

STATE OF MINNESOTA

Journal of the Senate

EIGHTIETH LEGISLATURE

TWENTY-EIGHTH DAY

St. Paul, Minnesota, Wednesday, March 26, 1997

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Rob Olsen.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Ms. Higgins and Mr. Sams were excused from the Session of today.

REPORTS OF COMMITTEES

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

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

S.F. No. 1415: A bill for an act relating to insurance; requiring certain insurers to provide certain water or steam damage coverage; proposing coding for new law in Minnesota Statutes, chapter 65A.

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

Page 1, line 9, after "available" insert "as an option"

Page 1, line 22, delete everything after "effective" and insert "August 1, 1997"

Page 1, line 23, delete everything before the period

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

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

S.F. No. 399: A bill for an act relating to economic security; providing for the administration of certain employment and training services; proposing coding for new law in Minnesota Statutes, chapter 268.

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

Ms. Ranum from the Committee on Judiciary, to which was referred

S.F. No. 848: A bill for an act relating to civil actions; creating a state court action for relief for damages caused by a federal court action that affects public participation by the plaintiff; proposing coding for new law in Minnesota Statutes, chapter 554.

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

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

S.F. No. 430: A bill for an act relating to health; establishing a birth defects information system; providing criminal penalties; appropriating money; amending Minnesota Statutes 1996, sections 13.99, by adding a subdivision; and 144.2215; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Page 3, line 21, after the second comma, insert "health information management specialist,"

Page 4, delete lines 21 to 26 and insert:

"Data collected, received, or maintained on individuals and nonindividuals with regard to the birth defects information system are private data on individuals and nonpublic data on nonindividuals, respectively, and may be used only for the purposes specified in sections 144.2215 to 144.2218. Notwithstanding section 13.03, subdivisions 6 to 8; 13.10, subdivisions 1 to 4; 138.17, or any other law to the contrary, all data collected, received, or maintained by the commissioner of health with regard to the birth defects information system retains the classification designated under this section and section 13.384 and may not be disclosed other than in accordance with this section and section 144.2218."

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

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

S.F. No. 1140: A bill for an act relating to sports; providing for a process to construct, fund, maintain, and govern a major league baseball-only facility; providing for powers and duties of the governing entity; authorizing certain taxes, revenue distributions, bonds and other debt

obligations, and allocations; appropriating money; amending Minnesota Statutes 1996, sections 11A.24, by adding a subdivision; 80A.15, by adding a subdivision; 297.02, subdivision 1; 297.03, subdivision 5; 297.13, subdivision 1; 297.32, subdivisions 1, 2, and 9; and 297.35, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 79; proposing coding for new law as Minnesota Statutes, chapter 473I.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

Section 1. [473I.01] [LEGISLATIVE POLICY; PURPOSE.]

The legislature finds that:

(a) Obtaining and securing the retention and location of professional major league sports teams in the state and within the metropolitan area provides economic development, attracts and secures additional employment, maintains and enhances the tax base upon which the state and its political subdivisions depend for the financing of other governmental functions, and provides important social, entertainment, recreational, and tourism opportunities for the state and its citizens.

(b) The metropolitan council and the metropolitan sports facilities commission, in providing for the construction and ownership of the Hubert H. Humphrey Metrodome, and the city of Minneapolis, in providing for the purchase and ownership of the Target Center, serve and achieve the foregoing public purposes by promoting major league baseball, football, and basketball games in the state and within the metropolitan area.

(c) The retention of major league professional baseball and the construction of an additional baseball facility in the state and within the metropolitan area, by reasonable methods that the legislature and the commission may devise to further secure and promote these public purposes, will increase and enhance the value and public benefits afforded to the state and its citizens.

(d) It is therefore necessary for the general welfare of the public to aid in the financing of the acquisition, construction, and operation of a new baseball facility and to retain and secure the long-term commitment of a major league professional baseball team by reasonable means, which may include partial public ownership of the team, and by authorizing financing and other arrangements as necessary to accomplish that purpose. It is hereby determined and declared that the purposes of this act are public and governmental.

(e) Statewide taxes or other revenue from the general fund shall not be used for the construction of the baseball facility.

Sec. 2. [473I.02] [DEFINITIONS.]

Subdivision 1. [APPLICATION; ADOPTED BY REFERENCE.] The definitions in this section and in sections 473.121 and 473.551, apply in sections 1 to 7.

Subd. 2. [BASEBALL FACILITY DEFINED AND DESCRIBED.] "Baseball facility" means a state-of-the-art open air ball park designed for baseball only, that is suitable for major league baseball and no other major league spectator sport that uses a surface or seating configuration different from major league baseball, and that is the major capital improvement resulting from the project described in sections 1 to 7. The baseball facility must have a convertible roof that promotes the historic amenities of an open air baseball park when weather permits and a comfortable climate-controlled environment for performers and patrons when uncomfortable weather is present or anticipated. The baseball facility may include parking or other transit facilities for patrons, performers, and employees and may include other amenities to enhance or make the use of the baseball facility convenient and predictably accessible to all Minnesotans and others.

Subd. 3. [THE PUBLIC AUTHORITY.] "The public authority" means the metropolitan sports facilities commission or its successor organization.

Subd. 4. [PROJECT.] "Project" means the entire process from inviting proposals for sites to completion of the baseball facility and all amenities related to construction of the baseball facility.

Subd. 5. [CITY.] "City" means the city in which the stadium to be constructed under sections 1 to 7 will be located, upon a finding by the public authority that the city or county in which the city is located will contract to provide a donation of land, cash, or other property or services in an amount deemed sufficient by the public authority to make construction of the stadium economically feasible.

Subd. 6. [TEAM.] "Team" means the professional major league baseball team.

Subd. 7. [OWNER.] "Owner" means the individual or individuals acting in concert or other legal entity that directly or indirectly owns at least a majority or controlling interest in the team.

Subd. 8. [PARTNERSHIP.] "Partnership" means the public authority and the owner, acting jointly, to carry out the authority granted by sections 1 to 7.

Subd. 9. [NET OPERATING PROFITS.] "Net operating profits" means the gross revenues remaining after payment of the items described in clauses (1), (2), and (3) of section 473I.06, subdivision 2.

Sec. 3. [473I.03] [POWERS AND DUTIES.]

Subdivision 1. [GENERALLY.] The public authority has all powers necessary or convenient to discharge the duties imposed on it by law, including, but not limited to, those specified in sections 1 to 7, in sections 473.551 to 473.599, and in other law.

Subd. 2. [USE JOINT POWERS.] The public authority may jointly or cooperatively exercise powers under section 471.59, according to the terms of that section, with any other governmental unit that may make use of section 471.59 with another entity.

Subd. 3. [SITE; BASEBALL FACILITY; OWNERSHIP AGREEMENT.] (a) The public authority and the owner, by mutual agreement, must select a site for the baseball facility in the city. The site selection process must include a procedure to set minimum specifications for the site, including necessary or desirable appropriate economic development possibilities on adjacent property. The process must consider the use of incremental revenue to public entities, as a result of or in anticipation of the project, as revenue sources for the funding of the project.

(b) The public authority and the owner, by mutual agreement, must determine the program elements of the baseball facility, including, but not limited to, capacity, suites, club seats, clubs, and amenities. The public authority and the owner, by mutual agreement, must also determine the baseball facility design, and the selection of the project construction team, including the architect and general contractor.

(c) The public authority and the owner, in executing the contract required by subdivision 9, paragraph (o), shall provide for a 49 percent ownership interest in the team by the public authority, and the right of the public authority to approve all major organizational decisions, including, but not limited to, sale of the 51 percent majority ownership interest in the team, or a change in location of the team.

Subd. 4. [EMINENT DOMAIN.] The public authority may exercise the right of eminent domain under sections 1 to 7 and chapter 117 to acquire a site for the baseball facility. The obligation of the public authority for the taking is limited to what is compensable under the Minnesota and federal constitutions and only to what is constitutionally required to be paid. If the public authority determines that the amount of compensation required to be paid is excessive, the public authority may abandon the condemnation process in whole or part.

Subd. 5. [INTERGOVERNMENTAL FRANCHISE COMPETITION.] The public authority may cooperate and contract with other political entities in the United States, with which it may compete for sports, exposition, and entertainment franchises and facilities to form an entity to lobby the United States Congress to enact legislation to prevent artificial competition among governmental entities for sports, exposition, and entertainment franchises and facilities.

Subd. 6. [REVENUE BONDS.] The public authority may issue and sell up to \$225,000,000 of revenue bonds for the project. The revenue with which the principal and interest on the bonds is paid may include some or all of any revenue received by the public authority, as authorized in sections 1 to 7, or in connection with its ownership of the baseball facility. The bonds must be issued, sold, and secured in the manner provided in chapter 475, for bonds payable solely from revenues, and the public authority has the same powers and duties as a municipality and a municipality's governing body in issuing bonds under chapter 475. The bonds may be sold at any price and at public or private sale as determined by the public authority; provided that the interest on the bonds may not exceed percent. The bonds are payable solely from the revenues to the public authority attributable to the baseball facility and are not a general obligation or debt of the public authority, and must not be included in the net debt of any city, county, or other subdivision of the state for the purpose of any net debt limitation. No election is required.

Subd. 7. [REVENUE ANTICIPATION CERTIFICATES.] In anticipation of the proceeds from the revenues of the public authority provided for in its budget, but subject to any limitation or prohibition in a bond resolution or indenture, the public authority may authorize the issuance, negotiation, and sale, in the form and manner and upon the terms that it may determine, of revenue anticipation certificates. The principal amount of the certificates outstanding may never exceed percent of the total amount of the revenues anticipated. So much of the anticipated revenues as may be needed for the payment of the certificates and interest on them must be paid into a special debt service fund established for the certificates in the public authority's financial records. The proceeds of the certificates may be used for any purpose for which the anticipated revenues may be used.

Subd. 8. [DESIGN-BUILD.] In constructing the baseball facility, the public authority must use the design-build method of project development and construction as defined in Laws 1996, chapter 463, section 58.

Subd. 9. [LIMITATIONS.] (a) The public authority must not commit money for the construction, acquisition, and betterment of the baseball facility until after the public authority has made the determinations in paragraphs (b) to (r).

(b) The public authority has executed agreements with the owner to use the baseball facility for all scheduled regular season and postseason home games. The agreements must be for a period of no less than 30 years, except as provided in paragraph (o), and sections 473I.05 and 473I.06. The agreements may contain provisions negotiated with the owner that provide for earlier termination of the use of the baseball facility upon conditions related to and limited to the bankruptcy and insolvency of the team. The agreements shall afford to the public authority or other public entity, as the public authority deems appropriate, the remedies that are deemed necessary and appropriate to provide reasonable assurances that the team and the owner shall comply with the agreements. The remedies may include the payment of liquidated damages equivalent to direct and consequential damages incurred by reason of the breach of the agreements and any additional remedies or security arrangements the public authority reasonably determines to be effective in accomplishing the purpose of this subdivision. At any time after the effective date of this act, in the event of a material breach of the agreements by the owner and the subsequent failure to cure by the owner, the public authority may exercise its option to purchase all of the owner's right, title, and interest in the team for \$105,000,000, free of any liens, encumbrances, or other obligations.

The agreements between the public authority and the owner must also provide that:

(1) the partnership must provide for management of the baseball facility and may contract with one or more entities to operate part or all of the baseball facility, subject to the approval of the public authority;

(2) the partnership may contract with one or more food and beverage purveyors to provide food and beverages for the baseball facility;

(3) the public authority will receive 49 percent of the net operating profits;

(4) the owner and the public authority have agreed upon a process for the public authority to be represented in the budgeting process for the team; and

(5) the partnership has developed criteria for performance and operation of the baseball facility and the team.

(c) The team and the owner have provided information sufficient to satisfy the public authority of the team's and the owner's ability to comply with the terms of the 30-year use agreement.

(d) The public authority has acquired, or has contracted to acquire, title to all real property including all easements and other appurtenances needed for the construction and operation of the baseball facility and has received a grant of funds, has sold revenue bonds, or has entered into agreements sufficient in the judgment of the public authority to ensure the receipt of funds, at the time and in the amount required, to make any payment upon which the public authority's acquisition of title and possession of the real property is conditioned.

(e) The public authority has received a grant of funds or entered into agreements sufficient in the judgment of the public authority to ensure the receipt of funds, at the time and in the amount required, to pay all costs, except as provided in this subdivision, of clearing the real property needed for the construction and operation of the baseball facility of all buildings, railroad tracks, and other structures including, without limitation, all relocation costs including utility relocation costs and all legal costs.

(f) The public authority has executed agreements with appropriate labor organizations and construction contractors that provide that no labor strikes or management lockouts will delay construction.

(g) The public authority has executed agreements to provide for the construction of the baseball facility for a guaranteed maximum price and substantial completion date of April 1, 2001, and that include performance bonds in an amount at least equal to 100 percent of the guaranteed maximum price to cover any costs that may be incurred over and above the guaranteed maximum price, including, but not limited to, costs incurred by the public authority or loss of revenues resulting from incomplete construction on the substantial completion date.

(h) By December 31, 1997, (1) at least 80 percent of the private boxes provided for in the proposal for the baseball facility are sold or leased for at least ten years, (2) at least 80 percent of the club seats provided for in the proposal for the baseball facility are sold or leased for the opening season, (3) pledges to purchase permanent seat licenses have been made, as agreed to jointly by the owner and the public authority, and (4) pledges to purchase 22,000 season tickets for the opening season have been made. If the provisions of this paragraph are not met, either the owner or the public authority may require negotiations for a baseball facility to cease.

(i) The owner has made a pledge, in a form satisfactory to the public authority, to make a charitable gift of cash or marketable securities readily liquidated to cash at the date of the gift of not less than \$50,000,000 to be paid on or before April 1, 2001.

(j) The partnership has developed a private sector capital plan that includes the sale or lease of some or all promotional rights in, on, and around the baseball facility, including the purchase of permanent seat licenses. The proceeds of the private sector capital plan must be distributed in the following priority:

(1) to the extent that the funds are needed to make the payment required by subdivision 11, \$25,000,000 to the owner;

(2) all remaining revenue from the sale of promotional rights in, on, and around the baseball facility, to the public authority; and

(3) all remaining funds to the partnership.

(k) The public authority determines that the anticipated revenue from the operation of the baseball facility plus any additional available revenue of the public authority is an amount sufficient to pay when due all debt service, if any, plus all administration, operating, and maintenance expense.

(l) The public authority has studied and considered the needs of the University of Minnesota for athletic facilities for the next 20 years.

(m) The public authority has entered into an agreement with the brokerage firm to be used in connection with the issuance and sale of the bonds or revenue anticipation certificate guaranteeing that fees and charges payable to the brokerage firm under the agreement, including any underwriting discounts, do not exceed fees and charges customarily payable in connection with the issuance and sale of bonds or revenue anticipation certificates. The fees and charges payable under this clause must not exceed percent of the bonds or revenue anticipation certificates.

(n) The validity of any bonds issued under subdivision 6, and the obligations of the public authority related to them, must not be conditioned upon or impaired by the public authority's determinations made under this subdivision. For purposes of issuing bonds, the determinations made by the public authority are conclusive, and the public authority is obligated for the security and payment of the bonds, but only from the sources pledged thereto, irrespective of determinations that may be erroneous, inaccurate, or otherwise mistaken.

(o) The owner has entered into an enforceable contract with the public authority providing the public authority with a 49 percent ownership interest in the team and providing the state, the public authority, or another political subdivision or public entity an option to acquire the team, as provided in sections 473I.05 and 473I.06.

(p) The public authority and the owner have entered into an agreement that obligates the owner to manage the team in good faith so as to achieve profitable operation.

(q) The owner and the public authority have entered into an agreement for the operation and maintenance of the baseball facility.

(r) The public authority and the owner have entered into an agreement that provides that the owner must:

(1) provide for the contractual arrangements relating to naming rights and vendor agreements;

(2) use best efforts to obtain construction funds for the baseball facility from major league baseball; and

(3) use best efforts to obtain a major league baseball agreement for an all-star game in the baseball facility within the first eight years following opening day.

Subd. 10. [PRIVATE CONTRIBUTIONS.] The public authority may accept private contributions to further its public purposes.

Subd. 11. [USE OF CERTAIN REVENUES.] No less than \$25,000,000 of revenues from the sale of naming rights, concessionaire payments, and other project capital opportunities, must be used to fund the baseball facility, subject to the distribution formula provided by subdivision 9, paragraph (j).

Subd. 12 [AMATEUR ATHLETIC EVENTS.] The public authority, jointly with the owner, must develop a scheduling system to make the baseball facility reasonably available at net out-of-pocket cost to amateur athletic events that do not conflict with major league baseball or other scheduled revenue producing events.

Subd. 13. [COMPATIBLE USES.] The public authority may do what it considers appropriate to encourage and develop sports and recreational opportunities, professional or otherwise, and make arrangements, jointly with the owner, for the use of the baseball facility for sports, recreation, entertainment, civic, exposition, and other uses not incompatible with its primary functions.

Subd. 14. [CAPITAL REPAIR; IMPROVEMENTS.] The public authority is responsible for capital repairs, improvements, and enhancements and betterments necessary to maintain the baseball facility as a state-of-the-art facility. To the extent the costs to maintain the facility as a

state-of-the-art facility exceed the funds in the capital improvement fund, the public authority and the owner shall agree on the improvements to be made.

Sec. 4. [473I.04] [EXEMPTION OF PROPERTY.]

Any real or personal property acquired, owned, leased, controlled, used, or occupied by the public authority for any of the purposes of this chapter is declared to be acquired, owned, leased, controlled, used, and occupied for public, governmental, and municipal purposes and is exempt from ad valorem taxation by the state or any political subdivision of the state. The properties are subject to special assessments levied by a political subdivision for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from the improvement. A possible use of the properties in any manner different from their use under sections 1 to 7 at the time must not be considered in determining the special benefit received by the properties. Notwithstanding section 272.01, subdivision 2, or 273.19, real or personal property comprising all or part of the baseball facility leased by the public authority to another for the operation of the baseball facility is exempt from taxation regardless of the length of the lease.

Sec. 5. [473I.05] [PUBLIC PURCHASE AND SALE OF TEAM.]

Subdivision 1. [PURCHASE AGREEMENT.] The owner shall enter into an agreement, in form and substance acceptable to both the owner and the public authority, that provides for the public authority to purchase the owner's interest in the team under the conditions in this section.

Subd. 2. [BASEBALL RULES.] If the public authority purchases the owner's interest in the team, the owner may retain a minimal ownership interest in the team with operational control, if required by the major league baseball rules then in effect.

Subd. 3. [NOTICE; PRICE.] The owner may sell the owner's interest in the team to the public authority for \$105,000,000 no sooner than the fifth anniversary of the first regular home game played in the baseball facility, or April 1, 2006, whichever is earlier, except as provided in subdivision 4. The sale must be free of any liens, encumbrances or other obligations unless the public authority, in its sole discretion, desires to assume them. The owner must provide a written notice to the public authority and to the commissioner of finance of the owner's intention to offer the team for sale to the public authority at least one year before the obligation of the public authority to purchase the team arises. During the one-year notice period, the public authority shall seek a suitable private purchaser. If a suitable private purchaser is found, the sale price must be no less than the price that the public authority would pay under this subdivision. If, during the one-year period, the public authority is not able to find a suitable private purchaser, the public authority shall purchase the team.

Subd. 4. [DECLINE IN TEAM VALUE.] At any time after the effective date of this act, if the value of the team declines by ten percent or more below \$105,000,000, as confirmed by an appraisal process agreed upon by both parties, the public authority may purchase the team for \$105,000,000.

Subd. 5. [APPRECIATION IN TEAM VALUE.] If the public authority acquires the team under this section, the owner shall receive ten percent of any appreciation in the team's value above \$105,000,000 in 2005, and an additional 2-1/2 percent each year after 2005, up to a maximum of 25 percent.

Sec. 6. [473I.06] [PROFIT SHARING.]

Subdivision 1. [PROFITS; RENTS.] The public authority must receive 49 percent of the net operating profits. This allocation of 49 percent of the net operating profits represents a percentage rent payment from the team.

Subd. 2. [PRIORITY OF PAYMENTS.] Gross revenues of the team must be allocated in the following order of priority:

(1) operating expenses of the team, including debt service on no more than \$21,000,000 of the team debt, unless otherwise agreed to by the public authority and the owner, and excluding seasonal working capital requirements;

(2) operating expenses of the baseball facility;

(3) funding of a capital improvement fund in an amount not to exceed \$700,000 per year, unless otherwise agreed to by the public authority and the owner; and

(4) of the remaining gross revenues, payment to the public authority of 49 percent, and payment to the owner of the remainder.

If net operating profits in a year exceed \$....., the owner shall receive \$..... before the allocation under clause (4) is made.

Subd. 3. [TEAM OPERATING EXPENSES; LOSS.] The owner shall assume all risk for funding operating expenses of the team. The public authority is not liable for any operating loss of the team. The public authority shall not reimburse the owner or any creditor of the team for any operating loss of the team.

Subd. 4. [OWNER'S COMPENSATION.] The owner's compensation under this section is limited exclusively to 51 percent of the team's net operating profits and any incentive payment described in subdivision 2.

Subd. 5. [MINIMUM OWNER CONTRIBUTION.] For any calendar year beginning after December 31, 1997, if the combined revenues from dedicated taxes and net operating profits are less than \$18,200,000, the owner shall make an additional contribution to the public authority equal to the amount by which \$18,200,000 exceeds the sum of the revenues.

Sec. 7. [RECOMMENDATIONS ON GOVERNING BODY.]

The metropolitan sports facilities commission shall make recommendations to the legislature with respect to a new or broadened membership structure or public authority that will adequately represent the interests of the public. The recommendations must be delivered to the chairs of the house local government and metropolitan affairs committee and the senate metropolitan and local government committee by September 1, 1997.

ARTICLE 2

Section 1. Minnesota Statutes 1996, section 11A.24, is amended by adding a subdivision to read:

Subd. 6a. [SPORTS AUTHORITY DEBT.] In addition to the investments authorized in subdivisions 1 to 6, the state board may invest funds in debt obligations of the public authority defined in section 473I.03, subdivision 3.

Sec. 2. [79.365] [ADDITIONAL POWERS.]

In addition to the powers granted in sections 79.35 and 79.36, the reinsurance association may invest in debt obligations of the public authority defined in section 473I.03, subdivision 3.

Sec. 3. Minnesota Statutes 1996, section 80A.15, is amended by adding a subdivision to read:

Subd. 1a. [ADDITIONAL EXEMPT SECURITIES.] Any security evidencing a share in the public authority's ownership interest in a Minnesota major league professional baseball team is exempt from sections 80A.08 and 80A.16."

Delete the title and insert:

"A bill for an act relating to sports; providing for a process to construct, fund, maintain, and govern a major league baseball-only facility; providing for powers and duties of the governing entity; authorizing certain taxes, revenue distributions, bonds and other debt obligations, and allocations; amending Minnesota Statutes 1996, sections 11A.24, by adding a subdivision; and 80A.15, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 79; proposing coding for new law as Minnesota Statutes, chapter 473I."

And when so amended the bill be re-referred to the Committee on Taxes without recommendation. Amendments adopted. Report adopted.

Mr. Hottinger from the Committee on Health and Family Security, to which was referred

S.F. No. 741: A bill for an act relating to health; regulating the practice of respiratory care; establishing the requirements for registration and regulation of respiratory care practitioners; providing for continuing education, fees, reporting obligations, disciplinary actions, and for an advisory council; providing criminal penalties; proposing coding for new law as Minnesota Statutes, chapter 147C; repealing Minnesota Rules, parts 4762.0010; 4762.0020; 4762.0030; 4762.0040; 4762.0050; 4762.0060; 4762.0065; 4762.0070; 4762.0080; 4762.0090; 4762.0100; 4762.0200; and 4762.0300.

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

Page 3, line 29, delete "and support"

Page 5, line 15, delete "gross"

Page 12, line 16, delete "1" and insert "2"

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

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

S.F. No. 1354: A bill for an act relating to state lands; authorizing the transfer to the city of Oakdale of certain tax-forfeited land that borders public water in Washington county.

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

Page 1, line 14, before the period, insert "and provide that ownership of the land reverts to the state if development of the land is not limited to the north 230 feet of Outlot A"

Page 1, after line 20, insert:

"Sec. 2. [SALE OF TAX-FORFEITED LANDS; WASHINGTON COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45; 103F.535; and 282.018, subdivision 1, paragraph (a), and the public sale provisions of Minnesota Statutes, chapter 282, Washington county may convey to the city of Hugo, without consideration, the lands bordering public waters that are described in paragraph (c) under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general and provide the ownership of the land reverts back to the state if the property is not used for stormwater management or open space recreational purposes.

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

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

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

Page 1, line 22, delete "Section 1 is effective 30 days after its" and insert "Sections 1 and 2 are effective the day following"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, before the period, insert "; authorizing the transfer to the city of Hugo of certain tax-forfeited land that borders public waters in Washington county"

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

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

S.F. No. 239: A bill for an act relating to accountants; modifying licensing requirements; amending Minnesota Statutes 1996, section 326.19.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1996, section 326.19, is amended to read:

326.19 [LICENSURE; QUALIFICATIONS OF ACCOUNTANTS.]

Subdivision 1. [CERTIFICATES AND—LICENSES AS CERTIFIED PUBLIC ACCOUNTANTS.] (a) Until January 1, 2001, a certified public accountant certificate shall be granted to any person:

(a) (1) who has attained the age of 18 years; and

(b) (2) who is of good character; and

(c) (3) who has successfully completed an examination in the subjects and at the times the board may prescribe in its rules.

(b) Until January 1, 2001, the examination shall be administered by the board only to a candidate who holds:

(i) (1) a master's degree with a major in accounting from a college or university that is fully accredited by the North Central Association of Colleges and Secondary Schools, or an equivalent accrediting association, or who has in the opinion of the board at least an equivalent education; or

(ii) (2) a baccalaureate degree, with a major in accounting, from a college or university that is fully accredited by the North Central Association of Colleges and Secondary Schools, or an equivalent accrediting association, or whose credits are acceptable to the University of Minnesota for admission to graduate study, or who has in the opinion of the board at least an equivalent education; or

(iii) (3) a baccalaureate degree from a college or university that is fully accredited by the North Central Association of Colleges and Secondary Schools, or an equivalent accrediting association, or whose credits are acceptable to the University of Minnesota for admission to graduate study, or who has in the opinion of the board at least an equivalent education, providing at least one year of experience of the type specified in subdivision 4, has been completed; or

(iv) (4) evidence of having completed two or more years of study with passing grade average or above from a college or university that is fully accredited by the North Central Association of Colleges and Secondary Schools, or an equivalent accrediting association, or whose credits are acceptable to the University of Minnesota for admission to graduate study, or a technical college, a Minnesota licensed private vocational school which fulfills the requirements of sections 141.21 to 141.36, or who has in the opinion of the board at least an equivalent education, providing at least three years experience of the type specified in subdivision 4, has been completed; or

(v) (5) a diploma as a graduate of an accredited high school or who has in the opinion of the board at least an equivalent education, providing at least five years experience of the type specified in subdivision 4 has been completed.

(c) On or after January 1, 2001, a certified public accountant certificate shall be granted to any person:

(1) who has attained the age of 18 years;

(2) who is of good character; and

(3) who has successfully completed an examination in the subjects and at the times the board may prescribe in its rules.

(d) On or after January 1, 2001, the examination shall be administered by the board only to a candidate:

(1) who has a baccalaureate or higher degree, with a major in accounting, from a college or university that is fully accredited by the North Central Association of Colleges and Secondary Schools, or an equivalent accrediting association, and has completed at least 150 semester or 225 quarter hours at a college or university that is fully accredited by the North Central Association of Colleges and Secondary Schools, or an equivalent accrediting association; or

(2) who has in the opinion of the board at least an equivalent education.

Subd. 2. ~~[EXPERIENCE CERTIFIED PUBLIC ACCOUNTANT LICENSE.] A certified public accountant license shall be granted to any person who has been issued a certified public accountant certificate under subdivision 3.~~ (a) Those persons holding certified public accountant certificates issued under subdivision 1, paragraphs (a) and (b), shall be granted licenses as certified public accountants providing that they have completed the following required experience of the type specified in subdivision 4 in addition to any experience required in subdivision 1, ~~clause (e)(i) to (v) paragraph (b):~~

~~(i)~~ (1) for those whose educational qualifications meet the requirements of subdivision 1, paragraph (b), ~~clause (e)(i) (1),~~ the experience requirement is one year;

~~(ii)~~ (2) for those whose educational qualifications meet the requirements of subdivision 1, paragraph (b), ~~clause (e)(ii) (2),~~ the experience requirement is two years;

~~(iii)~~ (3) for those whose educational and experience qualifications meet the requirements of subdivision 1, paragraph (b), ~~clause (e)(iii) (3),~~ the additional required experience is two years;

~~(iv)~~ (4) for those whose educational and experience qualifications meet the requirements of subdivision 1, paragraph (b), ~~clause (e)(iv) (4),~~ the additional required experience is two years; and

~~(v)~~ (5) for those whose educational and experience qualifications meet the requirements of subdivision 1, paragraph (b), ~~clause (e)(v) (5),~~ the additional required experience is one year.

(b) Those persons holding certified public accountant certificates issued under subdivision 1, paragraph (c), shall be granted licenses as certified public accountants providing that they have completed at least one year of experience of the type specified in subdivision 4.

Subd. 3. [CERTIFICATE AND LICENSE WITHOUT EXAMINATION.] The state board of accountancy may, in its discretion, waive the examination of and may issue a certificate and license as a certified public accountant to any person possessing the qualifications mentioned in this section, who:

~~(a)~~ (1) is the holder of a C.P.A. license or certificate, issued under the laws of another state, provided the applicant, at the time of application:

(i) meets all of the requirements for the license or certificate in the state which has granted it to

~~the applicant are, in the opinion of the state board of accountancy, equivalent to those herein provided that were applicable in this state at the time of the issuance of the applicant's certificate in the other state; or~~

(ii) meets all of the requirements currently in effect in this state; or

(iii) has at least five years of experience, within the last ten years prior to the date of application, of the type specified in subdivision 4; or

(b) Shall be (2) is the holder of a degree or certificate of certified public accountant or chartered accountant, or the equivalent thereof, issued in any foreign country, provided that the applicant, at the time of application:

(i) meets all of the requirements for the degree or certificate are equivalent to those herein provided for the license of certified public accountant in this state. that were applicable in this state at the time of the issuance of the applicant's certificate in the foreign country and has at least five years of experience, within the last ten years, of the type specified in subdivision 4; or

(ii) meets all of the requirements currently in effect in this state; or

~~(c) Shall in another jurisdiction have~~ (3) has completed successfully in another jurisdiction an examination which, in the opinion of the board, is comparable to that prescribed by the board in its rules and provided that such the person has satisfied the other requirements of subdivisions 1 and 2.

Subd. 4. [QUALIFYING EXPERIENCE FOR EXAMINATION AND GRANTING OF LICENSE.] Qualifying experience for subdivisions 1, 2 and 3 include public accounting experience (1) as a staff employee of a certified public accountant or public accountant, a firm of certified public accountants or public accountants, or a corporation formed for the practice of public accounting; or (2) as an auditor in the office of the legislative auditor or state auditor, or as an auditor or examiner with any other agency of government, which experience, in the opinion of the board is equally comprehensive and diversified; or (3) as a self-employed public accountant or as a partner in a firm of public accountants; or (4) in any combination of the foregoing capacities."

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

Ms. Flynn from the Committee on Transportation, to which was referred

S.F. No. 724: A bill for an act relating to transportation; preserving exempt rules of department of transportation; clarifying that specific service signs may be placed at certain intersections of trunk highways; defining residential roadway; defining daytime and nighttime; correcting obsolete reference; repealing deadline requirement for noise barriers on trunk highway No. 280 project; amending Minnesota Statutes 1996, sections 14.387; 160.292, subdivision 5; 169.01, subdivision 81, and by adding subdivisions; 169.14, subdivision 5d; and 174.51, subdivision 2; repealing Laws 1994, chapter 635, article 1, section 35.

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

Page 4, after line 27, insert:

"Sec. 7. Minnesota Statutes 1996, section 174.23, is amended by adding a subdivision to read:

Subd. 9. [COST REIMBURSEMENT POLICIES.] The commissioner of transportation shall establish reimbursement policies based on the cost principles of the federal acquisition regulations to determine the reasonableness and allowability of various costs, including overhead factors, direct salary costs, and other costs of design and consultant contracts."

Page 5, after line 20, insert:

"Sec. 9. [HIGHWAY ACCESS MANAGEMENT POLICY STUDY.]

The commissioner of transportation shall gather information and consult with public officials of towns, cities, counties, and other political subdivisions to consider views and proposals for establishing a comprehensive, statewide highway access management policy. The commissioner shall make findings and prepare a report to the legislature, with recommendations, covering a wide range of interrelated land use, engineering, and legal procedures and planning designed to maximize the operational efficiency and safety of all functional categories of roadways. The commissioner of transportation shall submit the report to the legislature by January 15, 1999."

Page 5, delete line 22 and insert:

"Minnesota Rules, parts 8840.0100; 8840.0200; 8840.0300; 8840.0400; 8840.0500; 8840.0600; 8840.0700; 8840.0800; 8840.0900; 8840.1000; 8840.1100; 8840.1200; and 8840.1300, are repealed."

Page 5, line 24, delete "8" and insert "10"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "directing the commissioner of transportation to determine cost reimbursement policies;"

Page 1, line 8, before "amending" insert "directing commissioner of transportation to study and prepare a report proposing a comprehensive, statewide highway access management policy;"

Page 1, line 11, after "5d;" insert "174.23, by adding a subdivision;"

Page 1, lines 12 and 13, delete "Laws 1994, chapter 635, article 1, section 35" and insert "Minnesota Rules, parts 8840.0100; 8840.0200; 8840.0300; 8840.0400; 8840.0500; 8840.0600; 8840.0700; 8840.0800; 8840.0900; 8840.1000; 8840.1100; 8840.1200; and 8840.1300"

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

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

S.F. No. 1363: A bill for an act relating to economic development; creating a commission to examine and make recommendations on state subsidy programs and tax laws related to economic development.

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

Page 2, line 11, delete "17" and insert "19"

Page 2, line 13, after the period, insert "The commissioner of revenue shall approve a member from its department."

Page 2, line 17, delete "six" and insert "seven"

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

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

S.F. No. 437: A resolution memorializing Congress to pass federal legislation requiring persons selling insurance in federally chartered financial institutions to comply with all applicable state insurance laws and regulations.

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

Page 1, delete lines 7 to 25 and insert:

"WHEREAS, a recent United States Supreme Court decision has held that federal banking law preempts state laws and regulations that prevent the exercise of insurance sales by federally chartered financial institutions; and

WHEREAS, while Minnesota has traditionally regulated insurance professionals and insurance activities through the Minnesota Department of Commerce, this decision has raised questions regarding the scope of states' authority to regulate the insurance activities of federally chartered financial institutions; and

WHEREAS, insurance professionals are licensed and regulated by the states in which they reside under the authority of state insurance commissioners; and

WHEREAS, insurance sales and marketing practices and insurance consumer protections are regulated at the state level and overseen by state legislatures; and

WHEREAS, if federal preemption of state licensing, education, and consumer protection laws occurred it could result in nonlicensed and nonregulated individuals offering insurance product; and

WHEREAS, it is of great value to the citizens of Minnesota to have the persons who sell insurance, their education and sales practices, the products they sell, and insurance consumer protections all regulated in an understandable and uniform fashion; NOW, THEREFORE,

BE IT RESOLVED by the Legislature of the State of Minnesota that it urges Congress to immediately enact legislation to assure that all persons selling insurance must comply with state insurance licensing and educational requirements.

BE IT FURTHER RESOLVED that such legislation would also require persons selling insurance through a federally chartered financial institution or its subsidiaries to comply with all insurance statutes that are designed to protect the insurance buying public or apply to insurance professionals regulated by their respective states provided that such statutes would apply uniformly and do not have the effect of treating financial institutions either more advantageously or restrictively than any other providers of the same or similar types of insurance.

BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, the chair of the Senate Committee on Banking, Housing and Urban Affairs, the chair of the House Committee on Banking and Financial Services, and Minnesota's Senators and Representatives in Congress."

Page 2, delete lines 1 to 24

And when so amended the resolution do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

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

S.F. No. 1087: A bill for an act relating to employment; prohibiting retaliation against an employee for reporting a public health risk; amending Minnesota Statutes 1996, section 181.932, subdivision 1.

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

Page 1, line 25, after "reports" insert "to an employer or to any governmental body or law enforcement official"

Page 2, line 2, after "provider" insert "violates a standard established by federal or state law or rule or nationally recognized clinical standards and"

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

Ms. Flynn from the Committee on Transportation, to which was referred

S.F. No. 261: A bill for an act relating to transportation; changing composition of county state-aid screening board; increasing rate of excise tax on gasoline and special fuel; allocating 25 percent of receipts from motor vehicle sales tax to transit assistance fund; proposing constitutional amendment by adding a section to article XIV, to dedicate at least 25 percent of motor vehicle sales tax receipts to transit assistance; amending Minnesota Statutes 1996, sections 162.07, subdivision 5; 296.02, subdivision 1b; 296.025, subdivision 1b; and 297B.09, subdivision 1.

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

Pages 1 and 2, delete section 1

Page 5, line 3, delete "5" and insert "4"

Page 5, delete line 13 and insert:

"Sections 1 and 2 are"

Page 5, line 14, delete "2" and insert "1"

Page 5, line 15, delete "4" and insert "3"

Page 5, line 16, delete "1999" and insert "1997"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "changing composition of"

Page 1, line 3, delete everything before "increasing"

Page 1, line 10, delete "162.07, subdivision 5;"

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

Ms. Flynn from the Committee on Transportation, to which was referred

S.F. No. 781: A bill for an act relating to traffic regulations; requiring every school bus to have a bus monitor, a seat belt for each passenger seat, and a video camera; requiring the commissioner of public safety to prescribe standards for school bus seat belts; amending Minnesota Statutes 1996, section 169.447, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 169.

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

Delete everything after the enacting clause and insert:

"Section 1. [169.4431] [SAFETY OF SCHOOL CHILDREN; PUPIL MANAGEMENT.]

Subdivision 1. [BUS MONITORS.] A school district may employ adult bus monitors. If a district employs adult bus monitors, an adult bus monitor must be at least 18 years of age and be an employee of the school district that is providing or contracting for the pupil transportation service.

Subd. 2. [BUS MONITOR SELECTION.] Before hiring a school bus monitor, a school district must conduct a criminal records check of the applicant. An applicant must be rejected if the

criminal records check indicates that the applicant has committed a crime for which a school bus driver endorsement may be canceled under section 171.3215.

Subd. 3. [BUS MONITOR TRAINING.] Upon employment, a school district shall provide each bus monitor with training on state and local transportation laws, rules, regulations, and policies; school bus equipment; and methods to maintain orderly conduct and student safety.

Sec. 2. [APPROPRIATIONS.]

\$10,000,000 is appropriated in fiscal year 1998 from the general fund to the commissioner of children, families, and learning to make grants to school districts for school bus safety. The commissioner shall consider the size of a school district's bus fleet and its safety equipment needs when awarding grants under this section. Of this appropriation:

\$6,520,000 is for grants to districts for employment of adult bus monitors. A district may apply for a grant of \$4,000 per adult bus monitor per year. The commissioner shall not award additional grants for adult bus monitors once the district has reached a ratio of one adult bus monitor for each ten school buses operated by or contracted for by the school district. This ratio includes any monitors already employed by the school district.

\$2,980,000 is for video cameras. The commissioner may award grants for video cameras and video camera boxes.

\$500,000 is for grants for strobe lights. A school district may apply for a grant to fund the purchase and installation of a strobe light on each school bus.

This appropriation is available until June 30, 1999.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to education; allowing school districts to employ school bus monitors; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 169."

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

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

S.F. No. 389: A bill for an act relating to the environment; modifying requirements relating to individual sewage treatment systems; giving the commissioner of the pollution control agency certain interim authority; amending Minnesota Statutes 1996, section 115.55, subdivisions 1, 2, 3, 5, 6, and 7.

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

Page 6, line 12, delete "then" and delete "may" and insert " shall"

Page 10, line 16, after "(b)" insert "The commissioner's actions under this section have the force and effect of rules adopted under Minnesota Statutes, section 115.55, and supersede the existing rules adopted under that section.

(c)"

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

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

S.F. No. 1592: A bill for an act relating to agriculture; establishing the Minnesota agriculture education leadership council; establishing agricultural education grant programs; creating the Minnesota center for agriculture education; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 41D; repealing Minnesota Statutes 1996, section 126.113.

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

Page 1, line 14, delete "17" and insert "11"

Page 1, delete lines 15 to 25

Renumber the clauses in sequence

Page 2, after line 15, insert:

"The following persons shall serve as nonvoting advisory members of the council:

(1) the chair of the senate committee on agriculture and rural development;

(2) the chair of the house committee on agriculture;

(3) a member of the senate committee on agriculture and rural development and a member of the senate committee on children, families and learning designated by the subcommittee on committees of the committee on rules and administration; and

(4) a member of the house agriculture committee and a member of the house education committee designated by the speaker."

Page 3, after line 9, insert:

"(d) The council expires June 30, 2001."

Page 5, delete lines 18 to 22

Page 6, line 6, delete from "[ADMISSION" through page 6, line 11, to "7."

Page 6, line 17, delete "8" and insert "7"

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

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

S.F. No. 1074: A bill for an act relating to public employees; providing that public safety dispatchers are essential employees; amending Minnesota Statutes 1996, section 179A.03, subdivision 7.

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

Page 1, line 11, after the first comma, insert "911 system and police and fire department"

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

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

S.F. No. 1646: A bill for an act relating to nuclear waste; requiring the commissioner of public service to collect and hold in escrow funds for the disposal of high-level radioactive waste.

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

Page 1, line 8, delete "shall" and insert "may"

Page 1, after line 19, insert:

"This section is intended to enable the state of Minnesota to adopt or implement any appropriate relief granted by a court of competent jurisdiction for the United States Department of Energy breach of its obligations to dispose of commercial spent nuclear fuel not later than January 31, 1998.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1997."

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

Ms. Flynn from the Committee on Transportation, to which was referred

S.F. No. 861: A bill for an act relating to transportation; changing county state-aid highway apportionment formula; changing gasoline and special fuels excise tax rates; indexing rate of taxation on gasoline and special fuels; reducing rate of taxation on vehicle registration; providing for an elected metropolitan council; allowing metropolitan council to impose a metropolitan area sales tax; limiting metropolitan council transit taxing authority; making technical changes; amending Minnesota Statutes 1996, sections 15.0597, subdivision 1; 162.07, subdivision 1; 168.013, subdivision 1a; 204B.09, subdivisions 1 and 1a; 204B.135, subdivision 2; 204B.32, subdivision 2; 296.02, subdivision 1b, and by adding a subdivision; 296.025, subdivision 1b; 353D.01, subdivision 2; 473.123, subdivisions 1, 2a, 3a, 4, 7, and by adding subdivisions; 473.384, subdivision 6; and 473.446, subdivisions 1 and 8; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1996, sections 473.39, subdivisions 1a and 1b; and 473.446, subdivisions 1a and 3.

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

Pages 1 to 3, delete sections 1 and 2 and insert:

"Section 1. Minnesota Statutes 1996, section 162.07, is amended by adding a subdivision to read:

Subd. 5a. [DUTIES OF SCREENING BOARD.] The screening board shall continue to evaluate the effect of the apportionment formula on each county and its findings and recommendations as to each county's lane mileage and money needs must reflect equitable treatment for all counties."

Pages 5 to 7, delete sections 4 to 7

Pages 8 to 13, delete sections 11 to 18

Page 19, lines 14, 15, 21, and 22, delete "1997" and insert "1998"

Page 20, delete section 23

Page 20, line 32, delete from "Sections" through page 20, line 34, to "thereafter."

Page 20, line 35, delete "3" and insert "2" and delete "8 and 10" and insert "3 and 5"

Page 21, line 1, delete "19 to 22" and insert "6 to 9" and delete "24" and insert "10"

Page 21, line 2, delete everything after the period

Page 21, delete line 3

Page 21, line 4, delete "1, 4 to 7, and 11 to 23" and insert "6 to 8"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete everything before "changing"

Page 1, line 6, delete everything after the semicolon

Page 1, line 7, delete everything before "allowing"

Page 1, line 11, delete everything after "sections"

Page 1, delete line 12 and insert "162.07, by adding a subdivision; 168.013, subdivision 1a;"

Page 1, delete line 13

Page 1, line 14, delete everything before "296.02,"

Page 1, delete line 16

Page 1, line 17, delete everything before "473.384,"

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

Ms. Flynn from the Committee on Transportation, to which was referred

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

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

Page 1, line 25, after "account" insert "may not be used for any toll facilities project or congestion-pricing project on I-35W and"

Page 2, line 8, after the second period, insert "Funds in the account may not be used for any toll facilities project or congestion-pricing project on I-35W."

Page 3, line 35, after the period, insert "Funds in the account may not be used for any toll facilities project or congestion-pricing project on I-35W."

Page 6, line 36, after the period, insert "Enhancement items, including, without limitation, bicycle paths, ornamental lighting, and landscaping shall be eligible for financing provided they are an integral part of overall project design and construction of a federal-aid highway. Money in the fund may not be used for any toll facilities project or congestion-pricing project on I-35W."

Page 11, line 7, delete "to" and insert ", 8, and" and after the period, insert "Sections 2 to 7 are effective six months after the effective date of an increase in the gasoline excise tax rate or vehicle registration tax rates."

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

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

S.F. No. 807: A bill for an act relating to gambling; allowing a class B licensee of a class A racetrack conducting horse racing to conduct card club activities; amending Minnesota Statutes 1996, sections 240.01, by adding subdivisions; 240.03; and 240.23; proposing coding for new law in Minnesota Statutes, chapter 240.

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

Page 2, after line 29, insert:

"Sec. 5. Minnesota Statutes 1996, section 240.08, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY.] The commission may issue class C occupational licenses to persons who wish to be employed in horse racing where pari-mutuel betting is conducted as:

(a) horse owners or lessees;

(b) jockeys or drivers;

(c) exercise riders;

(d) grooms;

(e) trainers and their assistants;

(f) pari-mutuel personnel;

(g) security officers;

(h) other occupations, including occupations related to card clubs, the commission by rule determines require licensing to ensure the integrity of horse racing in Minnesota.

Sec. 6. Minnesota Statutes 1996, section 240.08, subdivision 3, is amended to read:

Subd. 3. [INVESTIGATIONS.] The commission shall investigate each applicant for a class C license to the extent it deems necessary, and may request the assistance of and may reimburse the division of gambling enforcement in investigating applicants. The commission may by rule require that an applicant be fingerprinted or furnish the applicant's fingerprints. Investigations must be conducted and their costs paid in the manner prescribed by section 240.06, subdivision 3. The commission may charge an applicant an investigation fee to cover the cost of the investigation, and shall from this fee reimburse the division of gambling enforcement for its share of the cost of the investigation. The commission may cooperate with national and international organizations and agencies in conducting investigations. The commission may by rule provide for examining the qualifications of an applicant for the license being applied for. The commission has access to all criminal history data compiled by the division of gambling enforcement on class C applicants and licensees."

Page 4, after line 12, insert:

"Sec. 9. [240.231] [CARD CLUBS; RULES.]

(a) The commission shall make rules governing the operation of card clubs at licensed racetracks and the conduct of card playing at such clubs. The rules must designate those occupations at card clubs that require licensing from the commission under section 240.08.

(b) Rules adopted under paragraph (a) must provide that:

(1) the maximum number of tables used for card playing at a card club at any one time may not exceed 50;

(2) the opening wager by any player in any card game may not exceed \$10; and

(3) no single wager that increases the total amount staked in any card game may exceed \$25."

Page 4, after line 29, insert:

"Sec. 11. Minnesota Statutes 1996, section 299L.02, subdivision 3, is amended to read:

Subd. 3. [HORSE RACING INVESTIGATIONS.] (a) The director shall conduct background investigations as provided by law on all applicants for licenses issued by the Minnesota racing commission.

(b) The director shall, upon request of the director of the racing commission, or when the director believes it to be reasonable and necessary, investigate the activities of a licensee of the Minnesota racing commission to determine the licensee's compliance with law and with rules of the commission, including rules relating to card clubs at licensed racetracks. The director shall enforce all laws and rules relating to card clubs at licensed racetracks."

Page 4, line 31, delete "7" and insert "11"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the second semicolon, insert "240.08, subdivisions 1 and 3;"

Page 1, line 6, delete "and" and after the semicolon, insert "and 299L.02, subdivision 3;"

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

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

S.F. No. 1487: A bill for an act relating to insurance; regulating health care policy rates; amending Minnesota Statutes 1996, section 62A.021, subdivision 1.

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

Mr. Hottinger from the Committee on Health and Family Security, to which was re-referred

S.F. No. 523: A bill for an act relating to health; providing for licensing for naturopathic doctors; providing criminal penalties; amending Minnesota Statutes 1996, sections 62J.54, subdivision 2; 116J.70, subdivision 2a; 144.335, subdivision 1; 145.61, subdivision 2; 146.23, subdivision 7; 148B.60, subdivision 3; 214.23, subdivision 1; 604A.01, subdivision 2; and 604A.015; proposing coding for new law as Minnesota Statutes, chapter 147C.

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

Page 1, delete lines 17 to 19

Page 1, line 28, after "successor" insert "as recognized by the United States Department of Education"

Page 2, line 7, after "States" insert "which is the standard homeopathic text recognized by the United States Food and Drug Administration"

Page 2, line 35, after "body" insert ", but does not include the practice of chiropractic"

Page 3, line 4, before "therapies" insert "natural"

Renumber the subdivisions in sequence

Page 3, line 22, delete "after" and insert "by"

Page 3, line 25, delete "apply to the board for a license" and insert "be licensed"

Page 3, line 34, after "N.D." insert "except that the term N.D. may be used to identify a nurse with a doctoral degree."

Page 4, line 23, after "a" insert "Minnesota"

Page 5, line 23, delete "the majority" and insert "more than half"

Page 5, line 35, delete "NPLE" and insert "NPLEX"

Page 6, line 1, delete "of \$150" and delete "or a fee"

Page 6, line 10, delete "NPLE" and insert "NPLEX"

Page 6, line 20, after "must" insert "meet the requirements in paragraph (c) and"

Page 6, lines 22, 26, and 30, delete "NPLE" and insert "NPLEX"

Page 7, line 8, delete the semicolon and insert a period

Page 7, after line 8, insert:

"(c) In addition to the requirements in paragraph (b), an applicant must:"

Page 7, line 9, delete "(4)" and insert "(1)"

Page 7, line 11, delete "(5)" and insert "(2)"

Page 7, line 13, delete "and"

Page 7, line 14, delete "(6)" and insert "(3)" and delete "the \$150 licensing fee or"

Page 7, line 15, delete the period and insert a semicolon

Page 7, delete line 16

Page 7, line 17, delete "(1)" and insert "(4)"

Page 7, line 20, delete "(2)" and insert "(5)"

Page 7, line 21, delete "(3)" and insert "(6)"

Page 7, line 28, after "applicant" insert "as"

Page 9, line 14, delete "\$60"

Page 9, line 15, delete "fee, or a"

Page 9, line 21, delete "may" and insert "shall"

Page 10, line 14, after "signed" insert "and dated"

Page 10, line 21, delete "500" and insert "350"

Page 10, line 23, delete everything after the comma and insert "and two years of experience in acupuncture. All naturopathic doctors licensed after July 1, 1998, must also meet the requirements under chapter 147B to be certified in acupuncture."

Page 12, line 9, delete "three-year" and insert "two-year" and delete "Three" and insert "Two"

Page 12, line 11, after the comma, insert "one member must be a licensed chiropractor,"

Page 13, line 26, after "consent" insert "which will provide for the patient's signature and date signed"

Page 14, line 7, delete "and" and insert:

"(7) severe nutrition disorders such as abnormalities of growth in childhood, including, but not limited to, failure to thrive and protein calorie malnutrition, severe diabetes and gestational diabetes, and disorders in pregnancy, such as hyperemesis gravidum, intrauterine growth retardation, and inadequate weight gain;"

Page 14, line 8, delete "(7)" and insert "(8)" and delete the period and insert ";

(9) condition of the foot indicating the need for surgery or other invasive procedures or when the dispensing of a mechanical foot device is indicated; and

(10) acute muscular skeletal conditions."

Page 14, delete lines 15 to 22 and insert:

"(a) The board shall set the fees for initial licensure, annual license renewal, and for late renewals."

Page 14, line 23, delete "Subd. 4. [DEPOSIT.]" and insert "(b)"

Page 14, line 27, delete "three" and insert "two"

Page 14, line 30, after "but" insert "must meet the licensing requirements and"

Page 15, after line 29, insert:

"(b) The study must also address the nature of referrals to be made between naturopathic doctors, dietitians, and nutritionists."

Page 15, line 30, delete "(b)" and insert "(c)"

Page 16, line 10, delete "(c)" and insert "(d)"

Page 16, line 12, after "pharmacists," insert "licensed dietitian or licensed nutritionist,"

Page 21, after line 18, insert:

"Sec. 6. Minnesota Statutes 1996, section 147B.02, subdivision 5, is amended to read:

Subd. 5. [LICENSURE BY EQUIVALENCY DURING TRANSITIONAL PERIOD.] (a) From July 1, 1995, to June 30, ~~1997~~ 1999, a person may qualify for licensure if the person has engaged in acupuncture practice for at least three years in the period from July 1, 1991, to June 30, 1995, or from July 1, 1991, to June 30, 1999, if the person is a naturopathic doctor, with at least 500 patient visits in each of the three years with at least 100 different patients. Acupuncture practice must be the primary means of treatment, not an adjunctive therapy, except for licensed naturopathic doctors. The person must also provide documentation of successful completion of a clean needle technique course approved by the acupuncture advisory board and provide documentation of practice through at least four of the following methods:

(1) original notarized letters from employers specifying the dates and hours worked, nature of the practice, and number of visits;

(2) notarized affidavits from a minimum of 20 patients with current phone numbers and addresses for each, specifying the time period of treatment and the nature of the treatment;

(3) notarized affidavits from at least two other health care professionals, state or local acupuncture or Oriental medicine associations, schools or colleges, with testimony based on personal knowledge regarding the dates, volume, scope, and type of practice;

(4) notarized affidavits from at least two other members within the community with testimony based on personal knowledge regarding the dates, volume, scope, and type of practice; and

(5) notarized copies of patient records. The person must also meet any other requirements established by the board.

(b) All documentation submitted in a foreign language must be accompanied by an accurate translation in English. Each translated document must bear the affidavit of the translator certifying that the translator is competent in both the language of the document and in the English language and that the translation is true and a complete translation of the foreign language original and must be sworn before a notary public. Translation of any document relative to a person's application is at the expense of the applicant.

(c) Application for licensure under this subdivision must be submitted to the board from July 1, 1995, to June 30, 1997. All of the required patient visits must have been completed before application for licensure."

Page 24, after line 16, insert:

"ARTICLE 3

STUDY OF COMPLEMENTARY MEDICINE

Section 1. [COMPLEMENTARY MEDICINE STUDY.]

Subdivision 1. [DEFINITION.] For purposes of this section, the term "complementary medicine" includes, but is not limited to, acupuncture, homeopathy, manual healing, macrobiotics, naturopathy, biofeedback, mind/body control therapies, traditional and ethnomedicine therapies, structural manipulations and energetic therapies, bioelectromagnetic therapies, and herbal medicine.

Subd. 2. [STUDY.] The commissioner of health, in consultation with the commissioner of commerce, shall conduct a study based on existing literature, information, and data on the scope of complementary medicine offered in this state. The commissioner shall:

- (1) include the types of complementary medicine therapies available in this state;
- (2) contact national and state complementary medicine associations for literature, information, and data;
- (3) conduct a general literary review for information and data on complementary medicine;
- (4) contact departments of commerce, health, and human services for information on existing registrations, licenses, certificates, credentials, policies, and regulations; and
- (5) determine by sample, if complementary medicine is currently covered by health plan companies and the extent of the coverage.

In conducting this review, the commissioner shall consult with the office of alternative medicine through the National Institute of Health.

Subd. 3. [RECOMMENDATIONS; REPORT.] The commissioner shall, in consultation with the advisory committee, report the study findings to the legislature by January 15, 1998. As part of the report, the commissioner shall make recommendations on whether the state should credential or regulate any of the complementary medicine providers.

Subd. 4. [ADVISORY COMMITTEE.] The commissioner shall appoint an advisory committee to provide expertise and advice on the study. The committee must include representation from the following groups: health care providers, including providers of complementary medicine; health plan companies; and consumers.

The advisory committee is governed by Minnesota Statutes, section 15.059, for membership terms and removal of members."

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 3, after the second semicolon, insert "requiring a study on complementary medicine;"

Page 1, line 7, before "148B.60" insert "147B.02, subdivision 5;"

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

Mr. Hottinger from the Committee on Health and Family Security, to which was re-referred

S.F. No. 1189: A bill for an act relating to children; creating a pilot project grant program to award grants for juvenile assessment centers; appropriating money.

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

Page 1, line 9, delete "children, families, and learning" and insert "health"

Page 3, delete section 2

Amend the title as follows:

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

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

Mr. Hottinger from the Committee on Health and Family Security, to which was re-referred

S.F. No. 495: A bill for an act relating to insurance; health; requiring coverage for diabetes outpatient self-management training and education; amending Minnesota Statutes 1996, section 62A.45.

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

Ms. Flynn from the Committee on Transportation, to which was referred

S.F. No. 1178: A bill for an act relating to traffic regulations; prohibiting passing a school bus on the right-hand side while the bus is displaying flashing amber prewarning signals; providing a criminal penalty; amending Minnesota Statutes 1996, section 169.444, subdivisions 2, 5, 6, 7, and by adding a subdivision.

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

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1996, section 169.21, subdivision 2, is amended to read:

Subd. 2. [RIGHTS IN ABSENCE OF SIGNALS.] (a) Where traffic-control signals are not in place or in operation, the driver of a vehicle shall stop to yield the right-of-way to a pedestrian crossing the roadway within a marked crosswalk or within any crosswalk at an intersection but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. This provision shall not apply under the conditions as otherwise provided in this subdivision.

(b) When any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(c) It is unlawful for any person to drive a motor vehicle through a column of school children crossing a street or highway or past a member of a school safety patrol or adult crossing guard, while the member of the school safety patrol or adult crossing guard is directing the movement of children across a street or highway and while the school safety patrol member or adult crossing guard is holding an official signal in the stop position. A peace officer may arrest the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of this paragraph within the past four hours.

(d) A person who violates this subdivision is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both. A person who violates this subdivision a second or subsequent time within one year of a previous conviction under this subdivision is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "authorizing arrest of vehicle operator within four hours of failing to observe school patrol or adult crossing guard signals;"

Page 1, line 6, delete "section" and insert "sections 169.21, subdivision 2; and"

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

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

S.F. No. 1578: A bill for an act relating to criminal justice; arson; providing for statewide arson training courses for law enforcement and fire service personnel and prosecutors; creating an arson strike force to provide investigative and prosecutorial assistance to local agencies; providing intervention measures concerning juvenile firesetters; allowing the state fire marshal to designate individuals with power to summon witnesses and compel the production of documents; clarifying the district court's authority to punish failure to testify or produce evidence; allowing conviction and sentencing for both an arson crime and the crime the arson attempted to conceal; requiring a presentence investigation report to consider the impact of an arson offense on fire safety personnel; requiring development of an arson investigation training module; providing criminal penalties; appropriating money; amending Minnesota Statutes 1996, sections 299F.051; 299F.06, subdivisions 1 and 3; 609.035, subdivision 1, and by adding a subdivision; 609.115, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 299F; and 626; repealing Minnesota Statutes 1996, section 299F.07.

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

Page 4, after line 27, insert:

"(c) The strike force expires June 30, 2001."

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

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

S.F. No. 1342: A resolution memorializing Congress to recognize Earth Day as a national day of service and education.

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

Page 1, delete lines 4 to 24 and insert:

"WHEREAS, protection of the environment we live in is of vital importance to the people of Minnesota and the United States; and

WHEREAS, each person has a right to clean and healthful air and water, and wise public management of our natural resources, which may not be infringed upon by other persons; and

WHEREAS, Earth Day has become universally recognized as the state and national day of environmental action, serving as a renewal to a pledge of environmental commitment, and a public demonstration of the people's common voice for the earth; and

WHEREAS, Minnesota has demonstrated and acknowledged its commitment to the environment by the enactment of many strong environmental laws since the original Earth Day; NOW, THEREFORE,

BE IT RESOLVED by the Legislature of the State of Minnesota that it urges the United States Congress to act to establish Earth Day, April 22, as a national day of service and education and that Earth Day, April 22, is established as a state day of service and education;

BE IT FURTHER RESOLVED that the Secretary of State of Minnesota transmit enrolled copies of this memorial to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, and to Minnesota's Senators and Representatives in Congress."

Page 2, delete line 1

Delete the title and insert:

"A resolution memorializing Congress to recognize Earth Day as a national day of service and education and establishing Earth Day as a state day of service and education."

And when so amended the resolution do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

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

S.F. No. 228: A bill for an act relating to health professions; modifying provisions relating to speech-language pathologists, audiologists, unlicensed mental health practitioners, alcohol and drug counselors, and hearing instrument dispensers; providing that certain occupational advisory councils do not expire; providing civil and criminal penalties; amending Minnesota Statutes 1996, sections 144.335, subdivision 1; 148.515, subdivision 3; 148.518, subdivision 2; 148.5191, subdivisions 1, 3, and 4; 148.5194; 148.5195, subdivision 3, and by adding subdivisions; 148B.66, subdivisions 2 and 3; 148B.69, subdivision 2, and by adding a subdivision; 148B.70, subdivision 3; 148C.03, subdivision 1; 148C.04, subdivisions 3 and 4; 148C.05, subdivision 2; 148C.06; 148C.11, subdivision 3; 153A.13, subdivision 5; 153A.14, subdivisions 2b, 2d, 2f, 2h, 9, and 10; 153A.15, subdivisions 1, 3, and by adding a subdivision; 153A.17; 153A.18; 153A.20, subdivision 3; and 214.13, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 1996, section 153A.14, subdivisions 2a and 7.

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

Page 32, delete section 40

Page 34, line 19, after the period, insert "The committee expires upon submission of its report."

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 6 and 7, delete "providing that certain occupational advisory councils do not expire;"

Page 1, line 19, before "153A.20" insert "and"

Page 1, line 20, delete "and 214.13, subdivision 4;"

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

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

S.F. No. 921: A bill for an act relating to human services; establishing an alternative quality assurance pilot project in southeastern Minnesota for persons with developmental disabilities; establishing a regional quality assurance commission; prescribing commission duties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256B.

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

Delete everything after the enacting clause and insert:

"Section 1. [256B.095] [THREE-YEAR QUALITY ASSURANCE PILOT PROJECT ESTABLISHED.]

Effective July 1, 1998, an alternative quality assurance licensing system pilot project for programs for persons with developmental disabilities is established in Dodge, Fillmore, Freeborn, Goodhue, Houston, Mower, Olmsted, Rice, Steele, Wabasha, and Winona counties for the purpose of improving the quality of services provided to persons with developmental disabilities. A county, at its option, may choose to have all programs for persons with developmental disabilities located within the county licensed under chapter 245A using standards determined under the alternative quality assurance licensing system pilot project or may continue regulation of these programs under the licensing system operated by the commissioner. The pilot project expires on June 30, 2001.

Sec. 2. [256B.0951] [QUALITY ASSURANCE COMMISSION.]

Subdivision 1. [MEMBERSHIP.] The region 10 quality assurance commission is established. The commission consists of at least 13 but not more than 20 members as follows: at least three but not more than five members representing advocacy organizations; at least three but not more than five members representing consumers, families, and their legal representatives; at least three but not more than five members representing service providers; and at least three but not more than five members representing counties. Initial membership of the commission shall be recruited and approved by the region 10 stakeholders group. Prior to approving the commission's membership, the stakeholders group shall provide to the commissioner a list of the membership in the stakeholders group, as of February 1, 1997, a brief summary of meetings held by the group since July 1, 1996, and copies of any materials prepared by the group for public distribution. The first commission shall establish membership guidelines for the transition and recruitment of membership for the commission's ongoing existence. Members of the commission who do not receive a salary or wages from an employer for time spent on commission duties may receive a per diem payment when performing commission duties and functions. All members may be reimbursed for expenses related to commission activities. Notwithstanding the provisions of section 15.059, subdivision 5, the commission expires on June 30, 2001.

Subd. 2. [AUTHORITY TO HIRE STAFF.] The commission may hire staff to perform the duties assigned in this section.

Subd. 3. [COMMISSION DUTIES.] (a) By October 1, 1997, the commission, in cooperation with the commissioners of human services and health, shall do the following: (1) approve an alternative quality assurance licensing system based on the evaluation of outcomes; (2) approve

measurable outcomes in the areas of health and safety, consumer evaluation, education and training, providers, and systems that shall be evaluated during the alternative licensing process; and (3) establish variable licensure periods not to exceed three years based on outcomes achieved. For purposes of this subdivision, "outcome" means the behavior, action, or status of a person that can be observed or measured and can be reliably and validly determined.

(b) By January 15, 1998, the commission shall approve, in cooperation with the commissioner of human services, a training program for members of the quality assurance teams established under section 3.

Subd. 4. [COMMISSION'S AUTHORITY TO RECOMMEND VARIANCES OF LICENSING STANDARDS.] The commission may recommend to the commissioners of human services and health variances from the standards governing licensure of programs for persons with developmental disabilities in order to implement an alternative developmental disabilities licensing system if the commission determines that the alternative licensing system does not affect the health or safety of persons being served by the licensed program nor compromise the qualifications of staff to provide services.

Subd. 5. [VARIANCE OF CERTAIN STANDARDS PROHIBITED.] The safety standards, rights, or procedural protections under sections 245.825; 245.91 to 245.97; 245A.04, subdivisions 3, 3a, 3b, and 3c; 245A.09, subdivision 2, paragraph (c), clauses (2) and (5); 245A.12; 245A.13; 252.41, subdivision 9; 256B.092, subdivisions 1b, clause (7), and 10; 626.556; 626.557, or procedures for the monitoring of psychotropic medications shall not be varied under the alternative licensing system pilot project. The commission may make recommendations to the commissioners of human services and health or to the legislature regarding alternatives to or modifications of the rules referenced in this subdivision.

Subd. 6. [PROGRESS REPORT.] The commission shall submit a progress report to the legislature on pilot project development by January 15, 1998. The report shall include recommendations on any legislative changes necessary to improve cooperation between the commission and the commissioners of human services and health.

Sec. 3. [256B.0952] [COUNTY DUTIES; QUALITY ASSURANCE TEAMS.]

Subdivision 1. [NOTIFICATION.] By January 15, 1998, each affected county shall notify the commission and the commissioners of human services and health as to whether it chooses to implement on July 1, 1998, the alternative licensing system for the pilot project. A county that does not implement the alternative licensing system on July 1, 1998, may give notice to the commission and the commissioners by January 15, 1999, or January 15, 2000, that it will implement the alternative licensing system on the following July 1. A county that implements the alternative licensing system commits to participate until June 30, 2001.

Subd. 2. [APPOINTMENT OF REVIEW COUNCIL; DUTIES OF COUNCIL.] A county or group of counties that choose to participate in the alternative licensing system shall appoint a quality assurance review council comprised of advocates; consumers, families, and their legal representatives; providers; and county staff. The council shall:

(1) review summary reports from quality assurance team reviews and make recommendations to counties regarding program licensure;

(2) make recommendations to the commission regarding the alternative licensing system and quality assurance process; and

(3) resolve complaints between the quality assurance teams, counties, providers, and consumers, families, and their legal representatives.

Subd. 3. [NOTICE TO COMMISSIONERS.] The county, based on reports from quality assurance managers and recommendations from the quality assurance review council regarding the findings of quality assurance teams, shall notify the commissioners of human services and health regarding whether facilities, programs, or services have met the outcome standards for licensure and are eligible for payment.

Subd. 4. [APPOINTMENT OF QUALITY ASSURANCE MANAGER.] (a) A county or group of counties that choose to participate in the alternative licensing system shall designate a quality assurance manager and shall establish quality assurance teams in accordance with subdivision 5. The manager shall recruit, train, and assign duties to the quality assurance team members. In assigning team members to conduct the quality assurance process at a facility, program, or service, the manager shall take into account the size of the service provider, the number of services to be reviewed, the skills necessary for team members to complete the process, and other relevant factors. The manager shall ensure that no team member has a financial, personal, or family relationship with the facility, program, or service being reviewed or with any clients of the facility, program, or service.

(b) Quality assurance teams shall report the findings of their quality assurance reviews to the quality assurance manager. The quality assurance manager shall provide the report from the quality assurance team to the county and commissioners of human services and health and a summary of the report to the quality assurance review council.

Subd. 5. [QUALITY ASSURANCE TEAMS.] Quality assurance teams shall be comprised of county staff; providers; consumers, families, and their legal representatives; members of advocacy organizations; and other involved community members. Team members must satisfactorily complete the training program approved by the commission and must demonstrate performance-based competency. Team members are not considered to be county employees for purposes of workers' compensation, unemployment compensation, or state retirement laws solely on the basis of participation on a quality assurance team. The county may pay a per diem to team members who do not receive a salary or wages from an employer for time spent on alternative quality assurance process matters. All team members may be reimbursed for expenses related to their participation in the alternative process.

Subd. 6. [LICENSING FUNCTIONS.] Participating counties shall perform licensing functions and activities as delegated by the commissioner of human services in accordance with section 245A.16.

Sec. 4. [256B.0953] [QUALITY ASSURANCE PROCESS.]

Subdivision 1. [PROCESS COMPONENTS.] (a) The quality assurance licensing process consists of an evaluation by a quality assurance team of the facility, program, or service according to outcome-based measurements. The process must include an evaluation of a random sample of program consumers. The sample must be representative of each service provided. The sample size must be at least five percent of consumers but not less than three consumers.

(b) All consumers must be given the opportunity to be included in the quality assurance process in addition to those chosen for the random sample.

Subd. 2. [LICENSURE PERIODS.] (a) In order to be licensed under the alternative quality assurance process, a facility, program, or service must satisfy the health and safety outcomes approved for the pilot project.

(b) Licensure shall be approved for periods of one to three years for a facility, program, or service that satisfies the requirements of paragraph (a) and achieves the outcome measurements in the categories of consumer evaluation, education and training, providers, and systems.

Subd. 3. [APPEALS PROCESS.] A facility, program, or service may contest a licensing decision of the quality assurance team as permitted under chapter 245A.

Sec. 5. [256B.0954] [CERTAIN PERSONS DEFINED AS MANDATED REPORTERS.]

Members of the quality assurance commission established under section 2, members of quality assurance review councils established under section 3, quality assurance managers appointed under section 3, and members of quality assurance teams established under section 3 are mandated reporters as that term is defined in sections 626.556, subdivision 3, and 626.5572, subdivision 16.

Sec. 6. [256B.0955] [DUTIES OF THE COMMISSIONER OF HUMAN SERVICES.]

(a) Effective July 1, 1998, the commissioner of human services shall delegate authority to perform licensing functions and activities, in accordance with section 245A.16, to counties participating in the alternative licensing system. The commissioner shall not license or reimburse a facility, program, or service for persons with developmental disabilities in a county that participates in the alternative licensing system if the commissioner has received from the appropriate county notification that the facility, program, or service has been reviewed by a quality assurance team and has failed to qualify for licensure.

(b) The commissioner may conduct random licensing inspections based on outcomes adopted under section 2 at facilities, programs, and services governed by the alternative licensing system. The role of such random inspections shall be to verify that the alternative licensing system protects the safety and well-being of consumers and maintains the availability of high-quality services for persons with developmental disabilities.

(c) The commissioner shall provide technical assistance and support or training to the alternative licensing system pilot project.

(d) The commissioner and the commission shall establish an ongoing evaluation process for the alternative licensing system.

(e) The commissioner shall contract with an independent entity to conduct a financial review of the alternative licensing system, including an evaluation of possible budgetary savings within the department of human services and the department of health as a result of implementation of the alternative quality assurance licensing system. This review must be completed by December 15, 2000.

(f) The commissioner and the commission shall submit a report to the legislature by January 15, 2001, on the results of the evaluation process of the alternative licensing system, a summary of the results of the independent financial review, and a recommendation on whether the pilot project should be extended beyond June 30, 2001.

Sec. 7. [REQUEST FOR WAIVER.]

By January 1, 1998, the commissioner of human services or health shall request a waiver from the federal Department of Health and Human Services to permit the use of the alternative quality assurance system to license and certify intermediate care facilities for persons with mental retardation.

Sec. 8. [APPROPRIATIONS.]

Subdivision 1. [QUALITY ASSURANCE REVIEW COMMISSION.] \$..... is appropriated to the quality assurance review commission for the biennium beginning July 1, 1997, for the costs associated with section 2.

Subd. 2. [COMMISSIONER OF HUMAN SERVICES.] (a) \$..... is appropriated to the commissioner of human services for the fiscal year beginning July 1, 1998, for grants to counties that participate in the alternative quality assurance licensing system. This appropriation shall be transferred to the counties that choose by January 15, 1998, to participate in the alternative licensing system for the year beginning July 1, 1998. Each participating county shall receive a pro rata share of the appropriation based on each county's case management caseload for persons with developmental disabilities for calendar year 1997.

(b) \$..... is appropriated to the commissioner of human services to contract with an independent entity to conduct a financial review as specified in section 6, paragraph (e).

(c) \$..... is appropriated to the commissioner of human services for the ongoing evaluation process for the alternative licensing system."

Delete the title and insert:

"A bill for an act relating to developmental disabilities; establishing an alternative quality

assurance pilot project in southeastern Minnesota; establishing a regional quality assurance commission; prescribing commission duties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256B."

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

Ms. Piper, Messrs. Pogemiller and Stumpf from the Committee on Children, Families and Learning, to which was referred

S.F. No. 1150: A bill for an act relating to education; eliminating the requirement that the telecommunications council require the use of MnNet; appropriating money to the higher education services office for the learning network of Minnesota to support development and extension of telecommunications networks; amending Laws 1993, First Special Session chapter 2, article 5, section 2, as amended.

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

Page 2, line 23, after "in" insert "the national internet two initiative for"

Page 2, line 32, before the first "and" insert "Moorhead, Morris,"

Page 2, line 34, delete "standards" and insert "network standards for electronic trading centers"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1415, 399, 848, 1354, 389, 1074, 1646, 807, 1189 and 495 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Limmer moved that his name be stricken as a co-author to S.F. No. 1121. The motion prevailed.

Ms. Lesewski moved that the names of Ms. Anderson, Mr. Scheevel, Mrs. Pariseau and Ms. Piper be added as co-authors to S.F. No. 1613. The motion prevailed.

Ms. Olson moved that the name of Mrs. Pariseau be added as a co-author to S.F. No. 1637. The motion prevailed.

Mr. Marty moved that the name of Mr. Foley be added as a co-author to S.F. No. 1689. The motion prevailed.

Mr. Larson introduced--

Senate Resolution No. 30: A Senate resolution congratulating the Alexandria High School girls basketball team on winning the 1997 State High School Class AAA Girls Basketball tournament.

Referred to the Committee on Rules and Administration.

Pursuant to Rule 40, Mr. Oliver, first author, moved that S.F. No. 1727 be withdrawn from the Committee on Local and Metropolitan Government and re-referred to the Committee on Taxes.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate for the balance of today's proceedings. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Oliver withdrew his motion.

Messrs. Moe, R.D. and Johnson, D.E. introduced--

Senate Concurrent Resolution No. 9: A Senate concurrent resolution adopting Permanent Joint Rules of the Senate and House of Representatives.

BE IT RESOLVED, by the Senate of the State of Minnesota, the House of Representatives concurring:

The Permanent Joint Rules of the Senate and the House of Representatives for the 80th Legislature shall read as follows:

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HOUSE OF REPRESENTATIVES****TABLE OF CONTENTS****ARTICLE I: JOINT CONVENTIONS**

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- 2.06 Conference Committees
- 2.07 Enrollment and Signature

ARTICLE III: GENERAL PROVISIONS

- 3.01 Suspension of Joint Rules
- 3.02 Odd Year Session Adjournment
- 3.03 Interim Committee and Commission Reports

ARTICLE IV: ELECTION OF REGENTS

- 4.01 Joint Committee
- 4.02 Joint Convention

ARTICLE I: JOINT CONVENTIONS

HOW GOVERNED

Rule 1.01. The Speaker of the House shall preside at all Conventions of the two houses of the Legislature and shall call the members to order. The Chief Clerk of the House shall be the Secretary and the Sergeant at Arms of the House shall be the Sergeant at Arms of the Convention.

PRESIDENT'S DUTIES

Rule 1.02. The President of the Convention shall preserve order and decorum. ~~He~~ The President may speak on all points of order in preference to other members and shall decide questions of order, subject to an appeal to the Convention by any member. ~~He~~ The President shall rise to put a question but may state it while seated.

PRESIDENT'S RIGHT TO VOTE

Rule 1.03. The President shall have the right to vote in all cases except appeals from ~~his~~ the President's decisions. ~~He~~ The President shall vote last on all questions.

STATING QUESTIONS

Rule 1.04. Questions shall be put to the Convention in the following form: "As many as are of the opinion that (the question) shall pass, say 'Aye.'" After an affirmative vote is expressed the nays shall be called as follows: "As many as are of the contrary opinion, say 'No.'" If the President is in doubt or a division is called, those in the affirmative shall rise first and those in the negative afterward.

ORDER OF DEBATE

Rule 1.05. When any member wishes to speak to the Convention on any matter, ~~he~~ the member shall rise and respectfully address the President, and not speak further until recognized. ~~He~~ The member shall ~~confine himself~~ speak only to the question under debate and avoid personal remarks. When two or more members rise at the same time, the President shall designate the member to speak first. No member shall speak more than twice on the same question without permission of the Convention.

CALLING MEMBER TO ORDER

Rule 1.06. If any member of the Joint Convention is called to order for offensive words in

debate, the member calling him to order shall report the words to which exception is taken and the Secretary shall record them. No member may be called to order for any language used in debate if exception is not taken before any other member has spoken or any other business has taken place. A member called to order shall immediately sit down unless another member moves to permit him the member to explain. In any case, the Joint Convention, if appealed to, shall decide without debate. Only if the decision is in favor of the member called to order shall he the member be at liberty to proceed.

CALL OF THE CONVENTION

Rule 1.07. Five members may demand a call of the Convention at any time except after voting has commenced. When such a call is demanded, the doors shall be closed, the roll shall be called, the absent members shall be sent for, and no member may be permitted to leave the Chamber, unless excused by the President, until the call is lifted. Proceedings under the roll call may be suspended by a majority vote of all the members of the Convention. A call of the Convention may be lifted by a majority vote of all the members of the Convention.

ELECTIONS

Rule 1.08. In all elections by the Joint Convention, members shall vote viva voce and the roll of Senate members shall be called first. Whenever there is an election of any officer in Joint Convention, the result shall be certified by the President of the Senate and the Speaker of the House and announced by them to their respective houses. The result shall be entered on in the Journal of each house and communicated to the Governor by the Secretary of the Convention.

NO SMOKING

Rule 1.09. No person is permitted to smoke in the Chamber or in the gallery during a Joint Convention.

PARLIAMENTARY PROCEDURE

Rule 1.10. The rules of the House shall be the Rules of the Joint Convention of both houses in all cases in which the foregoing rules are not applicable.

ARTICLE II: BILLS

FORM

Rule 2.01. The title of each bill shall clearly state its subject and briefly state its purpose. When a bill amends or repeals an existing act, the title shall refer to the chapter, section or subdivision.

Reference shall be made to Minnesota Statutes for the provisions appearing therein unless reference to previous session laws is required for some special reason.

Bills shall refer to Minnesota Statutes as follows:

"Minnesota Statutes, section"

Bills shall refer to the session laws as follows:

"Laws, chapter, section"

A bill for the amendment of a statute shall contain the full text of the section or subdivision to be amended as it appears in the latest edition of Minnesota Statutes unless it has been amended, in which event it shall contain the full text as amended.

The words and characters constituting the amending matter shall be inserted in the proper place in the text and underscored. The words and characters to be eliminated by the amendment shall be stricken by drawing a line through them. The text of a new section or subdivision shall also be underscored when a bill amends an existing chapter or section by adding a new section or subdivision. In the omnibus appropriation bills required by Joint Rule 2.02, sections making an appropriation or transfer and not amending a statute or session law need not have new material underscored. Before a committee favorably reports upon a bill, the ~~chairman~~ chair of the committee shall see that the bill conforms to this rule. When a bill is printed in the Journal, the new matter shall be in italics or underscored and the matter to be eliminated shall be capitalized and in parentheses or stricken by drawing a line through it. A bill drafted by the Revisor of Statutes for the purposes of correcting errors in Minnesota Statutes need not comply with the provisions of this paragraph if the bill is labeled "REVISOR'S BILL" immediately below the title, and if there is attached thereto a memorandum of information explaining the reasons for the bill.

If the bill is for an original law and not for an amendment of an existing law, the sections and subdivisions shall be arranged, subdivided, and numbered in like manner as Minnesota Statutes. If such a bill assigns to the sections thereof headnotes or identification by the decimal system of numbering used in Minnesota Statutes, such headnotes and decimal identification may be submitted by standing committee ~~chairmen~~ chairs to the Revisor of Statutes for examination. Any such headnotes shall be capital letters enclosed in brackets, and shall be subject to the provisions of Minnesota Statutes, section 648.36.

All numbers in titles shall be expressed in figures. All numbers of section or chapter of law shall be in figures. In the body of a bill numbers in excess of ten shall be in figures, except for a special reason they may be written, but when written they shall not be followed by numbers or parentheses.

A bill may include or be accompanied by a table of contents.

A bill that repeals a statute may include or be accompanied by an appendix containing the full text of the section or subdivision repealed.

APPROPRIATING MONEY

Rule 2.02. The same bill shall not appropriate public money or property to more than one local or private purpose.

No clause appropriating money for a local or private purpose shall be contained in a bill appropriating money for the State government or public institutions. All resolutions authorizing the issuing of abstracts by the Secretary of the Senate or the Chief Clerk of the House for the payment of money shall be upon the call of "yeas" and "nays."

In odd-numbered years, at least eighteen calendar days prior to the last day the Legislature can meet in regular session [Wednesday, April 30, 1997], the ~~Committee~~ committees on finance of the Senate and the Committee on Ways and Means of the House shall report to their respective houses, unless directed by concurrent resolution to report different appropriation bills, appropriation bills for the two succeeding fiscal years as follows:

(a) A bill appropriating money for the general administrative ~~and judicial~~ expenses of the State government, including salaries, office expenses and supplies and other necessary expenses connected therewith;

(b) A bill covering appropriations relating to health and human services;

(c) A bill appropriating money for the support and maintenance of State educational institutions;

- (d) A bill appropriating money for aid to school districts;
- (e) A bill appropriating money for family and early childhood education;
- (~~e~~) (~~f~~) A bill appropriating money for the protection and improvement of the State's environment and natural resources;
- (~~f~~) (~~g~~) A bill appropriating money for the department of transportation and other agencies;
- (~~g~~) (~~h~~) A bill appropriating money for criminal justice and the judiciary;
- (~~h~~) (~~i~~) A bill appropriating money for community development;
- (~~i~~) (~~j~~) A bill covering all appropriations providing for the payment of claims against the State of Minnesota which may have been allowed by the finance ~~Committee~~ committees of the Senate or the Ways and Means Committee of the House.
- (k) In odd-numbered years, if the committees find there are capital improvement projects that should not be deferred until the regular capital budget in the even-numbered year, the committees shall report to their respective houses by the same deadline a bill appropriating money for the acquisition and betterment of public lands and buildings and other public improvements of a capital nature.

No other appropriations shall be contained in any of said bills but all other appropriations shall be contained in separate bills.

DEADLINES

Rule 2.03. (a) Except as provided in paragraph (b), in odd-numbered years, committee reports on bills favorably acted upon by a committee in the house of origin after the ~~sixth Friday~~ eighth Wednesday before the last Friday the Legislature can meet in regular session [March 26, 1997], and committee reports on bills originating in the other house favorably acted upon by a committee after the ~~fourth sixth Friday~~ Wednesday before the last Friday the Legislature can meet in regular session [April 9, 1997], shall be referred in the Senate to the Committee on Rules and Administration, ~~and~~ or the House of Representatives to the Committee on Rules and Legislative Administration for disposition. Referral is not required when a committee after the earlier date and by the later date set by this paragraph acts on a bill that is a companion to a bill that has met the earlier deadline in the other house. The deadlines in this paragraph do not apply to a committee report on a bill containing an appropriation or to the Senate Committees on Finance or on Taxes or to the House Committees on Ways and Means or on Taxes.

(b) Committee reports on bills containing an appropriation that are favorably acted upon by a committee in either house after the ~~third fourth~~ Friday before the last Friday the Legislature can meet in regular session [April 18, 1997], shall be referred in the Senate to the Committee on Rules and Administration, ~~and~~ or in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. The deadline in this rule paragraph does not apply to the Senate Committees on Finance and or on Taxes and Tax Laws, and or to the House Committees on Ways and Means and or on Taxes.

(c) Conference committees on the major appropriation bills specified in Joint Rule 2.02 shall have their reports on the members' desks by the last Thursday on which the Legislature can meet in regular session [May 15, 1997]. After the last Friday on which the Legislature can meet in regular session [May 16, 1997], neither house shall act on bills other than those contained in:

- (1) Reports of Conference Committees;
- (2) Messages from the other house;
- (3) Reports of the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House; or

(4) Messages from the Governor.

(d) In even-numbered years the Legislature shall establish by joint rule or by concurrent resolution deadlines based on the date intended to be the date of adjournment sine die.

In 1998, the first committee deadline is Friday, February 13, the second committee deadline is Friday, February 20, and the third committee deadline is Friday, February 27. In 1998, the first and second deadlines apply to all bills except the major appropriation bills specified in Joint Rule 2.02.

AMENDING BILLS ORIGINATING IN OTHER HOUSE

Rule 2.04. Either house shall have the power to amend any bill, memorial, or resolution passed by the other house.

RECEDING FROM POSITION

Rule 2.05. Prior to a Conference Committee on any matter, either house may recede from its position on any difference existing between the two houses. In order to recede, and if the matter is not in the possession of a house, that house shall request return of the matter from the other house. To recede, a majority of a house shall govern, except in cases otherwise provided in the Constitution. If the question is put and lost, it shall not be put again on the same day. A reconsideration of the question shall in all respects be regulated by the rules of that house.

CONFERENCE COMMITTEES

Rule 2.06. In all cases of disagreement between the Senate and House on amendments adopted by either house to a bill, memorial or resolution passed by the other house, a Conference Committee consisting of not less than three members nor more than five members from each house may be requested by either house. The other house shall appoint a similar committee.

The manner of procedure shall be as follows: The house of origin passes a bill and transmits it to the other body. If the other body adopts an amendment to the bill and passes it as amended, it shall return the bill with a record of its actions to the house of origin. If the house of origin refuses to concur in the amendment, it shall ask for a Conference Committee, appoint such a committee on its part, and transmit the bill with a record of its action to the other house. If the other house adheres to its amendment, it shall appoint a like committee and return the bill to the house of origin.

All Conference Committees shall be open to the public. As much as practical, meetings of Conference Committees shall be announced as far in advance as possible and actions taken shall be agreed upon in an open meeting. At an agreed upon hour the Conference Committee shall meet. The members from each house shall state to the members from the other house, orally or in writing, the reason for their respective positions. The members shall confer thereon and. A conference committee may not meet between the hours of midnight and 7:00 a.m., except that a committee may extend a meeting for up to one hour past midnight by a vote of two-thirds of the members appointed to the committee by each house. The conferees shall report to their respective houses the agreement they have reached, or, if none, the fact of a disagreement.

If an agreement is reported, the house of origin shall act first upon the report. A Conference Committee report must be limited to provisions that are germane to the bill and amendments that were referred to the Conference Committee. A provision is not germane if it relates to a substantially different subject or is intended to accomplish a substantially different purpose from that of the bill and amendment that were referred to the Conference Committee.

A Conference Committee report may not delegate rulemaking to a department or agency of

state government or exempt a department or agency of state government from rulemaking unless the delegation or exemption was included in either the bill or the amendment that was referred to the Conference Committee.

A Conference Committee report may not create a new commission, council, task force, board, or other body to which a member of the legislature may be appointed unless the body was created in either the bill or the amendment that was referred to the Conference Committee.

If the report is adopted and repassed as amended by the Conference Committee by the house of origin, the report, the bill and a record of its action shall be transmitted to the other house.

Except after the last Thursday on which the Legislature can meet in regular session in odd-numbered years [May 15, 1997], and after the last Thursday on which the Legislature intended, when it adopted the concurrent resolution required by Rule 2.03, paragraph (b), to meet in regular session in even-numbered years, a written copy of a report of a Conference Committee shall be placed on the desk of each member of a house twelve hours before action on the report by that house. If the report has been reprinted in the Journal of either house for a preceding day and is available to the members, the Journal copy shall serve as the written report. The member presenting the Conference Committee report to the body shall disclose, either in writing or orally, the substantial changes from the bill or the amendment as they were last before the body.

ENROLLMENT AND SIGNATURE

Rule 2.07. After a bill or memorial or joint resolution has been passed by both houses, it shall be carefully and properly enrolled by the Revisor of Statutes under the direction of the Secretary of the Senate for a matter originating in the Senate or the Chief Clerk of the House for a matter originating in the House. ~~The Revisor of Statutes shall obtain the signatures and certificates of the proper officers to the enrolled copy of the bill or memorial and present it to the Governor for his approval.~~

~~A bill or memorial may~~ The enrollment shall be prepared for presentation to the Governor on good archival quality paper approximately 8 1/2" x 14" in size and may be produced by means of a copying machine. An enrolled bill shall be labeled "An Act" and it but otherwise shall be identical to the bill passed by the Legislature. An enrolled bill which is amendatory of any existing law or constitutional provision shall indicate deletions and additions in the manner provided in Rule 2.01 for printed bills. Other enrollments shall be identical to the memorial or joint resolution passed by the legislature.

The Revisor of Statutes shall obtain the signatures and certificates of the proper officers to the enrollment. A memorial resolution applying to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States, or a joint resolution ratifying an amendment to the Constitution of the United States, proposing an amendment to the Minnesota Constitution, or prescribing the compensation of judges shall not be presented to the Governor for approval but shall be deposited by the Revisor of Statutes with the Secretary of State. All other enrollments shall be presented to the Governor for approval.

ARTICLE III: GENERAL PROVISIONS

SUSPENSION OF JOINT RULES

Rule 3.01. Either house may suspend the Joint Rules of the Senate and House by a vote of two-thirds of its members.

ODD YEAR SESSION ADJOURNMENT

Rule 3.02. Adjournment of the regular session in any odd-numbered year to a date certain in the following year shall be equivalent to daily adjournment, except that upon adjournment in any odd-numbered year to a date certain in the following year:

(a) Any bill being considered by a Conference Committee shall be returned to the house of origin, laid on the table, and the Conference Committee shall be discharged;

(b) Any bill referred to the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House pursuant to Joint Rule 2.03 shall be returned to the standing committee to which it was last previously referred; and

(c) Any bill returned by the Governor to the house of origin with his the Governor's objections following such the adjournment shall be laid on the table.

INTERIM COMMITTEE AND COMMISSION REPORTS

Rule 3.03. Except as otherwise provided by law, the report of any interim committee or commission to the Legislature shall be submitted on paper 8 1/2" x 11" in size, spiral bound, stapled, or punched on the left edge to fit a standard size three ring binder intended for that size paper. A brief summary of the recommendations of the commission or committee shall appear first and be clearly separated from its findings, discussions, and exhibits. If the report contains legislative recommendations, a copy of any proposed legislation, particularly if extensive in character, shall if possible be attached as an exhibit at the end of the report.

ARTICLE IV: ELECTION OF REGENTS

JOINT COMMITTEE

Rule 4.01. By May 7 of each odd-numbered year, or at a date agreed to by concurrent resolution, a joint committee shall meet to recommend nominees for regent of the University of Minnesota to be presented to a Joint Convention of the legislature. The members of the joint committee are the members of the senate and house committees on education. A majority of the members from each house is a quorum of the joint committee.

The joint committee shall determine the number of persons, and the person or persons to be recommended for each open seat.

Each person recommended by the regent candidate advisory is considered to be nominated. Other persons may be nominated by a member of the committee at the meeting. Nominations may be made by committee members only. Nominations must be made for a specified congressional or student seat, or for any at-large seat. A congressional district caucus need not be held. A vote by a congressional district caucus to recommend a candidate for the position of regent is not binding on the members of the joint committee.

The roll shall be called viva voce on the recommendation of regents. A majority vote of the members of the joint committee is required for a candidate to be recommended.

JOINT CONVENTION

Rule 4.02. At the Joint Convention of the Senate and House of Representatives called to elect regents, the joint committee shall report the name of the person or persons recommended for each seat. These persons are considered to be nominated. Any member of the legislature may submit additional nominations. If there is more than one at-large seat to be filled, all candidates for an at-large seat run for any of the at-large seats. A vote by a congressional district caucus to recommend a candidate for the position of regent is not binding on the joint convention.

The roll shall be called viva voce on the election of regents. The roll must be called first on congressional district seats until they are filled, then on the student seat, and then on the at-large seats. The candidate for each seat receiving a majority of the votes cast must be declared elected. If no candidate receives a majority of the votes cast for a seat, on each succeeding ballot the candidate with the fewest votes must be dropped from consideration and the votes cast again until a majority vote is achieved. Any candidate with fewer than 20 votes on any ballot shall also be dropped on succeeding ballots.

Mr. Moe, R.D. moved that Senate Concurrent Resolution No. 9 be laid on the table and printed in the Journal. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 40, Mr. Neuville, first author, moved that S.F. No. 11 be withdrawn from the Committee on Judiciary, given a second reading and placed at the top of General Orders.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 23 and nays 39, as follows:

Those who voted in the affirmative were:

Belanger	Frederickson	Larson	Olson	Scheevel
Berg	Johnson, D.E.	Lesewski	Ourada	Stevens
Day	Kleis	Limmer	Pariseau	Terwilliger
Dille	Knutson	Neuville	Robling	
Fischbach	Laidig	Oliver	Runbeck	

Those who voted in the negative were:

Anderson	Hottinger	Krentz	Novak	Solon
Beckman	Janezich	Langseth	Pappas	Spear
Berglin	Johnson, D.H.	Lourey	Piper	Stumpf
Betzold	Johnson, D.J.	Marty	Pogemiller	Ten Eyck
Cohen	Johnson, J.B.	Metzen	Price	Vickerman
Flynn	Junge	Moe, R.D.	Ranum	Wiener
Foley	Kelley, S.P.	Morse	Samuelson	Wiger
Hanson	Kelly, R.C.	Murphy	Scheid	

The motion did not prevail.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Novak moved that S.F. No. 1697 be withdrawn from the Committee on Jobs, Energy and Community Development and re-referred to the Committee on Taxes. The motion prevailed.

Ms. Anderson moved that S.F. No. 463 be recalled from the Governor for further consideration. The motion prevailed.

Ms. Ranum moved that S.F. No. 813 be withdrawn from the Committee on Health and Family Security and re-referred to the Committee on Judiciary. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mrs. Lourey introduced--

S.F. No. 1761: A bill for an act relating to health; providing for alternative dispute resolution in proceedings involving health-related licensing boards; specifying procedures for contested case

hearings in proceedings involving health-related licensing boards; proposing coding for new law in Minnesota Statutes, chapter 214.

Referred to the Committee on Health and Family Security.

Messrs. Wiger, Marty and Price introduced--

S.F. No. 1762: A bill for an act relating to education; authorizing a lease levy for independent school district No. 622, North St. Paul-Maplewood.

Referred to the Committee on Children, Families and Learning.

Ms. Higgins introduced--

S.F. No. 1763: A bill for an act relating to Hennepin county; extending the period for reductions or abatements of property value for tax purposes for a certain property in the city of Minneapolis.

Referred to the Committee on Local and Metropolitan Government.

Mr. Cohen introduced--

S.F. No. 1764: A bill for an act relating to transportation; appropriating \$10,000,000 to the commissioner of transportation for a grant to Ramsey county for a pilot program for assisting community-based organizations in providing or facilitating job-related transportation for certain low-income persons.

Referred to the Committee on Transportation.

Mr. Cohen introduced--

S.F. No. 1765: A bill for an act relating to crimes; clarifying certain sentencing provisions; authorizing use of preliminary breath test evidence in certain proceedings; authorizing vehicle forfeiture for third-time DWI offenders; clarifying criminal penalty for driving in violation of license restriction; making it a crime for motor vehicle operator to refuse to submit to drug recognition test upon lawful demand of drug recognition expert; requiring traffic-related criminal convictions to be maintained in offender's driving record for 15 years; providing for adult court jurisdiction over petty misdemeanors, misdemeanors, and nonfelony moving traffic offenses committed by juveniles 16 years old and older; clarifying effect of stay of imposition of sentence; increasing penalties for fleeing a peace officer in a motor vehicle; clarifying "good time" reductions in jail sentences; authorizing room and board fees for county prisoners; amending Minnesota Statutes 1996, sections 152.18, subdivision 1; 169.121, subdivisions 1a and 6; 169.1217, subdivision 1; 171.09; 171.12, subdivision 3; 260.015, subdivisions 5 and 21; 260.111, subdivision 1a; 260.193, subdivisions 1 and 4; 609.055, subdivision 2; 609.135, subdivision 1; 609.487, subdivisions 3 and 4; 641.12; 641.13; 641.15, by adding a subdivision; and 643.29, subdivision 1.

Referred to the Committee on Crime Prevention.

Mr. Vickerman introduced--

S.F. No. 1766: A bill for an act relating to health; exempting certain nursing facilities from limits on operating cost per diems; amending Minnesota Statutes 1996, section 256B.431, subdivision 25.

Referred to the Committee on Health and Family Security.

Mr. Pogemiller introduced--

S.F. No. 1767: A bill for an act relating to education; providing for the continuation of certain coordinated members in the teachers retirement association.

Referred to the Committee on Governmental Operations and Veterans.

Mr. Metzen introduced--

S.F. No. 1768: A bill for an act relating to commerce; regulating commercial assumed names; prohibiting intentional misrepresentation of geographic origin or location; providing civil penalties and remedies; amending Minnesota Statutes 1996, section 333.01; proposing coding for new law in Minnesota Statutes, chapter 333.

Referred to the Committee on Commerce.

Mr. Samuelson introduced--

S.F. No. 1769: A bill for an act relating to health; exempting certain nursing facilities from limits on operating cost per diems; modifying provisions of nursing facility reimbursement; amending Minnesota Statutes 1996, section 256B.431, subdivision 25.

Referred to the Committee on Health and Family Security.

Mr. Price introduced--

S.F. No. 1770: A bill for an act relating to state government; creating an advisory task force to consider a new motor vehicle license plate motto and a change in the design of the state flag.

Referred to the Committee on Governmental Operations and Veterans.

Mr. Price introduced--

S.F. No. 1771: A bill for an act relating to the environment; regulating packaging; setting mandatory recycled content for certain products and packaging; regulating transport packaging; regulating disposable packaging; requiring use of reusable packaging for certain percentages of beverages sold or, in the alternative, refundable recycling deposits on nonreusable beverage packaging; requiring a wood waste and wood products residue marketing plan; providing civil and administrative penalties; amending Minnesota Statutes 1996, sections 16B.122, subdivision 1, and by adding a subdivision; and 297A.25, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 16B; 115A; 116F; and 325E; repealing Minnesota Statutes 1996, sections 116F.01; 116F.02; 116F.05; 116F.06; and 116F.08.

Referred to the Committee on Environment and Natural Resources.

Mr. Vickerman introduced--

S.F. No. 1772: A bill for an act relating to education; increasing the general education formula allowance; amending Minnesota Statutes 1996, section 124A.22, subdivision 2, as amended.

Referred to the Committee on Children, Families and Learning.

Mrs. Pariseau introduced--

S.F. No. 1773: A bill for an act relating to retirement; authorizing the voluntary consolidation of the Hampton and Randolph volunteer firefighters relief associations.

Referred to the Committee on Governmental Operations and Veterans.

Mr. Kelley, S.P.; Ms. Krentz, Mr. Langseth, Mses. Olson and Robertson introduced--

S.F. No. 1774: A bill for an act relating to education; authorizing family connections aid; establishing a family connections demonstration site; appropriating money.

Referred to the Committee on Children, Families and Learning.

Ms. Runbeck introduced--

S.F. No. 1775: A bill for an act relating to highways; authorizing transfers of money in the county state-aid highway fund between the county turnback account and the construction account in certain circumstances; amending Minnesota Statutes 1996, section 161.082, by adding a subdivision.

Referred to the Committee on Transportation.

Mr. Ten Eyck introduced--

S.F. No. 1776: A bill for an act relating to peace officers; authorizing the Hubbard county sheriff to have additional part-time peace officer positions; amending Minnesota Statutes 1996, section 626.8463, subdivision 2.

Referred to the Committee on Local and Metropolitan Government.

Mr. Vickerman introduced--

S.F. No. 1777: A bill for an act relating to education; appropriating money for a high school remote access program in independent school district Nos. 178, Storden-Jeffers; 633, Lamberton; and 638, Sanborn.

Referred to the Committee on Children, Families and Learning.

Mr. Price, Mrs. Lourey, Mr. Wiger, Ms. Pappas and Piper introduced--

S.F. No. 1778: A bill for an act relating to taxation; increasing the taxes imposed on sales of cigarettes and tobacco products; dedicating the revenue from the increase to tobacco and drug use prevention programs in the schools; amending Minnesota Statutes 1996, sections 297.02, subdivision 1; 297.03, subdivision 5; 297.13, subdivision 1; 297.32, subdivisions 1, 2, and 9; and 297.35, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 126.

Referred to the Committee on Taxes.

Ms. Olson, Messrs. Janezich, Pogemiller, Scheevel and Ms. Krentz introduced--

S.F. No. 1779: A bill for an act relating to education; modifying the organization of the Minnesota school-to-work student organization; appropriating money; amending Minnesota Statutes 1996, section 121.615, subdivisions 2, 3, 5, 6, 7, 8, 9, and 10.

Referred to the Committee on Children, Families and Learning.

Mrs. Scheid introduced--

S.F. No. 1780: A bill for an act relating to nuisance; providing mediation in the housing calendar program; providing a lessor and lessee covenant against unlawful activity on residential premises; providing an expedited process for certain unlawful detainer actions; imposing civil penalties; appropriating money; amending Minnesota Statutes 1996, sections 504.181, subdivision 1; 566.05; 566.18, subdivision 6; 617.82; and 617.85; proposing coding for new law in Minnesota Statutes, chapter 484.

Referred to the Committee on Judiciary.

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

S.F. No. 1781: A bill for an act relating to education; modifying the definition of general education revenue; creating a declining pupil enrollment aid; amending Minnesota Statutes 1996, section 124A.22, subdivision 1, and by adding a subdivision.

Referred to the Committee on Children, Families and Learning.

Mr. Pogemiller, Ms. Robertson, Mr. Johnson, D.J. and Mrs. Scheid introduced--

S.F. No. 1782: A bill for an act relating to education; establishing matching grants for education programs serving homeless children; appropriating money.

Referred to the Committee on Children, Families and Learning.

Messrs. Samuelson; Larson; Vickerman; Johnson, D.J. and Stevens introduced--

S.F. No. 1783: A bill for an act relating to solid waste; requiring the state to return a portion of solid waste assessments for landfill cleanup to certain counties; amending Minnesota Statutes 1996, section 116.07, subdivision 10.

Referred to the Committee on Environment and Natural Resources.

Messrs. Vickerman, Stevens, Dille, Sams and Mrs. Lourey introduced--

S.F. No. 1784: A resolution memorializing Congress to enact legislation to create a national limited service hospital program for rural primary care hospitals.

Referred to the Committee on Health and Family Security.

Mr. Knutson, Ms. Olson and Mr. Ourada introduced--

S.F. No. 1785: A bill for an act relating to education; offering an alternative of a locally controlled graduation rule; providing locally controlled graduation rule aid and district assistance and academic enhancement aid; appropriating money; amending Minnesota Statutes 1996, section 120.101, subdivision 8, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Children, Families and Learning.

Messrs. Wiger; Johnson, D.J.; Kelley, S.P.; Langseth and Ms. Junge introduced--

S.F. No. 1786: A bill for an act relating to taxation; reducing the general education levy; reducing the class rates on rental residential property and commercial-industrial property; amending Minnesota Statutes 1996, sections 124A.23, subdivision 1; and 273.13, subdivisions 24 and 25; repealing Minnesota Statutes 1996, section 273.13, subdivision 32.

Referred to the Committee on Local and Metropolitan Government.

Mr. Lessard introduced--

S.F. No. 1787: A bill for an act relating to game and fish; exempting archery bows used for bowfishing from casing requirement; amending Minnesota Statutes 1996, section 97B.051; proposing coding for new law in Minnesota Statutes, chapter 97C.

Referred to the Committee on Environment and Natural Resources.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:45 a.m., Tuesday, April 1, 1997.
The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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