1996

Mr. Hottinger moved that the Senate do not concur in the amendments by the House to S.F. No. 1980, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1981, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 1981:** A bill for an act relating to commerce; regulating the enforcement powers of the commissioner; clarifying the definition of nonconformity in respect of hearing aids; amending Minnesota Statutes 1994, section 45.027, subdivision 5, and by adding a subdivision; Minnesota Statutes 1995 Supplement, section 325G.203, subdivision 11.

Senate File No. 1981 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 21, 1996

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2194, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 2194:** A bill for an act relating to metropolitan government; allowing the metropolitan council to determine an allocation method for wastewater services; amending Minnesota Statutes 1994, sections 473.511, subdivision 4; 473.517; and 473.519.

Senate File No. 2194 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 21, 1996

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 315:** A bill for an act relating to elections; changing and clarifying provisions of the Minnesota election law; amending Minnesota Statutes 1994, sections 201.071, subdivision 1; 203B.01, by adding a subdivision; 203B.11, subdivision 1; 204B.06, by adding a subdivision; 204B.09, by adding a subdivision; 204B.15; 204B.27, by adding a subdivision; 204B.31; 204B.32, subdivision 1; 204B.36, subdivision 2; 204B.45, subdivision 1; 204B.46; 204C.08, by adding a subdivision; 204C.31, subdivision 2; 206.62; 206.90, subdivisions 4 and 6; 207A.03, subdivision 2; and 211A.02, subdivision 2; repealing Minnesota Statutes 1994, section 204D.15, subdivision 2.

There has been appointed as such committee on the part of the House:

Jefferson, McCollum and Pawlenty.

Senate File No. 315 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 20, 1996

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 1885:** A bill for an act relating to human services; clarifying foster care payment and placement; clarifying adoption assistance; defining egregious harm in the juvenile code; amending the parental rights termination statute; 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; 259.77; 260.015, by adding a subdivision; and 260.181, subdivision 3; Minnesota Statutes 1995 Supplement, sections 256.045, subdivision 3; and 260.221, subdivision 1; Laws 1995, chapter 207, article 1, section 2, subdivision 4.

There has been appointed as such committee on the part of the House:

Sykora, Wejzman and Entenza.

Senate File No. 1885 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 20, 1996

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 2255:** A bill for an act relating to local government; providing for certain vacancies in the elected offices of mayor or council member in statutory cities, county commissioner, and school board; amending Minnesota Statutes 1994, sections 127.09; 375.101; and 412.02, subdivision 2a, and by adding a subdivision.

There has been appointed as such committee on the part of the House:

Carruthers, Luther and Lynch.

Senate File No. 2255 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 20, 1996

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2419:

**H.F. No. 2419:** A bill for an act relating to alternative energy; clarifying a mandate for certain utilities to generate electric power using biomass fuel; amending Minnesota Statutes 1995 Supplement, section 216B.2424.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Brown, Ostrom and Ozment have been appointed as such committee on the part of the House.

House File No. 2419 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 20, 1996

Mr. Novak moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2419, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1404:

**H.F. No. 1404:** A bill for an act relating to transportation; allowing commissioner of transportation to act as agent to accept federal money for nonpublic organizations for transportation purposes; increasing maximum lump sum utility adjustment amount allowed for relocating utility facility; eliminating percentage limit for funding transportation research projects and providing for federal research funds and research partnerships; allowing counties more authority in disbursing certain state-aid highway funds; exempting charter buses from certain requirements of truck weight enforcement operations; regulating erection of highway signs identifying entrance into municipality; eliminating requirement to have permit identifying number affixed to highway billboard; providing for use and maintenance of hydrants located within right-of-way of public roads; eliminating legislative route No. 331 from trunk highway system and turning it back to the jurisdiction of Fillmore county; making technical corrections; amending Minnesota Statutes 1994, sections 161.085; 161.36, subdivisions 1, 2, 3, and 4; 161.46, subdivision 3; 161.53; 162.08, subdivisions 4 and 7; 162.14, subdivision 6; 169.85; 173.02, subdivision 6; 173.07, subdivision 1; 174.04; and 222.37, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 173; repealing Minnesota Statutes 1994, sections 161.086; 161.115, subdivision 262.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Lieder, Garcia, Osthoff, Molnau and Johnson, V. have been appointed as such committee on the part of the House.

House File No. 1404 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 20, 1996

Mr. Langseth moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1404, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1648 and 2704.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 20, 1996

### FIRST READING OF HOUSE BILLS

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

**H.F. No. 1648:** A bill for an act relating to civil actions; providing for civil damages for bias offenses; proposing coding for new law in Minnesota Statutes, chapter 611A; repealing Minnesota Statutes 1994, section 548.06.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1500, now on General Orders.

**H.F. No. 2704:** A bill for an act relating to transportation; abolishing transportation regulation board and transferring duties and powers to commissioners of public service and transportation; modifying laws governing motor carriers; clarifying definition of warehouse operator; making technical changes; appropriating money; amending Minnesota Statutes 1994, sections 168.013, subdivision 1e; 218.031, subdivisions 1 and 2; 218.041, subdivision 5; 221.011, subdivisions 7, 8, 9, 14, and by adding subdivisions; 221.021; 221.025; 221.051, by adding a subdivision; 221.071, subdivision 2; 221.111; 221.124, subdivision 2; 221.141, subdivision 1; 221.161, subdivision 1; 221.171, subdivision 1; 221.172, subdivisions 3 and 9; 221.185, subdivisions 1, 2, 4, and 9; 221.281; 221.291, subdivision 4; and 231.01, subdivision 5; Minnesota Statutes 1995 Supplement, sections 15A.081, subdivision 1; 221.131, subdivision 3; and 221.132; proposing coding for new law in Minnesota Statutes, chapters 216A; and 221; repealing Minnesota Statutes 1994, sections 174A.01; 174A.02; 174A.03; 174A.04; 174A.05; 174A.06; 218.011, subdivision 7; 218.021; 218.025; 218.031, subdivision 7; 218.041, subdivision 7; 221.011, subdivisions 2b, 10, 12, 24, 25, 28, 35, 36, 38, 39, 40, 41, and 46; 221.072; 221.101; 221.121, subdivisions 3, 5, 6, 6c, 6d, 6e, 6f, and 6g; 221.151, subdivision 3; 221.152; 221.153; 221.172, subdivisions 4, 5, 6, 7, and 8; 221.296; 221.54; and 221.55.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2169, now on General Orders.

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Price moved that the following members be excused for a Conference Committee on H.F. No. 2752 at 10:00 a.m.:

Messrs. Price, Kelly and Ms. Reichgott Junge. The motion prevailed.

### MOTIONS AND RESOLUTIONS

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 220 a Special Order to be heard immediately.

### SPECIAL ORDER

**H.F. No. 220:** A bill for an act relating to elections; requiring certain special primaries and elections to be conducted by mail; amending Minnesota Statutes 1994, sections 204D.19, subdivisions 2 and 3; 204D.20, subdivision 1; 204D.21, subdivisions 2 and 3; 204D.22, subdivision 3; and 204D.23, subdivision 2.

### CALL OF THE SENATE

Mr. Pogemiller imposed a call of the Senate for the balance of the proceedings on H.F. No. 220. The Sergeant at Arms was instructed to bring in the absent members.

H.F. No. 220 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

Mr. Moe, R.D. moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 32 and nays 31, as follows:

Those who voted in the affirmative were:



Anderson	Hottinger	Merriam	Piper	Samuelson
Beckman	Janezich	Metzen	Pogemiller	Spear
Berglin	Johnson, J.B.	Mondale	Price	Stumpf
Betzold	Kelly	Morse	Ranum	Wiener
Chandler	Krentz	Murphy	Reichgott Junge	
Cohen	Langseth	Novak	Riveness	
Flynn	Marty	Pappas	Robertson	

Those who voted in the negative were:

Belanger	Johnson, D.E.	Laidig	Oliver	Stevens
Berg	Johnston	Larson	Olson	Terwilliger
Day	Kiscaden	Lesewski	Ourada	Vickerman
Dille	Kleis	Lessard	Pariseau	
Fischbach	Knutson	Limmer	Runbeck	
Frederickson	Kramer	Moe, R.D.	Sams	
Hanson	Kroening	Neuville	Scheevel	

So the bill failed to pass.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2104 a Special Order to be heard immediately.

### SPECIAL ORDER

**S.F. No. 2104:** A bill for an act relating to transportation; delaying requirement for lead-free markings for road pavement; amending Minnesota Statutes 1994, section 115A.9651, subdivision 1.

Mr. Stevens moved to amend S.F. No. 2104 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 115A.9651, as amended by Laws 1995, chapter 247, article 1, section 28, is amended to read:

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

Subdivision 1. [PROHIBITION.] (a) Except as provided in subdivisions 2 and 3, after January 1, 1997, no person may distribute for sale or use in this state any ink, dye, pigment, paint, or fungicide manufactured after September 1, 1994, into which lead, cadmium, mercury, or hexavalent chromium has been intentionally introduced.

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

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

Subd. 2. [~~TEMPORARY EXEMPTION PRODUCT REVIEW.~~] (a) Subdivision 1 does not apply to an item listed in that subdivision 1 is exempt from this section until July 1, 1998, if, by August 1, 1996, the manufacturer of the item submitted submits a product review report to the commissioner a written request for an exemption by August 1, 1994 that the commissioner determines complies with clauses (1) to (3) and the manufacturer complies with the other requirements of this subdivision. The request report must include at least:

(1) an explanation of why compliance is not technically feasible at the time of the request the technical and economic feasibility of removing a listed metal from the item by July 1, 1998;

(2) how the manufacturer will comply by July 1, 1997; and a summary of public health and environmental regulations that affect use and disposal of the item;

(3) a summary of any data or reports known to the manufacturer on public health and environmental impacts of the use and disposal of the item; and

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

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

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

(2) ~~an explanation of why it is not technically feasible at the time of the request to formulate or manufacture the technical and economic feasibility of formulating or manufacturing the item without intentionally introducing a listed metal by July 1, 1998;~~

(3) ~~that the person will seek alternatives to using the item by July 1, 1997, if it still contains an intentionally introduced listed metal a summary of public health and environmental regulations that affect the person's use and disposal of the item; and~~

(4) a summary of any data or reports known to the user on public health or environmental impacts of the use and disposal of the item; and

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

(c) ~~A person who submits a request for temporary exemption under paragraph (b) may submit a request for a temporary exemption after September 1, 1994, for an item that the person will use as an alternative to the item for which the request was originally made as long as the new item has a total concentration level of all the listed metals that is significantly less than in the original item. An exemption under this paragraph expires July 1, 1998, and the person who requests it must submit the progress description required in paragraph (e) By August 1, 1996, a manufacturer that submits a product review report under paragraph (a) must submit a report to the commissioner describing any progress made in removing the listed metal from the item and stating whether the manufacturer anticipates removal of the listed metal by July 1, 1998.~~

(d) ~~By October 1, 1994, and annually thereafter if requests are received under paragraph (c), the commissioner shall submit to the legislative commission on waste management a list of manufacturers and persons that have requested an exemption under this subdivision and the items for which exemptions were sought, along with copies of the requests By October 1, 1996, a person that submits a report under paragraph (b) must submit a report to the commissioner describing any progress made to eliminate or replace the item containing the listed metal and stating whether the use of the item will be eliminated by July 1, 1998.~~

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

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

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

~~By October 1, 1996, the commissioner shall submit to the legislative commission a summary of the progress made by the manufacturers and other persons and any recommendations for~~

appropriate legislative or other action to ensure that products are not distributed in the state after July 1, 1998, that violate subdivision 1. By December 1, 1996, the commissioner shall submit to the environment and natural resources committees of the legislature a report on progress made by the manufacturers and other persons to eliminate the use of the metals listed in subdivision 1. The report must include recommendations on whether the legislature should ban the sale or use of any of the items listed in subdivision 1 that contain a listed metal. Any recommendation for a product ban must address the risks posed by the use and disposal of the product to the public health and the environment and the costs of a product ban.

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

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

Sec. 2. [TOXICS IN PRODUCTS; EXEMPTION REQUESTS.]

Exemption requests received by the commissioner of the pollution control agency under Minnesota Statutes 1994, section 115A.9651, are deemed to be product review reports for the purposes of section 1, subdivision 2, paragraph (a) or (b). The commissioner shall notify each person that submitted an exemption request of any additional information needed to comply with section 1, subdivision 2, paragraph (a) or (b). The additional information must be submitted to the commissioner by September 1, 1996.

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 the environment; modifying requirements relating to toxics in products; amending Minnesota Statutes 1994, section 115A.9651, as amended."

### CALL OF THE SENATE

Mr. Marty imposed a call of the Senate for the balance of the proceedings on S.F. No. 2104. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Stevens amendment.

The roll was called, and there were yeas 34 and nays 25, as follows:

Those who voted in the affirmative were:

Beckman	Johnston	Larson	Oliver	Scheevel
Belanger	Kiscaden	Lesewski	Olson	Solon
Berg	Kleis	Lessard	Ourada	Stevens
Day	Knutson	Limmer	Pariseau	Stumpf
Dille	Kramer	Metzen	Robertson	Terwilliger
Fischbach	Laidig	Murphy	Runbeck	Vickerman
Janezich	Langseth	Neuville	Sams	

Those who voted in the negative were:

Anderson	Flynn	Krentz	Pappas	Reichgott Junge
Berglin	Frederickson	Kroening	Piper	Riveness
Betzold	Hanson	Marty	Pogemiller	Samuelson
Chandler	Hottinger	Morse	Price	Spear
Cohen	Kelly	Novak	Ranum	Wiener

The motion prevailed. So the amendment was adopted.

S.F. No. 2104 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 36 and nays 23, as follows:

Those who voted in the affirmative were:

Beckman	Kiscaden	Lessard	Pariseau	Stumpf
Belanger	Kleis	Limmer	Robertson	Terwilliger
Berg	Knutson	Metzen	Runbeck	Vickerman
Day	Kramer	Murphy	Sams	Wiener
Dille	Laidig	Neuville	Samuelson	
Fischbach	Langseth	Oliver	Scheevel	
Janezich	Larson	Olson	Solon	
Johnston	Lesewski	Ourada	Stevens	

Those who voted in the negative were:

Anderson	Flynn	Krentz	Pappas	Reichgott Junge
Berglin	Frederickson	Kroening	Piper	Riveness
Betzold	Hanson	Marty	Pogemiller	Spear
Chandler	Hottinger	Morse	Price	
Cohen	Kelly	Novak	Ranum	

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

### MESSAGES FROM THE HOUSE

Mr. President:

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

**S.F. No. 2503:** A bill for an act relating to exotic species; recodifying, modifying, and expanding provisions relating to regulation and management of harmful exotic species; authorizing rulemaking; providing penalties; amending Minnesota Statutes 1994, sections 97A.105, subdivision 1; 97A.211, subdivisions 1 and 2; Minnesota Statutes 1995 Supplement, sections 84.027, subdivision 13; 97A.205; and 97A.221, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 84D; repealing Minnesota Statutes 1994, sections 84.966; 84.967; 84.968, subdivision 2; 84.969; 84.9692, subdivisions 3, 4, 5, and 6; and 103G.617; Minnesota Statutes 1995 Supplement, sections 18.316; 18.317; 84.968, subdivision 1; 84.9691; 84.9692, subdivisions 1, 1a, and 2; and 86B.401, subdivision 11.

Senate File No. 2503 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 20, 1996

### CONCURRENCE AND REPASSAGE

Mr. Price moved that the Senate concur in the amendments by the House to S.F. No. 2503 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2503 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 697, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 697 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 20, 1996

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 697

A bill for an act relating to insurance; long-term care; permitting the sale of policies with longer waiting periods with disclosure to the purchaser; amending Minnesota Statutes 1994, sections 62A.48, subdivision 1; and 62A.50, subdivision 3.

March 15, 1996

The Honorable Irv Anderson  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

We, the undersigned conferees for H.F. No. 697, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 697 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1995 Supplement, section 62A.48, subdivision 1, is amended to read:

Subdivision 1. [POLICY REQUIREMENTS.] No individual or group policy, certificate, subscriber contract, or other evidence of coverage of nursing home care or other long-term care services shall be offered, issued, delivered, or renewed in this state, whether or not the policy is issued in this state, unless the policy is offered, issued, delivered, or renewed by a qualified insurer and the policy satisfies the requirements of sections 62A.46 to 62A.56. A long-term care policy must cover prescribed long-term care in nursing facilities and at least the prescribed long-term

home care services in section 62A.46, subdivision 4, clauses (1) to (5), provided by a home health agency. Coverage under a long-term care policy must include: a minimum lifetime benefit limit of at least \$25,000 for services, and nursing facility and home care coverages must not be subject to separate lifetime maximums. Prior hospitalization may not be required under a long-term care policy.

The policy must cover preexisting conditions during the first six months of coverage if the insured was not diagnosed or treated for the particular condition during the 90 days immediately preceding the effective date of coverage. Coverage under the policy may include a waiting period of up to 90 180 days before benefits are paid, but there must be no more than one waiting period per benefit period; for purposes of this sentence, "days" can mean calendar or benefit days. If benefit days are used, an appropriate premium reduction and disclosure must be made. If benefit days are used in connection with coverage for home care services, the waiting period for home care services must not be longer than 90 benefit days. No policy may exclude coverage for mental or nervous disorders which have a demonstrable organic cause, such as Alzheimer's and related dementias. No policy may require the insured to be homebound or house confined to receive home care services. The policy must include a provision that the plan will not be canceled or renewal refused except on the grounds of nonpayment of the premium, provided that the insurer may change the premium rate on a class basis on any policy anniversary date. A provision that the policyholder may elect to have the premium paid in full at age 65 by payment of a higher premium up to age 65 may be offered. A provision that the premium would be waived during any period in which benefits are being paid to the insured during confinement in a nursing facility must be included. A nongroup policyholder may return a policy within 30 days of its delivery and have the premium refunded in full, less any benefits paid under the policy, if the policyholder is not satisfied for any reason.

No individual long-term care policy shall be offered or delivered in this state until the insurer has received from the insured a written designation of at least one person, in addition to the insured, who is to receive notice of cancellation of the policy for nonpayment of premium. The insured has the right to designate up to a total of three persons who are to receive the notice of cancellation, in addition to the insured. The form used for the written designation must inform the insured that designation of one person is required and that designation of up to two additional persons is optional and must provide space clearly designated for listing between one and three persons. The designation shall include each person's full name, home address, and telephone number. Each time an individual policy is renewed or continued, the insurer shall notify the insured of the right to change this written designation.

The insurer may file a policy form that utilizes a plan of care prepared as provided under section 62A.46, subdivision 5, clause (1) or (2).

Sec. 2. Minnesota Statutes 1995 Supplement, section 62A.50, subdivision 3, is amended to read:

Subd. 3. [DISCLOSURES.] No long-term care policy shall be offered or delivered in this state, whether or not the policy is issued in this state, and no certificate of coverage under a group long-term care policy shall be offered or delivered in this state, unless a statement containing at least the following information is delivered to the applicant at the time the application is made:

(1) a description of the benefits and coverage provided by the policy and the differences between this policy, a supplemental Medicare policy and the benefits to which an individual is entitled under parts A and B of Medicare;

(2) a statement of the exceptions and limitations in the policy including the following language, as applicable, in bold print: "THIS POLICY DOES NOT COVER ALL NURSING CARE FACILITIES OR NURSING HOME, HOME CARE, OR ADULT DAY CARE EXPENSES AND DOES NOT COVER RESIDENTIAL CARE. READ YOUR POLICY CAREFULLY TO DETERMINE WHICH FACILITIES AND EXPENSES ARE COVERED BY YOUR POLICY.";

(3) a statement of the renewal provisions including any reservation by the insurer of the right to change premiums;

(4) a statement that the outline of coverage is a summary of the policy issued or applied for and that the policy should be consulted to determine governing contractual provisions;

(5) an explanation of the policy's loss ratio including at least the following language: "This means that, on the average, policyholders may expect that \$..... of every \$100 in premium will be returned as benefits to policyholders over the life of the contract.";

(6) a statement of the out-of-pocket expenses, including deductibles and copayments for which the insured is responsible, and an explanation of the specific out-of-pocket expenses that may be accumulated toward any out-of-pocket maximum as specified in the policy;

(7) the following language, in bold print: "YOUR PREMIUMS CAN BE INCREASED IN THE FUTURE. THE RATE SCHEDULE THAT LISTS YOUR PREMIUM NOW CAN CHANGE.";

(8) the following language, if applicable, in bold print: "IF YOU ARE NOT HOSPITALIZED PRIOR TO ENTERING A NURSING HOME OR NEEDING HOME CARE, YOU WILL NOT BE ABLE TO COLLECT ANY BENEFITS UNDER THIS PARTICULAR POLICY."; and

(9) the following language in bold print, with any provisions that are inapplicable to the particular policy omitted or crossed out: "THIS POLICY HAS A WAITING PERIOD OF ..... (CALENDAR OR BENEFIT) DAYS FOR NURSING CARE SERVICES AND A WAITING PERIOD OF ..... (CALENDAR OR BENEFIT) DAYS FOR HOME CARE SERVICES. THIS MEANS THAT THIS POLICY WILL NOT COVER YOUR CARE FOR THE FIRST ..... (CALENDAR OR BENEFIT) DAYS AFTER YOU ENTER A NURSING HOME, OR THE FIRST ..... (CALENDAR OR BENEFIT) DAYS AFTER YOU BEGIN TO USE HOME CARE SERVICES. YOU WOULD NEED TO PAY FOR YOUR CARE FROM OTHER SOURCES FOR THOSE WAITING PERIODS."; and

(10) a signed and completed copy of the application for insurance is left with the applicant at the time the application is made.

### Sec. 3. [EFFECTIVE DATE AND APPLICATION.]

Sections 1 and 2 are effective January 1, 1997, and apply to policies issued on or after that date."

Delete the title and insert:

"A bill for an act relating to insurance; long-term care; permitting the sale of policies with longer waiting periods with disclosure to the purchaser; amending Minnesota Statutes 1995 Supplement, sections 62A.48, subdivision 1; and 62A.50, subdivision 3."

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Henry J. Kalis, Tom Osthoff, Tony Onnen

Senate Conferees: (Signed) Sam G. Solon, Deanna Wiener, William V. Belanger, Jr.

Mr. Solon moved that the foregoing recommendations and Conference Committee Report on H.F. No. 697 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 697 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 56 and nays 1, as follows:

Those who voted in the affirmative were:

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

Ms. Berglin voted in the negative.

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Reichgott Junge moved that H.F. No. 2385 be taken from the table. The motion prevailed.

**H.F. No. 2385:** A bill for an act relating to civil actions; establishing an evidentiary privilege for persons who preside at alternative dispute resolution; amending Minnesota Statutes 1994, section 595.02, by adding a subdivision.

Ms. Reichgott Junge moved that the amendment made to H.F. No. 2385 by the Committee on Rules and Administration in the report adopted February 12, 1996, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 2385 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Mr. Metzen moved that H.F. No. 2218 be taken from the table. The motion prevailed.

**H.F. No. 2218:** A bill for an act relating to state government; modifying performance report requirements; requiring that interagency bills be paid promptly; prohibiting state agencies from undertaking capital improvements without legislative authority; conforming certain leased space requirements to existing law; requiring that state agencies comply with certain information policy office requirements regarding information systems equipment and data collection; modifying revolving fund authority; increasing resource recovery goals; modifying collection requirements; amending Minnesota Statutes 1994, sections 16A.055, subdivision 1; 16A.124, subdivision 7, and by adding a subdivision; 16B.30; 16B.31, subdivision 6; 16B.41, by adding a subdivision; 16B.48, subdivision 2; and 115A.151; Minnesota Statutes 1995 Supplement, sections 15.91, subdivision 2; and 115A.15, subdivision 9.



Ms. Runbeck moved to amend H.F. No. 2218, the unofficial engrossment, as follows:

Page 6, after line 21, insert:

"Sec. 11. [LEAVE DONATION PROGRAM.]

Subdivision 1. [DONATION.] A state employee may donate up to 12 hours of accrued vacation leave for the benefit of an employee of the department of administration, division of plant management, who had surgery for an aneurism. The number of hours donated must be credited to the sick leave account of the receiving state employee. If the receiving state employee uses all of the donated time, up to 50 additional hours per employee of accrued vacation leave may be donated. Vacation donation permitted by this section is in addition to that permitted under Minnesota Statutes, section 43A.181.

Subd. 2. [PROCESS FOR CREDITING.] The donating employee must notify the employee's agency head of the amount of accrued vacation leave time the employee wishes to donate. The agency head shall transfer that amount to the sick leave account of the recipient. A donation of accrued vacation leave time is irrevocable once it has been transferred to the account.

Sec. 12. [EFFECTIVE DATE.]

Section 11 is effective the day following final enactment and applies retroactively to March 14, 1996."

Amend the title accordingly

Mr. Metzen moved that H.F. No. 2218 be laid on the table. The motion prevailed.

Ms. Reichgott Junge moved that S.F. No. 1895 be taken from the table. The motion prevailed.

**S.F. No. 1895:** A bill for an act relating to elections; requiring return of public subsidy by candidates who violate the fair campaign practices act; amending Minnesota Statutes 1994, section 10A.324, by adding a subdivision.

Ms. Reichgott Junge moved to amend S.F. No. 1895 as follows:

Page 1, after line 14, insert:

"Sec. 2. Minnesota Statutes 1994, section 211B.06, subdivision 1, is amended to read:

Subdivision 1. [GROSS MISDEMEANOR.] A person is guilty of a gross misdemeanor who intentionally participates in the preparation, dissemination, or broadcast of paid political advertising or campaign material with respect to the personal or political character or acts of a candidate, whether or not defamatory, or with respect to the effect of a ballot question, that the person knows ~~or has reason to believe~~ is false or acts in reckless disregard of the truth and that is designed or tends to elect, injure, or defeat a candidate for nomination or election to a public office or to promote or defeat a ballot question.

A person is guilty of a misdemeanor who intentionally participates in the drafting of a letter to the editor with respect to the personal or political character or acts of a candidate, if defamatory, or with respect to the effect of a ballot question, that the person knows is false or acts in reckless disregard of the truth and which that is designed or tends to elect, injure, or defeat any candidate for nomination or election to a public office or to promote or defeat a ballot question."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Neuville questioned whether the amendment was germane.

The President ruled that the amendment was germane.

### CALL OF THE SENATE

Ms. Reichgott Junge imposed a call of the Senate for the balance of the proceedings on S.F. No. 1895. The Sergeant at Arms was instructed to bring in the absent members.

Mrs. Pariseau moved to amend the Reichgott Junge amendment to S.F. No. 1895 as follows:

Page 1, lines 11 and 12, delete the new language

Page 1, lines 20 and 21, delete "or acts in reckless disregard of the truth"

Mrs. Pariseau then withdrew her amendment.

Mrs. Pariseau then moved that S.F. No. 1895 be laid on the table.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 24 and nays 37, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, D.E.	Kramer	Neuville	Runbeck
Berg	Johnston	Laidig	Oliver	Scheevel
Day	Kiscaden	Larson	Olson	Stevens
Dille	Kleis	Lesewski	Pariseau	Terwilliger
Fischbach	Knutson	Limmer	Robertson	

Those who voted in the negative were:

Anderson	Hottinger	Metzen	Piper	Solon
Beckman	Janezich	Moe, R.D.	Pogemiller	Spear
Berglin	Johnson, J.B.	Mondale	Price	Stumpf
Betzold	Krentz	Morse	Ranum	Vickerman
Chandler	Kroening	Murphy	Reichgott Junge	Wiener
Cohen	Lessard	Novak	Riveness	
Flynn	Marty	Ourada	Sams	
Hanson	Merriam	Pappas	Samuelson	

The motion did not prevail.

Ms. Reichgott Junge moved that S.F. No. 1895 be laid on the table. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2127 a Special Order to be heard immediately.

### SPECIAL ORDER

**H.F. No. 2127:** A bill for an act relating to human services; changing provisions related to deaf and hard-of-hearing services division; amending Minnesota Statutes 1994, sections 256C.22; 256C.23; 256C.24, as amended; 256C.25, subdivision 1; 256C.26; and 256C.28, as amended; proposing coding for new law in Minnesota Statutes, chapter 256C; repealing Minnesota Statutes 1994, section 256C.27.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Cohen	Hanson	Johnston	Kramer
Beckman	Day	Hottinger	Kelly	Krentz
Belanger	Dille	Janezich	Kiscaden	Laidig
Berglin	Fischbach	Johnson, D.E.	Kleis	Larson
Betzold	Flynn	Johnson, J.B.	Knutson	Lesewski

Lessard	Morse	Pariseau	Robertson	Stevens
Limmer	Neuville	Piper	Runbeck	Stumpf
Marty	Novak	Pogemiller	Sams	Terwilliger
Merriam	Oliver	Price	Samuelson	Vickerman
Metzen	Olson	Ranum	Scheevel	Wiener
Moe, R.D.	Ourada	Reichgott Junge	Solon	
Mondale	Pappas	Riveness	Spear	

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1996 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 1996

A bill for an act relating to family law; requiring specificity in visitation orders; modifying provisions for visitation expeditors; providing for the establishment of mandatory visitation dispute resolution programs; imposing penalties; amending Minnesota Statutes 1994, sections 518.175, subdivision 1; and 518.1751.

March 19, 1996

The Honorable Allan H. Spear  
President of the Senate

The Honorable Irv Anderson  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1996, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 1996 be further amended as follows:

Delete everything after the enacting clause and insert:

#### "ARTICLE 1 VISITATION

Section 1. Minnesota Statutes 1994, section 518.175, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] (a) In all proceedings for dissolution or legal separation, subsequent to the commencement of the proceeding and continuing thereafter during the minority of the child, the court shall, upon the request of either parent, grant such rights of visitation on behalf of the child and noncustodial parent as will enable the child and the noncustodial parent to maintain a child to parent relationship that will be in the best interests of the child. If the court finds, after a hearing, that visitation is likely to endanger the child's physical or emotional health or impair the child's emotional development, the court shall restrict visitation by the noncustodial parent as to time, place, duration, or supervision and may deny visitation entirely, as the circumstances warrant. The court shall consider the age of the child and the child's relationship with the noncustodial parent prior to the commencement of the proceeding. A parent's failure to pay support because of the parent's inability to do so shall not be sufficient cause for denial of visitation.

(b) The court may provide that a law enforcement officer or other appropriate person will accompany a party seeking to enforce or comply with visitation.

(c) Upon request of either party, to the extent practicable a visitation order must include a specific schedule for visitation, including the frequency and duration of visitation and visitation during holidays and vacations, unless visitation is restricted, denied, or reserved.

(d) The court administrator shall provide a form for a pro se motion regarding visitation disputes, which includes provisions for indicating the relief requested, an affidavit in which the party may state the facts of the dispute, and a brief description of the visitation expeditor process under section 518.1751. The form may not include a request for a change of custody. The court shall provide instructions on serving and filing the motion.

Sec. 2. Minnesota Statutes 1994, section 518.175, subdivision 6, is amended to read:

Subd. 6. [~~COMPENSATORY VISITATION REMEDIES.~~] (a) The court may provide for one or more of the following remedies for denial of or interference with visitation as provided under this subdivision. All visitation orders must include notice of the provisions of this subdivision.

(b) If the court finds that a person has been wrongfully deprived of the duly established right to visitation, the court shall order the custodial parent to permit additional visits to compensate for the visitation of which the person was deprived. Additional visits must be:

- (1) of the same type and duration as the wrongfully denied visit;
- (2) taken within one year after the wrongfully denied visit; and
- (3) at a time acceptable to the person deprived of visitation.

(c) If the court finds that a party has wrongfully failed to comply with a visitation order or a binding agreement or decision under section 518.1751, the court may:

- (1) impose a civil penalty of up to \$500 on the party; or
- (2) require the party to post a bond with the court for a specified period of time to secure the party's compliance.

A civil penalty imposed under this paragraph must be deposited in the county general fund and must be used to fund the costs of a visitation expeditor program in a county with this program. In other counties, the civil penalty must be deposited in the state general fund.

(d) If the court finds that a party has been denied visitation and has incurred expenses in connection with the denied visitation, the court may require the party who denied visitation to post a bond in favor of the other party in the amount of prepaid expenses associated with an upcoming planned visitation.

(e) Proof of an unwarranted denial of or interference with duly established visitation may constitute contempt of court and may be sufficient cause for reversal of custody.

Sec. 3. Minnesota Statutes 1994, section 518.1751, is amended to read:

518.1751 [VISITATION DISPUTE RESOLUTION.]

Subdivision 1. [VISITATION EXPEDITOR.] (a) Upon agreement request of all parties either party or upon the court's own motion, the court may appoint a visitation expeditor to resolve visitation disputes that occur under a visitation order while a matter is pending under this chapter, chapter 257 or 518A, or after a decree is entered. Prior to appointing the visitation expeditor, the court shall give the parties notice that the costs of the visitation expeditor will be apportioned among the parties and that if the parties do not reach an agreement, the visitation expeditor will make a nonbinding decision resolving the dispute.

(b) For purposes of this section, "visitation dispute" means a disagreement among parties about visitation with a child, including a dispute about an anticipated denial of a future scheduled visit. "Visitation dispute" includes a claim by a custodial parent that a noncustodial parent is not visiting a child as well as a claim by a noncustodial parent that a custodial parent is denying or interfering with visitation.

Subd. 2. [APPOINTMENT; COSTS.] The court shall appoint the visitation expeditor and indicate the term of the appointment. If the parties cannot agree on a visitation expeditor, the court shall present a list of candidates with one more candidate than there are parties to the dispute. In

developing the list of candidates, the court must give preference to persons who agree to volunteer their services or who will charge a variable fee for services based on the ability of the parties to pay for them. Each party shall strike one name and the court shall appoint the remaining individual as the visitation expeditor. In its order appointing the visitation expeditor, the court shall apportion the costs of the visitation expeditor among the parties, with each party bearing the portion of costs that the court determines is just and equitable under the circumstances. If a party files a pro se motion regarding a visitation dispute and there is not a court order that provides for apportionment of the costs of an expeditor, the court administrator may require the party requesting the appointment of an expeditor to pay the costs of the expeditor in advance. Neither party may be required to submit a dispute to a visitation expeditor if the party cannot afford to pay for the costs of an expeditor and an affordable expeditor is not available, unless the other party agrees to pay the costs. After costs are incurred, a party may by motion request that the costs be reapportioned on equitable grounds. The court may consider the resources of the parties, the nature of the dispute, and whether a party acted in bad faith. The court may consider information from the expeditor in determining bad faith.

Subd. 3. [AGREEMENT OR DECISION.] (a) If a visitation dispute arises, the visitation expeditor shall meet with the parties together or separately within five days and make a diligent effort to facilitate an agreement to resolve the visitation dispute. If a visitation dispute requires immediate resolution, the visitation expeditor may confer with the parties through a telephone conference or similar means. An expeditor may make a decision without conferring with a party if the expeditor made a good faith effort to confer with the party, but the party chose not to participate in resolution of the dispute.

(b) If the parties do not reach an agreement, the expeditor shall make a decision resolving the dispute as soon as possible but not later than five days after the final meeting or conference with the parties. Resolution of a dispute may include compensatory visitation under section 518.175, subdivision 6. The visitation expeditor may not make a decision that modifies visitation rights ordered by the court. The expeditor shall put an agreement or decision in writing, provide a copy to the parties, and file a copy with the court. If a party does not comply with an agreement of the parties or a decision of the expeditor, any party may bring a motion with the court to resolve the dispute. The court may consider the agreement of the parties or the decision of the expeditor, but neither is binding on the court.

Subd. 4. [OTHER AGREEMENTS.] This section does not preclude the parties from voluntarily agreeing to submit their visitation dispute to a neutral third party or from otherwise resolving visitation disputes on a voluntary basis.

Subd. 5. [IMMUNITY.] A visitation expeditor is immune from civil liability for actions taken or not taken when acting under this section.

Subd. 6. [MANDATORY VISITATION DISPUTE RESOLUTION.] (a) Subject to subdivision 7, a judicial district may establish a mandatory visitation dispute resolution program as provided in this subdivision. In a district where a program has been established, parties may be required to submit visitation disputes to a visitation expeditor as a prerequisite to a motion on the dispute being heard by the court, or either party may submit the dispute to a visitation expeditor. A party may file a motion with the court for purposes of obtaining a court date, if necessary, but a hearing may not be held until resolution of the dispute with the visitation expeditor.

(b) If a visitation expeditor has not been previously appointed for the parties under subdivision 1 and the parties cannot agree on a visitation expeditor, the court or court administrator shall appoint a visitation expeditor from a list of candidates established by the judicial district, giving preference to candidates who agree to volunteer their services or charge a variable fee based on the ability of the parties to pay.

(c) Notwithstanding subdivision 1, an agreement of the parties or decision of the visitation expeditor under this subdivision is binding on the parties unless vacated or modified by the court. The expeditor shall put the agreement or decision in writing, provide a copy to the parties, and file a copy with the court. The court may consider the agreement of the parties or the decision of the expeditor, but neither is binding on the court.

Subd. 7. [EXCEPTIONS.] A party may not be required to refer a visitation dispute to a visitation expeditor under this section if:

- (1) the party has obtained an order for protection under chapter 518B against the other party; or
- (2) the party is unable to pay the costs of the expeditor, as provided under subdivision 2.

Sec. 4. Minnesota Statutes 1994, section 518.68, subdivision 2, is amended to read:

Subd. 2. [CONTENTS.] The required notices must be substantially as follows:

#### IMPORTANT NOTICE

#### 1. PAYMENTS TO PUBLIC AGENCY

Pursuant to Minnesota Statutes, section 518.551, subdivision 1, payments ordered for maintenance and support must be paid to the public agency responsible for child support enforcement as long as the person entitled to receive the payments is receiving or has applied for public assistance or has applied for support and maintenance collection services. MAIL PAYMENTS TO:

#### 2. DEPRIVING ANOTHER OF CUSTODIAL OR PARENTAL RIGHTS -- A FELONY

A person may be charged with a felony who conceals a minor child or takes, obtains, retains, or fails to return a minor child from or to the child's parent (or person with custodial or visitation rights), pursuant to Minnesota Statutes, section 609.26. A copy of that section is available from any district court clerk.

#### 3. RULES OF SUPPORT, MAINTENANCE, VISITATION

(a) Payment of support or spousal maintenance is to be as ordered, and the giving of gifts or making purchases of food, clothing, and the like will not fulfill the obligation.

(b) Payment of support must be made as it becomes due, and failure to secure or denial of rights of visitation is NOT an excuse for nonpayment, but the aggrieved party must seek relief through a proper motion filed with the court.

(c) Nonpayment of support is not grounds to deny visitation. The party entitled to receive support may apply for support and collection services, file a contempt motion, or obtain a judgment as provided in Minnesota Statutes, section 548.091.

(d) The payment of support or spousal maintenance takes priority over payment of debts and other obligations.

(e) A party who accepts additional obligations of support does so with the full knowledge of the party's prior obligation under this proceeding.

(f) Child support or maintenance is based on annual income, and it is the responsibility of a person with seasonal employment to budget income so that payments are made throughout the year as ordered.

(g) If there is a layoff or a pay reduction, support may be reduced as of the time of the layoff or pay reduction if a motion to reduce the support is served and filed with the court at that time, but any such reduction must be ordered by the court. The court is not permitted to reduce support retroactively, except as provided in Minnesota Statutes, section 518.64, subdivision 2, paragraph (c).

#### 4. PARENTAL RIGHTS FROM MINNESOTA STATUTES, SECTION 518.17, SUBDIVISION

3

Unless otherwise provided by the Court:

(a) Each party has the right of access to, and to receive copies of, school, medical, dental, religious training, and other important records and information about the minor children. Each party has the right of access to information regarding health or dental insurance available to the

minor children. Presentation of a copy of this order to the custodian of a record or other information about the minor children constitutes sufficient authorization for the release of the record or information to the requesting party.

(b) Each party shall keep the other informed as to the name and address of the school of attendance of the minor children. Each party has the right to be informed by school officials about the children's welfare, educational progress and status, and to attend school and parent teacher conferences. The school is not required to hold a separate conference for each party.

(c) In case of an accident or serious illness of a minor child, each party shall notify the other party of the accident or illness, and the name of the health care provider and the place of treatment.

(d) Each party has the right of reasonable access and telephone contact with the minor children.

#### 5. WAGE AND INCOME DEDUCTION OF SUPPORT AND MAINTENANCE

Child support and/or spousal maintenance may be withheld from income, with or without notice to the person obligated to pay, when the conditions of Minnesota Statutes, sections 518.611 and 518.613, have been met. A copy of those sections is available from any district court clerk.

#### 6. CHANGE OF ADDRESS OR RESIDENCE

Unless otherwise ordered, the person responsible to make support or maintenance payments shall notify the person entitled to receive the payment and the public authority responsible for collection, if applicable, of a change of address or residence within 60 days of the address or residence change.

#### 7. COST OF LIVING INCREASE OF SUPPORT AND MAINTENANCE

Child support and/or spousal maintenance may be adjusted every two years based upon a change in the cost of living (using Department of Labor Consumer Price Index ....., unless otherwise specified in this order) when the conditions of Minnesota Statutes, section 518.641, are met. Cost of living increases are compounded. A copy of Minnesota Statutes, section 518.641, and forms necessary to request or contest a cost of living increase are available from any district court clerk.

#### 8. JUDGMENTS FOR UNPAID SUPPORT

If a person fails to make a child support payment, the payment owed becomes a judgment against the person responsible to make the payment by operation of law on or after the date the payment is due, and the person entitled to receive the payment or the public agency may obtain entry and docketing of the judgment WITHOUT NOTICE to the person responsible to make the payment under Minnesota Statutes, section 548.091. Interest begins to accrue on a payment or installment of child support whenever the unpaid amount due is greater than the current support due, pursuant to Minnesota Statutes, section 548.091, subdivision 1a.

#### 9. JUDGMENTS FOR UNPAID MAINTENANCE

A judgment for unpaid spousal maintenance may be entered when the conditions of Minnesota Statutes, section 548.091, are met. A copy of that section is available from any district court clerk.

#### 10. ATTORNEY FEES AND COLLECTION COSTS FOR ENFORCEMENT OF CHILD SUPPORT

A judgment for attorney fees and other collection costs incurred in enforcing a child support order will be entered against the person responsible to pay support when the conditions of section 518.14, subdivision 2, are met. A copy of section 518.14 and forms necessary to request or contest these attorney fees and collection costs are available from any district court clerk.

#### 11. VISITATION EXPEDITOR PROCESS

On request of either party or on its own motion, the court may appoint a visitation expeditor to resolve visitation disputes under Minnesota Statutes, section 518.1751. A copy of that section and a description of the expeditor process is available from any district court clerk.

## 12. VISITATION REMEDIES AND PENALTIES

Remedies and penalties for the wrongful denial of visitation rights are available under Minnesota Statutes, section 518.175, subdivision 6. These include compensatory visitation; civil penalties; bond requirements; contempt; and reversal of custody. A copy of that subdivision and forms for requesting relief are available from any district court clerk.

Sec. 5. Minnesota Statutes 1994, section 518.68, subdivision 3, is amended to read:

Subd. 3. [COPIES OF LAW AND FORMS.] The district court administrator shall make available at no charge copies of the sections ~~518.14, 518.17, 518.611, 518.613, 518.641, 548.091, and 609.26~~ referred to in subdivision 2, and shall provide forms to request or contest attorney fees and collection costs or a cost-of-living increase under section 518.14, subdivision 2, or 518.641.

Sec. 6. [REPEALER.]

Minnesota Statutes 1994, section 518.175, subdivision 4, is repealed.

## ARTICLE 2

### CHILD SUPPORT INTEREST

Section 1. Minnesota Statutes 1995 Supplement, section 518.5512, is amended by adding a subdivision to read:

Subd. 4. [TERMINATION OF INTEREST.] The public authority or a party bringing a motion under section 548.091, subdivision 1a, may proceed immediately to a contested administrative proceeding under section 518.5511, subdivision 4.

Sec. 2. Minnesota Statutes 1994, section 548.091, subdivision 1a, is amended to read:

Subd. 1a. [CHILD SUPPORT JUDGMENT BY OPERATION OF LAW.] (a) Any payment or installment of support required by a judgment or decree of dissolution or legal separation, determination of parentage, an order under chapter 518C, an order under section 256.87, or an order under section 260.251, that is not paid or withheld from the obligor's income as required under section 518.611 or 518.613, is a judgment by operation of law on and after the date it is due and is entitled to full faith and credit in this state and any other state. Except as otherwise provided by paragraph (b), interest accrues from the date the unpaid amount due is greater than the current support due at the annual rate provided in section 549.09, subdivision 1, plus two percent, not to exceed an annual rate of 18 percent. A payment or installment of support that becomes a judgment by operation of law between the date on which a party served notice of a motion for modification under section 518.64, subdivision 2, and the date of the court's order on modification may be modified under that subdivision.

(b) Notwithstanding the provisions of section 549.09, upon motion to the court and upon proof by the obligor of 36 consecutive months of complete and timely payments of both current support and court-ordered paybacks of a child support debt or arrearage, the court may order interest on the remaining debt or arrearage to stop accruing. Timely payments are those made in the month in which they are due. If, after that time, the obligor fails to make complete and timely payments of both current support and court-ordered paybacks of child support debt or arrearage, the public authority or the obligee may move the court for the reinstatement of interest as of the month in which the obligor ceased making complete and timely payments.

The court shall provide copies of all orders issued under this section to the public authority. The commissioner of human services shall prepare and make available to the court and the parties forms to be submitted by the parties in support of a motion under this paragraph."

Delete the title and insert:



"A bill for an act relating to family law; requiring specificity in visitation orders; providing for enforcement of visitation orders; modifying provisions for visitation expeditors; providing for suspension of interest on child support arrearages in certain cases; imposing penalties; amending Minnesota Statutes 1994, sections 518.175, subdivisions 1 and 6; 518.1751; 518.68, subdivisions 2 and 3; and 548.091, subdivision 1a; Minnesota Statutes 1995 Supplement, section 518.5512, by adding a subdivision; repealing Minnesota Statutes 1994, section 518.175, subdivision 4."

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Randy C. Kelly, Martha R. Robertson, Richard J. Cohen

House Conferees: (Signed) Andy Dawkins, Don Ostrom, Doug Swenson

Mr. Kelly moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1996 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1996 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

### CALL OF THE SENATE

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

### RECONSIDERATION

Mr. Moe, R.D. moved that the vote whereby H.F. No. 220 failed to pass the Senate on March 21, 1996, be now reconsidered. The motion prevailed. So the vote was reconsidered.

**H.F. No. 220:** A bill for an act relating to elections; requiring certain special primaries and elections to be conducted by mail; amending Minnesota Statutes 1994, sections 204D.19, subdivisions 2 and 3; 204D.20, subdivision 1; 204D.21, subdivisions 2 and 3; 204D.22, subdivision 3; and 204D.23, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 34 and nays 28, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Marty	Novak	Riveness
Beckman	Janezich	Merriam	Pappas	Samuelson
Berglin	Johnson, J.B.	Metzen	Piper	Solon
Betzold	Kelly	Moe, R.D.	Pogemiller	Spear
Chandler	Krentz	Mondale	Price	Stumpf
Cohen	Kroening	Morse	Ranum	Wiener
Flynn	Langseth	Murphy	Reichgott Junge	

Those who voted in the negative were:

Belanger	Johnson, D.E.	Laidig	Oliver	Scheevel
Berg	Johnston	Larson	Olson	Stevens
Day	Kiscaden	Lesewski	Ourada	Terwilliger
Dille	Kleis	Lessard	Pariseau	Vickerman
Fischbach	Knutson	Limmer	Runbeck	
Hanson	Kramer	Neuville	Sams	

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2849 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 2849

A bill for an act relating to education; appropriating money for education and related purposes to the higher education services office, the board of trustees of the Minnesota state colleges and universities, and the board of regents of the University of Minnesota; amending Laws 1994, chapter 643, section 69, subdivision 1.

March 20, 1996

The Honorable Allan H. Spear  
President of the Senate

The Honorable Irv Anderson  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2849, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 2849 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [HIGHER EDUCATION APPROPRIATIONS.]

The sums in the columns headed "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified to be available for the fiscal years indicated for each purpose.

#### SUMMARY BY FUND

	1996	1997	TOTAL
General	\$ -0-	\$ 16,000,000	\$ 16,000,000

#### SUMMARY BY AGENCY - ALL FUNDS

	1996	1997	TOTAL
Higher Education Services Office	-0-	1,700,000	1,700,000



Minnesota state colleges and universities, state government, public, school, and private college libraries;

(2) have a formal governing structure that includes the University of Minnesota, Minnesota state colleges and universities, and representatives of participating state government, public, school, private college, and other libraries;

(3) provide for the broadest possible sharing of information and cooperative collection management;

(4) provide the people of Minnesota with direct access to library catalogs and information resources;

(5) allow libraries to retain local options for determining when to begin participating in the statewide systems and for maintaining circulation policies and practices; and

(6) have a plan for evaluation of costs, access, and outcomes.

By January 15, 1997, the higher education services office shall recommend to the chairs of the higher education committees of the legislature a plan for creating a statewide, on-line information system. The plan, subject to the prior review and recommendation by the library planning task force, shall include a proposed implementation timeline, technical standards, a draft request for proposal, a governance structure, and a budget.

The higher education services office shall develop the final request for proposal, subject to the prior review and recommendation by the library planning task force, for a statewide, on-line information system no later than June 30, 1997.

Money appropriated under this paragraph may not be used for the office's indirect or operating costs.

(c) Loan Repayment Assistance

-0-

50,000

This appropriation is for the loan repayment assistance program of Minnesota to reimburse graduates of Minnesota law schools working in Minnesota communities who are eligible under the criteria for loan repayment assistance for institutional law school debt. The eligibility criteria must include the following: (1) recipient's annual household income is \$30,000

or less; and (2) recipients are providing legal services full time for economically disadvantaged persons for a nonprofit agency as defined by sections 501(c)(3), 501(c)(4), or 501(c)(5) of the Internal Revenue Code of 1986, or Native American tribal governments. The money may be released to the program only in amounts that match contributions from the private sector.

Sec. 3. BOARD OF TRUSTEES OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES

-0-

4,900,000

The amounts that may be spent from this appropriation for each purpose are as follows:

(a) Applied Research Center

-0-

50,000

This appropriation is for Bemidji State University to establish an applied research, design, and development center. The center will contract with Minnesota businesses and industries to conduct applied research. This appropriation is nonrecurring.

(b) Instructional Technology Grants

-0-

4,525,000

This appropriation is to develop an electronic delivery system by awarding competitive grants to campuses or campus faculty for acquisition, improvement, and innovative applications of technology. Up to \$300,000 of this appropriation may be spent for central office administrative costs. The grants must be awarded for proposals that are student centered and directly affect classroom instruction, advising, and other services that enhance student success. Priority shall be placed on grant projects for instructional technology. Grants may be for any amount up to \$250,000 and shall be awarded through a process developed by the board. The board shall set up a review panel to judge the proposals. The panel shall include faculty, administration, students, and at least one member of the Minnesota high technology council.

The legislature expects that the system office will complete at least the following tasks in the development of the electronic delivery system: (1) request proposals from campuses and award grants; (2) identify systemwide network defects; and (3) promote public/private ventures. The system shall report the results of use of this appropriation in the 1997-1999 biennial budget document.

(c) Regional Farm Business  
Management Programs

-0- 150,000

This appropriation is to update electronic capability for the instructors in farm business management programs. Each of the six regional farm business management programs shall receive \$25,000 of this appropriation.

(d) Work Skills Upgrade Program

-0- 175,000

The chancellor of the Minnesota state colleges and universities shall designate at least one technical college or consolidated community-technical college to be a demonstration site for a work skills upgrade program. The program shall offer learning experiences that have broad application for Minnesotans wishing to improve their employability or otherwise keep current in skills necessary to succeed in the changing economy. The program shall be offered at low cost to the student. The chancellor shall report to the education committees of the legislature, in the biennial budget document, on the progress of the demonstration program and potential for expanding the program to other campuses.

The chancellor shall establish an advisory group which includes the commissioner of economic security or the commissioner's designee; the commissioner of children, families, and learning or the commissioner's designee; a representative of labor; a representative of business; a faculty member; and a student.

The advisory group shall:

- (1) identify the outcomes of each learning experience offered under the program;
- (2) establish methods to document that students have achieved the outcomes identified for each learning experience;
- (3) identify and seek nonstate money to supplement the appropriation; and
- (4) identify mechanisms whereby students and employers who benefit from the program are required to repay some portion of the benefit.

"Learning experience" means a short course offered at an on- or off-campus site or through distance education; computer-based instruction; videocassettes; and other alternative instructional technologies.

## (e) Metro State University Planning

By February 15, 1997, the system office and campuses of the Minnesota state colleges and universities shall submit to the legislature a master academic plan for the metropolitan area that defines the current and future missions and plans of the metro area colleges and universities. Within the fiscal realities of the state, the plan must consider short- and long-term demographic and enrollment projections, physical plant capacity and needs, and coordination and duplication of program offerings. The system office shall consult with the University of Minnesota during the planning process. The plan must be submitted to the board of trustees for approval before submission for legislative approval.

## Sec. 4. BOARD OF REGENTS OF THE UNIVERSITY OF MINNESOTA

-0-

8,600,000

The amounts that may be spent from this appropriation for each purpose are as follows:

## (a) Academic Health Center

## (1) Information Technology

-0- 2,000,000

This appropriation is for a data and video network and equipment to connect academic health center faculty and students on the St. Paul, Duluth, and Minneapolis campuses and at community-based sites.

## (2) Restructuring

-0- 6,600,000

This appropriation is for the academic health center for the development and purchase of new information technology to improve the delivery of health care education programs and to redesign the curriculum and underwrite the development of new or expanded programs in health care education. Where necessary, this money may also be used to cover the costs of downsizing programs and retraining faculty and staff, but may not be used to finance the integration of the University hospital with Fairview Health Systems. The legislature requests the faculty, administration, and board of regents of the University to pursue an internal process leading to changes in the tenure code applicable to the academic health center, without infringing on academic freedom.

The commissioner of finance shall place this appropriation in a performance incentive account.

The commissioner shall release 90 percent of this money to the board of regents when the board of regents certifies that changes have been made in the personnel policies for clinical faculty with regular appointments in the academic health center which enable the University to alter clinical compensation and base salary, and provide a streamlined due process procedure for separation under the provost of the academic health center, without infringing on academic freedom.

The commissioner shall release ten percent of this money when the University demonstrates that it is progressing in its development of the school of medicine at the University of Minnesota Duluth as a rural health center. This progress shall be measured by (1) changes in the educational program to expand the coordination of training for rural nurse practitioner, pharmacy, physician assistant, and medical students; and (2) development of electronic linkages between distant sites to provide video conferences, transmission of images, and transfer of information.

Sec. 5. BOARD OF TRUSTEES OF THE  
MINNESOTA STATE COLLEGES AND UNIVERSITIES  
AND THE BOARD OF REGENTS OF THE  
UNIVERSITY OF MINNESOTA

-0-

800,000

\$400,000 of this appropriation is to the board of trustees of the Minnesota state colleges and universities and \$400,000 is to the board of regents of the University of Minnesota to enter into a joint project for distance learning development.

The systems shall use the appropriation for the following functions:

- (1) to acquire, develop, and distribute high quality distance learning resources and courseware needed to meet identified distance learning needs;
- (2) to award grants to faculty to develop technology-based courseware for a variety of delivery modes including multimedia and the Internet;
- (3) to decide which courses and degrees shall be offered by each institution in order to eliminate overlap and promote efficient use of resources; and
- (4) to develop strategies to market and distribute distance learning proposals within and outside Minnesota, including possible collaborative relationships with private organizations.



Staffing for the joint project shall be provided by the member systems.

The higher education systems shall report in the 1997-1999 biennial budget document on progress in carrying out the functions specified and any organizational or governance structure changes needed for the joint project to most effectively carry out its functions.

Sec. 6. Minnesota Statutes 1994, section 116L.03, subdivision 1, is amended to read:

Subdivision 1. [MEMBERS.] The partnership shall be governed by a board of ~~12~~ 11 directors.

Sec. 7. Minnesota Statutes 1995 Supplement, section 116L.03, subdivision 2, is amended to read:

Subd. 2. [APPOINTMENT.] The Minnesota job skills partnership board consists of: eight members appointed by the governor, the commissioner of trade and economic development, the commissioner of economic security, ~~the chancellor of the technical college system,~~ and the chancellor, or the chancellor's designee, of the ~~board of trustees of the~~ Minnesota state colleges and universities. If the chancellor makes a designation under this subdivision, the designee must have experience in technical education.

Sec. 8. Minnesota Statutes 1994, section 169.121, subdivision 10, is amended to read:

Subd. 10. [RESEARCH PROGRAMS.] No person is guilty of a violation of this section committed while participating in a research or demonstration project conducted by the Minnesota highway safety center ~~created pursuant to section 136.147.~~ This subdivision applies only to conduct occurring while operating a state-owned vehicle under the supervision of personnel of the center on the grounds of the center.

Sec. 9. Minnesota Statutes 1994, section 202A.19, subdivision 3, is amended to read:

Subd. 3. The University of Minnesota may not schedule an event which will take place after 6:00 p.m. on the day of a major political party precinct caucus unless permission to do so has been received from the board of regents. ~~No Minnesota state college or university may schedule an event which will take place after 6:00 p.m. on the day of a major political party precinct caucus unless permission to do so has been received from the state university board of trustees of the Minnesota state colleges and universities. No community college may schedule an event which will take place after 6:00 p.m. on the day of a major political party precinct caucus unless permission to do so has been received from the state board for community colleges.~~

Sec. 10. Minnesota Statutes 1994, section 204C.03, subdivision 2, is amended to read:

Subd. 2. [STATE COLLEGES AND UNIVERSITIES AND COMMUNITY COLLEGES.] Except for regularly scheduled classes, no Minnesota state college or university ~~or state community college~~ shall schedule an event between 6:00 p.m. and 8:00 p.m. on the day that an election is held in any political subdivision in which the university or college is located.

Sec. 11. Minnesota Statutes 1995 Supplement, section 256.969, subdivision 9, is amended to read:

Subd. 9. [DISPROPORTIONATE NUMBERS OF LOW-INCOME PATIENTS SERVED.] (a) For admissions occurring on or after October 1, 1992, through December 31, 1992, the medical assistance disproportionate population adjustment shall comply with federal law and shall be paid to a hospital, excluding regional treatment centers and facilities of the federal Indian Health Service, with a medical assistance inpatient utilization rate in excess of the arithmetic mean. The adjustment must be determined as follows:

(1) for a hospital with a medical assistance inpatient utilization rate above the arithmetic mean for all hospitals excluding regional treatment centers and facilities of the federal Indian Health

Service but less than or equal to one standard deviation above the mean, the adjustment must be determined by multiplying the total of the operating and property payment rates by the difference between the hospital's actual medical assistance inpatient utilization rate and the arithmetic mean for all hospitals excluding regional treatment centers and facilities of the federal Indian Health Service; and

(2) for a hospital with a medical assistance inpatient utilization rate above one standard deviation above the mean, the adjustment must be determined by multiplying the adjustment that would be determined under clause (1) for that hospital by 1.1. If federal matching funds are not available for all adjustments under this subdivision, the commissioner shall reduce payments on a pro rata basis so that all adjustments qualify for federal match. The commissioner may establish a separate disproportionate population operating payment rate adjustment under the general assistance medical care program. For purposes of this subdivision medical assistance does not include general assistance medical care. The commissioner shall report annually on the number of hospitals likely to receive the adjustment authorized by this paragraph. The commissioner shall specifically report on the adjustments received by public hospitals and public hospital corporations located in cities of the first class.

(b) For admissions occurring on or after July 1, 1993, the medical assistance disproportionate population adjustment shall comply with federal law and shall be paid to a hospital, excluding regional treatment centers and facilities of the federal Indian Health Service, with a medical assistance inpatient utilization rate in excess of the arithmetic mean. The adjustment must be determined as follows:

(1) for a hospital with a medical assistance inpatient utilization rate above the arithmetic mean for all hospitals excluding regional treatment centers and facilities of the federal Indian Health Service but less than or equal to one standard deviation above the mean, the adjustment must be determined by multiplying the total of the operating and property payment rates by the difference between the hospital's actual medical assistance inpatient utilization rate and the arithmetic mean for all hospitals excluding regional treatment centers and facilities of the federal Indian Health Service;

(2) for a hospital with a medical assistance inpatient utilization rate above one standard deviation above the mean, the adjustment must be determined by multiplying the adjustment that would be determined under clause (1) for that hospital by 1.1. The commissioner may establish a separate disproportionate population operating payment rate adjustment under the general assistance medical care program. For purposes of this subdivision, medical assistance does not include general assistance medical care. The commissioner shall report annually on the number of hospitals likely to receive the adjustment authorized by this paragraph. The commissioner shall specifically report on the adjustments received by public hospitals and public hospital corporations located in cities of the first class; and

(3) for a hospital that had medical assistance fee-for-service payment volume during calendar year 1991 in excess of 13 percent of total medical assistance fee-for-service payment volume, a medical assistance disproportionate population adjustment shall be paid in addition to any other disproportionate payment due under this subdivision as follows: \$1,515,000 due on the 15th of each month after noon, beginning July 15, 1995. For a hospital that had medical assistance fee-for-service payment volume during calendar year 1991 in excess of eight percent of total medical assistance fee-for-service payment volume and is was the primary hospital affiliated with the University of Minnesota, a medical assistance disproportionate population adjustment shall be paid in addition to any other disproportionate payment due under this subdivision as follows: \$505,000 due on the 15th of each month after noon, beginning July 15, 1995.

(c) The commissioner shall adjust rates paid to a health maintenance organization under contract with the commissioner to reflect rate increases provided in paragraph (b), clauses (1) and (2), on a nondiscounted hospital-specific basis but shall not adjust those rates to reflect payments provided in clause (3).

(d) If federal matching funds are not available for all adjustments under paragraph (b), the commissioner shall reduce payments under paragraph (b), clauses (1) and (2), on a pro rata basis so that all adjustments under paragraph (b) qualify for federal match.

(e) For purposes of this subdivision, medical assistance does not include general assistance medical care.

Sec. 12. [256.9692] [EFFECT OF INTEGRATION AGREEMENT ON DIVISION OF COST.]

Beginning in the first calendar month after there is a definitive integration agreement affecting the University of Minnesota hospital and clinics and Fairview hospital and health care services, Fairview hospital and health care services shall pay the University of Minnesota \$505,000 on the 15th of each month, after receiving the state payment, provided that the University of Minnesota has fulfilled the requirements of section 256B.19, subdivision 1c.

Sec. 13. Minnesota Statutes 1995 Supplement, section 297A.25, subdivision 11, is amended to read:

Subd. 11. [SALES TO GOVERNMENT.] The gross receipts from all sales, including sales in which title is retained by a seller or a vendor or is assigned to a third party under an installment sale or lease purchase agreement under section 465.71, of tangible personal property to, and all storage, use or consumption of such property by, the United States and its agencies and instrumentalities, the University of Minnesota, state universities, community colleges, technical colleges, state academies, the Minnesota center for arts education, and school districts are exempt.

As used in this subdivision, "school districts" means public school entities and districts of every kind and nature organized under the laws of the state of Minnesota, including, without limitation, school districts, intermediate school districts, education districts, educational cooperative service units, secondary vocational cooperative centers, special education cooperatives, joint purchasing cooperatives, telecommunication cooperatives, regional management information centers, technical colleges, joint vocational technical districts, and any instrumentality of a school district, as defined in section 471.59.

Sales exempted by this subdivision include sales under section 297A.01, subdivision 3, paragraph (f), but do not include sales under section 297A.01, subdivision 3, paragraph (j), clause (vii).

Sales to hospitals and nursing homes owned and operated by political subdivisions of the state are exempt under this subdivision.

The sales to and exclusively for the use of libraries of books, periodicals, audio-visual materials and equipment, photocopiers for use by the public, and all cataloguing and circulation equipment, and cataloguing and circulation software for library use are exempt under this subdivision. For purposes of this paragraph "libraries" means libraries as defined in section 134.001, county law libraries under chapter 134A, the state library under section 480.09, and the legislative reference library.

Sales of supplies and equipment used in the operation of an ambulance service owned and operated by a political subdivision of the state are exempt under this subdivision provided that the supplies and equipment are used in the course of providing medical care. Sales to a political subdivision of repair and replacement parts for emergency rescue vehicles and fire trucks and apparatus are exempt under this subdivision.

Sales to a political subdivision of machinery and equipment, except for motor vehicles, used directly for mixed municipal solid waste management services at a solid waste disposal facility as defined in section 115A.03, subdivision 10, are exempt under this subdivision.

Sales to political subdivisions of chore and homemaking services to be provided to elderly or disabled individuals are exempt.

Sales of telephone services to the department of administration that are used to provide telecommunications services through the intertechnologies revolving fund are exempt under this subdivision.

This exemption shall not apply to building, construction or reconstruction materials purchased

by a contractor or a subcontractor as a part of a lump-sum contract or similar type of contract with a guaranteed maximum price covering both labor and materials for use in the construction, alteration, or repair of a building or facility. This exemption does not apply to construction materials purchased by tax exempt entities or their contractors to be used in constructing buildings or facilities which will not be used principally by the tax exempt entities.

This exemption does not apply to the leasing of a motor vehicle as defined in section 297B.01, subdivision 5, except for leases entered into by the United States or its agencies or instrumentalities.

The tax imposed on sales to political subdivisions of the state under this section applies to all political subdivisions other than those explicitly exempted under this subdivision, notwithstanding section 115A.69, subdivision 6, 116A.25, 360.035, 458A.09, 458A.30, 458D.23, 469.101, subdivision 2, 469.127, 473.394, 473.448, 473.545, or 473.608 or any other law to the contrary enacted before 1992.

Sales exempted by this subdivision include sales made to other states or political subdivisions of other states, if the sale would be exempt from taxation if it occurred in that state, but do not include sales under section 297A.01, subdivision 3, paragraphs (c) and (e).

Sec. 14. Laws 1994, chapter 643, section 69, subdivision 1, is amended to read:

Subdivision 1. [TASK FORCE MEMBERSHIP.] ~~An 18-member~~ A 22-member planning task force for library and information services shall be established and shall be composed of: three representatives appointed by the chancellor of the ~~higher education board~~ Minnesota state colleges and universities, one of whom may be serving on the MINITEX advisory committee; two representatives appointed by the president of the University of Minnesota, one of whom may be serving on the MINITEX advisory committee; one representative appointed by the president of the Minnesota private college council; the director of MINITEX; one representative appointed by the commissioner of finance; ~~one representative appointed by the commissioner of administration;~~ one representative appointed by the executive director of the Minnesota higher education ~~coordinating board services office;~~ the director of the office of library development and services; five representatives of public libraries appointed by the director of library development and services; two representatives of elementary and secondary schools appointed by the commissioner of education children, families, and learning; and ~~one representative~~ four representatives appointed by the governor who shall represent the private sector. The executive director of the Minnesota higher education ~~coordinating board services office~~ shall confer with the other appointing authorities to ensure that at least one-half of the task force members are employed in occupations unrelated to library science. ~~The executive director of the Minnesota higher education coordinating board shall convene the first meeting of the task force.~~

Sec. 15. Laws 1995, chapter 212, article 1, section 3, subdivision 2, is amended to read:

Subd. 2. Instructional Expenditures

The legislature estimates that instructional expenditures will be \$214,536,000 each year for the technical colleges.

The legislature estimates that instructional expenditures will be \$145,565,000 each year for community colleges.

The legislature estimates that instructional expenditures will be \$253,612,000 each year for state universities.

During the biennium neither the board nor campuses shall plan or develop doctoral level programs or degrees until after they have received the recommendation of the house and senate committees on education, finance, and ways and means.

This appropriation includes continued support of at least \$400,000 each year for the Mid-Tec and Heartland Telecommunications Networks.

This appropriation includes \$40,000 each year for American Indian outreach. The legislature anticipates this money will assist the Fond Du Lac campus to recruit, advise, and retain American Indian students.

It is the intent of the legislature to hold the Minnesota state colleges and universities accountable for making budgetary and policy decisions that provide students with access to high quality education and training programs. Significant and demonstrable progress toward the goals in this subdivision and in section 6, subdivision 2, are expected in this biennium for consideration in funding decisions in the next supplemental budget and in the 1998-1999 biennial budget.

The commissioner of finance shall place \$5,000,000 of the second year appropriation in a performance incentive account. The commissioner shall release \$1,000,000 of this amount to the board of trustees each time that it demonstrates that ~~it has achieved~~ one of the following performance measures has been achieved:

- (1) increase the percentage of the budget directed to instruction and academic resources;
- (2) increase the number of credits issued through telecommunications between fiscal year 1995 and fiscal year 1996;
- (3) increase the retention of new entering freshman on state university campuses who continue into the sophomore year between fiscal year 1995 and fiscal year 1996 by at least two percent. The appropriation shall be ~~distributed~~ released for distribution to those campuses that achieve the increase;
- (4) increase the percentage of students in two-year programs who graduate within two years of admission, and the percentage of students in four-year programs who graduate within four years of admission by at least two percent. The appropriation shall be ~~distributed~~ released for distribution to campuses that achieve the increase; and
- (5) increase in placement rates for occupational programs and transfer rates for academic programs for community and technical colleges. One-half of the appropriation for this measure

shall be released for placement rate improvements, and one-half shall be released for transfer rate improvements.

The legislature expects the board of trustees to demonstrate its commitment to enhancing educational quality, including high priority initiatives that capitalize on opportunities created by merger for: joint programs with the University of Minnesota for faculty, staff, and administrative development; enhanced opportunities for students of color; and opportunities for using technology to the advantage of students and faculty.

The legislature further expects the board of trustees to make difficult choices in its allocations, based on critical evaluations of its campuses and programs, including actions to address the 14 duplicate two-year programs located within 35 miles of each other, as identified by the legislative auditor, for which no action has yet been taken.

Each college and university shall demonstrate to the board that, in the face of severe budget constraints, it has identified those programs and functions that are central to the mission of that campus and are most critical to meeting student needs, and that the campus has redirected resources to those identified areas to protect the core educational enterprise. Further, each campus shall demonstrate that it has taken actions to improve the productivity of faculty, administrators, and staff.

The amounts for library access; Fond du Lac American Indian student outreach; incentives for co-located campuses; increased instructional appropriations; performance funding; instructional equipment; conversion to semesters; systemwide computer system development for accounting, payroll, personnel, procurement, and student records; staff training for use of systems; staff restructuring, separation payments, and unemployment insurance; and development of library collections and curriculum at Metro State University are for these purposes only and shall be nonrecurring. The amounts are \$8,741,000 in fiscal year 1996 and \$16,147,000 in fiscal year 1997.

Sec. 16. [PUBLIC SAFETY OFFICER'S SURVIVOR BENEFITS; EDUCATIONAL BENEFITS FOR CERTAIN SURVIVING CHILDREN.]

Each surviving child of a volunteer firefighter killed in the line of duty before July 1, 1990, who was eligible to receive educational benefits as of that date under Minnesota Statutes, section 299A.45, but for whom educational certificates were not issued by the department of public safety,

shall be eligible to receive an educational benefit award equal to the amount the child would have been eligible to receive had the certificates been issued in a timely manner.

The awards under this section are otherwise subject to Minnesota Statutes, section 299A.45.

Sec. 17. [REPEALER.]

(a) Minnesota Statutes 1995 Supplement, section 16A.125, subdivision 6a, is repealed.

(b) Minnesota Rules, parts 4800.8100, 4800.8200, 4800.8300, 4800.8400, 4830.6500, 4830.6510, 4830.6520, 4830.6600, 4830.6610, 4830.6620, 4830.8510, 4830.8520, 4830.8530, 4830.8535, 4830.8540, 4830.8550, 4830.8570, and 4830.8575, are repealed.

Sec. 18. [INSTRUCTION TO REVISOR.]

(a) In the next and subsequent editions of Minnesota Statutes, the revisor shall delete "community college," "board of community colleges," or related terms; "state university," "board of state universities," or related terms; and "technical college," "board of technical colleges," or related terms and replace them with "Minnesota state colleges and universities," "board of trustees of the Minnesota state colleges and universities," or related terms in the following sections and subdivisions: 3.3005, subdivision 1; 3.732, subdivision 1; 3.754; 13.792; 15.44; 16A.127, subdivision 8; 16B.101, subdivision 1; 16B.24, subdivision 2; 16B.30; 16B.31, subdivision 1; 16B.61, subdivision 5; 43A.08, subdivision 1a; 116N.02, subdivision 1; 116O.09, subdivision 4; 135A.06, subdivision 1; 138.054, subdivision 2; 216C.13; 256.7365, subdivision 4; 256H.01, subdivision 13; 268.65, subdivision 2; 309.515, subdivision 1; and 491A.01, subdivision 6.

(b) In the next and subsequent editions of Minnesota Statutes, the revisor shall change the term "chancellor of vocational education" to "chancellor of the Minnesota state colleges and universities" in Minnesota Statutes, section 268.363.

(c) In the next and subsequent editions of Minnesota Statutes, the revisor shall change the cross-reference to chapter "136C" to "136F" in Minnesota Statutes, section 326.84, subdivision 3, clause (9).

Sec. 19. [EFFECTIVE DATE.]

Sections 3, paragraph (e), 7, 11, 12, 14, 15, and 16 are effective the day after final enactment.

Section 17, paragraph (a), is effective June 30, 1997."

Delete the title and insert:

"A bill for an act relating to education; appropriating money for education and related purposes to the higher education services office, the board of trustees of the Minnesota state colleges and universities, and the board of regents of the University of Minnesota; making technical changes related to the post-secondary merger; redirecting University of Minnesota revenue; extending survivor education benefits; amending Minnesota Statutes 1994, sections 116L.03, subdivision 1; 169.121, subdivision 10; 202A.19, subdivision 3; and 204C.03, subdivision 2; Minnesota Statutes 1995 Supplement, sections 116L.03, subdivision 2; 256.969, subdivision 9; and 297A.25, subdivision 11; Laws 1994, chapter 643, section 69, subdivision 1; Laws 1995, chapter 212, article 1, section 3, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 256; repealing Minnesota Statutes 1995 Supplement, section 16A.125, subdivision 6a; Minnesota Rules, parts 4800.8100, 4800.8200, 4800.8300, 4800.8400, 4830.6500, 4830.6510, 4830.6520, 4830.6600, 4830.6610, 4830.6620, 4830.8510, 4830.8520, 4830.8530, 4830.8535, 4830.8540, 4830.8550, 4830.8570, and 4830.8575."

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) LeRoy A. Stumpf, Steve L. Murphy, Sam G. Solon, Cal Larson, Deanna Wiener

House Conferees: (Signed) Anthony G. "Tony" Kinkel, Becky Kelso, Gene Pelowski, Jr., Ron Kraus, Steve Dehler

Mr. Stumpf moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2849 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2849 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 56 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Johnston	Limmer	Merriam	Ourada	Scheevel
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So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

### RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

### APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 1915: Messrs. Oliver, Price and Metzen.

S.F. No. 1980: Messrs. Hottinger, Price and Ms. Kiscaden.

H.F. No. 2419: Messrs. Novak, Dille and Hottinger.

H.F. No. 2282: Messrs. Morse, Sams and Frederickson.

S.F. No. 2457: Ms. Flynn, Messrs. Moe, R.D. and Terwilliger.

H.F. No. 1404: Mr. Langseth, Ms. Flynn, Mr. Vickerman, Mses. Hanson and Johnston.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

### RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 3:00 p.m. The motion prevailed.



The hour of 3:00 p.m. having arrived, the President called the Senate to order.

### CALL OF THE SENATE

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

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2167 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 2167

A bill for an act relating to the organization and operation of state government; appropriating money and modifying provisions relating to the environment, natural resources, and agriculture; supplementing, reducing, and modifying earlier appropriations; establishing a board; establishing an off-highway vehicle recreation area; authorizing and modifying state trails; providing for reports and fees; amending Minnesota Statutes 1994, sections 17.117, subdivision 3; 17B.15, subdivision 1; 18E.02, subdivision 5; 85.015, by adding a subdivision; 85.052, subdivision 3; 85.054, by adding a subdivision; 85.055, subdivision 1; 94.16, subdivision 3; and 97A.028, subdivision 3; Minnesota Statutes 1995 Supplement, sections 85.015, subdivision 7; 103F.725, subdivision 1a; and 446A.07, subdivision 8; Laws 1995, chapters 207, article 1, section 2, subdivision 7; 220, section 19, subdivisions 4, 6, 10, and 19; and 254, article 1, section 93; proposing coding for new law in Minnesota Statutes, chapters 17 and 21; repealing Laws 1995, chapter 224, section 18, subdivision 4.

March 20, 1996

The Honorable Allan H. Spear  
President of the Senate

The Honorable Irv Anderson  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2167, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 2167 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.]

The sums in the columns headed "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified to be available for the fiscal years indicated for each purpose. Amounts to be reduced are designated by parentheses. Fiscal year 1996 appropriations are available during the biennium ending June 30, 1997.

#### SUMMARY BY FUND

	1996	1997	TOTAL
General	\$1,858,000	\$1,152,000	\$3,010,000
Solid Waste	150,000	629,000	779,000
Minnesota Future Resources	3,258,000	-0-	3,258,000
Environment and Natural Resources Trust	1,630,000	-0-	1,630,000

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Natural Resources	1,350,000	-0-	1,350,000
Taconite Environmental Protection	750,000	-0-	750,000
Permanent University		(250,000)	(250,000)
TOTAL	8,996,000	1,531,000	10,527,000

APPROPRIATIONS  
Available for the Year  
Ending June 30  
1996 1997

Sec. 2. POLLUTION CONTROL AGENCY	\$	309,000	\$	264,000
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Summary by Fund

General	250,000	-0-
Solid Waste	59,000	264,000

\$200,000 in fiscal year 1996 is for a detailed assessment of the water quality point source activities as detailed in the 1995 blue ribbon task force report to the legislature.

\$50,000 in fiscal year 1996 is for legal defense of a lawsuit relating to the expansion of the Potlatch facility in the city of Cook.

\$59,000 in fiscal year 1996 and \$264,000 in fiscal year 1997 are from the solid waste fund for insurance claims settlement and recovery associated with landfills in the landfill cleanup program under Minnesota Statutes, chapter 115B.

Sec. 3. NATURAL RESOURCES		2,693,000		802,000
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Summary by Fund

General	593,000	1,052,000
Natural Resources	1,350,000	-0-
Taconite Environmental Protection	750,000	-0-
Permanent University	-0-	(250,000)

\$20,000 in fiscal year 1997 is for posting of state forest land boundaries in the Richard J. Dorer Memorial Hardwood state forest. This appropriation is to supplement, and not supplant, existing posting activities.

\$250,000 in fiscal year 1996 is for grants to the counties of Aitkin, Becker, Clearwater, Hubbard, and St. Louis for reforestation, timber stand improvements, forest road reconstruction and maintenance, aerial photography, and new forest inventories in areas damaged by windstorms in July 1995. Of this amount, \$4,200 is for Aitkin

county, \$113,300 is for Becker county, \$83,800 is for Clearwater county, \$7,000 is for Hubbard county, and \$41,700 is for St. Louis county.

\$240,000 in fiscal year 1996 is for unanticipated costs the department incurred for the assessment of timber damage, cleanup, reconstruction, replacement of damaged natural resources, facilities, and roads, removal of damaged trees and other storm debris, and the cleanup and repair of state park facilities related to July 1995 storm damage.

\$250,000 in fiscal year 1997 is for minerals resources management. This appropriation is added to the appropriation in Laws 1995, chapter 220, section 5, subdivision 2.

\$350,000 in fiscal year 1997 is for parks and recreation management. The department shall implement an electronic state park permit tracking system in fiscal year 1997 in accordance with the plan prepared under Laws 1995, chapter 220, section 5, subdivision 5. The legislature intends that the state park permit fee increases in section 38 and increased camping fees will raise \$325,000 by June 30, 1997.

\$75,000 in fiscal year 1996 is for a grant to Morrison county to address the problem of water flow along the easterly shoreline of the Mississippi river near Highway 10 in Morrison county. This funding is to be utilized by the St. Anthony Falls laboratory of the University of Minnesota to conduct a comprehensive analysis of what is causing the accelerated sedimentation in the river, and how the problem can best be resolved.

\$28,000 in fiscal year 1996 is for a grant to the city of Warren in Marshall county to construct two dams on the Snake river within the city of Warren in Marshall county.

\$150,000 in fiscal year 1997 is for maintenance of state trails.

The commissioner of natural resources must complete a long range plan, to the year 2025, that identifies trail maintenance needs and proposed costs for the statewide trail system under Minnesota Statutes, section 85.015.

\$1,350,000 in fiscal year 1996 is from the all-terrain vehicle account in the natural resources fund to plan, acquire, develop, and operate the Iron Range off-highway vehicle recreation area and to conduct the feasibility study, to be available until June 30, 1998. This

appropriation is contingent on the city of Gilbert entering into an agreement to lease the city-owned land within the Iron Range off-highway vehicle recreation area to the state for \$1 per year. The lease term must be at least ten years, and notwithstanding Minnesota Statutes, section 16B.24, subdivision 6, paragraph (a), may be up to 20 years.

The commissioner of finance shall transfer \$675,000 from the off-road vehicle account in the natural resources fund to the all-terrain vehicle account in the natural resources fund, in one or more installments, before July 1, 1998.

The commissioner of finance shall transfer \$135,000 from the off-highway motorcycle account in the natural resources fund to the all-terrain vehicle account in the natural resources fund, in one or more installments, before July 1, 1998.

\$750,000 in fiscal year 1996 is from the taconite environmental protection fund to acquire and develop the Iron Range off-highway vehicle recreation area.

The legislature hereby approves the final plan for the integrated resource management pilot project required in Laws 1995, chapter 220, section 5, subdivision 10.

\$262,000 in fiscal year 1997 is to partially restore a program reduction made to the administrative, regional, and support functions of the department. This appropriation is added to the appropriation in Laws 1995, chapter 220, section 5, subdivision 9.

\$20,000 in fiscal year 1997 is for preparation of recommendations on the reorganization of state and local entities that protect and manage state water resources.

#### Sec. 4. AGRICULTURE

670,000

\$20,000 in fiscal year 1996 is for purposes of the Minnesota dairy producers board established in section 13. Upon request of the board, the commissioner shall release money for appropriate expenditures of the board.

\$50,000 in fiscal year 1996 is for a grant to the Passing on the Farm Center under Minnesota Statutes, section 17.985. This appropriation is available only to the extent it is matched by nonstate money.

\$75,000 in fiscal year 1996 is for a grant to the central lakes agricultural center for continuation

and expansion of a research project on potato blight. This appropriation is available to the extent that matching money in the amount of \$1 for every \$2 of state money is provided by nonstate sources.

\$150,000 in fiscal year 1996 is for grants to establish a one-on-one educational delivery team system to provide appropriate new technologies applicable to all sizes of dairy farms to farmers to enhance the financial success and long-term sustainability of dairy farms in the state. The teams must consist of farm business management instructors, dairy extension specialists, and dairy industry partners to deliver the informational and technological services. Not later than January 15, 1997, the commissioner shall report to the agriculture and environment and natural resources finance committees of the house of representatives and the agriculture and rural development committee and the finance division of the environmental and natural resources committee of the senate on the program under this paragraph and the activities and the findings of the dairy producers board.

\$75,000 in fiscal year 1996 is for a grant to a joint powers board formed for the purpose of beaver damage control that includes at least ten of the following counties: Beltrami, Clay, Clearwater, Marshall, Pennington, Polk, Red Lake, Mahnommen, Norman, Becker, Hubbard, Itasca, Kittson, Koochiching, St. Louis, Roseau, and Lake of the Woods. The grant must be matched by at least \$75,000 from the joint powers board. The joint powers board may enter into an agreement with the Red Lake Band of Chippewa Indians for participation by the band in the joint powers board's beaver damage control program.

\$25,000 in fiscal year 1996 is for a contract with the Wabasha county extension service for a pilot project that will assist retiring farmers in transferring their farms to beginning farmers and provide educational and social support necessary for the transfer. The project must bring together retiring farmers and prospective farmers; help the parties negotiate agreements; monitor the progress of matches; coordinate mentors to provide beginning farmers with expertise; and develop and implement an educational farm management and peer support program for beginning farmers. The extension service shall coordinate with other local and statewide agricultural interest groups.

\$200,000 in fiscal year 1996 is for research and development of best management practices for the production of alfalfa, development of alfalfa varieties that possess optimal energy and protein-value characteristics, and the development of value-added alfalfa products. The commissioner of agriculture shall accomplish the purposes of this appropriation through a collaborative effort that includes the participation of the University of Minnesota, the Agricultural Utilization Research Institute and other appropriate public and private organizations.

\$75,000 in fiscal year 1996 is for development and promotion of integrated pest management in an urban environment. The urban integrated pest management development and promotion program must be coordinated with metropolitan state university.

Sec. 5. OFFICE OF STRATEGIC  
AND LONG-RANGE PLANNING

20,000

\$20,000 in fiscal year 1996 is for a study by the environmental quality board of the issue of environmental justice, as the term is defined by the United States Environmental Protection Agency and as described in Executive Order No. 12898, issued February 11, 1994. As part of the study, the board must consult with the Asian-Pacific Minnesotans council, the council on Black Minnesotans, the Indian affairs council, the Spanish-speaking affairs council, the attorney general, the departments of human rights, trade and economic development, health, natural resources, and agriculture, the pollution control agency, and appropriate business and labor groups. By January 1, 1997, the board must report on the study to the senate and house of representatives environment and natural resources committees. The report must address whether any environmental justice concerns exist in the state and what, if any, legislative actions should be taken to address any identified concerns.

Sec. 6. BOARD OF WATER AND  
SOIL RESOURCES

125,000

\$125,000 in fiscal year 1996 is for a grant to the Minnesota river basin joint powers board for projects in the Minnesota river basin, which may include development of a recreation plan. This appropriation is contingent on the joint powers board providing a \$75,000 match.

Sec. 7. OFFICE OF ENVIRONMENTAL  
ASSISTANCE

100,000

\$100,000 in fiscal year 1997 is for transfer to the attorney general to assist local governments in dealing with legal issues that arise in the course of implementing state solid waste programs, and to assist local governments in the defense of selected lawsuits challenging local government implementation of state solid waste programs. The attorney general shall assign at least one full-time attorney to provide assistance under this program.

## Sec. 8. MINNESOTA RESOURCES

Subdivision 1. Total Appropriation 4,888,000

### Summary by Fund

Minnesota Future Resources 3,258,000

Environment and Natural Resources Trust 1,630,000

Unless otherwise provided, the amounts in this section are available until December 31, 1997, when projects must be completed and final products delivered.

### Subd. 2. Definitions

(a) "Future resource fund" means the Minnesota future resources fund in Minnesota Statutes, section 116P.13

(b) "Trust Fund" means the Minnesota environment and natural resources trust fund in Minnesota Statutes, section 116P.02, subdivision 6.

### Subd. 3. Parks and Trails

(a) Metropolitan Regional Park System 1,000,000

This appropriation is from the future resources fund for payment by the commissioner of natural resources to the metropolitan council for subgrants to rehabilitate, develop, acquire, and retrofit the metropolitan regional park system consistent with the metropolitan council regional recreation open space capital improvement program.

This appropriation may be used for the purchase of homes only if the purchases are expressly included in the work program approved by the legislative commission on Minnesota resources.

(b) State Park and Recreation Area Acquisition 1,000,000

This appropriation is from the trust fund to the commissioner of natural resources for

acquisition of land within the statutory boundaries of state parks and recreation areas.

(c) Local Grants

895,000

This appropriation is from the future resources fund to the commissioner of natural resources to provide matching grants to local units of government for local park and recreation areas; trail linkages between communities, trails, and parks; and at least \$100,000 for the conservation partners program as provided in Laws 1995, chapter 220, section 19, subdivision 4, paragraph (e). In addition to the required work program, grants may not be approved until grant proposals to be funded have been submitted to the legislative commission on Minnesota resources, and the commission has either made a recommendation or allowed 60 days to pass without making a recommendation. The above appropriations are available half for the seven-county metropolitan area and half for outside the metropolitan area. For the purposes of this paragraph, match includes nonstate contributions in either cash or in-kind.

(d) Chippewa County Regional Trail

410,000

This appropriation is to the commissioner of natural resources from the future resources fund for a grant to the city of Montevideo for acquisition and development of the Chippewa county regional trail.

Subd. 4. Urban Natural Resources

Greenway Corridors and Natural Areas Project

50,000

This appropriation is to the commissioner of natural resources from the future resources fund, to be administered through region six, for the greenway corridors and natural areas project. The appropriation must be used to develop a strategy to protect and manage greenway corridors and significant natural areas in the seven-county metropolitan area.

Subd. 5. Management Approaches

Upper Mississippi River Assessment Project

57,000

This appropriation is from the future resources fund to the commissioner of natural resources to assist the evaluation of the economic and environmental sustainability of the upper Mississippi river.

Subd. 6. Natural Resource Data

(a) Public Internet Access to Data and Information

360,000



This appropriation is from the future resources fund to the commissioner of natural resources for a joint project with the pollution control agency to provide public access via the internet to natural resource, environmental, and ecosystem data and information.

(b) Assessment of Wetland Regulations

15,000

This appropriation is from the future resources fund to the board of soil and water resources, to be available until June 30, 1997, for a contract to assess the economic impact of wetland regulations on property values, in connection with a study by the wetland heritage advisory committee of the issue of compensation to landowners for costs, including reduced property values, resulting from regulation under state law of draining and filling of wetlands. The wetland heritage advisory committee shall conduct the study in consultation with the attorney general and representatives of property rights groups and taxpayers groups. The board of water and soil resources shall report on the study by November 1, 1996, to the chairs of the senate committees on agriculture and rural development and environment and natural resources, the finance division of the senate committee on environment and natural resources, and the house committees on environment and natural resources, agriculture, and environment and natural resources finance. The report must include recommendations for legislation to address weaknesses identified.

Subd. 7. Wildlife

(a) RIM - Accelerate Critical Habitat Match Program

750,000

\$630,000 of this appropriation is from the environment and natural resources trust fund and \$120,000 is from the future resources fund to the commissioner of natural resources for activities authorized by Minnesota Statutes, section 84.943. Projects must occur in both urban and rural areas.

(b) Investigation of deformed frogs in Minnesota

151,000

This appropriation is from the future resources fund to the commissioner of the pollution control agency to investigate the health of frog populations and evaluate the causes of frog deformities.

\$28,000 of this appropriation is for a grant to the Center for Global Environmental Education at

Hamline University to be used to work with schools and other organizations, including the study of frogs as environmental indicators.

(c) Niemackl Watershed Improvement

200,000

This appropriation is from the future resources fund to the commissioner of natural resources to continue the restoration of the Niemackl watershed by improvement of water quality, flood reduction, fish and wildlife habitat, and recreation through citizen participation with federal, state and local governments, and nongovernment agencies.

Subd. 8. Project Requirements

It is a condition of acceptance of the appropriations in this section that any agency or entity receiving the appropriation must comply with Minnesota Statutes, chapter 116P, and Laws 1995, chapter 220, section 19, subdivisions 17, 18, and 20.

Subd. 9. Carryforward

The availability of the appropriations for the following projects is extended to December 31, 1997, when projects must be completed and final products delivered: Laws 1995, chapter 220, section 19, subdivision 5, paragraph (g), mercury deposition and lake quality trends; Laws 1994, chapter 632, article 2, section 6, Silver Bay harbor; and Laws 1993, chapter 172, section 14, subdivision 10, paragraph (o), Lake Superior safe harbors-continuation.

Sec. 9. UNIVERSITY OF MINNESOTA

200,000

\$50,000 in fiscal year 1996 is for funding of continued research and development on improved turf grasses to be produced in Minnesota. The agronomy department shall continue its collaboration with turf seed-producing and seed-marketing companies in the state.

\$150,000 in fiscal year 1996 is for the Minnesota institute for sustainable agriculture for the purposes of section 11, including the establishment of a pilot regional agricultural sustainable development center. By February 15, 1997, the institute must report to the senate committee on agriculture and rural development and the finance division of the environment and natural resources committee, and the house of representatives committees on agriculture and environment and natural resources finance on the development of the pilot center. The report must

include an analysis of nonstate financing sources that may be available to match state appropriations for the program in future years.

Sec. 10. ATTORNEY GENERAL 91,000 365,000

This appropriation is from the solid waste fund for insurance claims settlement and recovery associated with landfills in the landfill cleanup program under Minnesota Statutes, chapter 115B.

Sec. 11. [17.1161] [SUSTAINABLE DEVELOPMENT OF MINNESOTA AGRICULTURE PROGRAM.]

Subdivision 1. [ESTABLISHMENT; FRAMEWORK.] The Minnesota institute for sustainable agriculture shall establish a framework for participatory problem-solving in local communities throughout rural Minnesota that will strengthen the connection between local communities, regions, and the land-grant university; invest research, education, and outreach dollars to meet agreed-upon local and regional needs; and foster the development of integrated agricultural systems that are profitable, enhance environmental quality, and support rural communities. The framework must include regional, community-controlled agricultural sustainable development centers located at University of Minnesota regional experiment stations. At each center, the Minnesota institute for sustainable agriculture shall facilitate the development of a leadership team comprised of farmers, researchers, public agencies, and other local community representatives to identify problems, chart trends in problems over time, and develop an understanding of the agricultural system as a whole, common goals for development of the system, and five-year action plans to address those goals. The Minnesota institute for sustainable agriculture shall appoint a statewide oversight group of persons with a thorough knowledge of agriculture-related issues, including farmers' organizations, commodity groups, rural economic development groups, the department of agriculture and other public agencies, academic personnel, the agricultural utilization research institute, the Minnesota extension service, and representatives from each regional leadership team. The oversight group shall review and comment on the regional centers' action plans and integrate them into a comprehensive agenda for long-term basic and applied research, education, and outreach activities. The oversight group shall use this agenda to make recommendations on the allocation of funds for regional or statewide use. The Minnesota institute for sustainable agriculture board of directors shall review and give final approval of the allocation of funds after consultation with the dean of the college of agricultural, food, and environmental sciences at the University of Minnesota.

Subd. 2. [PROGRAM AREAS.] Long-term research and education activities must be focused in four program areas:

- (1) sustainable cropping systems;
- (2) development of markets and agriculture-related businesses;
- (3) sustainable livestock systems; and
- (4) intergenerational transfer in agriculture.

Sec. 12. Minnesota Statutes 1994, section 17.117, subdivision 3, is amended to read:

Subd. 3. [APPROPRIATIONS.] Up to \$20,000,000 \$40,000,000 of the balance in the water pollution control revolving fund in section 446A.07, as determined by the public facilities authority, is appropriated to the commissioner for the establishment of this program.

Sec. 13. [17.76] [MINNESOTA DAIRY PRODUCERS BOARD.]

Subdivision 1. [ESTABLISHMENT; COMPOSITION; OFFICERS.] (a) The Minnesota dairy producers board consists of 17 members. Fourteen of the members must be eligible family dairy producers. Three of the members must represent food consumer groups. For purposes of this

section, "eligible family dairy producer" means a natural person who daily manages and operates a dairy farm owned by the person. "Eligible family dairy producer" does not include a person who is currently an employee of or a member of the board of directors of an organization involved in milk processing or dairy marketing.

(b) The board shall elect from among its members a chair and other appropriate officers.

Subd. 2. [APPOINTMENT; TERMS; COMPENSATION.] (a) Two members of the board shall be appointed by each of seven organizations representing agriculture in Minnesota. The organizations are:

Minnesota Farms Union;

National Farmers Organization;

Farmers Union Milk Marketing Cooperative;

Minnesota Milk Producers;

Sustainable Farming Association of Minnesota;

Minnesota Farm Bureau; and

Minnesota COACT.

One member of the board shall be appointed by each of three organizations representing consumers in Minnesota. The organizations are:

Minnesota Food Association;

Minnesota Senior Federation; and

Minnesota COACT.

To the extent practicable, the members must be selected to represent the broad diversity of Minnesota's dairy producers.

(b) The terms and compensation of members and reimbursement for their expenses is governed by section 15.059.

Subd. 3. [DUTIES.] (a) The board shall monitor economic aspects of the dairy production, processing, and marketing process including:

(1) the movement of milk by processors;

(2) price setting at the Green Bay, Wisconsin, cheese exchange;

(3) processor pricing schemes;

(4) producer checkoffs and the use of checkoff funds;

(5) federal and state pricing policy; and

(6) other activities that affect the farm gate price of raw milk.

(b) The board shall regularly educate producers, processors, consumers, and policymakers about the reasons for inadequate raw milk prices.

(c) The board shall conduct quarterly surveys of dairy producers to identify problems created by milk prices that do not provide a fair return on the investment of producers. The board must compile the information from these surveys and recommend solutions to producers.

(d) The board shall determine dairy production costs in each county through periodic surveys and from local organizations of producers.

(e) The board shall serve as an advocate for dairy producers in assuring that members of cooperatives are awarded protections similar to the rights of members of cooperative electric associations under section 216B.027.

Sec. 14. Minnesota Statutes 1994, section 17B.15, subdivision 1, is amended to read:

Subdivision 1. [ADMINISTRATION; APPROPRIATION.] The fees for inspection and weighing shall be fixed by the commissioner and be a lien upon the grain. The commissioner shall set fees for all inspection and weighing in an amount adequate to pay the expenses of carrying out and enforcing the purposes of sections 17B.01 to 17B.23, including the portion of general support costs and statewide indirect costs of the agency attributable to that function, with a reserve sufficient for up to six months. The commissioner shall review the fee schedule twice each year. Fee adjustments are not subject to chapter 14. Payment shall be required for services rendered. If the grain is in transit, the fees shall be paid by the carrier and treated as advance charges, and, if received for storage, the fees shall be paid by the warehouse operator, and added to the storage charges.

All fees collected and all fines and penalties for violation of any provision of this chapter shall be deposited in the grain inspection and weighing account, which is created in the state treasury for carrying out the purpose of sections 17B.01 to 17B.23. The money in the account, including interest earned on the account, is annually appropriated to the commissioner of agriculture to administer the provisions of sections 17B.01 to 17B.23. When money from any other account is used to administer sections 17B.01 to 17B.23, the commissioner shall notify the chairs of the agriculture, environment and natural resources finance, and ways and means committees of the house of representatives; the agriculture and rural development and finance committees of the senate; and the finance division of the environment and natural resources committee of the senate.

Sec. 15. Minnesota Statutes 1994, section 18E.02, subdivision 5, is amended to read:

Subd. 5. [ELIGIBLE PERSON.] "Eligible person" means:

(1) a responsible party or an owner of real property, but does not include the state, a state agency, a political subdivision of the state, except as provided in clause (2), the federal government, or an agency of the federal government; or

(2) the owners of municipal airports at Perham, Madison, and Hector, Minnesota where a licensed aerial pesticide applicator has caused an incident through storage, handling, or distribution operations for agricultural chemicals if (i) the commissioner has determined that corrective action is necessary and (ii) the commissioner determines, and the agricultural chemical response compensation board concurs, that based on an affirmative showing made by the owner, a responsible party cannot be identified or the identified responsible party is unable to comply with an order for corrective action; or

~~The commissioner and the agricultural chemical response compensation board must study and report to the legislative water commission by January, 1994, the effect on the agricultural chemical response and reimbursement account of including other owners of municipal airports as eligible persons under this chapter.~~

(3) a person involved in a transaction relating to real property who is not a responsible party or owner of the real property and who voluntarily takes corrective action on the property in response to a request or order for corrective action from the commissioner, except an owner of a municipal airport not listed in clause (2).

Sec. 16. [21.901] [BRAND NAME REGISTRATION.]

The owner or originator of a variety of nonhybrid seed that is to be sold in this state must annually register the variety with the commissioner if the variety is to be sold only under a brand name. The registration must include the brand name and the variety of seed. The brand name for a blend or mixture need not be registered.

The fee is \$15 for each variety registered for sale by brand name.

Sec. 17. Minnesota Statutes 1995 Supplement, section 28A.03, is amended to read:

28A.03 [DEFINITIONS.]

~~As used in Subdivision 1. [SCOPE.] The definitions in this section apply to sections 28A.01 to 28A.16 the terms defined in this section shall have the following meanings:~~

~~(a) Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of agriculture of the state of Minnesota.~~

~~(b) Subd. 3. [PERSON.] "Person" means any individual, firm, corporation, company, association, cooperative, or partnership and includes any trustee, receiver, assignee, or other similar representative thereof.~~

~~(c) Subd. 4. [PLACE OF BUSINESS.] "Place of business" means every location where food or food items are manufactured, processed, sold, stored, or handled, including buildings, locations, permanent or portable structures, carnivals, circuses, fairs, or any other permanent or temporary location.~~

Any vehicle or similar mobile unit from which food is sold shall be considered a place of business for purposes of this section if the food therefrom has been manufactured, packaged or dispensed from bulk, or processed in any manner thereon.

~~(d) Subd. 5. [FOOD.] "Food" includes every article used for, entering into the consumption of, or used or intended for use in the preparation of food, drink, confectionery, or condiment for humans, whether simple, mixed or compound.~~

~~(1) (a) "Perishable food" is food which includes, but is not limited to fresh fruits, fresh vegetables, and other products which need protection from extremes of temperatures in order to avoid decomposition by microbial growth or otherwise.~~

~~(2) (b) "Readily perishable food" is food or a food ingredient consisting in whole or in part of milk, milk products, eggs, meat, fish, poultry or other food or food ingredient which is capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.~~

~~(3) (c) "Frozen food" is food which is processed and preserved by freezing in accordance with good commercial practices and which is intended to be sold in the frozen state.~~

~~(4) (d) For the purposes of this definition, packaged food in hermetically sealed containers processed by heat to prevent spoilage; packaged pickles; jellies, jams and condiments in sealed containers; bakery products such as bread, rolls, buns, donuts, fruit-filled pies and pastries; dehydrated packaged food; and dry or packaged food so low in moisture content as to preclude development of microorganisms are not "perishable food," "readily perishable food," or "frozen food" within the meaning of definitions (1), (2) and (3) herein paragraphs (a), (b), and (c), when they are stored and handled in accordance with good commercial practices.~~

~~(e) "Nonperishable food" is food described in paragraph (d) with a shelf life of more than 90 days.~~

~~(e) Subd. 6. [SELL; SALE.] "Sell" and "sale" includes include the keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchange of food, the having in possession with intent to sell, use, transport, negotiate, solicit, or exchange the same and the storing, or carrying thereof in aid of traffic therein whether done or permitted in person or through others.~~

~~(f) Subd. 7. [PRINCIPAL MODE OF BUSINESS.] "Principal mode of business" means that type of business described under either paragraph (a), (b), (c) or (d) in section 28A.05 within which category the greatest amount of the applicant's food business lies.~~

~~(g) Subd. 8. [CUSTOM PROCESSOR.] "Custom processor" means a person who slaughters animals or processes noninspected meat for the owner of the animals, and returns the meat products derived from the slaughter or processing to the owner. "Custom processor" does not~~

include a person who slaughters animals or poultry or processes meat for the owner of the animals or poultry on the farm or premises of the owner of the animals, meat, or poultry. For the purpose of this clause, "animals" or "meat" do not include poultry or game animals or meat derived therefrom.

(h) Subd. 9. [MAJOR VIOLATIONS.] "Major violation" includes conditions that cause food products to become adulterated, as defined in section 31.121, or fraudulently misbranded, as defined in section 31.123.

Sec. 18. Minnesota Statutes 1994, section 28A.04, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION; DATE OF ISSUANCE.] No person shall engage in the business of manufacturing, processing, selling, handling, or storing food without having first obtained from the commissioner a license for doing such business. Applications for such license shall be made to the commissioner in such manner and time as required and upon such forms as provided by the commissioner and shall contain the name and address of the applicant, address or description of each place of business, and the nature of the business to be conducted at each place, and such other pertinent information as the commissioner may require.

A retail or wholesale food handler license shall be issued for the period July 1 to June 30 following and shall be renewed thereafter by the licensee on or before July 1 each year, except that licenses for all mobile food concession units and retail mobile units shall be issued for the period April 1 to March 31, and shall be renewed thereafter by the licensee on or before April 1 each year. A license for a food broker or for a food processor or manufacturer shall be issued for the period January 1 to December 31 following and shall be renewed thereafter by the licensee on or before January 1 of each year. A penalty for a late renewal shall be assessed in accordance with section 28A.08.

Sec. 19. Minnesota Statutes 1995 Supplement, section 28A.08, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] License fees, penalties for late renewal of licenses, and penalties for not obtaining a license before conducting business in food handling that are set in this section apply to the sections named except as provided under section 28A.09. Except as specified herein, bonds and assessments based on number of units operated or volume handled or processed which are provided for in said laws shall not be affected, nor shall any penalties for late payment of said assessments, nor shall inspection fees, be affected by this chapter. The penalties may be waived by the commissioner. Fees for all new licenses must be based on the anticipated future gross annual food sales.

Sec. 20. Minnesota Statutes 1994, section 28A.09, subdivision 1, is amended to read:

Subdivision 1. [ANNUAL FEE; EXCEPTIONS.] Every coin-operated food vending machine is subject to an annual state inspection fee of \$15 for each nonexempt machine except nut vending machines which are subject to an annual state inspection fee of \$5 for each machine, provided that:

(a) Food vending machines may be inspected by either a home rule charter or statutory city, or a county, but not both, and if inspected by a home rule charter or statutory city, or a county they shall not be subject to the state inspection fee, but the home rule charter or statutory city, or the county may impose an inspection or license fee of no more than the state inspection fee. A home rule charter or statutory city or county that does not inspect food vending machines shall not impose a food vending machine inspection or license fee.

(b) Vending machines dispensing only gum balls, hard candy, ~~unsorted confections candy~~, or ice manufactured and packaged by another shall be exempt from the state inspection fee, but may be inspected by the state. A home rule charter or statutory city may impose by ordinance an inspection or license fee of no more than the state inspection fee for nonexempt machines on the vending machines described in this paragraph. A county may impose by ordinance an inspection or license fee of no more than the state inspection fee for nonexempt machines on the vending machines described in this paragraph which are not located in a home rule charter or statutory city.

(c) Vending machines dispensing only bottled or canned soft drinks are exempt from the state, home rule charter or statutory city, and county inspection fees, but may be inspected by the commissioner or the commissioner's designee.

Sec. 21. Minnesota Statutes 1994, section 28A.15, subdivision 7, is amended to read:

Subd. 7. Persons whose principal business is not food handling but who sell only ice manufactured and prepackaged by another or, ~~such nonperishable items as~~ bottled or canned soft drinks, prepackaged ~~confections~~ candy or nuts at retail, or persons who for their own convenience or the convenience of their employees have available for rehydration and consumption on the premises such nonperishable items as dehydrated coffee, soup, hot chocolate or other dehydrated food or beverage.

Sec. 22. Minnesota Statutes 1994, section 28A.15, subdivision 8, is amended to read:

Subd. 8. A licensed pharmacy selling only food additives, food supplements, canned or prepackaged infant formulae, ice manufactured and packaged by another, or ~~such nonperishable food items as~~ bottled or canned soft drinks and prepackaged ~~confections~~ candy or nuts at retail.

Sec. 23. Minnesota Statutes 1994, section 28A.15, is amended by adding a subdivision to read:

Subd. 9. An individual who prepares and sells food that is not potentially hazardous food, as defined in rules adopted under section 31.11, at a community event or farmer's market on ten or fewer days in a calendar year and with gross receipts of \$1,000 or less in a calendar year. If the food is not prepared in a kitchen that is licensed or inspected, the seller must post a visible sign or placard stating that: "These products are homemade and not inspected."

Sec. 24. Minnesota Statutes 1994, section 28A.16, is amended to read:

#### 28A.16 [PERSONS SELLING LIQUOR.]

The provisions of the Minnesota consolidated food licensing law, sections 28A.01 to 28A.16 and acts amendatory thereto, shall not apply to persons licensed to sell 3.2 percent malt liquor "on-sale" as provided in section 340A.403, or to persons licensed to sell intoxicating liquors "on-sale" or "off-sale" as provided in sections 340A.404 to 340A.407, provided that these persons sell only ice manufactured and packaged by another, or ~~such nonperishable food items as~~ bottled or canned soft drinks and prepacked ~~confections~~ candy at retail.

Sec. 25. Minnesota Statutes 1994, section 28A.17, is amended to read:

#### 28A.17 [LICENSE RENEWAL.]

Licenses for food processors or manufacturers or food brokers shall be renewed annually on January 1. Licenses for retail and wholesale food handlers shall be renewed annually on July 1. Licenses for mobile food concessions and for retail mobile units shall be renewed annually on April 1.

Sec. 26. Minnesota Statutes 1994, section 32.21, subdivision 4, is amended to read:

Subd. 4. [PENALTIES.] (a) A person, other than a milk producer, who violates this section is guilty of a misdemeanor or subject to a civil penalty up to \$1,000.

(b) A milk producer may not change milk plants within 30 days, without permission of the commissioner, after receiving notification from the commissioner under paragraph (c) or (d) that the milk producer has violated this section.

(c) A milk producer who violates subdivision 3, clause (1), (2), (3), (4), or (5), is subject to clauses (1) to (3) of this paragraph.

(1) Upon notification of the first violation in a 12-month period, the producer must meet with the dairy plant field service representative to initiate corrective action within 30 days.

(2) Upon the second violation within a 12-month period, the producer is subject to a civil



penalty of \$300. The commissioner shall notify the producer by certified mail stating the penalty is payable in 30 days, the consequences of failure to pay the penalty, and the consequences of future violations.

(3) Upon the third violation within a 12-month period, the producer is subject to an additional civil penalty of \$300 and possible revocation of the producer's permit or certification. The commissioner shall notify the producer by certified mail that all civil penalties owed must be paid within 30 days and that the commissioner is initiating administrative procedures to revoke the producer's permit or certification to sell milk for at least 30 days.

(d) The producer's shipment of milk must be immediately suspended if the producer is identified as an individual source of milk containing residues causing a bulk load of milk to test positive in violation of subdivision 3, clause (6) or (7). Shipment may resume only after subsequent milk has been sampled by the commissioner or the commissioner's agent and found to contain no residues above established tolerances or safe levels.

The producer remains eligible only for manufacturing grade until the producer completes the "Milk and Dairy Beef Residue Prevention Protocol" with a licensed veterinarian, displays the signed certificate in the milkhouse, and sends verification to the commissioner. A milk producer who violates whose milk supply is in violation of subdivision 3, clause (6) or (7), and has caused a bulk load to test positive is subject to clauses (1) to (3) of this paragraph.

(1) For the first violation in a 12-month period, a producer shall not receive payment for any milk contaminated or the equivalent of at least the value of two days' milk production on that farm. Milk purchased for use from the producer during the two-day penalty period will be assessed a civil penalty equal to the minimum value of that milk and is payable to the commissioner by the dairy plant or marketing organization who purchases the milk. The producer remains eligible only for manufacturing grade until the producer completes the "Milk and Dairy Beef Residue Prevention Protocol" with a licensed veterinarian, displays the signed certificate in the milkhouse, and sends verification to the commissioner. To maintain a permit or certification to market milk, this program must be completed within 30 days dairy plant may collect from the responsible producer the value of the contaminated truck load of milk. If the amount collected by the plant is less than two days of milk production on that farm, then the commissioner must assess the difference as a civil penalty payable by the plant or marketing organization on behalf of the responsible producer.

(2) For the second violation in a 12-month period, a producer shall not receive payment for any milk contaminated or the equivalent of at least the value of four days' milk production on that farm. Milk purchased for use from the producer during the four-day penalty period will be assessed a civil penalty equal to the minimum value of that milk and is payable to the commissioner by the dairy plant or marketing organization who purchases the milk. The producer remains eligible only for manufacturing grade until the producer reviews the "Milk and Dairy Beef Residue Prevention Protocol" with a licensed veterinarian, displays the updated certificate in the milkhouse, and sends verification to the commissioner. To maintain a permit or certification to market milk, this program must be reviewed within 30 days dairy plant may collect from the responsible producer the value of the contaminated truck load of milk. If the amount collected by the plant is less than four days of milk production on that farm, then the commissioner must assess the difference as a civil penalty payable by the plant or marketing organization on behalf of the responsible producer.

(3) For the third violation in a 12-month period, a producer shall not receive payment for any milk contaminated or the equivalent of at least the value of four days' milk production on that farm. Milk purchased for use from the producer during the four-day penalty period will be assessed a civil penalty equal to the minimum value of that milk and is payable to the commissioner by the dairy plant or marketing organization who purchases the milk. The producer remains eligible only for manufacturing grade until the producer reviews the "Milk and Dairy Beef Residue Prevention Protocol" with a licensed veterinarian, displays the updated certificate in the milkhouse, and sends verification to the commissioner. To maintain a permit or certification to market milk, this program must be reviewed within 30 days dairy plant may collect from the responsible producer the value of the contaminated load of milk. If the amount collected by the

plant is less than four days of milk production on that farm, then the commissioner must assess the difference as a civil penalty payable by the plant or marketing organization on behalf of the responsible producer. The commissioner shall also notify the producer by certified mail that the commissioner is initiating administrative procedures to revoke the producer's permit or certification right to sell milk for a minimum of 30 days.

(4) If a bulk load of milk tests negative for residues and there is a positive producer sample on the load, no civil penalties may be assessed to the producer. The plant must report the positive result within 24 hours and reject further milk shipments from that producer until the producer's milk tests negative. The department shall suspend the producer's permit and count the violation on the producer's record. The producer remains eligible only for manufacturing grade until the producer reviews the "Milk and Dairy Beef Residue Prevention Protocol" with a licensed veterinarian. To maintain a permit or certification to market milk, this program must be reviewed within 30 days.

(e) A milk producer that has been certified as completing the "Milk and Dairy Beef Residue Prevention Protocol" within 12 months of the first violation of subdivision 3, clause (7), need only review the cause of the violation with a field service representative within three days to maintain shipping status if all other requirements of this section are met.

(f) Civil penalties collected under this section must be deposited in the milk inspection services account established in this chapter.

Sec. 27. Minnesota Statutes 1994, section 32.394, subdivision 8d, is amended to read:

Subd. 8d. [PROCESSOR ASSESSMENT.] (a) A manufacturer shall pay to the commissioner a fee for fluid milk processed and milk used in the manufacture of fluid milk products sold for retail sale in Minnesota. Beginning May 1, 1993, the fee is six cents per hundredweight. If the commissioner determines that a different fee, not less than five cents and not more than nine cents per hundredweight, when combined with general fund appropriations and fees charged under sections 31.39 and 32.394, subdivision 8, is needed to provide adequate funding for the Grades A and B inspection programs and the administration and enforcement of Laws 1993, chapter 65, the commissioner may, by rule, change the fee on processors within the range provided within this subdivision.

(b) Processors must report quantities of milk processed under paragraph (a) on forms provided by the commissioner. Processor fees must be paid monthly. The commissioner may require the production of records as necessary to determine compliance with this subdivision.

(c) The commissioner may create within the department a dairy consulting program to provide assistance to dairy producers who are experiencing problems meeting the sanitation and quality requirements of the dairy laws and rules.

The commissioner may use money appropriated from the dairy services account created in subdivision 9 to pay for the program authorized in this paragraph.

Sec. 28. Minnesota Statutes 1994, section 32.394, is amended by adding a subdivision to read:

Subd. 8e. [FARM BULK MILK PICK-UP TANKERS.] Farm bulk milk pick-up tankers must be inspected and obtain a permit issued by the commissioner annually by July 1. The owner or operator must pay a \$25 permit fee per tanker to the commissioner. The commissioner may appoint such persons as the commissioner deems qualified to make inspections.

Sec. 29. Minnesota Statutes 1994, section 32.415, is amended to read:

32.415 [MILK FOR MANUFACTURING; QUALITY STANDARDS.]

(a) The commissioner may adopt rules to provide uniform quality standards, and producers of milk used for manufacturing purposes shall conform to the standards contained in Subparts B, C, D, E, and F of the United States Department of Agriculture Consumer and Marketing Service Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing, Vol. 37 Federal Register, No. 68, Part II, April 7, 1972, with the following exceptions:

~~(1) inspections of producers shall begin not later than January 1, 1984;~~

~~(2) producers shall comply with the standards not later than July 1, 1985, except as otherwise allowed under the standards; and~~

~~(3) as revised through March 1, 1996, except that the commissioner shall develop methods by which producers can comply with the standards without violation of religious beliefs.~~

(b) The commissioner shall perform or contract for the performance of the inspections necessary to implement this section or shall certify dairy industry personnel to perform the inspections.

(c) The commissioner and other employees of the department shall make every reasonable effort to assist producers in achieving the milk quality standards at minimum cost and to use the experience and expertise of the University of Minnesota and the agricultural extension service to assist producers in achieving the milk quality standards in the most cost-effective manner.

(d) The commissioner shall consult with producers, processors, and others involved in the dairy industry in order to prepare for the implementation of this section including development of informational and educational materials, meetings, and other methods of informing producers about the implementation of standards under this section.

Sec. 30. Minnesota Statutes 1994, section 35.821, subdivision 3, is amended to read:

Subd. 3. [BRAND.] "Brand" means a permanent identification mark, of which the letters, numbers, and figures used are each four inches or more in length or diameter and applied using the technique of freeze branding or burned into the hide of a live animal with a hot iron, which is to be considered in relation to its location on the animal. The term relates to both the mark burned into the hide and its location. In the case of sheep, the term includes, but is not limited to, a painted mark which is renewed after each shearing.

Sec. 31. Minnesota Statutes 1994, section 35.821, is amended by adding a subdivision to read:

Subd. 3a. [FREEZE BRANDING.] "Freeze branding" means the application of an intensely cold iron to the hide of a live animal.

Sec. 32. [OFF-HIGHWAY VEHICLE RECREATION AREA.]

Subdivision 1. [DEFINITION.] For purposes of this act, "off-highway vehicle" means an all-terrain vehicle, an off-highway motorcycle, or an off-road vehicle as those terms are defined in Minnesota Statutes, chapter 84.

Subd. 2. [85.013] [Subd. 12a.] [IRON RANGE OFF-HIGHWAY VEHICLE RECREATION AREA.] The Iron Range off-highway vehicle recreation area is established in St. Louis county.

Subd. 3. [ACQUISITION AND MANAGEMENT.] The commissioner of natural resources is authorized to acquire by gift or purchase the lands for the Iron Range off-highway vehicle recreation area. The commissioner shall manage the unit as a state recreation area as provided by Minnesota Statutes, section 86A.05, subdivision 3. The commissioner or the commissioner's designee in the trails and waterways division of the department of natural resources shall develop and manage the area for off-highway vehicle recreational use.

Subd. 4. [ADVISORY COMMITTEE.] (a) A local area advisory committee is established to provide direction on the establishment, planning, development, and operation of the Iron Range off-highway vehicle recreation area. Except as provided in paragraph (b), the commissioner of natural resources shall appoint the members of the advisory committee.

(b) Membership on the advisory committee shall include:

(1) a representative of the all-terrain vehicle association of Minnesota;

(2) a representative of the amateur riders of motorcycles association;

(3) a representative of the Minnesota four-wheel drive association;

(4) a representative of the St. Louis county board;

(5) a state representative appointed by the speaker of the house of representatives;

(6) a state senator appointed by the senate committee on committees;

(7) a designee of the local environmental community selected by the area environmental organizations;

(8) a designee of the local tourism community selected by the iron trail convention and visitors bureau; and

(9) a representative of the Tower regional office of the department of natural resources.

(c) The advisory committee shall elect its own chair and meetings shall be at the call of the chair.

(d) The advisory committee members shall serve as volunteers and accept no per diem.

Subd. 5. [MANAGEMENT PLAN.] The commissioner and the local area advisory committee shall cooperatively develop a comprehensive management plan that provides for:

(1) multiple use recreation for off-highway vehicles;

(2) protection of natural resources;

(3) limited timber management;

(4) land acquisition needs; and

(5) road and facility development.

The completed management plan shall serve as the master plan for purposes of Minnesota Statutes, section 86A.09.

Subd. 6. [BOUNDARIES.] The following described lands are located within the boundaries of the Iron Range off-highway vehicle recreation area:

That part of St. Louis county, Minnesota, lying within:

Section 25, Township 58 North, Range 17 West.

EXCEPT the North Half of the Northeast Quarter.

EXCEPT the Northwest Quarter.

EXCEPT the Northwest Quarter of the Southwest Quarter.

EXCEPT the Southwest Quarter of the Southwest Quarter lying north of the Duluth Missabe and Iron Range Railroad.

Section 26, Township 58 North, Range 17 West.

EXCEPT the Northeast Quarter.

EXCEPT the Northwest Quarter.

EXCEPT the Southwest Quarter.

EXCEPT the Southeast Quarter, 100 feet along the east side of the quarter.

Section 35, Township 58 North, Range 17 West.

EXCEPT the Northwest Quarter.

EXCEPT the Southwest Quarter.

EXCEPT the Southeast Quarter.

EXCEPT the West 970 feet of the Northeast Quarter of the Northeast Quarter.

EXCEPT the Northwest Quarter of the Northeast Quarter.

Section 36, Township 58 North, Range 17 West.

EXCEPT the Southeast Quarter of the Southwest Quarter.

Subd. 7. [ADOPT-A-RECREATION AREA.] The commissioner shall utilize Minnesota Statutes, section 85.045, as much as possible in developing and operating the Iron Range off-highway vehicle recreation area.

Subd. 8. [FEASIBILITY STUDY.] The trails and waterways division of the department of natural resources in consultation with the local area advisory committee shall conduct a study to identify additional sites to expand the Iron Range off-highway vehicle recreation area and to determine the feasibility of acquiring, developing, and connecting the sites.

Subd. 9. [VEHICLES MUST BE REGISTERED.] An off-highway vehicle being operated in the Iron Range off-highway vehicle recreation area must be properly registered under Minnesota Statutes, chapter 84.

Sec. 33. Minnesota Statutes 1995 Supplement, section 85.015, subdivision 7, is amended to read:

Subd. 7. [BLUFFLANDS TRAIL SYSTEM, FILLMORE, OLMSTED, WINONA, AND HOUSTON COUNTIES.] (a) The Root River trail shall originate at Chatfield in Fillmore county, and thence extend easterly in the Root river valley to the intersection of the river with Minnesota trunk highway No. 26 in Houston county, and extend to the Mississippi river.

(b) Additional trails shall be established that extend the Blufflands Trail System to include La Crescent, Hokah, Caledonia, and Spring Grove in Houston county; Preston, Harmony, Fountain, Wykoff, Spring Valley, Mabel, Canton, and Ostrander in Fillmore county; Dover, Eyota, Stewartville, Byron, and Chester Woods county park in Olmsted county; and Winona, Minnesota City, Rollingstone, Altura, Lewiston, Utica, St. Charles, and Elba in Winona county. In addition to the criteria in section 86A.05, subdivision 4, these trails must utilize abandoned railroad rights-of-way where possible.

(c) The trails shall be developed primarily for nonmotorized riding and hiking.

Sec. 34. Minnesota Statutes 1994, section 85.015, is amended by adding a subdivision to read:

Subd. 19. [BLAZING STAR TRAIL, FREEBORN AND MOWER COUNTIES.] (a) The trail shall originate in the city of Albert Lea and extend to the city of Austin.

(b) The trail shall be developed primarily for hiking and nonmotorized riding.

Sec. 35. Minnesota Statutes 1995 Supplement, section 85.019, subdivision 4a, is amended to read:

Subd. 4a. [NATURAL AND SCENIC AREAS.] The commissioner shall administer a program to provide grants to units of government and school districts for the acquisition and betterment of natural and scenic areas such as blufflands, prairies, shorelands, wetlands, and wooded areas. A grant may not exceed 50 percent or \$50,000 \$200,000, whichever is less, of the costs of acquisition and betterment of land acquired under this subdivision.

Sec. 36. Minnesota Statutes 1994, section 85.053, subdivision 7, is amended to read:

Subd. 7. [~~HANDICAPPED PERSONS AND PERSONS OVER AGE 65.~~] (a) The commissioner shall prescribe and issue special state park permits for:

(1) ~~an individual age 65 years or older who furnishes satisfactory proof of age and is a resident of the state;~~

(2) a physically handicapped person with a motor vehicle (i) that has special plates issued under section 168.021, subdivision 1, or (ii) who has a permanent disability certificate issued under section 169.345, subdivision 3, and who can demonstrate proof of ownership of the vehicle for which the state park permit is being purchased or proof of a leasehold interest in the vehicle for a term at least as long as the term of the permit; and

(3) (2) a physically handicapped person who: (i) does not own or operate a motor vehicle; (ii) possesses a statement certified under section 169.345, subdivision 2a; and (iii) applies to the commissioner in writing.

(b) Except for vehicles permitted under paragraph (a), clause (3), the permit or the decal issued under this subdivision is valid only when displayed on a vehicle owned and occupied by the person to whom the permit is issued.

Sec. 37. Minnesota Statutes 1994, section 85.054, is amended by adding a subdivision to read:

Subd. 6. [IRON RANGE OFF-HIGHWAY VEHICLE RECREATION AREA.] A state park permit is not required and a fee may not be charged for motor vehicle entry or parking at the Iron Range off-highway vehicle recreation area, except that the commissioner may establish special event fees.

Sec. 38. Minnesota Statutes 1994, section 85.055, subdivision 1, is amended to read:

Subdivision 1. [FEES.] The fee for state park permits for:

- (1) an annual use of state parks is ~~\$18~~ \$20;
- (2) a second vehicle state park permit is ~~\$12~~ \$15;
- (3) a special state park permit valid up to two days is \$4;
- (4) a special daily vehicle state park permit for groups is \$2;
- (5) an employee's state park permit is without charge; and
- (6) a special state park permit for handicapped persons ~~and persons over age 65~~ under section 85.053, subdivision 7, clauses (1), (2), ~~and (3)~~, is \$12.

The fees specified in this subdivision include any sales tax required by state law.

Sec. 39. Minnesota Statutes 1994, section 94.16, subdivision 3, is amended to read:

Subd. 3. [PROCEEDS FROM NATURAL RESOURCES LAND.] The remainder of the proceeds from the sale of lands that were under the control and supervision of the commissioner of natural resources shall be credited to the land acquisition account in the natural resources fund.

Sec. 40. Minnesota Statutes 1994, section 97A.028, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) "Agricultural crops" means annually seeded crops, legumes, fruit orchards, tree farms and nurseries, turf farms, and apiaries.

(c) "Parcel" has the meaning given in section 272.03, subdivision 6.

(d) "Specialty crops" means fruit orchards, vegetables, tree farms and nurseries, turf farms, and apiaries.

Sec. 41. Minnesota Statutes 1994, section 97A.028, subdivision 3, is amended to read:

Subd. 3. [EMERGENCY DETERRENT MATERIALS ASSISTANCE.] (a) For the purposes

of this subdivision, "cooperative damage management agreement" means an agreement between a landowner or tenant and the commissioner that establishes a program for addressing the problem of destruction of the landowner's or tenant's specialty crops by wild animals on the landowner's property.

(b) ~~A person~~ landowner or tenant may apply to the commissioner for emergency deterrent materials assistance in controlling destruction of the landowner's or tenant's specialty crops by wild animals. Subject to the availability of money appropriated for this purpose, the commissioner shall provide suitable deterrent materials, ~~up to \$3,000 in value per individual or corporation,~~ when the commissioner determines that:

- (1) immediate action is necessary to prevent significant damage from continuing; and
- (2) a cooperative damage management agreement cannot be implemented immediately.

(c) A person may receive emergency deterrent materials assistance under this subdivision more than once, but the cumulative total value of deterrent materials provided to a person, or for use on a parcel, may not exceed \$3,000. If a person is a coowner or cotenant with respect to the specialty crops for which the deterrent materials are provided, the deterrent materials are deemed to be "provided" to the person for the purposes of this paragraph.

(d) ~~As a condition of receiving emergency deterrent materials assistance under this subdivision, a landowner or tenant shall enter into a cooperative damage management agreement with the commissioner. Deterrent materials provided by the commissioner may include repellents, fencing materials, or other materials recommended in the agreement to alleviate the damage problem. If requested by a landowner or tenant, any fencing materials provided must be capable of providing long-term protection of specialty crops. A landowner may not receive emergency deterrent materials assistance under this subdivision more than once. A landowner or tenant who receives emergency deterrent materials assistance under this subdivision shall comply with the terms of the cooperative damage management agreement.~~

Sec. 42. Minnesota Statutes 1994, section 103D.345, is amended by adding a subdivision to read:

Subd. 5. [APPLICABILITY OF PERMIT REQUIREMENTS TO STATE.] A rule adopted by the managers that requires a permit for an activity applies to the department of transportation.

Sec. 43. [103F.378] [MINNESOTA RIVER BASIN JOINT POWERS BOARD.]

Subdivision 1. [DUTIES.] The Minnesota river basin joint powers board, established under section 471.59 for the purpose of coordinating efforts to improve water quality in the Minnesota river and achieving the goal of making the Minnesota river suitable for fishing and swimming by the year 2005, has the following duties:

(1) coordination of comprehensive cleanup goals for the Minnesota river by coordinating the work plans of the 12 major watersheds and the member counties of the joint powers board, state agencies, and the University of Minnesota in cleanup efforts and submission of periodic river cleanup plans for submission to the governor and the legislature;

(2) advising on the development and use of monitoring and evaluation systems in the Minnesota river and the incorporation of the data obtained from these systems into the planning process;

(3) conducting public meetings of the board on at least a quarterly basis at locations within the Minnesota river basin;

(4) conducting an ongoing information and education program concerning the status of the Minnesota river, including an annual conference on the state of the Minnesota river; and

(5) providing periodic reports and budget requests to the governor's office and the chairs of the agriculture and environment and natural resources committees of the senate and the house of representatives regarding progress on meeting river water quality management goals and future funding required for this effort.

Subd. 2. [MEMBERSHIP.] Upon acceptance of the joint powers agreement, each member county that agrees to join the board shall have one county commissioner as its delegate to the board and one county commissioner as an alternate. A technical and citizen advisory committee shall be established to advise the board consisting of a technical representative from each of the counties in the basin and citizens who are not county employees but who have an interest in agriculture, conservation, sporting activities, and other relevant areas as determined by the board.

Sec. 44. Minnesota Statutes 1995 Supplement, section 103F.725, subdivision 1a, is amended to read:

Subd. 1a. [FINANCIAL ASSISTANCE; LOANS.] (a) Up to ~~\$12,000,000~~ \$24,000,000 of the balance in the water pollution control revolving fund in section 446A.07, as determined by the public facilities authority shall be appropriated to the commissioner for the establishment of a clean water partnership loan program.

(b) The agency may award loans for up to 100 percent of the costs associated with activities identified by the agency as best management practices pursuant to section 319 and section 320 of the federal Water Quality Act of 1987, as amended, including associated administrative costs.

(c) Loans may be used to finance clean water partnership grant project eligible costs not funded by grant assistance.

(d) The interest rate, at or below market rate, and the term, not to exceed 20 years, shall be determined by the agency in consultation with the public facilities authority.

(e) The repayment must be deposited in the water pollution control revolving fund under section 446A.07.

(f) The local unit of government receiving the loan is responsible for repayment of the loan.

(g) For the purpose of obtaining a loan from the agency, a local government unit may provide to the agency its general obligation note. All obligations incurred by a local government unit in obtaining a loan from the agency must be in accordance with chapter 475, except that so long as the obligations are issued to evidence a loan from the agency to the local government unit, an election is not required to authorize the obligations issued, and the amount of the obligations shall not be included in determining the net indebtedness of the local government unit under the provisions of any law or chapter limiting the indebtedness.

Sec. 45. Minnesota Statutes 1994, section 103G.405, is amended to read:

103G.405 [WATER LEVEL CONTROL FOR LANDLOCKED LAKES.]

(a) Except as provided in paragraph (c), the commissioner must issue a water level control permit to establish a control elevations elevation for a landlocked lakes up to three feet lake below the ordinary high water level for the lake if:

(1) the commissioner finds that:

(i) the control is necessary to prevent flooding of homesteads adverse impacts to the lake or adjoining property;

(2) (ii) other reasonable or cost-effective alternatives are not available; and

~~(3) a change in the control elevation is prescribed in an approved stormwater plan under section 103B.235.~~

(iii) natural resource or hydrologic conditions exist in the watershed that would limit the potential for continuous discharge of excess waters from the lake; and

(2) the outlet and discharge of excess waters is addressed in an approved water management plan under chapter 103B or 103D.

(b) In addition to the requirements in section 103G.301, subdivision 6, if the proposed control



elevation is more than 1-1/2 feet below the ordinary high water level, the permit applicant shall serve a copy of the application on each county and municipality within which any portion of the lake is located and the lake improvement district, if one exists.

(c) The commissioner may not issue a permit to establish a control elevation more than 1-1/2 feet below the ordinary high water level of a lake if a county, municipality, watershed district, or lake improvement district required to be served under paragraph (b) or section 103G.301, subdivision 6, files a written objection to the issuance of the permit with the commissioner within 30 days after receiving a copy of the application.

Sec. 46. Minnesota Statutes 1994, section 161.1419, subdivision 2, is amended to read:

Subd. 2. [MEMBERS.] The commission shall be composed of ten members of which one shall be appointed by the commissioner of transportation, one shall be appointed by the commissioner of natural resources, one shall be appointed by the commissioner of trade and economic development, ~~three~~ one shall be appointed by the commissioner of agriculture, one shall be appointed by the director of the Minnesota historical society, two shall be members of the senate to be appointed by the committee on committees, and ~~three~~ two shall be members of the house of representatives to be appointed by the speaker. The tenth member shall be the secretary appointed pursuant to subdivision 3. The members of the commission shall be selected immediately after final enactment of this act and shall serve for a term expiring at the close of the next regular session of the legislature and until their successors are appointed. Successor members shall be appointed at the close of each regular session of the legislature by the same appointing authorities. Members may be reappointed. Any vacancy shall be filled by the appointing authority. The commissioner of transportation, the commissioner of natural resources, and the director of the Minnesota historical society shall be ex officio members, and shall be in addition to the ten members heretofore provided for. Immediately upon making the appointments to the commission the appointing authorities shall so notify the Mississippi river parkway commission, hereinafter called the national commission, giving the names and addresses of the members so appointed.

Sec. 47. Minnesota Statutes 1995 Supplement, section 446A.07, subdivision 8, is amended to read:

Subd. 8. [OTHER USES OF REVOLVING FUND.] The water pollution control revolving fund may be used as provided in title VI of the Federal Water Pollution Control Act, including the following uses:

(1) to buy or refinance the debt obligation of governmental units for treatment works where debt was incurred and construction begun after March 7, 1985, at or below market rates;

(2) to guarantee or purchase insurance for local obligations to improve credit market access or reduce interest rates;

(3) to provide a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the authority if the bond proceeds are deposited in the fund;

(4) to provide loan guarantees, loans, or set-aside for similar revolving funds established by a governmental unit other than state agencies, or state agencies under sections 17.117, 103F.725, subdivision 1a, 116J.403, and 116J.617; provided that no more than \$2,000,000 \$4,000,000 of the balance in the fund may be used for the small cities block grant program under section 116J.403 and the tourism loan program under section 116J.617, taken together;

(5) to earn interest on fund accounts; and

(6) to pay the reasonable costs incurred by the authority and the agency of administering the fund and conducting activities required under the federal Water Pollution Control Act, including water quality management planning under section 205(j) of the act and water quality standards continuing planning under section 303(e) of the act.

Amounts spent under clause (6) may not exceed the amount allowed under the Federal Water Pollution Control Act.

Sec. 48. Laws 1995, chapter 207, article 1, section 2, subdivision 7, is amended to read:

Subd. 7. Community Mental Health  
and State-Operated Services

General

254,604,000	260,379,000
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The amounts that may be spent from this appropriation for each purpose are as follows:

(a) Mental Health Grants - Children

7,097,000	12,536,000
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[MENTAL HEALTH COLLABORATIVE.]  
Mental health grants available for children formerly served under the TEFRA program shall be distributed and administered by a children's mental health collaborative where a collaborative exists.

(b) Mental Health Grants - Adults

38,222,000	40,918,000
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(c) Residential Treatment  
Center Facilities

194,921,000	192,265,000
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(d) Developmental Disability  
and Mentally Ill (DD and MI)  
State-Operated Community Services (SOCS)

13,001,000	13,297,000
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(e) Administration and Other Grants

1,363,000	1,363,000
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[MENTAL HEALTH GRANTS.] (a) Mental health grants appropriated for the biennium as part of the TEFRA and PCA restructuring proposal shall be distributed to children's mental health collaboratives, or where there is no collaborative, to counties. Grants shall be prorated by county based on the estimated dollar value of services for children and adults with a mental health diagnosis that will be lost due to the changes in Minnesota Statutes, sections 256B.055, subdivision 12, and 256B.0627.

(b) The commissioner shall form a work group to recommend a process for awarding grants that will maximize services purchased and minimize administrative overhead. The task force shall include representatives of the state advisory council on mental health and the children's subcommittee, parents, consumers, advocacy groups, providers, and local social service and public health staff. The work group shall consider whether the process for awarding

consumer support grants under Minnesota Statutes, section 256.476, can be utilized for awarding these mental health grants. In addition, the work group shall recommend ways to minimize harm to children and families and to reduce barriers to accessing alternative services.

(c) For the first year of the biennium, funds must be distributed by January 1, 1996, and for the second year, by July 1, 1996. None of this appropriation shall be used for county administration, but must be used to fund direct services to persons found ineligible for TEFRA or PCA services.

[MENTAL HEALTH CASE MANAGEMENT.] Notwithstanding section 12 of this article, this paragraph does not expire. The reimbursement rate for mental health case management services provided by counties under Minnesota Statutes, sections 245.4881 and 256B.0625, for children with severe emotional disturbance is \$45.

[CALCULATION OF FTE's.] When calculating regional treatment center full-time equivalent employees, the commissioner of finance shall make a separate calculation for physicians and their salaries.

[RELOCATIONS FROM FARIBAULT.] Of this appropriation, \$162,000 in fiscal year 1996 and \$37,000 in fiscal year 1997 are for grants to counties for discharge planning related to persons with mental retardation or related conditions being relocated from the Faribault regional center to community services.

[TRANSFERS TO MOOSE LAKE.] Notwithstanding Minnesota Statutes, sections 253B.18, subdivisions 4 and 6, and 253B.185, subdivision 2, with the establishment of the Minnesota sexual psychopathic personality treatment center, the commissioner is authorized to transfer any person committed as a psychopathic personality, sexual psychopathic personality, or sexually dangerous person, between the Minnesota security hospital and the facility at Moose Lake.

[RTC CHEMICAL DEPENDENCY PROGRAMS.] When the operations of the regional treatment center chemical dependency fund created in Minnesota Statutes, section 246.18, subdivision 2, are impeded by projected cash deficiencies resulting from delays in the receipt of grants, dedicated income, or other similar receivables, and when the deficiencies would be corrected within the budget period

involved, the commissioner of finance may transfer general fund cash reserves into this account as necessary to meet cash demands. The cash flow transfers must be returned to the general fund in the fiscal year that the transfer was made. Any interest earned on general fund cash flow transfers accrues to the general fund and not the regional treatment center chemical dependency fund.

[RTC RESTRUCTURING.] For purposes of restructuring the regional treatment centers and state nursing homes, any regional treatment center or state nursing home employee whose position is to be eliminated shall be afforded the options provided in applicable collective bargaining agreements. All salary and mitigation allocations from fiscal year 1996 shall be carried forward into fiscal year 1997. Provided there is no conflict with any collective bargaining agreement, any regional treatment center or state nursing home position reduction must only be accomplished through mitigation, attrition, transfer, and other measures as provided in state or applicable collective bargaining agreements and in Minnesota Statutes, section 252.50, subdivision 11, and not through layoff.

[RTC POPULATION.] If the resident population at the regional treatment centers is projected to be higher than the estimates upon which the medical assistance forecast and budget recommendations for the 1996-97 biennium were based, the amount of the medical assistance appropriation that is attributable to the cost of services that would have been provided as an alternative to regional treatment center services, including resources for community placements and waived services for persons with mental retardation and related conditions, is transferred to the residential facilities appropriation.

[INFRASTRUCTURE REINVESTMENT.] \$750,000 is available from the public facilities authority under Minnesota Statutes 446A.071 for grant funds to a local unit of government for the planning and development of infrastructure and ~~planning for redevelopment~~ in response to the memorandum of understanding for the regional treatment centers. Eligible costs include sewer, water, and easements and engineering costs associated with the project proposal.

[CAMP.] Of this appropriation, \$30,000 is from the mental health special projects account for adults and children with mental illness from across the state, for a camping program which

utilizes the Boundary Waters Canoe Area and is cooperatively sponsored by client advocacy, mental health treatment, and outdoor recreation agencies.

[IMD DOWNSIZING FLEXIBILITY.] If a county presents a budget-neutral plan for a net reduction in the number of institution for mental disease (IMD) beds funded under group residential housing, the commissioner may transfer the net savings from group residential housing and general assistance medical care to medical assistance and mental health grants to provide appropriate services in non-IMD settings.

[REPAIRS AND BETTERMENTS.] The commissioner may transfer unencumbered appropriation balances between fiscal years for the state residential facilities repairs and betterments account and special equipment.

[PROJECT LABOR.] Wages for project labor may be paid by the commissioner of human services out of repairs and betterments money if the individual is to be engaged in a construction project or a repair project of short term and nonrecurring nature. Compensation for project labor shall be based on the prevailing wage rates, as defined in Minnesota Statutes, section 177.42, subdivision 6. Project laborers are excluded from the provisions of Minnesota Statutes, sections 43A.22 to 43A.30, and shall not be eligible for state-paid insurance and benefits.

[PLAN FOR ADOLESCENT TREATMENT EXPANSION.] The commissioner shall report to the legislature by January 15, 1996, with a cost-neutral plan to add up to 20 beds to each of the two existing adolescent treatment facilities at the regional treatment centers in order to reduce or eliminate out-of-state placement of adolescents who have serious emotional disturbance and exhibit violent behavior, if they cannot be treated in their own communities. Cost neutrality shall be determined by comparing the costs of program expansion with the projected costs of out-of-state placements.

Sec. 49. Laws 1995, chapter 220, section 5, subdivision 3, is amended to read:

Subd. 3. Water Resources Management

	8,781,000	8,706,000	
			Summary by Fund
General		8,540,000	8,465,000
Natural Resources		241,000	241,000

\$95,000 the first year and \$95,000 the second year are for a grant to the Mississippi headwaters board for up to 50 percent of the cost of implementing the comprehensive plan for the upper Mississippi within areas under its jurisdiction.

\$17,000 the first year and \$17,000 the second year are for payment to the Leech Lake Band of Chippewa Indians to implement its portion of the comprehensive plan for the upper Mississippi.

\$50,000 is for development and administration of contracts with water well contractors for exploratory drilling and installation of observation wells to characterize the geologic and hydrologic conditions in the southwest region of the state where water supplies are difficult to locate. This appropriation is available until June 30, 1997, and is contingent on the receipt by the commissioner of \$50,000 in nonstate money. Results must be reported to the legislative water commission by February 15, 1996, and February 15, 1997.

\$25,000 is appropriated in fiscal year 1996 under Minnesota Statutes, section 103G.701, to the commissioner of natural resources for a grant, requiring no local match, to Morrison county for improving water flow along the easterly shoreline of the Mississippi river near Highway 10 in Morrison county, notwithstanding Minnesota Statutes, section 103G.701, subdivision 4. This appropriation may also be used to fund a comprehensive analysis regarding the cause of accelerated sedimentation in this portion of the Mississippi river. This appropriation remains available until June 30, 1997.

Sec. 50. Laws 1995, chapter 220, section 19, subdivision 4, is amended to read:

Subd. 4. Parks and Trails

(a) METROPOLITAN REGIONAL  
PARK SYSTEM

3,950,000

This appropriation is from the trust fund for payment by the commissioner of natural resources to the metropolitan council for subgrants to rehabilitate, develop, acquire, and retrofit the metropolitan regional park system consistent with the metropolitan council regional recreation open space capital improvement program and subgrants for regional trails, consistent with an updated regional trail plan. \$1,666,000 of this appropriation is from the trust fund acceleration.

This appropriation may be used for the purchase of homes only if the purchases are expressly included in the work program approved by the legislative commission on Minnesota resources.

This project must be completed and final products delivered by December 31, 1997, and the appropriation is available until that date.

(b) STATE PARK AND RECREATION AREA ACQUISITION, DEVELOPMENT, BETTERMENT, AND REHABILITATION

3,150,000

This appropriation is from the trust fund to the commissioner of natural resources as follows: (1) for state park and recreation area acquisition \$1,070,000, of which up to \$670,000 may be used for state trail acquisition of a critical nature; (2) for state park and recreation area development \$680,000; and (3) for betterment and rehabilitation of state parks and recreation areas \$1,400,000. The use of the Minnesota conservation corps is encouraged in the rehabilitation and development.

\$1,384,000 of this appropriation is from the trust fund acceleration. The commissioner must submit grant requests for supplemental funding for federal ISTEA money in eligible categories and report the results to the legislative commission on Minnesota resources.

This project must be completed and final products delivered by December 31, 1997, and the appropriation is available until that date.

(c) STATE TRAIL REHABILITATION AND ACQUISITION

250,000

This appropriation is from the trust fund to the commissioner of natural resources for state trail plan priorities. \$94,000 of this appropriation is from the trust fund acceleration. The commissioner must submit grant requests for supplemental funding for federal ISTEA money and report the results to the legislative commission on Minnesota resources.

This project must be completed and final products delivered by December 31, 1997, and the appropriation is available until that date.

(d) WATER ACCESS

600,000

This appropriation is from the trust fund to the commissioner of natural resources to accelerate public water access acquisition and development statewide. Access includes boating access, fishing piers, and shoreline access. Up to \$100,000 of this appropriation may be used for a

cooperative project to acquire and develop land, local park facilities, an access trail, and a boat access at the LaRue pit otherwise consistent with the water access program.

This project must be completed and final products delivered by December 31, 1997, and the appropriation is available until that date.

(e) LOCAL GRANTS

1,800,000

This appropriation is from the future resources fund to the commissioner of natural resources to provide matching grants, as follows: (1) \$500,000 to local units of government for local park and recreation areas; (2) \$500,000 to local units of government for natural and scenic areas pursuant to Minnesota Statutes, section 85.019; (3) \$400,000 to local units of government for trail linkages between communities, trails, and parks; and (4) \$400,000 for a conservation partners program, a statewide pilot to encourage private organizations and local governments to cost share enhancement of fish, wildlife, and native plant habitats; and research and surveys of fish and wildlife, and related education activities. Conservation partners grants may be up to \$10,000 each and must be equally matched. In addition to the required work program, grants may not be approved until grant proposals to be funded have been submitted to the legislative commission on Minnesota resources and the commission has either made a recommendation or allowed 60 days to pass without making a recommendation. The above appropriations are available half for the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2, and half for outside of the metropolitan area. For the purpose of this paragraph, match includes nonstate contributions either cash or in-kind.

This project must be completed and final products delivered by December 31, 1997, and the appropriation is available until that date.

(f) MINNEAPOLIS PARK AND TRAIL CONNECTIONS

141,000

This appropriation is from the future resources fund to the commissioner of transportation for half of the nonfederal match of ISTEA projects for the Minneapolis park and recreation board to develop park and trail connections including: Minnehaha park to Mendota bridge, Stone Arch bridge to bridge number 9 on West River Parkway, Boom island to St. Anthony Parkway, and West River Parkway to Shingle Creek



Parkway. The Minneapolis park and recreation board must apply for and receive approval of the federal money in order to receive this appropriation.

This project must be completed and final products delivered by December 31, 1997, and the appropriation is available until that date.

(g) LOCAL SHARE FOR ISTE  
FEDERAL PROJECTS

300,000

This appropriation is from oil overcharge money to the commissioner of administration for half of the nonfederal match of ISTE projects for: (1) Chisago county, \$150,000 for a trail between North Branch and Forest Lake township; and (2) the St. Louis and Lake counties regional rail authority, \$150,000 for the development of approximately 40 miles of a multipurpose recreational trail system. Chisago county and the St. Louis and Lake counties regional rail authority must apply for and receive approval of the federal money in order to receive these appropriations.

~~This project~~ The project under clause (1) must be completed and final products delivered by December 31, 1997, and the appropriation is available until that date. The project under clause (2) must be completed and final products delivered by December 31, 1999, and the appropriation is available until that date.

(h) PINE POINT PARK REST STATION

100,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with Washington county to construct a rest station on the Gateway segment of the Willard Munger state trail in compliance with the Americans with Disabilities Act. This appropriation must be matched by at least \$30,000 of nonstate money.

(i) INTERACTIVE MULTIMEDIA COMPUTER INFORMATION SYSTEM

45,000

This appropriation is from the future resources fund to the commissioner of trade and economic development, office of tourism, for an agreement with Explore Lake County, Inc. to develop a pilot multimedia interactive computer information system at the R. J. Houle visitor information center.

(j) UPPER SIOUX AGENCY STATE PARK

200,000

This appropriation to the commissioner of natural resources is from the future resources

fund for bathroom and shower facilities at Upper Sioux Agency State Park.

(k) GRAIN BELT MISSISSIPPI RIVERFRONT DEVELOPMENT 500,000

This appropriation is from the future resources fund to the commissioner of natural resources for a contract with the metropolitan council for a subgrant to the Minneapolis park and recreation board, which shall cooperate with the Minneapolis community development agency to create riverfront recreational park and marina facilities through acquisition and development of Mississippi riverfront property. This appropriation is contingent on this facility being designated part of the metropolitan regional park and open space system. ~~This appropriation is also contingent on the Guthrie theater's occupancy of the Grain Belt Brewery.~~

(l) WILDCAT REGIONAL PARK 40,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with Houston county to construct an off-channel boat ramp on the Mississippi River, and wingwalls to protect the ramp and existing swimming beach.

Sec. 51. Laws 1995, chapter 220, section 19, subdivision 6, is amended to read:

Subd. 6. Environmental Education

(a) LEOPOLD EDUCATION PROJECT CURRICULUM 100,000

This appropriation is from the trust fund to the office of environmental assistance for an agreement with Pheasants Forever, Inc. to provide teacher training in the use of the Leopold education project conservation ethics curriculum. This appropriation must be matched by at least \$50,000 of nonstate money.

(b) ENVIRONMENTAL EDUCATION TEACHER TRAINING 500,000

This appropriation is from the trust fund to the office of environmental assistance in cooperation with the environmental education advisory board to develop and deliver statewide environmental education training for preservice and in-service teachers.

(c) SHARING ENVIRONMENTAL EDUCATION KNOWLEDGE 200,000

This appropriation is from the trust fund to the office of environmental assistance in cooperation with the environmental education advisory board

to plan and develop an information data exchange and service center that coordinates the collection, evaluation, dissemination, and promotion of environmental education resources and programs.

(d) ENVIRONMENTAL VIDEO RESOURCE LIBRARY AND PUBLIC TELEVISION SERIES 250,000

This appropriation is from the future resources fund to the office of environmental assistance in cooperation with the environmental education advisory board for an agreement with Twin Cities Public Television to create a resource information center for environmental video and to produce and broadcast an environmental television series about Minnesota environmental achievements.

(e) DEVELOPMENT, ASSIMILATION, AND DISTRIBUTION OF WOLF EDUCATIONAL MATERIALS 100,000

This appropriation is from the future resources fund to the office of environmental assistance for an agreement with the International Wolf Center to collect and develop written, electronic, and photographic audio-visual material about wolf ecology, recovery, and management for electronic distribution. This appropriation must be matched by at least \$30,000 of nonstate money.

(f) ENVIRONMENTAL ACTION GRANTS FOR MINNESOTA SCHOOLS 200,000

This appropriation is from the trust fund to the department of natural resources for an agreement with St. Olaf college for the school nature area project matching grants to schools for school area nature sites. This appropriation must be matched by at least \$50,000 of nonstate money.

(g) ELECTRONIC ENVIRONMENTAL EDUCATION NETWORK 250,000

This appropriation is from the future resources fund to the office of environmental assistance for an agreement with the University of Minnesota raptor center to develop a program for student participation in satellite-tracking research, data collection and dissemination using INTERNET, workshops, material development, and off-site classroom experience. This appropriation must be matched by at least \$38,000 of nonstate money.

(h) THREE RIVERS INITIATIVE 750,000

This appropriation is from the future resources

fund to the Science Museum of Minnesota to develop exhibits and programs focusing on the Mississippi, Minnesota, and St. Croix rivers.

(i) INTERACTIVE COMPUTER EXHIBIT ON MINNESOTA RENEWABLE ENERGY SOURCES 150,000

This appropriation is from oil overcharge money to the commissioner of administration for an agreement with the Izaak Walton League of America, midwest office in cooperation with the Science Museum of Minnesota to develop and disseminate an interactive multimedia computer exhibit on renewable energy resources.

(j) TREES FOR TEENS: TRAINING, RESOURCES, EDUCATION, EMPLOYMENT, SERVICE 75,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with Twin Cities Tree Trust to develop a pilot program and curriculum materials for educating high school students about urban forestry and assisting them in carrying out peer education and community service projects. This project must be done in cooperation with the Minnesota releaf program.

(k) REDWOOD FALLS SCHOOL DISTRICT NO. 637 ENVIRONMENTAL EDUCATION PROJECT 250,000

This appropriation is from the future resources fund to the office of environmental assistance for an agreement with the Redwood Falls school district to accelerate development of an outdoor environmental learning center and to integrate environmental education into the K-12 curriculum. Project development will include prairie access improvements including a trail system, establishment of a wetland, and an arboretum.

(l) TOGETHER OUTDOORS MINNESOTA 575,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with Wilderness Inquiry for diversity specialist training, training of outdoor service professionals to provide inclusive programming, and diversity networking, including the development of a directory of recreation facility accessibility. This appropriation must be matched by at least \$80,000 of nonstate money.

This project must be completed and final products delivered by December 31, 1997, and the appropriation is available until that date.

(m) ENHANCED NATURAL RESOURCE  
OPPORTUNITIES FOR ASIAN-PACIFIC  
MINNESOTANS 150,000

This appropriation is from the future resources fund to the commissioner of natural resources for the second biennium of funding for community outreach, cultural collaboration, training, and education to increase Asians' participation and understanding of natural resources management. Supplemental funding must be requested and the results reported to the legislative commission on Minnesota resources.

(n) DELIVER ECOLOGICAL INFORMATION  
AND TECHNICAL ASSISTANCE TO  
LOCAL GOVERNMENTS 100,000

This appropriation is from the future resources fund to the commissioner of natural resources to provide interpretation of ecological data collected by the county biological survey.

(o) NONPOINT SOURCE POLLUTION  
PUBLIC EDUCATION DEMONSTRATION PROJECT 100,000

This appropriation is from the future resources fund to the commissioner of the pollution control agency for an agreement with the city of St. Paul for a joint project with the city of Minneapolis to conduct surveys and develop and implement nonpoint source pollution public education. This appropriation must be matched by at least \$12,000 of nonstate money.

(p) WHITETAIL DEER RESOURCE CENTER 50,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with the Minnesota Deer Hunters Association to develop a facility and operations plan. This appropriation must be matched by \$50,000 of nonstate money.

(q) GORDON GULLION CHAIR IN FOREST  
WILDLIFE RESEARCH AND EDUCATION 350,000

This appropriation is from the future resources fund to the University of Minnesota to establish an endowed chair in forest wildlife research and education to develop forest and wildlife sustainable management practices. This appropriation must be matched by at least \$350,000 of nonstate money. This project must be completed and final products delivered by December 31, 1997, and the appropriation is available until that date.

(r) NEY ENVIRONMENTAL CENTER 100,000

This appropriation is from the future resources

fund to the commissioner of natural resources for an agreement with Le Sueur county to develop an environmental learning center in the Minnesota River Valley near Henderson. The appropriation shall be used to ~~convert existing buildings to classrooms,~~ add classroom and restroom facilities ~~and,~~ improve access, and remove unneeded structures.

(s) LAWNSDALE ENVIRONMENTAL CENTER 400,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with Lawnsdale Environmental Foundation to develop an environmental learning center near Herman with emphasis on prairie, wetlands, and agricultural themes. This appropriation must be matched by at least \$100,000 of nonstate money.

Sec. 52. Laws 1995, chapter 220, section 19, subdivision 10, is amended to read:

(a) RIM - ACCELERATE WILDLIFE  
LAND ACQUISITION 650,000

\$510,000 of this appropriation is from the trust fund and \$140,000 is from the future resources fund to the commissioner of natural resources to accelerate acquisition activities in the reinvest in Minnesota program by acquiring land identified in North American waterfowl management plan project areas. This appropriation must first be used for projects qualifying for a match, which may include costs for acquisition, enhancements, and wetland restoration.

(b) RIM - ACCELERATE CRITICAL  
HABITAT MATCH PROGRAM 250,000

This appropriation is from the trust fund to the commissioner of natural resources ~~to accelerate the reinvest in Minnesota program to acquire and improve critical habitat for game and nongame fish, wildlife, and native plants for activities authorized under Minnesota Statutes, section 84.943.~~ Projects must occur in both urban and rural areas.

(c) RIM - ACCELERATE WILDLIFE  
HABITAT STEWARDSHIP 450,000

This appropriation is from the future resources fund to the commissioner of natural resources for improvement of wildlife habitat and natural plant communities statewide, both urban and rural public lands, to protect and enhance wildlife, native plant species, and ecological diversity.

(d) BIOMASS PRODUCTION, MANAGEMENT AND  
RESTORATION OF BRUSHLAND HABITATS 200,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with the University of Minnesota-Duluth in cooperation with the natural resources research institute and the Minnesota Sharptailed Grouse Society to assess brushland harvesting, brushland as wildlife habitat, and habitat management strategies.

This project must be completed and final products delivered by December 31, 1997, and the appropriation is available until that date.

(e) TURN IN POACHERS YOUTH ACTIVITY BOOK 50,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with TIP, Inc. to print and disseminate an activity book to inform and educate children about poaching and its impact on natural resources, and to promote ethical hunting and fishing. This appropriation must be matched by at least \$12,500 of nonstate money.

Sec. 53. Laws 1995, chapter 220, section 19, subdivision 19, is amended to read:

Subd. 19. Carryforward

(a) Except as provided in paragraph (b), the availability of the appropriations for the following projects is extended to December 31, 1995; ~~on that date the appropriations cancel and no further payment is authorized, when projects must be completed and final products delivered:~~ Laws 1993, chapter 172, section 14, subdivisions 3, paragraphs (a), (f), and (i); 6, paragraph (b); 9; 10, paragraphs (a), (c), (g), (p), (q), and (r); and 12, paragraphs (a), (b), (c), (h), (j), and (l).

(b) The availability of the appropriations for the following projects is extended to December 31, 1996; ~~on that date the appropriations cancel and no further payment is authorized, when projects must be completed and final products delivered:~~

(1) Laws 1993, chapter 172, section 14, subdivisions 3, paragraph (c); 4, paragraph (e); 10, paragraphs (d), (f), and (o); 12, paragraphs (f) and (g); in subdivision 10, paragraph (b), the Bloomington East and West Bush Lake picnic areas; and, in subdivision 10, paragraph (c), Cedar Lake trail development and the Dakota North regional trail in South St. Paul; and (2) Laws 1994, chapter 632, article 2, section 6, local recreation grants and Silver Bay harbor.

Sec. 54. Laws 1995, chapter 254, article 1, section 93, is amended to read:

Sec. 93. [SPENDING LIMITATION ON CONTRACTS.]

(a) During the biennium ending June 30, 1997, the aggregate amount spent by all departments or agencies defined in Minnesota Statutes, section 15.91, subdivision 1, on professional or technical service contracts may not exceed 95 percent of the aggregate amount these departments or agencies spent on these contracts during the biennium from July 1, 1993, to June 30, 1995. For purposes of this section, professional or technical service contracts are as defined in Minnesota Statutes, section 16B.17, but do not include contracts for highway construction or maintenance, contracts between state agencies, contracts paid for from insurance trust funds, gift and deposit funds, capital projects funds, or federal funds, contracts with private collection agencies, contracts that are entered into in connection with the agency's distribution of grant funds, or contracts entered into under Minnesota Statutes, section 16B.35 or 115B.42, subdivision 2. The governor or a designated official must limit or disapprove proposed contracts as necessary to comply with this section.

(b) During the biennium ending June 30, 1997, the amount spent by (1) the house of representatives; (2) the senate; and (3) the legislative coordinating commission and all groups under its jurisdiction, from direct-appropriated funds on professional or technical service contracts may not exceed 95 percent of the amount spent on these contracts from direct-appropriated funds during the biennium from July 1, 1993, to June 30, 1995. Each entity listed in clauses (1), (2), and (3) of this paragraph must be treated separately for purposes of determining compliance with this paragraph, except that the legislative coordinating commission and all groups under its jurisdiction must be treated as one unit. For purposes of this paragraph, "professional or technical service contract" has the meaning defined in section 16B.17, but does not include contracts for actuarial services entered into by the legislative commission on pensions and retirement, or contracts with other legislative or state executive agencies. The house of representatives committee on rules and legislative administration, the senate committee on rules and administration, and the legislative coordinating commission must each determine the amount of the reduction to be made under this paragraph.

Sec. 55. [BRANDING ANIMALS; REPORT.]

By January 15, 1997, the board of animal health shall report to the senate agriculture and rural development committee and the house of representatives agriculture committee with recommendations for changes in Minnesota Statutes, sections 35.821 to 35.831, relating to the branding of live animals. The report must include specific recommendations on brand inspection requirements and whether the state should allow registration of brands that use technologies other than hot irons. In developing the recommendations, the board shall gather public input from buyers and sellers of live animals.

Sec. 56. [TACONITE DEPOSITION.]

Notwithstanding rules prohibiting discharge of waste into saturated zones or rules governing variance procedures, the pollution control agency may issue a permit for deposition of fine tailings from taconite processing facilities into taconite mine pits provided the proposer demonstrates through an environmental impact statement and risk assessment that the deposition will not pose an unreasonable risk of pollution or degradation of groundwater.

Sec. 57. [EFFECTIVE DATES.]

(a) Except as provided in paragraph (b), this act is effective the day following final enactment.

(b) Sections 12, 14, 25, 44, and 47 are effective July 1, 1996. Sections 36 and 38 are effective for 1997 state park permits. Section 18 is effective April 1, 1997, and applies to licenses issued for mobile food concession and retail mobile units beginning with the April 1, 1997, to March 31, 1998, period. License fees for the nine-month period July 1, 1996, to March 31, 1997, for mobile food concession and retail mobile units will be prorated at 75 percent of the fee schedule in effect on July 1, 1996, rounded to the nearest dollar. Section 28 applies to farm bulk milk pick-up tankers beginning on July 1, 1996.

Delete the title and insert:

"A bill for an act relating to the organization and operation of state government; appropriating



money and adding and modifying provisions relating to the environment, natural resources, and agriculture; supplementing, reducing, and modifying earlier appropriations; providing for reports and fees; amending Minnesota Statutes 1994, sections 17.117, subdivision 3; 17B.15, subdivision 1; 18E.02, subdivision 5; 28A.04, subdivision 1; 28A.09, subdivision 1; 28A.15, subdivisions 7, 8, and by adding a subdivision; 28A.16; 28A.17; 32.21, subdivision 4; 32.394, subdivision 8d, and by adding a subdivision; 32.415; 35.821, subdivision 3, and by adding a subdivision; 85.015, by adding a subdivision; 85.053, subdivision 7; 85.054, by adding a subdivision; 85.055, subdivision 1; 94.16, subdivision 3; 97A.028, subdivisions 1 and 3; 103D.345, by adding a subdivision; 103G.405; and 161.1419, subdivision 2; Minnesota Statutes 1995 Supplement, sections 28A.03; 28A.08, subdivision 1; 85.015, subdivision 7; 85.019, subdivision 4a; 103F.725, subdivision 1a; and 446A.07, subdivision 8; Laws 1995, chapters 207, article 1, section 2, subdivision 7; 220, sections 5, subdivision 3; 19, subdivisions 4, 6, 10, and 19; and 254, article 1, section 93; proposing coding for new law in Minnesota Statutes, chapters 17; 21; and 103F."

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Steven Morse, Gene Merriam, Leonard R. Price, Janet B. Johnson, Gary W. Laidig

House Conferees: (Signed) Chuck Brown, Doug Peterson, John J. Sarna, Virgil J. Johnson, Teresa Lynch

Mr. Morse moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2167 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2167 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 54 and nays 5, as follows:

Those who voted in the affirmative were:

Beckman	Hanson	Laidig	Morse	Riveness
Belanger	Hottinger	Langseth	Neuville	Runbeck
Berglin	Janezich	Larson	Novak	Sams
Betzold	Johnson, D.E.	Lesewski	Oliver	Samuelson
Chandler	Johnson, J.B.	Lessard	Olson	Scheevel
Cohen	Johnston	Limmer	Pappas	Solon
Day	Kelly	Marty	Pariseau	Spear
Dille	Kiscaden	Merriam	Piper	Stumpf
Fischbach	Kramer	Metzen	Pogemiller	Vickerman
Flynn	Krentz	Moe, R.D.	Price	Wiener
Frederickson	Kroening	Mondale	Ranum	

Those who voted in the negative were:

Kleis	Knutson	Ourada	Robertson	Stevens
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So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 2720:** A bill for an act relating to elections; permitting simultaneous candidacy for nomination by major and minor parties with their consent under certain conditions; amending Minnesota Statutes 1994, sections 200.02, subdivision 7, and by adding a subdivision; 204B.04, subdivision 2, and by adding a subdivision; 204D.12; and 204D.13, by adding a subdivision; Minnesota Statutes 1995 Supplement, section 204B.06, subdivision 1; repealing Minnesota Statutes 1994, section 204D.10, subdivision 2.

There has been appointed as such committee on the part of the House:

Pelowski, Jefferson and Pawlenty.

Senate File No. 2720 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 21, 1996

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3273:

**H.F. No. 3273:** A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of bonds; appropriating money; amending Minnesota Statutes 1994, sections 16B.24, subdivision 6a; 16B.335, subdivision 3, and by adding a subdivision; 41B.19, subdivision 1; 94.16, subdivision 3; 124C.73, subdivision 1; 134.45, subdivision 5; 268.917; and 475.58, by adding a subdivision; Minnesota Statutes 1995 Supplement, sections 473.894, subdivision 11; and 473.901, subdivision 1; Laws 1994, chapter 643, sections 19, subdivision 8, as amended; 21, subdivision 4, as amended; and 35, subdivision 3; Laws 1995, First Special Session chapter 2, article 1, section 13; proposing coding for new law in Minnesota Statutes, chapters 116J; 243; 268; and 446A; repealing Minnesota Statutes 1994, sections 446A.071, subdivisions 1, 3, 4, 5, 6, 7, and 8; Minnesota Statutes 1995 Supplement, sections 446A.071, subdivision 2; Laws 1994, chapter 643, section 24, subdivision 3.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Kalis, Trimble, Luther, Rice and Bishop have been appointed as such committee on the part of the House.

House File No. 3273 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 21, 1996

Mr. Riveness moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3273, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

## RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

### **APPOINTMENTS**

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 3273: Messrs. Merriam, Laidig, Riveness, Ms. Ranum and Mr. Morse.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

### **MEMBERS EXCUSED**

Messrs. Chmielewski, Finn and Johnson, D.J. were excused from the Session of today. Ms. Reichgott Junge was excused from the Session of today at 2:00 p.m. Mr. Frederickson was excused from the Session of today from 12:15 to 2:15 p.m. Ms. Flynn was excused from the Session of today from 2:15 to 2:30 p.m. Mr. Terwilliger was excused from the Session of today from 3:45 to 4:00 p.m. Mr. Stumpf was excused from the Session of today from 10:00 to 10:45 a.m.

### **ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Friday, March 22, 1996. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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