

STATE OF MINNESOTA

Journal of the Senate

EIGHTIETH LEGISLATURE

THIRTY-SEVENTH DAY

St. Paul, Minnesota, Friday, April 11, 1997

The Senate met at 8:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Gary Gilbertson.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Ms. Berglin, Messrs. Lessard and Moe, R.D. were excused from the Session of today.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 305 and 1052.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 10, 1997

Mr. President:

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

S.F. No. 1: A bill for an act relating to human services; replacing the aid to families with dependent children program with the Minnesota family investment program-statewide; amending Minnesota Statutes 1996, sections 13.46, subdivisions 1 and 2; 84.98, subdivision 3; 124.17, subdivisions 1d and 1e; 124.175; 124A.02, subdivision 16; 124A.22, subdivision 3; 136A.125, subdivision 2; 196.27; 237.70, subdivision 4a; 254B.02, subdivision 1; 256.01, subdivisions 2 and 4a; 256.017, subdivisions 1 and 4; 256.019; 256.031, subdivision 5, and by adding subdivisions; 256.033, subdivisions 1 and 1a; 256.046, subdivision 1; 256.736, subdivision 3a; 256.74, subdivision 1; 256.82, subdivision 2; 256.935, subdivision 1; 256.9354, by adding a subdivision; 256.98, subdivision 8; 256.981; 256.983, subdivisions 1 and 4; 256.9861, subdivision 5; 256B.055, subdivisions 3, 5, and by adding subdivisions; 256B.056, subdivisions 1a, 3, and 4; 256B.057, subdivisions 1, 1b, and 2b; 256B.06, subdivision 4; 256B.062; 256D.01, subdivisions 1, 1a, and 1e; 256D.02, subdivisions 6 and 12a; 256D.03, subdivision 3; 256D.05, subdivisions 1, 2, 5, 7, and 8; 256D.051, subdivisions 1a, 2a, 3a, and by adding a subdivision; 256D.055; 256D.06, subdivisions 2 and 5; 256D.08, subdivisions 1 and 2; 256D.09, by adding a subdivision; 256D.435, subdivision 3; 256D.44, subdivision 5; 256E.03, subdivision 2; 256E.06, subdivisions 1 and 3; 256E.07, subdivision 1; 256E.08, subdivision 3; 256F.04, subdivisions 1 and 2; 256F.05, subdivisions 2, 3, 4, 5, and 8; 256F.06, subdivisions 1 and 2; 256G.01, subdivision 4; 256G.02, subdivision 6; 257.3573, subdivision 2; 259.67, subdivision 4; 260.38; 268.0111, subdivisions 5 and 7; 268.0122, subdivision 3; 268.552, subdivision 5; 268.6751, subdivision 1; 268.676, subdivision 1; 268.86, subdivision 2; 268.871, subdivision 1; 268.90, subdivision 2; 268.916; 268.95, subdivision 4; 393.07, subdivision 6; and 477A.0122, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 256B; and 256D; proposing coding for new law as Minnesota Statutes, chapters 256J; and 256K; repealing Minnesota Statutes 1996, sections 256.12, subdivisions 9, 10, 14, 15, 20, 21, 22, and 23; 256.72; 256.73; 256.7341; 256.7351; 256.7352; 256.7353; 256.7354; 256.7355; 256.7356; 256.7357; 256.7358; 256.7359; 256.736, subdivision 19; 256.7365; 256.7366; 256.7381; 256.7382; 256.7383; 256.7384; 256.7385; 256.7386; 256.7387; 256.7388; 256.74, subdivisions 1, 1a, 1b, 2, and 6; 256.745; 256.75; 256.76; 256.78; 256.80; 256.81; 256.82; 256.84; 256.85; 256.86; 256.863; 256.871; 256.8711; 256.879; 256D.02, subdivision 5; 256D.05, subdivisions 3 and 3a; 256D.0511; 256D.065; 256F.05, subdivisions 5 and 7; and 256G.05, subdivision 2.

Senate File No. 1 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 10, 1997

Mr. Samuelson moved that the Senate do not concur in the amendments by the House to S.F. No. 1, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 556, 1301, 1880 and 2132.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 10, 1997

FIRST READING OF HOUSE BILLS

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

H.F. No. 556: A bill for an act relating to health; permitting health data institute access to

certain data; defining terms for vital statistics; modifying lead inspection provisions; modifying provisions for unique identifiers for health care providers, group purchasers, and patients; modifying birth data provisions; limiting access to certified copies of birth and death certificates; requiring standardized format for birth and death certificates; providing for recording and reporting of abortion data; amending Minnesota Statutes 1996, sections 62J.451, subdivision 6c; 62J.54; 144.212, by adding subdivisions; 144.215, by adding subdivisions; 144.225, by adding subdivisions; 144.9504, subdivision 2; and 145.411, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 98, now on the Calendar.

H.F. No. 1301: A bill for an act relating to local government; defining the department's classified service under a merged Saint Paul and Ramsey county department of public health; amending Minnesota Statutes 1996, section 383A.288, subdivisions 3 and 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 884, now on General Orders.

H.F. No. 1880: A bill for an act relating to reemployment compensation; providing less frequent payment schedules for certain employers; providing for noncharging of benefits in certain situations; proposing coding for new law in Minnesota Statutes, chapter 268.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1519, now on General Orders.

H.F. No. 2132: A bill for an act relating to taxation; providing an extension of time to file and pay certain state taxes for residents in a flood disaster area.

SUSPENSION OF RULES

Ms. Junge moved that Rule 49 be suspended as to the reference of H.F. No. 2132. The motion prevailed.

Ms. Junge moved that H.F. No. 2132 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

SUSPENSION OF RULES

Ms. Junge moved that Joint Rule 2.03 be suspended as it relates to the Committee Report on S.F. No. 184. The motion prevailed.

Ms. Junge moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 241 and 717. The motion prevailed.

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

S.F. No. 1833: A bill for an act relating to counties; providing that issuance of a certain permit does not make a county liable for certain injuries; amending Minnesota Statutes 1996, section 86B.121.

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

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

S.F. No. 241: A bill for an act relating to family law; modifying the definition of domestic abuse for purposes of evaluating the best interests of a child in a custody determination; amending Minnesota Statutes 1996, section 518.17, subdivision 1.

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

Page 2, line 16, delete everything after the first "individual"

Page 2, delete line 17

Page 2, line 18, delete everything before the semicolon

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.

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

S.F. No. 536: A bill for an act relating to public nuisances; adding to the definition of nuisance and the list of acts constituting a public nuisance; amending Minnesota Statutes 1996, sections 617.81, subdivision 2; and 617.88.

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

Page 2, lines 6 and 33, after "violation" insert "by a commercial enterprise" and delete "zoning or"

Page 3, line 11, delete "section 1" and insert "sections 1 and 2"

Page 3, line 15, delete "crimes committed" and insert "behavioral incidents occurring"

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

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

S.F. No. 855: A bill for an act relating to courts; providing for open juvenile court hearings and records in proceedings involving children in need of protection or services; amending Minnesota Statutes 1996, section 260.155, subdivision 1.

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 260.155, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] (a) Except for hearings arising under section 260.261, hearings on any matter shall be without a jury and may be conducted in an informal manner, except that a child who is prosecuted as an extended jurisdiction juvenile has the right to a jury trial on the issue of guilt. The rules of evidence promulgated pursuant to section 480.0591 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged to be delinquent, an extended jurisdiction juvenile, or a juvenile petty offender, and hearings conducted pursuant to section 260.125 except to the extent that the rules themselves provide that they do not apply. In all adjudicatory proceedings involving a child alleged to be in need of protection or services, the court shall admit only evidence that would be admissible in a civil trial. To be proved at trial, allegations of a petition alleging a child to be in need of protection or services must be proved by clear and convincing evidence.

(b) Except for proceedings involving a child alleged to be in need of protection or services and petitions for the termination of parental rights, hearings may be continued or adjourned from time to time. In proceedings involving a child alleged to be in need of protection or services and

petitions for the termination of parental rights, hearings may not be continued or adjourned for more than one week unless the court makes specific findings that the continuance or adjournment is in the best interests of the child. If a hearing is held on a petition involving physical or sexual abuse of a child who is alleged to be in need of protection or services or neglected and in foster care, the court shall file the decision with the court administrator as soon as possible but no later than 15 days after the matter is submitted to the court. When a continuance or adjournment is ordered in any proceeding, the court may make any interim orders as it deems in the best interests of the minor in accordance with the provisions of sections 260.011 to 260.301.

(c) (1) Except as otherwise provided in this paragraph, the court shall exclude the general public from hearings under this chapter and shall admit only those persons who, in the discretion of the court, have a direct interest in the case or in the work of the court.

(2) Upon request, the court shall allow an interested person to attend proceedings involving a child in need of protection or services, unless the court determines that the person's presence would not be in the best interests of the child. For purposes of this clause, "interested person" means an adult relative of the child or another adult whom the court finds has a demonstrable interest in the child. The interested person must agree not to disclose information from the proceedings except as otherwise authorized by law. A person who violates an agreement not to disclose information is subject to contempt of court. The court may provide for notice of the proceedings to an interested person who has requested it. This clause does not affect other rights of interested persons to attend or participate in proceedings under this chapter.

(3) The court shall open the hearings to the public in delinquency or extended jurisdiction juvenile proceedings where the child is alleged to have committed an offense or has been proven to have committed an offense that would be a felony if committed by an adult and the child was at least 16 years of age at the time of the offense, except that the court may exclude the public from portions of a certification hearing to discuss psychological material or other evidence that would not be accessible to the public in an adult proceeding.

(d) In all delinquency cases a person named in the charging clause of the petition as a person directly damaged in person or property shall be entitled, upon request, to be notified by the court administrator in writing, at the named person's last known address, of (1) the date of the certification or adjudicatory hearings, and (2) the disposition of the case.

(e) Adoption hearings shall be conducted in accordance with the provisions of laws relating to adoptions."

Delete the title and insert:

"A bill for an act relating to child protection; allowing certain persons to attend court hearings; amending Minnesota Statutes 1996, section 260.155, subdivision 1."

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. 1755: A bill for an act relating to local government; providing for procedures between the county housing and redevelopment authority and certain municipalities and municipal authorities; amending Minnesota Statutes 1996, section 383B.77, subdivision 2.

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

Page 2, line 1, strike "except as provided in this subdivision. If a" and insert "unless the"

Page 2, lines 4 and 5, strike ", the county authority may do so"

Page 2, after line 5, insert:

"Sec. 2. Minnesota Statutes 1996, section 398A.04, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] An authority may exercise all the powers necessary or desirable to implement the powers specifically granted in this section, and in exercising the powers is deemed to be performing an essential governmental function and exercising a part of the sovereign power of the state, and is a local government unit and political subdivision of the state. Without limiting the generality of the foregoing, the authority may:

(a) Sue and be sued, have a seal, which may but need not be affixed to documents as directed by the board, make and perform contracts, and have perpetual succession;

(b) Acquire real and personal property within or outside its taxing jurisdiction, by purchase, gift, devise, condemnation, conditional sale, lease, lease purchase, or otherwise; or for purposes, including the facilitation of an economic development project pursuant to section 469.091 or 469.175, subdivision 7, that also improve rail service; and

(c) Hold, manage, control, sell, convey, lease, mortgage, or otherwise dispose of real or personal property.

Sec. 3. [CONTAMINATION CLEANUP AND RAIL IMPROVEMENT.]

The commissioner of the department of trade and economic development, pursuant to Minnesota Statutes, section 116J.555, subdivision 1, and the metropolitan council, pursuant to Minnesota Statutes, section 473.252, subdivision 3, paragraph (b), clause (1), shall designate the site located in the city of St. Louis Park and known as NL Industries/Tara Corp./Golden Auto, EPA ID. No. MND 097891634 to be an eligible and a high-priority site for receipt of contamination cleanup funds from the contaminated site cleanup and development account in the general fund and from the tax base revitalization account in the metropolitan livable communities fund. Grants from these accounts shall be available only upon confirmation from the commissioner of transportation that Hennepin county and the city of St. Louis Park have entered into an agreement with respect to the following:

(1) acquisition through purchase or condemnation of that portion of the described property which will provide adequate right-of-way for a portion of the rail line to replace the 29th street depression in the city of Minneapolis;

(2) responsibility for the costs of the railroad improvement, including changing the curve of the railroad track and eliminating a switching facility;

(3) indemnifying and holding harmless the entity taking title to the described property from any liability arising out of the ownership, remediation, or use of the property;

(4) respective responsibilities of the parties in remediating the acquired property and in assuming responsibility for any required matching funds or remediation costs in excess of this appropriation; and

(5) entitlement to proceeds from any ultimate disposition of the property.

The commissioner of transportation shall collaborate with the city and county by providing technical assistance and support in facilitating the railroad improvement and cleaning up the contaminated site."

Page 2, line 6, delete "2" and insert "4"

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "expanding authority of regional rail authorities; providing for contamination cleanup and rail improvement;"

Page 1, line 5, delete "section" and insert "sections"

Page 1, line 6, after "2" insert "; and 398A.04, subdivision 1"

And when so amended the bill do pass and be re-referred to the Committee on Jobs, Energy and Community Development. Amendments adopted. Report adopted.

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

S.F. No. 1268: A bill for an act relating to public utilities; authorizing electric utilities to charge an electric utility personal property tax replacement fee in lieu of including its ad valorem personal property taxes in the utility's electric rates; exempting certain personal property initially assessed after January 2, 1997; amending Minnesota Statutes 1996, sections 216B.16, subdivision 7; 272.02, subdivision 1; and 273.13, subdivision 31; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

Delete everything after the enacting clause and insert:

"Section 1. [UTILITY TAXATION; LEGISLATIVE ELECTRIC ENERGY TASK FORCE.]

The legislative electric energy task force shall, by January 15, 1998, conduct an analysis of issues relating to the personal property tax on electric and gas utilities in the state and shall issue its findings and recommendations to the legislature by that date regarding:

(1) the effects the personal property tax has on the ability of Minnesota electric and gas utilities to compete in a less regulated energy industry;

(2) the impacts that eliminating the personal property tax on utilities would have on local government units, including school districts, that depend on the revenues from that tax;

(3) the impact eliminating the personal property tax would have on state revenues, local government aids, and school district funding formulas; and

(4) alternatives the legislature can consider to address the issues that arise under clause (1) while minimizing the impacts described in clause (2).

The task force shall establish an interim subcommittee on utility taxation to address these issues, and the subcommittee shall work closely with officials from affected local government units in formulating recommendations to present to the full task force.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to public utilities; providing for an analysis of certain utility personal property taxes."

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

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

S.F. No. 510: A bill for an act relating to health; establishing licensing requirements for the provision of ambulance service; relocating provisions related to emergency medical services; appropriating money; providing penalties; proposing coding for new law as Minnesota Statutes, chapter 144E; repealing Minnesota Statutes 1996, sections 144.801; 144.802; 144.803; 144.804; and 144.806.

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

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

S.F. No. 184: A bill for an act relating to the environment; modifying requirements relating to toxics in products; amending Minnesota Statutes 1996, section 115A.9651.

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

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

Joint Rule 2.03 suspended. Report adopted.

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

S.F. No. 717: A bill for an act relating to retirement; modifying provisions governing deferred compensation in the Minnesota state retirement system; making technical changes; amending Minnesota Statutes 1996, section 352.96, subdivisions 2, 3, and 6.

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

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

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

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.

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

Page 1, after line 14, insert:

"Sec. 2. [PROPERTY TRANSFER.]

Subdivision 1. [TRANSFER AUTHORIZED.] Notwithstanding Minnesota Statutes, section 161.44, the commissioner of transportation may convey the excess property described in subdivision 2 to a purchaser who is not the original owner.

Subd. 2. [PROPERTY DESCRIBED.] The property to be conveyed under subdivision 1 is described as follows:

TRACT A. That part of lots 5, 6 and 7, block 3, Cedar Lake park addition to Minneapolis, according to the plat thereof on file and of record in the office of the county recorder in and for Hennepin county, Minnesota, lying easterly of a line drawn at right angles to the north line of said block 3, from a point thereon distant 306 feet west, along said north line, from the northeast corner of said block 3;

which lies westerly of a line run parallel with and distant 30 feet northwesterly, westerly and southwesterly of line 1 described below:

LINE 1. Commencing at the east quarter corner of section 29, township 29 north, range 24 west; thence run westerly on an azimuth of 269 degrees 32 minutes 03 seconds along the east and west quarter line of said section 29 for 110.64 feet; thence on an azimuth of 186 degrees 56 minutes 39 seconds, 385.74 feet; thence on an azimuth of 298 degrees 31 minutes 31 seconds, 539.48 feet; thence on an azimuth of 204 degrees 25 minutes 00 seconds, 144.4 feet; thence on an azimuth of 249 degrees 07 minutes 52 seconds, 165.81 feet to the point of beginning of line 1 to be described; thence on an azimuth of 69 degrees 07 minutes 52 seconds, 100 feet; thence deflect to the left on a tangential curve having a radius of 160 feet and a delta angle of 44 degrees 42 minutes 52 seconds for 124.87 feet; thence on an azimuth of 24 degrees 25 minutes 00 seconds, 0.53 feet; thence deflect to the left on a tangential curve having a radius of 61 feet and a delta angle of 96 degrees 36 minutes 29 seconds for 102.85 feet to a point of compound

curvature; thence deflect to the left on a tangential curve having a radius of 1277.97 feet and a delta angle of 16 degrees 49 minutes 46 seconds for 375.38 feet and there terminating."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, before the period, insert "; authorizing the commissioner of transportation to transfer certain excess property"

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

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

H.F. No. 1162 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.
1162

S.F. No.
363

H.F. No.

S.F. No.

H.F. No.

S.F. No.

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.

SECOND READING OF SENATE BILLS

S.F. Nos. 1833, 536, 855, 1268, 510 and 184 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 591 and 1162 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Novak moved that the names of Messrs. Marty and Foley be added as co-authors to S.F. No. 1675. The motion prevailed.

Mr. Vickerman moved that his name be stricken as a co-author to S.F. No. 1893. The motion prevailed.

Ms. Olson introduced--

Senate Resolution No. 39: A Senate resolution honoring Cora Lange on her 80th birthday.

Referred to the Committee on Rules and Administration.

Ms. Junge moved that H.F. No. 2132 be taken from the table. The motion prevailed.

H.F. No. 2132: A bill for an act relating to taxation; providing an extension of time to file and pay certain state taxes for residents in a flood disaster area.

SUSPENSION OF RULES

Mr. Stumpf moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2132 and that the rules of the Senate be so far suspended as to give H.F. No. 2132 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 2132 was read the second time.

H.F. No. 2132 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 0, as follows:

Those who voted in the affirmative were:

Beckman	Higgins	Krentz	Oliver	Samuelson
Belanger	Hottinger	Langseth	Ourada	Scheevel
Berg	Janezich	Larson	Pappas	Solon
Betzold	Johnson, D.E.	Lesewski	Piper	Spear
Cohen	Johnson, D.H.	Limmer	Pogemiller	Stevens
Dille	Johnson, J.B.	Lourey	Price	Stumpf
Fischbach	Junge	Marty	Ranum	Ten Eyck
Flynn	Kelly, R.C.	Metzen	Robertson	Terwilliger
Foley	Kiscaden	Morse	Robling	Vickerman
Frederickson	Kleis	Murphy	Runbeck	Wiger
Hanson	Knutson	Neuville	Sams	

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Spear in the chair.

After some time spent therein, the committee arose, and Mr. Sams reported that the committee had considered the following:

S.F. Nos. 444, 1583, 354, 1072, 193, 236, 1136, 1179, 1025, 1363, 1431, 448, 1621, 1312, 117, 756, 1513, 495 and H.F. Nos. 1861, 1187, which the committee recommends to pass.

S.F. No. 339, which the committee recommends to pass with the following amendments offered by Messrs. Metzen, Ten Eyck and Johnson, D.J.:

Mr. Metzen moved to amend S.F. No. 339 as follows:

Page 7, line 13, after "(e)" insert "With respect to all existing or future first mortgage loans,"

Page 7, lines 19 to 21, delete the new language

Page 16, line 18, delete the new language and insert "or person described in subdivision 4, paragraph (a),"

Page 23, line 25, after "bank" insert "is located" and after "or" insert "in a state or adjoining state in which"

Page 44, line 21, delete "subdivision 2" and insert "subdivisions 2 and 6"

Page 57, line 25, after the second comma, insert "8,"

The motion prevailed. So the amendment was adopted.

Mr. Ten Eyck moved to amend S.F. No. 339 as follows:

Page 57, after line 19, insert:

"Sec. 70. [SCHOOL BANK PILOT PROJECT.]

(a) A school bank sponsored by independent school district No. 31, Bemidji, that meets all requirements of paragraph (b) is not subject to Minnesota Statutes, section 47.03, subdivision 1, or to any other statute or rule that regulates banks, other financial institutions, or currency exchanges.

(b) To qualify under paragraph (a), the school bank must:

(1) be operated as part of a high school educational program and under guidelines adopted by the school board;

(2) be advised on a regular basis by a state-chartered or federally-chartered financial institution, but not owned or operated by that financial institution;

(3) be located on school premises and have as customers only students enrolled in, or employees of, the school in which it is located; and

(4) have a written commitment from the school board, guaranteeing reimbursement of any depositor's funds lost due to insolvency of the school bank.

(c) Funds of a school bank that meets the requirements of this section are not school district or other public funds for purposes of any state law governing the use or investment of school district or other public funds.

(d) The school district shall annually file with the commissioner of commerce a report, prepared by the students and teachers involved, summarizing the operation of the school bank.

(e) This section expires June 30, 2000. The commissioner of commerce shall, no later than December 15, 1999, provide a written report to the legislature regarding this pilot project and any recommended legislation regarding school banks."

Page 57, after line 26, delete "and" and after "70" insert ", and 71"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Johnson, D.J. moved to amend S.F. No. 339 as follows:

Page 21, after line 3, insert:

"Sec. 18. Minnesota Statutes 1996, section 47.61, is amended by adding a subdivision to read:

Subd. 8. [SHARED NETWORK.] "Shared network" means an electronic information communication and processing facility used by two or more different owners of electronic financial terminals to receive, transmit, or retransmit electronic impulses or other electronic indicia of transactions, originating at electronic terminals, to financial institutions or other transmission facilities for the purpose of:

(1) the withdrawal of money by a customer from the customer's account;

(2) the deposit of funds by a customer in the customer's account with a financial institution;

(3) the transfer of funds by a customer between one or more accounts maintained by the customer with a financial institution; or

(4) a request for information by a customer regarding the balance of the account of a customer with a financial institution.

Sec. 19. Minnesota Statutes 1996, section 47.64, is amended by adding a subdivision to read:

Subd. 7. [SURCHARGES ALLOWED.] Any owner of an electronic financial terminal that is located in this state and on or within a 50-mile radius of the Canadian border and that is connected to a shared network may impose a fee for the use of an electronic financial terminal if the imposition of the fee is disclosed at a time and in a manner that allows a customer to cancel or terminate the transaction without incurring a fee.

Sec. 20. Minnesota Statutes 1996, section 47.64, is amended by adding a subdivision to read:

Subd. 8. [PROHIBITION.] An agreement to share an electronic financial terminal as part of a shared network may not:

(1) prohibit, limit, or restrict the right of the owner of an electronic financial terminal to charge a customer any fee not prohibited by state or federal law; or

(2) require a financial institution to limit or waive its rights or obligations under this article."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1207, which the committee recommends to pass with the following amendment offered by Mr. Neuville:

Page 2, delete line 32

The motion prevailed. So the amendment was adopted.

S.F. No. 1599, which the committee recommends to pass with the following amendment offered by Mr. Wiger:

Page 2, after line 14, insert:

"(e) The board of trustees may sell for \$1 approximately four acres of state-owned real estate operated by Century Community and Technical College to the city of Mahtomedi for construction of an ice arena. In the event that the property is no longer used for city recreational purposes, title to the land shall revert to the state."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1115, which the committee recommends to pass with the following amendment offered by Ms. Johnson, J.B.:

Page 1, after line 5, insert:

"Section 1. [REPORT ON WASTE MANAGEMENT ACT REVIEW; PRODUCT LABELING.]

By January 20, 1998, the office of environmental assistance shall report to the senate and house environment and natural resources committees on its comprehensive review of the Waste Management Act and make recommendations for any changes in the law. The report shall address options to improve waste reduction and recycling programs and the integrated waste management system, including whether additional product labeling should be required for products sold in Minnesota which require special disposal practices. The report must discuss the extent to which current authority under Minnesota Statutes, sections 115A.952 and 115A.956, can accomplish the objectives of Minnesota Statutes 1996, section 115A.9523."

Page 1, line 6, delete "Section 1" and insert "Sec. 2"

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "directing the office of environmental assistance to include discussion of hazardous product labeling requirements in its review of the Waste Management Act;"

The motion prevailed. So the amendment was adopted.

On motion of Ms. Junge, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

Without objection, the Senate reverted to the Order of Business of the Calendar.

CALENDAR

SUSPENSION OF RULES

Ms. Junge moved that Rule 8 be suspended as to the lie-over requirement on the Calendar. The motion prevailed.

H.F. No. 379: A bill for an act relating to commerce; regulating securities; authorizing small corporate offering registrations; proposing coding for new law in Minnesota Statutes, chapter 80A.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 612: A bill for an act relating to Washington county; permitting the appointment of the recorder and auditor/treasurer.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 10, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Higgins	Johnson, J.B.	Kleis
Beckman	Fischbach	Hottinger	Junge	Knutson
Belanger	Flynn	Janezich	Kelley, S.P.	Krentz
Berg	Foley	Johnson, D.H.	Kelly, R.C.	Langseth
Betzold	Hanson	Johnson, D.J.	Kiscaden	Larson

Lesewski	Oliver	Price	Scheid	Vickerman
Limmer	Olson	Ranum	Solon	Wiger
Lourey	Pappas	Robertson	Spear	
Marty	Pariseau	Robling	Stevens	
Metzen	Piper	Sams	Stumpf	
Morse	Pogemiller	Samuelson	Ten Eyck	

Those who voted in the negative were:

Day	Frederickson	Laidig	Novak	Scheevel
Dille	Johnson, D.E.	Murphy	Ourada	Terwilliger

So the bill passed and its title was agreed to.

H.F. No. 90: A bill for an act relating to drivers' licenses; allowing exemption from commercial driver's license requirement for certain snowplow operators; amending Minnesota Statutes 1996, section 171.02, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 601: A bill for an act relating to local government; authorizing boundary commissions; amending Minnesota Statutes 1996, section 465.79.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1146: A bill for an act relating to the city of Duluth; authorizing the creation of a nonprofit corporation and the transfer of all of the assets and liabilities of the Miller-Dwan Medical Center to the nonprofit corporation; requiring that the nonprofit corporation satisfy the state law requirement relating to charitable trusts.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 309: A bill for an act relating to state lands; authorizing the conveyance of tax-forfeited land bordering on public waters to the city of Mankato for no consideration; authorizing sale of certain tax-forfeited lands that border public water or natural wetlands in Cass county; authorizing public sale of certain tax-forfeited land that borders public water in Crow Wing county; authorizing public sale of certain tax-forfeited land that borders public water in Becker county; authorizing public sale of certain tax-forfeited land that borders public water in Aitkin county; authorizing sale of certain tax-forfeited land that borders public water in Mille Lacs county; authorizing private sale of certain state lands to wild rice lessees.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 36: A bill for an act relating to hospital districts, authorizing hospital districts to provide support services to certain persons not in need of nursing home care; authorizing a study of assisted living financing; amending Minnesota Statutes 1996, sections 447.33; 447.34, subdivision 1; and 447.45, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

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

Ms. Robertson voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 154: A bill for an act relating to civil actions; limiting liability for injury related to certain food donations to the state and political subdivisions; amending Minnesota Statutes 1996, section 604A.10, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 330: A bill for an act relating to civil actions; providing limits on liability of certain private corrections treatment facilities that receive patients under court or administrative order; proposing coding for new law in Minnesota Statutes, chapter 604A.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Betzold	Fischbach	Hanson	Johnson, D.E.
Beckman	Cohen	Flynn	Higgins	Johnson, D.H.
Belanger	Day	Foley	Hottinger	Johnson, D.J.
Berg	Dille	Frederickson	Janezich	Johnson, J.B.

Junge	Larson	Oliver	Robertson	Stumpf
Kelley, S.P.	Lesewski	Olson	Robling	Ten Eyck
Kelly, R.C.	Limmer	Ourada	Sams	Terwilliger
Kiscaden	Lourey	Pappas	Samuelson	Vickerman
Kleis	Marty	Pariseau	Scheevel	Wiger
Knutson	Metzen	Piper	Scheid	
Krentz	Morse	Pogemiller	Solon	
Laidig	Murphy	Price	Spear	
Langseth	Novak	Ranum	Stevens	

So the bill passed and its title was agreed to.

S.F. No. 652: A bill for an act relating to human services; establishing a task force to study treatment options for autism.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1094: A bill for an act relating to real estate; regulating compensation paid by licensees to tenants for referrals; amending Minnesota Statutes 1996, section 82.19, subdivision 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 868: A bill for an act relating to occupations; removing the sunset relating to state licensing of Minneapolis building contractors; amending Minnesota Statutes 1996, section 326.991, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 574: A bill for an act relating to game and fish; permitting certain angling assistance without a license; amending Minnesota Statutes 1996, section 97A.441, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 122: A bill for an act relating to human services; requiring notification of placement or adoption of a child to the other birth parent; requiring background checks for adoption; requiring affidavits for an emergency order requiring updates to adoption study; defining content of postplacement assessment and report; permitting court-ordered grandparent visitation with an adopted child; recognition of adoption which occurred in a foreign country; defining when adoption records shall become public records; amending Minnesota Statutes 1996, sections 245A.04, subdivision 10; 257.022, subdivision 2, and by adding a subdivision; 259.20, subdivision 2; 259.22, subdivisions 2 and 4; 259.24, subdivision 2a; 259.41; 259.47, subdivisions 3, 6, 7, 8, and 10; 259.53, subdivisions 1 and 2; 259.55, subdivision 1; 259.59, subdivision 1; 259.61; 259.67, subdivision 7; 259.79, subdivision 3; 259.83, subdivision 3; and 259.89, subdivisions 1, 5, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 259; repealing Minnesota Statutes 1996, section 259.47, subdivision 9.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 517: A bill for an act relating to privacy; modifying a provision governing access to identity of unwed mothers by family services collaboratives; amending Minnesota Statutes 1996, section 144.225, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 329: A bill for an act relating to liens; modifying certain provisions of the lien for veterinary services; amending Minnesota Statutes 1996, section 514.92, subdivisions 1, 1a, 2, 3, 4, and 5.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Day	Hanson	Johnson, D.J.	Kleis
Beckman	Dille	Higgins	Johnson, J.B.	Knutson
Belanger	Fischbach	Hottinger	Junge	Krentz
Berg	Flynn	Janezich	Kelley, S.P.	Laidig
Betzold	Foley	Johnson, D.E.	Kelly, R.C.	Langseth
Cohen	Frederickson	Johnson, D.H.	Kiscaden	Larson

Lesewski	Neuville	Piper	Samuelson	Ten Eyck
Limmer	Novak	Pogemiller	Scheevel	Terwilliger
Lourey	Oliver	Price	Scheid	Vickerman
Marty	Olson	Ranum	Solon	Wiener
Metzen	Ourada	Robertson	Spear	Wiger
Morse	Pappas	Robling	Stevens	
Murphy	Pariseau	Sams	Stumpf	

So the bill passed and its title was agreed to.

S.F. No. 1091: A bill for an act relating to the Minnesota board on aging; clarifying and expanding certain activities of the ombudsman for older Minnesotans statewide; amending Minnesota Statutes 1996, sections 256.9741, subdivision 6; 256.9742; and 256.9744, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 355: A bill for an act relating to crime; expanding coverage for crime victims reparations to include Minnesota residents who are victims of terrorist acts committed outside of the United States; expanding coverage for child care expenses to include additional costs incurred by parents of a victim as a result of a crime; authorizing release of peace officer records of children to the crime victims reparations board for claim processing purposes; amending Minnesota Statutes 1996, sections 260.161, subdivision 3; 611A.52, subdivisions 6 and 8; and 611A.53, subdivision 1b.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 375: A bill for an act relating to crime prevention; adding a definition of "motor vehicle" to certain sections of law; expanding the crime of fleeing a peace officer in a motor vehicle; amending Minnesota Statutes 1996, sections 84.873; 171.174; 609.487, subdivision 1; and 609.5312, subdivision 4; repealing Minnesota Statutes 1996, section 609.487, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 755: A bill for an act relating to meetings of governmental bodies; authorizing meetings by interactive television if certain criteria are met; amending Minnesota Statutes 1996, sections 3.055, by adding a subdivision; and 471.705, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 277: A bill for an act relating to alcoholic beverages; providing for permits for alcoholic beverage manufacturer warehouses, central distribution centers, or holding facilities; allowing a municipality to authorize a holder of an on-sale intoxicating liquor license to dispense intoxicating liquor at community festivals; modifying liability insurance requirements for liquor retailers; allowing municipalities to authorize on-sale of 3.2 percent malt liquor at 10 a.m. on Sundays; modifying time of day restrictions for the off-sale of intoxicating liquor in municipal liquor stores in certain cities; authorizing the sale of intoxicating liquor at professional athletic

events in the St. Paul civic center; authorizing the issuance of intoxicating liquor licenses to the division of parks and recreation of the city of St. Paul; authorizing the city of Moorhead to issue two additional on-sale licenses; amending Minnesota Statutes 1996, sections 340A.404, subdivision 4; 340A.409, subdivisions 1 and 4; 340A.417; and 340A.504, subdivision 3; Laws 1969, chapter 783, section 1, subdivision 1, as amended; and Laws 1990, chapter 554, section 19; proposing coding for new law in Minnesota Statutes, chapter 340A.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1155: A bill for an act relating to mental health case management services for children and adults; extending the time period for review of individual community support plans; modifying rules extending the time period for updating the community support plans and completing a functional assessment of progress relative to the community support plan; amending Minnesota Statutes 1996, sections 245.4711, subdivision 4; and 245.4881, subdivision 4; repealing Minnesota Statutes 1996, section 245.4711, subdivision 9.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 525: A bill for an act relating to public administration; modifying ownership restrictions for privatization of capital intensive public services; providing for the nonpublic status of internal competitive proposals; amending Minnesota Statutes 1996, sections 13.37; 471A.02, subdivisions 6, 11, and 13; 471A.03, subdivision 3; and 471A.10.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 958: A bill for an act relating to local government; providing that St. Louis county may attach certain unorganized territory to the town of White without a petition of residents.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Betzold	Fischbach	Hanson	Johnson, D.E.
Beckman	Cohen	Flynn	Higgins	Johnson, D.H.
Belanger	Day	Foley	Hottinger	Johnson, D.J.
Berg	Dille	Frederickson	Janezich	Johnson, J.B.

Junge	Larson	Novak	Ranum	Stevens
Kelley, S.P.	Lesewski	Oliver	Robertson	Stumpf
Kelly, R.C.	Limmer	Olson	Robling	Ten Eyck
Kiscaden	Lourey	Ourada	Sams	Terwilliger
Kleis	Marty	Pappas	Samuelson	Vickerman
Knutson	Metzen	Pariseau	Scheevel	Wiener
Krentz	Morse	Piper	Scheid	Wiger
Laidig	Murphy	Pogemiller	Solon	
Langseth	Neuville	Price	Spear	

So the bill passed and its title was agreed to.

S.F. No. 789: A bill for an act relating to the judiciary; creating a task force to study and make recommendations on judicial selection and retention.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 772: A bill for an act relating to corrections; clarifying and extending the jurisdiction of the ombudsman; prohibiting ombudsman's staff from being compelled to testify in any proceeding; amending Minnesota Statutes 1996, sections 241.42, subdivision 2; and 241.44, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

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

Ms. Anderson voted in the negative.

So the bill passed and its title was agreed to.

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

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1027: A bill for an act relating to domestic abuse; changing procedures and terminology for presentence domestic abuse investigations; amending Minnesota Statutes 1996, section 609.2244.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 555: A bill for an act relating to telecommunications; authorizing creation of telecommunication services purchasing cooperatives; proposing coding for new law in Minnesota Statutes, chapters 237; and 308A.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1382: A bill for an act relating to boilers; modifying show boiler and engine provisions; amending Minnesota Statutes 1996, section 183.411, subdivisions 1, 2, and 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1527: A bill for an act relating to insurance; Minnesota Insurance Guaranty Act; conforming state law to provisions of the Post-Assessment Property and Liability Insurance Guaranty Association Model Act of the National Association of Insurance Commissioners; amending Minnesota Statutes 1996, sections 60C.02; 60C.03, subdivisions 6, 8, and by adding a subdivision; 60C.05, subdivision 1; 60C.07, subdivision 2; 60C.09; 60C.11, subdivision 5; 60C.13, subdivision 1; 60C.14, subdivision 2; 60C.15; 60C.19; and 60C.21, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 60C; repealing Minnesota Statutes 1996, section 60C.06, subdivision 6.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1715: A bill for an act relating to insurance; making changes in response to the federal Health Insurance Portability and Accountability Act; amending Minnesota Statutes 1996, sections 62E.02, subdivision 13; 62E.14, subdivisions 3 and 4c; 62H.01; 62L.02, subdivisions 9, 11, 15, 19, 23, 24, 26, and by adding subdivisions; 62L.03, subdivisions 1, 2, 3, 4, and 5; and 62Q.18, subdivisions 1 and 7; proposing coding for new law in Minnesota Statutes, chapter 62Q.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Without objection, the Senate reverted to the Orders of Business of Reports of Committees, Second Reading of Senate Bills and Motions and Resolutions.

REPORTS OF COMMITTEES

SUSPENSION OF RULES

Ms. Junge moved that Joint Rule 2.03 be suspended as it relates to the Committee Report on S.F. No. 830. The motion prevailed.

Ms. Junge moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 228, 930 and 364. The motion prevailed.

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

S.F. No. 1470: A bill for an act relating to cities of the first class; modifying provisions concerning neighborhood revitalization programs; amending Minnesota Statutes 1996, section 469.1831.

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

Page 2, line 15, after the second "by" insert "a"

Page 3, delete lines 30 and 31

Page 3, line 32, delete "(v)" and insert "(iv)"

Page 3, line 33, delete "(vi)" and insert "(v)"

Page 3, line 35, delete "(vii)" and insert "(vi)"

Page 4, line 1, delete "(viii)" and insert "(vii)"

Page 4, line 4, delete "(ix)" and insert "(viii)"

Page 4, line 5, delete "(x)" and insert "(ix)"

Page 4, line 6, delete "(xi)" and insert "(x)"

Page 4, line 8, delete "(xii)" and insert "(xi)"

Page 4, line 10, delete "(xiii)" and insert "(xii)"

Page 9, line 36, after the semicolon, insert "and"

Page 10, delete lines 1 to 6

Page 10, line 7, delete "(10)" and insert "(9)"

Page 10, line 8, delete "No"

Page 10, delete lines 9 to 11

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

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

S.F. No. 739: A bill for an act relating to telecommunications; providing policies to carry out the state's role in telecommunications regulation; providing for a state policy encouraging high speed telecommunication services and greater capacity for services; providing for a single statewide local access and transport area (LATA); amending Minnesota Statutes 1996, section 8.33, subdivision 2; 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 8.33, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] The attorney general is responsible for representing and furthering the interests of residential and small business utility consumers through participation in matters before the public utilities commission involving utility rates and adequacy of utility services to residential or small business utility consumers. The attorney general shall expend a reasonable portion of effort among all three kinds of utility services and shall identify and promote the needs of each

class of residential and small business consumers with respect to each of the utility services. When participating in telecommunication matters that affect deployment of the infrastructure, the attorney general shall apply the goals of:

- (1) achieving economically efficient investment in:
 - (i) higher speed telecommunication services; and
 - (ii) greater capacity for voice, video, and data transmission; and
- (2) just and reasonable rates.

Sec. 2. [237.011] [TELECOMMUNICATIONS GOALS.]

The following are state goals that should be considered as the commission executes its regulatory duties with respect to telecommunication services:

- (1) supporting universal service;
- (2) maintaining just and reasonable rates;
- (3) encouraging economically efficient deployment of infrastructure for higher speed telecommunication services and greater capacity for voice, video, and data transmission;
- (4) encouraging fair and reasonable competition for local exchange telephone service in a competitively neutral regulatory manner;
- (5) maintaining or improving quality of service;
- (6) promoting customer choice;
- (7) ensuring consumer protections are maintained in the transition to a competitive market for local telecommunications service; and
- (8) encouraging voluntary resolution of issues between and among competing providers and discouraging litigation.

Sec. 3. [237.072] [LIMITATION ON RATE CHANGES.]

(a) After December 1, 1997, the commission, notwithstanding any provision to the contrary, shall not allow an incumbent telephone company with more than 1,000,000 access lines in Minnesota to change its retail rates for telecommunications services without a determination of its revenue requirement pursuant to section 237.075 unless the incumbent telephone company is regulated pursuant to sections 237.76 to 237.773.

(b) If, prior to December 1, 1997, the incumbent telephone company petitions the commission to become subject to an alternative regulation plan under sections 237.76 to 237.773, paragraph (a) shall not apply to the petitioning company until 180 days after the date of the filing of the petition.

Sec. 4. [237.082] [TELECOMMUNICATION SERVICES; POLICY OF INCREASED SPEED AND SERVICES.]

When setting rates, adopting rules, or issuing orders related to telecommunication matters that affect deployment of the infrastructure, the commission shall apply the goals of:

- (1) achieving economically efficient investment in:
 - (i) higher speed telecommunication services; and
 - (ii) greater capacity for voice, video, and data transmission; and
- (2) just and reasonable rates.

The department of public service must apply the same goals in its regulation of and recommendations regarding telecommunication services.

Sec. 5. Minnesota Statutes 1996, section 237.12, is amended by adding a subdivision to read:

Subd. 4. [PRICES FOR INTERCONNECTION AND NETWORK ELEMENTS.] For telephone companies with more than 50,000 access lines, the prices for interconnection or network elements to be established by the commission in any pending or future proceeding shall be based on a forward looking economic cost methodology which shall include, but is not limited to, consideration of the following:

(1) the use of the most efficient telecommunications technology currently available and the least cost network configuration, given the existing location of the incumbent telephone company's wire centers;

(2) forward-looking depreciation rates;

(3) a reasonable allocation of forward-looking joint and common costs;

(4) forward-looking cost of capital; and

(5) Minnesota tax rates, and where applicable, Minnesota facility placement requirements, Minnesota topography, and Minnesota climate.

Sec. 6. Minnesota Statutes 1996, section 237.121, is amended to read:

A telephone company or telecommunications carrier may not do any of the following with respect to services regulated by the commission:

(1) upon request, fail to disclose in a timely and uniform manner information necessary for the design of equipment and services that will meet the specifications for interconnection;

(2) intentionally impair the speed, quality, or efficiency of services, products, or facilities offered to a consumer under a tariff, contract, or price list;

(3) fail to provide a service, product, or facility to a consumer other than a telephone company or telecommunications carrier in accordance with its applicable tariffs, price lists, or contracts and with the commission's rules and orders;

(4) refuse to provide a service, product, or facility to a telephone company or telecommunications carrier in accordance with its applicable tariffs, price lists, or contracts and with the commission's rules and orders;

(5) impose unreasonable or discriminatory restrictions on the resale ~~or shared use~~ of its services ~~or network functions~~, provided that:

(i) it may require that residential service may not be resold as a different class of service; and

(ii) the commission may prohibit resale of services it has approved for provision for not-for-profit entities at rates less than those offered to the general public; or

(6) provide telephone service to a person acting as a telephone company or telecommunications carrier if the commission has ordered the telephone company or telecommunications carrier to discontinue service to that person.

Sec. 7. Minnesota Statutes 1996, section 237.16, subdivision 9, is amended to read:

Subd. 9. [UNIVERSAL SERVICE FUND.] The commission shall establish and require contributions to a universal service fund, to be supported by all providers of telephone services, whether or not they are telephone companies under section 237.01, including, but not limited to, local telephone companies, independent telephone companies, cooperative telephone companies, municipal telephone companies, telecommunications carriers, radio common carriers, personal

communication service providers, and cellular carriers. Services that should be considered for inclusion as universal include, at a minimum, single-party service with touch-tone capability, line quality capable of carrying facsimile and data transmissions, equal access, emergency services number capability, statewide telecommunications relay service for the hearing-impaired, and blocking of long-distance toll services. The fund must be administered and distributed in accordance with rules adopted by the commission and designed to preserve the availability of universal service throughout the state. Any state universal service fund must be coordinated with any federal universal service fund and be consistent with section 254(b)(1) to (5) of the federal Telecommunications Act of 1996, Public Law Number 104-104. The department shall make recommendations to the legislature by January 1, 1996, regarding a plan for contributions to and expenditures from the universal service fund. In particular, the department shall address the following issues:

(1) what additional services should be included in the basic set of essential telephone services which the state should encourage in its mandate to ensure universal service;

(2) whether and how expenditures from the fund should be used to ensure citizens access to local government and other public access programming; and

(3) whether expenditures from the fund should be used to encourage construction of infrastructure for, and access to, advanced services, especially in high-cost areas of the state, and, if the commission determines the fund should be used for this purpose, a plan to accomplish these goals.

Sec. 8. Minnesota Statutes 1996, section 237.761, subdivision 4, is amended to read:

Subd. 4. [FLEXIBLY PRICED SERVICES.] (a) A service not listed in subdivision 3 or not otherwise determined to be price regulated under subdivision 6 or 7 or nonprice regulated must be classified as a flexibly priced service.

(b) Flexibly priced services are regulated consistent with section 237.60, subdivision 2, except that:

(1) rate decreases may be effective immediately upon filing ~~and are considered approved if no objection is filed or raised by an interested party or the commission within ten days after the filing;~~ and

(2) rate increases may be effective 20 days after filing and are considered approved if no objection is filed or raised by an interested party or the commission within 20 days after the filing. If an interested party files an objection, the commission shall make its determination on the proposed rate increase within 90 days of the filing of the objection.

Sec. 9. Minnesota Statutes 1996, section 237.761, subdivision 8, is amended to read:

Subd. 8. [INVESTMENT COMMITMENTS.] (a) An alternative regulation plan must also include a plan outlining the company's commitment to invest in telecommunications infrastructure improvements in this state over a period of not less than six years.

(b) An investment plan shall include all of the following:

(1) a description of the level of planned investment in technological or infrastructure enhancement;

(2) a description of the extent to which planned investment will make new telecommunications technology available to customers or expand the availability of current technology; ~~and~~

(3) a description of the planned deployment of fiber-optic facilities or broad-band capabilities to schools, libraries, technical colleges, hospitals, colleges and universities, and local governments in this state; and

(4) a description of planned investment and deployment of higher speed telecommunications

services and increased capacity for voice, video, and data transmission, in both the metropolitan and outstate portions of the company's service territory.

Sec. 10. Minnesota Statutes 1996, section 237.762, subdivision 1, is amended to read:

~~Subdivision 1. [INITIAL RATES.] As part of its evaluation of an alternative regulation plan, the commission shall determine whether the telephone company's existing service substantially complies with commission rules and if its rates and rate design are appropriate in light of the proposed plan or whether changes should be made before the plan is implemented or phased in during the course of the plan. An alternative regulation plan approved by the commission under this section must provide that the recurring and nonrecurring rates or prices that may be charged by a telephone company for price-regulated services are no higher than the approved rate or prices on file with the commission for those services on the date of the filing of the plan. Furthermore, no plan may in any way change the terms or conditions of any access charge settlements approved by the commission or exempt any company from compliance with any commission access charge order issued before the filing of a plan. The plan must address implementation of additional access charge reductions that may occur during that portion of the plan that extends beyond expiration of commission-approved settlements.~~

Sec. 11. Minnesota Statutes 1996, section 237.762, subdivision 3, is amended to read:

~~Subd. 3. [RATE CHANGES.] (a) An alternative regulation plan must set forth the procedures under which the telephone company may reduce the rates or prices for price-regulated services below the initial rates or prices or thereafter increase the rates or prices during the term of the plan. The rates or prices may not be reduced below the total service long-run incremental cost of providing the service. Except as provided in paragraph (b), the rates or prices may not exceed the initial rates or prices for the service determined under subdivision 1 for the first three years of the plan. After a plan has been in effect for three years, price-regulated rates may be changed as appropriate under a procedure set forth in an approved plan. Rates for price-regulated services may not be increased unless the company has demonstrated substantial compliance with the quality of service standards set forth in the plan.~~

~~(b) An approved plan may allow changes in rates for price-regulated services after three two years to reflect:~~

~~(1) substantial financial impacts of government mandates to construct specific telephone infrastructure and increases or decreases in state and federal taxes, if the mandate applies to local telephone companies and the company would not otherwise be compensated through some other manner under the plan; and~~

~~(2) changes in jurisdictional allocations from the Federal Communications Commission, the amount of which the telephone company cannot control and for which equal and opposite exogenous changes are made on the federal level changes in state and federal taxes;~~

~~(2) changes in jurisdictional allocations from the federal communications commission, the amount of which the telephone company cannot control and for which equal and opposite exogenous changes are made on the federal level; and~~

~~(3) substantial financial impacts of investments in telecommunications infrastructure which are made: (i) if the investments, for any 12 month period, exceed 20 percent of the gross plant investment of the company; or (ii) are the result of government mandates to construct specific telephone infrastructure, the mandate applies to local telephone companies, and the company would not otherwise be compensated through some other manner under the plan.~~

Sec. 12. Minnesota Statutes 1996, section 237.762, is amended by adding a subdivision to read:

~~Subd. 7. [PACKAGED SERVICES.] This section does not prevent a telephone company from packaging any service classified as price regulated or flexibly priced pursuant to section 237.761, subdivisions 2 to 4, with any other service, or engaging in promotional activities concerning such services, so long as: (1) the company also continues to offer these price regulated and flexibly priced services as separate stand-alone services at prices required by section 237.762; and (2) at~~

the time the packaged offering is introduced, or at the time the package price is subsequently changed, the packaged rate or price may not exceed the sum of the unpackaged rates or prices for the individual service elements or services.

Sec. 13. Minnesota Statutes 1996, section 237.764, subdivision 1, is amended to read:

Subdivision 1. [PETITION, NOTICE, HEARING, AND DECISION.] (a) Before acting on a petition for approval of an alternative regulation plan, the commission shall conduct any public meetings it may consider necessary.

(b) The commission shall require the petitioning telephone company to provide notice of the proposed plan to its customers, along with a summary description of the plan provisions and the dates, times, and locations of public meetings scheduled by the commission.

(c) The company's petition shall contain an explanation of how ratepayers will benefit from the plan and a justification of the appropriateness of earnings levels and rates in light of the proposed plan as well as any proposed changes in rates for price-regulated services for the first three years of the proposed plan. If a telephone company has completed a general rate proceeding, rate investigation, or audit of its earnings by the department or commission within two years of the initial application for an alternative form of regulation plan, the commission order or department audit report, updated for the most recent calendar year, is sufficient justification of earnings levels to initiate the filing of an alternative regulation plan. At the time of filing a plan, the current earnings level of a telephone company with more than 1,000,000 access lines in Minnesota shall be deemed reasonable.

(d) The commission shall conduct a proceeding under section 237.61 to decide whether to approve the plan and shall grant discovery as appropriate.

(e) The commission shall issue findings of fact and conclusions concerning the appropriateness of the proposed initial rates, where necessary, and the proposed plan, or any modifications to it, but may not order that a modified plan take effect without the agreement of the petitioning telephone company. The commission shall issue its decision on a plan within six months after receiving the petition to approve the plan unless the commission and the petitioning company agree to an extension of the time for commission action.

(f) If a settlement is submitted to the commission, the commission shall accept, reject, or modify the proposed settlement within 60 days from the date it was submitted.

Sec. 14. Minnesota Statutes 1996, section 237.765, is amended to read:

(a) For an alternative regulation plan to be approved by the commission under sections 237.76 to 237.774, the plan must contain and an existing service quality plan or settlement for retail customers approved by the commission or if no such plan or settlement has been approved, the commission shall require:

(1) evidence that current service quality substantially complies with commission rules as to justify lessened rate regulation;

(2) a baseline measurement of the quality of service levels as achieved by the company during the previous three years, to the extent the data are available, and specific statewide standards for measuring the quality of price-regulated and flexibly priced services provided by the company, including, but not limited to (i) time intervals for installation, (ii) time intervals for restoration or repair of service, (iii) trouble rates, (iv) exchange access line held orders, and (v) customer service answer time;

(3) provisions for reporting to the commission at least annually the company's performance as to the quality of service standards by quarter for the previous year;

(4) provisions that index quality of service standards for local residence services to similar standards for local business services;

(5) appropriate remedies, including penalties and customer-specific adjustments or payments to compensate customers for specific quality of service failures, so as to ensure substantial compliance with the quality of service standards set forth in the plan; and

(6) provisions for informing customers of their rights as to quality of service and how customers can register their complaints regarding service.

(b) Any penalties under paragraph (a), clause (5), may be paid into a universal service fund or returned to customers under a method set forth in the plan.

(c) The terms of an existing service quality plan or settlement approved by the commission must be offered to extend through the duration of an alternative regulation plan filed under this section.

Sec. 15. Minnesota Statutes 1996, section 237.766, is amended to read:

An alternative regulation plan approved by the commission under section 237.764 must remain in force as approved for the term specified in the plan, which must be for no less than ~~four~~ three years. Within six months prior to the termination of the plan, the plan must be reviewed by the commission and, with the consent of the company, revised or renewed consistent with sections 237.76 to 237.774, except that the justification of earnings levels in section 237.764, subdivision 1, paragraph (c), if required and the provisions prohibiting rate increases at the initiation of or during the first three years of a plan contained in section 237.762, shall not apply to a revised or renewed plan. Any revised or renewed plan must be approved by the commission and shall contain a mechanism under which a telephone company may reduce the rates for price-regulated services below the initial rates or prices or increase the rates or prices during the term of the revised or renewed plan. The plan must specify the reports required of the telephone company for review of the plan and specify that the telephone company shall maintain records in sufficient detail to facilitate the review.

Sec. 16. Minnesota Statutes 1996, section 237.769, is amended to read:

~~Every plan must contain, and the commission shall approve, rates for and procedures under which the telephone company will, on or before the effective date of the plan, permit interconnection with and unbundle its intrastate services and facilities to the same extent and in the same manner as the Federal Communications Commission requires the interconnection and unbundling for interstate purposes for that company. Any company under a plan is subject to any rules adopted under section 237.16 on the same date as those rules are applicable to other companies.~~

Sec. 17. [237.775] [EXISTING PLANS NOT AFFECTED.]

An alternative regulation plan approved by the commission prior to May 1, 1997, is not subject to the amendments in this act; provided that a plan filed, revised, or renewed after that date is subject to those amendments.

Sec. 18. [237.78] [DEAVERAGED RATES.]

Rates for unbundled network elements shall not be geographically deaveraged unless corresponding retail rates are similarly deaveraged. If rates of any telephone company subject to an alternative plan of regulation are required or permitted to be geographically deaveraged, the commission must ensure that the requirements of section 237.762, subdivision 5, are met. If rates of a telephone company not subject to an alternative regulation plan under sections 237.76 to 237.773 are required or permitted to be geographically deaveraged, the commission must ensure that a universal service mechanism is in place that assures that rates for basic telephone service remain affordable.

Sec. 19. [DEPRECIATION TASK FORCE.]

The department of public service shall convene a task force of telephone companies, telecommunications carriers, and other interested parties and, by January 1, 1999, submit a report

to the legislature on the adequacy of commission-approved depreciation rates and recommendations regarding recovery of depreciation expense.

Sec. 20. [EFFECTIVE DATE.]

Sections 2, 3, and 5 to 19 are effective on the day following final enactment. Sections 1 and 4 are effective the day following final enactment and apply to all proceedings or matters reconsidered, pending, or commenced on or after that date."

Amend the title as follows:

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

Page 1, line 9, after the semicolon, insert "237.12, by adding a subdivision; 237.121; 237.16, subdivision 9; 237.761, subdivisions 4 and 8; 237.762, subdivisions 1, 3, and by adding a subdivision; 237.764, subdivision 1; 237.765; 237.766; and 237.769;"

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. 1266: A bill for an act relating to local government; authorizing town electors to require the removal of snow or ice from town roads in certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 366.

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

Page 1, line 10, delete "meeting" and insert "election"

Page 1, line 25, after "days'" insert "mailed" and delete "in writing" and insert ", accompanied by an affidavit of service"

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

Mr. Marty from the Committee on Election Laws, to which was referred

S.F. No. 1170: A bill for an act relating to elections; precinct caucus; authorizing certain minors to be elected a delegate or officer at the precinct caucus; amending Minnesota Statutes 1996, section 202A.16, subdivision 1.

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

Page 1, line 14, delete "state" and insert "local unit organizing the caucus"

Page 1, line 15, delete "senate district"

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

Mr. Marty from the Committee on Election Laws, to which was re-referred

S.F. No. 175: A bill for an act relating to the metropolitan council; providing for an elected metropolitan council; providing for public financing of campaigns for council seats; imposing penalties; amending Minnesota Statutes 1996, sections 15.0597, subdivision 1; 204B.09, subdivisions 1 and 1a; 204B.135, subdivision 2; 204B.32, subdivision 2; 353D.01, subdivision 2; and 473.123, subdivisions 1, 2a, 3a, 4, 7, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1996, section 473.123, subdivision 3.

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

Page 5, line 8, strike "apportionment" and insert "redrawing"

Page 5, line 25, delete "apportionment" and insert "redistricting"

Page 6, line 10, delete "as nearly" and insert "substantially"

Page 6, line 11, delete "as possible"

Page 6, line 12, delete "ten" and insert "five"

Page 6, line 13, delete from "A" through page 6, line 15, to "area."

Page 14, line 23, delete "ten" and insert "seven"

Page 14, line 24, delete "30" and insert "70"

Page 20, line 25, after "candidate" insert "whose name will appear on the ballot in the general election and"

Page 21, line 1, delete from "not" through page 21, line 3, to "day" and insert "the candidate's principal campaign committee will not spend on the candidate's campaign more than \$47,000 during the election year for the candidate and not more than 20 percent of that amount during each calendar year before the election year and after the last preceding election year for that seat."

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

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

S.F. No. 1486: A bill for an act relating to retirement; actuarial reporting requirements; modifying the definition of the actuarial value of pension plan assets; amending Minnesota Statutes 1996, section 356.215, subdivision 1.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

GENERAL STATEWIDE EMPLOYEE PENSION

PLAN MODIFICATIONS

Section 1. Minnesota Statutes 1996, section 136F.45, is amended by adding a subdivision to read:

Subd. 3. [TAX-SHELTERED ANNUITY ADMINISTRATIVE EXPENSES.] (a) The reasonable and necessary administrative expenses of the tax-sheltered annuity program, to a maximum of \$5 for each participant, must be paid by the financial institutions authorized by the board of trustees of the Minnesota state colleges and universities system to provide tax-sheltered annuity investment options.

(b) Annually, the board of trustees shall establish a budget for the tax-sheltered annuity program administrative expenses. The total budgeted administrative expense must be allocated among the applicable financial institutions by the board of trustees.

Sec. 2. Minnesota Statutes 1996, section 136F.45, is amended by adding a subdivision to read:

Subd. 4. [PERIODIC REVIEW.] If the board so chooses, it may solicit bids or proposals for options under subdivision 1. The board may retain consulting services to assist it in soliciting and evaluating bids or proposals and in the periodic review of companies offering options under subdivision 1. The board may annually establish a budget for its costs in the soliciting, evaluating, and periodic review processes. The board may charge a proportional share of all costs related to

the periodic review to each company currently under contract and may charge a proportional share of all costs related to soliciting and evaluating bids or proposals to each company selected by the board. Contracts must provide that all options in subdivision 1 must: (1) be presented in an unbiased manner, (2) be reported on a periodic basis to all employees participating in the tax-sheltered annuity program, and (3) not be the subject of unreasonable solicitation of state employees to participate in the program. The contract may not permit any person to jeopardize the tax-deferred status of money invested by state employees under this section. All costs or fees in relation to the bid solicitation and evaluation process for the options provided under subdivision 1 must be paid by the underwriting companies ultimately selected by the board.

Sec. 3. Minnesota Statutes 1996, section 352.01, subdivision 2a, is amended to read:

Subd. 2a. [INCLUDED EMPLOYEES.] (a) "State employee" includes:

- (1) employees of the Minnesota historical society;
- (2) employees of the state horticultural society;
- (3) employees of the Disabled American Veterans, Department of Minnesota, Veterans of Foreign Wars, Department of Minnesota, if employed before July 1, 1963;
- (4) employees of the Minnesota crop improvement association;
- (5) employees of the adjutant general who are paid from federal funds and who are not covered by any federal civilian employees retirement system;
- (6) employees of the state universities employed under the university activities program;
- (7) currently contributing employees covered by the system who are temporarily employed by the legislature during a legislative session or any currently contributing employee employed for any special service as defined in clause (8) of subdivision 2b;
- (8) employees of the armory building commission;
- (9) permanent employees of the legislature and persons employed or designated by the legislature or by a legislative committee or commission or other competent authority to conduct a special inquiry, investigation, examination, or installation;
- (10) trainees who are employed on a full-time established training program performing the duties of the classified position for which they will be eligible to receive immediate appointment at the completion of the training period;
- (11) employees of the Minnesota safety council;
- (12) any employees on authorized leave of absence from the transit operating division of the former metropolitan transit commission who are employed by the labor organization which is the exclusive bargaining agent representing employees of the transit operating division;
- (13) employees of the metropolitan council, metropolitan parks and open space commission, metropolitan sports facilities commission, metropolitan mosquito control commission, or metropolitan radio board unless excluded or covered by another public pension fund or plan under section 473.415, subdivision 3;
- (14) judges of the tax court; and
- (15) personnel employed on June 30, 1992, by the University of Minnesota in the management, operation, or maintenance of its heating plant facilities, whose employment transfers to an employer assuming operation of the heating plant facilities, so long as the person is employed at the University of Minnesota heating plant by that employer or by its successor organization;
- (16) seasonal help in the classified service employed by the department of revenue; and

(17) a person who renders teaching or other service for the Minnesota state colleges and universities system and who also renders service on a part-time basis for an employer with employees covered by the general state employees retirement plan of the Minnesota state retirement system, for all service with the Minnesota state colleges and universities system, if the person's nonteaching service comprises at least 50 percent of the combined total salary received by the person as determined by the chancellor of the Minnesota state colleges and universities system or if the person is certified for general state employees retirement plan coverage by the chancellor of the Minnesota state colleges and universities system.

(b) Employees specified in paragraph (a), clause (15), are included employees under paragraph (a) ~~providing that~~ if employer and employee contributions are made in a timely manner in the amounts required by section 352.04. Employee contributions must be deducted from salary. Employer contributions are the sole obligation of the employer assuming operation of the University of Minnesota heating plant facilities or any successor organizations to that employer.

Sec. 4. Minnesota Statutes 1996, section 352.01, subdivision 2b, is amended to read:

Subd. 2b. [EXCLUDED EMPLOYEES.] "State employee" does not include:

- (1) elective state officers;
- (2) students employed by the University of Minnesota, the state universities, and community colleges unless approved for coverage by the board of regents, the state university board, or the state board for community colleges, as the case may be;
- (3) employees who are eligible for membership in the state teachers retirement association except employees of the department of children, families, and learning who have chosen or may choose to be covered by the Minnesota state retirement system instead of the teachers retirement association;
- (4) employees of the University of Minnesota who are excluded from coverage by action of the board of regents;
- (5) officers and enlisted personnel in the national guard and the naval militia who are assigned to permanent peacetime duty and who under federal law are or are required to be members of a federal retirement system;
- (6) election officers;
- (7) persons engaged in public work for the state but employed by contractors when the performance of the contract is authorized by the legislature or other competent authority;
- (8) officers and employees of the senate and house of representatives or a legislative committee or commission who are temporarily employed;
- (9) receivers, jurors, notaries public, and court employees who are not in the judicial branch as defined in section 43A.02, subdivision 25, except referees and adjusters employed by the department of labor and industry;
- (10) patient and inmate help in state charitable, penal, and correctional institutions including the Minnesota veterans home;
- (11) persons employed for professional services where the service is incidental to regular professional duties and whose compensation is paid on a per diem basis;
- (12) employees of the Sibley House Association;
- (13) the members of any state board or commission who serve the state intermittently and are paid on a per diem basis; the secretary, secretary-treasurer, and treasurer of those boards if their compensation is \$5,000 or less per year, or, if they are legally prohibited from serving more than three years; and the board of managers of the state agricultural society and its treasurer unless the treasurer is also its full-time secretary;

- (14) state troopers;
- (15) temporary employees of the Minnesota state fair employed on or after July 1 for a period not to extend beyond October 15 of that year; and persons employed at any time by the state fair administration for special events held on the fairgrounds;
- (16) emergency employees in the classified service; except that if an emergency employee, within the same pay period, becomes a provisional or probationary employee on other than a temporary basis, the employee shall be considered a "state employee" retroactively to the beginning of the pay period;
- (17) persons described in section 352B.01, subdivision 2, clauses (2) to (5);
- (18) temporary employees in the classified service, and temporary employees in the unclassified service appointed for a definite period of not more than six months and employed less than six months in any one-year period and seasonal help in the classified service employed by the department of revenue;
- (19) trainee employees, except those listed in subdivision 2a, clause (10);
- (20) persons whose compensation is paid on a fee basis;
- (21) state employees who in any year have credit for 12 months service as teachers in the public schools of the state and as teachers are members of the teachers retirement association or a retirement system in St. Paul, Minneapolis, or Duluth;
- (22) employees of the adjutant general employed on an unlimited intermittent or temporary basis in the classified and unclassified service for the support of army and air national guard training facilities;
- (23) chaplains and nuns who are excluded from coverage under the federal Old Age, Survivors, Disability, and Health Insurance Program for the performance of service as specified in United States Code, title 42, section 410(a)(8)(A), as amended, if no irrevocable election of coverage has been made under section 3121(r) of the Internal Revenue Code of 1986, as amended through December 31, 1992;
- (24) examination monitors employed by departments, agencies, commissions, and boards to conduct examinations required by law;
- (25) persons appointed to serve as members of fact-finding commissions or adjustment panels, arbitrators, or labor referees under chapter 179;
- (26) temporary employees employed for limited periods under any state or federal program for training or rehabilitation including persons employed for limited periods from areas of economic distress except skilled and supervisory personnel and persons having civil service status covered by the system;
- (27) full-time students employed by the Minnesota historical society intermittently during part of the year and full-time during the summer months;
- (28) temporary employees, appointed for not more than six months, of the metropolitan council and of any of its statutory boards, if the board members are appointed by the metropolitan council;
- (29) persons employed in positions designated by the department of employee relations as student workers;
- (30) members of trades employed by the successor to the metropolitan waste control commission with trade union pension plan coverage under a collective bargaining agreement first employed after June 1, 1977;
- (31) persons employed in subsidized on-the-job training, work experience, or public service employment as enrollees under the federal Comprehensive Employment and Training Act after

March 30, 1978, unless the person has as of the later of March 30, 1978, or the date of employment sufficient service credit in the retirement system to meet the minimum vesting requirements for a deferred annuity, or the employer agrees in writing on forms prescribed by the director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal Comprehensive Employment and Training Act, or the person agrees in writing on forms prescribed by the director to make the required employer contribution in addition to the required employee contribution;

(32) off-duty peace officers while employed by the metropolitan council;

(33) persons who are employed as full-time police officers by the metropolitan council and as police officers are members of the public employees police and fire fund;

(34) persons who are employed as full-time firefighters by the department of military affairs and as firefighters are members of the public employees police and fire fund;

(35) foreign citizens with a work permit of less than three years, or an H-1b/JV visa valid for less than three years of employment, unless notice of extension is supplied which allows them to work for three or more years as of the date the extension is granted, in which case they are eligible for coverage from the date extended; and

(36) persons who are employed by the board of trustees of the Minnesota state colleges and universities and who elect to remain members of the public employees retirement association or the Minneapolis employees retirement fund, whichever applies, under section 136C.75.

Sec. 5. Minnesota Statutes 1996, section 354B.21, subdivision 3, is amended to read:

Subd 3. [DEFAULT COVERAGE.] (a) If an eligible person fails to elect coverage by the plan under subdivision 2 or if the person fails to make a timely election, the following retirement coverage applies:

(1) for employees of the board who are employed in faculty positions in the technical colleges, in the state universities or in the community colleges, the retirement coverage is by the plan established by this chapter;

(2) for employees of the board who are employed in faculty positions in the technical colleges, the retirement coverage is by the plan established by this chapter unless on June 30, 1997, the employee was a member of the teachers retirement association established under chapter 354 and then the retirement coverage is by the teachers retirement association, or, unless the employee was a member of a first class city teacher retirement fund established under chapter 354A on June 30, 1995, and then the retirement coverage is by the Duluth teachers retirement fund association if the person was a member of that plan on June 30, 1995, or the Minneapolis teachers retirement fund association if the person was a member of that plan on June 30, 1995, or the St. Paul teachers retirement fund association if the person was a member of that plan on June 30, 1995; and

(3) for employees of the board who are employed in eligible unclassified administrative positions, the retirement coverage is by the plan established by this chapter.

(b) If an employee fails to correctly certify prior membership in the teachers retirement association to the Minnesota state colleges and universities system, the system shall not pay interest on employee contributions, employer contributions, and additional employer contributions to the teachers retirement association under section 354.52, subdivision 4.

Sec. 6. Minnesota Statutes 1996, section 354C.11, is amended to read:

354C.11 [COVERAGE.]

Personnel employed by the board of trustees of the Minnesota state colleges and universities who are in the unclassified service of the state, and who have completed at least two years of employment by the board or a predecessor board with a full-time contract are participants in the

supplemental retirement plan, effective on the next following July 1, if the person is employed in an eligible unclassified administrative position as defined in section 354B.20, subdivision 6, or is employed in an employment classification included in one of the following collective bargaining units under section 179A.10, subdivision 2:

- (1) the state university instructional unit;
- (2) the community college instructional unit;
- (3) the technical college instructional unit; and
- (4) the state university administrative unit.

Once a person qualifies for participation in the supplemental plan, all subsequent service by the person as an unclassified employee of the state university board, the state board for community colleges, the higher education board, or the technical colleges is covered by the supplemental plan.

Sec. 7. [PURCHASE OF SERVICE CREDIT AUTHORIZATION.]

Subdivision 1. [ELIGIBLE EMPLOYEE.] (a) An eligible employee described in paragraph (b) is eligible to purchase service credit in the Minnesota state retirement system general plan as specified in subdivision 2.

(b) An eligible employee is a person who:

(1) is employed in the classified service by the department of revenue as seasonal help, newly authorized to receive prospective service credit under section 3; and

(2) was employed in the classified service by the department of revenue as seasonal help in each of the last three fiscal years.

Subd. 2. [RETIREMENT COVERAGE.] An eligible employee under subdivision 1, paragraph (b), is entitled to purchase service credit in the Minnesota state retirement system general plan for the period of service prior to the effective date of section 3 as seasonal help in the classified service by the department of revenue. Any period for which the individual has received service credit or is eligible to receive service credit in any other Minnesota public pension plan, other than a volunteer fire plan, is not eligible for purchase.

Subd. 3. [AMOUNT.] (a) To receive service credit under subdivision 2, the Minnesota state retirement system must receive an amount equal to the actuarial present value, on the date of payment, as calculated by the actuary retained by the legislative commission on pensions and retirement, of the amount of the additional retirement annuity obtained by the acquisition of the additional service credit in this section. Calculation of this amount must be made using the preretirement interest rate applicable to the Minnesota state retirement system general plan specified in Minnesota Statutes, section 356.215, subdivision 4d, and the mortality table adopted for the pension plan. The calculation must assume continuous future service in the association until, and retirement at, the age at which the minimum requirements of the fund for normal retirement or retirement with an annuity unreduced for retirement at an early age, including Minnesota Statutes, section 356.30, are met with the additional service credit purchased. The calculation must assume that the individual accrues future service credit each year based on a three year average using the most recent three year period prior to the effective date of section 3 for service provided compared to full-time service. The salary used in the calculation must be the eligible person's actual current hourly salary. The calculation must assume a future salary history that includes annual salary increases at the applicable salary increase rate for the plan specified in Minnesota Statutes, section 356.215, subdivision 4d.

(b) Payment must be made in one lump sum before July 1, 1998, or before retirement, whichever is earlier.

(c) Payment of the amount calculated under this subdivision must be made by the eligible employee. However, the Minnesota department of revenue may, at its discretion, pay all or any

portion of the payment amount that exceeds an amount equal to the employee contribution rates in effect during the periods of prior service applied to the actual salary rates in effect during the periods of prior service, plus interest at the rate of 8-1/2 percent a year compounded annually from the date on which the contributions would have been made if retirement coverage were authorized at the time, to the date on which the payment is made. If the department agrees to payments under this paragraph, the eligible employee must make the employee payments required under this paragraph before July 1, 1998. If that employee payment is made, the department payment under this paragraph must be remitted to the executive director of the Minnesota state retirement system within 60 days of receipt by the executive director of the employee payments specified under this paragraph.

Subd. 4. [SERVICE CREDIT GRANT.] Service credit for the purchase period must be granted by the Minnesota state retirement system to the account of the eligible employee upon receipt of the purchase payment amount specified in subdivision 3.

Sec. 8. [STUDY.]

The state board of investment, in consultation with the commissioner of commerce, shall study and make recommendations to the legislature on the most desirable method for evaluating insurance companies for purposes of Minnesota Statutes, section 356.24, subdivision 1, and on the most desirable method for the use of Internal Revenue Code, section 403(b), annuities and the most effective delivery mechanism to employees. The board shall report to the legislative commission on pensions and retirement by February 1, 1998.

Sec. 9. [REPEALER.]

Laws 1995, chapter 262, article 1, sections 8, 9, 10, 11, and 12, are repealed.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective on July 1, 1997.

ARTICLE 2

PENSION MODIFICATIONS WITH
A LOCAL APPLICATION

Section 1. Minnesota Statutes 1996, section 423A.02, subdivision 2, is amended to read:

Subd. 2. [CONTINUED ELIGIBILITY.] A municipality that has qualified for amortization state aid under subdivision 1 on December 31, 1984, and has an additional municipal contribution payable under section 353A.09, subdivision 5, paragraph (b), as of the most recent December 31, continues upon application to be entitled to receive amortization state aid under subdivision 1 and supplementary amortization state aid under subdivision 1a, after the local police or salaried firefighters' relief association has been consolidated into the public employees police and fire fund. If a municipality loses entitlement for amortization state aid and supplementary amortization state aid in any year because of not having an additional municipal contribution, the municipality is not entitled to the aid amounts in any subsequent year. If the actuarial assumptions specified in section 356.215 are changed in 1997, and the change results in a municipality having an additional municipal contribution, and the municipality had previously lost entitlement for amortization aid and supplementary amortization due to not having an additional municipal contribution, then the municipality is again entitled to receive amortization aid and supplementary amortization aid in the same amount as it previously received.

Sec. 2. Minnesota Statutes 1996, section 423B.06, subdivision 1, is amended to read:

Subdivision 1. [SOURCES.] The fund is derived from the following sources:

- (1) gifts provided to the fund;
- (2) rewards received by active members of the Minneapolis police department;

(3) money coming into the hands of active members of the Minneapolis police department in their official capacity and remaining unclaimed for six months;

(4) proceeds from sales of property coming into the hands of active members of the Minneapolis police department in their official capacity and remaining unclaimed for six months, upon sale by the chief of police of the city;

(5) an amount equal to the minimum percentage specified in section 69.77, subdivision 2a, of the salary of a first grade patrol officer deducted from the monthly salary of each active member;

(6) all money derived from taxation as provided by sections 69.77, subdivisions 2b, 2c, 2d, 2e, and 2f; and 423A.01, subdivision 2;

(7) all money received from the state amortization aid programs under section 423A.02, to fund the unfunded actuarial accrued liability of the association;

(8) all money received from the state under chapter 69, as state police aid;

(9) all money provided by the state for the association in addition to clauses (7) and (8);

(10) all money derived from taxation by the municipality for the support of the association and the payment of pensions; and

(11) money from the investment of, earnings on, and interest on the assets of the fund.

Sec. 3. Minnesota Statutes 1996, section 423B.06, subdivision 1a, is amended to read:

Subd. 1a. [SALES OF UNCLAIMED PROPERTY.] The chief of police of the city shall sell property coming into the hands of active members of the Minneapolis police department in their official capacity and remaining unclaimed for six months.

Sec. 4. [TEACHER RETIREMENT DATE.]

Notwithstanding Minnesota Statutes, section 354.44, subdivision 4, teachers terminating active teaching service at the high school in independent school district No. 701, Hibbing, during June, 1997, shall have May 30, 1997, as their date of retirement for the purpose of receiving retirement benefits from the teachers retirement association.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective on the day following final enactment.

ARTICLE 3

INVESTMENT REPORTING MODIFICATIONS

Section 1. Minnesota Statutes 1996, section 69.051, subdivision 1, is amended to read:

Subdivision 1. [FINANCIAL REPORT AND AUDIT.] The board of each salaried firefighters' and relief association, police relief association, and ~~of each~~ volunteer firefighters' relief association as defined in section 424A.001, subdivision 4, with assets of at least \$200,000 or liabilities of at least \$200,000, according to the most recent actuarial valuation or financial report if no valuation is required, shall:

(a) (1) prepare a financial report covering the special and general funds of the relief association for the preceding fiscal year on a form prescribed by the state auditor. The financial report shall contain financial statements and disclosures which present the true financial condition of the relief association and the results of relief association operations in conformity with generally accepted accounting principles and in compliance with the regulatory, financing and funding provisions of this chapter and any other applicable laws. The financial report shall be countersigned by the municipal clerk or clerk-treasurer of the municipality in which the relief association is located if the relief association is a firefighters' relief association which is directly associated with a municipal fire department or is a police relief association, or countersigned by the secretary of the

independent nonprofit firefighting corporation and by the municipal clerk or clerk-treasurer of the largest municipality in population which contracts with the independent nonprofit firefighting corporation if the relief association is a subsidiary of an independent nonprofit firefighting corporation;

(b) (2) file the financial report in its office for public inspection and present it to the city council after the close of the fiscal year. One copy of the financial report shall be furnished to the state auditor after the close of the fiscal year; and

(e) (3) submit to the state auditor audited financial statements which have been attested to by a certified public accountant, public accountant, or the state auditor within 180 days after the close of the fiscal year, ~~except that the state auditor may upon request of a city and a showing of inability to conform, extend the deadline.~~ The state auditor may accept this report in lieu of the report required in clause (b) (2).

Sec. 2. Minnesota Statutes 1996, section 69.051, subdivision 1a, is amended to read:

Subd. 1a. [FINANCIAL STATEMENT.] (a) The board of each volunteer firefighters' relief association ~~and each independent nonprofit firefighting corporation~~, as defined in section 424A.001, subdivision 4, with assets of less than \$200,000 and liabilities less than \$200,000, according to the most recent financial report, shall:

(a) prepare a detailed statement of the financial affairs for the preceding fiscal year of the relief association's special and general funds in the style and form prescribed by the state auditor, ~~for the preceding fiscal year showing all money received, with the sources, and respective amounts thereof.~~ The detailed statement must show the sources and amounts of all money received; all disbursements for which orders have been drawn upon the treasurer; all accounts payable; all and accounts receivable; the amount of money remaining in the treasury; total assets including a listing of all investments; the accrued liabilities; and all items necessary to show accurately the revenues and expenditures and financial position of the relief association;

(b) The detailed financial statement ~~shall~~ required under paragraph (a) must be certified by an independent public accountant or auditor or by the auditor or accountant who regularly examines or audits the financial transactions of the municipality. In addition to certifying the financial condition of the special and general funds of the relief association, the accountant or auditor conducting the examination shall give an opinion as to the condition of the special and general funds of the relief association, and shall comment upon any exceptions to the report. The independent accountant or auditor shall have at least five years of public accounting, auditing, or similar experience, and shall not be an active, inactive, or retired member of the relief association or the fire or police department;

(c) The detailed statement ~~shall~~ required under paragraph (a) must be countersigned by the municipal clerk or clerk-treasurer of the municipality, or, where applicable, by the secretary of the independent nonprofit firefighting corporation and by the municipal clerk or clerk-treasurer of the largest municipality in population which contracts with the independent nonprofit firefighting corporation if the relief association is a subsidiary of an independent nonprofit firefighting corporation;

(d) The volunteer firefighters' relief association board must file the detailed statement required under paragraph (a) in the relief association office for public inspection and present it to the city council within 45 days after the close of the fiscal year; and must

(e) submit ~~within 90 days after the close of the fiscal year~~ a copy of the detailed statement to the state auditor within 90 days of the close of the fiscal year.

Sec. 3. Minnesota Statutes 1996, section 69.051, subdivision 1b, is amended to read:

Subd. 1b. [QUALIFICATION.] The state auditor may, upon a demonstration by a relief association of hardship or inability to conform, extend the deadline for reports under subdivision 1 or 1a, but not beyond November 30 following the due date. If the reports are not received by November 30, the municipality or relief association will forfeit its current year state aid, and until

the state auditor receives the required information, the relief or municipality will be ineligible to receive any future state aid. A municipality or police or firefighters' relief association shall not qualify initially to receive, or be entitled subsequently to retain, state aid pursuant to this chapter if the financial reporting requirement or the applicable requirements of this chapter or any other statute or special law have not been complied with or are not fulfilled.

Sec. 4. Minnesota Statutes 1996, section 356.20, is amended by adding a subdivision to read:

Subd. 4b. [ADDITIONAL REPORTING REQUIREMENTS.] Pension funds referred to in subdivision 2, clauses (5) to (10), must include, as part of the report required by this section, the information required under section 356.219. A pension fund which fails to include that information is subject to penalties specified in section 356.219, subdivision 5. The office of the state auditor is authorized to develop forms to facilitate the reporting required under this subdivision. For pension funds subject to this subdivision, at the time when reports are filed under subdivision 3, a copy of the reports must also be delivered to the office of the state auditor.

Sec. 5. Minnesota Statutes 1996, section 356.219, is amended to read:

356.219 [DISCLOSURE OF ADDITIONAL PUBLIC PENSION PLAN INVESTMENT INFORMATION.]

Subdivision 1. [REPORT REQUIRED.] (a) Except as indicated in subdivision 4, the state board of investment on behalf of the public pension funds and programs for which it is the investment authority and any Minnesota public pension plan not wholly fully invested through the state board of investment, including a local police or firefighters' relief association governed by sections section 69.77 or sections 69.771 to 69.775, shall report the information specified in subdivision 2 to the state auditor, and collect and retain the information required by subdivision 3. The state auditor may prescribe a form or forms for the purposes of the reporting requirements contained in this section.

(b) A local police or firefighters' relief association governed by section 69.77 or sections 69.771 to 69.775 is fully invested during a given calendar year for purposes of this section if all assets of the applicable pension plan beyond sufficient cash equivalent investments to cover six months expected expenses are invested under section 11A.17.

(c) For purposes of this section, the state board of investment is considered to be the investment authority for any Minnesota public pension fund required to be invested by the state board of investment under section 11A.23, or for any Minnesota public pension fund that is fully invested and is authorized to invest in the supplemental investment fund under section 11A.17.

Subd. 2. [CONTENT AND TIMING OF REPORTS.] (a) The following information, as further specified in paragraphs (b) to (f), shall be included in the report required by subdivision 1:

(1) the total portfolio market value of all investments at the close of the reporting period as of the beginning and end of the calendar year;

(2) regular payroll-based contributions to the fund the total portfolio market value for each month or quarter, as specified in paragraph (c), (d), (e), or (f), as applicable;

(3) other contributions and revenue paid into the fund, including, but not limited to, state or local non-payroll-based contributions, repaid refunds, and buybacks for the calendar year end, the market value of each asset class as a percentage of total portfolio market value; and

(4) total benefits paid to members; the amount and date of each total portfolio injection and withdrawal.

(5) fees paid for investment management services;

(6) salaries and other administrative expenses paid; and

(7) total return on investment.

(b) The report must also include a written statement of the investment policy in effect on June 30, 1988, and any 1997, if that statement has not been previously submitted. Following that date, subsequent reports shall include investment policy changes made subsequently and shall include the effective date of each policy change rather than a complete statement of investment policy, unless the state auditor requests submission of a complete current statement. The information required under this subdivision must be reported separately for each investment account or investment portfolio included in the pension fund.

(b) For public pension plans other than volunteer firefighters' relief associations governed by sections 69.77 or 69.771 to 69.775, the information specified in paragraph (a) must be provided separately for each quarter for the fiscal years of the pension fund ending during calendar years 1989 through 1991 and on a monthly basis thereafter. For volunteer firefighters' relief associations governed by sections 69.77 or 69.771 to 69.775, the information specified in paragraph (a) must be provided separately each quarter.

(c) Firefighters' relief associations that have assets with a market value of less than \$300,000 must submit a written statement of their current investment policy on or before October 1, 1996, must report any subsequent investment policy changes, including the effective date of the change, within 90 days of the change, must begin collecting the required information under paragraph (a), clauses (1) to (7), on January 1, 1997, and must submit the required information to the state auditor on or before October 1, 1998, and subsequently within six months of the end of each fiscal year. Other associations must submit the required information through fiscal year 1993 to the state auditor on or before October 1, 1994, and subsequently within six months of the end of each fiscal year.

(c) For public pension plans not fully invested through the state board of investment with assets less than \$1,000,000 in market value at the beginning of the calendar year, the information required in paragraph (a), clauses (2) and (4), must be provided separately for each quarter.

(d) For public pension plans not fully invested through the state board of investment with assets of \$1,000,000 in market value or more at the beginning of the calendar year, the information required in paragraph (a), clauses (2) and (4), must be provided separately for each month. If a public pension plan files a report under this paragraph, it must continue reporting under this paragraph even if asset values drop below \$1,000,000 in market value in a subsequent year, unless paragraph (e) or (f) applies.

(e) For public pension plans required to invest assets under section 11A.23, the state board of investment must include monthly information under paragraph (a), clauses (2) and (4), as it applies to retirement assets for active employees, and as it applies to the Minnesota postretirement investment fund under section 11A.18, and for both funds combined.

(f) For public pension plans investing under section 11A.17 and fully invested through the state board of investment, the state board of investment must report the monthly information required in paragraph (a), clauses (2) and (4), for each public retirement plan. The board of any fully invested public pension plan retains responsibility for submitting investment policy statements and subsequent revisions as required under paragraph (b).

(g) Any public pension fund may include computed time-weighted rates of return with the report, in addition to information required under paragraphs (a) to (f), as applicable. If returns are supplied, the individual who computed the returns must certify that the returns are net of all costs and fees, including investment management fees, and that the procedures used to compute the returns are consistent with bank administration institute studies of investment performance measurement and association of investment management and research presentation standards.

Subd. 3. [ADDITIONAL ASSET CLASS DATA RETENTION REQUIREMENTS.] (a) For purposes of this subdivision, "asset class" means any of the following asset groupings as authorized in applicable law, by-laws, or articles of incorporation:

(1) cash and any cash equivalent investments with maturities of one year or less when issued;

(2) debt securities with maturities greater than one year when issued, including, but not limited to, mortgage participation certificates and pools, asset-backed securities, guaranteed investment contracts, and authorized government and corporate obligations of corporations organized under laws of the United States or any state, or the Dominion of Canada or its provinces;

(3) stocks or convertible issues of any corporation organized under laws of the United States or any state, the Dominion of Canada or its provinces, or any corporation listed on the New York Stock Exchange or the American Stock Exchange;

(4) international stocks or convertible issues;

(5) international debt securities; and

(6) real estate and venture capital.

If the pension plan is investing under section 69.77, subdivision 2g, 69.775, or other applicable law, in open-end investment companies registered under the federal Investment Company Act of 1940, or in the Minnesota supplemental investment fund under section 11A.17, this investment shall be included under clauses (1) to (6), as appropriate. If the investment vehicle includes underlying securities from more than one asset class as indicated by clauses (1) to (6), the investment may be treated as a separate asset class.

(b) The state board of investment on behalf of plans for which it is the investment authority and each public pension plan subject to subdivision 2 must collect and retain as part of its permanent records the following information:

(1) the total market value of each asset class; and

(2) the amount and date of each asset class injection and withdrawal.

If the public pension plan is required to report for a given year under subdivision 2, paragraph (c), the information for that year under this subdivision must be retained separately for each quarter. If the public pension plan is required to report under subdivision 2, paragraph (d), the information under this subdivision must be retained separately for each month. For each public pension plan for which the state board of investment is the investment authority under this section, the state board of investment must retain the information required by this subdivision separately for each month. Information that is required to be collected and retained for any given year or years under this subdivision must be submitted to the office of the state auditor if the office of the state auditor requests in writing that the information be submitted by a public pension plan or plans, or be submitted by the state board of investment for any plan or plans for which the state board of investment is the investment authority under this section. If the state auditor requests information under this subdivision, the information is considered to be part of the report required under this section. Information required to be collected and retained under this subdivision must also be transmitted to the legislative commission on pensions and retirement upon official action of that commission if that commission submits a written request for the information. All data submitted or retained under this section are public data under chapter 13.

Subd. 4. [ALTERNATIVE REPORTING; CERTAIN PLANS.] In lieu of requirements in subdivisions 2 and 3, the applicable administration for the individual retirement account plans under chapters 354B and 354D and for the University of Minnesota faculty retirement plan shall submit computed time-weighted rates of return to the office of the state auditor. These time-weighted rates of return are to cover the most recent complete calendar year and are to be computed for each investment option available to plan members. To the extent feasible, the returns are to be computed net of all costs, fees, and charges, so that the computed return reflects the net time-weighted return available to the investor. If this is not practical, the existence of any remaining cost, fee, or charge which could further lower the net return must be disclosed. The procedures used to compute the returns must be consistent with bank administration institute studies of investment performance measurement and association of investment management and research presentation standards, or, if applicable, securities exchange commission requirements. The individual who computes the returns must certify that the supplied returns comply with this

subdivision. The applicable plan administrator must also submit, with the return information, the total amounts invested by the plan members, in aggregate, in each investment option as of the last day of the calendar year.

Subd. 3 5. [PENALTY FOR NONCOMPLIANCE.] Failure to comply with the reporting requirements of this section shall result in a withholding of all state aid or state appropriation to which the pension plan may otherwise be directly or indirectly entitled until the pension plan has complied with the reporting requirements. The state auditor shall instruct the commissioners of revenue and finance to withhold state aid or state appropriation from any pension plan that fails to comply with the reporting requirements contained in this section, until the pension plan has complied with the reporting requirements. The state auditor may waive the withholding of state aid or state appropriations if the state auditor determines in writing that compliance would create an excessive hardship.

The state auditor shall agree to waive the withholding of all state aid required by this subdivision for a volunteer firefighters' relief association governed by sections 69.77 or 69.771 to 69.775 if:

(1) the relief association certifies to the state auditor that the financial records necessary to comply with this reporting requirement for the fiscal years of the pension fund ending during calendar years 1991 to 1993 no longer exist; or

(2) the state auditor determines that reconstructing historical financial data for the fiscal years of the pension fund ending during calendar years 1991 to 1993 would create an excessive hardship for the relief association.

Subd. 4 6. [INVESTMENT DISCLOSURE REPORT.] Using the information provided under subdivision 2, the state auditor shall compute time-weighted rates of return for each pension fund, net of all costs and fees, and prepare an annual report to the legislature on the components of investment performance resulting from stages in the investment decision making process of various the public pension plans subject to this section subdivision 2. The report may also include information collected under subdivision 4 and, if applicable, subdivision 3. The state auditor may contract with a qualified consultant or consulting firm to perform the analysis and prepare the report required under this subdivision.

Subd. 5 7. [EXPENSE OF REPORT.] All expenses incurred relating to the investment disclosure report described in subdivision 4 6 must be borne by the office of the state auditor and may not be charged back to the entities described in subdivision 1.

Subd. 8. [TIMING OF REPORTS.] (a) For salaried firefighter relief associations, police relief associations, and volunteer firefighter relief associations, the information required under this section must be submitted by the due date for reports required under section 69.051, subdivision 1 or 1a, as applicable. If a relief association satisfies the definition of a fully invested plan under subdivision 1, paragraph (b), for the calendar year covered by the report required under section 69.051, subdivision 1 or 1a, as applicable, the chief administrative officer of the covered pension plan shall certify compliance on a form prescribed by the state auditor. The state auditor shall transmit annually to the state board of investment a list or lists of covered pension plans which submitted certifications, in order to facilitate reporting by the state board of investment under paragraph (c) of this subdivision and record retention under subdivision 3.

(b) For the Minneapolis teachers retirement fund association, the St. Paul teachers retirement fund association, the Duluth teachers retirement fund association, the Minneapolis employees retirement fund, and the University of Minnesota faculty supplemental retirement plan, the information required under this section must be submitted as part of the report required under section 356.20.

(c) The state board of investment, on behalf of pension funds specified in subdivision 2, paragraphs (e) and (f), must report information required under this section by September 1 of each year.

(d) The applicable administrators for the University of Minnesota faculty retirement plan and the individual retirement account plans under chapters 354B and 354D must report information required under this section by June 1 of each year.

Sec. 6. Minnesota Statutes 1996, section 424A.02, subdivision 10, is amended to read:

Subd. 10. [LOCAL APPROVAL OF BYLAW AMENDMENTS; FILING REQUIREMENTS.] (a) Each relief association to which this section applies shall file a revised copy of its governing bylaws with the ~~commissioner of commerce~~ state auditor upon the adoption of any amendment to its governing bylaws by the relief association or upon the approval of any amendment to its governing bylaws granted by the governing body of each municipality served by the fire department to which the relief association is directly associated. Failure of the relief association to file a copy of the bylaws or any bylaw amendments with the ~~commissioner of commerce~~ state auditor shall disqualify the municipality from the distribution of any future fire state aid until this filing requirement has been completed.

(b) If the special fund of the relief association does not have a surplus over full funding pursuant to section 69.772, subdivision 3, clause (2), subclause (e), or 69.773, subdivision 4, and if the municipality is required to provide financial support to the special fund of the relief association pursuant to section 69.772 or 69.773, no bylaw amendment which would affect the amount of, the manner of payment of, or the conditions for qualification for service pensions or ancillary benefits or disbursements other than administrative expenses authorized pursuant to section 69.80 payable from the special fund of the relief association shall be effective until it has been ratified by the governing body or bodies of the appropriate municipalities. If the municipality is not required to provide financial support to the special fund pursuant to this section, the relief association may adopt or amend without municipal ratification its articles of incorporation or bylaws which increase or otherwise affect the service pensions or ancillary benefits payable from the special fund so long as the changes do not cause the amount of the resulting increase in the accrued liability of the special fund to exceed 90 percent of the amount of the prior surplus over full funding and the changes do not result in the financial requirements of the special fund exceeding the expected amount of the future fire state aid to be received by the relief association.

(c) If the relief association pays only a lump sum pension, the financial requirements are to be determined by the board of trustees following the preparation of an estimate of the expected increase in the accrued liability and annual accruing liability of the relief association attributable to the change. If the relief association pays a monthly benefit service pension, the financial requirements are to be determined by the board of trustees following either an updated actuarial valuation including the proposed change or an estimate of the expected actuarial impact of the proposed change prepared by the actuary of the relief association. If a relief association adopts or amends its articles of incorporation or bylaws without municipal ratification pursuant to this subdivision, and, subsequent to the amendment or adoption, the financial requirements of the special fund pursuant to this section are such so as to require financial support from the municipality, the provision which was implemented without municipal ratification shall no longer be effective without municipal ratification, and any service pensions or ancillary benefits payable after that date shall be paid only in accordance with the articles of incorporation or bylaws as amended or adopted with municipal ratification.

Sec. 7. [REPEALER.]

Minnesota Statutes 1996, section 356.218, is repealed.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective January 1, 1998, except that no penalty for noncompliance with section 5 may be assessed on account of any failure to comply with reporting requirements of that section prior to January 1, 1999.

ARTICLE 4

CORRECTIONAL RETIREMENT PLAN

MODIFICATIONS

Section 1. Laws 1996, chapter 408, article 8, section 21, is amended to read:

Sec. 21. [TEMPORARY PROVISION; ELECTION TO RETAIN RETIREMENT COVERAGE.]

(a) An employee in a position specified as qualifying under sections 12, 14, and 15, or an auto mechanic lead, an electrician, an electrician master of record, a groundskeeper intermediate, or a plumber master in charge at the Minnesota correctional facility-Red Wing, may elect to retain coverage under the general employees retirement plan of the Minnesota state retirement system or the teachers retirement association, or may elect to have coverage transferred to and to contribute to the correctional employees retirement plan. An employee electing to participate in the correctional employees retirement plan shall begin making contributions to the correctional plan beginning the first full pay period after January 1, 1997, or the first full pay period following filing of their election to transfer coverage to the correctional employees retirement plan, whichever is later. The election to retain coverage or to transfer coverage must be made in writing by the person on a form prescribed by the executive director of the Minnesota state retirement system and must be filed with the executive director no later than ~~June 30~~ December 31, 1997.

(b) An employee failing to make an election by June 15, 1997, must be notified by certified mail by the executive director of the Minnesota state retirement system or of the teachers retirement association, whichever applies, of the deadline to make a choice. A person who does not submit an election form must continue coverage in the general employees retirement plan or the teachers retirement association, whichever applies, and forfeits all rights to transfer retirement coverage to the correctional employees retirement plan.

(c) The election to retain coverage in the general employee retirement plan or the teachers retirement association or the election to transfer retirement coverage to the correctional employees retirement plan is irrevocable once it is filed with the executive director.

Sec. 2. Laws 1996, chapter 408, article 8, section 22, subdivision 1, is amended to read:

Subdivision 1. [ELECTION OF PRIOR STATE SERVICE COVERAGE.] (a) An employee who has future retirement coverage transferred to the correctional employees retirement plan under sections 11, 12, 14, and 15, and 16, or an auto mechanic lead, an electrician, an electrician master of record, a groundskeeper intermediate, or a plumber master in charge at the Minnesota correctional facility-Red Wing, and who does not elect to retain general state employee retirement plan or teachers retirement association coverage is entitled to elect to obtain prior service credit for eligible state service performed on or after July 1, 1975, and before the first day of the first full pay period beginning after ~~June 30~~ December 31, 1997, with the department of corrections or with the department of human services at the Minnesota security hospital or the Minnesota sexual psychopathic personality treatment center. All prior service credit must be purchased.

(b) Eligible state service with the department of corrections or with the department of human services is any prior period of continuous service on or after July 1, 1975, performed as an employee of the department of corrections or of the department of human services that would have been eligible for the correctional employees retirement plan coverage under sections 11, 12, 14, and 15, and 16, or an auto mechanic lead, an electrician, an electrician master of record, a groundskeeper intermediate, or a plumber master in charge at the Minnesota correctional facility-Red Wing, if that prior service had been performed after the first day of the first full pay period beginning after December 31, 1996, rather than before that date. Service is continuous if there has been no period of discontinuation of eligible state service for a period greater than 180 calendar days.

(c) The department of corrections or the department of human services, whichever applies, shall certify eligible state service to the executive director of the Minnesota state retirement system.

(d) A covered correctional plan employee employed on January 1, 1997, who has past service

in a job classification covered under section 11, 12, 14, or 15, or 16, or an auto mechanic lead, an electrician, an electrician master of record, a groundskeeper intermediate, or a plumber master in charge at the Minnesota correctional facility-Red Wing, on January 1, 1997, is entitled to purchase the past service if the applicable department certifies that the employee met the eligibility requirements for coverage. The employee must make the additional employee contributions under section 17. Payments for past service must be completed by June 30, 1999.

Sec. 3. Laws 1996, chapter 408, article 8, section 24, is amended to read:

Sec. 24. [EARLY RETIREMENT INCENTIVE.]

This section applies to an employee who has future retirement coverage transferred to the correctional employee retirement plan under sections 11, 12, 14, and 15, and 16, and who is at least 55 years old on the effective date of sections 11, 12, 14, and 15, and 16. This section also applies to an auto mechanic lead, an electrician, an electrician master of record, a groundskeeper intermediate, or a plumber master in charge at the Minnesota correctional facility-Red Wing who has transferred to the correctional employee retirement plan under this act. That employee may participate in a health insurance early retirement incentive available under the terms of a collective bargaining agreement in effect on the day before the effective date of sections 11, 12, 14, and 15, and 16, notwithstanding any provision of the collective bargaining agreement that limits participation to persons who select the option during the payroll period in which their 55th birthday occurs. A person selecting the health insurance early retirement incentive under this section must retire by the later of ~~December 31, 1997~~ June 30, 1998, or within the pay period following the time at which the person has at least three years of covered correctional service, including any purchased service credit. An employee meeting this criteria who wishes to extend the person's employment must do so under Minnesota Statutes, section 43A.34, subdivision 3.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective on the day following final enactment.

ARTICLE 5

MISCELLANEOUS PROVISIONS

Section 1. [EXEMPTION; METROPOLITAN STATE UNIVERSITY.]

(a) Minnesota Statutes, section 352.115, subdivision 10, does not apply to a person who:

(1) was born June 22, 1939;

(2) retires from the faculty of Metropolitan State University with at least ten years of combined service credit in a system under the jurisdiction of the board of trustees of the Minnesota state colleges and universities;

(3) was employed on a full-time basis immediately preceding retirement;

(4) begins drawing an annuity from the Minnesota state retirement system; and

(5) returns to work on not less than a one-third time basis and not more than a two-thirds time basis at Metropolitan State University under an agreement in which the person may not earn a salary of more than \$35,000 in a calendar year from employment after retirement at Metropolitan State University.

(b) Initial participation, the amount of time worked, and the duration of participation under this section must be mutually agreed upon by the employer and the employee. The employer may require up to a one-year notice of intent to participate in the program as a condition of participation under this section. The employer shall determine the time of year the employee shall work.

(c) Minnesota Statutes, section 136F.48, applies to a person described in paragraph (a), even though the person draws an annuity from the Minnesota state retirement system instead of a teachers retirement association.

(d) Notwithstanding any law to the contrary, a person eligible under paragraphs (a) and (b) may not earn further service credit in the Minnesota state retirement system or the teachers retirement association and is not eligible to participate in the individual retirement account plan or the supplemental retirement plan established in chapter 354B as a result of service under this section. No employer or employee contribution to any of these plans may be made on behalf of such a person.

Sec. 2. [ACCEPTANCE OF BENEFICIARY DESIGNATION CHANGE IN CERTAIN INSTANCES.]

(a) Notwithstanding any provision of Minnesota Statutes 1996, chapter 354, to the contrary, the teachers retirement association may consider as validly filed a beneficiary designation change form under Minnesota Statutes 1996, section 354.10, subdivision 4, and a joint specification form under Minnesota Statutes 1996, section 354.46, subdivision 5, which was postmarked on January 8, 1997, and received by the teachers retirement association on January 10, 1997, on behalf of a teacher who was born on February 28, 1947, and who died on December 22, 1996.

(b) The designated beneficiary of the teacher specified in paragraph (a) is entitled to receive the applicable monthly survivor benefit retroactive to January 1, 1997.

Sec. 3. [PRIOR SERVICE CREDIT PURCHASE FOR CERTAIN PUBLIC EMPLOYEES.]

(a) A person described in paragraph (b) is entitled to purchase the period of allowable service credit from the public employees retirement association described in paragraph (c) if the purchase payment specified in paragraph (d) is made to the public employees retirement association.

(b) An eligible person is a person who:

(1) was born on August 10, 1939;

(2) was initially employed on a full-time basis by the parks and recreation division of the city of St. Paul on February 12, 1964;

(3) was initially covered by the public employees retirement association on November 1, 1964; and

(4) left public service on September 16, 1996.

(c) The period of purchasable allowable service credit is the period beginning on February 12, 1964, and ending on October 31, 1964.

(d) To purchase credit for prior eligible service under paragraph (c), there must be paid to the public employees retirement association an amount equal to the present value of the amount of the additional disability benefit obtained by purchase of the additional service credit. The calculation of this amount must be made by the executive director of the public employees retirement association using the applicable preretirement interest rate specified in Minnesota Statutes, section 356.215, subdivision 4d, and the mortality table adopted for the retirement association. The person making the purchase must establish in the records of the association proof of the service for which the purchase of prior service is requested. The manner of the proof of service must be in accordance with procedures prescribed by the executive director of the retirement association. Payment of the amount calculated under this subdivision is the obligation of the eligible person and must be made prior to July 1, 1998, in a lump sum. However, the former employer of the eligible individual may, at its discretion, pay all or any portion of the payment amount that exceeds an amount equal to the employee contribution rate or rates in effect during the period or periods of prior service, plus interest at the rate of 8.5 percent per year compounded annually from the date on which the contributions would otherwise have been made to the date on which the payment is made. If the employer agrees to payments under this paragraph, the person must make the employee payments required under this paragraph prior to July 1, 1998. If that employee payment is made, the employing unit payment under this paragraph must be remitted to the executive director of the retirement association within 60 days of receipt by the executive director of the employee payments specified under this paragraph.

(e) Service credit for the purchase period or periods must be granted to the account of the eligible person upon receipt of the purchase payment amount specified in paragraph (d) and the disability benefit of the person must be recalculated in light of the additional service credit.

Sec. 4. [EFFECTIVE DATE.]

Sections 1, 2, and 3 are effective on the day following final enactment."

Delete the title and insert:

"A bill for an act relating to retirement; various public pension plans and retirement programs; including seasonal revenue department employees in general state employee retirement plan coverage; modifying various pension provisions relating to the Minnesota state colleges and universities, the higher education individual retirement account plan, and the higher education supplemental retirement plan; requiring a study by the state board of investment on tax-sheltered annuities and the evaluation of insurance companies providing tax-sheltered annuities; providing for the requalification for police and paid firefighter relief association amortization state aid in certain instances; clarifying the handling of unclaimed money and property obtained by the Minneapolis police department; modifying the retirement date for certain Hibbing high school teachers; revising and streamlining the investment performance reporting requirements of various public pension plans; modifying penalty provisions for noncompliance with investment performance reporting requirements; authorizing certain Minnesota correctional facility-Red Wing employees to elect correctional state employee retirement plan coverage; authorizing various correctional employees to transfer prior eligible service credit to the correctional state employee retirement plan; authorizing certain Minnesota state colleges and universities faculty a limited exemption from the general state employees retirement plan reemployed annuitant earnings limitation; authorizing the teachers retirement association to accept a beneficiary designation change form filed late; authorizing certain public employees retirement association disabilitants to purchase service credit for a period of uncredited St. Paul parks and recreation division employment; amending Minnesota Statutes 1996, sections 69.051, subdivisions 1, 1a, and 1b; 136F.45, by adding subdivisions; 352.01, subdivisions 2a and 2b; 354B.21, subdivision 3; 354C.11; 356.20, by adding a subdivision; 356.219; 423A.02, subdivision 2; 423B.06, subdivisions 1 and 1a; 424A.02, subdivision 10; and Laws 1996, chapter 408, article 8, sections 21, 22, subdivision 1, and 24; repealing Minnesota Statutes 1996, section 356.218; and Laws 1995, chapter 262, article 1, sections 8, 9, 10, 11, and 12."

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

Mr. Langseth from the Committee on Education Finance, to which was re-referred

S.F. No. 1888: A bill for an act relating to education; appropriating money for education and related purposes to the higher education services office, board of trustees of the Minnesota state colleges and universities, board of regents of the University of Minnesota, and the Mayo medical foundation, with certain conditions; prescribing changes in certain financial assistance programs; establishing educational savings plan accounts; clarifying duties of the higher education services office; providing for appropriations for certain enrollments; defining the mission for the Minnesota state colleges and universities system; clarifying the common numbering and credit transfer requirements; making technical corrections relating to the post-secondary merger; modifying the higher education facilities authority revenue bond authority; modifying certain capital improvement projects; placing a condition on referendums by campus student associations; establishing the Minnesota Virtual University and a roundtable on vocational technical education; amending Minnesota Statutes 1996, sections 16A.69, subdivision 2; 125.1385, subdivision 2; 126.56, subdivisions 2, 4a, and 7; 135A.031, subdivision 2; 135A.052, subdivision 1; 135A.08, subdivision 2; 136A.01, subdivision 2, and by adding a subdivision; 136A.03; 136A.121, subdivisions 5, 7, and 9a; 136A.125, subdivisions 3 and 4; 136A.136, subdivision 2; 136A.15, by adding a subdivision; 136A.16, subdivisions 1, 2, 8, and by adding subdivisions; 136A.171; 136A.173, subdivisions 1, 3, and 5; 136A.174; 136A.175, subdivisions 1 and 2; 136A.233, subdivisions 1 and 2; 136A.29, subdivision 9; 136F.05; 216C.27, subdivision 7; Laws 1994,

chapter 643, sections 10, subdivision 10, as amended; and 19, subdivision 9, as amended; proposing coding for new law in Minnesota Statutes, chapter 136A; repealing Laws 1995, chapter 212, article 4, section 34; and Laws 1995, First Special Session chapter 2, article 1, sections 35 and 36.

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

Page 2, delete lines 13 to 17 and insert:

"General	\$1,162,723,000	\$1,200,803,000	\$2,363,526,000
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SUMMARY BY AGENCY - ALL FUNDS

	1998	1999	TOTAL
Higher Education Services Office	144,194,000	157,984,000	302,178,000"

Page 2, line 20, delete "494,375,000" and insert "494,875,000" and delete "1,001,245,000" and insert "1,001,745,000"

Page 2, delete lines 32 and 33 and insert:

"Subdivision 1. Total Appropriation		144,194,000	157,984,000"
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Page 2, delete lines 37 and 38 and insert:

"Subd. 2. State Grants	111,066,000	126,066,000"	
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Page 3, line 19, before the period, insert "and the EdVest Savings Program"

Page 5, delete lines 45 and 46 and insert:

"Subdivision 1. Total Appropriation		494,875,000	506,870,000"
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Page 6, delete lines 40 to 44

Page 7, line 57, delete "\$42,458,000" and insert "\$42,958,000"

Page 7, line 62, delete everything after "1997"

Page 8, delete lines 1 and 2

Page 8, line 3, delete everything before the period

Page 10, line 44, delete "General" and insert "general"

Page 10, delete line 45 and insert "research, student loans matching money,"

Page 13, delete lines 26 and 27

Page 13, line 28, delete "(2)" and insert "(1)"

Page 13, line 31, delete "(3)" and insert "(2)"

Page 13, line 33, delete "(4)" and insert "(3)"

Page 16, lines 2 and 24, delete "136A.93" and insert "136A.94"

Page 16, line 20, delete "section" and insert "sections" and before the period, insert "to 136A.94"

Page 16, line 22, delete "ESTABLISH TERMS" and insert "RESPONSIBILITIES"

Page 18, line 1, after the second comma, insert "making matching grants under section 136A.94,"

Page 21, delete section 13

Page 21, line 4, delete "14" and insert "13"

Page 21, line 9, delete "15" and insert "14"

Page 21, line 19, delete "16" and insert "15"

Page 21, line 20, delete "5" and insert "8"

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. 228: A bill for an act relating to health professions; modifying provisions relating to speech-language pathologists, audiologists, unlicensed mental health practitioners, alcohol and drug counselors, and hearing instrument dispensers; providing civil and criminal penalties; amending Minnesota Statutes 1996, sections 144.335, subdivision 1; 148.515, subdivision 3; 148.518, subdivision 2; 148.5191, subdivisions 1, 3, and 4; 148.5194; 148.5195, subdivision 3, and by adding subdivisions; 148B.66, subdivisions 2 and 3; 148B.69, subdivision 2, and by adding a subdivision; 148B.70, subdivision 3; 148C.03, subdivision 1; 148C.04, subdivisions 3 and 4; 148C.05, subdivision 2; 148C.06; 148C.11, subdivision 3; 153A.13, subdivision 5; 153A.14, subdivisions 2b, 2d, 2f, 2h, 9, and 10; 153A.15, subdivisions 1, 3, and by adding a subdivision; 153A.17; 153A.18; and 153A.20, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 1996, section 153A.14, subdivisions 2a and 7.

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

Pages 30 and 31, delete section 37

Pages 32 to 34, delete section 40

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 18, delete "153A.17;"

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.

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

S.F. No. 930: A bill for an act relating to domestic abuse; providing requirements for family visitation centers; requiring dissolution petitions to include information on orders for protection; creating a presumption of supervised visitation when an order for protection exists; imposing standards for individuals who supervise visitation; raising the penalties for first-time violators and repeat violators of domestic abuse orders; providing increased penalties when offense is committed while possessing a dangerous weapon; making a finding of domestic abuse binding on a subsequent custody proceeding; funding a pilot project for a combined jurisdiction family court; providing criminal penalties; appropriating money; amending Minnesota Statutes 1996, sections 256F.09, subdivisions 2 and 3; 518.10; 518.131, subdivision 8; 518.175, subdivision 5, and by adding a subdivision; and 518B.01, subdivisions 4, 6, 8, 14, 17, and 18.

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

Delete everything after the enacting clause and insert:

"Section 1. [TITLE.]

This act shall be known as the "Alex and Brandon Frank Child Safety Act."

Sec. 2. Minnesota Statutes 1996, section 256F.09, subdivision 2, is amended to read:

Subd. 2. [FUNDING.] The commissioner may award grants to create or maintain family visitation centers.

In awarding grants to maintain a family visitation center, the commissioner may award a grant to a center that can demonstrate a 35 percent local match, provided the center is diligently exploring and pursuing all available funding options in an effort to become self-sustaining, and those efforts are reported to the commissioner.

In awarding grants to create a family visitation center, the commissioner shall give priority to:

- (1) areas of the state where no other family visitation center or similar facility exists;
- (2) applicants who demonstrate that private funding for the center is available and will continue; and
- (3) facilities that are adapted for use to care for children, such as day care centers, religious institutions, community centers, schools, technical colleges, parenting resource centers, and child care referral services.

In awarding grants to create or maintain a family visitation center, the commissioner shall require the proposed center to meet standards developed by the commissioner to ensure the safety of the custodial parent and children.

Sec. 3. Minnesota Statutes 1996, section 256F.09, subdivision 3, is amended to read:

Subd. 3. [ADDITIONAL SERVICES.] Each family visitation center may provide parenting and child development classes, and offer support groups to participating custodial parents and hold regular classes designed to assist children who have experienced domestic violence and abuse. Each family visitation center must have available an individual knowledgeable about or experienced in the provision of services to battered women on its staff, its board of directors, or otherwise available to it for consultation.

Sec. 4. Minnesota Statutes 1996, section 480.30, subdivision 1, is amended to read:

Subdivision 1. [CHILD ABUSE; DOMESTIC ABUSE; HARASSMENT.] The supreme court's judicial education program must include ongoing training for district court judges on child and adolescent sexual abuse, domestic abuse, harassment, stalking, and related civil and criminal court issues. The program must include the following:

- (1) information about the specific needs of victims. ~~The program must include;~~
- (2) education on the causes of sexual abuse and family violence ~~and;~~
- (3) education on culturally responsive approaches to serving victims;
- (4) education on the impacts of domestic abuse and domestic abuse allegations on children and the importance of considering these impacts when making visitation and child custody decisions under chapter 518; and
- (5) information on alleged and substantiated reports of domestic abuse, including, but not limited to, department of human services survey data.

The program also must emphasize the need for the coordination of court and legal victim

advocacy services and include education on sexual abuse and domestic abuse programs and policies within law enforcement agencies and prosecuting authorities as well as the court system.

Sec. 5. Minnesota Statutes 1996, section 518.10, is amended to read:

518.10 [REQUISITES OF PETITION.]

The petition for dissolution of marriage or legal separation shall state and allege:

- (a) The name and address of the petitioner and any prior or other name used by the petitioner;
- (b) The name and, if known, the address of the respondent and any prior or other name used by the respondent and known to the petitioner;
- (c) The place and date of the marriage of the parties;
- (d) In the case of a petition for dissolution, that either the petitioner or the respondent or both:
 - (1) Has resided in this state for not less than 180 days immediately preceding the commencement of the proceeding, or
 - (2) Has been a member of the armed services and has been stationed in this state for not less than 180 days immediately preceding the commencement of the proceeding, or
 - (3) Has been a domiciliary of this state for not less than 180 days immediately preceding the commencement of the proceeding;
- (e) The name at the time of the petition and any prior or other name, age and date of birth of each living minor or dependent child of the parties born before the marriage or born or adopted during the marriage and a reference to, and the expected date of birth of, a child of the parties conceived during the marriage but not born;
- (f) Whether or not a separate proceeding for dissolution, legal separation, or custody is pending in a court in this state or elsewhere;
- (g) In the case of a petition for dissolution, that there has been an irretrievable breakdown of the marriage relationship;
- (h) In the case of a petition for legal separation, that there is a need for a decree of legal separation; and
- (i) Any temporary or permanent maintenance, child support, child custody, disposition of property, attorneys' fees, costs and disbursements applied for without setting forth the amounts; and
- (j) Whether an order for protection under chapter 518B or a similar law of another state that governs the parties or a party and a minor child of the parties is in effect and, if so, the district court or similar jurisdiction in which it was entered.

The petition shall be verified by the petitioner or petitioners, and its allegations established by competent evidence.

Sec. 6. Minnesota Statutes 1996, section 518.175, is amended by adding a subdivision to read:

Subd. 1a. [DOMESTIC ABUSE; SUPERVISED VISITATION.] (a) If a custodial parent requests supervised visitation under subdivision 1 or 5 and an order for protection under chapter 518B or a similar law of another state is in effect against the noncustodial parent to protect the custodial parent or the child, the judge or judicial officer must consider the order for protection in making a decision regarding visitation.

(b) The state court administrator, in consultation with representatives of custodial and noncustodial parents and other interested persons, shall develop standards to be met by persons who are responsible for supervising visitation. Either parent may challenge the appropriateness of an individual chosen by the court to supervise visitation.

Sec. 7. Minnesota Statutes 1996, section 518.175, subdivision 5, is amended to read:

Subd. 5. The court shall modify an order granting or denying visitation rights whenever modification would serve the best interests of the child. Except as provided in section 631.52, the court may not restrict visitation rights unless it finds that:

(1) the visitation is likely to endanger the child's physical or emotional health or impair the child's emotional development; or

(2) the noncustodial parent has chronically and unreasonably failed to comply with court-ordered visitation.

If the custodial parent makes specific allegations that visitation places the custodial parent or child in danger of harm, the court shall hold a hearing at the earliest possible time to determine the need to modify the order granting visitation rights. Consistent with subdivision 1a, the court may require a third party, including the local social services agency, to supervise the visitation or may restrict a parent's visitation rights if necessary to protect the custodial parent or child from harm.

Sec. 8. Minnesota Statutes 1996, section 518B.01, subdivision 4, is amended to read:

Subd. 4. [ORDER FOR PROTECTION.] There shall exist an action known as a petition for an order for protection in cases of domestic abuse.

(a) A petition for relief under this section may be made by any family or household member personally or by a family or household member, a guardian as defined in section 524.1-201, clause (20), or, if the court finds that it is in the best interests of the minor, by a reputable adult age 25 or older on behalf of minor family or household members. A minor age 16 or older may make a petition on the minor's own behalf against a spouse or former spouse, or a person with whom the minor has a child in common, if the court determines that the minor has sufficient maturity and judgment and that it is in the best interests of the minor.

(b) A petition for relief shall allege the existence of domestic abuse, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(c) A petition for relief must state whether the petitioner has ever had an order for protection in effect against the respondent.

(d) A petition for relief must state whether there is an existing order for protection in effect under this chapter governing both the parties and whether there is a pending lawsuit, complaint, petition or other action between the parties under chapter 257, 518, 518A, 518B, or 518C. The court administrator shall verify the terms of any existing order governing the parties. The court may not delay granting relief because of the existence of a pending action between the parties or the necessity of verifying the terms of an existing order. A subsequent order in a separate action under this chapter may modify only the provision of an existing order that grants relief authorized under subdivision 6, paragraph (a), clause (1). A petition for relief may be granted, regardless of whether there is a pending action between the parties.

(e) The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section.

(f) The court shall advise a petitioner under paragraph (e) of the right to file a motion and affidavit and to sue in forma pauperis pursuant to section 563.01 and shall assist with the writing and filing of the motion and affidavit.

(g) The court shall advise a petitioner under paragraph (e) of the right to serve the respondent by published notice under subdivision 5, paragraph (b), if the respondent is avoiding personal service by concealment or otherwise, and shall assist with the writing and filing of the affidavit.

(h) The court shall advise the petitioner of the right to seek restitution under the petition for relief.

(i) The court shall advise the petitioner of the right to request a hearing under subdivision 7, paragraph (c). If the petitioner does not request a hearing, the court shall advise the petitioner that the respondent may request a hearing and that notice of the hearing date and time will be provided to the petitioner by mail at least five days before the hearing.

(j) The court shall advise the petitioner of the right to request supervised visitation, as provided in section 518.175, subdivision 1a.

Sec. 9. Minnesota Statutes 1996, section 518B.01, subdivision 8, is amended to read:

Subd. 8. [SERVICE; ALTERNATE SERVICE; PUBLICATION; NOTICE.] (a) The petition and any order issued under this section shall be served on the respondent personally.

(b) When service is made out of this state and in the United States, it may be proved by the affidavit of the person making the service. When service is made outside the United States, it may be proved by the affidavit of the person making the service, taken before and certified by any United States minister, charge d'affaires, commissioner, consul, or commercial agent, or other consular or diplomatic officer of the United States appointed to reside in the other country, including all deputies or other representatives of the officer authorized to perform their duties; or before an office authorized to administer an oath with the certificate of an officer of a court of record of the country in which the affidavit is taken as to the identity and authority of the officer taking the affidavit.

(c) If personal service cannot be made, the court may order service of the petition and any order issued under this section by alternate means, or by publication, which publication must be made as in other actions. The application for alternate service must include the last known location of the respondent; the petitioner's most recent contacts with the respondent; the last known location of the respondent's employment; the names and locations of the respondent's parents, siblings, children, and other close relatives; the names and locations of other persons who are likely to know the respondent's whereabouts; and a description of efforts to locate those persons.

The court shall consider the length of time the respondent's location has been unknown, the likelihood that the respondent's location will become known, the nature of the relief sought, and the nature of efforts made to locate the respondent. The court shall order service by first class mail, forwarding address requested, to any addresses where there is a reasonable possibility that mail or information will be forwarded or communicated to the respondent.

The court may also order publication, within or without the state, but only if it might reasonably succeed in notifying the respondent of the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after court-ordered publication.

(d) A petition and any order issued under this section must include a notice to the respondent that if an order for protection is issued to protect the petitioner or a child of the parties, upon request of the petitioner in any visitation proceeding, the court shall consider the order for protection in making a decision regarding visitation.

Sec. 10. Minnesota Statutes 1996, section 518B.01, subdivision 17, is amended to read:

Subd. 17. [EFFECT ON CUSTODY PROCEEDINGS.] In a subsequent custody proceeding the court ~~may~~ must consider, ~~but is not bound by,~~ a finding in a proceeding under this chapter or under a similar law of another state that domestic abuse has occurred between the parties.

Sec. 11. [COMBINED JURISDICTION FAMILY COURT.]

(a) Notwithstanding Minnesota Statutes, sections 260.031, subdivision 4, and 484.70, subdivisions 6 and 7, paragraphs (d) and (e), the supreme court may implement a pilot project to improve the resolution of family issues, including domestic abuse, by assigning related family, probate, and juvenile court matters, other than delinquency proceedings, to a single judge. The project must include orders for protection and related domestic abuse issues and address methods for improving continuity and consistency with respect to consideration of domestic abuse issues in different proceedings involving the same family or household members. The project must be established in a district that does not include the metropolitan area.

(b) The supreme court is requested to report to the legislature on the effectiveness of the pilot project in resolving family issues when the project is completed or by January 15, 2000, whichever is earlier.

Sec. 12. [EFFECTIVE DATE.]

Section 9 is effective August 1, 1997, and applies to proceedings that commence on or after that date."

Delete the title and insert:

"A bill for an act relating to domestic abuse; providing requirements for family visitation centers; including domestic abuse issues in judicial education requirements; requiring dissolution petitions to include information on orders for protection; requiring consideration of an order for protection when supervised visitation is requested; imposing standards for individuals who supervise visitation; requiring consideration of a finding regarding domestic abuse in a subsequent custody proceeding; funding a pilot project for a combined jurisdiction family court; appropriating money; amending Minnesota Statutes 1996, sections 256F.09, subdivisions 2 and 3; 480.30, subdivision 1; 518.10; 518.175, subdivision 5, and by adding a subdivision; and 518B.01, subdivisions 4, 8, and 17."

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.

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

S.F. No. 364: A bill for an act relating to public safety; authorizing release of investigative data relating to crimes perpetrated by a juvenile to the victim; providing that persons convicted of terroristic threats or felony stalking or harassment violations have the burden of proof to establish that custody or visitation is in the best interests of a child; requiring notification of a victim when sentence modification occurs; amending Minnesota Statutes 1996, sections 260.161, subdivision 3; and 518.179, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 611A.

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

Page 4, line 9, delete everything after "shall"

Page 4, delete lines 10 to 15 and insert "issue a report to a crime victim or the victim's legal representative verifying that the victim reported a crime perpetrated by a juvenile and that the law enforcement agency is investigating or has investigated the alleged crime. The law enforcement agency also shall release other public data as provided in section 13.82."

Page 5, line 10, delete "violations"

Page 5, line 11, before the period, insert ", subdivision 4"

Page 5, after line 33, insert:

"Sec. 4. Minnesota Statutes 1996, section 631.52, subdivision 2, is amended to read:

Subd. 2. [APPLICATION.] Subdivision 1 applies to the following crimes or similar crimes under the laws of the United States or any other state:

- (1) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;
- (2) manslaughter in the first degree under section 609.20;
- (3) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;
- (4) kidnapping under section 609.25;

- (5) depriving another of custodial or parental rights under section 609.26;
- (6) soliciting, inducing, or promoting prostitution involving a minor under section 609.322;
- (7) receiving profit from prostitution involving a minor under section 609.323;
- (8) criminal sexual conduct in the first degree under section 609.342;
- (9) criminal sexual conduct in the second degree under section 609.343;
- (10) criminal sexual conduct in the third degree under section 609.344, subdivision 1, paragraph (c), (f), or (g);
- (11) solicitation of a child to engage in sexual conduct under section 609.352;
- (12) incest under section 609.365;
- (13) malicious punishment of a child under section 609.377; or
- (14) neglect of a child under section 609.378;
- (15) terroristic threats under section 609.713; or
- (16) felony harassment or stalking under section 609.749."

Amend the title as follows:

Page 1, line 11, delete "and" and after "2;" insert "and 631.52, subdivision 2;"

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

S.F. No. 830: A bill for an act relating to child support enforcement; modifying provisions governing the establishment and enforcement of child support and maintenance; authorizing disclosure of certain data to the attorney general; providing for certain financial data matches; changing provisions for driver's license suspension, motor vehicle liens, payment agreements, and child support judgments; modifying provisions governing publication of names of delinquent obligors; providing for case reviewers; providing for a child support lien; regulating work release and probation violation for criminal nonsupport for certain offenders; requiring a study; appropriating money; specifying penalties; amending Minnesota Statutes 1996, sections 8.35; 13.46, subdivision 2; 13.99, by adding a subdivision; 168A.05, subdivision 8; 171.19; 256.87, subdivisions 1, 1a, 3, 5, and by adding a subdivision; 256.978, subdivisions 1 and 2; 256.979, subdivisions 5, 6, 7, 8, and by adding a subdivision; 256.9791, subdivision 1; 256.9792, subdivisions 1 and 2; 256.998, subdivisions 1, 6, 7, and 9; 257.62, subdivisions 1 and 2; 257.66, subdivision 3, and by adding a subdivision; 257.70; 257.75, subdivisions 1a, 2, 3, 4, 5, and 7; 299C.46, subdivision 3; 508.63; 508A.63; 518.005, by adding a subdivision; 518.10; 518.148, subdivision 2; 518.171, subdivisions 1 and 4; 518.54, subdivision 6, and by adding a subdivision; 518.551, subdivisions 5, 5b, 7, 12, 13, 14, and by adding a subdivision; 518.5511, subdivisions 1, 2, 3, 4, and by adding a subdivision; 518.5512, subdivisions 2, 3, and by adding subdivisions; 518.553; 518.575; 518.616, by adding a subdivision; 518.64, subdivision 2; 518.641, subdivision 2; 518.68, subdivision 2; 548.091, subdivisions 1a, 2a, 3a, and by adding subdivisions; 550.37, subdivision 24; and 609.375, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 13B; 256; and 518; proposing coding for new law as Minnesota Statutes, chapter 552; repealing Minnesota Statutes 1996, sections 256.74; 256.979, subdivision 9; 518.5511, subdivisions 5, 6, 7, 8, and 9; 518.611; 518.613; 518.645; 518C.502; 518C.9011; and 609.375, subdivisions 3, 4, and 6.

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

Page 125, after line 28, insert:

"Sec. 29. [CHILD SUPPORT ON-TIME PERFORMANCE BONUS INCENTIVE PROGRAM.]

The commissioner shall develop a proposal for a bonus incentive program to reward timeliness of child support service delivery, including the establishment of orders, the modification of orders, and the administrative process. Special emphasis must be given to cases where timely delivery of services may divert families from public assistance or help families exit public assistance with minimal loss of time-limited public assistance benefits. The proposal must treat current federal law service delivery timelines as minimum standards and reward county agencies that surpass the minimum standards. Other methods to enhance timely service delivery may be considered. The commissioner shall consult with public assistance recipients and low-income nonpublic assistance recipients in developing the proposal. The commissioner shall report and make recommendations to the legislature by January 15, 1998."

Renumber the sections in sequence

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.

Joint Rule 2.03 suspended. Amendments adopted. Report adopted.

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

S.F. No. 173: A bill for an act relating to commerce; providing for the use, validity, and security of electronic signatures and messages transmitted in commerce; prescribing penalties; proposing coding for new law as Minnesota Statutes, chapter 325K.

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

Page 29, delete lines 15 and 16 and insert:

"Section 27 is effective July 1, 1997. Sections 1 to 26 are effective the day after the secretary of state causes to be published in the State Register a certification by the secretary of state that the secretary of state has adopted rules necessary for the use of sections 1 to 27, except that any provision of sections 1 to 27 authorizing or requiring rules to be adopted is effective the day following final enactment."

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

Mr. Johnson, D.J. from the Committee on Taxes, to which was re-referred

S.F. No. 320: A bill for an act relating to health care; prohibiting health plan companies from denying coverage of a mastectomy performed on an inpatient hospital basis; clarifying the status of the comprehensive health association under medical assistance and general assistance medical care; opening the process for selecting a writing carrier; permitting contributing members to offset assessments against premium taxes; eliminating the four-month waiting period under MinnesotaCare for association enrollees; establishing a process for reviewing proposed state-mandated health plan benefits; expanding eligibility for the MinnesotaCare program; authorizing public information projects to inform uninsured persons about the availability of health coverage; encouraging health plans to collaborate with public health agencies; providing alternative funding for local public health activities and county social services; strengthening and enforcing the pass-through provision of the health care provider tax; appropriating money; amending Minnesota Statutes 1996, sections 62E.02, subdivisions 13 and 18; 62E.11, by adding

subdivisions; 62E.13, subdivision 2; 62Q.075, subdivision 2; 256.9354, subdivision 5, and by adding a subdivision; 256.9357, subdivision 3; 256B.056, subdivision 8; 256B.0625, subdivision 15; 256D.03, subdivision 3b; 295.58; 295.582; and 297.13, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 62A; and 62Q.

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

Page 6, delete section 4 and insert:

"Sec. 4. Minnesota Statutes 1996, section 62E.08, is amended by adding a subdivision to read:

Subd. 4. [SLIDING SCALE PREMIUMS.] The commissioner, in consultation with the association, shall study implementing a sliding scale for premiums based upon an enrollee's actual income. A report is due no later than January 15, 1998. A copy of the report shall be provided to the chairs of the house committee on health and human services and the senate committee on health and family security."

Page 10, line 29, before "The" insert "(a)"

Page 10, lines 34 and 35, delete the new language

Page 11, after line 4, insert:

"(b) The revenues, including penalties and interest, derived from the insurance premiums imposed by section 60A.15 on health maintenance organizations, community integrated service networks, integrated service networks, and nonprofit health service plan corporations must be deposited in the general fund and are annually appropriated to the Minnesota comprehensive health association to offset assessments made to subsidize the costs of the Minnesota comprehensive insurance plan established under chapter 62E. If the commissioner of finance determines that the costs of the MinnesotaCare program will exceed the revenues available to the program from the health care access fund for a fiscal year, and that the commissioner of human services will therefore be required to stop MinnesotaCare enrollment or reduce benefits or eligibility under section 256.9352, subdivision 3, paragraph (b), the commissioner of finance may reduce or cancel the appropriation to the Minnesota comprehensive health association and transfer a corresponding amount of money from the general fund to the health care access fund. The commissioner of finance shall not transfer more than the amount needed to avoid stopping MinnesotaCare enrollment or reducing benefits or eligibility, and shall not transfer more than the amount of money derived from the insurance premiums tax on health maintenance organizations, community integrated service networks, integrated service networks, and nonprofit health service plan corporations."

Page 11, delete section 12

Page 12, line 18, delete "13" and insert "12" and after the period, insert "Section 11 is effective July 1, 1997."

Page 17, after line 5, insert:

"Sec. 2. [PROVISION TO SUPERCEDE.]

Notwithstanding Minnesota Statutes, section 645.26, subdivision 3, or any other law to the contrary, if a bill styled as S.F. No. 1208 is enacted by the legislature at its 1997 session, any provisions in that bill reducing the rate of tax imposed under Minnesota Statutes, section 295.52, is superseded by this provision, and no reduction in the rate shall be effective."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete everything after the semicolon and insert "dedicating premium tax revenues to the Minnesota comprehensive health association"

Page 1, line 9, delete everything before the semicolon

Page 1, line 23, after the first semicolon, insert "62E.08, by adding a subdivision" and delete "subdivisions" and insert "a subdivision"

Page 1, line 27, after "295.58;" insert "and"

Page 1, line 28, delete "and 297.13, subdivision 1;"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1470, 739, 1266, 1170, 175, 1888, 830 and 173 were read the second time.

MOTIONS AND RESOLUTIONS

Ms. Olson moved that her name be stricken as chief author and the name of Ms. Lesewski be added as chief author to S.F. No. 1239. The motion prevailed.

Mrs. Scheid moved that S.F. No. 781 be withdrawn from the Committee on Education Finance and re-referred to the Committee on Children, Families and Learning. The motion prevailed.

Mr. Vickerman moved that S.F. No. 63, No. 93 on General Orders, be stricken and re-referred to the Committee on Environment and Natural Resources. 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. Hottinger introduced--

S.F. No. 1901: A bill for an act relating to education; establishing a working group to recommend alternative school year calendars; appropriating money.

Referred to the Committee on Children, Families and Learning.

Mr. Terwilliger introduced--

S.F. No. 1902: A bill for an act relating to workers' compensation; modifying third-party liability provisions; amending Minnesota Statutes 1996, section 176.061, subdivision 6.

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

Mr. Pogemiller introduced--

S.F. No. 1903: A bill for an act relating to education; providing for the Minnesota Common Schools of Excellence; appropriating money; amending Minnesota Statutes 1996, section 179A.03, subdivision 19; proposing coding for new law in Minnesota Statutes, chapter 124A.

Referred to the Committee on Children, Families and Learning.

Messrs. Stumpf; Johnson, D.J.; Langseth; Johnson, D.E. and Moe, R.D. introduced--

S.F. No. 1904: A bill for an act relating to taxation; providing an extension of time to file and pay certain state taxes for residents in a flood disaster area.

Referred to the Committee on Taxes.

Messrs. Price, Metzen, Cohen, Frederickson and Betzold introduced--

S.F. No. 1905: A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative and administrative expenses of state government; requiring studies; creating working groups; creating state accounts; modifying local government financial reporting provisions; modifying agency and budget reporting provisions; modifying cash advance provisions; modifying provisions for claims against appropriations; providing for disposition of lawsuit proceeds; modifying state property rental provisions; waiving contractor's bond for art in state buildings; modifying the disposition of certain fees and surcharges; authorizing reimbursement charges for certain inspections; modifying responsibilities for payment of certain retirement supplemental benefits; modifying provisions of the amateur sports commission; restricting payments related to the Target Center; modifying appointment provisions for the board of ethical practices executive director; providing for additional legislative leadership positions; establishing the Minnesota office of technology; providing for repayment of certain local government grants; changing the name of the ethical practices board; amending Minnesota Statutes 1996, sections 3.099, subdivision 3; 6.47; 10A.02, subdivision 5; 16A.10, subdivision 2; 16A.11, subdivisions 1, 3, and 3c; 16A.1285, subdivision 3; 16A.129, subdivision 3; 16A.15, subdivision 3; 16B.24, subdivision 5; 16B.35, by adding a subdivision; 16B.465, subdivision 3; 16B.70, subdivision 2; 176.611, by adding subdivisions; 240A.08; 327.33, subdivision 2; 327B.04, subdivision 7; 349.163, subdivision 4; 356.865, subdivision 3; and 473.556, subdivision 16; Laws 1994, chapter 643, section 3, subdivision 2; and Laws 1996, chapter 463, section 13, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 16A; 16B; 129D; and 465; proposing coding for new law as Minnesota Statutes, chapter 237A; repealing Minnesota Statutes 1996, sections 10A.21; 15.95; 15.96; 16B.40; 16B.41; 16B.42; 16B.43; and 16B.58, subdivision 8.

Referred to the Committee on State Government Finance.

MEMBERS EXCUSED

Ms. Anderson, Messrs. Johnson, D.J. and Laidig were excused from the Session of today from 8:00 to 9:00 a.m. Messrs. Kelley, S.P. and Novak were excused from the Session of today from 8:00 to 10:00 a.m. Mrs. Scheid was excused from the Session of today from 8:45 to 9:15 a.m. Ms. Runbeck was excused from the Session of today from 9:00 to 11:30 a.m. Ms. Wiener was excused from the Session of today from 8:00 to 11:10 a.m.

ADJOURNMENT

Ms. Junge moved that the Senate do now adjourn until 10:00 a.m., Monday, April 14, 1997. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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