

STATE OF MINNESOTA

Journal of the Senate

EIGHTIETH LEGISLATURE

THIRTY-SECOND DAY

St. Paul, Minnesota, Friday, April 4, 1997

The Senate met at 7:45 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by Representative Mary Murphy.

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

Berglin	Johnson, D.H.	Lessard	Pappas	Ten Eyck
Betzold	Kelley, S.P.	Lourey	Piper	Vickerman
Fischbach	Kelly, R.C.	Marty	Ranum	Wiener
Foley	Kiscaden	Moe, R.D.	Robertson	Wiger
Frederickson	Kleis	Morse	Robling	
Higgins	Laidig	Murphy	Samuelson	
Janezich	Larson	Novak	Scheid	
Johnson, D.E.	Lesewski	Olson	Solon	

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

Messrs. Beckman, Cohen, Mses. Hanson, Junge and Mr. Sams were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 2, 1997

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

On March 25, 1997, the Committee on Rules and Administration met and made the following appointment:

Pursuant to Minnesota Statutes 1996

144E.01: Emergency Medical Services Regulatory Board - Mrs. Becky Lourey

Respectfully,
 Roger D. Moe, Chair
 Committee on Rules and Administration

April 3, 1997

The Honorable Allan H. Spear
 President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 85.

Warmest regards,
 Arne H. Carlson, Governor

April 3, 1997

The Honorable Phil Carruthers
 Speaker of the House of Representatives

The Honorable Allan H. Spear
 President of the Senate

I have the honor to inform you that the following enrolled Act of the 1997 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1997	Date Filed 1997
85		17	2:20 p.m. April 3	April 3

Sincerely,
 Joan Anderson Growe
 Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 543: A bill for an act relating to agriculture; changing certain license requirements; repealing the interstate compact on agricultural grain marketing; amending Minnesota Statutes 1996, sections 17A.04, subdivision 1; 231.01, subdivision 5; 236.01, subdivision 3; and 236.02, subdivisions 1 and 2; repealing Minnesota Statutes 1996, sections 236A.01; and 236A.02.

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

Juhnke, Molnau and Wenzel.

Senate File No. 543 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 3, 1997

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 473:

H.F. No. 473: A bill for an act relating to metropolitan government; permitting the metropolitan council to operate preventive health and employee recognition programs; amending Minnesota Statutes 1996, section 473.129, by adding a subdivision.

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

Chaudhary, Garcia and Mares have been appointed as such committee on the part of the House.

House File No. 473 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 3, 1997

Mr. Wiger moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 473, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 241, 591, 835, 1187, 1861 and 1540.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 3, 1997

FIRST READING OF HOUSE BILLS

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

H.F. No. 241: A bill for an act relating to motor carriers; allowing personnel of departments of transportation and public safety to conduct joint or combined audits of motor carrier records; requiring commissioner of public safety to provide commissioner of transportation information on traffic accidents involving commercial motor vehicles; providing for enforcement authority of personnel of departments of transportation and public safety relating to motor carriers; conforming state statutes to federal motor carrier safety regulations; providing for the reauthorization of the uniform hazardous materials registration and permit program for an additional year; authorizing commissioner of transportation to accept electronic signatures for electronically transmitted motor carrier documents; amending Minnesota Statutes 1996, sections 168.187, subdivision 20; 169.09, subdivision 13; 169.85; 169.871, subdivisions 1 and 1a; 221.0314, subdivisions 2, 6, 7, 9, 10, and 11; 221.0355, subdivisions 5 and 15; 221.221, subdivisions 2 and 4; 296.17, subdivision 18; 296.171, subdivision 4; and 299D.06; Laws 1994, chapter 589, section 8, as amended; proposing coding for new law in Minnesota Statutes, chapter 221.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1096, now on General Orders.

H.F. No. 591: A bill for an act relating to highways; requiring the commissioner of transportation to transfer certain easements to the city of Faribault.

Referred to the Committee on Transportation.

H.F. No. 835: A bill for an act relating to human services; creating an exception for a separate annual audit of a county operated day training and habilitation program; amending Minnesota Statutes 1996, section 252.46, subdivision 10.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 754, now on General Orders.

H.F. No. 1187: A bill for an act relating to the city of Buffalo Lake; authorizing the city to negotiate contracts for a specific project without competitive bids.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1306, now on General Orders.

H.F. No. 1861: A bill for an act relating to agriculture; limiting entry into facilities in which confined farm animals are kept; proposing coding for new law in Minnesota Statutes, chapter 17.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1663, now on General Orders.

H.F. No. 1540: A bill for an act relating to traffic regulations; requiring drivers to reduce speed when approaching authorized emergency vehicles stopped on the roadway or shoulder; increasing certain speed limits; amending Minnesota Statutes 1996, sections 169.14, subdivisions 2 and 3; and 169.17; repealing Minnesota Statutes 1996, section 169.14, subdivision 4a.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 967, now on General Orders.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. No. 1345, 1008, 920 and 234. The motion prevailed.

Mr. Sams from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 1345: A bill for an act relating to agriculture; making changes in the Minnesota Commercial Feed Law; amending Minnesota Statutes 1996, sections 25.31; 25.32; 25.33, subdivisions 1, 5, 6, 9, 20, and by adding subdivisions; 25.35; 25.36; 25.37; 25.38; 25.39; 25.41; subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 25; repealing Minnesota Statutes 1996, section 25.34.

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

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 1996, section 18.79, is amended by adding a subdivision to read:

Subd. 12. [NOXIOUS WEED-FREE FORAGE AND MULCH CERTIFICATION AGENCY.] The official certification agency for noxious weed-free forage and mulch shall be determined by the commissioner of agriculture in consultation with the director of the Minnesota agricultural experiment station."

Page 2, line 29, delete ": (1)"

Page 2, lines 30 to 32, delete the new language and reinstate the stricken language

Page 4, delete lines 18 to 20

Page 4, line 21, delete "4" and insert "3"

Page 4, line 24, delete "5" and insert "4"

Page 6, line 18, delete "and"

Page 6, line 23, before the period, insert "; and

(8) for a customer formula feed for which the formula is developed by someone other than the manufacturer, a disclaimer may be included on the label stating "THIS FEED IS A CUSTOMER FORMULA FEED DEVELOPED BY SOMEONE OTHER THAN THE MANUFACTURER. THE MANUFACTURER DOES NOT CLAIM, REPRESENT, WARRANT, OR GUARANTEE, AND IS NOT RESPONSIBLE FOR THE NUTRITIONAL ADEQUACY OF THIS FEED OR THE NUTRITIONAL SUITABILITY OF THIS FEED FOR ITS INTENDED PURPOSE."

(c) The manufacturer of a customer formula feed the formula of which is developed by someone other than the manufacturer is not responsible or liable for the nutritional adequacy or the nutritional suitability of the feed for its intended purpose if: (1) the manufacturer does not make a claim of nutritional adequacy for the customer formula feed and does not make a claim for nutritional suitability of the feed for its intended purpose; and (2) the manufacturer includes the disclaimer in paragraph (b), clause (8). A person other than the manufacturer who develops or recommends a formula for a customer formula feed is responsible for providing to the manufacturer of the feed the appropriate labeling information and for providing the appropriate use information to the feed manufacturer"

Page 10, line 4, after "25.37" insert ", paragraph" and reinstate the stricken "(a)"

Page 11, line 26, delete "2" and insert "1a"

Page 12, line 6, reinstate the stricken "2" and delete "3"

Page 12, line 26, reinstate the stricken "3" and delete "4"

Page 13, line 1, reinstate the stricken "4" and delete "5"

Page 13, after line 13, insert:

"Sec. 20. Minnesota Statutes 1996, section 116.07, subdivision 7, is amended to read:

Subd. 7. [COUNTIES; PROCESSING OF APPLICATIONS FOR ANIMAL LOT PERMITS.] Any Minnesota county board may, by resolution, with approval of the pollution control agency, assume responsibility for processing applications for permits required by the pollution control agency under this section for livestock feedlots, poultry lots or other animal lots. The responsibility for permit application processing, if assumed by a county, may be delegated by the county board to any appropriate county officer or employee.

(a) For the purposes of this subdivision, the term "processing" includes:

(1) the distribution to applicants of forms provided by the pollution control agency;

(2) the receipt and examination of completed application forms, and the certification, in writing, to the pollution control agency either that the animal lot facility for which a permit is sought by an applicant will comply with applicable rules and standards, or, if the facility will not comply, the respects in which a variance would be required for the issuance of a permit; and

(3) rendering to applicants, upon request, assistance necessary for the proper completion of an application.

(b) For the purposes of this subdivision, the term "processing" may include, at the option of the county board, issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section or rules promulgated pursuant to it, subject to review, suspension, and reversal by the pollution control agency. The pollution control agency shall, after written notification, have ~~15~~ 30 days to review, suspend, modify, or reverse the issuance of the permit. After this period, the action of the county board is final, subject to appeal as provided in chapter 14.

(c) For the purpose of administration of rules adopted under this subdivision, the commissioner and the agency may provide exceptions for cases where the owner of a feedlot has specific written plans to close the feedlot within five years. These exceptions include waiving requirements for major capital improvements.

(d) For purposes of this subdivision, a discharge caused by an extraordinary natural event such as a precipitation event of greater magnitude than the 25-year, 24-hour event, tornado, or flood in excess of the 100-year flood is not a "direct discharge of pollutants."

(e) In adopting and enforcing rules under this subdivision, the commissioner shall cooperate closely with other governmental agencies.

(f) The pollution control agency shall work with the Minnesota extension service, the department of agriculture, the board of water and soil resources, producer groups, local units of government, as well as with appropriate federal agencies such as the ~~Soil~~ Natural Resources Conservation Service and the ~~Agricultural Stabilization and Conservation Service~~ Farm Service Agency, to notify and educate producers of rules under this subdivision at the time the rules are being developed and adopted and at least every two years thereafter.

(g) The pollution control agency shall adopt rules governing the issuance and denial of permits for livestock feedlots, poultry lots or other animal lots pursuant to this section. A feedlot permit is not required for livestock feedlots with more than ten but less than 50 animal units; provided they are not in shoreland areas. These rules apply both to permits issued by counties and to permits issued by the pollution control agency directly.

(h) The pollution control agency shall exercise supervising authority with respect to the processing of animal lot permit applications by a county. If a county requests assistance in the development of a feedlot ordinance, the agency and the commissioner of agriculture shall provide information and technical assistance to the county.

Sec. 21. Minnesota Statutes 1996, section 394.25, is amended by adding a subdivision to read:

Subd. 3b. [FEEDLOT ZONING ORDINANCES.] A local ordinance that contains a setback for new feedlots from existing residences must also provide for a new residence setback from existing feedlots located in areas zoned agricultural at the same distances and conditions specified in the setback for new feedlots, unless the new residence is built to replace an existing residence. A county may grant a variance from this requirement under section 394.27, subdivision 7."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "sections" insert "18.79, by adding a subdivision;"

Page 1, line 7, delete the first semicolon and insert a comma and after "6;" insert "116.07, subdivision 7; and 394.25, by adding a subdivision;"

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

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

S.F. No. 1026: A bill for an act relating to the environment; modifying provisions relating to scrap motor vehicle facilities; amending Minnesota Statutes 1996, sections 116.66; and 116.67.

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

Page 2, line 5, after "other" insert "motor vehicle"

Page 2, line 8, after the first comma, insert "other than a motor vehicle recycling facility, that is" and delete the second comma

Page 2, line 9, delete "that" and insert "and" and delete everything after "used" and insert "for storing, keeping, buying, dismantling, crushing, or selling wrecked, scrapped, ruined, or partially dismantled motor vehicles where the parts, motor vehicle hulks, or other motor vehicle scrap material stored is equal in bulk to ten or more vehicles."

Page 2, delete lines 10 to 12

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

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

S.F. No. 1413: A bill for an act relating to waste management; providing authority for the western Lake Superior sanitary district to collect solid waste management service charges; amending Minnesota Statutes 1996, section 115A.554; proposing coding for new law in Minnesota Statutes, chapter 458D.

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

Page 2, line 2, delete "the" and insert "an itemized list of"

Page 2, line 3, delete "charge" and insert "charges" and delete the first "the" and insert "parcels of"

Page 2, line 5, delete "extend" and insert "include" and delete "roles" and insert "rolls"

Page 2, line 6, delete "of the" and insert "due and payable for the following" and delete "in which the charge is filed"

Page 2, line 9, delete everything after "taxes" and insert a period

Page 2, delete lines 10 to 12 and insert "The service charges shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes."

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

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

S.F. No. 386: A bill for an act relating to state parks; adding to state parks; renaming O.L. Kipp state park; amending Minnesota Statutes 1996, section 85.012, by adding a subdivision; repealing Minnesota Statutes 1996, section 85.012, subdivision 46.

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 85.012, is amended by adding a subdivision to read:

Subd. 24a. Great River Bluffs state park, Winona county, which is renamed from O.L. Kipp state park.

Sec. 2. Minnesota Statutes 1996, section 85.0505, is amended to read:

85.0505 [SALE OF WINE AT DOUGLAS LODGE IN ITASCA STATE PARK FOOD AND BEVERAGE SERVICE IN STATE PARKS.]

Subdivision 1. [ITASCA STATE PARK.] Minnesota produced wine and beer may be sold and consumed by the drink at the restaurant in Douglas Lodge in Itasca State Park, subject to other laws relating to the sale of intoxicating liquor.

Subd. 2. [JOHN A. LATSCH STATE PARK.] (a) Liquor may be sold and consumed by the drink at the restaurant in John A. Latsch state park, subject to other laws relating to the sale of intoxicating liquor, and provided that the restaurant is operated by a private entity as provided in paragraph (b).

(b) The commissioner of natural resources may contract with a private person, firm, or corporation to operate the restaurant in John A. Latsch state park.

Sec. 3. [ADDITIONS TO STATE PARKS.]

Subdivision 1. [85.012] [Subd. 4.] [BEAR HEAD LAKE STATE PARK, ST. LOUIS COUNTY.] The following areas are added to Bear Head Lake state park, all in St. Louis county, Minnesota:

(1) Outlot A in the plat of Swanson Shores in Section 34, Township 62 North, Range 14 West; and

(2) Government Lots 1 and 2, Section 3, Township 61 North, Range 14 West.

Subd. 2. [85.012] [Subd. 19.] [FORESTVILLE STATE PARK, FILLMORE COUNTY.] The following area is added to Forestville state park: the Northeast Quarter of the Northeast Quarter of Section 23, Township 102 North, Range 12 West, Fillmore county, Minnesota.

The commissioner shall manage this addition as a state park as provided in section 86A.05, subdivision 3, but in addition to other activities authorized in Forestville state park may allow hunting.

Subd. 3. [85.012] [Subd. 30a.] [JOHN LATSCH STATE PARK, WINONA COUNTY.] The following areas are added to John Latsch state park, all in Township 108 North, Range 8 West, Winona county, Minnesota:

(1) Government Lot 1, Section 16;

(2) that part of Government Lots 1 and 2, Section 17, lying north and east of the right-of-way of the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company; and

(3) that part of the East Half of Government Lot 3, Section 17, lying north and east of a line 35 feet riverward and parallel with the centerline of the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company's riverward track, excepting therefrom that part of the East Half of Government Lot 3 acquired as tract Wi-1 by the United States Government on January 6, 1936, by condemnation.

Subd. 4. [85.012] [Subd. 54.] [SPLIT ROCK LIGHTHOUSE STATE PARK.] The following areas are added to Split Rock Lighthouse state park:

(1) Outlot 4 of Government Lot 2; and

(2) Government Lot 1, Section 33, Township 55 North of Range 8 West of the Fourth Principal Meridian, according to the United States Government survey thereof, except that part described as follows:

(i) that part of said premises shown as Parcel 1142 on Minnesota Department of Transportation Right of Way Plat Numbered 38-1 filed in the office of the Registrar of Titles, Lake County, Minnesota, as Document No. 111,156.

Those lands in Government Lot 1 North and West of Highway 61 shall remain open to hunting and other recreational uses as approved in the park management plan.

Sec. 4. [REPEALER.]

Minnesota Statutes 1996, section 85.012, subdivision 46, is repealed.

Delete the title and insert:

"A bill for an act relating to state parks; adding to state parks; renaming O.L. Kipp state park; permitting liquor sales in certain parks; authorizing the commissioner to contract out certain restaurant services; amending Minnesota Statutes 1996, sections 85.012, by adding a subdivision; and 85.0505; repealing Minnesota Statutes 1996, section 85.012, subdivision 46."

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

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

S.F. No. 1397: A bill for an act relating to county government; extending the sunset on county capital improvement bonds; amending Minnesota Statutes 1996, section 373.40, subdivision 7.

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

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

S.F. No. 951: A bill for an act relating to county officers; authorizing the county board to assign certain duties of the county auditor and treasurer; proposing coding for new law in Minnesota Statutes, chapter 375A.

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

Page 1, line 9, delete "Notwithstanding any law to the contrary,"

Page 1, lines 13 and 14, delete "Notwithstanding any law to the contrary,"

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

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

S.F. No. 1669: A bill for an act relating to Benton county; permitting the combining of the offices of auditor and treasurer and appointment to the combined office and to the offices of recorder and coroner.

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

Page 1, after line 18, insert:

"Sec. 3. [PUBLISHING RESOLUTIONS, PETITION, REFERENDUM.]

The county board, before acting as permitted by section 1 and before making an appointment as permitted by section 2, but after adopting a resolution permitted by section 1 or 2, must publish the resolution once each week for two consecutive weeks in the official publication of the county. The resolution may be implemented without the submission of the question to the voters of the county, unless within 21 days after the second publication of the resolution, a petition requesting a referendum, signed by at least ten percent of the registered voters of the county, is filed with the county auditor or, if combined, the county auditor/treasurer. If a petition is filed, the resolution may be implemented, unless disapproved by a majority of the voters of the county voting on the question at a regular or special election.

Sec. 4. [BOARD AUTHORITY.]

Upon adoption of a resolution by the Benton county board of commissioners, the duties of the elected officials required by law whose offices are made appointive under this act must be discharged by the board of commissioners of Benton county acting through a department head or heads appointed by the board for that purpose. Each appointed department head shall serve at the pleasure of the board. As of July 1, 1997, the board may reorganize, consolidate, reallocate, or delegate the duties to promote efficiency in county government. A reorganization, reallocation, or delegation or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by law.

Sec. 5. [TRANSITION.]

The persons elected at the November 1994 general election to the position of auditor, treasurer, recorder, and coroner shall serve in that capacity and perform the duties, functions, and responsibilities required by law, or as duties have been reorganized, consolidated, or reallocated by the board after July 1, 1997, until the completion of the term of office to which elected, or until a vacancy occurs in the office, whichever occurs first."

Page 1, line 19, delete "3" and insert "6"

Page 1, line 20, delete "Sections 1 and 2 are" and insert "This act is"

Amend the title as follows:

Page 1, line 5, before the period, insert "; providing for completion of current terms and for a reverse referendum; providing for the reorganization of certain duties and terms of office"

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

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

H.F. No. 356: A bill for an act relating to local governmental bodies; authorizing consideration of cost as a criterion in the designation of newspapers for official publication; amending Minnesota Statutes 1996, section 331A.04, subdivision 1, and by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1996, section 331A.05, is amended by adding a subdivision to read:

Subd. 7. [ERRORS IN PUBLICATION.] If through no fault of the local public corporation, an error occurs in the publication of a public notice, the error shall have no effect on the validity of the event, action, or proceeding to which the public notice relates.

Sec. 2. [ROSEVILLE, INDEPENDENT SCHOOL DISTRICT NO. 623.]

If the cost of publishing public notices would be lower in a qualified newspaper other than one designated in accordance with Minnesota Statutes, section 331A.04, subdivisions 2 to 5, the city of Roseville or independent school district No. 623 may designate another qualified newspaper, if for one year prior to designation, at least 25 percent of that newspaper's circulation has been within the Roseville city limits or within the boundaries of independent school district No. 623, respectively. The city of Roseville and independent school district No. 623 may: (a) solicit bids, or (b) designate the newspaper offering to publish the notices at the lowest cost. The governing body of the city of Roseville or independent school district No. 623 may rely on the sworn statement of the publisher of the newspaper, or the publisher's designated representative, regarding the newspaper's circulation within the city of Roseville or the boundaries of independent school district No. 623.

Sec. 3. [EFFECTIVE DATE.]

Section 2 is effective as to the city of Roseville or independent school district No. 623 upon its approval by the respective governing bodies and upon compliance with Minnesota Statutes, section 645.021, subdivision 3."

Delete the title and insert:

"A bill for an act relating to legal newspapers; providing for the effect of certain errors in publication; authorizing the city of Roseville and independent school district No. 623 to consider cost as a criterion in the designation of newspapers for official publication; amending Minnesota Statutes 1996, section 331A.05, by adding a subdivision."

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 referred

S.F. No. 1008: A bill for an act relating to health; requiring the attorney general to investigate unfair drug price discrimination; giving the commissioner of administration authority to negotiate contract prices for prescription drugs; requiring the commissioner of administration to establish and administer a nongovernmental pharmaceutical contracting alliance; modifying prescription dispensing requirements; requiring a pharmacy to post a sign on generic substitution; appropriating money; amending Minnesota Statutes 1996, sections 8.31, subdivision 1; and 151.21, subdivisions 2, 3, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16B.

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

Pages 1 and 2, delete section 1

Page 2, lines 33 and 34, delete "in consultation with the University of Minnesota college of pharmacy,"

Page 3, line 9, delete "471.50" and insert "471.59"

Page 3, line 15, delete from "In" through page 3, line 18, to "pharmacy."

Pages 4 and 5, delete sections 6 to 8

Page 5, line 28, delete "2 to 5" and insert "1 to 4"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete from "requiring" through page 1, line 3, to "discrimination;"

Page 1, line 8, delete from "modifying" through page 1, line 10, to "substitution;"

Page 1, line 11, delete from "amending" through page 1, line 13, to "subdivision;"

And when so amended the bill be re-referred to the Committee on Commerce without recommendation.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

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

S.F. No. 244: A bill for an act relating to health; allowing physicians to prescribe and administer controlled substances in cases of intractable pain; proposing coding for new law in Minnesota Statutes, chapter 152.

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

Delete everything after the enacting clause and insert:

"Section 1. [152.125] [INTRACTABLE PAIN.]

Subdivision 1. [DEFINITION.] For purposes of this section, "intractable pain" means a pain state in which the cause of the pain cannot be removed or otherwise treated with the consent of the patient and in which, in the generally accepted course of medical practice, no relief or cure of the cause of the pain is possible, or none has been found after reasonable efforts. Reasonable efforts for relieving or curing the cause of the pain may be determined on the basis of, but are not limited to, the following:

(1) when treating a nonterminally ill patient for intractable pain, evaluation by the attending physician and one or more physicians specializing in pain medicine or the treatment of the area, system, or organ of the body perceived as the source of the pain; or

(2) when treating a terminally ill patient, evaluation by the attending physician who does so in accordance with the level of care, skill, and treatment that would be recognized by a reasonably prudent physician under similar conditions and circumstances.

Subd. 2. [PRESCRIPTION AND ADMINISTRATION OF CONTROLLED SUBSTANCES FOR INTRACTABLE PAIN.] Notwithstanding any other provision of this chapter, a physician may prescribe or administer a controlled substance in schedules II to V of section 152.02 to an individual in the course of the physician's treatment of the individual for a diagnosed condition causing intractable pain. No physician shall be subject to disciplinary action by the board of medical practice for appropriately prescribing or administering a controlled substance in schedules II to V of section 152.02 in the course of treatment of an individual for intractable pain, provided the physician keeps accurate records of the purpose, use, prescription, and disposal of controlled substances, writes accurate prescriptions, and prescribes medications in conformance with chapter 147.

Subd. 3. [LIMITS ON APPLICABILITY.] This section does not apply to:

(1) a physician's treatment of an individual for chemical dependency resulting from the use of controlled substances in schedules II to V of section 152.02;

(2) the prescription or administration of controlled substances in schedules II to V of section 152.02 to an individual whom the physician knows to be using the controlled substances for nontherapeutic purposes;

(3) the prescription or administration of controlled substances in schedules II to V of section 152.02 for the purpose of terminating the life of an individual having intractable pain; or

(4) the prescription or administration of a controlled substance in schedules II to V of section 152.02 that is not a controlled substance approved by the United States Food and Drug Administration for pain relief.

Subd. 4. [NOTICE OF RISKS.] Prior to treating an individual for intractable pain in accordance with subdivision 2, a physician shall discuss with the individual the risks associated with the controlled substances in schedules II to V of section 152.02 to be prescribed or administered in the course of the physician's treatment of an individual, and document the discussion in the individual's record.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

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. 920: A bill for an act relating to health; regulating health plans; providing for certain disclosures; amending Minnesota Statutes 1996, sections 62J.04, subdivisions 1, 1a, and 3; and 62J.041; repealing Minnesota Statutes 1996, section 62J.042.

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

Page 12, after line 3, insert:

"Sec. 5. Minnesota Statutes 1996, section 62J.301, subdivision 3, is amended to read:

Subd. 3. [GENERAL DUTIES.] The commissioner shall:

(1) collect and maintain data which enable population-based monitoring and trending of the access, utilization, quality, and cost of health care services within Minnesota;

(2) collect and maintain data for the purpose of estimating total Minnesota health care expenditures and trends;

(3) collect and maintain data for the purposes of setting ~~limits~~ cost containment goals under section 62J.04, and measuring ~~growth-limit~~ cost containment goal compliance;

(4) conduct applied research using existing and new data and promote applications based on existing research;

(5) develop and implement data collection procedures to ensure a high level of cooperation from health care providers and health plan companies, as defined in section 62Q.01, subdivision 4;

(6) work closely with health plan companies and health care providers to promote improvements in health care efficiency and effectiveness; and

(7) participate as a partner or sponsor of private sector initiatives that promote publicly disseminated applied research on health care delivery, outcomes, costs, quality, and management."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete the second "and"

Page 1, line 5, after the semicolon, insert "and 62J.301, subdivision 3;"

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

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

S.F. No. 442: A bill for an act relating to utilities; authorizing cities to control the use of public rights-of-way for providing utility services; authorizing permits and fees; requiring rules; proposing coding for new law in Minnesota Statutes, chapter 237.

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 237.04, is amended to read:

237.04 [WIRES CROSSING OR PARALLELING UTILITY LINES; RULES.]

(a) The department shall determine and promulgate reasonable rules covering the maintenance and operation, also the nature, location, and character of the construction to be used, where

telephone, telegraph, electric light, power, or other electric wires of any kind, or any natural gas pipelines, cross, or more or less parallel the lines of any railroad, interurban railway, or any other public utility similar public service corporation; and, to this end, shall formulate and from time to time, issue general rules covering each class of construction, maintenance, and operation of such electric wire or natural gas pipeline crossing, or paralleling, under the various conditions existing; and the department, upon the complaint of any person, railroad, interurban railway, municipal utility, cooperative electric association, or other public utility claiming to be injuriously affected or subjected to hazard by any such crossing or paralleling lines constructed or about to be constructed, shall, after a hearing, make such order and prescribe such terms and conditions for the construction, maintenance, and operation of the lines in question as may be just and reasonable.

(b) The department may, upon request of any municipal utility, electric cooperative association, or public utility, determine the just and reasonable charge which a railroad, or owner of an abandoned railroad right-of-way, can prescribe for a new or existing crossing of a railroad right-of-way by an electric or gas line, based on the diminution in value caused by the crossing of the right-of-way by the electric or gas line. This section shall not be construed to eliminate the right of a public utility, municipal utility, or electric cooperative association to have any of the foregoing issues determined pursuant to an eminent domain proceeding commenced under chapter 117. Unless the railroad, or owner of an abandoned railroad right-of-way, asserts in writing that the proposed crossing is a serious threat to the safe operations of the railroad or to the current use of the railroad right-of-way, a crossing can be constructed following filing of the requested action with the department, pending review of the requested action by the department.

The department shall assess the cost of reviewing the requested action, and of determining a just and reasonable charge, equally among the parties.

Sec. 2. Minnesota Statutes 1996, section 237.16, subdivision 1, is amended to read:

Subdivision 1. [NEW SERVICE, CERTIFICATE OF AUTHORITY.] (a) For the purpose of bringing about fair and reasonable competition for local exchange telephone services, the commission has the exclusive authority, subject to the authority of a local government unit under sections 237.162 and 237.163, to:

(1) authorize any person to construct telephone lines or exchanges or to otherwise furnish local service to subscribers in any municipality of this state, and to prescribe the terms and conditions upon which construction or service delivery may be carried on; and

(2) establish terms and conditions for the entry of telephone service providers so as to protect consumers from monopolistic practices and preserve the state's commitment to universal service.

(b) No person shall provide telephone service in Minnesota without first obtaining a determination that the person possesses the technical, managerial, and financial resources to provide the proposed telephone services and a certificate of authority from the commission under terms and conditions the commission finds to be consistent with fair and reasonable competition, universal service, the provision of affordable telephone service at a quality consistent with commission rules, and the commission's rules.

(c) The commission shall make a determination on an application for a certificate within 120 days of the filing of the application.

~~(d) The governing body of any municipality or town shall have the same powers of regulation which it now possesses with reference to the location of poles, wires, and other equipment or facilities on, below, or above the streets, alleys, or other public grounds so as to prevent any interference with the safe and convenient use of streets, alleys, and other public grounds by the public.~~

~~(e) A telephone company or telecommunications carrier shall provide for repair or restoration of streets, alleys, and other public areas to their original condition if necessitated by the installation or operation of telephone or telecommunications carrier facilities.~~

Sec. 3. [237.162] [PUBLIC RIGHTS-OF-WAY; DEFINITIONS.]

Subdivision 1. [GENERALLY.] The terms used in sections 237.162 and 237.163 have the meanings given to them in this section.

Subd. 2. [LOCAL GOVERNMENT UNIT.] "Local government unit" means a county home rule charter or statutory city, or town.

Subd. 3. [PUBLIC RIGHT-OF-WAY.] "Public right-of-way" means the area on, below, or above a public roadway, street, cartway, bicycle lane, recreational trail, and public sidewalk in which the local government unit has an interest in law or equity, including:

- (1) those defined and set forth in section 160.02; and
- (2) other dedicated rights-of-way and utility easements of local government units.

A public right-of-way does not include the airwaves above a public right-of-way with regard to cellular or other nonwire telecommunications or broadcast service.

Subd. 4. [TELECOMMUNICATIONS RIGHT-OF-WAY USER.] "Telecommunications right-of-way user" means a person owning or controlling a facility in the public right-of-way, or seeking to own or control a facility in the public right-of-way, that is used or is intended to be used for transporting telecommunications or other voice or data information. A cable communication system defined and regulated under chapter 238, and telecommunications activities related to providing natural gas or electric energy services whether provided by a public utility or by a municipality or cooperative electric association, as those terms are defined in chapter 216B, are not telecommunications right-of-way users for the purposes of this section and section 237.163.

Subd. 5. [EXCAVATE.] "Excavate" means to dig into or in any way remove, physically disturb, or penetrate a part of a public right-of-way.

Subd. 6. [OBSTRUCT.] "Obstruct" means to place a tangible object in a public right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

Subd. 7. [RIGHT-OF-WAY PERMIT.] "Right-of-way permit" means a permit to perform work in a public right-of-way, whether to excavate or obstruct the right-of-way.

Subd. 8. [MANAGE THE PUBLIC RIGHT-OF-WAY.] "Manage the public right-of-way" means the authority of a local government unit to do any or all of the following:

- (1) require registration;
- (2) require construction performance bonds and insurance coverage;
- (3) establish installation and construction standards;
- (4) establish and define location and relocation requirements for equipment and facilities;
- (5) establish coordination and timing requirements;
- (6) require telecommunications right-of-way users to submit, for right-of-way projects commenced after the effective date of this section, whether initiated by a local government unit or any telecommunications right-of-way user, project data reasonably necessary to allow the local government unit to develop a right-of-way mapping system, such as a geographical information mapping system;
- (7) require telecommunication right-of-way users to submit, upon request of a local government unit, existing data on the location of the user's facilities occupying the public right-of-way within the local government unit. The data may be submitted in the form maintained by the user and in a reasonable time after receipt of the request based on the amount of data requested;

- (8) establish right-of-way permitting requirements for street excavation and obstruction; and

(9) establish removal requirements for abandoned equipment or facilities, if required in conjunction with other right-of-way repair, excavation, or construction.

Subd. 9. [MANAGEMENT COSTS OR RIGHTS-OF-WAY MANAGEMENT COSTS.] "Management costs" or "rights-of-way management costs" means the actual costs a local government unit incurs in managing its public rights-of-way, and includes such costs, if incurred, as those associated with registering applicants; issuing, processing, and verifying right-of-way permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user equipment during public right-of-way work; performing surface restoration, for those local government units that choose to perform their own surface restoration; determining the adequacy of right-of-way restoration and restoring work inadequately performed; and revoking right-of-way permits. Management costs do not include payment by a telecommunications right-of-way user for the use of the public right-of-way.

Sec. 4. [237.163] [USE AND REGULATION OF PUBLIC RIGHTS-OF-WAY.]

Subdivision 1. [LEGISLATIVE FINDING.] The legislature finds, and establishes the principle that, it is in the state's interest that the use and regulation of public rights-of-way be carried on in a fair, efficient, competitively neutral, and substantially uniform manner, while recognizing such regulation must reflect the distinct engineering, construction, operation, maintenance and safety requirements, and standards applicable to various users of public rights-of-way. Because of the potential for installation by telecommunication companies of multiple and duplicative facilities within the public rights-of-way, the legislature finds it is necessary to enact the provisions of sections 237.162 and 237.163 to specifically authorize local government units to regulate the use of public rights-of-way by telecommunications right-of-way users.

Subd. 2. [GENERALLY.] (a) Subject to this section, a telecommunications right-of-way user authorized to do business under the laws of this state or by license of the Federal Communications Commission may construct, maintain, and operate conduit, cable, switches, and related appurtenances and facilities along, across, upon, above, and under any public right-of-way.

(b) Subject to this section, a local government unit has the authority to manage its public rights-of-way and to recover its rights-of-way management costs. The authority defined in this section may be exercised at the election of the local government unit. The exercise of this authority is not mandated under this section. A local government unit may, by ordinance:

(1) require a telecommunications right-of-way user seeking to excavate or obstruct a public right-of-way for the purpose of providing telecommunications services to obtain a right-of-way permit to do so and to impose permit conditions consistent with the local government unit's management of the right-of-way;

(2) require a telecommunications right-of-way user using, occupying, or seeking to use or occupy a public right-of-way for the purpose of providing telecommunications services to register with the local government unit by providing the local government unit with the following information:

(i) the applicant's name, gopher state one-call registration number under section 216D.03, address, and telephone and facsimile numbers;

(ii) the name, address, and telephone and facsimile numbers of the applicant's local representative;

(iii) proof of adequate insurance; and

(iv) other information deemed reasonably necessary by the city for the efficient administration of the public right-of-way; and

(3) require telecommunications right-of-way users to submit to the local government unit plans for construction and major maintenance that provide reasonable notice to the local government unit of projects that the telecommunications right-of-way user expects to undertake that may require excavation and obstruction of public rights-of-way.

(c) A local government unit may also require a telecommunications right-of-way user that is registered with the local government unit pursuant to paragraph (b), clause (2), to periodically update the information in its registration application.

Subd. 3. [RESTORATION.] (a) A telecommunications right-of-way user, after an excavation or obstruction of a public right-of-way, shall provide for repair or restoration of the right-of-way and surrounding areas, including the pavement and its foundation, in the same condition that existed before the excavation or obstruction. Restoration of the public right-of-way must be completed within the dates specified in the right-of-way permit, unless the permittee obtains a waiver or a new or amended right-of-way permit.

(b) In lieu of requiring the telecommunications right-of-way user to restore the public right-of-way, a local government unit may impose a degradation fee to recover costs associated with a decrease in the useful life of the public right-of-way caused by an excavation or obstruction of the right-of-way by a telecommunications right-of-way user.

(c) A telecommunications right-of-way user that disturbs uncultivated sod in the excavation or obstruction of a public right-of-way shall plant grasses that are native to Minnesota and, wherever practicable, that are of the local eco-type, as part of the restoration required under this subdivision, unless the owner of the real property over which the public right-of-way traverses objects. In restoring the right-of-way, the telecommunications right-of-way user shall consult with the department of natural resources regarding the species of native grasses that conform to the requirements of this paragraph.

Subd. 4. [PERMIT DENIAL OR REVOCATION.] (a) A local government unit may deny any application for a right-of-way permit if the telecommunications right-of-way user does not comply with a specific provision contained in this section.

(b) A local government unit may deny an application for a right-of-way permit if the local government unit determines that the denial is necessary to protect the health, safety, and welfare or when necessary to protect the public right-of-way and its current users.

(c) A local government unit may revoke a right-of-way permit granted to a telecommunications right-of-way user, with or without fee refund, in the event of a substantial breach of the terms and conditions of statute, ordinance, rule, or regulation or any condition of the permit. A substantial breach by a permittee includes, but is not limited to, the following:

(1) a violation of any material provision of the right-of-way permit;

(2) an evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the local government unit or its citizens;

(3) a material misrepresentation of fact in the right-of-way permit application;

(4) a failure to complete work in a timely manner, unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittee's control; and

(5) a failure to correct, in a timely manner, work that does not conform to applicable standards, conditions, or codes, upon inspection and notification by the local government unit of the faulty condition.

(d) Subject to this subdivision, a local government unit may not deny an application for a right-of-way permit for failure to include a project in a plan submitted to the local government unit under subdivision 2, paragraph (b), clause (3), when the telecommunications right-of-way user can show that it used commercially reasonable efforts to anticipate and plan for the project.

(e) In no event may a local government unit unreasonably withhold approval of an application for a right-of-way permit, or unreasonably revoke a permit.

Subd. 5. [APPEAL.] (a) A telecommunications right-of-way user that: (1) has been denied

registration; (2) has been denied a right-of-way permit; (3) has had its right-of-way permit revoked; or (4) believes that the fees imposed on the user by the local government unit do not conform to the requirements of subdivision 6, may have the denial, revocation, or fee imposition reviewed, upon written request, by the governing body of the local government unit. The governing body of the local government unit shall act on the request at its next regularly scheduled meeting. A decision by the governing body affirming the denial, revocation, or fee imposition must be in writing and supported by written findings establishing the reasonableness of the decision.

(b) Upon affirmation by the governing body of the denial, revocation, or fee imposition, the telecommunications right-of-way user shall have the right to have the matter resolved by binding arbitration. Binding arbitration must be before an arbitrator agreed to by both the local government unit and the telecommunications right-of-way user. If the parties cannot agree on an arbitrator, the matter must be resolved by a three-person arbitration panel made up of one arbitrator selected by the local government unit, one arbitrator selected by the telecommunications right-of-way user and one person selected by the other two arbitrators. The cost of the arbitration must be borne equally by the local government unit and the telecommunications right-of-way user.

Subd. 6. [FEES.] (a) A local government unit may recover its right-of-way management costs by imposing a fee for registration, a fee for each right-of-way permit, or, when appropriate, a fee applicable to a particular telecommunications right-of-way user when that user causes the local government unit to incur costs as a result of actions or inactions of that user. A local government unit may not recoup from a telecommunications right-of-way user costs incurred, if any, that are unrelated to the telecommunications right-of-way user's use of the local government unit's right-of-way.

(b) Fees, or other right-of-way obligations, imposed by a local government unit on telecommunications right-of-way users under this section must be:

(1) based on the actual costs incurred by the local government unit in managing the public right-of-way;

(2) based on an allocation among all users of the public right-of-way, including the local government unit itself, which shall reflect the proportionate costs imposed on the local government unit by each of the various types of uses of the public rights-of-way;

(3) imposed on a competitively neutral basis.

(c) The duties and obligations imposed under this section must be applied to all users of the public right-of-way, including the local government unit. For users subject to the franchising authority of a local government unit, those duties and obligations may be addressed in, and satisfied according to, the terms of an applicable franchise agreement.

Subd. 7. [ADDITIONAL RIGHTS-OF-WAY PROVISIONS.] (a) In managing the public rights-of-way and in imposing fees under this section, no local government unit may:

(1) discriminate among telecommunications right-of-way users;

(2) grant a preference to any telecommunications right-of-way user; or

(3) create or erect any unreasonable requirement for entry to the public rights-of-way by telecommunications right-of-way users.

(b) A telecommunications right-of-way user need not apply for or obtain right-of-way permits for facilities that are located in public rights-of-way on the effective date of this section for which the user has obtained the required consent of the local government unit, or that are otherwise lawfully occupying the public right-of-way. However, the telecommunications right-of-way user may be required to register and to obtain right-of-way permits for excavations and obstructions of, and facilities placed within, public rights-of-way after the effective date of this section.

(c) A telecommunications right-of-way user may recover any fees imposed by a local

government unit under this section by adding a surcharge to any telecommunications services it provides to the citizens of the local government unit. The surcharge is limited to recovering only the amount the fees imposed.

(d) Data and documents exchanged between a local government unit and a telecommunications right-of-way user are subject to the terms of chapter 13. A local government unit not complying with this paragraph is subject to the penalties set forth in section 13.08.

(e) A local government unit may not collect a fee imposed under this section through the provision of in-kind services by a telecommunications right-of-way user, nor may a local government unit require the provision of in-kind services as a condition of consent to use the local government unit's public right-of-way.

Subd. 8. [UNIFORM STATEWIDE STANDARDS.] (a) To ensure the safe and convenient use of public rights-of-way in the state, the public utilities commission shall develop and adopt by August 1, 1998, statewide construction standards governing the following terms and conditions, which conform to the principle established in subdivision 1:

(1) the terms and conditions of right-of-way construction, excavation, maintenance, and repair; and

(2) the terms and conditions under which telecommunications facilities and equipment are placed in the public right-of-way.

(b) The public utilities commission is authorized to review, upon complaint by an aggrieved party, a decision or regulation by a local government unit that is alleged to violate the principle established in subdivision 1. The commission may not preempt a local government unit with regard to the regulation of a public right-of-way except for violation of that principle.

Sec. 5. Minnesota Statutes 1996, section 237.74, subdivision 5, is amended to read:

Subd. 5. [EXTENSION OF FACILITIES.] A telecommunications carrier may extend its facilities into or through a statutory or home rule charter city or town of this state for furnishing its services, subject to the regulation of the governing body of the city or town relative to the location of poles and wires and the preservation of the safe and convenient use of streets and alleys by the public provisions of sections 237.162 and 237.163. Nothing in this subdivision shall be construed to allow or prohibit facilities bypass of the local exchange telephone company, nor shall it be construed to prohibit the commission from issuing orders concerning facilities bypass of the local exchange telephone company.

Sec. 6. [237.79] [TELEPHONE COMPANY PROVIDING CABLE SERVICE.]

A telephone company that provides cable television services shall, with respect to those services, be subject to the same franchise requirements, procedures, and fees, and public, educational, and government access requirements as a cable communication company under chapter 238.

Sec. 7. [238.086] [FRANCHISE HOLDER EXEMPTION.]

If there is a conflict in language between the franchise of a person holding a franchise agreement with a local unit of government and an ordinance regulating use of public rights-of-way, the terms of the franchise shall prevail.

Sec. 8. [SCOPE.]

Sections 1 to 5 supersede Minnesota Statutes, sections 222.37, 300.03, and 300.04, and any ordinance, regulation, or rule to the contrary.

Sec. 9. [ADVISORY TASK FORCE; UNIFORM STATEWIDE STANDARDS.]

The public utilities commission shall convene a task force consisting of engineering and other experts representing, in equal proportions: (1) local government units; and (2) affected utilities and

other users of the public rights-of-way, to establish recommendations to the commission regarding the uniform statewide standards required under section 4, subdivision 8. In addition to those general standards, the advisory task force shall provide recommendations to the commission regarding: the calculation of degradation costs; the establishment of right-of-way mapping systems; the establishment of high-density corridors within certain rights-of-way; and the indemnification of local government units by right-of-way users and other liability conditions. The advisory task force shall complete its work and provide its recommendations to the commission by January 15, 1998. The public utilities commission shall incorporate the recommendations of the advisory task force in the rules developed and adopted by the commission under section 4, subdivision 8.

Sec. 10. [HIGH-DENSITY CORRIDORS; LIMITATION.]

A local unit of government may not establish a high-density corridor within its right-of-way for right-of-way users by ordinance or otherwise until the public utilities commission adopts uniform statewide standards under Minnesota Statutes, section 237.163, subdivision 8.

Sec. 11. [REPEALER.]

Section 4, subdivision 5, is repealed, effective June 30, 1999.

Sec. 12. [EFFECTIVE DATE.]

Sections 1 to 10 are effective the day following final enactment, except that:

(1) section 4, subdivision 3, paragraph (b), is effective upon adoption by the public utilities commission of the rules required under section 4, subdivision 8; and

(2) section 3, subdivision 8, clause (3), is also effective upon adoption of the rules required under section 4, subdivision 8, but local government units may exercise the authority that existed before November 1, 1996, with regard to the powers described in that clause, until those rules are adopted."

Delete the title and insert:

"A bill for an act relating to utilities; modifying provisions relating to municipal utilities, cooperative electric cooperatives, and natural gas pipelines; regulating use of public rights-of-way by telecommunications carriers; creating task force; requiring rulemaking; amending Minnesota Statutes 1996, sections 237.04; 237.16, subdivision 1; and 237.74, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 237; and 238; repealing Minnesota Statutes 1996, section 237.163, subdivision 5."

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

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

S.F. No. 234: A bill for an act relating to human services; adding provisions for licensing programs; imposing and modifying civil penalties; amending Minnesota Statutes 1996, sections 14.387; 144.057, subdivision 1; 144A.46, subdivision 5; 245A.02, subdivisions 15, 16, and 17; 245A.04, subdivisions 3, 3a, 3b, 3c, 4, 5, 6, 7, and by adding a subdivision; 245A.06, subdivisions 1, 3, 4, 5, 5a, 6, and 7; 245A.07, subdivisions 1 and 3; 245A.08, subdivisions 1 and 2; 245A.09, subdivision 7; 245A.11, subdivision 2; 245A.16, subdivision 2; 256E.115; and 364.09; proposing coding for new law in Minnesota Statutes, chapter 245A; repealing Minnesota Statutes 1996, sections 245A.091; 245A.20; 245A.21; and 252.53; Laws 1996, chapter 408, article 10, section 13; Minnesota Rules, parts 9503.0170, subpart 7; 9525.0215; 9525.0225; 9525.0235; 9525.0243; 9525.0245; 9525.0255; 9525.0265; 9525.0275; 9525.0285; 9525.0295; 9525.0305; 9525.0315; 9525.0325; 9525.0335; 9525.0345; 9525.0355; 9525.0500; 9525.0510; 9525.0520; 9525.0530; 9525.0540; 9525.0550; 9525.0560; 9525.0570; 9525.0580; 9525.0590; 9525.0600; 9525.0610;

9525.0620; 9525.0630; 9525.0640; 9525.0650; 9525.0660; 9525.1240, subpart 1, item E, subitem (6); 9525.1500; 9525.1510; 9525.1520; 9525.1530; 9525.1540; 9525.1550; 9525.1560; 9525.1570; 9525.1590; 9525.1610; 9525.1620; 9525.1630; 9525.1640; 9525.1650; 9525.1660; 9525.1670; 9525.1680; 9525.1690; 9525.2000; 9525.2010; 9525.2020; 9525.2025; 9525.2030; 9525.2040; 9525.2050; 9525.2060; 9525.2070; 9525.2080; 9525.2090; 9525.2100; 9525.2110; 9525.2120; 9525.2130; 9525.2140; 9543.3070; 9555.8000; 9555.8100; 9555.8200; 9555.8300; 9555.8400; and 9555.8500.

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

Pages 4 to 6, delete sections 2 and 3

Page 7, after line 23, insert:

"Sec. 5. Minnesota Statutes 1996, section 245A.03, subdivision 2, is amended to read:

Subd. 2. [EXCLUSION FROM LICENSURE.] Sections 245A.01 to 245A.16 do not apply to:

(1) residential or nonresidential programs that are provided to a person by an individual who is related unless the residential program is a foster care placement made by a local social services agency or a licensed child-placing agency, except as provided in subdivision 2a;

(2) nonresidential programs that are provided by an unrelated individual to persons from a single related family;

(3) residential or nonresidential programs that are provided to adults who do not abuse chemicals or who do not have a chemical dependency, a mental illness, mental retardation or a related condition, a functional impairment, or a physical handicap;

(4) sheltered workshops or work activity programs that are certified by the commissioner of economic security;

(5) programs for children enrolled in kindergarten to the 12th grade and prekindergarten special education in a school as defined in section 120.101, subdivision 4, and programs serving children in combined special education and regular prekindergarten programs that are operated or assisted by the commissioner of children, families, and learning;

(6) nonresidential programs primarily for children that provide care or supervision, without charge for ten or fewer days a year, and for periods of less than three hours a day while the child's parent or legal guardian is in the same building as the nonresidential program or present within another building that is directly contiguous to the building in which the nonresidential program is located;

(7) nursing homes or hospitals licensed by the commissioner of health except as specified under section 245A.02;

(8) board and lodge facilities licensed by the commissioner of health that provide services for five or more persons whose primary diagnosis is mental illness who have refused an appropriate residential program offered by a county agency. This exclusion expires on July 1, 1990;

(9) homes providing programs for persons placed there by a licensed agency for legal adoption, unless the adoption is not completed within two years;

(10) programs licensed by the commissioner of corrections;

(11) recreation programs for children or adults that operate for fewer than 40 calendar days in a calendar year or programs operated by a park and recreation board of a city of the first class whose primary purpose is to provide social and recreational activities to school age children, provided the program is approved by the park and recreation board;

(12) programs operated by a school as defined in section 120.101, subdivision 4, whose primary purpose is to provide child care to school-age children, provided the program is approved by the district's school board;

(13) head start nonresidential programs which operate for less than 31 days in each calendar year;

(14) noncertified boarding care homes unless they provide services for five or more persons whose primary diagnosis is mental illness or mental retardation;

(15) nonresidential programs for nonhandicapped children provided for a cumulative total of less than 30 days in any 12-month period;

(16) residential programs for persons with mental illness, that are located in hospitals, until the commissioner adopts appropriate rules;

(17) the religious instruction of school-age children; Sabbath or Sunday schools; or the congregate care of children by a church, congregation, or religious society during the period used by the church, congregation, or religious society for its regular worship;

(18) camps licensed by the commissioner of health under Minnesota Rules, chapter 4630;

(19) mental health outpatient services for adults with mental illness or children with emotional disturbance;

(20) residential programs serving school-age children whose sole purpose is cultural or educational exchange, until the commissioner adopts appropriate rules;

(21) unrelated individuals who provide out-of-home respite care services to persons with mental retardation or related conditions from a single related family for no more than 90 days in a 12-month period and the respite care services are for the temporary relief of the person's family or legal representative;

(22) respite care services provided as a home and community-based service to a person with mental retardation or a related condition, in the person's primary residence;

(23) community support services programs as defined in section 245.462, subdivision 6, and family community support services as defined in section 245.4871, subdivision 17; or

(24) the placement of a child by a birth parent or legal guardian in a preadoptive home for purposes of adoption as authorized by section 259.47.

For purposes of clause (6), a building is directly contiguous to a building in which a nonresidential program is located if it shares a common wall with the building in which the nonresidential program is located or is attached to that building by skyway, tunnel, atrium, or common roof."

Page 8, line 1, delete everything after the second comma

Page 8, line 2, delete everything before "the"

Page 8, line 7, delete everything after "with" and insert "this chapter."

Page 8, delete lines 8 to 13 and insert "The commissioner shall initiate a pilot project to conduct up to 5,000 background studies under this chapter in programs with joint licensure as home- and community-based services and adult foster care for people with developmental disabilities when the license holder does not reside in the foster care residence."

Page 11, line 32, delete the new language

Page 12, line 35, before "foster" insert "child" and delete "unless the"

Page 12, line 36, delete the new language

Page 13, lines 9 to 14, delete the new language

Page 15, line 30, delete everything before "the" and insert ": a conviction of one or more crimes listed in clauses (1) to (4);"

Page 15, line 33, after "(4)" insert "; or an administrative determination listed under clause (4)"

Page 19, line 23, delete "which is" and insert "; or"

Page 20, lines 12 and 13, delete the new language

Page 22, line 20, delete everything after "will" and insert "receive the same notification received by license holders in cases where the individual studied has no disqualifying characteristic"

Page 22, delete line 21

Page 22, line 22, delete everything before the period

Page 23, line 4, delete "(a) or" and after the second comma, insert "clause (1) or (2),"

Page 23, line 8, delete "(c)" and insert "(b), clause (3)"

Page 41, line 15, before the period, insert ", or successor provisions"

Page 42, line 9, before the period, insert ", or successor provisions"

Page 42, line 27, delete "consumers" and insert "persons"

Page 49, line 8, after "procedures" insert "are those procedures necessary to implement medication and treatment orders issued by appropriately licensed professionals, and"

Page 49, line 32, delete "to 245.99" and insert "and 245.94, subdivision 2a"

Page 50, line 31, delete "in"

Page 50, line 36, delete "chapter 245C" and insert "section 245A.65"

Page 52, line 26, delete "252.47" and insert "252.46"

Page 56, lines 5 and 6, delete "chapter 245C" and insert "section 245A.65"

Page 56, line 13, delete everything after "and"

Page 56, delete lines 14 and 15 and insert "once a consumer with overriding health care needs is admitted, staff will be provided with remedial training as deemed necessary by the license holder and the health professional to meet the needs of that consumer."

Page 63, line 4, delete "subdivision" and insert "section"

Page 63, line 15, delete "others" and insert "persons"

Page 63, lines 18 and 19, delete "this chapter" and insert "sections 245A.50 to 245A.57"

Page 64, line 7, before the period, insert "as defined in section 626.5572, subdivision 5"

Page 70, line 9, delete "under"

Page 70, after line 25, insert:

"Sec. 41. [LEGISLATIVE TASK FORCE TO REVIEW THE BACKGROUND STUDY PROCESS.]

The task force must consist of at least six legislators and other members appointed by the commissioner of human services, which may include representatives from the departments of human services, health, and public safety, the ombudsman for older Minnesotans, the ombudsman for mental health and mental retardation, representatives from the attorney general's office, and county agencies, persons receiving services in licensed facilities, families of persons receiving services in licensed facilities, representatives from consumer and advocacy groups, representatives

of agencies that provide services, representatives of individuals and professionals who provide services within the agencies, and representatives of employee bargaining units.

The speaker of the house and the rules and administration subcommittee on committees in the senate shall appoint at least three members from each body to constitute a legislative task force to review the background study process for individuals providing services in facilities and programs licensed by either the department of human services or the department of health. At least one of the members from each body shall be from the minority party. Members shall be appointed before July 1, 1997, and shall convene as soon as possible during the 1997 interim at the call of the chairs.

Members shall evaluate the current systems for background studies completed under Minnesota Statutes, section 144.057, and chapter 245A, specific to, but not limited to, the appropriateness of the authority to disqualify individuals based on a commissioner's determination that, absent a criminal conviction, there is a preponderance of evidence that the individual committed an act that meets the definition of a disqualifying crime under Minnesota Statutes, section 245A.04, the appropriateness and effectiveness of the due process available to disqualified individuals, and the appropriateness of standardizing disqualifying characteristics across all services licensed by the department of human services and the department of health.

The deliberations of the task force shall include consideration of the privacy issues related to background studies, specifically the efficient and effective dissemination of information while protecting individual privacy rights, and issues related to rehabilitation and present fitness to perform the duties of employment, and be based upon the recognition that the background study process exists to protect vulnerable children and adults receiving services in licensed programs and facilities and that the safety of these persons shall be given preeminent weight over the interests of persons subject to the background study process.

The task force shall present a report containing any recommendations for change, with draft legislation, to the legislature by February 1, 1998.

Sec. 42. [REPORT ON RULE CONSOLIDATION.]

The commissioner of human services shall report no later than March 15, 1998, to the chairs of the senate committee on health and family security, the house committee on health and human services, the senate health and family security budget division, and the house health and human services finance division on the implementation of rule consolidation authorized by Minnesota Statutes, sections 245A.50 to 245A.57. In addition, the report shall include recommendations as needed to improve the consolidated rule's effectiveness in providing safeguards for clients while streamlining the regulatory process. The commissioner shall appoint an advisory task force to assist in developing the report. The task force membership shall include, but not be limited to, representatives from provider, advocacy, and other interested groups. Department of human services staff shall not be members of the task force but shall provide technical assistance as needed."

Page 70, after line 31, insert:

"Sec. 44. [CHILD CARE CENTERS; RULE AMENDMENTS.]

(a) The commissioner shall amend Minnesota Rules, part 9503.0035, subpart 4, with regard to in-service training of child care center staff by adding the following:

In-service training must be completed within the license period for which it is required. In-service completed by staff persons as required under this subpart shall be transferable upon a staff person's change in employment to another child care program. License holders shall record all staff in-service training on forms prescribed by the commissioner.

(b) The commissioner shall amend Minnesota Rules, part 9503.0005, subpart 25, so that "supervision" has the following meaning:

(1) Except as provided in clause (2), supervision occurs when a program staff person is within

sight and hearing of a child at all times so that the program staff person can intervene to protect the health and safety of the child.

(2) When an infant is placed in a crib room to sleep, supervision occurs when a staff person is within sight or hearing of the infant. When supervision of a crib room is provided by sight or hearing, the center must have a plan to address the other supervision component.

(c) The commissioner shall amend the definition of "experience" in Minnesota Rules, chapter 9503, to include paid or unpaid employment serving children as teacher, assistant teacher, aide, or student intern in a licensed child care center; in a public or nonpublic school; or in a program licensed as a family day care or group family day care provider.

Sec. 45. [EXPIRATION.]

Section 7 shall expire on June 30, 1998."

Page 70, line 33, after "parts" insert "4668.0020;"

Page 71, delete line 21 and insert:

"Sections 1 to 3, 5, 9 to 28, 37 to 39, 44, and 46, subdivision"

Page 71, line 22, delete "2" and insert "4"

Page 71, line 23, delete "9, and 42" and insert "8, and 46"

Page 71, line 24, delete "30 to 37 and 42" and insert "29 to 36 and 46"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete everything after the first semicolon

Page 1, line 6, delete "5;" and after "17;" insert "245A.03, subdivision 2;"

Page 1, line 16, after "parts" insert "4668.0020;"

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

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

S.F. No. 298: A bill for an act relating to partnerships; enacting the Uniform Partnership Act of 1994; providing for limited liability partnerships; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 323A; repealing Minnesota Statutes 1996, sections 323.01; 323.02, subdivisions 1, 2, 3, 4, 5, 6, 7, and 8; 323.03; 323.04; 323.05; 323.06; 323.07; 323.08; 323.09; 323.10; 323.11; 323.12; 323.13; 323.14; 323.15; 323.16; 323.17; 323.18; 323.19; 323.20; 323.21; 323.22; 323.23; 323.24; 323.25; 323.26; 323.27; 323.28; 323.29; 323.30; 323.31; 323.32; 323.33; 323.34; 323.35; 323.36; 323.37; 323.38; 323.39; 323.40; 323.41; 323.42; 323.43; 323.44; 323.45; 323.46; and 323.47.

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

Page 2, line 4, after "(5)" insert "\"\"Filed\"\" or"

Page 3, after line 6, insert:

"(14) "Record," "recorded," and "recording" mean that a certified copy of a statement meeting the applicable requirements of this chapter as filed with the secretary of state has been delivered to

and filed in the office of the county recorder or registrar of titles, whichever office maintains the records for the real property affected by such statement and, if the real property is registered land under chapter 508 or 508A, that the statement is memorialized on the certificate of title for the affected real property."

Page 3, line 7, delete "(14)" and insert "(15)"

Page 3, line 19, delete "(15)" and insert "(16)"

Page 3, line 23, delete "(16)" and insert "(17)"

Page 3, line 31, delete "(17)" and insert "(18)"

Page 6, delete lines 18 to 23 and insert:

"(b) A certified copy of a statement that has been filed and has been recorded has the effect provided for recorded statements in this chapter. A recorded statement that is not a certified copy of a statement filed in the office of the secretary of state does not provide knowledge or notice and does not have the effect provided for recorded statements in this chapter."

Page 7, line 13, delete "(1)" and insert "(i)"

Page 10, lines 24 and 30, after "held" insert ", without the necessity of an instrument of transfer executed by a partner in the partnership name"

Page 11, line 1, delete "or had received a"

Page 11, line 2, delete "notification"

Page 11, line 6, delete "or had received a notification"

Page 12, line 10, delete "Except as otherwise provided in subsection (g),"

Page 12, line 22, delete "a copy of"

Page 12, line 23, delete "filed in the office of the" and insert ", whether or not a certified copy of the filed statement is recorded,"

Page 12, line 24, delete "secretary of state"

Page 12, line 26, before "statement" insert "certified copy of a filed"

Page 12, line 27, delete "in the office of the secretary"

Page 12, line 28, delete "of state" and delete "file in the office of the secretary of state" and insert "recording"

Page 12, line 29, before "copy" insert "certified" and after the first "a" insert "filed"

Page 12, line 33, before "if" insert "only" and after "a" insert "certified copy of the"

Page 12, line 34, delete "on file in" and insert "of record."

Page 12, delete line 35

Page 13, delete lines 4 to 7

Page 30, delete lines 22 to 28 and insert:

"(i) within 90 days after a partner's dissociation by death or otherwise under section 323A.601(6) to (10) or wrongful dissociation under section 323A.602(b), the express will of at least half of the remaining partners to dissolve the partnership business, for which purpose a partner's rightful dissociation pursuant to section 323A.602(b)(2)(i) constitutes the expression of that partner's will to dissolve;"

Page 33, line 5, after "A" insert "filed"

Page 33, line 6, delete "323A.303(d)" and insert "323A.303(d)(1)"

Page 33, line 7, after "and" insert ", if recorded," and delete "section" and insert "sections"

Page 33, line 8, delete "323A.303(e)" and insert "323A.303(d)(2) and 323A.303(e)"

Page 33, line 13, after "filing" insert "and, if appropriate, recording"

Page 33, line 14, after "file" insert "and, if appropriate, record"

Page 38, line 35, delete "subject" and insert "pursuant"

Page 40, line 21, delete "filing" and insert "recording a certified copy of"

Page 40, line 22, delete "in the office of the secretary of state"

Page 43, line 16, delete "registration" and insert "reinstatement and pay a reinstatement fee of \$....."

Page 43, delete lines 17 to 26 and insert:

"(f) A reinstatement under subsection (e) relates back to and takes effect as of the effective date of the revocation, and the partnership's status as a limited liability partnership continues as if the revocation had never occurred."

Page 45, line 36, delete "security interest in" and insert " they become contracts;"

Page 46, delete line 1

Page 46, delete lines 4 to 6 and insert:

"(8) collecting debts, including foreclosing mortgages, cancelling contracts for deed, enforcing other security interests on property securing debts, accepting deeds or other instruments of title from debtors in lieu of foreclosure, cancellation or other enforcement, and holding, protecting, and maintaining property so acquired;"

Pages 46 and 47, delete section 61

Pages 47 and 48, delete article 12 and insert:

"ARTICLE 12

MISCELLANEOUS PROVISIONS

Sec. 61. [322A.88] [LIMITED LIABILITY LIMITED PARTNERSHIP.]

(a) A limited partnership may become a limited liability partnership by:

(1) obtaining approval of the terms and conditions under which the limited partnership elects limited liability limited partnership status by the vote necessary to amend the limited partnership agreement except, in the case of a limited partnership agreement that expressly considers contribution obligations, the vote necessary to amend those provisions;

(2) filing a statement of qualification under section 323A.1001(c) of the Uniform Partnership Act (1994); and

(3) complying with the name requirements of section 323A.1002 of the Uniform Partnership Act (1994).

(b) A limited liability limited partnership continues to be the same entity that existed before the filing of a statement of qualification under section 323A.1001(c) of the Uniform Partnership Act (1994).

(c) Sections 323A.306(c) and 323A.307(f) of the Uniform Partnership Act (1994) apply to both general and limited partners of a limited liability limited partnership.

Sec. 62. [323A.1201] [SHORT TITLE.]

Chapter 323A may be cited as the Uniform Partnership Act (1994).

Sec. 63. [323A.1202] [APPLICABILITY.]

(a) Before January 1, 2002, chapter 323A governs only a partnership formed:

(1) after the effective date of chapter 323A unless that partnership is continuing the business of a dissolved partnership under section 323.40; and

(2) before the effective date of chapter 323A that elects, as provided by subsection (c), to be governed by chapter 323A.

(b) On and after January 1, 2002, chapter 323A governs all partnerships.

(c) Before January 1, 2002, a partnership voluntarily may elect, in the manner provided in its partnership agreement or by law for amending the partnership agreement, to be governed by chapter 323A. The provisions of chapter 323A relating to the liability of the partnership's partners to third parties apply to limit those partners' liability to a third party who had done business with the partnership within one year preceding the partnership's election to be governed by chapter 323A, only if the third party knows or has received a notification of the partnership's election to be governed by chapter 323A.

Sec. 64. [323A.1203] [EFFECT OF DESIGNATION.]

A partnership remains the same entity for purposes of holding title to or conveying an interest in real or personal property and for all other purposes except as otherwise provided in this chapter:

(1) during the winding up of the partnership following its dissolution;

(2) whether the status of a partnership that is a limited liability partnership terminates under section 323A.105(d) or section 323A.1003; and

(3) regardless of whether the words "limited liability partnership," "professional limited liability partnership," "general partnership," "registered limited liability partnership," or the designation "L.L.P.," "LLP," "P.L.L.P.," "PLLP," "R.L.L.P.," or "RLLP" are used in an instrument conveying an interest in real or personal property to or from the partnership or in any other writing.

Sec. 65. [UNIFORMITY OF APPLICATION AND CONSTRUCTION.]

Minnesota Statutes, chapter 323A, shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

Sec. 66. [EFFECTIVE DATE.]

Minnesota Statutes, chapter 323A, takes effect January 1, 1999.

Sec. 67. [REPEALERS.]

Minnesota Statutes 1996, sections 323.01; 323.02, subdivisions 1, 2, 3, 4, 5, 6, 7, and 8; 323.03; 323.04; 323.05; 323.06; 323.07; 323.08; 323.09; 323.10; 323.11; 323.12; 323.13; 323.14; 323.15; 323.16; 323.17; 323.18; 323.19; 323.20; 323.21; 323.22; 323.23; 323.24; 323.25; 323.26; 323.27; 323.28; 323.29; 323.30; 323.31; 323.32; 323.33; 323.34; 323.35; 323.36; 323.37; 323.38; 323.39; 323.40; 323.41; 323.42; 323.43; 323.44; 323.45; 323.46; and 323.47, are repealed effective January 1, 2002.

Sec. 68. [SAVINGS CLAUSE.]

Minnesota Statutes, chapter 323A, does not affect an action or proceeding commenced or right accrued before January 1, 1999.

Sec. 69. [APPROPRIATION.]

\$...... is appropriated from the general fund to the secretary of state for the purpose of implementing this act. The appropriation is available until expended.

Sec. 70. [REVISOR INSTRUCTION.]

The revisor of statutes shall change the references to chapter 323 or any of its sections in Minnesota Statutes to chapter 323A or any of its sections as appropriate to reflect the changes made in this act."

Amend the title as follows:

Page 1, line 4, before "proposing" insert "proposing coding for new law in Minnesota Statutes, chapter 322A;"

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

H.F. No. 756 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
756	691				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 756 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 756 and insert the language after the enacting clause of S.F. No. 691, the first engrossment; further, delete the title of H.F. No. 756 and insert the title of S.F. No. 691, the first engrossment.

And when so amended H.F. No. 756 will be identical to S.F. No. 691, and further recommends that H.F. No. 756 be given its second reading and substituted for S.F. No. 691, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 90 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
90	61				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 1045 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1045	759				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1045 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1045 and insert the language after the enacting clause of S.F. No. 759; further, delete the title of H.F. No. 1045 and insert the title of S.F. No. 759.

And when so amended H.F. No. 1045 will be identical to S.F. No. 759, and further recommends that H.F. No. 1045 be given its second reading and substituted for S.F. No. 759, and that the Senate File be indefinitely postponed.

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1026, 386, 1397, 951, 1669 and 244 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 356, 756, 90 and 1045 were read the second time.

MOTIONS AND RESOLUTIONS

Ms. Runbeck moved that her name be stricken as a co-author to S.F. No. 82. The motion prevailed.

Mr. Knutson moved that the names of Mrs. Pariseau and Mr. Kleis be added as co-authors to S.F. No. 651. The motion prevailed.

Mr. Marty moved that the name of Mr. Wiger be added as a co-author to S.F. No. 1825. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Berg introduced--

S.F. No. 1838: A bill for an act relating to Stevens county; extending the duration of a tax increment financing district.

Referred to the Committee on Local and Metropolitan Government.

Ms. Runbeck and Mr. Stevens introduced--

S.F. No. 1839: A bill for an act relating to workers' compensation; changing time limitation provisions; amending Minnesota Statutes 1996, section 176.151.

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

Messrs. Betzold and Knutson introduced--

S.F. No. 1840: A bill for an act relating to taxation; deed tax; exempting marriage dissolution decrees or instruments made pursuant to these decrees from imposition of the tax; amending Minnesota Statutes 1996, section 287.22.

Referred to the Committee on Taxes.

Mr. Samuelson introduced--

S.F. No. 1841: A bill for an act relating to highways; requiring notice to landowners and assessor before certain roads or highways may be dedicated to public use; allowing adjacent landowners to petition road authority to establish, alter, or vacate a public road; amending Minnesota Statutes 1996, sections 103E.615, subdivision 4; 160.05, subdivision 1; 163.12, subdivision 1; 163.13, subdivision 1; 164.06, subdivision 1; 164.08, subdivisions 1 and 2; 164.12, subdivisions 1 and 3; 164.14, subdivisions 1 and 3; 164.35, subdivision 4; and 282.04, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 160; repealing Minnesota Statutes 1996, section 164.07.

Referred to the Committee on Transportation.

Mr. Samuelson introduced--

S.F. No. 1842: A bill for an act relating to taxation; property; allowing one preferred commercial-industrial parcel per owner per city or town; amending Minnesota Statutes 1996, section 273.13, subdivision 24.

Referred to the Committee on Local and Metropolitan Government.

Mr. Ten Eyck introduced--

S.F. No. 1843: A bill for an act relating to human services; increasing the personal care attendant services reimbursement rate in Beltrami and Hubbard counties; amending Minnesota Statutes 1996, section 256B.0913, by adding a subdivision.

Referred to the Committee on Health and Family Security.

Ms. Runbeck introduced--

S.F. No. 1844: A bill for an act relating to health; requiring the board of the Minnesota comprehensive health association to develop a prescription drug insurance program for senior citizens; appropriating money.

Referred to the Committee on Health and Family Security.

Mses. Olson, Robertson and Mr. Janezich introduced--

S.F. No. 1845: A bill for an act relating to education; authorizing direct payments to cooperative units in certain circumstances; amending Minnesota Statutes 1996, sections 124.193; and 124.195, by adding a subdivision.

Referred to the Committee on Children, Families and Learning.

Mr. Lessard introduced--

S.F. No. 1846: A bill for an act relating to Itasca county; providing a total exemption for construction materials purchased for use in constructing improvements to a county jail and courthouse.

Referred to the Committee on Taxes.

Ms. Olson, Messrs. Belanger, Murphy, Ms. Pappas and Mr. Price introduced--

S.F. No. 1847: A bill for an act relating to taxation; sales; adopting recommendations of the sales tax advisory council; changing the base, payment, and administration of the sales tax; providing uniform rules for local sales taxes; amending Minnesota Statutes 1996, sections 289A.11, subdivision 1; 289A.18, subdivision 4; 289A.20, subdivision 4; 289A.40, subdivision 2; 289A.56, subdivision 4; 297A.01, subdivisions 3, 7, 15, and 16; 297A.02, subdivision 2; 297A.023; 297A.14, subdivision 4; 297A.211, subdivision 1; and 297A.25, subdivisions 2, 3, 12, 59, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 297A; repealing Minnesota Statutes 1996, sections 289A.60, subdivision 15; 297A.01, subdivision 20; 297A.02, subdivision 5; 297A.15, subdivision 5; and 297A.25, subdivision 29.

Referred to the Committee on Taxes.

Ms. Runbeck, Mr. Terwilliger and Ms. Lesewski introduced--

S.F. No. 1848: A bill for an act relating to workers' compensation; modifying burden of proof requirements; changing third party liability provisions; clarifying cessation of benefit restrictions; modifying arbitration provisions; amending Minnesota Statutes 1996, sections 176.021, subdivision 1a; 176.061; 176.101, subdivision 8; and 176.191, subdivision 5; repealing Minnesota Statutes 1996, section 176.191, subdivision 1a.

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

Mr. Samuelson introduced--

S.F. No. 1849: A bill for an act relating to environment finance; appropriating money for the scientific and natural areas fund and providing for acquisition of Lake Alexander Woods.

Referred to the Committee on Environment and Natural Resources.

Mr. Samuelson and Ms. Hanson introduced--

S.F. No. 1850: A bill for an act relating to corrections; guaranteeing correctional officers rights when a formal statement is taken as part of an investigation that could result in disciplinary action; proposing coding for new law in Minnesota Statutes, chapter 241.

Referred to the Committee on Crime Prevention.

Ms. Anderson, Mr. Moe, R.D. and Ms. Junge introduced--

S.F. No. 1851: A bill for an act relating to the legislature; appropriating money for a citizenship program.

Referred to the Committee on Rules and Administration.

Mr. Berg introduced--

S.F. No. 1852: A bill for an act relating to pollution control; prohibiting local governments from exercising certain regulatory authorities over feedlots; amending Minnesota Statutes 1996, section 116.07, subdivision 7.

Referred to the Committee on Environment and Natural Resources.

Mr. Pogemiller introduced--

S.F. No. 1853: A bill for an act relating to education; appropriating money for the center for victims of torture.

Referred to the Committee on Children, Families and Learning.

Mr. Berg introduced--

S.F. No. 1854: A bill for an act relating to construction activities; requiring notice of certain proposed animal feedlots and residential developments; amending Minnesota Statutes 1996, section 116.07, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 394.

Referred to the Committee on Environment and Natural Resources.

Mr. Wiger introduced--

S.F. No. 1855: A bill for an act relating to crime prevention; specifying eligibility for community-based crime prevention grants; amending Minnesota Statutes 1996, section 119A.31, subdivision 1.

Referred to the Committee on Crime Prevention.

Mr. Dille introduced--

S.F. No. 1856: A bill for an act relating to the environment; authorizing expenditures for the identification, prioritization, and remediation of open dumps; amending Minnesota Statutes 1996, section 115B.42, subdivision 2, as amended.

Referred to the Committee on Environment and Natural Resources.

Mr. Dille introduced--

S.F. No. 1857: A bill for an act relating to education; creating a state aid to replace reductions in title I money; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Children, Families and Learning.

Ms. Piper, Mr. Foley, Ms. Lesewski, Mr. Janezich and Mrs. Lourey introduced--

S.F. No. 1858: A bill for an act relating to family and early childhood education; providing for community and prevention programs; promoting self-sufficiency; providing for child care; establishing grant programs; appropriating money; amending Minnesota Statutes 1996, sections 15.53, subdivision 2; 119A.13, subdivisions 2, 3, and 4; 119A.14; 119A.15, subdivisions 2 and 5; 119A.16; 119A.31, subdivision 1; 119B.01, subdivisions 8, 9, 12, 16, 17, and by adding subdivisions; 119B.02; 119B.03, subdivisions 3, 4, 5, 6, 7, 8, and by adding a subdivision; 119B.04; 119B.05, subdivisions 1, 5, 6, and by adding a subdivision; 119B.07; 119B.08, subdivisions 1 and 3; 119B.09, subdivisions 1, 2, and by adding subdivisions; 119B.10, subdivision 1; 119B.11, subdivisions 1, 3, and by adding a subdivision; 119B.13, subdivision 1; 119B.15; 119B.16, subdivision 1; 119B.18, by adding a subdivision; 119B.20, subdivisions 7, 9, and 10; 119B.21, subdivisions 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11; 121.11, by adding a subdivision; 121.8355, subdivision 1; 124.17, subdivision 2e; 124.2615, subdivisions 1 and 2; 124.2711, subdivision 1; 268.913, subdivisions 2 and 4; 268.914, subdivision 1; and 517.08, subdivision 1c; repealing Minnesota Statutes 1996, sections 119B.03, subdivision 7; 119B.05, subdivisions 2 and

3; 119B.11, subdivision 2; 119B.19, subdivision 2; 119B.21, subdivision 7; 121.8355, subdivision 1a; and 268.913, subdivision 5.

Referred to the Committee on Education Finance.

Mr. Morse introduced--

S.F. No. 1859: A bill for an act relating to the organization and operation of state government; appropriating money for operations support in the department of natural resources; appropriating money for general support in the pollution control agency; appropriating money for administration and financial assistance in the department of agriculture.

Referred to the Committee on Environment and Natural Resources.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, April 7, 1997. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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