

S.F. No. 2702 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 62 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Dille and Frederickson 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

RECONSIDERATION

Mr. Novak moved that the vote whereby H.F. No. 637 was passed by the Senate on April 1, 1996, be now reconsidered. The motion prevailed. So the vote was reconsidered.

H.F. No. 637 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 39 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Johnson, D.E.	Limmer	Oliver	Runbeck
Cohen	Kelly	Marty	Olson	Scheevel
Dille	Kleis	Metzen	Ourada	Solon
Fischbach	Knutson	Mondale	Pappas	Spear
Frederickson	Kramer	Morse	Pariseau	Stevens
Hanson	Laidig	Murphy	Price	Stumpf
Hottinger	Langseth	Neuville	Ranum	Terwilliger
Janezich	Lessard	Novak	Riveness	

Those who voted in the negative were:

Beckman	Chandler	Johnston	Lesewski	Reichgott Junge
Belanger	Day	Kiscaden	Merriam	Robertson
Berg	Flynn	Krentz	Moe, R.D.	Samuelson
Berglin	Johnson, D.J.	Kroening	Piper	Vickerman
Betzold	Johnson, J.B.	Larson	Pogemiller	

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 until 7:00 p.m. The motion prevailed. The hour of 7:00 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

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

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 adopted the recommendation and report of the Conference Committee on Senate File No. 2381, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2381: A bill for an act relating to telecommunications; regulating intrastate interLATA telecommunications services; proposing coding for new law in Minnesota Statutes, chapter 237.

Senate File No. 2381 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 1, 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. 1980, and repassed said bill in accordance with the report of the Committee, so adopted.

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 April 1, 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. 1997, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1997: A bill for an act relating to economic development; requiring some businesses with state or local financial assistance to pay at least a poverty level wage; requiring the commissioner of revenue to set goals for jobs and wages for new tax expenditures; amending Minnesota Statutes 1994, section 270.067, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 177; repealing Minnesota Statutes 1995 Supplement, section 116J.542.

Senate File No. 1997 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 1, 1996

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. 2493, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2493 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 1, 1996

CONFERENCE COMMITTEE REPORT ON H.F. NO. 2493

A bill for an act relating to retirement; modifying provisions of various local pension plans; making miscellaneous benefit and administrative changes; amending Minnesota Statutes 1994, sections 353B.11, subdivisions 1 and 3; and 353B.13; Laws 1965, chapter 519, section 1, as amended; Laws 1992, chapter 563, section 5; Laws 1994, chapter 490, section 2; and Laws 1995, chapter 262, article 7, section 1.

March 27, 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. 2493, 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. 2493 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

ITASCA COUNTY MEDICAL CENTER; RETIREMENT

Section 1. Laws 1995, chapter 262, article 7, section 1, is amended to read:

Section 1. [TRANSFERRED EMPLOYEES.]

This section applies if the Itasca county medical center is sold, leased, or transferred to a private entity or public corporation. Notwithstanding any provision of Minnesota Statutes, sections 356.24 and 356.25 to the contrary, to facilitate the orderly transition of employees affected by the sale, lease, or transfer, the county may, in its discretion, make, from assets to be transferred to the private entity or public corporation, payments to a qualified pension plan established for the transferred employees by the private entity or public corporation, to provide benefits substantially similar to those the employees would have been entitled to under the provisions of the public employees retirement association, Minnesota Statutes 1994, sections 353.01 to 353.46.

Sec. 2. [TREATMENT OF TERMINATED, NONVESTED EMPLOYEES.]

Subdivision 1. [ELIGIBILITY.] (a) An eligible individual is an individual who:

(1) is an employee of the Itasca county medical center immediately prior to the sale, lease, or transfer of that facility to a private entity or public corporation;

(2) is terminated at the time of the sale, lease, or transfer; and

(3) had less than three years of service credit in the public employees retirement association plan at the date of termination.

(b) For an eligible individual under paragraph (a), the county may make a member contribution equivalent payment under subdivision 2.

Subd. 2. [MEMBER CONTRIBUTION EQUIVALENT PAYMENT.] The member contribution equivalent payment is an amount equal to the total refund provided by Minnesota Statutes, section 353.34, subdivisions 1 and 2. To be eligible for the member contribution equivalent payment, the individual in subdivision 1, paragraph (a), must apply for a refund under Minnesota Statutes, section 353.34, subdivisions 1 and 2, within one year of termination. A member contribution equivalent amount exceeding \$200 must be made directly to an individual retirement account under section 408(a) of the federal Internal Revenue Code, as amended, or to another qualified plan. A member contribution equivalent amount of \$200 or less may, at the preference of the individual, be made to the individual or to an individual retirement account under section 408(a) of the federal Internal Revenue Code, as amended, or to another qualified plan.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective on the day following approval by the Itasca county board and compliance with Minnesota Statutes, section 645.021.

ARTICLE 2

PUBLIC SAFETY EMPLOYEE RETIREMENT PROVISIONS

Section 1. Laws 1992, chapter 563, section 5, is amended to read:

Sec. 5. [ST. PAUL POLICE AND FIRE CONSOLIDATION ACCOUNTS; LIMITATION ON POSTRETIREMENT BENEFIT REDUCTIONS.]

(a) A monthly service pension or retirement benefit payment from the St. Paul fire department relief-association consolidation account or the St. Paul police relief-association consolidation account may not be reduced in amount to an amount that is less than that received by the person for the immediately previous month.

(b) The service pension or retirement benefit payable from the St. Paul fire department consolidation account or from the St. Paul police consolidation account to a person who becomes newly entitled to that service pension or retirement benefit may not be an amount that is less than the service pension or retirement benefit then payable to a comparably situated pensioner or benefit recipient of that consolidation account.

~~This (c) The limitation in paragraph (a) or (b) may not be construed to limit the power of the board of trustees of the relief executive director of the public employees retirement association to require proof of continuing eligibility for receipt of a disability benefit or a survivor benefit, or to require the reduction in amount or elimination of a disability benefit in the event of changed medical circumstances, or to require the reduction in amount or elimination of a survivor benefit in the event of changes in eligibility.~~

Sec. 2. Laws 1994, chapter 490, section 2, is amended to read:

Sec. 2. [AUSTIN FIRE DEPARTMENT RELIEF ASSOCIATION; SURVIVOR COVERAGE FOR CERTAIN SPOUSES OF CERTAIN RETIRED FIREFIGHTERS.]

(a) Notwithstanding any provision to the contrary of the general or special laws governing the Austin fire department relief association, the articles of incorporation of the relief association, or the bylaws of the relief association, a person described in paragraph (b) is entitled to a surviving spouse benefit as provided in paragraph (c).

(b) A person entitled under paragraph (a) is a person who:

(1) was the legally married spouse of a deceased retired or disabled member of the Austin fire department relief association at the time of the deceased member's death;

(2) married the retired or disabled member after the date on which the member terminated active employment as a firefighter by the Austin fire department; and

(3) was married for at least three years before the date of the death of the retired or disabled member; and

~~(3) was married to a retired or disabled member whose prior spouse, if any, predeceased the member.~~

(c) The surviving spouse benefit is an amount equal to the amount of a surviving spouse benefit payable by the Austin fire department relief association to the surviving spouse of a deceased active member of the relief association under Laws 1949, chapter 87, section 26, subdivision 4, as amended by Laws 1965, chapter 418, section 5, reduced by any amount awarded or payable from the service pension or disability benefit of the deceased former firefighter to a former spouse of the deceased active member by virtue of the legal dissolution of the member's marriage to the former spouse.

Sec. 3. [MINNEAPOLIS FIRE DEPARTMENT RELIEF ASSOCIATION; AUTHORIZATION OF VARIOUS ADMINISTRATIVE CHANGES.]

Notwithstanding any provision of any law to the contrary, the Minneapolis fire department relief association is authorized to implement the following administrative and other modifications:

(1) five-year vesting under Minnesota Statutes, section 423A.19, retroactive to the April 1, 1987, date when the change was approved by the Minneapolis city council, despite the failure to meet the filing requirement of Minnesota Statutes, section 423A.19, subdivision 4;

(2) the period for applying for a disability benefit by or on behalf of a disabled member increased from 30 days after the beginning of the disability to 90 days after the beginning of the disability;

(3) a salary for services for the members of the board of trustees of the relief association who are elected members and who are not officers in an amount equal to 2.5 percent of the maximum salary of a first grade firefighter;

(4) a salary for the president of the relief association increased to an amount equal to ten percent of the maximum salary of a first grade firefighter;

(5) a salary for the executive secretary of the relief association increased to an amount equal to 30 percent of the maximum salary of a first grade firefighter; and

(6) eligibility for the surviving spouse of a deceased deferred member, the dependent surviving child or children of a deceased deferred member, or a combination, to receive annual postretirement payments under Laws 1989, chapter 319, article 19, section 7, as amended by Laws 1992, chapter 471, article 2, section 5, with confirmation and ratification of any past payments of annual postretirement payments to survivors of deceased deferred members since June 1, 1989.

Sec. 4. [ST. LOUIS PARK; EXCLUSIONS FROM FIREFIGHTERS CIVIL SERVICE.]

Notwithstanding Minnesota Statutes, chapter 420, in the city of St. Louis Park, volunteer and paid-on-call firefighters, who are employees of the fire department, are excluded from civil service.

Sec. 5. [EFFECTIVE DATE.]

Subdivision. 1. [ST. PAUL POLICE AND FIRE.] Section 1 is effective retroactively to December 31, 1993, upon approval by the city council of the city of St. Paul and compliance with Minnesota Statutes, section 645.021.

Subd. 2. [AUSTIN FIRE.] Section 2 is effective upon approval by the Austin city council and compliance with Minnesota Statutes, section 645.021.

Subd. 3. [MINNEAPOLIS FIRE.] (a) Section 3 is effective on the day following final approval by the Minneapolis city council and compliance with Minnesota Statutes, section 645.021.

(b) The city council resolution must specify the provisions contained in section 3 that it is approving. The city council may approve some or all of the provisions contained in section 3.

Subd. 4. [ST. LOUIS PARK POLICE AND FIRE.] Section 4 takes effect the day after the chief clerical officer of the city of St. Louis Park complies with Minnesota Statutes, section 645.021, subdivision 3.

ARTICLE 3

MINNEAPOLIS FIRE; SURVIVING SPOUSE BENEFIT CHANGE

Section 1. Laws 1965, chapter 519, section 1, as amended by Laws 1967, chapter 819, section 1; Laws 1969, chapter 123, section 1; Laws 1975, chapter 57, section 1; Laws 1977, chapter 164, section 2; Laws 1990, chapter 589, section 5; and Laws 1992, chapter 454, section 2, is amended to read:

Section 1. [MINNEAPOLIS, CITY OF; FIREFIGHTER'S RELIEF ASSOCIATION; SURVIVING SPOUSE'S ENTITLEMENT.] Notwithstanding the provisions of Minnesota Statutes 1965, Section 69.48, to the contrary, when a service pensioner, disability pensioner, or deferred pensioner, or an active member of a relief association dies, leaving:

(1) A surviving spouse who was a legally married spouse, residing with the decedent, and who was married while or prior to the time the decedent was on the payroll of the fire department in the case of a deceased active member; and or who, in case the deceased member was a service, disability or deferred pensioner, was legally married to the member at least one year before the member's retirement from the fire department or for at least five years before the member's death if the marriage occurred after retirement; or

(2) A child or children who were living while the deceased was on the payroll of the fire department, or born within nine months after the decedent was withdrawn from the payroll of the fire department, the surviving spouse and the child or children shall be entitled to a pension or pensions, as follows:

(a) To the surviving spouse, a pension of not less than 17 units, and not to exceed the total of 22 units per month, as the bylaws of the association provide, for life; ~~provided, that if the spouse shall remarry then the pension shall cease and terminate as of the date of remarriage; provided, further, if the remarriage terminates for any reason, the surviving spouse shall again be entitled to a pension as the bylaws of the association provide;~~

(b) To the child or children, if their other parent is living, a pension of not to exceed eight units per month for each child up to the time each child reaches the age of not less than 16 years and not to exceed an age of 18 years; provided, however, upon approval by the board of trustees, such a child who is a full-time student, upon proof of compliance with the provisions of this act, may be entitled to such pension so long as the child is a full-time student and has not reached 22 years of age, all in conformity with the bylaws of the association; provided, further, the total pensions hereunder for the surviving spouse and children of the deceased member shall not exceed the sum of 41 units per month;

(c) A child or children of a deceased member after the death of their other parent, or in the event their other parent predeceases the member, be entitled to receive a pension or pensions in such amount as the board of trustees of the association shall deem necessary to properly support the child or children until they reach the age of not less than 16 and not more than 18 years; provided, however, upon approval by the board of trustees, such a child who is a full-time student, upon proof of compliance with the provisions of this act, may be entitled to such pension so long as the child is a full-time student and has not reached 22 years of age, as the bylaws of the association may provide; but the total amount of the pension or pensions hereunder for any child or children shall not exceed the sum of 41 units per month;

(d) For the purposes of this act, a full-time student is defined as an individual who is in full-time attendance as a student at an educational institution. Whether or not the student was in full-time attendance would be determined by the board of trustees of the association in the light of the standards and practices of the school involved. Specifically excluded is a person who is paid by the person's employer while attending school at the request of the person's employer. Benefits may continue during any period of four calendar months or less in any 12 month period in which a person does not attend school if the person shows to the satisfaction of the board of trustees that the person intends to continue in full-time school attendance immediately after the end of the period. An educational institution is defined so as to permit the payment of benefits to students taking vocational or academic courses in all approved, accredited or licensed schools, colleges, and universities. The board of trustees shall make the final determination of eligibility for benefits if any question arises concerning the approved status of the educational institution which the student attends or proposes to attend;

(e) In the event that a child who is receiving a pension as provided above shall marry before the age of 22 years, the pension shall cease as of the date of the marriage.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective on the day following approval by the Minneapolis city council and compliance with Minnesota Statutes, section 645.021.

ARTICLE 4

CONFORMING CHANGES

Section 1. Minnesota Statutes 1994, section 353B.11, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY; SURVIVING SPOUSE BENEFIT.] (a) Except as specified in paragraph (b), (c), (d), (e), (f), (g), or ~~(f)~~ (h), the person who survives a deceased active, deferred, or retired member, who was legally married to the member at the time of the death of the deceased member, who was legally married to the member for at least one year before the separation from active service if the deceased member was a deceased, deferred, or retired member and who was residing with the member at the time of the death of the deceased member shall be entitled to receive a surviving spouse benefit.

(b) The person who survives a deceased active, deferred, or retired member, who was legally

married to the member at the time of the death of the deceased member, who was legally married to the member at the time of separation from active service if the deceased member was a deceased deferred or retired member and who was residing with the member at the time of the death of the member shall be entitled to receive a surviving spouse benefit in the case of former members of the following consolidating relief associations:

- (1) Albert Lea police relief association;
- (2) Anoka police relief association;
- (3) ~~Austin firefighters relief association;~~
- (4) Austin police relief association;
- (5) ~~(4) Brainerd police benefit association;~~
- (6) ~~(5) Columbia Heights police relief association;~~
- (7) ~~(6) Crookston fire department relief association;~~
- (8) ~~(7) Crookston police relief association;~~
- (9) ~~(8) Fairmont police benefit association;~~
- (10) ~~(9) Faribault police benefit association;~~
- (11) ~~(10) Mankato fire department relief association;~~
- (12) ~~(11) Red Wing police relief association;~~
- (13) ~~(12) South St. Paul police relief association;~~
- (14) ~~(13) Virginia fire department relief association;~~
- (15) ~~(14) Virginia police relief association; and~~
- (16) ~~(15) West St. Paul police relief association.~~

(c) The person who survives a deceased active, deferred, or retired member, who was legally married to the member at the time of the death of the deceased member, and who was legally married to the member at the time of separation from active service if the deceased member was a deceased deferred or retired member shall be entitled to receive a surviving spouse benefit in the case of former members of the following consolidating relief associations:

- (1) Chisholm police relief association;
- (2) Hibbing police relief association;
- (3) Mankato police benefit association; and
- (4) New Ulm police relief association.

(d) The person who survives a deceased active, deferred, or retired member, who was legally married to the member at the time of the death of the deceased member, who was either legally married to the member at the time of separation from active service or legally married the member after the time of separation from active service and was married for at least three years before the date of death of the member if the deceased member was a deceased deferred or retired member, and who was residing with the member at the time of the death of the member is entitled to receive a surviving spouse benefit in the case of former members of the Austin firefighters relief association.

(e) The person who survives a deceased active, deferred, or retired member, who was legally married to the member at the time of the death of the deceased member, who was legally married to the member for at least five years before the separation from active service death if the deceased

member was the recipient of a service pension or was entitled to a deferred service pension, and who was residing with the member at the time of the death of the deceased member in the case of former members of the Minneapolis fire department relief association.

(e) (f) The person who survives a deceased active, deferred, or retired member, who was legally married to the member at the time of the death of the deceased member, who was residing with the member at the time of the death of the decedent, and, if the deceased member was the recipient of a service pension or was entitled to a deferred service pension at the time of death, who was legally married to the member for at least five years before the member's death, in the case of former members of the Minneapolis police relief association.

(f) (g) The person who survives a deceased active, deferred, or retired member, who was legally married to the member at the time of the death of the deceased member, who was legally married to the member for at least three years before the separation from active service if the deceased member was a deceased, retired, or deferred member and who was residing with the member at the time of the death of the member shall be entitled to receive a surviving spouse benefit in the case of former members of the South St. Paul firefighters relief association.

(g) (h) The person who survives a deceased active, deferred, or retired member who was legally married to the member at the time of the death of the deceased member, who was legally married to the member for at least one year before the separation from active service if the deceased member was a deceased, deferred, or retired member and who had not deserted the member at the time of the death of the deceased member shall be entitled to receive a surviving spouse benefit in the case of former members of the St. Paul police relief association.

Sec. 2. Minnesota Statutes 1994, section 353B.11, subdivision 3, is amended to read:

Subd. 3. [AMOUNT; SURVIVING SPOUSE BENEFIT.] (a) The surviving spouse benefit shall be 30 percent of the salary base for the former members of the following consolidating relief associations:

- (1) Albert Lea firefighters relief association;
- (2) Albert Lea police relief association;
- (3) Anoka police relief association;
- (4) ~~Austin firefighters relief association;~~
- (5) Austin police relief association;
- (6) (5) Brainerd police benefit association;
- (7) (6) Crookston police relief association;
- (8) (7) Faribault fire department relief association; and
- (9) (8) West St. Paul firefighters relief association.

(b) The surviving spouse benefit shall be 25 percent of the salary base for the former members of the following consolidating relief associations:

- (1) Chisholm police relief association;
- (2) Duluth firefighters relief association;
- (3) Duluth police pension association;
- (4) Fairmont police benefit association;
- (5) Red Wing fire department relief association;
- (6) South St. Paul police relief association; and

(7) West St. Paul police relief association.

(c) The surviving spouse benefit shall be 24 percent of the salary base for the former members of the following consolidating relief associations:

- (1) Fridley police pension association;
- (2) Richfield police relief association;
- (3) Rochester fire department relief association;
- (4) Rochester police relief association;
- (5) Winona fire department relief association; and
- (6) Winona police relief association.

(d) The surviving spouse benefit shall be 40 percent of the salary base for the former members of the following consolidating relief associations:

- (1) Columbia Heights fire department relief association, paid division;
- (2) New Ulm police relief association; and
- (3) Richfield fire department relief association.

(e) The surviving spouse benefit shall be \$250 per month for the former members of the following consolidating relief associations:

- (1) Hibbing firefighters relief association; and
- (2) Hibbing police relief association.

(f) The surviving spouse benefit shall be 23.75 percent of the salary base for the former members of the following consolidating relief associations:

- (1) Crystal police relief associations; and
- (2) Minneapolis police relief association.

(g) The surviving spouse benefit shall be 32 percent of the salary base for the former members of the following consolidating relief associations:

- (1) St. Cloud fire department relief association; and
- (2) St. Cloud police relief association.

(h) The surviving spouse benefit shall be one-half of the service pension or disability benefit which the deceased member was receiving as of the date of death, or of the service pension which the deferred member would have been receiving if the service pension had commenced as of the date of death or of the service pension which the active member would have received based on the greater of the allowable service credit of the person as of the date of death or 20 years of allowable service credit if the person would have been eligible as of the date of death, for the former members of the following consolidating relief associations:

- (1) Virginia fire department relief association; and
- (2) Virginia police relief association.

(i) The surviving spouse benefit shall be the following for the former members of the consolidating relief associations as indicated:

- (1) 30 percent of the salary base, reduced by any amount awarded or payable from the service pension or disability benefit of the deceased former firefighter to a former spouse of the member

by virtue of the legal dissolution of the member's marriage to the former spouse if the surviving spouse married the member after the time of separation from active service, Austin firefighters relief association;

~~(2)~~ (2) 27.333 percent of the salary base, or one-half of the service pension payable to or accrued by the deceased former member, whichever is greater, Bloomington police relief association;

~~(2)~~ (3) 72.25 percent of the salary base, Buhl police relief association;

~~(3)~~ (4) 50 percent of the service pension which the active member would have received based on allowable service credit to the date of death and prospective service from the date of death until the date on which the person would have attained the normal retirement age, 50 percent of the service pension which the deferred member would have been receiving if the service pension had commenced as of the date of death or \$175 per month if the deceased member was receiving a service pension or disability benefit as of the date of death, Chisholm firefighters relief association;

~~(4)~~ (5) two-thirds of the service pension or disability benefit which the deceased member was receiving as of the date of death, or of the service pension which the deferred member would have been receiving if the service pension had commenced as of the date of death or of the service pension which the active member would have received based on the greater of the allowable service credit of the person as of the date of death or 20 years of allowable service credit if the person would have been eligible as of the date of death, Columbia Heights police relief association;

~~(5)~~ (6) the greater of \$300 per month or one-half of the service pension or disability benefit which the deceased member was receiving as of the date of death, or of the service pension which the deferred member would have been receiving if the service pension had commenced as of the date of death or of the service pension which the active member would have received based on the allowable service credit of the person as of the date of death if the person would have been eligible as of the date of death, Crookston fire department relief association;

~~(6)~~ (7) \$100 per month, Faribault police benefit association;

~~(7)~~ (8) 60 percent of the service pension or disability benefit which the deceased member was receiving as of the date of death, or of the service pension which the deferred member would have been receiving if the service pension had commenced as of the date of death or of the service pension which the active member would have received based on the allowable service credit of the person as of the date of death if the person would have been eligible as of the date of death, Mankato fire department relief association;

~~(8)~~ (9) \$175 per month, Mankato police benefit association;

~~(9)~~ (10) 26.25 percent of the salary base, Minneapolis fire department relief association;

~~(10)~~ (11) equal to the service pension or disability benefit which the deceased member was receiving as of the date of death, or of the service pension which the deferred member would have been receiving if the service pension had commenced as of the date of death or of the service pension which the active member would have received based on the allowable service credit of the person as of the date of death if the person would have been eligible as of the date of death, Red Wing police relief association;

~~(11)~~ (12) 40 percent of the salary base for a surviving spouse of a deceased active member, disabled member, or retired or deferred member with at least 20 years of allowable service, or the prorated portion of 40 percent of the salary base that bears the same relationship to 40 percent that the deceased member's years of allowable service bear to 20 years of allowable service for the surviving spouse of a deceased retired or deferred member with at least ten but less than 20 years of allowable service, St. Louis Park fire department relief association;

~~(12)~~ (13) 26.6667 percent of the salary base, St. Louis Park police relief association;

~~(13)~~ (14) 27.5 percent of the salary base, St. Paul fire department relief association;

(14) (15) 20 percent of the salary base, St. Paul police relief association; and

(15) (16) 27 percent of the salary base, South St. Paul firefighters relief association.

Sec. 3. Minnesota Statutes 1994, section 353B.13, is amended to read:

353B.13 [OTHER BENEFIT COVERAGE.]

(a) A person who is a former member of the Austin firefighters relief association who receives a service pension or a disability pension from the relief association and who is under age 65 or who is not yet eligible for the receipt of federal Medicare benefits, whichever occurs first, and the person's spouse, if the spouse would be eligible for a surviving spouse benefit upon the death of the pension recipient, is entitled to receive a health or medical insurance premium benefit in an amount equal to the amount that the city of Austin would pay under the applicable collective bargaining agreement for medical or health insurance coverage for a firefighter who is employed by the city, who has a spouse and who has no other dependents, payable monthly, in addition to any other pension amount received by the eligible pension recipient, and not subject to any postretirement adjustments applicable to service pensions or disability pensions.

(b) A person who is a former member of the New Ulm police relief association, who retired from the New Ulm police department after October 15, 1985, and who is receiving a service pension after the effective date of consolidation as provided in section 353A.06, shall be entitled to receive a supplemental benefit of \$80 per month for each month following the date of retirement until the last day of the month in which the person attains the age of 65 years.

(c) The payment of the premiums for medical and dental insurance coverage and the payment of a lump sum amount at retirement for former members of the St. Cloud fire department relief association and the payment of the premiums for medical insurance coverage and the payment of a lump sum amount at retirement for former members of the St. Cloud police relief association as provided for in the governing benefit plan documents shall be considered to be special benefit coverage governed by section 353A.08, subdivision 6.

(d) A person who is a former member of the St. Paul fire department relief association who is unable to perform normally assigned fire department service due to a medically determinable physical or mental illness or injury and who is removed from the fire department payroll, upon application, until recovery, or for a period of 90 days or for a period of 150 days upon a showing of need and a medical report indicating a reasonable prognosis for recovery due to the extended period, whichever occurs first, shall be entitled to a sick relief benefit for each day of that inability, payable monthly, in an amount of 1.5625 percent of the salary base per day.

Sec. 4. [EFFECTIVE DATE.]

Subdivision 1. [AUSTIN FIRE.] Sections 1 and 2 with respect to the Austin fire department relief association and section 3 are effective on the effective date of article 2, section 2.

Subd. 2. [MINNEAPOLIS FIRE.] Section 1 with respect to the Minneapolis fire department relief association is effective on the effective date of article 3, section 1.

ARTICLE 5

NORWOOD-YOUNG AMERICA

CONSOLIDATED VOLUNTEER FIREFIGHTER RELIEF ASSOCIATION

Section 1. [CONSOLIDATED NORWOOD-YOUNG AMERICA VOLUNTEER FIREFIGHTERS RELIEF ASSOCIATION.]

Subdivision 1. [COMBINATION.] The cities of Norwood and Young America in Carver county have conducted the necessary proceedings to combine as one municipality to be known as Norwood-Young America effective January 1, 1997, pursuant to Minnesota Statutes, sections 465.81 to 465.87.

Subd. 2. [CREATION.] The Norwood volunteer firefighters relief association and the Young

America volunteer firefighters relief association are consolidated into a single volunteer firefighters relief association in the manner provided by this chapter. The consolidated volunteer firefighters relief association is to be governed by this chapter and the applicable provisions of Minnesota Statutes, chapters 69, 317A, 356, 356A, and 424A.

Subd. 3. [CONSOLIDATED VOLUNTEER FIREFIGHTERS RELIEF ASSOCIATION.] The consolidated volunteer firefighters relief association must be incorporated under Minnesota Statutes, chapter 317A. The incorporators of the consolidated relief association must include at least one board member of the former Norwood volunteer firefighters relief association and at least one board member of the former Young America volunteer firefighters relief association. The consolidated relief association must be incorporated no later than February 1, 1997.

Sec. 2. [GOVERNANCE OF CONSOLIDATED VOLUNTEER FIREFIGHTERS RELIEF ASSOCIATION.]

Subdivision 1. [BOARD OF TRUSTEES.] The consolidated volunteer firefighters relief association is governed by a board of trustees as provided in Minnesota Statutes, section 424A.04, subdivision 1.

Subd. 2. [COMPOSITION OF BOARD.] The board must have three officers, including a president, a secretary, and a treasurer. The membership of the consolidated volunteer firefighters relief association must elect the three officers from the board members. A board of trustees member may not hold more than one officer position at the same time.

Subd. 3. [BOARD ADMINISTRATION.] The board of trustees must administer the affairs of the relief association consistent with this chapter and the applicable provisions of Minnesota Statutes, chapters 69, 356A, and 424A.

Sec. 3. [SPECIAL AND GENERAL FUNDS.]

The consolidated volunteer firefighters relief association must establish and maintain a special fund and a general fund. The special fund must be established and maintained as provided in Minnesota Statutes, section 424A.05. The general fund must be established and maintained as provided in Minnesota Statutes, section 424A.06.

Sec. 4. [EFFECTIVE DATE OF CONSOLIDATION; TRANSFERS.]

The first business day occurring 30 days after the incorporation of the consolidated volunteer firefighters relief association under section 1 is the effective date of consolidation. On the effective date of consolidation, the administration, records, assets, and liabilities of the prior Norwood volunteer firefighters relief association and the prior Young America volunteer firefighters relief association are transferred to the consolidated volunteer firefighters relief association. On the effective date of consolidation, the Norwood volunteer firefighters relief association and the Young America volunteer firefighters relief association cease to exist as legal entities, except for the purposes of winding up association affairs as provided by this chapter.

Sec. 5. [TRANSFER OF ADMINISTRATION.]

On the effective date of consolidation, the administration of the prior relief associations is transferred to the board of trustees of the consolidated volunteer firefighters relief association.

Sec. 6. [TRANSFER OF RECORDS.]

On the effective date of consolidation, the secretary and the treasurer of the Norwood volunteer firefighters relief association and the secretary and treasurer of the Young America volunteer firefighters relief association shall transfer all records and documents relating to the prior relief associations to the secretary and treasurer of the consolidated volunteer firefighters relief association.

Sec. 7. [TRANSFER OF SPECIAL FUND ASSETS AND LIABILITIES.]

(a) On the effective date of consolidation, the secretary and the treasurer of the Norwood

volunteer firefighters relief association and the secretary and treasurer of the Young America volunteer firefighters relief association shall transfer the assets of the special fund of the applicable relief association to the special fund of the consolidated relief association. Unless the appropriate secretary and treasurer decide otherwise, the assets may be transferred as investment securities rather than cash. The transfer must include any accounts receivable. The appropriate secretary must settle any accounts payable from the special fund of the relief association before the effective date of consolidation.

(b) Upon the transfer of the assets of the special fund of a prior relief association, the pension liabilities of that special fund become the obligation of the special fund of the consolidated volunteer firefighters relief association.

(c) Upon the transfer of the prior relief association special fund assets, the board of trustees of the consolidated volunteer firefighters relief association has legal title to and management responsibility for the transferred assets as trustees for persons having a beneficial interest in those assets arising out of the benefit coverage provided by the prior relief association.

(d) The consolidated volunteer firefighters relief association is the successor in interest in all claims for and against the special funds of the prior Norwood volunteer firefighters relief association and the prior Young America volunteer firefighters relief association, or the cities of Norwood and Young America, with respect to the special funds of the prior relief associations. The status of successor in interest does not apply to any claim against a prior relief association, the city in which that relief association is located, or any person connected with the prior relief association or the city, based on any act or acts that were not done in good faith and that constituted a breach of fiduciary responsibility under common law or Minnesota Statutes, chapter 356A.

Sec. 8. [DISSOLUTION OF PRIOR GENERAL FUND BALANCES.]

Prior to the effective date of consolidation, the secretary of the Norwood volunteer firefighters relief association and the secretary of the Young America volunteer firefighters relief association shall settle any accounts payable from the respective general fund or any other relief association fund in addition to the relief association special fund. Investments held by a fund of the prior relief associations in addition to the special fund must be liquidated before the effective date of consolidation as the bylaws of the relief association provide. Prior to the effective date of consolidation, the respective relief associations must pay all applicable general fund expenses from their respective general funds. Any balance remaining in the general fund or in a fund other than the relief association special fund as of the effective date of consolidation must be paid to the new general fund of the consolidated volunteer relief association.

Sec. 9. [TERMINATION OF PRIOR RELIEF ASSOCIATIONS.]

Following the transfer of administration, records, special fund assets, and special fund liabilities from the prior relief associations to the consolidated volunteer firefighters relief association, the Norwood volunteer firefighters relief association and the Young America volunteer firefighters relief association cease to exist as legal entities for any purpose. The city clerk of the city of Norwood-Young America shall notify the following governmental officials of the termination of the respective volunteer firefighters relief associations and of the establishment of the consolidated volunteer firefighters relief association:

- (1) Minnesota secretary of state;
- (2) Minnesota state auditor;
- (3) Minnesota commissioner of revenue; and
- (4) commissioner of the federal Internal Revenue Service.

Sec. 10. [ADMINISTRATIVE EXPENSES.]

The payment of authorized administrative expenses of the consolidated volunteer firefighters relief association must be from the special fund of the consolidated volunteer firefighters relief

association in accordance with Minnesota Statutes, section 69.80, and as provided for in the bylaws of the consolidated volunteer firefighters relief association and approved by the board of trustees or the consolidated volunteer firefighters relief association. The payment of any other expenses of the consolidated volunteer firefighters relief association must be from the general fund of the consolidated volunteer firefighters relief association in accordance with Minnesota Statutes, section 69.80, and as provided for in the bylaws of the consolidated volunteer firefighters relief association and approved by the board of trustees of the consolidated volunteer firefighters relief association.

Sec. 11. [VALIDATION OF CURRENT BENEFIT PLANS AND PRIOR ACTIONS.]

Notwithstanding any other law, the benefit plans of the Norwood volunteer firefighters relief association and the Young America volunteer firefighters relief association, as reflected in each association's articles of incorporation and bylaws as of December 31, 1995, are ratified and validated. Acts previously taken by the Norwood volunteer firefighters relief association and the Young America volunteer firefighters relief association in association with those ratified by articles of incorporation are also ratified and validated.

Sec. 12. [BENEFITS; FUNDING.]

After the effective date of consolidation, the service pension for a member of the consolidated firefighters relief association is \$550 for each year of past service credited by either the Norwood volunteer firefighters relief association or the Young America volunteer firefighters relief association. Future service credited by the consolidated firefighters relief association is payable in a lump sum and is to be so provided in the bylaws of the consolidated volunteer firefighters relief association. The service pension may be subsequently changed by appropriate amendment to the bylaws approved by the board of trustees and the city council of the city of Norwood-Young America under Minnesota Statutes, sections 69.772, subdivision 6, and 424A.02, subdivisions 1 and 2. In its budget and tax levy for the year 1997, the city of Norwood-Young America must provide that funds will be transferred to the special fund of the consolidated volunteer firefighters relief association to fully fund the actuarial accrued liability of the special fund as determined under Minnesota Statutes, section 69.772, subdivisions 2 and 2a. Subsequent budgets and tax levies must comply with Minnesota Statutes, section 69.772, subdivisions 3 and 4.

Sec. 13. [EFFECTIVE DATE.]

Sections 1 to 12 are effective the day following approval by the city council of the city of Norwood and approval by the city council of the city of Young America and compliance with Minnesota Statutes, section 645.021.

ARTICLE 6

NONPROFIT FIREFIGHTING CORPORATIONS

Section 1. Minnesota Statutes 1994, section 466.01, subdivision 1, is amended to read:

Subdivision 1. [MUNICIPALITY.] For the purposes of sections 466.01 to 466.15, "municipality" means any city, whether organized under home rule charter or otherwise, any county, town, public authority, public corporation, nonprofit firefighting corporation that has associated with it a relief association as defined in section 424A.001, subdivision 4, special district, school district, however organized, county agricultural society organized pursuant to chapter 38, joint powers board or organization created under section 471.59 or other statute, public library, regional public library system, multicounty multitype library system, family services collaborative established under section 121.8355, other political subdivision, or community action agency.

Sec. 2. Minnesota Statutes 1994, section 466.01, subdivision 6, is amended to read:

Subd. 6. [EMPLOYEE, OFFICER, OR AGENT.] For the purposes of sections 466.01 to 466.15, "employee," "officer," or "agent" means a present or former employee, officer, or agent of a municipality, or other person acting on behalf of the municipality in an official capacity, temporarily or permanently, with or without compensation, but does not include an independent

contractor other than a nonprofit firefighting corporation that has associated with it a relief association as defined in section 424A.001, subdivision 4. "Employee" includes court administrators and their staff under chapter 485, district administration staff in the second and fourth judicial districts, guardians ad litem, and other employees within the court system whose salaries are paid by the county, other than employees who remain on the county payroll under section 480.181, subdivision 2."

Delete the title and insert:

"A bill for an act relating to retirement; modifying provisions of various local pension plans; making miscellaneous benefit and administrative changes; including nonprofit firefighting corporations as municipalities in certain circumstances; amending Minnesota Statutes 1994, sections 353B.11, subdivisions 1 and 3; 353B.13; and 466.01, subdivisions 1 and 6; Laws 1965, chapter 519, section 1, as amended; Laws 1992, chapter 563, section 5; Laws 1994, chapter 490, section 2; and Laws 1995, chapter 262, article 7, section 1."

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

House Conferees: (Signed) Phyllis Kahn, Richard H. Jefferson, Jim Rhodes

Senate Conferees: (Signed) Steven Morse, Roy W. Terwilliger, LeRoy A. Stumpf

Mr. Morse moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2493 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. 2493 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 45 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Kleis	Marty	Price
Beckman	Flynn	Kramer	Merriam	Ranum
Belanger	Frederickson	Krentz	Moe, R.D.	Riveness
Berg	Janezich	Kroening	Morse	Robertson
Berglin	Johnson, D.E.	Laidig	Murphy	Samuelson
Betzold	Johnson, D.J.	Langseth	Neuville	Scheevel
Chandler	Johnson, J.B.	Lesewski	Oliver	Spear
Day	Johnston	Lessard	Pappas	Terwilliger
Dille	Kiscaden	Limmer	Pogemiller	Vickerman

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

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. 2282, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2282 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 1, 1996

CONFERENCE COMMITTEE REPORT ON H.F. NO. 2282

A bill for an act relating to water; modifying provisions of the reinvest in Minnesota resources program; amending Minnesota Statutes 1994, section 103F.515, subdivisions 2, 3, and 6.

March 28, 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. 2282, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 2282 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 103F.515, subdivision 2, is amended to read:

Subd. 2. [ELIGIBLE LAND.] (a) Land may be placed in the conservation reserve program if the land meets the requirements of paragraphs (b) and (c).

(b) Land is eligible if the land:

- (1) is marginal agricultural land;
- (2) is adjacent to marginal agricultural land and is either beneficial to resource protection or necessary for efficient recording of the land description;
- (3) consists of a drained wetland;
- (4) is land that with a windbreak would be beneficial to resource protection;
- (5) is land in a sensitive groundwater area;
- (6) is riparian land;
- (7) is cropland or noncropland adjacent to restored wetlands to the extent of up to four acres of cropland or one acre of noncropland for each acre of wetland restored;
- (8) is a woodlot on agricultural land;
- (9) is abandoned building site on agricultural land, provided that funds are not used for compensation of the value of the buildings; or
- (10) is land on a hillside used for pasture.

(c) Eligible land under paragraph (a) must:

- (1) be owned by the landowner, or a parent or other blood relative of the landowner, for at least one year before the date of application;
- (2) be at least five acres in size, except for a drained wetland area, riparian area, windbreak, woodlot, or abandoned building site, or be a whole field as defined by the United States Agricultural Stabilization and Conservation Services;
- (3) not be set aside, enrolled or diverted under another federal or state government program; and
- (4) have been in agricultural crop production for at least two of the last five years before the date of application except drained wetlands, riparian lands, woodlots, abandoned building sites, or land on a hillside used for pasture.

~~(d) The enrolled land of a landowner may not exceed 20 percent of the average farm size in the county where the land is being enrolled according to the average farm size determined by the United States Department of Agriculture, Census of Agriculture.~~

(e) In selecting drained wetlands for enrollment in the program, the highest priority must be given to wetlands with a cropping history during the period 1976 to 1985.

(f) (e) In selecting land for enrollment in the program, highest priority must be given to permanent easements that are consistent with the purposes stated in section 103F.505.

Sec. 2. Minnesota Statutes 1994, section 103F.515, subdivision 3, is amended to read:

Subd. 3. [CONSERVATION EASEMENTS.] (a) The board may acquire, or accept by gift or donation, conservation easements on eligible land. An easement may be permanent or of limited duration. An easement acquired on land for windbreak purposes, under subdivision 2, may be only of permanent duration. An easement of limited duration may not be acquired if it is for a period less than 20 years. The negotiation and acquisition of easements authorized by this section are exempt from the contractual provisions of chapter 16B.

(b) The board may acquire, or accept by gift or donation, flowage easements when necessary for completion of wetland restoration projects.

Sec. 3. Minnesota Statutes 1994, section 103F.515, subdivision 6, is amended to read:

Subd. 6. [PAYMENTS FOR CONSERVATION EASEMENTS AND ESTABLISHMENT OF COVER.] (a) The board must make the following payments to the landowner for the conservation easement and agreement:

(1) to establish the perennial cover or other improvements required by the agreement:

(i) except as provided in items (ii) and (iii), up to 75 percent of the total eligible cost not to exceed \$75 per acre for limited duration easements, and 100 percent of the total eligible cost not to exceed \$100 per acre for perpetual easements;

(ii) for native species restoration, 75 percent of the total eligible cost not to exceed \$150 per acre for limited duration easements and 100 percent of the total eligible cost not to exceed \$200 per acre for perpetual easements; and

(iii) 100 percent of the total eligible cost of wetland restoration not to exceed \$300 per acre;

(2) for the cost of planting trees required by the agreement, up to 75 percent of the total eligible cost not to exceed \$200 per acre for limited duration easements, and 100 percent of the total eligible cost not to exceed \$300 per acre for perpetual easements;

(3) for a permanent easement, 70 percent of the township average equalized estimated market value of agricultural property as established by the commissioner of revenue at the time of easement application;

(4) for an easement of limited duration, 90 percent of the present value of the average of the accepted bids for the federal conservation reserve program, as contained in Public Law Number 99-198, in the relevant geographic area and on bids accepted at the time of easement application; or

(5) an alternative payment system for easements based on cash rent or a similar system as may be determined by the board.

(b) For hillside pasture conservation easements, the payments to the landowner in paragraph (a) for the conservation easement and agreement must be reduced to reflect the value of similar property.

(c) The board may establish a payment system for flowage easements acquired under this section.

(d) For wetland restoration projects involving more than one conservation easement, state payments for restoration costs may exceed the limits set forth in this section for an individual easement provided the total payment for the restoration project does not exceed the amount payable for the total number of acres involved.

(e) The board may use available nonstate funds to exceed the payment limits in this section."

Delete the title and insert:

"A bill for an act relating to water; modifying provisions of the reinvest in Minnesota resources program; amending Minnesota Statutes 1994, section 103F.515, subdivisions 2, 3, and 6."

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

House Conferees: (Signed) Ted Winter, Jean Wagenius, Tim Finseth

Senate Conferees: (Signed) Steven Morse, Dallas C. Sams, Dennis R. Frederickson

Mr. Morse moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2282 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. 2282 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 50 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Knutson	Merriam	Price
Beckman	Frederickson	Kramer	Moe, R.D.	Ranum
Belanger	Hanson	Krentz	Morse	Riveness
Berg	Janezich	Kroening	Murphy	Robertson
Berglin	Johnson, D.E.	Laidig	Neuville	Runbeck
Betzold	Johnson, D.J.	Langseth	Oliver	Samuelson
Chandler	Johnson, J.B.	Lesewski	Olson	Scheevel
Day	Johnston	Lessard	Pappas	Spear
Dille	Kiscaden	Limmer	Pariseau	Terwilliger
Fischbach	Kleis	Marty	Pogemiller	Vickerman

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

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2318 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2318: A bill for an act relating to lawful gambling; regulating expenditures and reports; providing enforcement powers; removing the restriction on compensation to persons who participate in the conduct of lawful gambling; amending Minnesota Statutes 1994, sections 349.151, subdivision 4; 349.166, subdivisions 2 and 3; 349.18, subdivision 1; and 349.19, subdivision 3; repealing Minnesota Statutes 1994, section 349.168, subdivision 3.

Mr. Berg moved to amend H.F. No. 2318, as amended pursuant to Rule 49, adopted by the Senate February 22, 1996, as follows:

(The text of the amended House File is identical to S.F. No. 2218.)

Page 4, line 8, delete everything after "issue" and insert "any authorization, license, or permit to the organization to conduct lawful gambling on an exempt, excluded, or licensed basis"

Page 4, line 9, delete "organization"

Page 5, after line 2, insert:

"Sec. 4. Minnesota Statutes 1994, section 349.18, subdivision 1, is amended to read:

Subdivision 1. [LEASE OR OWNERSHIP REQUIRED.] (a) An organization may conduct lawful gambling only on premises it owns or leases. Leases must be on a form prescribed by the board. Except for leases entered into before the effective date of this section, the term of the lease may not begin before the effective date of the premises permit and must expire on the same day that the premises permit expires. Copies of all leases must be made available to employees of the board and the division of gambling enforcement on request. A lease may not provide for payments determined directly or indirectly by the receipts or profits from lawful gambling. The board may prescribe by rule limits on the amount of rent which an organization may pay to a lessor for premises leased for lawful gambling provided that no rule of the board may prescribe a limit of less than \$1,000 per month on rent paid for premises used for lawful gambling other than bingo. Any rule adopted by the board limiting the amount of rent to be paid may only be effective for leases entered into, or renewed, after the effective date of the rule.

(b) No person, distributor, manufacturer, lessor, or organization other than the licensed organization leasing the space may conduct any activity other than the sale or serving of food and beverages on the leased premises during times when lawful gambling is being conducted on the premises.

(c) At a site where the leased premises consists of an area on or behind a bar at which alcoholic beverages are sold and employees of the lessor are employed by the organization as pull-tab sellers at the site, pull-tabs and tipboard tickets may be sold and redeemed by those employees at any place on or behind the bar, but the tipboards and receptacles for pull-tabs and cash drawers for lawful gambling receipts must be maintained only within the leased premises.

(d) Employees of a lessor may participate in lawful gambling on the premises provided (1) if pull-tabs or tipboards are sold, the organization voluntarily posts, or is required to post, the major prizes as specified in section 349.172; and (2) any employee of the lessor participating in lawful gambling is not a gambling employee for the organization conducting lawful gambling on the premises."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Kroening moved to amend H.F. No. 2318, as amended pursuant to Rule 49, adopted by the Senate February 22, 1996, as follows:

(The text of the amended House File is identical to S.F. No. 2218.)

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 1994, section 240.15, subdivision 1, is amended to read:

Subdivision 1. [TAXES IMPOSED.] (a) From July 1, 1996, until July 1, 2001, there is imposed a tax at the rate of six percent of the ~~total amount in excess of \$12,000,000~~ annually withheld from all pari-mutuel pools by the licensee, including breakage and amounts withheld under section 240.13, subdivision 4. After June 30, 2001, the tax is imposed on the total amount withheld from all pari-mutuel pools. For the purpose of this subdivision "annually" is the period from July 1 to June 30 of the next year.

In addition to the above tax, the licensee must designate and pay to the commission a tax of one percent of the total amount bet on each racing day, for deposit in the Minnesota breeders fund.

The taxes imposed by this clause must be paid from the amounts permitted to be withheld by a licensee under section 240.13, subdivision 4.

(b) The commission may impose an admissions tax of not more than ten cents on each paid admission at a licensed racetrack on a racing day if:

- (1) the tax is requested by a local unit of government within whose borders the track is located;
- (2) a public hearing is held on the request; and

(3) the commission finds that the local unit of government requesting the tax is in need of its revenue to meet extraordinary expenses caused by the racetrack.

Sec. 2. Minnesota Statutes 1994, section 240.15, subdivision 5, is amended to read:

~~Subd. 5. [UNREDEEMED TICKETS.] Not later than 100 days after the end of a racing meeting a licensee who sells pari-mutuel tickets must remit to the commission or its representative an amount equal to the total value of unredeemed tickets from the racing meeting. The remittance must be accompanied by a detailed statement of the money on a form the commission prescribes.~~

(a) Notwithstanding any provision to the contrary in chapter 345, unredeemed pari-mutuel tickets shall not be considered unclaimed funds and shall be handled in accordance with the provisions of this subdivision.

~~(b) Until the end of calendar year 2001, any person claiming to be entitled to the proceeds of any unredeemed ticket who fails to claim said proceeds prior to their being remitted to the commission, may within one year after the date of remittance to the commission conclusion of each race meet file with the commission licensee a verified claim for such proceeds on such form as the commission licensee prescribes along with the pari-mutuel ticket. Unless the claimant satisfactorily establishes the right to the proceeds, the claim shall be rejected. If the claim is allowed, the commission licensee shall pay the proceeds without interest to the claimant. There is hereby appropriated from the general fund to the commission an amount sufficient to make payment to persons entitled to such proceeds.~~

~~(c) Beginning January 1, 2002, not later than 100 days after the end of a race meet a licensee who sells pari-mutuel tickets must remit to the commission or its representative an amount equal to the total value of unredeemed tickets from the race meet. The remittance must be accompanied by a detailed statement of the money on a form the commission prescribes. Any person claiming to be entitled to the proceeds of any unredeemed ticket who fails to claim said proceeds prior to their being remitted to the commission, may within one year after the date of remittance to the commission file with the commission a verified claim for such proceeds on such form as the commission prescribes along with the pari-mutuel ticket. Unless the claimant satisfactorily establishes the right to the proceeds, the claim shall be rejected. If the claim is allowed, the commission shall pay the proceeds without interest to the claimant. There is hereby appropriated from the general fund to the commission an amount sufficient to make payment to persons entitled to such proceeds."~~

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Marty requested division of the amendment as follows:

First portion:

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 1994, section 240.15, subdivision 1, is amended to read:

Subdivision 1. [TAXES IMPOSED.] (a) From July 1, 1996, until July 1, 2001, there is imposed a tax at the rate of six percent of the total amount in excess of \$12,000,000 annually withheld from all pari-mutuel pools by the licensee, including breakage and amounts withheld under section 240.13, subdivision 4. After June 30, 2001, the tax is imposed on the total amount withheld from all pari-mutuel pools. For the purpose of this subdivision "annually" is the period from July 1 to June 30 of the next year.

In addition to the above tax, the licensee must designate and pay to the commission a tax of one percent of the total amount bet on each racing day, for deposit in the Minnesota breeders fund.

The taxes imposed by this clause must be paid from the amounts permitted to be withheld by a licensee under section 240.13, subdivision 4.

(b) The commission may impose an admissions tax of not more than ten cents on each paid admission at a licensed racetrack on a racing day if:

- (1) the tax is requested by a local unit of government within whose borders the track is located;
- (2) a public hearing is held on the request; and
- (3) the commission finds that the local unit of government requesting the tax is in need of its revenue to meet extraordinary expenses caused by the racetrack.

Second portion:

The remainder of the amendment.

The question was taken on the adoption of the first portion of the Kroening amendment.

The roll was called, and there were yeas 43 and nays 16, as follows:

Those who voted in the affirmative were:

Beckman	Janezich	Laidig	Neuville	Robertson
Belanger	Johnson, D.E.	Langseth	Novak	Samuelson
Berg	Johnson, D.J.	Larson	Oliver	Solon
Cohen	Johnston	Lesewski	Olson	Spear
Day	Kelly	Lessard	Ourada	Stumpf
Dille	Knutson	Limmer	Pariseau	Terwilliger
Flynn	Kramer	Metzen	Piper	Vickerman
Frederickson	Krentz	Moe, R.D.	Pogemiller	
Hanson	Kroening	Murphy	Price	

Those who voted in the negative were:

Anderson	Hottinger	Kleis	Morse	Runbeck
Berglin	Johnson, J.B.	Marty	Pappas	Sams
Betzold	Kiscaden	Merriam	Ranum	Scheevel
Fischbach				

The motion prevailed. So the first portion of the Kroening amendment was adopted.

The question was taken on the adoption of the second portion of the Kroening amendment.

The roll was called, and there were yeas 50 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Kroening	Morse	Price
Beckman	Hottinger	Langseth	Murphy	Robertson
Belanger	Janezich	Larson	Neuville	Sams
Berg	Johnson, D.E.	Lesewski	Novak	Samuelson
Cohen	Johnson, J.B.	Lessard	Oliver	Scheevel
Day	Johnston	Limmer	Olson	Solon
Dille	Kleis	Marty	Ourada	Spear
Fischbach	Knutson	Metzen	Pariseau	Stumpf
Flynn	Kramer	Moe, R.D.	Piper	Terwilliger
Frederickson	Krentz	Mondale	Pogemiller	Vickerman

Those who voted in the negative were:

Betzold	Kelly	Merriam	Ranum	Runbeck
Chandler	Kiscaden	Pappas		

The motion prevailed. So the second portion of the Kroening amendment was adopted.

Mr. Mondale moved to amend H.F. No. 2318, as amended pursuant to Rule 49, adopted by the Senate February 22, 1996, as follows:

(The text of the amended House File is identical to S.F. No. 2218.)

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 1994, section 297E.02, subdivision 4, is amended to read:

Subd. 4. [PULL-TAB AND TIPBOARD TAX.] (a) A tax is imposed on the sale of each deal of pull-tabs and tipboards sold by a distributor. The rate of the tax is two percent of the ideal gross of the pull-tab or tipboard deal. The sales tax imposed by chapter 297A on the sale of the pull-tabs and tipboards by the distributor is imposed on the retail sales price less the tax imposed by this subdivision. The retail sale of pull-tabs or tipboards by the organization is exempt from taxes imposed by chapter 297A and is exempt from all local taxes and license fees except a fee authorized under section 349.16, subdivision 8.

(b) The liability for the tax imposed by this section is incurred when the pull-tabs and tipboards are delivered by the distributor to the customer or to a common or contract carrier for delivery to the customer, or when received by the customer's authorized representative at the distributor's place of business, regardless of the distributor's method of accounting or the terms of the sale.

The tax imposed by this subdivision is imposed on all sales of pull-tabs and tipboards, except the following:

- (1) sales to the governing body of an Indian tribal organization for use on an Indian reservation;
- (2) sales to distributors licensed under the laws of another state or of a province of Canada, as long as all statutory and regulatory requirements are met in the other state or province;
- (3) sales of promotional tickets as defined in section 349.12; and
- (4) pull-tabs and tipboards sold to an organization that sells pull-tabs and tipboards under the exemption from licensing in section 349.166, subdivision 2. A distributor shall require an organization conducting exempt gambling to show proof of its exempt status before making a tax-exempt sale of pull-tabs or tipboards to the organization. A distributor shall identify, on all reports submitted to the commissioner, all sales of pull-tabs and tipboards that are exempt from tax under this subdivision.

(c) A distributor having a liability of \$120,000 or more during a fiscal year ending June 30 must remit all liabilities in the subsequent calendar year by a funds transfer as defined in section 336.4A-104, paragraph (a). The funds transfer payment date, as defined in section 336.4A-401, must be on or before the date the tax is due. If the date the tax is due is not a funds transfer business day, as defined in section 336.4A-105, paragraph (a), clause (4), the payment date must be on or before the funds transfer business day next following the date the tax is due.

(d) Any customer who purchases deals of pull-tabs or tipboards from a distributor may file an annual claim for a refund or credit of taxes paid pursuant to this subdivision for unsold pull-tab and tipboard tickets. The claim must be filed with the commissioner on a form prescribed by the commissioner by March 20 of the year following the calendar year for which the refund is claimed. The refund must be filed as part of the customer's February monthly return. For pull-tab and tipboard deals reported as being played on or after July 1, 1996, and before January 1, 1998, the refund or audit is equal to one percent of the face value of the unsold pull-tab or tipboard tickets. For pull-tab and tipboard deals reported as being played on or after January 1, 1998, the refund or credit is equal to two percent of the face value of the unsold pull-tab or tipboard tickets. The refund claimed will be applied as a credit against tax owing under this chapter on the February monthly return. If the refund claimed exceeds the tax owing on the February monthly return, that amount will be refunded. The amount refunded will bear interest pursuant to section 270.76 from 90 days after the claim is filed.

Sec. 2. Minnesota Statutes 1994, section 297E.02, subdivision 10, is amended to read:

Subd. 10. [REFUNDS; APPROPRIATION.] A person who has, under this chapter, paid to the commissioner an amount of tax for a period in excess of the amount legally due for that period, may file with the commissioner a claim for a refund of the excess. The amount necessary to pay the refunds under this subdivision and subdivision 4, paragraph (d), is appropriated from the general fund to the commissioner.

Sec. 3. Minnesota Statutes 1994, section 349.15, is amended by adding a subdivision to read:

Subd. 3. [REFUNDS AND CREDITS.] For purposes of this section "gross profit" does not include any refund or credit received under section 297E.02, subdivision 4, paragraph (d)."

Page 3, after line 10, insert:

"Sec. 5. Minnesota Statutes 1994, section 349.154, subdivision 2, is amended to read:

Subd. 2. [NET PROFIT REPORTS.] (a) Each licensed organization must report monthly to the board on a form prescribed by the board each expenditure and contribution of net profits from lawful gambling. The reports must provide for each expenditure or contribution:

- (1) the name, address, and telephone number of the recipient of the expenditure or contribution;
- (2) the date the contribution was approved by the organization;
- (3) the date, amount, and check number of the expenditure or contribution;
- (4) a brief description of how the expenditure or contribution meets one or more of the purposes in section 349.12, subdivision 25; and
- (5) in the case of expenditures authorized under section 349.12, subdivision 25, paragraph (a), clause (7), whether the expenditure is for a facility or activity that primarily benefits male or female participants.

(b) The board shall make available to the commissioners of revenue and public safety copies of reports received under this subdivision and requested by them.

(c) The report required under this subdivision must provide for a separate accounting for all expenditures from the reporting organization's tax refund and credit account."

Page 5, after line 2, insert:

"Sec. 8. Minnesota Statutes 1994, section 349.19, subdivision 2, is amended to read:

Subd. 2. [ACCOUNTS.] Gross receipts from lawful gambling by each organization must be segregated from all other revenues of the conducting organization and placed in a separate account. All expenditures for expenses, taxes, and lawful purposes must be made from the separate account except (1) in the case of expenditures previously approved by the organization's membership for emergencies as defined by board rule, or (2) as provided in subdivision 2a. The name and address of the bank, the account number for the separate account, and the names of organization members authorized as signatories on the separate account must be provided to the board when the application is submitted. Changes in the information must be submitted to the board at least ten days before the change is made. Gambling receipts must be deposited into the gambling bank account within four business days of completion of the bingo occasion, deal, or game from which they are received. A deal of pull-tabs is considered complete when either the last pull-tab of the deal is sold or the organization does not continue the play of the deal during the next scheduled period of time in which the organization will conduct pull-tabs. A tipboard game is considered complete when the seal on the game flare is uncovered. Deposit records must be sufficient to allow determination of deposits made from each bingo occasion, deal, or game at each permitted premises. The person who accounts for gambling gross receipts and profits may not be the same person who accounts for other revenues of the organization.

Sec. 9. Minnesota Statutes 1994, section 349.19, is amended by adding a subdivision to read:

Subd. 2a. [TAX REFUND AND CREDIT ACCOUNT.] (a) Each organization that receives a

refund or credit under section 297E.02, subdivision 4, paragraph (d), must establish a separate account designated as the tax and credit refund account. The organization must (1) within four business days of receiving a refund under that paragraph deposit the refund in the account, and (2) within four business days of filing a tax return that claims a credit under that paragraph, transfer from the separate account established under subdivision 2 to the tax refund and credit account an amount equal to the tax credit.

(b) The name and address of the bank, the account number for the tax refund and credit account, and the names of organization members authorized as signatories on the account must be provided to the board within 30 days of the date when the organization establishes the account. Changes in the information must be submitted to the board at least ten days before the change is made.

(c) The organization may expend money in the account only for lawful purposes, other than lawful purposes described in section 349.12, subdivision 25, paragraph (a), clauses (8), (9), and (12). Amounts in the account must be spent for qualifying lawful purposes no later than one year after the refund is deposited."

Page 5, line 25, before "Sections" insert "Section 1 is effective for pull-tab and tipboard deals reported as being played on or after July 1, 1996."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Lessard moved to amend H.F. No. 2318, as amended pursuant to Rule 49, adopted by the Senate February 22, 1996, as follows:

(The text of the amended House File is identical to S.F. No. 2218.)

Page 5, after line 20, insert:

"Sec. 5. [349A.031] [STATE LOTTERY BOARD.]

Subdivision 1. [BOARD CREATED.] There is created a state lottery board. The board consists of seven members appointed by the governor. Not more than four of the members may belong to the same political party and at least three members must reside outside the seven-county metropolitan area. One of the seven members must be a representative of organized labor. The terms of office, removal from office, and compensation of members of the board are as provided in section 15.059 except the board does not expire as provided under section 15.059, subdivision 5. The members of the board shall select the chair of the board.

Subd. 2. [BOARD DUTIES.] The board has the following duties:

(1) to advise the director on all aspects of the lottery;

(2) to review and comment on rules and game procedures adopted by the director;

(3) review and comment on lottery procurement contracts;

(4) review and comment on agreements between the director and one or more other lotteries relating to a joint lottery; and

(5) to review and comment on advertising promulgated by the director at least quarterly to ensure that all advertising is consistent with the dignity of the state and with section 349A.09."

Page 5, line 22, delete "section" and insert "sections" and delete ", is" and insert "; 349A.03, subdivisions 1 and 2; Minnesota Statutes 1995 Supplement, section 349A.03, subdivision 4, are"

Page 5, line 25, delete "5" and insert "4 and 6"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Marty moved to amend H.F. No. 2318, as amended pursuant to Rule 49, adopted by the Senate February 22, 1996, as follows:

(The text of the amended House File is identical to S.F. No. 2218.)

Page 5, after line 20, insert:

"Sec. 5. [REPORT.]

The commissioner of human services must report to the senate committee on gaming regulation, the house of representatives committee on governmental operations and gambling, and the governor by June 1, 1996, on the results of its negotiations of the agreement provided for in Minnesota Statutes, section 245.98, subdivision 4. The commissioner must also issue a follow-up report on January 15, 1997."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Berg moved to amend the Kroening amendment to H.F. No. 2318 as follows:

Page 3, after line 5, insert:

"Page 5, after line 26, insert:

"Section 2 is effective the day after final enactment and applies to unredeemed tickets whenever sold."

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

Mr. Kramer moved to amend H.F. No. 2318, as amended pursuant to Rule 49, adopted by the Senate February 22, 1996, as follows:

(The text of the amended House File is identical to S.F. No. 2218.)

Page 5, after line 20, insert:

"Sec. 5. Minnesota Statutes 1994, section 349A.09, subdivision 1, is amended to read:

Subdivision 1. [ODDS; REQUIRED INFORMATION.] (a) The director shall include on each brochure, pamphlet, booklet, or other similar material the director publishes to promote or explain any lottery game; (1) a prominent and clear statement of the approximate odds of winning each prize offered in that lottery game, and (2) in the case of on-line lottery games, messages substantially complying with paragraph (c), clauses (2) and (3). Each lottery retailer must post prominently at or near the point of ticket sale a notice or notices printed and provided by the director of the approximate odds of winning each prize in each game for which the lottery retailer sells tickets.

(b) In any poster, sign, or other display material that the director distributes to lottery retailers that allows a retailer to write in and display the amount of any lottery prize offered in an on-line lottery game, the director must include a prominent space for showing the current monetary value of that prize. The director shall include the current monetary value in any communication to lottery retailers that informs retailers of the actual or estimated amount of a prize in an on-line lottery game. A retailer who posts in the retailer's premises a poster, sign, or other display material, whether furnished by the lottery director or otherwise, that announces the actual or

estimated value of a prize in an on-line lottery game must include on that material the current monetary value of that prize. This paragraph applies only to lottery prizes that are payable in more than one installment.

(c) If the director maintains changeable electronic message signs on on-line lottery computer terminals on the premises of retailers, and uses such a sign to display an actual or estimated prize in an on-line lottery game that is payable in more than one installment, the message that displays the amount of such a prize must include the following information:

- (1) the current monetary value of that prize;
- (2) a message to the effect that prizes are subject to federal and state taxation; and
- (3) a message to the effect that prizes may be divided among two or more winners.

(d) An on-line lottery game ticket issued to a ticket purchaser that contains numbers selected by the purchaser or randomly assigned to the purchaser must contain messages that substantially comply with paragraph (c), clauses (2) and (3)."

Page 5, line 25, delete "5" and insert "4 and 6"

Page 5, line 26, after the period, insert "Section 5 is effective on August 1, 1996, and only applies to new materials published by the state lottery."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "requiring certain information to be included in lottery publications, prize announcement signs, electronic messages, and on-line lottery tickets;"

Page 1, line 7, delete the second "and"

Page 1, line 8, after the semicolon, insert "and 349A.09, subdivision 1;"

The motion prevailed. So the amendment was adopted.

Mr. Stumpf moved to amend H.F. No. 2318, as amended pursuant to Rule 49, adopted by the Senate February 22, 1996, as follows:

(The text of the amended House File is identical to S.F. No. 2218.)

Page 5, after line 20, insert:

"Sec. 5. Minnesota Statutes 1994, section 609.761, is amended by adding a subdivision to read:

Subd. 3. [SENIOR CITIZEN TOURNAMENTS.] Sections 609.755 and 609.76 do not prohibit tournaments or contests promoted and conducted by a nonprofit organization and conducted on the organization's premises, provided that:

- (1) the tournament or contest is intended primarily for persons age 55 or over;
- (2) the tournament or contest consists of card games consisting of smear or whist;
- (3) the tournament or contest does not provide any direct financial benefit to the organization;
and
- (4) the sum of all prizes awarded for each tournament or contest does not exceed \$100."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "permitting organizations to conduct contests involving card games for senior citizens;"

Page 1, line 7, delete the second "and"

Page 1, line 8, after the semicolon, insert "and 609.761, by adding a subdivision;"

Mr. Frederickson moved to amend the Stumpf amendment to H.F. No. 2318 as follows:

Page 1, line 16, after "of" insert "euchre, cribbage, bridge, pinochle," and after "smear" insert a comma

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

Ms. Olson moved to amend the Stumpf amendment to H.F. No. 2318 as follows:

Page 1, line 15, after "of" insert "the"

Page 1, line 16, delete "consisting"

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

The question recurred on the Stumpf amendment, as amended.

The roll was called, and there were yeas 32 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kroening	Novak	Spear
Beckman	Fischbach	Langseth	Ourada	Stumpf
Berg	Flynn	Lessard	Piper	Terwilliger
Berglin	Frederickson	Marty	Price	Vickerman
Chandler	Hanson	Metzen	Reichgott Junge	
Cohen	Janezich	Mondale	Samuelson	
Day	Johnson, J.B.	Murphy	Solon	

Those who voted in the negative were:

Belanger	Johnston	Krentz	Neuville	Robertson
Betzold	Kiscaden	Larson	Oliver	Runbeck
Hottinger	Kleis	Lesewski	Olson	Sams
Johnson, D.E.	Knutson	Limmer	Pappas	Scheevel
Johnson, D.J.	Kramer	Moe, R.D.	Pariseau	

The motion prevailed. So the Stumpf amendment, as amended, was adopted.

H.F. No. 2318 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 54 and nays 4, as follows:

Those who voted in the affirmative were:

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

Mses. Berglin, Kiscaden, Mr. Merriam and Ms. Pappas voted in the negative.

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Ms. Ranum moved that the following members be excused for a Conference Committee on H.F. No. 3273 at 8:30 p.m.:

Messrs. Merriam, Laidig, Riveness, Morse and Ms. Ranum. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Belanger moved that the following members be excused for a Conference Committee on H.F. No. 3249 at 8:30 p.m.:

Messrs. Belanger; Hottinger; Johnson, D.J.; Meses. Flynn and Pappas. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2884 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2884: A bill for an act relating to taxation; updating to changes in federal law; allowing an extension to file individual income tax returns and property tax refunds for national guard and reserve members who are called to active duty; providing filing extensions for individuals who perform services for the peacekeeping efforts in Bosnia and Herzegovina, Croatia, and Macedonia; amending Minnesota Statutes 1994, section 289A.39, subdivision 1; Minnesota Statutes 1995 Supplement, sections 289A.02, subdivision 7; 290.01, subdivisions 19 and 31; and 291.005, subdivision 1.

Mr. Johnson, D.J. moved to amend S.F. No. 2884 as follows:

Page 7, after line 16, insert:

"Sec. 6. Laws 1995, chapter 264, article 10, section 15, is amended to read:

Sec. 15. [EFFECTIVE DATE.]

Section 1 is effective for returns due after December 31, 1995. Section 2 as it relates to quarterly withholding deposits is effective for withholding done after December 31, 1995, and the remainder of section 2 is effective for payments due after December 31, 1995. Sections 3 and 5 are effective for federal determinations after December 31, 1995. Section 4 is effective for estates of decedents dying after the date of final enactment. Section 6 is effective for deaths after December 31, 1995, and trusts that become irrevocable or are first administered in Minnesota after December 31, 1995. Sections 7 and 9 to 11 are effective for tax years beginning after December 31, 1995. Section 12 is effective for wages paid after December 31, 1995. Sections 8 and 13 are effective for tax years beginning after December 31, 1994."

Page 7, line 22, after the period, insert "Section 6 is effective for tax years beginning after December 31, 1995."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2884 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2419, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2419 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 1, 1996

CONFERENCE COMMITTEE REPORT ON 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.

March 28, 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. 2419, 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. 2419 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1995 Supplement, section 216B.2424, is amended to read:
216B.2424 [BIOMASS POWER MANDATE.]

Subdivision 1. [FARM GROWN CLOSED-LOOP BIOMASS.] For the purposes of this section, "farm grown closed-loop biomass" means biomass, as defined in section 216C.051, subdivision 7, that:

(1) is intentionally cultivated, harvested, and prepared for use, in whole or in part, as a fuel for the generation of electricity;

(2) when combusted, releases an amount of carbon dioxide that is less than or approximately equal to the carbon dioxide absorbed by the biomass fuel during its growing cycle; and

(3) is fired in a new or substantially retrofitted electric generating facility that is:

(i) located within 400 miles of the site of the biomass production; and

(ii) designed to use biomass to meet at least 75 percent of its fuel requirements.

The legislature finds that the negative environmental impacts within 400 miles of the facility resulting from transporting and combusting the biomass are offset in that region by the environmental benefits to air, soil, and water of the biomass production.

Among the biomass fuel sources that meet the requirements of clause (2) are poplar, aspen, willow, switch grass, sorghum, alfalfa, and cultivated prairie grass.

Subd. 2. [INTERIM EXEMPTION.] (a) A biomass project proposing to use, as its primary fuel over the life of the project, short rotation woody crops, may use as an interim fuel agricultural waste and other biomass which is not farm grown closed-loop biomass for up to six years after the project's electric generating facility becomes operational; provided, the project developer demonstrates the project will use the designated short rotation woody crops as its primary fuel after the interim period and provided the location of the interim fuel production meets the requirements of subdivision 1, clause (3).

(b) A biomass project proposing to use, as its primary fuel over the life of the project, short rotation woody crops, may use as an interim fuel agricultural waste and other biomass which is not farm grown closed-loop biomass for up to three years after the project's electric generating facility becomes operational; provided, the project developer demonstrates the project will use the designated short rotation woody crops as its primary fuel after the interim period.

(c) A biomass project that uses an interim fuel under the terms of paragraph (b) may, in addition, use an interim fuel under the terms of paragraph (a) for six years less the number of years that an interim fuel was used under paragraph (b).

(d) A project developer proposing to use an exempt interim fuel under paragraphs (a) and (b) must demonstrate to the public utility that the project will have an adequate supply of short rotation woody crops which meet the requirements of subdivision 1 to fuel the project after the interim period.

Subd. 3. [FUEL EXEMPTION.] Over the duration of the contract of a biomass power facility selected to satisfy the mandate in subdivision 5, fuel sources that are not biomass may be used to satisfy up to 25 percent of the fuel requirements of a biomass power facility selected to satisfy the biomass power mandate in subdivision 5.

Subd. 4. [FINANCIAL VIABILITY.] A biomass project developer must demonstrate to the public utility evidence of sufficient financial viability necessary for the construction and operation of the biomass project.

Subd. 5. [MANDATE.] A public utility, as defined in section 216B.02, subdivision 4, that operates a nuclear-powered electric generating plant within this state must construct and operate, purchase, or contract to construct and operate (1) by December 31, 1998, 50 megawatts of electric

energy installed capacity generated by farm grown closed-loop biomass scheduled to be operational by December 31, 2001; and (2) by December 31, 1998, an additional 75 megawatts of installed capacity so generated scheduled to be operational by December 31, 2002. Of the total 125 megawatts of biomass electric energy installed capacity required under this section, no more than 75 megawatts may be provided by a single project. Of the 75 megawatts of biomass electric energy installed capacity required under clause (2), no more than 25 megawatts of this capacity may be provided by a St. Paul district heating and cooling system cogeneration facility utilizing waste wood as a primary fuel source. The St. Paul district heating and cooling system cogeneration facility need not use biomass that complies with the definition in subdivision 1. The public utility must accept and consider on an equal basis with other proposals a proposal to satisfy the requirements of this section that includes a project that exceeds the megawatt capacity requirements of either clause (1) or (2) and that proposes to sell the excess capacity to the public utility or to other purchasers.

Sec. 2. Laws 1995, chapter 220, section 14, is amended to read:

Sec. 14. AGRICULTURAL UTILIZATION

RESEARCH INSTITUTE		4,330,000	4,330,000
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Summary by Fund

General	4,130,000	4,130,000
Special Revenue	200,000	200,000

\$200,000 each year is for a grant to the natural resources research institute for hybrid tree management research and development of an implementation plan for establishing hybrid tree plantations in the state. This appropriation is available to the extent matched by \$2 of nonstate money contributions, either cash or in-kind, for each \$1 of state money.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to energy; regulating a mandate to generate electricity using biomass as a fuel; modifying matching requirements for appropriations; amending Minnesota Statutes 1995 Supplement, section 216B.2424; and Laws 1995, chapter 220, section 14."

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

House Conferees: (Signed) Chuck Brown, Don Ostrom, Dennis Ozment

Senate Conferees: (Signed) Steven G. Novak, Steve Dille, John C. Hottinger

Mr. Novak moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2419 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. 2419 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Ms. Reichgott Junge moved that the following members be excused for a Conference Committee on H.F. No. 343 from 7:00 to 8:45 and again at 9:00 p.m.:

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Hottinger moved that H.F. No. 1648 be taken from the table. The motion prevailed.

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.

Mr. Hottinger moved to amend H.F. No. 1648, as amended pursuant to Rule 49, adopted by the Senate March 22, 1996, as follows:

(The text of the amended House File is identical to S.F. No. 1500.)

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 548.06, is amended to read:

548.06 [DAMAGES FOR LIBEL.]

Subdivision 1. [DAMAGES.] In an action for damages for the publication of a newspaper, the plaintiff shall recover no more than special damages, unless a retraction be demanded and refused as hereinafter provided. The plaintiff shall serve upon the publisher at the principal place of publication, a notice, specifying the statements claimed to be libelous, and requesting that the same be withdrawn. If a retraction thereof be not published on the same page and in the same type and the statement headed in 18-point type or larger "RETRACTION," as were the statements complained of, in a regular issue thereof published within one week after such service, the plaintiff may allege such notice, demand, and failure to retract in the complaint and recover both special and general damages, if the cause of action be maintained. If such retraction be so published, the plaintiff may still recover general damages, unless the defendant shall show that the libelous publication was made in good faith and under a mistake as to the facts. If the plaintiff was a candidate for office at the time of the libelous publication, no retraction shall be available unless published on the same page and in the same type and the statement headed in 18-point type or larger "RETRACTION," as were the statements complained of, in a regular issue thereof published within one week after such service and in a conspicuous place on the editorial page, nor if the libel was published within one week next before the election. This section shall not apply to any libel imputing unchastity.

Subd. 2. [ADMISSIBILITY OF EVIDENCE OF RETRACTION.] (a) The fact of a request for a retraction, the contents of the request, and its acceptance or refusal are not admissible in evidence at trial.

(b) The fact that a retraction was made and the contents of the retraction are not admissible in evidence at trial, except to show mitigation of general damages.

(c) The fact of an offer of retraction, or the fact of its refusal, and the contents of the offer are not admissible in evidence at trial."

Delete the title and insert:

"A bill for an act relating to civil action; limiting admissibility of evidence regarding a retraction in libel actions against newspapers; amending Minnesota Statutes 1994, section 548.06."

The motion prevailed. So the amendment was adopted.

Ms. Runbeck moved to amend the Hottinger amendment to H.F. No. 1648, adopted by the Senate April 1, 1996, as follows:

Page 1, after line 6, insert:

"Section 1. [181.865] [GOOD FAITH REFERENCE PROTECTION ACT.]

Any employer or authorized employee or agent acting on behalf of an employer who, upon request by a prospective employer of a current or former employee, provides written or verbal information about a current or former employee's job performance is presumed to be acting in good faith and is immune from civil liability for the disclosure and the consequences of the disclosure.

The presumption of good faith established in this section may be rebutted by clear and convincing evidence that the information disclosed was knowingly false, was deliberately misleading, and was disclosed for a malicious purpose, or in violation of a civil right of the employee or former employee."

Renumber the sections in sequence and correct the internal references

Amend the title amendment accordingly

Mr. Hottinger questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

H.F. No. 1648 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Betzold moved that S.F. No. 1887 be taken from the table. The motion prevailed.

S.F. No. 1887: A bill for an act relating to human services; directing the department of human services to determine and pay certain compensation of the appeals panel along with allowable fees and costs of patient's counsel; extending the state's authority to obtain a lien when covering medical care for a person; adding provisions to notice required for monetary claims; amending Minnesota Statutes 1994, sections 253B.19, subdivision 1; 256.015, subdivision 4; and 256B.042, subdivisions 1 and 4; Minnesota Statutes 1995 Supplement, sections 256.015, subdivisions 1 and 2; 256B.042, subdivision 2; and 256D.045.

Mr. Betzold moved to amend S.F. No. 1887 as follows:

Page 3, line 22, delete everything after "payments"

Page 3, delete lines 23 to 25 and insert ". If a party to a claim, as defined in subdivision 4, provides notice and makes a payment in compliance with the distribution formula in subdivision 5, the party will be relieved of further liability with respect to that particular payment."

The motion prevailed. So the amendment was adopted.

Mr. Riveness moved to amend S.F. No. 1887 as follows:

Page 7, after line 18, insert:

"Sec. 9. [HOME TELEMEDICINE DEVICES.]

(a) The commissioner of human services shall facilitate a request for information process to demonstrate the effectiveness of telemedicine devices as a high quality, lower cost alternative to in-person home visits from nurses and other home care personnel. The commissioner shall prepare and publish a request for information by August 31, 1996. The commissioner shall provide a forum for all responders to demonstrate their products for a wide variety of home- and community-based waiver program providers, prepaid medical assistance program providers, and other home care providers. The telemedicine devices must:

(1) be capable of providing video and audio communication between the client's home and a central monitoring station using regular telephone lines; and

(2) be equipped to monitor blood pressure, heart rate, and vital signs.

Responders may demonstrate service to a range of client needs, including clients who need home care following hospital stays, chronic care clients, high users of health care services, persons at risk of nursing home placement, and other persons identified by the commissioner as likely to be served in a cost-effective manner.

(b) The commissioner shall collect any reports, preliminary results, or final recommendations from efforts to evaluate effectiveness of the telemedicine devices, including evidence of improved patient access to care by eliminating or reducing nursing personnel travel time, reduced emergency room visits, reduced hospitalization costs, improved use of home therapies, reduced nursing home admissions, and early discharge from nursing facilities. This information and a recommendation regarding whether telemedicine devices should be a covered service under medical assistance shall be forwarded to the legislature by December 15, 1996."

Amend the title accordingly

Ms. Robertson moved to amend the Riveness amendment to S.F. No. 1887 as follows:

Page 1, line 13, delete the colon

Page 1, line 14, delete the paragraph coding and delete "(1)"

Page 1, line 16, delete "; and" and insert a period

Page 1, delete lines 17 and 18

Page 1, line 32, delete "and a recommendation"

Page 1, line 33, delete everything before "a" and insert ", including information on the advantages and disadvantages of making telemedicine devices""

Page 1, line 34, after "assistance" insert a comma

The motion prevailed. So the amendment was adopted.

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

Ms. Kiscaden moved to amend S.F. No. 1887 as follows:

Page 7, after line 18, insert:

"Sec. 9. [APPROPRIATION FOR MEDICAL EDUCATION TRAINING PROGRAM.]

\$5,000,000 is appropriated for fiscal year 1997 from the health care access fund to the commissioner of health for grants to accredited medical education teaching institutions, consortia, and programs for family and general practitioners, pediatricians, dentists, advanced practice nurses, or physician assistants. The commissioner shall give priority in distributing these funds to residency and clinical training programs in rural and underserved urban areas."

Amend the title accordingly

CALL OF THE SENATE

Ms. Kiscaden imposed a call of the Senate for the balance of the proceedings on S.F. No. 1887. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Neuville questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

S.F. No. 1887 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 918 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 918: A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article V, sections 1, 3, and 4; article VIII, section 2; article XI, sections 7

and 8; abolishing the office of state treasurer; transferring or repealing the powers, responsibilities, and duties of the state treasurer; amending Minnesota Statutes 1994, sections 9.011, subdivision 1; and 11A.03.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Dille voted in the negative.

So the bill passed and its title was agreed to.

MEMBERS EXCUSED

Messrs. Chmielewski, Finn and Ms. Wiener were excused from the Session of today. Mr. Stevens was excused from the Session of today at 5:00 p.m. Ms. Olson and Mrs. Pariseau were excused from the Session of today from 7:00 to 7:35 p.m. Mr. Larson was excused from the Session of today from 7:00 to 7:50 p.m. Mr. Ourada was excused from the Session of today from 7:00 to 7:45 p.m. Ms. Anderson was excused from the Session of today from 2:15 to 2:40 p.m. Mr. Sams was excused from the Session of today from 2:15 to 2:40, 4:45 to 5:00 and 7:30 to 7:55 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Tuesday, April 2, 1996. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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