

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-FIRST LEGISLATURE

THIRTY-FOURTH DAY

St. Paul, Minnesota, Monday, March 29, 1999

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

## CALL OF THE SENATE

Senator 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, Rabbi Stacy Offner.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

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

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

The President declared a quorum present.

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

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

March 25, 1999

The Honorable Allan H. Spear  
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 649, 914, 593 and 50.

Sincerely,  
Jesse Ventura, Governor

March 25, 1999

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1999 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1999	Date Filed 1999
649		18	10:10 a.m. March 25	March 25
914		19	10:13 a.m. March 25	March 25
593		20	10:15 a.m. March 25	March 25
50		21	10:17 a.m. March 25	March 25

Sincerely,  
Mary Kiffmeyer  
Secretary of State

### MESSAGES FROM THE HOUSE

Mr. President:

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

**S.F. No. 174:** A bill for an act relating to crime prevention; requiring certain persons committed as mentally ill and dangerous to the public to register as predatory sex offenders and to be subject to the community notification law; amending Minnesota Statutes 1998, sections 243.166, subdivisions 1, 2, and 6; and 244.052, subdivision 1.

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

Bishop, Haake and Skoglund.

Senate File No. 174 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 25, 1999

Mr. President:

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

**S.F. No. 333:** A bill for an act relating to crime prevention; requiring disclosure to consumer of consumer report recipients; providing criminal penalties and forfeiture sanctions for persons who transfer, possess, or use the identity of another with intent to commit or aid in the commission of certain unlawful activity; amending Minnesota Statutes 1998, sections 609.531, subdivision 1; and 609.902, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 13C; and 609.

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

Bishop; Seifert, J. and Skoglund.

Senate File No. 333 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 25, 1999

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 14, 1707, 621 and 839.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 25, 1999

### FIRST READING OF HOUSE BILLS

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

**H.F. No. 14:** A bill for an act relating to education; providing that a person convicted of child abuse or sexual abuse is ineligible to be licensed as a teacher; providing for reconsideration in cases of reversal by a court; amending Minnesota Statutes 1998, sections 122A.20, subdivision 1; 122A.40, subdivisions 5 and 13; 122A.41, subdivision 6; and 631.40, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 574.

**H.F. No. 1707:** A bill for an act relating to public safety; prohibiting courts from modifying statutory sex offender registration requirements in criminal sentences and juvenile disposition orders; amending Minnesota Statutes 1998, section 243.166, subdivision 2.

Referred to the Committee on Crime Prevention.

**H.F. No. 621:** A bill for an act relating to public safety; adding various arson definitions relating to flammability; imposing penalties on students who use ignition devices inside educational buildings; amending Minnesota Statutes 1998, sections 609.561, subdivision 3; and 609.5631, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 584.

**H.F. No. 839:** A bill for an act relating to crime; clarifying that the "defense of dwelling" defense does not include the duty to retreat before using deadly force; amending Minnesota Statutes 1998, sections 609.06, subdivision 2; and 609.065.

Referred to the Committee on Crime Prevention.

### REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 1925, 286, 1119, 1636 and the report pertaining to the appointment. The motion prevailed.

#### **Senator Ranum from the Committee on Judiciary, to which was referred**

**S.F. No. 985:** A bill for an act relating to human rights; prohibiting business discrimination on the basis of national origin; amending Minnesota Statutes 1998, section 363.03, subdivision 8a.

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

Page 1, line 20, after the second comma, insert "creed, religion,"

Amend the title as follows:

Page 1, line 3, before the semicolon, insert ", creed, or religion"

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

**Senator Hottinger from the Committee on Health and Family Security, to which was referred**

**S.F. No. 170:** A bill for an act relating to health; modifying the definition of practice of pharmacy; defining patient counseling; amending Minnesota Statutes 1998, section 151.01, subdivision 27, and by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 151.01, subdivision 27, is amended to read:

Subd. 27. [PRACTICE OF PHARMACY.] "Practice of pharmacy" means:

- (1) ~~the interpretation and evaluation of prescriptions or~~ prescription drug orders;
- (2) ~~the compounding, labeling, and dispensing, or labeling of~~ drugs and devices (except labeling by a manufacturer or packager of nonprescription drugs or commercially packaged legend drugs and devices);
- (3) ~~the participation in clinical interpretations and monitoring of~~ drug therapy for assurance of safe and effective use of drugs;
- (4) participation in drug and therapeutic device selection and; drug administration for first dosage and medical emergencies; drug utilization regimen reviews; and drug or drug-related research;
- (5) participation in the practice of managing drug therapy and modifying drug therapy in accordance with section 151.21, subdivision 1, on a case-by-case basis according to a written protocol between the specific pharmacist and the individual dentist, optometrist, physician, podiatrist, or veterinarian who is responsible for the patient's care and authorized to independently prescribe drugs. Any significant changes in drug therapy must be reported by the pharmacist to the patient's medical record;
- (6) participation in the storage of drugs and the maintenance of records ~~therefor;~~
- ~~(6) the~~ (7) responsibility for advising participation in patient counseling on therapeutic values, content, hazards, and uses of drugs and devices; and
- ~~(7) the~~ (8) offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management, and control of a pharmacy."

Amend the title as follows:

Page 1, line 3, delete "defining patient counseling;"

Page 1, line 5, delete ", and by adding a subdivision"

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

**Senator Marty from the Committee on Election Laws, to which was re-referred**

**S.F. No. 676:** A bill for an act relating to civil commitment; providing the same legal rights for

all persons under commitment status; amending Minnesota Statutes 1998, section 253B.23, subdivision 2; repealing Minnesota Statutes 1998, section 609.165, subdivision 1c.

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

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**S.F. No. 2043:** A bill for an act relating to state government; extending the civil service pilot project in the housing finance agency; amending Laws 1993, chapter 301, section 1, subdivision 4; and Laws 1995, chapter 248, article 12, section 2.

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

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

**S.F. No. 851:** A bill for an act relating to local government; removing the expiration of corporations created by political subdivisions; establishing a task force to develop legislation relating to establishment of corporations by political subdivisions; amending Minnesota Statutes 1998, section 465.715, subdivision 1a.

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

Page 1, line 26, before the comma, insert "as public corporations"

Page 2, line 6, before "corporations" insert "existing public"

Page 2, delete line 7

Page 2, line 8, delete "limited to," and insert "that are authorized to continue as public corporations. Such" and delete "relating" and insert "may relate"

Page 2, line 16, delete "13" and insert "7 voting"

Page 2, line 18, delete everything after "(a)"

Page 2, delete lines 19 to 24

Page 2, line 25, delete "(c)"

Page 2, line 28, delete "(d)" and insert "(b)"

Page 2, line 31, delete "(e)" and insert "(c)"

Page 2, line 35, delete "(f)" and insert "(d)" and delete "her" and insert "the auditor's"

Page 2, line 36, before "Members" insert "In addition, the attorney general or the attorney general's designee and the secretary of state or the secretary of state's designee shall serve on the task force as nonvoting members."

Page 3, line 5, delete "Legislative staff" and insert "The state auditor"

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

**Senator Novak from the Committee on Jobs, Energy and Community Development, to which was re-referred**

**S.F. No. 607:** A bill for an act relating to tax expenditures; requiring preparation of certain information for proposed tax expenditures; regulating business subsidies; requesting a study by the

legislative auditor; appropriating money; amending Minnesota Statutes 1998, section 270.067, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 3; and 116J; repealing Minnesota Statutes 1998, section 116J.991.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Human Resources Finance. Report adopted.

**Senator Vickerman from the Committee on Local and Metropolitan Government, to which was referred**

**H.F. No. 525:** A bill for an act relating to Anoka county; providing for city administration of the dangerous dog registration system.

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

**Senator Novak from the Committee on Jobs, Energy and Community Development, to which was referred**

**S.F. No. 1630:** A bill for an act relating to biomass electricity production; including poultry litter as a renewable energy resource; amending Minnesota Statutes 1998, sections 216B.2422, subdivision 1; 216B.243, subdivision 3a; and 216C.41, subdivisions 1, 2, 3, and 4.

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

Page 2, after line 12, insert:

"Sec. 2. Minnesota Statutes 1998, section 216B.2424, is amended by adding a subdivision to read:

Subd. 6. [FUEL SUPPLY CONTRACT.] Notwithstanding any other provision of this section, a public utility may satisfy up to 75 megawatts of the mandate in subdivision 5 by converting power purchase agreements entered into to satisfy that mandate and executed prior to March 15, 1999, into fuel supply agreements between the same parties. The fuel supply agreement must obligate the public utility to purchase farm-grown, closed-loop biomass for use as a fuel in existing base load power plants of the public utility as a substitute for coal or refuse-derived fuel. The megawatts of the mandate satisfied by a fuel supply agreement shall be determined by multiplying the percentage of biomass fuel measured in British thermal units used on an annual basis under the agreement as a fuel by a base load power plant by the nameplate capacity of the plant."

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "permitting a fuel supply agreement to satisfy a biomass mandate;"

Page 1, line 5, after the first semicolon, insert "216B.2424, by adding a subdivision;"

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

**Senator Spear from the Committee on Crime Prevention, to which was referred**

**S.F. No. 496:** A bill for an act relating to crime; allowing courts to extend the time period for search warrants for financial records; amending Minnesota Statutes 1998, section 626.15.

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

**Senator Spear from the Committee on Crime Prevention, to which was referred**

**H.F. No. 240:** A bill for an act relating to sheriffs; authorizing sheriffs to expend money from the sheriff's contingent fund for investigating DWI-related violations; amending Minnesota Statutes 1998, section 387.213.

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

**Senator Spear from the Committee on Crime Prevention, to which was referred**

**H.F. No. 216:** A bill for an act relating to corrections; clarifying the law authorizing transfer of prisoners between jails and workhouses; amending Minnesota Statutes 1998, section 643.01.

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

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**S.F. No. 1077:** A bill for an act relating to retirement; modifying the computation of the retirement annuity formula for certain hirees covered by the Minnesota state retirement system, the public employee retirement association, and the teachers retirement association; amending Minnesota Statutes 1998, sections 352.01, subdivision 25; 352.115, subdivision 3; 352.116, subdivisions 1 and 1a; 353.01, subdivision 37; 353.29, subdivision 3; 353.30, subdivisions 1, 1a, 1b, and 1c; 354.05, subdivision 38; and 354.44, subdivision 6.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

INDIVIDUAL AND SMALL GROUP PENSION CHANGES

Section 1. [PURCHASE OF SERVICE CREDIT; PRIOR SAINT PAUL BUREAU OF HEALTH EMPLOYEE.]

(a) An eligible person, as described in paragraph (b), is entitled to purchase coordinated service credit in the public employees retirement association general plan for the period of employment described in paragraph (b), clause (2), by making payment as specified in paragraph (c).

(b) An eligible person is a person who:

(1) was born on May 22, 1932;

(2) was employed by the St. Paul Bureau of Health from March 17, 1958, to September 21, 1962, was covered by the St. Paul bureau of health relief association as a result of that employment, and who forfeited all service credit in that relief association upon leaving that employment; and

(3) later became a coordinated member of the general plan of the public employees retirement association and currently is a coordinated member of that plan.

(c) An eligible person described in paragraph (b) may purchase service credit from the public employees retirement association by paying the amount specified in Minnesota Statutes, section 356.55, prior to termination of public employees retirement association covered employment or prior to January 1, 2000, whichever is earlier. If the city of St. Paul agrees to make a payment under Minnesota Statutes, section 356.55, subdivision 5, an eligible person must make the employee payments prior to termination of public employees retirement association covered employment or prior to January 1, 2000, whichever is earlier. If the employee payment is made in a timely fashion, the city payment must be remitted 60 days thereafter.

(d) An eligible person must provide any relevant documentation required by the executive director to determine eligibility for the prior service credit under this section.

(e) Service credit for the purchase period must be granted by the public employees retirement association to the account of the eligible person upon receipt of the purchase payment amount specified in paragraph (c).

Sec. 2. [INDEPENDENT SCHOOL DISTRICT NO. 276, MINNETONKA, TEACHER.]

(a) Notwithstanding Minnesota Statutes, section 354.095, an eligible person described in paragraph (b) is entitled to purchase allowable and formula service credit in the teachers retirement association for the period described in paragraph (c) by paying the amount specified in Minnesota Statutes, section 356.55, subdivision 2.

(b) An eligible person is a person who:

(1) was on medical leave for a period that includes the 1994-1995 and the 1995-1996 school years;

(2) was employed by independent school district No. 276, Minnetonka, during the period that the medical leave was taken; and

(3) due to the failure of independent school district No. 276, Minnetonka, to file certain papers with the teachers retirement association was not able to obtain service credit for the 1994-1995 and 1995-1996 school year portions of the medical leave.

(c) The period for service credit purchase is the 1994-1995 and 1995-1996 school years.

(d) Notwithstanding Minnesota Statutes, section 356.55, subdivision 5, the eligible person must pay, on or before September 1, 1999, an amount equal to the employee, employer, and employer additional contribution rates in effect during the prior service period applied to the actual salary rates in effect during the prior service period, plus annual compound interest at the rate of 8.5 percent from the date on which the contributions would have been made if made contemporaneous with the service period to the date on which the payment is actually made. Independent school district No. 276, Minnetonka, must pay one-half of the remaining balance of the prior service credit purchase payment amount calculated under Minnesota Statutes, section 356.55, within 30 days of the payment by the eligible person. Recognizing that the teachers retirement association failed to provide adequate information on the opportunity of the eligible person to make timely payments for the 1995-1996 school year following receipt of the medical leave of absence forms on August 16, 1996, the teachers retirement association is responsible for one-half of the remaining balance of the prior service credit purchase payment amount calculated under Minnesota Statutes, section 356.55. The executive director of the teachers retirement association must notify the superintendent of independent school district No. 276, Minnetonka, of its payment amount and payment due date if the eligible person makes the required payment.

(e) If independent school district No. 276, Minnetonka, fails to pay its portion of the required prior service credit purchase payment amount, the executive director may notify the commissioner of finance of that fact and the commissioner of finance may order that the required school district payment be deducted from the next subsequent payment or payments of state education aid to the school district and be transmitted to the teachers retirement association.

Sec. 3. [TEACHERS RETIREMENT ASSOCIATION; REPAYMENT OF INTEREST CHARGE ON CERTAIN MEMBER CONTRIBUTION SHORTAGE PAYMENTS.]

(a) Independent school district No. 274, Hopkins, shall pay the amount of \$1,004.08, plus compound interest on each amount at the annual rate of six percent from June 1, 1997, to the date of payment, to an eligible person described in paragraph (b) to compensate the person for a past overcharge in a member contribution shortage payment. The shortage was caused by the failure of the school district to make the required member contribution deductions during the 1968-1969 school year and the overpayment was caused by the failure of the teachers retirement association to notify the eligible person in a timely fashion of the shortage.

(b) An eligible person is a person who:

(1) was employed by independent school district No. 274 (Hopkins) during the 1968-1969 school year and suffered an under deduction by the school district of \$114.66;

(2) took a member contribution refund in the early 1970's and repaid the refund in November 1974; and

(3) had an appeal denied by the teachers retirement association board of trustees at a May 8, 1998, hearing, reflected in a May 21, 1998, findings and final order.

(c) The payments must be made within 30 days of the effective date. If independent school district No. 274, Hopkins, fails to make a timely payment of its obligation, the teachers retirement association must make the payment and may notify the commissioner of finance of the school district's failure to pay. In that event, the commissioner of finance may order that the required school district payment be deducted from the next subsequent payment of state education aid to the school district and transmitted to the teachers retirement association.

**Sec. 4. [TEACHERS RETIREMENT ASSOCIATION; PURCHASE OF SERVICE CREDIT FOR CERTAIN SABBATICAL LEAVES.]**

(a) Notwithstanding any provision of Minnesota Statutes, chapter 354, to the contrary, an eligible teacher as defined in paragraph (b) is entitled to purchase allowable and formula service credit from the teachers retirement association for the uncredited portion of a sabbatical leave during the 1976-1977 school year under paragraph (c).

(b) An eligible teacher is a person who was born on September 10, 1942, became a member of the teachers retirement association on October 31, 1968, is employed by independent school district No. 16, Spring Lake Park, and will qualify for an early normal retirement annuity under the "rule of 90" on September 16, 2000.

(c) Notwithstanding Minnesota Statutes, section 356.55, subdivision 5, the eligible person may pay, before January 1, 2000, or the date of retirement, whichever is earlier, an amount equal to the employee contribution rate or rates in effect during the prior service period applied to the actual salary rates in effect during the prior service period, plus annual compound interest at the rate of 8.5 percent from the date on which the contributions would have been made if made contemporaneous with the service period to the date on which the payment is actually made. Independent school district No. 16, Spring Lake Park, must pay the balance of the prior service credit purchase payment amount calculated under Minnesota Statutes, section 356.55, within 30 days of the payment by the eligible person. The executive director of the teachers retirement association must notify the superintendent of independent school district No. 16, Spring Lake Park, of its payment amount and payment due date if the eligible person makes the required payment.

(d) If independent school district No. 16, Spring Lake Park, fails to pay its portion of the required prior service credit purchase payment amount, the executive director may notify the commissioner of finance of that fact and the commissioner of finance may order that the required employer payment be deducted from the next subsequent payment or payments of state education aid to the school district and be transmitted to the teachers retirement association.

(e) An eligible teacher must provide any relevant documentation required by the executive director to determine eligibility for the prior service credit under this section.

(f) Service credit for the purchase period must be granted by the teachers retirement association to the account of the eligible teacher upon receipt of the purchase payment amount specified in paragraph (c).

**Sec. 5. [PUBLIC EMPLOYEES RETIREMENT ASSOCIATION; STATE BOARD OF PUBLIC DEFENSE EMPLOYEE PRIOR SERVICE CREDIT PURCHASE.]**

(a) An eligible person described in paragraph (b) is entitled to purchase service credit from the

public employees retirement association for the period of omitted deductions December 19, 1992, through December 27, 1994.

(b) An eligible person for purposes of paragraph (a) is a person who:

(1) was born on August 17, 1950;

(2) was employed through Winona county until 1992;

(3) is currently employed by the state board of public defense in the third judicial district public defender's office; and

(4) had omitted member contributions for public employment during the period December 19, 1992, through December 27, 1994.

(c) The prior service credit purchase payment amount is governed by Minnesota Statutes, section 356.55. Authority to purchase the service credit expires on July 1, 2000.

(d) Notwithstanding Minnesota Statutes, section 356.55, subdivision 5, the eligible person must pay, on or before September 1, 1999, an amount equal to the employee contribution rate in effect during the prior service period applied to the actual salary rates in effect during the prior service period, plus annual compound interest at the rate of 8.5 percent from the date on which the contributions would have been made if made contemporaneous with the service period to the date on which the payment is actually made. The state board of public defense must pay the balance of the prior service credit purchase payment amount calculated under Minnesota Statutes, section 356.55, within 30 days of the payment by the eligible person.

(e) A person purchasing service credit under this section must provide sufficient documentation of eligibility to the executive director of the public employees retirement association.

Sec. 6. [TRA; PURCHASE OF SERVICE CREDIT FOR FINAL PORTION OF EXTENDED LEAVE OF ABSENCE BY ANOKA-HENNEPIN TEACHER.]

(a) An eligible person, as described in paragraph (b), is entitled to purchase allowable and formula service credit in the teachers retirement association for the period specified in paragraph (c) by making the payment specified in Minnesota Statutes, section 356.55.

(b) An eligible person is a person who:

(1) was born February 1, 1943;

(2) was initially employed as a teacher by the Richfield school district in 1966;

(3) is currently employed as an elementary school principal by independent school district No. 11 (Anoka-Hennepin); and

(4) was on an extended leave of absence from June 29, 1984, to June 28, 1989, but failed to obtain service credit for the final two years of the leave.

(c) The prior service credit purchase period is July 1, 1987, through June 28, 1989.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective on the day following final enactment.

## ARTICLE 2

### INCLUSION OF SUPPLEMENTAL NEEDS TRUSTS AS OPTIONAL ANNUITY FORM RECIPIENTS

Section 1. [356.372] [SUPPLEMENTAL NEEDS TRUST AS OPTIONAL ANNUITY FORM RECIPIENT.]

Subdivision 1. [INCLUSION AS RECIPIENT.] Notwithstanding any provision to the contrary of the laws, articles of incorporation, or bylaws governing a covered retirement plan specified in subdivision 3, a retiring member may designate a qualified supplemental needs trust under subdivision 2 as the remainder recipient on an optional retirement annuity form for a period not to exceed the lifetime of the beneficiary of the supplemental needs trust.

Subd. 2. [QUALIFIED SUPPLEMENTAL NEEDS TRUST.] A qualified supplemental needs trust is a trust that:

(1) was established on or after July 1, 1992;

(2) was established solely for the benefit of one person who has a disability under federal Social Security Administration supplemental security income or retirement, survivors, and disability insurance disability determination standards who was determined as such before the creation of the trust;

(3) is funded, in whole or in part, by the primary recipient of the optional annuity form and, unless the trust is a Zebley trust, is not funded by the beneficiary, the beneficiary's spouse, or a person who is required to pay a sum to or for the trust beneficiary under the terms of litigation or a litigation settlement;

(4) is established to cover reasonable living expenses and other basic needs of the disabilitant, in whole or in part, in instances when public assistance does not provide sufficiently for these needs;

(5) is not permitted to make disbursement to replace or reduce public assistance otherwise available;

(6) is irrevocable;

(7) terminates upon the death of the disabled person for whose benefit it was established; and

(8) is determined by the executive director to be a trust that contains excluded assets for purposes of the qualification for public entitlement benefits under the applicable federal and state laws and regulations.

Subd. 3. [COVERED RETIREMENT PLAN.] The provisions of this section apply to the following retirement plans:

(1) general state employees retirement plan of the Minnesota state retirement system, established under chapter 352;

(2) correctional employees retirement plan of the Minnesota state retirement system, established under chapter 352;

(3) state patrol retirement plan, established under chapter 352B;

(4) legislators retirement plan, established under chapter 3A;

(5) judges retirement plan, established under chapter 490;

(6) public employees retirement plan, established under chapter 353;

(7) public employees police and fire plan, established under chapter 353;

(8) teachers retirement plan, established under chapter 354;

(9) Duluth teachers retirement fund association, established under chapter 354A;

(10) St. Paul teachers retirement fund association, established under chapter 354A;

(11) Minneapolis teachers retirement fund association, established under chapter 354A;

- (12) Minneapolis employees retirement plan, established under chapter 422A;
- (13) Minneapolis firefighters relief association, established under chapter 69; and
- (14) Minneapolis police relief association, established under chapter 423B.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective on the day following final enactment.

### ARTICLE 3

#### VOLUNTEER FIRE RELIEF ASSOCIATION CHANGES

Section 1. [REPEALER.]

Minnesota Statutes 1998, section 424A.02, subdivision 5, is repealed.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1999.

### ARTICLE 4

#### CORRECTIONAL EMPLOYEES RETIREMENT PLAN CHANGES

Section 1. Minnesota Statutes 1998, section 352.90, is amended to read:

352.90 [POLICY.]

It is the policy of the legislature to provide special retirement benefits and contributions for certain correctional employees who may be required to retire at an early age because they lose the mental or physical capacity required to maintain the safety, security, discipline, and custody of inmates at state correctional facilities or of patients at the Minnesota security hospital or at the Minnesota sexual psychopathic personality treatment center or of patients in certain programs with the Cambridge regional human services center.

Sec. 2. Minnesota Statutes 1998, section 352.91, is amended by adding a subdivision to read:

Subd. 3e. [MINNESOTA EXTENDED TREATMENT OPTIONS PROGRAM; CAMBRIDGE.] "Covered correctional service" means service by a state employee in one of the following employment positions with the Cambridge regional human services center if at least 75 percent of the employee's working time is spent in direct contact with patients who are in the Minnesota extended treatment options program and if service in such a position is certified to the executive director by the commissioner of human services, unless the person elects to retain current retirement coverage under section 4:

- (1) behavior analyst;
- (2) human services support specialist;
- (3) mental retardation residential program lead;
- (4) psychologist 2;
- (5) recreation therapist assistant;
- (6) recreation therapist senior;
- (7) registered nurse senior;
- (8) skills development specialist; and
- (9) social worker senior.

Sec. 3. Minnesota Statutes 1998, section 352.93, subdivision 2a, is amended to read:

Subd. 2a. [EARLY RETIREMENT.] Any covered correctional employee, ~~or former employee if service ended after June 30, 1989,~~ who becomes at least 50 years old and who has at least three years of allowable service is entitled upon application to a reduced retirement annuity equal to the annuity calculated under subdivision 2, ~~reduced so that the reduced annuity is the actuarial equivalent of the annuity that would be payable if the employee deferred receipt of the annuity from the day the annuity begins to accrue to age 55 by two-tenths of one percent for each month that the correctional employee is under age 55 at the time of retirement.~~

Sec. 4. [TEMPORARY PROVISION; ELECTION TO RETAIN RETIREMENT COVERAGE.]

(a) An employee in a position specified as qualifying under section 2 may elect to retain coverage under the general employees retirement plan of the Minnesota state retirement system or may elect to transfer coverage and 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 July 1, 1999, 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 December 31, 1999.

(b) An employee failing to make an election by December 15, 1999, must be notified by certified mail by the executive director of the Minnesota state retirement system 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 and forfeits all rights to transfer retirement coverage to the correctional employees retirement plan.

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

Sec. 5. [COVERAGE FOR PRIOR STATE SERVICE FOR CERTAIN PERSONS.]

Subdivision 1. [ELECTION OF PRIOR STATE SERVICE COVERAGE.] (a) An employee who has future retirement coverage transferred to the correctional employees retirement plan under section 2, and who does not elect to retain general state employees retirement plan coverage, is entitled to elect to obtain prior service credit for eligible state service performed on or after July 1, 1997, and before the first day of the first full pay period beginning after December 31, 1999. All prior service credit must be purchased.

(b) Eligible state service is any period of service on or after the date which the employee started employment with the Minnesota extended treatment options program in a position specified in Minnesota Statutes, section 352.91, subdivision 3e, in which at least 75 percent of the employee's working time is determined to have been spent in direct contact with Minnesota extended treatment options program patients or July 1, 1997, whichever is later, and the date the employee joined the correctional employees plan.

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

Subd. 2. [PAYMENT FOR PRIOR SERVICE.] (a) An employee electing to obtain prior service credit under subdivision 1 must pay an additional employee contribution for that prior service. The additional member contribution is the contribution differential percentage applied to the actual salary paid to the employee during the period of the prior eligible state service, plus interest at the rate of six percent per annum, compounded annually. The contribution differential percentage is the difference between 5.5 percent of salary and the applicable employee contribution rate of the general state employees retirement plan during the prior eligible state service.

(b) The additional member contribution must be paid only in a lump sum. Payment must accompany the election to obtain prior service credit. No election or payment may be made by the person or accepted by the executive director after June 30, 2001.

Subd. 3. [TRANSFER OF ASSETS.] Assets must be transferred from the general state employees retirement plan to the correctional employees retirement plan in an amount equal to the present value of benefits earned under the general employees retirement plan for each employee transferring to the correctional employees retirement plan, as determined by the actuary retained by the legislative commission on pensions and retirement in accordance with Minnesota Statutes, section 356.215, multiplied by the accrued liability funding ratio of active members as derived from the most recent actuarial valuation prepared by the commission-retained actuary. The transfer of assets must be made within 45 days after the employee elects to transfer coverage to the correctional employees retirement plan.

Subd. 4. [EFFECT OF THE ASSET TRANSFER.] Upon the transfer of assets in subdivision 3, service credit in the general state employees plan of the Minnesota state retirement system is forfeited and may not be reinstated. The service credit and transferred assets must be credited to the correctional employees retirement plan.

Subd. 5. [COUNSELING.] (a) The commissioners of human services and employee relations, and the executive director of the Minnesota state retirement system have the joint responsibility of providing affected employees with appropriate and timely retirement and related benefit counseling.

(b) Counseling must include the anticipated impact of the retirement coverage change on the person's future retirement benefit amounts, future retirement eligibility, future applicability of mandatory retirement laws, and future postemployment insurance coverage.

(c) The commissioner of human services must consult with the appropriate collective bargaining agents of the affected employees regarding the content, form, and timing of the counseling required by this section.

#### Sec. 6. [TRANSITIONAL PROVISION; RETENTION OF CERTAIN RIGHTS.]

(a) Nothing in sections 1, 2, and 4 to 7 may be considered to restrict the entitlement of a person under state law to repay a previously taken refund of employee or member contributions to a Minnesota public pension plan if all qualifying requirements are met.

(b) The period of correctional employees retirement plan contributions, plus interest, must be restored upon the repayment of the appropriate refund amount if the service was correctional employees retirement plan covered service on the date when the service was rendered or on the date when the refund was taken.

#### Sec. 7. [EARLY RETIREMENT INCENTIVE.]

This section applies to an employee who has future retirement coverage transferred to the correctional employee retirement plan under section 2 and who is at least 55 years old on the effective date of section 2. 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 section 2, notwithstanding any provision of the collective bargaining agreement that limits participation to persons who select the option during the payroll period in which they become 55 years old. A person selecting the health insurance early retirement incentive under this section must retire by the later of December 31, 2000, 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. 8. [EFFECTIVE DATE.]

Sections 1, 2, and 4 to 7 are effective on the first day of the first full pay period beginning after July 1, 1999. Section 3 is effective July 1, 1999.

ARTICLE 5  
PUBLIC SAFETY EMPLOYEE PENSION  
PLAN CHANGES

Section 1. Minnesota Statutes 1998, section 352B.08, subdivision 2a, is amended to read:

Subd. 2a. [EARLY RETIREMENT.] Any member who has become at least 50 years old and who has at least three years of allowable service is entitled upon application to a reduced retirement annuity equal to the annuity calculated under subdivision 2, reduced by ~~two-tenths~~ one-tenth of one percent for each month that the member is under age 55 at the time of retirement.

Sec. 2. Minnesota Statutes 1998, section 353.64, subdivision 1, is amended to read:

Subdivision 1. [POLICE AND FIRE FUND MEMBERSHIP.] (a) A person who prior to July 1, 1961, was a member of the police and fire fund, by virtue of being a police officer or firefighter, shall, as long as the person remains in either position, continue membership in the fund.

(b) A person who was employed by a governmental subdivision as a police officer and was a member of the police and fire fund on July 1, 1978, by virtue of being a police officer as defined by this section on that date, and if employed by the same governmental subdivision in a position in the same department in which the person was employed on that date, ~~shall continue membership in~~ continues to be a member of the fund, whether or not that person has the power of arrest by warrant and is licensed by the peace officers standards and training board after that date. A person who was employed as a correctional officer by Rice county before July 1, 1998, for the duration of employment in the correctional position held on July 1, 1998, continues to be a member of the public employees police and fire plan, whether or not the person has the power of arrest by warrant and is licensed by the peace officers standards and training board after that date.

(c) A person who was employed by a governmental subdivision as a police officer or a firefighter, whichever applies, was an active member of the local police or salaried firefighters relief association located in that governmental subdivision by virtue of that employment as of the effective date of the consolidation as authorized by sections 353A.01 to 353A.10, and has elected coverage by the public employees police and fire fund benefit plan, shall become a member of the police and fire fund after that date if employed by the same governmental subdivision in a position in the same department in which the person was employed on that date.

(d) Any other employee serving on a full-time basis as a police officer as defined in subdivision 2 or as a firefighter as defined in subdivision 3 on or after July 1, 1961, shall become a member of the public employees police and fire fund.

(e) An employee serving on less than a full-time basis as a police officer shall become a member of the public employees police and fire fund only after a resolution stating that the employee should be covered by the police and fire fund is adopted by the governing body of the governmental subdivision employing the person declaring that the position which the person holds is that of a police officer.

(f) An employee serving on less than a full-time basis as a firefighter shall become a member of the public employees police and fire fund only after a resolution stating that the employee should be covered by the police and fire fund is adopted by the governing body of the governmental subdivision employing the person declaring that the position which the person holds is that of a firefighter.

(g) A police officer or firefighter employed by a governmental subdivision who by virtue of that employment is required by law to be a member of and to contribute to any police or firefighter relief association governed by section 69.77 which has not consolidated with the public employees police and fire fund and any police officer or firefighter of a relief association that has consolidated with the association for which the employee has not elected coverage by the public employees police and fire fund benefit plan as provided in sections 353A.01 to 353A.10 shall not become a member of the public employees police and fire fund.

Sec. 3. Minnesota Statutes 1998, section 353.651, subdivision 4, is amended to read:

Subd. 4. [EARLY RETIREMENT.] Any police officer or firefighter member who has become at least 50 years old and who has at least three years of allowable service is entitled upon application to a retirement annuity equal to the normal annuity calculated under subdivision 3, reduced by ~~two-tenths~~ one-tenth of one percent for each month that the member is under age 55 at the time of retirement.

Sec. 4. [353.652] [SOCIAL SECURITY BENEFIT OFFSET IN CERTAIN INSTANCES.]

(a) If a public employee continues in retirement plan coverage by the public employees police and fire retirement plan by virtue of this article and subsequently is covered by the federal old age, survivors, and disability insurance program for service as a Rice county correctional officer, the retirement annuity of the person under section 353.651 or the disability benefit of the person under section 353.656 must be reduced dollar for dollar for the social security benefit that the person is entitled to receive by virtue of Rice county correctional service rendered after the effective date of section 1.

(b) To be effective, the retirement annuity or disability benefit application form for a Rice county correctional employee must include signed written permission by the person for the public employees retirement association to obtain the necessary information from the federal old age, survivors, and disability insurance program to implement the offset provision in paragraph (a).

Sec. 5 [353.90] [PENALTY FOR MEMBERSHIP MISCERTIFICATIONS AND CERTIFICATION FAILURES.]

(a) If the board of trustees of the public employees retirement association, upon the recommendation of the executive director, determines that a governmental subdivision has certified a public employee for membership in the public employees police and fire retirement plan when the public employee was not eligible for that retirement plan coverage, the public employee must be covered by the correct retirement plan for subsequent service, the public employee retains the coverage for the period of the misclassification, and the governmental subdivision shall pay in a lump sum the difference in the actuarial present value of the retirement annuities to which the public employee would have been entitled if the public employee was properly classified. The government subdivision payment is payable within 30 days of the board's determination. If unpaid, it must be collected under section 353.28. The lump sum payment must be deposited in the public employees retirement fund.

(b) If the executive director of the public employees retirement association determines that a governmental subdivision has failed to certify a person for retirement plan membership and coverage under this chapter, in addition to the procedures under section 353.27, subdivision 4, 9, 10, 11, 12, 12a, or 12b, the director shall charge a fine of \$..... for each membership certification failure.

Sec. 6. Minnesota Statutes 1998, section 353A.083, is amended by adding a subdivision to read:

Subd. 4. [PRE-1999 CONSOLIDATIONS.] For any consolidation account in effect on July 1, 1999, the public employees police and fire fund benefit plan applicable to consolidation account members who have elected or will elect that benefit plan coverage under section 353A.08 is the most recent change adopted by the applicable municipality under subdivision 1, 2, or 3, unless the applicable municipality approves the extension of the post-June 30, 1999, public employees police and fire fund benefit plan to the consolidation account.

Sec. 7. [COLLECTION OF POLICE STATE OVERPAYMENTS]

As police state aid that was received by Rice county on account of correctional officers who were improperly included in retirement coverage by the public employees police and fire plan, the total of the following amounts must be deducted in 20 equal annual installments from any police state aid payable to Rice county under Minnesota Statutes, chapter 69:

<u>amount</u>	<u>year</u>
\$11,543	1994
19,096	1995
39,111	1996
19,170	1997
13,764	1998.

Sec. 8. [EFFECTIVE DATE.]

Sections 1, 3, and 7 are effective on July 1, 1999. Sections 2, 4, and 6 are effective on the day following final enactment. Section 5 is effective on August 1, 2000.

ARTICLE 6

SPECIAL RETIREMENT COVERAGE

FOR CERTAIN STATE FIRE

MARSHAL EMPLOYEES

Section 1. [352.87] [STATE FIRE MARSHAL DIVISION EMPLOYEES.]

Subdivision 1. [ELIGIBILITY.] A member of the general plan who is employed by the department of public safety, state fire marshal division, as a deputy state fire marshal, fire/arson investigator, who elects special benefit coverage under subdivision 8, is entitled to retirement benefits or disability benefits, as applicable, as stated in this section for eligible service under this section rendered after July 1, 1999, for which allowable service credit is received. The covered member must be at least age 55 to qualify for the retirement annuity specified in subdivision 3.

Subd. 2. [RETIREMENT ANNUITY ELIGIBILITY.] A person specified in subdivision 1 who meets all eligibility requirements specified in this chapter applicable to general plan members is eligible for retirement benefits as specified in subdivision 3.

Subd. 3. [RETIREMENT ANNUITY FORMULA.] A person specified in subdivision 1 will have a retirement annuity applicable for allowable service credit under this section calculated by multiplying the employee's average salary, as defined in section 352.115, subdivision 2, by the percent specified in section 356.19, subdivision 2a, for each year or portions of a year of allowable service credit. No reduction for retirement prior to normal retirement age, as specified in section 352.01, subdivision 25, applies to service to which this section applies.

Subd. 4. [NON-JOB-RELATED DISABILITY BENEFITS.] An eligible member described in subdivision 1, who is less than 55 years of age and who becomes disabled and physically or mentally unfit to perform the duties of the position because of sickness or injury while not engaged in covered employment, is entitled to a disability benefit amount equivalent to an annuity computed under subdivision 3 assuming the member has 15 years of service qualifying under this section and waiving the minimum age requirement. If the eligible member becomes disabled under this subdivision with more than 15 years of service covered under this section, the eligible member is entitled to a disability benefit amount equivalent to an annuity computed under subdivision 3 based on all years of service credited under this section and waiving the minimum age requirement.

Subd. 5. [JOB-RELATED DISABILITY BENEFITS.] An eligible member defined in subdivision 1, who is less than 55 years of age and who becomes disabled and physically or mentally unfit to perform the duties of the position because of sickness or injury while engaged in covered employment, is entitled to a disability benefit amount equivalent to an annuity computed under subdivision 3 assuming the member has 20 years of service qualifying under this section and waiving the minimum age requirement. An eligible member who becomes disabled under this subdivision with more than 20 years of service credited under this section is entitled to a disability benefit amount equivalent to an annuity computed under subdivision 3 based on all years of service credited under this section and waiving the age requirement.

Subd. 6. [DISABILITY BENEFIT COORDINATION.] If the eligible employee is entitled to receive a disability benefit as provided in subdivision 4 or 5 and has allowable service credit under this section for less service than the length of service upon which the disability benefit in subdivision 4 or 5 is based, and also has allowable service in the general plan not includable in this section, the employee is entitled to a disability benefit or deferred retirement annuity based on the general plan service not includable in this section only for the service that, when combined with the service includable in this section, exceeds the number of years on which the disability benefit provided in subdivision 4 or 5 is based. The benefit recipient under subdivision 4 or 5 who also has credit for regular plan service must in all respects qualify under section 352.113 to be entitled to receive a disability benefit based on the general plan service not includable in this section, except that the service may be combined to satisfy length of service requirements. Any deferred annuity to which the employee may be entitled based on general plan service not includable in this section must be augmented as provided in section 352.72, subdivision 2, while the employee is receiving a disability benefit under this section.

Subd. 7. [ADDITIONAL CONTRIBUTIONS.] The special retirement annuity and disability coverage under this section shall be financed by an employee contribution of \$.... and an employer contribution of \$.... These contributions are in addition to the contributions required by section 352.04, subdivisions 2 and 3, and must be made in the manner provided for in section 352.04, subdivisions 4, 5, and 6.

Subd. 8. [ELECTION OF COVERAGE.] To be covered by this section, an employee of the department of public safety described in subdivision 1 who is employed in a position described in that subdivision on or after July 1, 1999, must file a notice with the executive director of the Minnesota state retirement system on a form prescribed by the executive director stating whether or not the employee elects to be covered by this section. Notice must be filed by September 1, 1999, or within 90 days of employment, whichever is later. Elections are irrevocable during any period of covered employment. A failure to file a timely notice shall be deemed a waiver of coverage by this section.

Sec. 2. Minnesota Statutes 1998, section 356.19, is amended by adding a subdivision to read:

Subd. 2a. [COORDINATED MEMBERS.] The applicable benefit accrual rate is 2.0 percent.

Sec. 3. [EFFECTIVE DATE.]

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

#### ARTICLE 7

#### TEACHER RETIREMENT PLANS

#### PRIOR SERVICE CREDIT PURCHASE

#### AUTHORIZATION

Section 1. [354.533] [PRIOR OR UNCREDITED MILITARY SERVICE CREDIT PURCHASE.]

Subdivision 1. [SERVICE CREDIT PURCHASE AUTHORIZED.] A teacher who has at least three years of allowable service credit with the teachers retirement association and who performed service in the United States armed forces before becoming a teacher as defined in section 354.05, subdivision 2, or who failed to obtain service credit for a military leave of absence under the provisions of section 354.53, is entitled to purchase allowable and formula service credit for the initial period of enlistment, induction, or call to active duty without any voluntary extension by making payment under section 356.55 provided the teacher is not entitled to receive a current or deferred retirement annuity from a United States armed forces pension plan and has not purchased service credit from any other defined benefit public employee pension plan for the same period of service.

Subd. 2. [APPLICATION AND DOCUMENTATION.] A teacher who desires to purchase service credit under subdivision 1 must apply with the executive director to make the purchase.

The application must include all necessary documentation of the teacher's qualifications to make the purchase, signed written permission to allow the executive director to request and receive necessary verification of applicable facts and eligibility requirements, and any other relevant information that the executive director may require.

Subd. 3. [SERVICE CREDIT GRANT.] Allowable and formula service credit for the purchase period must be granted by the teachers retirement association to the purchasing teacher upon receipt of the purchase payment amount.

Sec. 2. [354.534] [PRIOR OUT-OF-STATE TEACHING SERVICE CREDIT PURCHASE.]

Subdivision 1. [SERVICE CREDIT PURCHASE AUTHORIZED.] A teacher who has at least three years of allowable service credit with the teachers retirement association is entitled to purchase up to ten years of allowable and formula service credit for out-of-state teaching service by making payment under section 356.55, provided the out-of-state teaching service was performed for an educational institution established and operated by another state, governmental subdivision of another state, or the federal government and the teacher is not entitled to receive a current or deferred age and service retirement annuity or disability benefit and has not purchased service credit from another defined benefit public employee pension plan for that out-of-state teaching service.

Subd. 2. [APPLICATION AND DOCUMENTATION.] A teacher who desires to purchase service credit under subdivision 1 must apply with the executive director to make the purchase. The application must include all necessary documentation of the teacher's qualifications to make the purchase, signed written permission to allow the executive director to request and receive necessary verification of applicable facts and eligibility requirements, and any other relevant information that the executive director may require.

Subd. 3. [SERVICE CREDIT GRANT.] Allowable and formula service credit for the purchase period must be granted by the teachers retirement association to the purchasing teacher on receipt of the purchase payment amount.

Sec. 3. [354.535] [MATERNITY LEAVE OF ABSENCE AND BREAKS-IN-SERVICE PURCHASES.]

Subdivision 1. [SERVICE CREDIT PURCHASE AUTHORIZED.] A teacher who has at least three years of allowable service credit with the teachers retirement association and who was granted a maternity leave of absence by a school district or other employing unit covered by the teachers retirement association for which the teacher did not previously receive allowable and formula service credit, or who had a maternity breaks-in-teaching-service for which the teacher did not receive or purchase service credit from another defined benefit public employee pension plan is entitled to purchase the actual period of the leave or of the break-in-teaching-service, up to five years, of allowable and formula service credit for applicable maternity leaves of absence or applicable maternity break-in-teaching-service periods by making payment under section 356.55.

Subd. 2. [APPLICATION AND DOCUMENTATION.] A teacher who desires to purchase service credit under subdivision 1 must apply with the executive director to make the purchase. The application must include all necessary documentation of the teacher's qualifications to make the purchase, signed written permission to allow the executive director to request and receive necessary verification of applicable facts and eligibility requirements, and any other relevant information that the executive director may require.

Subd. 3. [SERVICE CREDIT GRANT.] Allowable and formula service credit for the purchase period must be granted by the teachers retirement association to the purchasing teacher on receipt of the purchase payment amount.

Sec. 4. [354.536] [PRIVATE OR PAROCHIAL TEACHING SERVICE CREDIT PURCHASE.]

Subdivision 1. [SERVICE CREDIT PURCHASE AUTHORIZED.] A teacher who has at least three years of allowable service credit with the teachers retirement association is entitled to

purchase up to ten years of allowable and formula service credit for private or parochial school teaching service by making payment under section 356.55, provided that the teacher is not entitled to receive a current or deferred age and service retirement annuity or disability benefit from the applicable employer-sponsored pension plan and has not purchased service credit from the applicable defined benefit employer sponsored pension plan for that service.

Subd. 2. [APPLICATION AND DOCUMENTATION.] A teacher who desires to purchase service credit under subdivision 1 must apply with the executive director to make the purchase. The application must include all necessary documentation of the teacher's qualifications to make the purchase, signed written permission to allow the executive director to request and receive necessary verification of applicable facts and eligibility requirements, and any other relevant information that the executive director may require.

Subd. 3. [SERVICE CREDIT GRANT.] Allowable and formula service credit for the purchase period must be granted by the teachers retirement association to the purchasing teacher on receipt of the purchase payment amount.

Sec. 5. [354.537] [PEACE CORPS OR VISTA SERVICE CREDIT PURCHASE.]

Subdivision 1. [SERVICE CREDIT PURCHASE AUTHORIZED.] A teacher who has at least three years of allowable service credit with the teachers retirement association is entitled to purchase up to ten years of allowable and formula service credit for service rendered in the federal peace corps program or in the federal volunteers in service to America program by making payment under section 356.55, provided that the teacher has not purchased service credit from any defined benefit pension plan for that service.

Subd. 2. [APPLICATION AND DOCUMENTATION.] A teacher who desires to purchase service credit under subdivision 1 must apply with the executive director to make the purchase. The application must include all necessary documentation of the teacher's qualifications to make the purchase, signed written permission to allow the executive director to request and receive necessary verification of applicable facts and eligibility requirements, and any other relevant information that the executive director may require.

Subd. 3. [SERVICE CREDIT GRANT.] Allowable and formula service credit for the purchase period must be granted by the teachers retirement association to the purchasing teacher on receipt of the purchase payment amount.

Sec. 6. [354A.097] [PRIOR OR UNCREDITED MILITARY SERVICE CREDIT PURCHASE.]

Subdivision 1. [SERVICE CREDIT PURCHASE AUTHORIZED.] A teacher who has at least three years of allowable service credit with the teachers retirement fund association and who performed service in the United States armed forces before becoming a teacher as defined in section 354A.011, subdivision 27, or who failed to obtain service credit for a military leave of absence period under section 354A.093, is entitled to purchase allowable service credit for the initial period of enlistment, induction, or call to active duty without any voluntary extension by making payment under section 356.55 provided the teacher is not entitled to receive a current or deferred retirement annuity from a United States armed forces pension plan and has not purchased service credit from another defined benefit public employee pension plan for the same period of service.

Subd. 2. [APPLICATION AND DOCUMENTATION.] A teacher who desires to purchase service credit under subdivision 1 must apply with the executive director or secretary of the respective teachers retirement fund association to make the purchase. The application must include all necessary documentation of the teacher's qualifications to make the purchase, signed written permission to allow the executive director or secretary to request and receive necessary verification of applicable facts and eligibility requirements, and any other relevant information that the executive director or secretary may require.

Subd. 3. [SERVICE CREDIT GRANT.] Allowable service credit for the purchase period must

be granted by the applicable teachers retirement fund association to the purchasing teacher on receipt of the purchase payment amount.

Sec. 7. [354A.098] [PRIOR OUT-OF-STATE TEACHING SERVICE CREDIT PURCHASE.]

Subdivision 1. [SERVICE CREDIT PURCHASE AUTHORIZED.] A teacher who has at least three years of allowable service credit with one of the retirement fund associations under this chapter and who rendered out-of-state teaching service for an educational institution established and operated by another state, governmental subdivision of another state, or the federal government, is entitled to purchase up to ten years of allowable service credit for that out-of-state service by making payment under section 356.55, provided the teacher is not entitled to receive a current or deferred age and service retirement annuity or disability benefit and has not purchased service credit from another defined benefit public employee pension plan for that out-of-state teaching service.

Subd. 2. [APPLICATION AND DOCUMENTATION.] A teacher who desires to purchase service credit under subdivision 1 must apply with the executive director or secretary of the respective teachers retirement fund association to make the purchase. The application must include all necessary documentation of the teachers's qualifications to make the purchase, signed written permission to allow the executive director or secretary to request and receive necessary verification of applicable facts and eligibility requirements, and any other relevant information that the executive director or secretary may require.

Subd. 3. [SERVICE CREDIT GRANT.] Allowable service credit for the purchase period must be granted by the applicable teachers retirement fund association to the purchasing teacher on receipt of the purchase payment amount.

Sec. 8. [354A.099] [MATERNITY BREAK-IN-SERVICE OR LEAVE SERVICE CREDIT PURCHASE.]

Subdivision 1. [SERVICE CREDIT PURCHASE AUTHORIZED.] A teacher who has at least three years of allowable service credit with the teachers retirement fund association and who was granted a maternity leave of absence by a school district or other employing unit covered by the teachers retirement association for which the teacher did not previously receive allowable service credit or who had a maternity breaks-in-teaching-service for which the teacher did not receive or purchase service credit from another defined benefit public employee pension plan is entitled to purchase the actual period of the leave or of the break-in-teaching service, up to five years, of allowable service credit for applicable maternity leaves of absence or applicable maternity break-in-teaching-service periods by making payment under section 356.55.

Subd. 2. [APPLICATION AND DOCUMENTATION.] A teacher who desires to purchase service credit under subdivision 1 must apply with the executive director or secretary of the respective retirement fund association to make the purchase. The application must include all necessary documentation of the teacher's qualifications to make the purchase, signed written permission to allow the executive director or secretary to request and receive any necessary verification of applicable facts and eligibility requirements, and any other relevant information that the executive director or secretary may require.

Subd. 3. [SERVICE CREDIT GRANT.] Allowable service credit for the purchase period must be granted by the applicable teachers retirement fund association to the purchasing teacher on receipt of the purchase payment amount.

Sec. 9. [354A.101] [PRIVATE OR PAROCHIAL TEACHING SERVICE CREDIT PURCHASE.]

Subdivision 1. [SERVICE CREDIT PURCHASE AUTHORIZED.] A teacher who has at least three years of allowable service credit with the teachers retirement fund association is entitled to purchase up to ten years of allowable service credit for private or parochial school teaching service by making payment under section 356.55, provided that the teacher is not entitled to receive a current or deferred age and service retirement annuity or disability benefit from the applicable

employer-sponsored pension plan and has not purchased service credit from the applicable defined benefit employer sponsored pension plan for that service.

Subd. 2. [APPLICATION AND DOCUMENTATION.] A teacher who desires to purchase service credit under subdivision 1 must apply with the executive director to make the purchase. The application must include all necessary documentation of the teacher's qualifications to make the purchase, signed written permission to allow the executive director to request and receive necessary verification of applicable facts and eligibility requirements, and any other relevant information that the executive director may require.

Subd. 3. [SERVICE CREDIT GRANT.] Allowable service credit for the purchase period must be granted by the teachers retirement fund association to the purchasing teacher on receipt of the purchase payment amount.

Sec. 10. [354A.102] [PEACE CORPS OR VISTA SERVICE CREDIT PURCHASE.]

Subdivision 1. [SERVICE CREDIT PURCHASE AUTHORIZED.] A teacher who has at least three years of allowable service credit with the teachers retirement fund association is entitled to purchase up to ten years of allowable service credit for service rendered in the federal peace corps program or in the federal volunteers in service to America program by making payment under section 356.53, provided that the teacher has not purchased service credit from any defined benefit pension plan for that service.

Subd. 2. [APPLICATION AND DOCUMENTATION.] A teacher who desires to purchase service credit under subdivision 1 must apply with the executive director to make the purchase. The application must include all necessary documentation of the teacher's qualifications to make the purchase, signed written permission to allow the executive director to request and receive necessary verification of applicable facts and eligibility requirements, and any other relevant information that the executive director may require.

Subd. 3. [SERVICE CREDIT GRANT.] Allowable service credit for the purchase period must be granted by the teachers retirement fund association to the purchasing teacher on receipt of the purchase payment amount.

Sec. 11. Minnesota Statutes 1998, section 356.55, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION.] Unless the prior service credit purchase authorization special law or general statute provision explicitly specifies a different purchase payment amount determination procedure, this section governs the determination of the prior service credit purchase payment amount of any prior service credit purchase. The purchase payment amount determination procedure must recognize any service credit accrued to the purchaser in a pension plan listed in section 356.30, subdivision 3. Any service credit in a Minnesota defined benefit public employee pension plan available to be reinstated by the purchaser through the repayment of a refund of member or employee contributions previously received must be repaid in full before any purchase of prior service credit payment is made under this section.

Sec. 12. Minnesota Statutes 1998, section 356.55, subdivision 6, is amended to read:

Subd. 6. [REPORT ON PRIOR SERVICE CREDIT PURCHASES.] (a) As part of the regular data reporting to the consulting actuary retained by the legislative commission on pensions and retirement annually, the chief administrative officer of each public pension plan that has accepted a prior service credit purchase payment under this section shall report for any purchase, the purchaser, the purchaser's employer, the age of the purchaser, the period of the purchase, the purchaser's prepurchase accrued service credit, the purchaser's postpurchase accrued service credit, the purchaser's prior service credit payment, the prior service credit payment made by the purchaser's employer, and the amount of the additional benefit or annuity purchased.

(b) As part of a supplemental report to the regular annual actuarial valuation for the applicable public pension plan prepared by the consulting actuary retained by the legislative commission on pensions and retirement, there must be an exhibit comparing a comparison for each purchase showing the total prior service credit payment received from all sources and the increased public pension plan actuarial accrued liability resulting from each purchase.

## Sec. 13. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall replace the current headnote for Minnesota Statutes, section 354.53, with the headnote "CREDIT FOR MILITARY SERVICE LEAVE OF ABSENCE."

## Sec. 14. [EFFECTIVE DATE.]

Sections 1 to 13 are effective on May 16, 1999.

## ARTICLE 8

## MINNEAPOLIS EMPLOYEES RETIREMENT

## PLAN CHANGES

Section 1. Minnesota Statutes 1998, section 422A.06, subdivision 3, is amended to read:

Subd. 3. [DEPOSIT ACCUMULATION FUND.] The deposit accumulation fund consists of the assets held in the fund, ~~increased by including~~ amounts contributed by or for employees, amounts contributed by the city, amounts contributed by municipal activities supported in whole or in part by revenues other than taxes and amounts contributed by any public corporation, amounts paid by the state, and by income from investments. There must be paid from the fund the amounts required to be transferred to the retirement benefit fund, or the disability benefit fund, refunds of contributions, ~~death benefits payable on death before retirement that are not payable from the survivors' benefit fund including the death-while-active refund specified in section 422A.22, subdivision 4,~~ postretirement increases in retirement allowances granted under Laws 1965, chapter 688, or Laws 1969, chapter 859, and expenses of the administration of the retirement fund which were not charged by the retirement board against the income of the retirement benefit fund from investments as the cost of handling the investments of the retirement benefit fund.

Sec. 2. Minnesota Statutes 1998, section 422A.06, subdivision 6, is amended to read:

Subd. 6. [SURVIVOR'S BENEFIT FUND.] The survivor's benefit fund ~~shall consist~~ consists of the amount held for survivor benefits, increased by contributions for survivor benefits made by and for employees, including contributions made by the employer, by any municipal activity supported in whole or in part by revenue other than taxes or by any public corporation. A proportionate share of income from investments ~~shall must~~ be allocated to this fund. ~~There shall be paid from such fund the Survivor benefits specified in section 422A.23 except that the refund of net accumulated deductions from the salary of a contributing member shall upon death in service be paid from the deposit accumulation fund~~ must be paid from this fund.

Sec. 3. Minnesota Statutes 1998, section 422A.101, subdivision 4, is amended to read:

Subd. 4. [ADDITIONAL EMPLOYER CONTRIBUTION IN CERTAIN INSTANCES.] (a) If a participating employing unit, other than the state, has a negative asset balance in the deposit accumulation fund, the executive director shall bill the employing unit for the amount of the deficiency. Any amount billed will include six percent interest, compounded annually, for any year or portion of a year from the billing date until the date of payment.

(b) If assets in the deposit accumulation fund are insufficient to make a transfer to the retirement benefit fund, the city of Minneapolis shall pay the amount of that insufficiency to the retirement benefit fund within three days of certification of the insufficiency by the executive director of the fund. The city of Minneapolis may bill any other participating employing unit other than the state for its proportion of the amount paid. Any amount billed by the city under this paragraph will include interest as specified in paragraph (a).

Sec. 4. Minnesota Statutes 1998, section 422A.18, subdivision 2, is amended to read:

Subd. 2. [DISABILITY ALLOWANCE AMOUNT.] (a) The amount of disability allowance under this section shall be the amount of service allowance to which the employee would be entitled under section 422A.15, notwithstanding the age requirements expressed therein; or the

lesser of the following amounts: 50 percent of the final average compensation, or an amount equal to two percent of final average compensation for each year of allowable service for the first ten years, and thereafter 2.5 percent of final average compensation per year of allowable service, including in the latter assumed service between the date the disability occurred and the 60th birthday of the employee.

~~If the amount of annuity (b) Annuities payable from the Minnesota postretirement investment fund to any class of annuitants is adjusted pursuant to section 11A.18, the amount of benefits payable from the disability benefit fund for that class of annuitants under this section shall also be adjusted at the same time and rate as retirement annuities in the retirement benefit fund.~~

Sec. 5. Minnesota Statutes 1998, section 422A.22, subdivision 4, is amended to read:

Subd. 4. ~~[DEATH-WHILE-ACTIVE REFUND.] (a) Upon the death of a contributing an active member while still in the service of the city, and before reaching the compulsory age of retirement prior to termination of service, there shall be paid to such person the beneficiary or persons as beneficiaries designated by the member shall have nominated by written designation on a form specified by the executive director and filed with the retirement board, in such form as the retirement board shall require, the net accumulated amount of employee deductions from salary, pay, or compensation, including interest, to the member's credit on date of compounded annually to the date of the member's death. The amount must not include any contributions made by the employee or on the employee's behalf, or any interest or investment earnings on those contributions, which were allocated to the survivor benefit fund under section 422A.06, subdivision 6.~~

~~(b) If the employee fails to make a designation, or if the person or persons beneficiary or beneficiaries designated by such the employee predeceases such the employee, the net accumulated amount of deductions from salary, pay, or compensation including interest, to the credit of such employee on date of death shall benefit specified in paragraph (a) must be paid to such the deceased employee's estate.~~

~~(c) A benefit payable under this subdivision is in addition to any applicable survivor benefit under section 422A.23.~~

Sec. 6. Minnesota Statutes 1998, section 422A.22, subdivision 5, is amended to read:

Subd. 5. ~~[REPAYMENT OF REFUND.] Upon reinstatement reemployment of a former covered employee to the service, in employment covered by the Minneapolis employees retirement fund, service credit for such past service or for any part thereof shall which was forfeited by taking a refund must be granted reinstated only upon repayment of the amount of the separation refund, with interest, from the time of separation payment of the refund until the date repaid.~~

Sec. 7. Minnesota Statutes 1998, section 422A.23, is amended to read:

422A.23 [SURVIVOR BENEFITS.]

Subdivision 1. ~~[PAYMENT OF CITY INSTALLMENT ACCUMULATED AMOUNT.] (a) If a contributing an active or deferred member dies after having been in the service with ten or more years of service credit, and before actual retirement, as determined by the retirement board, the present worth of the city's annual installments of \$60 then to the credit of the contributing member, shall be paid to a beneficiary designated by such contributing member in such form as the retirement board shall require, who shall be the surviving spouse, or surviving child, or children of such member or, if there be no surviving spouse or surviving child or children, then to a person actually dependent on and receiving principal support from such member, or surviving mother or father, or grandchildren, or surviving brother or sister, or surviving children of the deceased brother or sister of such member except as noted in paragraph (d), the individual specified in paragraph (b) is eligible to receive the benefit specified in paragraph (c).~~

~~(b) An individual eligible for the benefit specified in paragraph (c) is a beneficiary designated by the member on a form specified by the executive director. If the beneficiary designated by the~~

member is not one of the class of persons named in the preceding sentence, such benefit from the accumulation of city deposits shall be paid in the following order: (1) to the surviving spouse, the whole thereof; (2) if there be no surviving spouse, to the surviving children, share and share alike; (3) if there be no surviving spouse or child or children, to the dependent or dependents as those terms are herein defined, of the member, share and share alike; (4) if there be no surviving spouse, child or children, or dependents, to the surviving mother and father, share and share alike; (5) if there be no surviving mother and father, to the grandchildren, in equal shares; if there be no grandchildren, to the surviving brothers and sisters of the member, in equal shares; (6) if there be no surviving brothers and sisters, to the surviving children of the deceased brothers and sisters of the member, in equal shares; or (7) if there is none of the foregoing persons who survives the member, the accumulation of the city deposits shall be applied to the funeral expenses of the member failed to designate a beneficiary, or if the beneficiary or beneficiaries designated by the employee predecease the employee, the benefit in paragraph (c) is payable to the deceased employee's estate.

(c) The benefit is a lump-sum payment of the present value of the city's or other contributing employer's annual installments of \$60 to the credit of the member.

(d) No benefit is payable under this subdivision if a monthly survivor benefit is paid under another subdivision of this section.

Subd. 2. [SHORT-SERVICE SURVIVOR BENEFIT.] (a) If an active member dies prior to termination of service with at least 18 months but less than 20 years of service credit, the surviving spouse or surviving child or children is eligible to receive the survivor benefit specified in paragraph (b) or (c), as applicable. Payment of a benefit for any surviving child under the age of 18 years shall be made to the surviving parent, or if there be none, to the legal guardian of the surviving child. For purposes of this subdivision, a surviving child is an unmarried child of the deceased member under the age of 18, or under the age of 22 if a full-time student at an accredited school, college, or university.

(b) If the surviving spouse or surviving child benefit commenced before July 1, 1983, the surviving spouse benefit is increased from \$500 per month to \$750 per month and the surviving child benefit is \$225 per month, beginning with the first monthly payment payable after May 28, 1998. The sum of surviving spouse and surviving child benefits payable under this paragraph shall not exceed \$900 per month. The increased cost resulting from the benefit increases under this paragraph must be allocated to each employing unit listed in section 422A.101, subdivisions 1a, 2, and 2a, on the basis of the additional accrued liability resulting from increased benefits paid to the survivors of employees from that unit.

(c) If the surviving spouse or surviving child benefit commences after June 30, 1983, the surviving spouse benefit is 30 percent of the member's average salary in effect over the last six months of allowable service preceding the month in which death occurs. The surviving child benefit is ten percent of the member's average salary in effect over the last six months of allowable service preceding the month in which death occurs. The sum of surviving spouse and surviving child benefits payable under this paragraph shall not exceed 50 percent of the member's average salary in effect over the last six months of allowable service.

(d) Any surviving child benefit or surviving spouse benefit computed under paragraph (c) and in effect for the month immediately prior to May 28, 1998, is increased by 15 percent as of the first payment on or after May 28, 1998.

(e) Surviving child benefits under this subdivision terminate when the child no longer meets the definition of surviving child.

Subd. 5. [ADMINISTRATION.] Benefits herein provided shall in this section following the death of an active employee or deferred member, as applicable, commence with on the first day of the month following the month in which the active employee or deferred member dies and shall end with the last day of the month preceding the month in which eligibility ceases. Eligibility for the benefits herein provided shall be determined by the retirement board and its determination shall be final. Each beneficiary or parent or guardian of a dependent child or legal representative

~~shall furnish such Information as the board may deem deemed necessary by the executive director to determine eligibility for the benefits provided by this section, and must be submitted. Failure to furnish any required information shall be sufficient grounds for the denial or discontinuance of benefits. A determination made by the executive director may be appealed to the retirement board, whose determination is final. If the surviving spouse of the deceased active employee or deferred member becomes entitled to a retirement allowance by reason of membership in this fund, the surviving spouse shall is authorized to receive the retirement allowance in addition to the all applicable surviving spouse's benefit spouse benefits to which the surviving spouse is entitled as specified in this section and section 422A.22, subdivision 4, if applicable. The cost of all monthly survivor's benefits provided in this section shall be is an obligation of the members and of the city, any of its boards, departments, commissions or public corporations or other applicable employing units.~~

Subd. 6. [SURVIVOR BENEFIT EMPLOYEE CONTRIBUTION.] The retirement board shall create a reserve account for survivor's benefits from which shall be paid on an actuarial basis all survivor benefits due and payable. At the end of each fiscal year, as part of the annual actuarial valuation of the fund prepared by the commission-retained actuary, a determination of the normal cost of the benefits payable from the survivor's benefit account shall be made and the board shall reduce or increase the employee contribution rate of one-fourth of one percent if and when it is determined based on the annual actuarial valuation that the member contribution rate is in excess of or is less than the amount necessary to pay for 50 percent of the calculated normal cost of the survivor benefits provided in this section.

Subd. 7. [LONG-SERVICE ACTIVE AND DEFERRED MEMBER SURVIVOR COVERAGE.] (a) ~~If the contributing active or deferred member dies after having been in the service of the city 20 or more years, and before the effective date of retirement, as determined by the retirement board, the board shall pay with 20 or more years of service credit, a beneficiary as defined in paragraph (b) is eligible to receive the benefit specified in paragraph (c).~~

(b) ~~The beneficiary eligible for a benefit under paragraph (c) is the surviving spouse of the deceased employee. If there is no surviving spouse, the beneficiary may be a dependent surviving child of the member or dependent parent designated by the employee on a form prescribed by the executive director.~~

(c) ~~The benefit payable to the beneficiary designated in paragraph (b) is a monthly allowance for life to the designated beneficiary of the employee. The monthly allowance herein provided for shall be is the actuarial equivalent of a single life service allowance specified in section 422A.15, subdivision 1, which would have been payable to the employee on the date of death, notwithstanding the age requirement stated in section 422A.15, subdivision 1. For purposes of this section, the amount of any excess contributions or voluntary additions by the member shall not be included in the calculations in determining the monthly allowance.~~

~~The survivor allowance under this subdivision shall be computed and determined under a procedure specified by the commission-retained actuary utilizing the appropriate mortality table established by the board of trustees based on the experience of the fund as recommended by the commission-retained actuary and using the applicable postretirement interest rate assumption specified in section 356.215, subdivision 4d.~~

(d) ~~For benefits payable under this subdivision following the death of a deferred member, the benefit must be calculated as of the date of termination from service and increased by five percent per year until January 1, 1981, and by three percent per year thereafter compounded annually.~~

Subd. 8. [SURVIVING CHILD; DEPENDENT DEFINITION.] ~~The beneficiary designated by the employee shall be the surviving spouse of such employee. If there is no surviving spouse, the designated beneficiary may be a dependent surviving child or dependent parent of such employee as dependency is defined in sections 422A.01 to 422A.25. If the beneficiary designated by the employee is not of the class of persons provided for in this subdivision, or if the designated beneficiary predeceases the employee, a refund shall be made as provided for in section 422A.22, in lieu of a life income. If the employee does not elect to designate a beneficiary to receive a life income as herein provided, the designated beneficiary, if of the class of persons set forth in this~~

subdivision, may elect within 60 days after the date of death of the employee to receive a life income computed and determined as though the employee had retired on the date of death under the option 2 plan of retirement, as provided for in sections 422A.01 to 422A.25, and had designated such person as beneficiary. For purposes of subdivision 2, a surviving child is an unmarried child of the deceased member under the age of 18, or under the age of 22 if a full-time student at an accredited school, college, or university. For purposes of subdivision 7, a dependent surviving child or dependent parent must meet the definition of dependent, as defined in section 422A.01, subdivision 12, at the time of the active or deferred member's death.

Subd. 9. [LUMP-SUM DEATH BENEFIT.] If any employee who has contributed to the survivor's benefit account as herein provided dies before the effective date of retirement on a service or disability pension and is not survived by a beneficiary eligible to receive a monthly allowance as herein provided If no monthly survivor benefit is payable under subdivision 2 or 7, there shall be paid from the survivor's survivor benefit account to a beneficiary designated by the employee on a form prescribed by the executive director a lump-sum death benefit of \$750 if death occurs prior to the end of the employee's tenth year of service credit or of \$1500 if the employee had prior to death completed ten or more calendar years of service credit. Upon reinstatement of a former employee to the service, credit for such past service or for any part thereof shall be granted only upon repayment of the amount of the separation refund, with interest, from the time of separation Any benefit under this subdivision may be paid in addition to a benefit payable under subdivision 1.

Subd. 10. [BENEFIT INCREASES.] If the amount of annuity payable from the Minnesota postretirement investment fund to any class of annuitants is adjusted pursuant to section 11A.18, the amount of benefits payable from the survivor's benefit fund pursuant to subdivisions 7 or 8 for that class of annuitants shall also be adjusted at the same time and rate. Annuities payable under this section shall be adjusted at the same time and rate as retirement annuities in the retirement benefit fund.

Subd. 11. [EFFECT OF SPOUSE REMARRIAGE.] A monthly survivor benefit is ~~must not suspended, be discontinued or terminated, or otherwise stopped~~ due to a surviving spouse's remarriage.

Subd. 12. [DETERMINATION OF ANNUITY.] The survivor annuities payable under this section shall be computed and determined under a procedure specified by the actuary retained by the legislative commission on pensions and retirement utilizing the appropriate mortality table based on the experience of the fund as recommended by that actuary and approved by the legislative commission on pensions and retirement and using the applicable postretirement interest rate assumption specified in section 356.215, subdivision 4d.

Sec. 8. [422A.231] [COST ALLOCATION.]

Notwithstanding any law to the contrary, all current and future contribution requirements due to this act are payable by the participating contributing employing units other than the state.

Sec. 9. [REPEALER.]

Minnesota Statutes 1998, section 422A.16, subdivision 3a, is repealed.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective upon approval by the Minneapolis city council and compliance with Minnesota Statutes, section 645.021.

ARTICLE 9  
EMPLOYER MATCHING CONTRIBUTION  
TAX-SHELTERED ANNUITY  
CHANGES

Section 1. Minnesota Statutes 1998, section 356.24, subdivision 1, is amended to read:

Subdivision 1. [RESTRICTION; EXCEPTIONS.] (a) It is unlawful for a school district or other governmental subdivision or state agency to levy taxes for, or contribute public funds to a supplemental pension or deferred compensation plan that is established, maintained, and operated in addition to a primary pension program for the benefit of the governmental subdivision employees other than:

(1) to a supplemental pension plan that was established, maintained, and operated before May 6, 1971;

(2) to a plan that provides solely for group health, hospital, disability, or death benefits;

(3) to the individual retirement account plan established by chapter 354B;

(4) to a plan that provides solely for severance pay under section 465.72 to a retiring or terminating employee;

(5) for employees other than personnel employed by the state university board or the community college board and covered by the board of trustees of the Minnesota state colleges and universities supplemental retirement plan under chapter 354C, if provided for in a personnel policy of the public employer or in the collective bargaining agreement between the public employer and the exclusive representative of public employees in an appropriate unit, in an amount matching employee contributions on a dollar for dollar basis, but not to exceed an employer contribution of \$2,000 a year per employee;

(i) to the state of Minnesota deferred compensation plan under section 352.96; or

(ii) in payment of the applicable portion of the premium on a tax-sheltered annuity contract qualified under section 403(b) of the Internal Revenue Code, if purchased from a qualified insurance company, or from a qualified investment entity, as defined in subdivision 1a, and if the employing unit has complied with any applicable pension plan provisions of the Internal Revenue Code with respect to the tax-sheltered annuity program during the preceding calendar year; or

(6) for personnel employed by the state university board or the community college board and not covered by clause (5), to the supplemental retirement plan under chapter 354C, if provided for in a personnel policy or in the collective bargaining agreement of the public employer with the exclusive representative of the covered employees in an appropriate unit, in an amount matching employee contributions on a dollar for dollar basis, but not to exceed an employer contribution of \$2,000 a year for each employee.

(b) Subd. 1a. [QUALIFIED INSURANCE COMPANY; QUALIFIED INVESTMENT ENTITIES; DEFINITIONS.] (a) A qualified insurance company is a company that:

(1) meets the definition in section 60A.02, subdivision 4;

(2) is licensed to engage in life insurance or annuity business in the state;

(3) is determined by the commissioner of commerce to have a rating within the top two rating categories by a recognized national rating agency or organization that regularly rates insurance companies; and

(4) is determined by the state board of investment to be among ~~the ten~~ up to 20 applicant insurance companies with competitive investment options and investment returns ~~on annuity products~~.

(b) A qualified investment entity is an open-end investment company that:

(1) is registered under the federal Investment Company Act of 1940;

(2) is licensed to do business in the state;

(3) is determined by the commissioner of commerce to be in sound financial standing; and

(4) is determined by the state board of investment to be among up to five applicant investment entities with competitive investment options and investment returns.

(c) The state board of investment determination must be made on or before January 1, 1993 July 1, 2000, and must be reviewed periodically. The state board of investment may retain actuarial services to assist it in this determination and in its periodic review. The state board of investment may annually establish a budget for its costs in any determination and periodic review processes. The state board of investment may charge a proportional share of all costs related to the periodic review to those qualified insurance companies and qualified investment entities currently under contract and may charge a proportional share of all costs related to soliciting and evaluating bids in a determination process to each company and investment entity selected by the state board of investment. All contracts must be approved before execution by the state board of investment. The state board of investment shall establish policies and procedures under section 11A.04, clause (2), to carry out this paragraph.

(e) Subd. 1b. [VENDOR RESTRICTIONS.] A personnel policy for unrepresented employees or a collective bargaining agreement may establish limits on the number of vendors under paragraph (b), clause (5), subdivision 1 that it will utilize and conditions under which the vendors may contact employees both during working hours and after working hours.

#### Sec. 2. [COMMISSION STUDY.]

The legislative commission on pensions and retirement shall study the issue of the appropriate means to provide partially employer-funded tax-sheltered savings opportunities for educational employees, including the establishment of single comprehensive program structure for all applicable educational employers and the elimination of any restriction on investment vendors in providing partially employer-funded investment opportunities to educational employees.

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

Section 1 is effective May 15, 2000. Section 2 is effective on the day following final enactment.

### ARTICLE 10

#### MNSCU INDIVIDUAL RETIREMENT

#### ACCOUNT PLAN CHANGES

Section 1. Minnesota Statutes 1998, section 43A.27, subdivision 3, is amended to read:

Subd. 3. [RETIRED EMPLOYEES.] (a) A person may elect to purchase at personal expense individual and dependent hospital, medical, and dental coverages if the person is:

(1) a retired employee of the state or an organization listed in subdivision 2 or section 43A.24, subdivision 2, who, at separation of service:

(i) is immediately eligible to receive a retirement benefit under chapter 354B or an annuity under a retirement program sponsored by the state or such organization of the state and;

(ii) immediately meets the age and service requirements in section 352.115, subdivision 1; and

(ii) (iii) has five years of service or meets the service requirement of the collective bargaining agreement or plan, whichever is greater; or

(2) a retired employee of the state who is at least 50 years of age and has at least 15 years of state service.

(b) The commissioner shall offer at least one plan which is actuarially equivalent to those made available through collective bargaining agreements or plans established pursuant to under section 43A.18 to employees in positions equivalent to that from which retired.

~~(c) A spouse of a deceased retired employee who received an annuity under a state retirement program~~ person eligible under paragraph (a) may purchase the coverage listed in this subdivision if the spouse was a dependent under the retired employee's coverage at the time of the ~~employee's~~ retiree's death.

(d) Coverages must be coordinated with relevant health insurance benefits provided through the federally sponsored Medicare program. Until the retired employee reaches age 65, the retired employee and dependents must be pooled in the same group as active employees for purposes of establishing premiums and coverage for hospital, medical, and dental insurance. Coverage for retired employees and their dependents may not discriminate on the basis of evidence of insurability or preexisting conditions unless identical conditions are imposed on active employees in the group that the employee left. Appointing authorities shall provide notice to employees no later than the effective date of their retirement of the right to exercise the option provided in this subdivision. The retired employee must notify the commissioner or designee of the commissioner within 30 days after the effective date of the retirement of intent to exercise this option.

Sec. 2. Minnesota Statutes 1998, section 136F.48, is amended to read:

136F.48 [EMPLOYER-PAID HEALTH INSURANCE.]

(a) This section applies to a person who:

(1) ~~retires from the Minnesota state university colleges and universities system, the technical college system, or the community college system, or from a successor system employing state university, technical college, or community college faculty,~~ 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;

(2) ~~was employed on a full-time basis immediately preceding retirement as a state university, technical college, or community college faculty member or as an unclassified administrator in one of those systems~~ the Minnesota state colleges and universities system;

(3) ~~begins drawing a retirement benefit from the individual retirement account plan or an annuity from the teachers retirement association, the Minnesota state retirement system, or from a first class city teacher plan;~~ and

(4) ~~returns to work on not less than a one-third time basis and not more than a two-thirds time basis in the system from which the person retired 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 in the system from which the person retired.~~

(b) Initial participation, the amount of time worked, and the duration of participation under this section must be mutually agreed upon by the president of the institution where the person returns to work and the employee. The president may require up to one-year notice of intent to participate in the program as a condition of participation under this section. The president shall determine the time of year the employee shall work. The employer or the president may not require a person to waive any rights under a collective bargaining agreement as a condition of participation under this section.

(c) For a person eligible under paragraphs (a) and (b), the employing board shall make the same employer contribution for hospital, medical, and dental benefits as would be made if the person were employed full time.

(d) For work under paragraph (a), a person must receive a percentage of the person's salary at the time of retirement that is equal to the percentage of time the person works compared to full-time work.

(e) If a collective bargaining agreement covering a person provides for an early retirement incentive that is based on age, the incentive provided to the person must be based on the person's age at the time employment under this section ends. However, the salary used to determine the amount of the incentive must be the salary that would have been paid if the person had been

employed full time for the year immediately preceding the time employment under this section ends.

(f) A person who returns to work under this section is a member of the appropriate bargaining unit and is covered by the appropriate collective bargaining contract. Except as provided in this section, the person's coverage is subject to any part of the contract limiting rights of part-time employees.

Sec. 3. [352.1155] [NO ANNUITY REDUCTION.]

Subdivision 1. [ELIGIBILITY.] Except as indicated in subdivision 4, the annuity reduction provisions of section 352.115, subdivision 10, do not apply to a person who:

(1) retires from the Minnesota state colleges and universities system 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;

(2) was employed on a full-time basis immediately preceding retirement as a faculty member or as an unclassified administrator in that system;

(3) begins drawing an annuity from the the Minnesota state retirement system general plan; and

(4) returns to work on not less than a one-third time basis and not more than a two-thirds time basis in the system from which the person retired 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 in the system from which the person retired.

Subd. 2. [APPROVAL REQUIREMENTS.] Initial participation, the amount of time worked, and the duration of participation under this section must be mutually agreed upon by the president of the institution where the person returns to work and the employee. The president may require up to one-year notice of intent to participate in the program as a condition of participation under this section. The president shall determine the time of year the employee shall work. The employer or the president may not require a person to waive any rights under a collective bargaining agreement as a condition of participation under this section.

Subd. 3. [SERVICE CREDIT PROHIBITION.] Notwithstanding any law to the contrary, a person eligible under this section may not, based on employment to which the waiver in this section applies, earn further service credit in a Minnesota public defined benefit plan and is not eligible to participate in a Minnesota public defined contribution plan, other than a volunteer fire plan governed by chapter 424A. No employer or employee contribution to any of these plans may be made on behalf of such a person.

Subd. 4. [EXEMPTION LIMIT.] For a person eligible under this section who earns more than \$35,000 in a calendar year from reemployment in the Minnesota state colleges and universities system following retirement, the annuity reduction provisions of section 352.115, subdivision 10, apply only to income over \$35,000.

Subd. 5. [CONTINUING RIGHTS.] A person who returns to work under this section is a member of the appropriate bargaining unit and is covered by the appropriate collective bargaining contract. Except as provided in this section, the person's coverage is subject to any part of the contract limiting rights of part-time employees.

Sec. 4. Minnesota Statutes 1998, section 354.445, is amended to read:

354.445 [NO ANNUITY REDUCTION.]

(a) The annuity reduction provisions of section 354.44, subdivision 5, do not apply to a person who:

(1) retires from the Minnesota state university colleges and universities system, technical college system, or the community college system, or from a successor system employing state

university, technical college, or community college faculty, 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;

(2) was employed on a full-time basis immediately preceding retirement as a ~~state university, technical college, or community college~~ faculty member or as an unclassified administrator in ~~one of these systems that system~~;

(3) begins drawing an annuity from the teachers retirement association; and

(4) returns to work on not less than a one-third time basis and not more than a two-thirds time basis in the system from which the person retired 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 in the system from which the person retired.

(b) Initial participation, the amount of time worked, and the duration of participation under this section must be mutually agreed upon by the president of the institution where the person returns to work and the employee. The president may require up to one-year notice of intent to participate in the program as a condition of participation under this section. The president shall determine the time of year the employee shall work. The employer or the president may not require a person to waive any rights under a collective bargaining agreement as a condition of participation under this section.

(c) Notwithstanding any law to the contrary, a person eligible under paragraphs (a) and (b) may not, based on employment to which the waiver in this section applies, earn further service credit in ~~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~~ a Minnesota public defined benefit plan and is not eligible to participate in a Minnesota public defined contribution plan, other than a volunteer fire plan governed by chapter 424A. No employer or employee contribution to any of these plans may be made on behalf of such a person.

(d) For a person eligible under paragraphs (a) and (b) who earns more than \$35,000 in a calendar year from employment after retirement ~~in the system from which the person retired due to employment in the Minnesota state colleges and universities system~~, the annuity reduction provisions of section 354.44, subdivision 5, apply only to income over \$35,000.

(e) A person who returns to work under this section is a member of the appropriate bargaining unit and is covered by the appropriate collective bargaining contract. Except as provided in this section, the person's coverage is subject to any part of the contract limiting rights of part-time employees.

Sec. 5. Minnesota Statutes 1998, section 354.66, subdivision 1b, is amended to read:

Subd. 1b. [DISTRICT, DEFINED.] For purposes of this section, the term "district" means a school district, ~~the community~~ or the Minnesota state college system and the state university system.

Sec. 6. Minnesota Statutes 1998, section 354.66, subdivision 1c, is amended to read:

Subd. 1c. [PARTICIPATION.] (a) Except as indicated in paragraph (b), participation in the part-time mobility program must be based on a full fiscal year and the employment pattern of the teacher during the most recent fiscal year.

(b) For a teacher in the Minnesota state colleges and universities system who teaches only during the first semester in an academic year and retires immediately after the first semester, participation in the part-time mobility program must be based on one-half of a full fiscal year and the employment pattern of the teacher during the most recent one-half of the most recent fiscal year.

Sec. 7. Minnesota Statutes 1998, section 354.66, subdivision 3, is amended to read:

Subd. 3. [PART-TIME TEACHING POSITION, DEFINED.] (a) For purposes of this section, the term "part-time teaching position" shall mean a teaching position within the district in which the teacher is employed for at least 50 full days or a fractional equivalent thereof as prescribed in section 354.091, and for which the teacher is compensated in an amount not exceeding 80 percent of the compensation established by the board for a full-time teacher with identical education and experience with the employing unit.

~~(b) The compensation of a teacher in the state colleges and universities system may exceed the 80 percent limit if the teacher does not teach just one of the three quarters in the system's full school year, provided no additional services are performed while the teacher participates in the program. For a teacher to which subdivision 1c, paragraph (b), applies, the term "part-time teaching position" shall mean a teaching position within the district in which the teacher is employed for at least 25 full days or a fractional equivalent thereof as prescribed in section 354.091, and for which the teacher is compensated in an amount not exceeding 40 percent of the compensation established by the board for a full-time teacher, with identical education and experience with the employing unit.~~

Sec. 8. Minnesota Statutes 1998, section 354B.24, subdivision 3, is amended to read:

Subd. 3. [OPTIONAL ADDITIONAL CONTRIBUTIONS.] (a) In addition to contributions required by subdivision 2, a plan participant on an approved sabbatical leave ~~may shall make an optional additional~~ a member contribution. ~~The optional additional member may not exceed based on the applicable member contribution rate specified in section 354B.23, subdivision 1, applied to the difference between the amount of salary actually received during the sabbatical leave and the amount of full-time salary actually received for a comparable period of an identical length to the member would have received if not on sabbatical leave that occurred during the fiscal year immediately preceding the sabbatical leave.~~

~~(b) Any optional additional member contribution must be made before the last day of the fiscal year next following the fiscal year in which the sabbatical leave terminates. The optional additional member contribution may not include interest through payroll deduction as though the member were employed full-time.~~

~~(c) When an optional additional member contribution is made, the employing unit must make the employer contribution at the rate set forth specified in section 354B.23, subdivision 3, on the salary that was the basis for the optional additional member contribution under paragraph (a).~~

~~(d) An employer contribution required under this section must be made no later than 60 days after the date on which the optional additional member contribution was made.~~

Sec. 9. Minnesota Statutes 1998, section 354B.25, subdivision 2, is amended to read:

Subd. 2. [ANNUITY CONTRACTS AND CUSTODIAL ACCOUNTS INVESTMENT OPTIONS.] (a) The plan administrator shall arrange for the purchase of ~~fixed annuity contracts, variable annuity contracts, a combination of fixed and variable annuity contracts, or custodial accounts from financial institutions which have been selected by the state board of investment under subdivision 3, as the investment vehicle for the retirement coverage of plan participants and to provide retirement benefits to plan participants. Custodial accounts from financial institutions shall include open-end investment companies registered under the federal Investment Company Act of 1940, as amended~~ investment products.

~~(b) The annuity contracts or accounts investment products must be purchased with contributions under section 354B.23 or with money or assets otherwise provided by law by authority of the board and deemed acceptable by the applicable financial institution.~~

~~(c) In addition to contracts and accounts from financial institutions, The Minnesota supplemental investment fund established under section 11A.17 and administered by the state board of investment is one of the investment options products for the individual retirement account plan. Direct access must also be provided to lower expense and no load mutual funds, as those terms are defined by the federal securities and exchange commission, including stock funds, bond~~

funds, and balanced funds. Other investment products or combination of investment products which may be included are:

- (1) savings accounts at federally insured financial institutions;
- (2) life insurance contracts, fixed and variable annuity contracts from companies that are subject to regulation by the commerce commissioner;
- (3) investment options from open ended investment companies registered under the federal Investment Company Act of 1940 United States Code, title 15, sections 80a-1 to 80a-64;
- (4) investment options from a firm that is a registered investment advisor under the Investment Advisors Act of 1940, United States Code, title 15, sections 80b-1 to 80b-21;
- (5) investment options of a bank as defined in the United States Code, title 15, section 80b-2, subsection (a), paragraph 2, or a bank holding company as defined in the Bank Holding Company Act of 1956, United States Code, title 12, section 1841, subsection (a), paragraph (1).

Sec. 10. Minnesota Statutes 1998, section 354B.25, subdivision 3, is amended to read:

Subd. 3. [SELECTION OF FINANCIAL INSTITUTIONS.] (a) ~~The financial institutions investment options provided for under subdivision 2 must be selected by the state board of investment. Financial institutions include open end investment companies registered under the federal Investment Company Act of 1940, as amended.~~

~~(b) The state board of investment may select up to five financial institutions to provide annuity contracts, custodial accounts, or a combination, as investment options for the individual retirement account plan in addition to the Minnesota supplemental investment fund. In making its selection, at a minimum, the state board of investment shall consider at least the following:~~

- ~~(1) the experience and ability of the financial institution to provide retirement and death benefits and products that are suited to meet the needs of plan participants;~~
- ~~(2) the relationship of those retirement and death benefits and products provided by the financial institution to their cost; and~~
- ~~(3) the financial strength and stability of the financial institution; and~~
- ~~(4) the fees and expenses associated with the investment products in comparison to other products of similar risk and rates of return.~~

~~(e) (b) After selecting a financial institution, the state board of investment must periodically review each financial institution selected under paragraph (b) and the offered products. The periodic review must occur at least every three years. In making its review, the state board of investment may retain appropriate consulting services to assist it in its periodic review, establish a budget for the cost of the periodic review process, and charge a proportional share of these costs to the reviewed financial institution.~~

~~(d) (c) Contracts with financial institutions under this section must be executed by the board and must be approved by the state board of investment before execution.~~

~~(e) (d) The state board of investment shall also establish policies and procedures under section 11A.04, clause (2), to carry out the provisions of this subdivision.~~

Sec. 11. Minnesota Statutes 1998, section 354B.25, subdivision 5, is amended to read:

Subd. 5. [INDIVIDUAL RETIREMENT ACCOUNT PLAN ADMINISTRATIVE EXPENSES.] (a) The reasonable and necessary administrative expenses of the individual retirement account plan ~~must~~ may be paid by charged to plan participants by the plan sponsor in the following manner:

- ~~(1) from plan participants with amounts invested in the Minnesota supplemental investment~~

fund, the plan administrator may charge an administrative expense assessment in an amount such that annual total fees charged for plan administration cannot exceed 40/100 of one percent of the assets of the Minnesota supplemental investment funds; and

~~(2) from plan participants with amounts through annuity contracts and custodial accounts purchased under subdivision 2, paragraph (a), the plan administrator may charge an administrative expense assessment of a designated amount, not to exceed two percent of member and employer contributions, as those contributions are made form of an annual fee, an asset based fee, a percentage of the contributions to the plan, or a combination thereof.~~

(b) Any administrative expense charge that is not actually needed for the administrative expenses of the individual retirement account plan must be refunded to member accounts.

(c) The board of trustees shall report annually, before October 1, to the advisory committee created in subdivision 1a on administrative expenses of the plan. The report must include a detailed accounting of charges for administrative expenses collected from plan participants and expenditure of the administrative expense charges. The administrative expense charges collected from plan participants must be kept in a separate account from any other funds under control of the board of trustees and may be used only for the necessary and reasonable administrative expenses of the plan.

Sec. 12. [354B.31] [IRAP PART-TIME TEACHER MOBILITY PROGRAM.]

Subdivision 1. [PARTICIPATION REQUIREMENTS.] A faculty member who has three years or more of service in the Minnesota state colleges and universities system, by agreement with the board or with the authorized representative of the board, may be assigned to teaching service in a part-time teaching position under subdivision 2.

Subd. 2. [PART-TIME TEACHING POSITION; DEFINED.] For purposes of this section, "part-time teaching position" means a teaching position within the Minnesota state colleges and universities system in which the teacher is employed for at least 50 full days or a fractional equivalent as prescribed in section 354.091, and for which the faculty member is compensated in an amount not exceeding 80 percent of the compensation established by the board for a full-time faculty member with identical education and experience with the employing unit.

Subd. 3. [RETIREMENT CONTRIBUTIONS.] A faculty member assigned to a part-time position under this section shall continue to make employee contributions to the individual retirement account plan during the period of part-time employment on the same basis and in the same amounts as would have been paid if the person had been employed on a full-time basis provided that, prior to June 30 each year the member and the board make that portion of the required employer contribution to the plan, in any proportion which they may agree upon, that is based on the difference between the amount of compensation that would have been paid if the person had been employed on a full-time basis and the amount of compensation actually received by the person for the services rendered in the part-time assignment. The employing unit shall make that portion of the required employer contributions to the plan on behalf of the person that is based on the amount of compensation actually received by the person for the services rendered in the part-time assignment. The employee and employer contributions shall be based upon the rates of contribution prescribed by section 354B.23. Employee contributions for part-time teaching service pursuant to this section shall not continue for more than ten years.

Subd. 4. [OTHER MEMBERSHIP PRECLUDED.] A faculty member entitled to make employee contributions for part-time teaching service pursuant to this section shall not be entitled during the same period of time to be a member of, accrue allowable service credit in or make employee contributions to any other Minnesota public employee pension plan, except a volunteer firefighters relief association governed by sections 69.771 to 69.776.

Subd. 5. [INSURANCE.] If the board enters into an agreement authorized by this section, the board shall continue any insurance programs furnished or authorized a full-time teacher on an identical basis and with identical sharing of costs for a part-time teacher pursuant to this section. However, the requirements of this subdivision may be modified by a collective bargaining

agreement between a board and an exclusive representative pursuant to chapter 179A. Teachers as defined in section 136F.43 employed on a less than 75 percent time basis pursuant to this section are eligible for state paid insurance benefits as if the teachers were employed full-time.

Subd. 6. [ELIGIBILITY FOR CREDIT.] Only teachers who are public employees as defined in section 179A.03, subdivision 14, during the school year preceding the period of part-time employment pursuant to this section qualify for employee contributions to the retirement plan for part-time teaching service under subdivision 4. Notwithstanding section 179A.03, subdivision 14, clauses (e) and (f), teachers who are employed on a part-time basis for purposes of this section and who would therefore be disqualified from the bargaining unit by one or both of those provisions, continue to be in the bargaining unit during the period of part-time employment under this section for purposes of compensation, fringe benefits, and the grievance procedure.

Subd. 7. [BOARD POWER NOT RESTRICTED.] This section does not limit the authority of the board to assign a teacher to a part-time teaching position which does not qualify for full accrual of service credit from and employee contributions to the retirement fund under this section.

Subd. 8. [SUBSTITUTE TEACHING.] Subdivision 4 does not prohibit a teacher who qualifies for full accrual of service credit from and employee contributions to the retirement fund pursuant to this section in any year from being employed as a substitute teacher by any school district during that year. Notwithstanding sections 354.091 and 354.42, a teacher may not qualify for full accrual of service credit from and employee contributions to the retirement fund for other teaching service rendered for any part of any year for which the teacher qualifies for employee contributions to the retirement plan pursuant to this section.

Sec. 13. Minnesota Statutes 1998, section 354C.12, subdivision 4, is amended to read:

Subd. 4. [ADMINISTRATIVE EXPENSES.] (a) The board of trustees of the Minnesota state colleges and universities is authorized to pay the necessary and reasonable administrative expenses of the supplemental retirement plan and may bill participants to recover these expenses. ~~The administrative fees or charges must may be paid charged to by participants in the following manner: as an annual fee, an asset based fee, a percentage of contributions to the plan, or a contribution thereof.~~

~~(1) from participants whose contributions are invested with the state board of investment, the plan administrator may recover administrative expenses in the manner authorized by the Minnesota state colleges and universities in an amount such that annual total fees charged for plan administration cannot exceed 40/100 of one percent of the assets of the Minnesota supplemental investment funds; or~~

~~(2) from participants where contributions are invested through contracts purchased from any other authorized source, the plan administrator may assess an amount of up to two percent of the employee and employer contributions.~~

(b) Any recovered or assessed amounts that are not needed for the necessary and reasonable administrative expenses of the plan must be refunded to member accounts.

(c) The board of trustees shall report annually, before October 1, to the advisory committee created in section 354B.25, subdivision 1a, on administrative expenses of the plan. The report must include a detailed accounting of charges for administrative expenses collected from plan participants and expenditure of the administrative expense charges. The administrative expense charges collected from plan participants must be kept in a separate account from any other funds under control of the board of trustees and may be used only for the necessary and reasonable administrative expenses of the plan.

Sec. 14. [EFFECTIVE DATE.]

Sections 1 to 13 are effective on July 1, 1999."

Delete the title and insert:

"A bill for an act relating to retirement; general and statewide pension changes; authorizing certain service credit purchases; mandating certain school district service credit purchase payments including supplemental needs trusts as recipients of optional annuity forms; eliminating the service credit maximum for monthly benefit volunteer fire relief associations; mandating school district repayment of certain omitted deduction interest charges; expanding the membership of the state correctional employees retirement plan to include certain Minnesota extended treatment options program employees; downsizing the early retirement reduction rates for various public safety plans; grandparenting public employee police and fire plan coverage for certain Rice county correctional employees; requiring Rice county to repay certain police state aid amounts; providing employer penalties for pension plan membership certification failures or errors; providing special retirement coverage for certain state fire marshal employees; authorizing the purchase of credit for certain periods of prior military service, out-of-state public teaching service, maternity leaves, maternity breaks-in-employment, parochial or private school teaching service, Peace Corps service or VISTA service; clarifying various Minneapolis employees retirement plan survivor benefit provisions; increasing the number of vendors for certain tax-sheltered annuities for educational employees; modifying various benefit provisions for certain Minnesota state colleges and universities employees; amending Minnesota Statutes 1998, sections 43A.27, subdivision 3; 136F.48; 352.90; 352.91, by adding a subdivision; 352.93, subdivision 2a; 352B.08, subdivision 2a; 353.64, subdivision 1; 353.651, subdivision 4; 353A.083, by adding a subdivision; 354.445; 354.66, subdivisions 1b, 1c, and 3; 354B.24, subdivision 3; 354B.25, subdivisions 2, 3, and 5; 354C.12, subdivision 4; 356.19, by adding a subdivision; 356.24, subdivision 1; 356.55, subdivisions 1 and 6; 422A.06, subdivisions 3 and 6; 422A.101, subdivision 4; 422A.18, subdivision 2; 422A.22, subdivisions 4 and 5; and 422A.23; proposing coding for new law in Minnesota Statutes, chapters 352; 353; 354; 354A; 354B; 356; and 422A; repealing Minnesota Statutes 1998, sections 422A.16, subdivision 3a; and 424A.02, subdivision 5."

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

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

**S.F. No. 1925:** A bill for an act relating to state government; requiring the commissioner of employee relations to conform to consumer protection and benefit mandates; requiring reports; amending Minnesota Statutes 1998, sections 43A.22; 43A.23, subdivisions 1 and 2; and 43A.31, subdivision 2, and by adding a subdivision.

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

Page 3, after line 9, insert:

"The commissioner must pay the assessment required of contributing members pursuant to section 62E.11 and the premium tax established in section 60A.15 and must pay installments as described in section 60A.15, subdivision 1, paragraph (d), for any self-insured hospital and medical service product offered under sections 43A.22 to 43A.31."

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

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

**Senator Vickerman from the Committee on Local and Metropolitan Government, to which was referred**

**S.F. No. 1177:** A bill for an act relating to water and sanitary sewer districts; authorizing the Banning Junction area water and sanitary sewer district.

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

Page 8, delete lines 9 to 26

Page 8, line 27, delete "5" and insert "4"

Page 9, line 5, delete "6" and insert "5"

Page 9, line 9, delete "7" and insert "6"

Page 9, line 15, delete "8" and insert "7"

Page 9, line 26, delete "9" and insert "8"

Page 10, line 22, delete "10" and insert "9"

Page 10, line 32, delete "11" and insert "10"

Page 11, line 8, delete "12" and insert "11"

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

**Senator Ranum from the Committee on Judiciary, to which was referred**

**S.F. No. 286:** A bill for an act relating to health; requiring case studies of certain autopsies; appropriating money.

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

Page 2, line 25, delete everything after "are"

Page 2, line 26, delete everything before "The" and insert " confidential. The remedies and penalties in Minnesota Statutes, sections 13.08 and 13.09, apply to the release of data in violation of this subdivision."

Page 2, line 29, after the period, insert "Notwithstanding Minnesota Statutes, section 13.83, the professional association has access to protected nonpublic and nonpublic data for purposes of this section, until the report under this section is completed."

Amend the title as follows:

Page 1, line 3, delete "; appropriating money"

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.

**Senator Spear from the Committee on Crime Prevention, to which was referred**

**S.F. No. 584:** A bill for an act relating to public safety; adding flammable and combustible gas to an arson definition; prohibiting plea agreements that reduce an arson in the first degree charge when an automated sprinkler system has limited damage; providing penalties for juveniles who possess or use butane lighters in educational or public assembly occupancies and who use such lighters to ignite fireballs that endanger persons or property; amending Minnesota Statutes 1998, sections 609.561, subdivision 3; 609.5631, by adding a subdivision; and 609.5632.

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 1998, section 609.561, subdivision 3, is amended to read:

Subd. 3. (a) Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any building not included in subdivision 1, whether the property of the actor or another, commits arson in the first degree if a ~~combustible or flammable liquid~~ flammable material is used to start or accelerate the fire ~~and. A person who violates this paragraph may be sentenced to imprisonment for not more than 20 years or a fine of not more than \$20,000, or both.~~

(b) As used in this subdivision,:

(1) "combustible liquid" means a liquid having a flash point at or above 100 degrees Fahrenheit;

(2) "flammable gas" means any material which is a gas at 68 degrees Fahrenheit or less and 14.7 psi of pressure and which: (i) is ignitable when in a mixture of 13 percent or less by volume with air at atmospheric pressure; or (ii) has a flammable range with air at atmospheric pressure of at least 12 percent, regardless of the lower flammable limit;

(3) "flammable liquid" means any liquid having a flash point below 100 degrees Fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit, but does not include intoxicating liquor as defined in section 340A.101. ~~As used in this subdivision, "combustible liquid" means a liquid having a flash point at or above 100 degrees Fahrenheit;~~

(4) "flammable material" means a flammable or combustible liquid, a flammable gas, or a flammable solid; and

(5) "flammable solid" means any of the following three types of materials: (i) wetted explosives; (ii) self-reactive materials that are liable to undergo heat-producing decomposition; or (iii) readily combustible solids that may cause a fire through friction or that have a rapid burning rate as determined by specific flammability tests.

Sec. 2. Minnesota Statutes 1998, section 609.5631, subdivision 2, is amended to read:

Subd. 2. [CRIME DESCRIBED.] Whoever intentionally by means of fire or explosives sets fire to or burns or causes to be burned any ~~real or~~ personal property in a multiple unit residential building or public building and arson in the first, second, or third degree was not committed is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Sec. 3. [609.5633] [USE OF IGNITION DEVICES; PETTY MISDEMEANOR.]

A student who uses an ignition device, including a butane or disposable lighter or matches, inside a school or other building used for educational purposes and under circumstances where a fire is likely to occur, and arson in the first, second, third, or fourth degree was not committed, is guilty of a petty misdemeanor.

For the purposes of this subdivision, "student" has the meaning given in section 123B.41, subdivision 11.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective August 1, 1999, and apply to acts committed on or after that date."

Delete the title and insert:

"A bill for an act relating to public safety; adding various arson definitions relating to flammability; imposing penalties on students who use ignition devices inside educational buildings; amending Minnesota Statutes 1998, sections 609.561, subdivision 3; and 609.5631, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609."

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

**Senator Spear from the Committee on Crime Prevention, to which was referred**

**S.F. No. 1119:** A bill for an act relating to crime; providing criminal penalties for trespassing on railroad tracks; amending Minnesota Statutes 1998, section 609.85, subdivision 6.

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

Page 1, line 13, delete "August" and insert "June"

And when so amended the bill do pass. Senator Lessard questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**S.F. No. 1636:** A bill for an act relating to governmental operations; providing for regulatory relief for local units of government; proposing coding for new law in Minnesota Statutes, chapter 14.

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

Delete everything after the enacting clause and insert:

"Section 1. [14.091] [PETITION; UNIT OF LOCAL GOVERNMENT.]

(a) The elected governing body of a statutory or home-rule city or a county may petition for amendment or repeal of a rule or a specified portion of a rule. The petition must be adopted by resolution of the elected governing body and must be submitted in writing to the agency and to the office of administrative hearings, must specify what amendment or repeal is requested, and must demonstrate that one of the following has become available since the adoption of the rule in question:

- (1) significant new evidence relating to the need for or reasonableness of the rule; or
- (2) less costly or intrusive methods of achieving the purpose of the rule.

(b) Within 30 days of receiving a petition, an agency shall reply to the petitioner in writing stating either that the agency, within 90 days of the date of the reply, will give notice under section 14.389 of intent to adopt the amendment or repeal requested by the petitioner or that the agency does not intend to amend or repeal the rule and has requested the office of administrative hearings to review the petition. If the agency intends to amend or repeal the rule in the manner requested by the petitioner, the agency must use the process under section 14.389 to amend or repeal the rule. Section 14.389, subdivision 5, applies.

(c) Upon receipt of an agency request under paragraph (b), the chief administrative law judge shall assign an administrative law judge, who was not involved when the rule or portion of a rule that is the subject of the petition was adopted or amended, to review the petition to determine whether the petitioner has complied with the requirements of paragraph (a). In conducting the review, the administrative law judge may consult with and consider written material submitted by the petitioner, the agency, or other interested persons within ten days of receipt of the agency request. The administrative law judge shall dismiss the petition if the judge determines that the petitioner has not complied with the requirements of paragraph (a).

(d) If the administrative law judge assigned by the chief administrative law judge determines that the petitioner has complied with the requirements of paragraph (a), the administrative law judge shall conduct a hearing and issue a decision on the petition within 120 days of its receipt by the office of administrative hearings. The agency shall give notice of the hearing in the same manner required for notice of a proposed rule hearing under section 14.14, subdivision 1a. At the public hearing, the agency shall make an affirmative presentation of facts establishing the need for and reasonableness of the rule or portion of the rule in question. A rule or portion of a rule is needed and reasonable if it is required by federal law or is required to maintain authority to

administer a federal program. If the administrative law judge determines that the agency has not established the continued need for and reasonableness of the rule or portion of the rule, the rule or portion of the rule does not have the force of law, effective 90 days after the administrative law judge's decision, unless the agency has before then published notice in the State Register of intent to amend or repeal the rule in accordance with paragraph (e).

(e) The agency may amend or repeal the rule in the manner requested by the petitioner, or in another manner that the administrative law judge has determined is needed and reasonable. Amendments under this paragraph may be adopted under the expedited process in section 14.389. Section 14.389, subdivision 5, applies to this adoption. If the agency uses the expedited process and no public hearing is required, the agency must complete the amendment or repeal of the rule within 90 days of the administrative law judge's decision under paragraph (d). If a public hearing is required, the agency must complete the amendment or repeal of the rule within 180 days of the administrative law judge's decision under paragraph (d). A rule or portion of a rule that is not amended or repealed in the time prescribed by this paragraph does not have the force of law upon expiration of the deadline. A rule that is amended within the time prescribed in this paragraph has the force of law, as amended.

(f) The chief administrative law judge shall report the decision under paragraph (d) within 30 days to the chairs of the house and senate committees having jurisdiction over governmental operations and the chairs of the house and senate committees having jurisdiction over the agency whose rule or portion of a rule was the subject of the petition.

(g) The chief administrative law judge shall assess a petitioner half the cost of processing a petition and conducting a public hearing under paragraph (d).

(h) This section expires July 31, 2001."

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

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

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**S.F. No. 157:** A bill for an act relating to capital improvements; providing standards for state assistance to capital improvement projects of political subdivisions; proposing coding for new law in Minnesota Statutes, chapter 16A.

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

Page 1, lines 7 and 8, delete "POLITICAL SUBDIVISIONS" and insert "CITIES AND COUNTIES"

Page 2, line 9, delete "and"

Page 2, line 11, before the period, insert "; and"

(7) the project does not compete with a private-sector enterprise"

Page 2, line 16, before "If" insert "(a)"

Page 2, line 20, after the period, insert "This subdivision does not apply to a project proposed by a school district or other school organization."

Page 2, after line 20, insert:

"(b) Notwithstanding paragraph (a), more than half the total cost of a project may be funded if the project is deemed needed as a result of a disaster or to prevent a disaster.

Sec. 2. [REQUESTS SUBMITTED IN 1999.]

Notwithstanding Minnesota Statutes, section 16A.86, subdivision 2, a request from a political subdivision under that subdivision in 1999 must be submitted by September 1, 1999."

Amend the title as follows:

Page 1, line 4, delete "political subdivisions" and insert "cities and counties"

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

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**S.F. No. 1658:** A resolution relating to government operations; memorializing the State Historical Society, the State Archaeologists, the Council of Indian Affairs, and the Minnesota State Historical Preservation Office to protect and preserve the traditional cultural properties of the Mendota Mdewakanton Dakota Community.

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

Page 2, after line 32, insert:

"WHEREAS, designating Coldwater Spring as Traditional Cultural Property is in no way intended to jeopardize funding for the Hiawatha Corridor light rail transitway provided the transitway does not harm Coldwater Spring; and"

Page 2, line 33, delete "has" and insert "had"

Page 3, lines 11 and 12, delete "NOW, THEREFORE," and insert "and"

WHEREAS, the court has ordered mediation between MnDOT and the plaintiffs arrested in the civil disobedience action of December 20, 1998, to begin February 18, 1999, and to be assisted by federal mediators; NOW, THEREFORE,"

Page 3, after line 20, insert:

"BE IT FURTHER RESOLVED that the legislature remains committed to implementing light rail transit along the Hiawatha Corridor, and directs the Minnesota Department of Transportation to submit the full funding application for light rail transit on schedule and on the current Hiawatha Avenue alignment."

Page 3, line 21, after "mediation" insert "that had been ordered to begin in February 1999"

Page 3, line 22, delete "begin immediately"

Page 3, line 24, before the period, insert ", is commended as a good faith effort and should continue"

Page 3, after line 28, insert:

"BE IT FURTHER RESOLVED that the entire Coldwater Spring area in dispute over the proposed reroute of State Highway 55 in South Minneapolis be used solely as a sacred traditional cultural property forever."

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

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

**H.F. No. 645:** A bill for an act relating to the environment; conforming state requirements for water supply and wastewater treatment operator certification to federal requirements; removing the expiration date of an advisory council; removing obsolete references; amending Minnesota Statutes 1998, sections 115.71, subdivisions 9a and 10; and 115.741, subdivisions 1, 2, and 3.

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

Page 2, line 34, before "in" insert "knowledgeable" and delete the second "a"

Page 2, line 35, delete "related field" and insert "matters"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

**Senator Solon from the Committee on Commerce, to which was referred**

**S.F. No. 1182:** A bill for an act relating to commerce; regulating insurance for funeral or burial expenses; allowing funeral establishments to sell funeral insurance and receive commissions for these sales; amending Minnesota Statutes 1998, section 72A.325.

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

Page 1, line 19, delete the new language and strike the old language

Page 1, line 20, before "of" insert "persons with legal authority to control the disposition of the remains of the deceased policyholder under section 149A.80, subdivision 2,"

Page 1, lines 21 to 24, reinstate the stricken language

Page 1, line 25, reinstate the stricken language and before the period, insert ", except the sale of a preneed funeral insurance contract with a face amount not to exceed \$20,000"

Page 2, after line 2, insert:

"For purposes of this section, "preneed funeral insurance contract" means an agreement by or for an individual before that individual's death relating to the purchase or provision of specific funeral or cemetery merchandise or services.

Nothing in this section constitutes a waiver or exception to the requirements of chapter 60K."

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

**Senator Solon from the Committee on Commerce, to which was referred**

**S.F. No. 521:** A bill for an act relating to insurance; requiring no-fault automobile insurance medical benefits to include sign interpreting and language translation; making technical changes; amending Minnesota Statutes 1998, section 65B.44, subdivision 2.

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

Page 1, line 19, after "services" insert ", other than such services provided by a family member of the patient,"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

**Senator Solon from the Committee on Commerce, to which was referred**

**S.F. No. 1715:** A bill for an act relating to commerce; providing enforcement authority for the commissioner; regulating service of process; regulating residential building contractors and remodelers; providing criminal penalties; amending Minnesota Statutes 1998, sections 45.027,

subdivisions 6 and 7; 45.028, subdivision 2; 60B.04, by adding a subdivision; 80A.15, subdivision 2; 326.83, subdivision 18; 326.89, subdivision 3; 326.92, by adding a subdivision; 326.94, subdivision 2; and 332.37; proposing coding for new law in Minnesota Statutes, chapters 60B; and 82B; repealing Minnesota Statutes 1998, section 326.89, subdivision 3a.

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

Pages 4 to 6, delete sections 4 and 5

Page 15, delete section 7 and insert:

"Sec. 5. Minnesota Statutes 1998, section 155A.03, subdivision 2, is amended to read:

Subd. 2. [COSMETOLOGY.] "Cosmetology" is the practice of personal services, for compensation, for the cosmetic care of the hair, nails, and skin. These services include cleaning, conditioning, shaping, reinforcing, coloring and enhancing the body surface in the areas of the head, scalp, face, arms, hands, legs, and feet, except where these services are performed by a licensed barber under chapter 154, but does not include hair braiding."

Page 16, delete section 10

Page 19, line 20, delete "5, 7 to 10, 12, and 13" and insert "3, 5 to 7, 9, and 10"

Page 19, line 21, delete "6 and 11" and insert "4 and 8"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete everything after the second semicolon

Page 1, line 8, delete "subdivision;" and before "326.83" insert "155A.03, subdivision 2;"

Page 1, lines 9 and 10, delete "326.92, by adding a subdivision;"

Page 1, delete lines 11 and 12 and insert "332.37; repealing Minnesota"

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

#### **Senator Solon from the Committee on Commerce, to which was referred**

**H.F. No. 872:** A bill for an act relating to contracts; regulating building and construction contracts; providing for the enforceability of certain agreements indemnifying against environmental liability; amending Minnesota Statutes 1998, section 337.02.

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

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

**H.F. No. 1003** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1003	810				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1003 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1003 and insert the language after

the enacting clause of S.F. No. 810, the first engrossment; further, delete the title of H.F. No. 1003 and insert the title of S.F. No. 810, the first engrossment.

And when so amended H.F. No. 1003 will be identical to S.F. No. 810, and further recommends that H.F. No. 1003 be given its second reading and substituted for S.F. No. 810, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 1421** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		1421	1239		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1421 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1421 and insert the language after the enacting clause of S.F. No. 1239; further, delete the title of H.F. No. 1421 and insert the title of S.F. No. 1239.

And when so amended H.F. No. 1421 will be identical to S.F. No. 1239, and further recommends that H.F. No. 1421 be given its second reading and substituted for S.F. No. 1239, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 627** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
627	616				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 627 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 627 and insert the language after the enacting clause of S.F. No. 616; further, delete the title of H.F. No. 627 and insert the title of S.F. No. 616.

And when so amended H.F. No. 627 will be identical to S.F. No. 616, and further recommends that H.F. No. 627 be given its second reading and substituted for S.F. No. 616, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 270** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
270	470				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 270 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 270 and insert the language after the enacting clause of S.F. No. 470, the first engrossment; further, delete the title of H.F. No. 270 and insert the title of S.F. No. 470, the first engrossment.

And when so amended H.F. No. 270 will be identical to S.F. No. 470, and further recommends that H.F. No. 270 be given its second reading and substituted for S.F. No. 470, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 1216** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		1216	1391		

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.

**Senator Sams from the Committee on Agriculture and Rural Development, to which was referred the following appointment as reported in the Journal for March 4, 1999:**

DEPARTMENT OF AGRICULTURE  
COMMISSIONER

Gene Hugoson

Reports the same back with the recommendation that the appointment be confirmed.

Senator Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

**SECOND READING OF SENATE BILLS**

S.F. Nos. 985, 170, 676, 2043, 851, 496, 584, 1182, 521 and 1715 were read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. Nos. 525, 240, 216, 645, 872, 1003, 1421, 627, 270 and 1216 were read the second time.

**MOTIONS AND RESOLUTIONS**

Senator Hanson moved that S.F. No. 1212, No. 24 on General Orders, be stricken and returned to its author. The motion prevailed.

Senator Olson moved that the name of Senator Murphy be added as a co-author to S.F. No. 1591. The motion prevailed.

Senator Moe, R.D. moved that his name be stricken as a co-author to S.F. No. 1793. The motion prevailed.

Senator Olson moved that the names of Senators Runbeck and Pariseau be added as co-authors to S.F. No. 1964. The motion prevailed.

Senator Hanson moved that S.F. No. 132 be withdrawn from the Committee on Taxes and re-referred to the Committee on Local and Metropolitan Government. The motion prevailed.

Senator Oliver moved that S.F. No. 1445 be withdrawn from the Committee on Local and Metropolitan Government and returned to its author. The motion prevailed.

**CALENDAR**

**S.F. No. 984:** A bill for an act relating to professions; modifying enforcement provisions for the board of psychology; proposing coding for new law in Minnesota Statutes, chapter 148.

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 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 1120:** A bill for an act relating to crime; defining the crime of laser assault; imposing criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

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 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 1330:** A bill for an act relating to financial institutions; regulating fees, charges, and time periods; authorizing certain part-time banking locations; authorizing reverse stock splits; making corrections and conforming changes; amending Minnesota Statutes 1998, sections 46.041, subdivisions 1 and 3; 46.048, subdivisions 1 and 2b; 46.131, subdivision 10; 47.0156; 47.101, subdivision 3; 47.20, subdivision 6b; 47.203; 47.204, subdivision 1; 47.27, subdivision 3; 47.52; 47.54, subdivisions 2 and 3; 47.59, subdivision 12; 47.60, subdivision 3; 48.15, subdivisions 2a and 3; 48A.15, subdivision 1; 49.36, subdivision 1; 52.01; 53.03, subdivisions 1, 6, and 7; 55.04, subdivision 2; 56.02; 56.131, subdivision 1; 59A.03, subdivision 2; 168.67; 168.71; 303.25, subdivision 5; 332.15, subdivisions 2 and 3; 332.17; and 332.30; proposing coding for new law in Minnesota Statutes, chapters 48; 52; and 334.

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

So the bill passed and its title was agreed to.

**S.F. No. 1173:** A bill for an act relating to water; approving the granting of a permit for the consumptive use of groundwater pursuant to Minnesota Statutes, section 103G.265, 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

Limmer	Novak	Piper	Samuelson	Ten Eyck
Lourey	Oliver	Price	Scheid	Terwilliger
Marty	Olson	Ranum	Solon	Vickerman
Metzen	Ourada	Robertson	Spear	Wiger
Moe, R.D.	Pappas	Robling	Stevens	
Neuville	Pariseau	Runbeck	Stumpf	

So the bill passed and its title was agreed to.

**H.F. No. 183:** A bill for an act relating to civil commitment; modifying provisions governing parental consent to chemical dependency treatment for minors; amending Minnesota Statutes 1998, section 253B.04, 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**H.F. No. 413:** A bill for an act relating to professions; modifying certain licensing and registration requirements for physicians, acupuncturists, and athletic trainers; amending Minnesota Statutes 1998, sections 147.02, subdivision 1; 147.03, subdivision 1; 147.037, subdivision 1; 147B.02, subdivisions 4 and 9; 147B.05, subdivision 2; 148.7808, subdivisions 4 and 5; and 148.7815, subdivisions 1 and 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	Hottinger	Laidig	Oliver	Scheid
Belanger	Janezich	Langseth	Olson	Solon
Berg	Johnson, D.E.	Larson	Ourada	Spear
Berglin	Johnson, D.H.	Lesewski	Pappas	Stevens
Betzold	Johnson, D.J.	Lessard	Pariseau	Stumpf
Cohen	Johnson, J.B.	Limmer	Piper	Ten Eyck
Day	Junge	Lourey	Price	Terwilliger
Fischbach	Kelley, S.P.	Marty	Ranum	Vickerman
Flynn	Kelly, R.C.	Metzen	Robertson	Wiger
Foley	Kiscaden	Moe, R.D.	Robling	
Frederickson	Kleis	Murphy	Runbeck	
Hanson	Knutson	Neuville	Sams	
Higgins	Krentz	Novak	Samuelson	

So the bill passed and its title was agreed to.

**H.F. No. 492:** A bill for an act relating to education; authorizing building on a state university campus.

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

So the bill passed and its title was agreed to.

**S.F. No. 891:** A bill for an act relating to municipalities; clarifying an exception to tort liability; amending Minnesota Statutes 1998, section 466.03, subdivision 4.

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

So the bill passed and its title was agreed to.

**H.F. No. 766:** A bill for an act relating to traffic regulations; authorizing blue lights on motorcycles as part of the rear brake light; amending Minnesota Statutes 1998, section 169.64, subdivision 4.

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

Metzen	Olson	Ranum	Scheid	Terwilliger
Moe, R.D.	Ourada	Robertson	Solon	Vickerman
Murphy	Pappas	Robling	Spear	Wiger
Neuville	Pariseau	Runbeck	Stevens	
Novak	Piper	Sams	Stumpf	
Oliver	Price	Samuelson	Ten Eyck	

So the bill passed and its title was agreed to.

**S.F. No. 1020:** A bill for an act relating to elections; changing certain precinct caucus procedures; eliminating the presidential primary; amending Minnesota Statutes 1998, sections 202A.18, by adding a subdivision; and 202A.20, subdivision 2; repealing Minnesota Statutes 1998, sections 207A.01; 207A.02; 207A.03; 207A.04; 207A.06; 207A.07; 207A.08; 207A.09; and 207A.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 51 and nays 12, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berg	Johnson, D.J.	Pogemiller	Sams	Scheid
Cohen	Langseth	Robertson	Samuelson	Terwilliger
Johnson, D.H.	Lessard			

So the bill passed and its title was agreed to.

**S.F. No. 803:** A bill for an act relating to game and fish; requiring a fishing guide license on the St. Louis river estuary; amending Minnesota Statutes 1998, sections 97A.475, subdivision 15; and 97C.311, 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	Novak	Sams
Belanger	Hottinger	Laidig	Oliver	Samuelson
Berg	Janezich	Langseth	Olson	Scheid
Berglin	Johnson, D.E.	Larson	Ourada	Solon
Betzold	Johnson, D.H.	Lesewski	Pappas	Spear
Cohen	Johnson, D.J.	Lessard	Pariseau	Stevens
Day	Johnson, J.B.	Limmer	Piper	Stumpf
Dille	Junge	Lourey	Pogemiller	Ten Eyck
Fischbach	Kelley, S.P.	Marty	Price	Terwilliger
Flynn	Kelly, R.C.	Metzen	Ranum	Vickerman
Foley	Kiscaden	Moe, R.D.	Robertson	Wiger
Frederickson	Kleis	Murphy	Robling	
Hanson	Knutson	Neuville	Runbeck	

So the bill passed and its title was agreed to.

**S.F. No. 1352:** A bill for an act relating to natural resources; allowing certain land to be enrolled in more than one state or federal conservation program; amending Minnesota Statutes 1998, section 103F.515, 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	Novak	Sams
Belanger	Hottinger	Laidig	Oliver	Samuelson
Berg	Janezich	Langseth	Olson	Scheid
Berglin	Johnson, D.E.	Larson	Ourada	Solon
Betzold	Johnson, D.H.	Lesewski	Pappas	Spear
Cohen	Johnson, D.J.	Lessard	Pariseau	Stumpf
Day	Johnson, J.B.	Limmer	Piper	Ten Eyck
Dille	Junge	Lourey	Pogemiller	Terwilliger
Fischbach	Kelley, S.P.	Marty	Price	Vickerman
Flynn	Kelly, R.C.	Metzen	Ranum	Wiger
Foley	Kiscaden	Moe, R.D.	Robertson	
Frederickson	Kleis	Murphy	Robling	
Hanson	Knutson	Neuville	Runbeck	

So the bill passed and its title was agreed to.

**S.F. No. 972:** A bill for an act relating to game and fish; modifying migratory waterfowl refuge provisions; designating a migratory waterfowl refuge; repealing a commissioner's order; amending Minnesota Statutes 1998, section 97A.095, 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	Novak	Sams
Belanger	Hottinger	Laidig	Oliver	Samuelson
Berg	Janezich	Langseth	Olson	Scheid
Berglin	Johnson, D.E.	Larson	Ourada	Solon
Betzold	Johnson, D.H.	Lesewski	Pappas	Spear
Cohen	Johnson, D.J.	Lessard	Pariseau	Stevens
Day	Johnson, J.B.	Limmer	Piper	Stumpf
Dille	Junge	Lourey	Pogemiller	Ten Eyck
Fischbach	Kelley, S.P.	Marty	Price	Terwilliger
Flynn	Kelly, R.C.	Metzen	Ranum	Vickerman
Foley	Kiscaden	Moe, R.D.	Robertson	Wiger
Frederickson	Kleis	Murphy	Robling	
Hanson	Knutson	Neuville	Runbeck	

So the bill passed and its title was agreed to.

**S.F. No. 1188:** A bill for an act relating to municipalities; increasing certain dollar limits in the Uniform Municipal Contracting Law; providing an exemption for certain cooperative purchasing; amending Minnesota Statutes 1998, section 471.345, subdivisions 3, 4, and 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	Hottinger	Laidig	Oliver	Samuelson
Belanger	Janezich	Langseth	Olson	Scheid
Berg	Johnson, D.E.	Larson	Ourada	Solon
Berglin	Johnson, D.H.	Lesewski	Pappas	Spear
Betzold	Johnson, D.J.	Lessard	Pariseau	Stevens
Cohen	Johnson, J.B.	Limmer	Piper	Stumpf
Day	Junge	Lourey	Pogemiller	Ten Eyck
Fischbach	Kelley, S.P.	Marty	Price	Terwilliger
Flynn	Kelly, R.C.	Metzen	Ranum	Vickerman
Foley	Kiscaden	Moe, R.D.	Robertson	Wiger
Frederickson	Kleis	Murphy	Robling	
Hanson	Knutson	Neuville	Runbeck	
Higgins	Krentz	Novak	Sams	

So the bill passed and its title was agreed to.

### CONSENT CALENDAR

**H.F. No. 1126:** A bill for an act relating to human services; licensed family day care; modifying child age classification definitions; amending Minnesota Statutes 1998, section 245A.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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**H.F. No. 1258:** A bill for an act relating to family law; reviving the summary dissolution process; repealing Laws 1991, chapter 271, section 9, as amended.

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 11, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Hottinger	Kelly, R.C.	Larson
Berg	Flynn	Janezich	Kiscaden	Lessard
Berglin	Foley	Johnson, D.E.	Kleis	Limmer
Betzold	Frederickson	Johnson, D.H.	Knutson	Lourey
Cohen	Hanson	Johnson, D.J.	Krentz	Marty
Day	Higgins	Kelley, S.P.	Langseth	Metzen

Moe, R.D.  
Neuville  
Novak  
Oliver  
Olson

Pappas  
Pariseau  
Piper  
Price  
Ranum

Robertson  
Runbeck  
Sams  
Samuelson  
Scheid

Solon  
Spear  
Stumpf  
Ten Eyck  
Vickerman

Wiger

Those who voted in the negative were:

Belanger  
Dille  
Johnson, J.B.

Junge  
Laidig

Lesewski  
Murphy

Ourada  
Robling

Stevens  
Terwilliger

So the bill passed and its title was agreed to.

### GENERAL ORDERS

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

After some time spent therein, the committee arose, and Senator Spear reported that the committee had considered the following:

S.F. Nos. 283, 347, 1101, 778, 1092, 1649, 1528, 451, 775 and H.F. No. 50, which the committee recommends to pass.

S.F. No. 746, which the committee recommends to pass with the following amendment offered by Senator Vickerman:

Pages 1 and 2, delete sections 1 and 2

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1144, which the committee recommends to pass with the following amendments offered by Senators Scheid and Kleis:

Senator Scheid moved to amend S.F. No. 1144 as follows:

Page 6, line 1, delete "residence or in the"

The motion prevailed. So the amendment was adopted.

Senator Kleis moved to amend S.F. No. 1144 as follows:

Page 16, after line 33, insert:

"Sec. 30. Minnesota Statutes 1998, section 205.075, subdivision 2, is amended to read:

Subd. 2. [ALTERNATE DATE; METROPOLITAN TOWNS.] A town located in the metropolitan area as defined by section 473.121 may, by resolution or ordinance, designate the first Tuesday after the first Monday in November of either the even-numbered or the odd-numbered year as the date of the town general election. Town supervisors elected at a November town general election shall serve four-year terms.

The ordinance or resolution changing the date of the town general election must include a plan to shorten or lengthen the terms of office to provide an orderly transition to the November election schedule.

The ordinance or resolution changing the date of the town general election may be proposed by the town board or by a resolution of the electors adopted at the annual town meeting and is effective upon an affirmative vote of the electors at the next town general election."

Page 21, after line 26, insert:

"Sec. 41. Minnesota Statutes 1998, section 367.03, subdivision 4, is amended to read:

Subd. 4. [~~OFFICERS; METROPOLITAN TOWNS NOVEMBER ELECTION.~~] Supervisors and other town officers in towns located in the metropolitan area as defined in section 473.121 that hold the town general election in November shall be elected for terms of four years and until their successors are elected and qualified. The clerk and treasurer shall be elected in alternate years."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 51 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Johnson, D.E.	Larson	Piper	Spear
Belanger	Johnson, D.H.	Lesewski	Pogemiller	Stevens
Berglin	Johnson, D.J.	Marty	Price	Stumpf
Betzold	Johnson, J.B.	Metzen	Ranum	Ten Eyck
Cohen	Junge	Moe, R.D.	Robertson	Terwilliger
Day	Kelly, R.C.	Neuville	Robling	Wiener
Fischbach	Kiscaden	Oliver	Runbeck	Wiger
Flynn	Kleis	Olson	Sams	
Foley	Knutson	Ourada	Samuelson	
Hanson	Krentz	Pappas	Scheid	
Hottinger	Laidig	Pariseau	Solon	

Those who voted in the negative were:

Dille	Kelley, S.P.	Limmer	Lourey	Vickerman
Frederickson	Lessard			

The motion prevailed. So the amendment was adopted.

S.F. No. 1324, which the committee recommends to pass with the following amendment offered by Senator Wiger:

Page 2, after line 33, insert:

"Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective April 1, 2000."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

On motion of Senator Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

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

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS

AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 117:** A bill for an act relating to crime; limiting the time period during which a defendant may challenge a restitution request; amending Minnesota Statutes 1998, section 611A.045, subdivision 3.

Senate File No. 117 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 25, 1999

### CONCURRENCE AND REPASSAGE

Senator Knutson moved that the Senate concur in the amendments by the House to S.F. No. 117 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 117 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### REPORTS OF COMMITTEES

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

**Senator Novak from the Committee on Jobs, Energy and Community Development, to which was referred**

**S.F. No. 2059:** A bill for an act relating to landlords and tenants; providing that landlords may apportion utility payments among residential units; amending Minnesota Statutes 1998, section 504.185, subdivision 1a.

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

Page 1, line 25, after the period, insert "If the owner of a single-metered residential building bills for utility charges separately from the rent, the method of apportionment must be predetermined and a good faith estimate of future utility costs provided and both the estimate and apportionment method made a part of the oral or written lease."

Sec. 2. [INSTRUCTION TO THE REVISOR.]

The revisor of statutes is instructed to incorporate section 1 into Minnesota Statutes, section 504A.131, and its successor section should one be enacted."

Page 2, line 1, delete "2" and insert "3"

Page 2, line 2, delete everything after "effective" and insert "the day following final enactment for residential leases entered into or renewed on and after 60 days following the effective date."

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

**Senator Flynn from the Committee on Transportation, to which was referred**

**H.F. No. 528:** A bill for an act relating to transportation; requiring department of transportation specifications for underground storage tanks to include certain types of fiberglass and steel tanks; proposing coding for new law in Minnesota Statutes, chapter 174.

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

**Senator Flynn from the Committee on Transportation, to which was referred**

**H.F. No. 745:** A bill for an act relating to traffic regulations; clarifying placement of televisions in motor vehicles; amending Minnesota Statutes 1998, section 169.471, subdivision 1.

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

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1998, section 168.09, subdivision 7, is amended to read:

Subd. 7. [DISPLAY OF TEMPORARY PERMIT; SPECIAL PLATES.] A vehicle that displays or applies for a special plate issued under section 168.021; 168.12, subdivision 2, 2a, 2b, 2c, or 2d, or 2e; 168.123; 168.1235; 168.124; 168.125; 168.126; 168.128; or 168.1281; 168.129; 168.1291; 168.1292; or 168.1296 may display a temporary permit in conjunction with expired registration if:

(1) the current registration tax and all other fees have been paid in full; and

(2) the plate requires replacement under section 168.12, subdivision 1, paragraph (3).

The permit is valid for a period of 60 days. The permit must be in a form prescribed by the commissioner of public safety and whenever practicable must be posted upon the driver's side of the rear window on the inside of the vehicle. The permit is valid only for the vehicle for which it was issued to allow a reasonable time for the new license plates to be manufactured and delivered to the applicant."

Page 1, line 19, delete "1" and insert "2"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "providing for temporary vehicle registration permits;"

Page 1, line 4, delete "section" and insert "sections 168.09, subdivision 7; and"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

**Senator Vickerman from the Committee on Local and Metropolitan Government, to which was re-referred**

**S.F. No. 321:** A bill for an act relating to cities; authorizing housing improvement areas; proposing coding for new law in Minnesota Statutes, chapter 428A.

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 1998, section 428A.11, subdivision 6, is amended to read:

Subd. 6. [HOUSING UNIT.] "Housing unit" means real property and improvements thereon consisting of a one-dwelling unit, or an apartment as described in chapter 515 ~~or~~, 515A, or 515B, that is occupied by a person or family for use as a residence.

Sec. 2. Minnesota Statutes 1998, section 428A.11, is amended by adding a subdivision to read:

Subd. 7. [AUTHORITY.] "Authority" means an economic development authority created pursuant to section 469.091 or a housing and redevelopment authority created pursuant to section 469.003.

Sec. 3. Minnesota Statutes 1998, section 428A.11, is amended by adding a subdivision to read:

Subd. 8. [IMPLEMENTING ENTITY.] "Implementing entity" means the city or authority designated in the enabling ordinance as responsible for implementing and administering the housing improvement area.

Sec. 4. Minnesota Statutes 1998, section 428A.13, subdivision 1, is amended to read:

Subdivision 1. [ORDINANCE.] The governing body of the city may adopt an ordinance establishing a one or more housing improvement area areas. The ordinance must specifically describe the portion of the city to be included in the area, the basis for the imposition of the fees, and the number of years the fee will be in effect. In addition, the ordinance must include findings that without the housing improvement area, the proposed improvements could not be made by the condominium associations or housing unit owners, and the designation is needed to maintain and preserve the housing units within the housing improvement area. The ordinance shall designate the implementing entity. The ordinance may not be adopted until a public hearing has been held regarding the ordinance. The ordinance may be amended by the governing body of the city, provided the governing body complies with the public hearing notice provisions of subdivision 2. Within 30 days after adoption of the ordinance under this subdivision, the governing body shall send a copy of the ordinance to the commissioner of revenue.

Sec. 5. Minnesota Statutes 1998, section 428A.13, subdivision 3, is amended to read:

Subd. 3. [PROPOSED HOUSING IMPROVEMENTS.] At the public hearing held under subdivision 2, the city proposed implementing entity shall provide a preliminary listing of the housing improvements to be made in the area. The listing shall identify those improvements, if any, that are proposed to be made to all or a portion of the common elements of a condominium. The listing shall also identify those housing units that have completed the proposed housing improvements and are proposed to be exempted from a portion of the fee. In preparing the list the city proposed implementing entity shall consult with the residents of the area and the condominium associations.

Sec. 6. Minnesota Statutes 1998, section 428A.14, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY.] Fees may be imposed by the city implementing entity on the housing units within the housing improvement area at a rate, term, or amount sufficient to produce revenue required to provide housing improvements in the area to reimburse the implementing entity for advances made to pay for the housing improvements or to pay principal or interest on, and premiums, if any, of bonds issued by the implementing entity pursuant to section 428A.16. The fee can be imposed on the basis of the tax capacity of the housing unit, or the total amount of square footage of the housing unit, or a method determined by the council and specified in the resolution. Before the imposition of the fees, a hearing must be held and notice must be published

in the official newspaper at least seven days before the hearing and shall be mailed at least seven days before the hearing to any housing unit owner subject to a fee. For purposes of this section, the notice must also include:

- (1) a statement that all interested persons will be given an opportunity to be heard at the hearing regarding a proposed housing improvement fee;
- (2) the estimated cost of improvements including administrative costs to be paid for in whole or in part by the fee imposed under the ordinance;
- (3) the amount to be charged against the particular property;
- (4) the right of the property owner to prepay the entire fee;
- (5) the number of years the fee will be in effect; and
- (6) a statement that the petition requirements of section 428A.12 have either been met or do not apply to the proposed fee.

Within six months of the public hearing, the city implementing entity may adopt a resolution imposing a fee within the area not exceeding the amount expressed in the notice issued under this section.

Prior to adoption of the resolution approving the fee, the condominium associations located in the housing improvement area shall submit to the city implementing entity a financial plan prepared by an independent third party, acceptable to the city implementing entity and associations, that provides for the associations to finance maintenance and operation of the common elements in the condominium and a long-range plan to conduct and finance capital improvements.

Sec. 7. Minnesota Statutes 1998, section 428A.15, is amended to read:

428A.15 [COLLECTION OF FEES.]

The city implementing entity may provide for the collection of the housing improvement fees according to the terms of section 428A.05.

Sec. 8. Minnesota Statutes 1998, section 428A.16, is amended to read:

428A.16 [BONDS.]

At any time after a contract for the construction of all or part of an improvement authorized under sections 428A.11 to 428A.20 has been entered into or the work has been ordered, the governing body of the city implementing entity may issue obligations in the amount it deems necessary to defray in whole or in part the expense incurred and estimated to be incurred in making the improvement, including every item of cost from inception to completion and all fees and expenses incurred in connection with the improvement or the financing.

The obligations are payable primarily out of the proceeds of the fees imposed under section 428A.14, or from any other special assessments or revenues available to be pledged for their payment under charter or statutory authority, or from two or more of those sources. The governing body of the city, or if the governing bodies are the same or consist of identical membership, the authority may, by resolution adopted prior to the sale of obligations, pledge the full faith, credit, and taxing power of the city to assure bonds issued by it to ensure payment of the principal and interest if the proceeds of the fees in the area are insufficient to pay the principal and interest. The obligations must be issued in accordance with chapter 475, except that an election is not required, and the amount of the obligations are not included in determination of the net debt of the city under the provisions of any law or charter limiting debt.

Sec. 9. Minnesota Statutes 1998, section 428A.17, is amended to read:

428A.17 [ADVISORY BOARD.]

The governing body of the city implementing entity may create and appoint an advisory board for the housing improvement area in the city to advise the governing body implementing entity in connection with the planning and construction of housing improvements. In appointing the board, the council implementing entity shall consider for membership members of condominium associations located in the housing improvement area. The advisory board shall make recommendations to the governing body implementing entity to provide improvements or impose fees within the housing improvement area. Before the adoption of a proposal by the governing body implementing entity to provide improvements within the housing improvement area, the advisory board of the housing improvement area shall have an opportunity to review and comment upon the proposal.

Sec. 10. Minnesota Statutes 1998, section 428A.19, is amended to read:

428A.19 [ANNUAL REPORTS.]

Each condominium association located within the housing improvement area must, by August 15 annually, submit a copy of its audited financial statements to the city implementing entity. The city may also, as part of the enabling ordinance, require the submission of other relevant information from the associations.

Sec. 11. [REPEALER.]

Minnesota Statutes 1998, section 428A.21, is repealed."

Delete the title and insert:

"A bill for an act relating to cities; modifying the authority to establish a housing improvement area; amending Minnesota Statutes 1998, sections 428A.11, subdivision 6, and by adding subdivisions; 428A.13, subdivisions 1 and 3; 428A.14, subdivision 1; 428A.15; 428A.16; 428A.17; and 428A.19; repealing Minnesota Statutes 1998, section 428A.21."

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

**Senator Vickerman from the Committee on Local and Metropolitan Government, to which was referred**

**S.F. No. 1279:** A bill for an act relating to counties; providing for no net loss of private land; proposing coding for new law in Minnesota Statutes, chapter 373.

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

Delete everything after the enacting clause and insert:

"Section 1. [CONDITIONS ON LAND ACQUISITION.]

Subdivision 1. [GENERAL RULE.] If the state acquires land in a county that has 50 percent or more of its acreage in public ownership, the commissioner, at the request of the county, shall recommend to the land exchange board under Minnesota Statutes, section 94.341, a sale or exchange of other property owned by the state to the county in which the land was acquired that meets the requirements for a qualified transfer under subdivision 3. The land exchange board shall review the recommendation, obtain and consider the affected county's response, and approve, reject, or amend the recommendation. The land exchange board shall consider the state's policy to be that the percentage of publicly owned land should not be increased in counties where more than 50 percent of the land is publicly owned.

Subd. 2. [APPLICATION; EXEMPTIONS.] (a) This section applies to purchases, gifts, and eminent domain acquisitions of property by the state.

(b) The section does not apply if:

(1) the property was not subject to ad valorem property taxation at any time within the three calendar years before the purchase;

(2) the acquisition was made through tax forfeiture;

(3) the acquisition resulted from a foreclosure or sale under a tax lien or another security interest of the state obtained by legal process other than a voluntary transfer by the landowner or eminent domain; or

(4) the acquisition was made by the department of transportation for road or highway construction.

Subd. 3. [QUALIFIED TRANSFER.] (a) A qualified transfer means a transfer to the county by the state of other real property that meets all of the following:

(1) the property transferred has a value for ad valorem property tax purposes at least equal to the property to be acquired by the state;

(2) the property transferred was exempt from ad valorem taxation for the three calendar years before the transfer;

(3) the property is located in the same county as the property to be acquired by the state; and

(4) there is a reasonable prospect that the transferred property will be subject to ad valorem taxation after the transfer.

(b) After approval of the qualified transfer by the land exchange board and transfer of the property to the county, the county must then proceed to offer the property for sale to potential property taxpayers. If a parcel offered for sale under this section is not sold within two years of the transfer from the state, the county may derive income from the transferred property in the same way as otherwise provided by law for counties to derive income from tax-forfeited property but shall continue to attempt to sell the property to a taxable entity. The county must remit to the state all net proceeds from a sale of the land or from net income derived from holding the property.

Subd. 4. [COUNTY MAY WAIVE.] The governing body of the county in which the property is located may waive, by resolution, the application of this section.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective for interests to be acquired by the state in a qualifying county after July 31, 1999."

Delete the title and insert:

"A bill for an act relating to counties; imposing certain conditions on state acquisition of lands in counties having 50 percent or more of acreage in public or nonprofit ownership."

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

**Senator Solon from the Committee on Commerce, to which was referred**

**S.F. No. 218:** A bill for an act relating to commerce; regulating the safety of persons on amusement rides; amending Minnesota Statutes 1998, section 184B.01, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 184B.

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 1998, section 184B.01, is amended by adding a subdivision to read:

Subd. 5. [RIDER.] "Rider" means a person who is:

- (1) waiting in the immediate vicinity to get on an amusement ride;
- (2) getting on an amusement ride;
- (3) using an amusement ride;
- (4) getting off an amusement ride; or
- (5) leaving an amusement ride and still in its immediate vicinity.

Rider does not include employees, agents, or servants of the operator while engaged in the duties of their employment.

Sec. 2. [184B.061] [RIDER CONDUCT.]

Subdivision 1. [REPORTS.] (a) A rider, or parent or guardian on a minor rider's behalf, shall report in writing to the operator or the operator's designee any injury sustained on an amusement ride before leaving the amusement owner's premises, including:

- (1) the name, address, and telephone number of the injured person;
- (2) a brief description of the incident, the injuries claimed, and the location, date, and time of the injury;
- (3) the cause of the injury, if known; and
- (4) the names, addresses, and telephone numbers of any witnesses to the incident.

(b) If the rider, or a parent or guardian on a minor rider's behalf, is unable to file a report because of the severity of injuries, the report must be filed as soon as possible.

(c) The failure of a rider, or a parent or guardian on a minor rider's behalf, to report an injury under this section does not affect the rider's right to commence a civil action.

Subd. 2. [CODE OF CONDUCT.] A rider shall obey reasonable posted safety rules and oral instructions for an amusement ride that are consistent with the posted rules, issued by the operator or an employee or agent. A rider shall not act in any manner that may cause or contribute to injuring the rider or others, including:

- (1) exceeding the limits of the rider's ability;
- (2) interfering with the safe operation of the amusement ride;
- (3) not engaging any safety devices that are provided;
- (4) disconnecting or disabling a safety device except at the express instruction of the operator;
- (5) altering or enhancing the intended speed, course, or direction of an amusement ride;
- (6) using the controls of an amusement ride designed solely to be operated by the ride operator;
- (7) throwing, dropping, or expelling an object from or toward an amusement ride except as permitted by the ride operator; and
- (8) getting on or off an amusement ride except at the designated time and area, if any, at the direction of the ride operator, or in an emergency.

Subd. 3. [RIDER QUALIFICATIONS.] A rider shall not get on or attempt to get on an amusement ride unless the rider, or a parent or guardian on a minor rider's behalf, reasonably determines that, at a minimum, the rider:

- (1) has located, reviewed, and understood any signs in the vicinity of the ride and has satisfied any posted height, medical, or other restrictions; and

(2) is not under the influence of alcohol or any drug that affects the rider's ability to safely use the amusement ride or obey the posted rules or oral instructions.

Subd. 4. [OWNER RESPONSIBILITY.] If an amusement ride is located on property owned by someone other than the operator, the owner, upon request of the operator, is responsible for removing a rider who is violating or has violated the code of conduct in subdivision 2 from the property.

Subd. 5. [REMEDIES.] (a) A violation of this section does not preclude a rider's cause of action for damages. The rider's action for damages is governed by section 604.01.

(b) Failure to comply with this section is not punishable as a crime under section 609.03. A violation of this section that constitutes a crime under any other provision of chapter 609 may be prosecuted pursuant to that provision of chapter 609.

Sec. 3. [184B.062] [NOTICE TO RIDERS.]

Subdivision 1. [GENERAL SIGNS.] An operator shall display signs indicating the applicable safety responsibilities of riders under section 184B.061 and the location of stations to report injuries. These signs must be located at:

(1) each station for reporting an injury;

(2) each first aid station; and

(3) either:

(i) at least four other locations on the premises, including premises entrance and exit, if there are no more than four entrances or exits for riders;

(ii) at least four other locations on the premises, including the four premises entrances and exits most commonly used by riders, if there are more than four entrances and exits for riders; or

(iii) each amusement ride.

Subd. 2. [INDIVIDUAL AMUSEMENT RIDE SIGNS.] (a) An amusement owner shall post a sign at each amusement ride that includes:

(1) operational instructions, if any;

(2) safety guidelines for riders, if any;

(3) restrictions on the use of the amusement ride, if any;

(4) behavior or activities that are prohibited, if any; and

(5) a legend providing that "State law requires riders to obey all warnings and directions for this ride and behave in a manner that will not cause or contribute to injuring themselves or others. Riders must report injuries before leaving."

(b) A sign required by this section must be prominently displayed at a conspicuous location, clearly visible to the public, and bold and legible in design."

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

**Senator Hottinger from the Committee on Health and Family Security, to which was referred**

**S.F. No. 7:** A bill for an act relating to health; repealing MinnesotaCare provider tax; amending Minnesota Statutes 1998, sections 62J.041, subdivision 1; 62Q.095, subdivision 6; 214.16, subdivisions 2 and 3; 270B.01, subdivision 8; and 270B.14, subdivision 1; repealing Minnesota

Statutes 1998, sections 13.99, subdivision 86b; 144.1484, subdivision 2; 295.50; 295.51; 295.52; 295.53; 295.54; 295.55; 295.56; 295.57; 295.58; 295.582; and 295.59.

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

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 1998, section 60A.15, subdivision 1, is amended to read:

Subdivision 1. [DOMESTIC AND FOREIGN COMPANIES.] (a) On or before April 1, June 1, and December 1 of each year, every domestic and foreign company, including town and farmers' mutual insurance companies, domestic mutual insurance companies, and marine insurance companies, ~~health maintenance organizations, community integrated service networks, and nonprofit health service plan corporations,~~ shall pay to the commissioner of revenue installments equal to one-third of the insurer's total estimated tax for the current year. Except as provided in ~~paragraphs~~ paragraph (d), ~~(e), (h), and (i),~~ installments must be based on a sum equal to two percent of the premiums described in paragraph (b).

(b) Installments under paragraph (a); or ~~(d), or (e)~~ are percentages of gross premiums less return premiums on all direct business received by the insurer in this state, or by its agents for it, in cash or otherwise, during such year.

(c) Failure of a company to make payments of at least one-third of either (1) the total tax paid during the previous calendar year or (2) 80 percent of the actual tax for the current calendar year shall subject the company to the penalty and interest provided in this section, unless the total tax for the current tax year is \$500 or less.

~~(d) For health maintenance organizations, nonprofit health service plan corporations, and community integrated service networks, the installments must be based on an amount determined under paragraph (h) or (i).~~

(e) For purposes of computing installments for town and farmers' mutual insurance companies and for mutual property casualty companies with total assets on December 31, 1989, of \$1,600,000,000 or less, the following rates apply:

(1) for all life insurance, two percent;

(2) for town and farmers' mutual insurance companies and for mutual property and casualty companies with total assets of \$5,000,000 or less, on all other coverages, one percent; and

(3) for mutual property and casualty companies with total assets on December 31, 1989, of \$1,600,000,000 or less, on all other coverages, 1.26 percent.

~~(e)~~ (e) If the aggregate amount of premium tax payments under this section and the fire marshal tax payments under section 299F.21 made during a calendar year is equal to or exceeds \$120,000, all tax payments in the subsequent calendar year must be paid by means of a funds transfer as defined in section 336.4A-104, paragraph (a). The funds transfer payment date, as defined in section 336.4A-401, must be on or before the date the payment is due. If the date the payment is due is not a funds transfer business day, as defined in section 336.4A-105, paragraph (a), clause (4), the payment date must be on or before the funds transfer business day next following the date the payment is due.

~~(f)~~ (f) Premiums under medical assistance, general assistance medical care, the MinnesotaCare program, and the Minnesota comprehensive health insurance plan and all payments, revenues, and reimbursements received from the federal government for Medicare-related coverage as defined in section 62A.31, subdivision 3, paragraph (e), are not subject to tax under this section.

~~(h) For calendar years 1997, 1998, and 1999, the installments for health maintenance organizations, community integrated service networks, and nonprofit health service plan corporations must be based on an amount equal to one percent of premiums described under paragraph (b). Health maintenance organizations, community integrated service networks, and~~

~~nonprofit health service plan corporations that have met the cost containment goals established under section 62J.04 in the individual and small employer market for calendar year 1996 are exempt from payment of the tax imposed under this section for premiums paid after March 30, 1997, and before April 1, 1998. Health maintenance organizations, community integrated service networks, and nonprofit health service plan corporations that have met the cost containment goals established under section 62J.04 in the individual and small employer market for calendar year 1997 are exempt from payment of the tax imposed under this section for premiums paid after March 30, 1998, and before April 1, 1999. Health maintenance organizations, community integrated service networks, and nonprofit health service plan corporations that have met the cost containment goals established under section 62J.04 in the individual and small employer market for calendar year 1998 are exempt from payment of the tax imposed under this section for premiums paid after March 30, 1999, and before January 1, 2000.~~

~~(i) For calendar years after 1999, the commissioner of finance shall determine the balance of the health care access fund on September 1 of each year beginning September 1, 1999. If the commissioner determines that there is no structural deficit for the next fiscal year, no tax shall be imposed under paragraph (d) for the following calendar year. If the commissioner determines that there will be a structural deficit in the fund for the following fiscal year, then the commissioner, in consultation with the commissioner of revenue, shall determine the amount needed to eliminate the structural deficit and a tax shall be imposed under paragraph (d) for the following calendar year. The commissioner shall determine the rate of the tax as either one-quarter of one percent, one-half of one percent, three-quarters of one percent, or one percent of premiums described in paragraph (b), whichever is the lowest of those rates that the commissioner determines will produce sufficient revenue to eliminate the projected structural deficit. The commissioner of finance shall publish in the State Register by October 1 of each year the amount of tax to be imposed for the following calendar year. In determining the structural balance of the health care access fund for fiscal years 2000 and 2001, the commissioner shall disregard the transfer amount from the health care access fund to the general fund for expenditures associated with the services provided to pregnant women and children under the age of two enrolled in the MinnesotaCare program.~~

~~(j) In approving the premium rates as required in sections 62L.08, subdivision 8, and 62A.65, subdivision 3, the commissioners of health and commerce shall ensure that any exemption from the tax as described in paragraphs (h) and (i) is reflected in the premium rate."~~

Page 5, line 5, delete "7" and insert "8"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "repealing the one percent premium tax;"

Page 1, line 3, after "sections" insert "60A.15, subdivision 1;"

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

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,**

**S.F. No. 1269:** A bill for an act relating to health; providing for disposition of tobacco settlement money; establishing the Minnesota families foundation; creating health-related endowment funds; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 10; 16A; 137; 144; and 145.

Reports the same back with the recommendation that the report from the Committee on Health and Family Security, shown in the Journal for March 25, 1999, be adopted; that committee recommendation being:

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

**Senator Ranum from the Committee on Judiciary, to which was referred**

**S.F. No. 499:** A bill for an act relating to employment; providing protection for disclosure of job reference information; proposing coding for new law in Minnesota Statutes, chapter 181.

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 1998, section 181.960, subdivision 2, is amended to read:

Subd. 2. [EMPLOYEE.] "Employee" means a person who performs services for hire for an employer, provided that the services have been performed predominately within this state. The term includes any person who has been separated from employment ~~for less than one year~~. The term does not include an independent contractor.

Sec. 2. Minnesota Statutes 1998, section 181.961, subdivision 1, is amended to read:

Subdivision 1. [RIGHT TO REVIEW; FREQUENCY.] Upon written request by an employee, the employer shall provide the employee with an opportunity to review the employee's personnel record. An employer is not required to provide an employee with an opportunity to review the employee's personnel record if the employee has reviewed the personnel record during the previous six months; except that, upon separation from employment, an employee may review the employee's personnel record ~~only once at any time within one year after separation, and at any time after that if it has been at least one year since the employee previously reviewed the record.~~ Nothing in this subdivision requires an employer to maintain a personnel record for more than one year after an employee is separated from employment.

Sec. 3. [604A.302] [EMPLOYMENT REFERENCES.]

Subdivision 1. [CAUSES OF ACTION.] No action may be maintained by a current or former employee against an employer, designated employee, or agent who discloses information listed in subdivision 2 about a current or former employee to a prospective employer or employment agency as provided under this section, unless the employee or former employee demonstrates by clear and convincing evidence that:

- (1) the information was false and defamatory; and
- (2) the employer knew or should have known the information was false and acted with malicious intent to injure the current or former employee.

Subd. 2. [EMPLOYMENT REFERENCE INFORMATION DISCLOSURE.] (a) Upon written request, an employer may disclose the following information about one of its current or former employees to a prospective employer:

- (1) dates of employment;
- (2) compensation and wage history;
- (3) job description and duties;
- (4) training and education provided by the employer; and
- (5) all acts of violence, theft, harassment, or illegal conduct documented in the personnel record that resulted in disciplinary action or resignation; when making any disclosure pursuant to this clause, the employer must provide the employee or former employee with a copy of the information disclosed and to whom it was disclosed.

(b) Upon request, a public employer may disclose public personnel data on an individual listed

in section 13.43, subdivision 2, about one of its current or former employees, to a prospective employer.

(c) With the written authorization of the current or former employee, an employer may also disclose the following information in writing to a prospective employer:

(1) written job performance evaluations conducted prior to the employee's separation from the employer, and the employee's written response, if any, contained in the employee's personnel record;

(2) written disciplinary warnings and actions in the five years before the date of the authorization, and the employee's written response, if any, contained in the employee's personnel record; and

(3) reasons for separation from employment.

(d) An employer must provide a current or former employee with a copy of a disclosure made under paragraph (c) and to whom it was disclosed.

(e) A prospective employer may not disclose written information received under this section without the written authorization of the employee.

Subd. 3. [DEFINITION.] For purposes of this section personnel record has the meaning given in section 181.960.

Sec. 4. [EFFECTIVE DATE.]

Section 3 is effective August 1, 1999, and applies to causes of action arising on or after that date."

Delete the title and insert:

"A bill for an act relating to employment; providing protection for disclosure of job reference information; amending Minnesota Statutes 1998 sections 181.960, subdivision 2; and 181.961, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 604A."

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.

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,**

**S.F. No. 1762:** A bill for an act relating to transportation; modifying state contract requirements; allowing department of transportation to contract for land surveying; clarifying requirements for notaries and filing corrections to maps and plats relating to highways; providing for transfer of certain revolving loan accounts to transportation revolving loan fund; correcting trunk highway route description; modifying filing requirements for highway route location orders; increasing dollar amount for contracts negotiated by commissioner of transportation for highway construction or maintenance work; modifying provisions for estimates and agency costs relating to county state-aid highway and municipal state-aid street funds; modifying provision requiring certification for disbursement from state transportation fund; authorizing commissioner to convey excess rail bank corridor land to state agency or political subdivision; modifying provisions governing state grants for local airports; modifying deadlines for metropolitan transit performance evaluation reports by metropolitan council; making technical corrections; appropriating money; amending Minnesota Statutes 1998, sections 16C.05, subdivision 2; 16C.09; 160.085, subdivisions 1 and 1a; 161.04, subdivision 3, and by adding a subdivision; 161.115, subdivision 164; 161.16, subdivision 2; 161.32, subdivision 2; 162.06, subdivisions 1, 2, and 6; 162.12, subdivisions 1, 2, and 5; 174.02, by adding a subdivision; 174.50, subdivision 5; 222.63, subdivision 4; 360.0151, subdivision 2; 360.032, subdivision 1a; 360.305, subdivision 4; 446A.085, subdivisions 3 and 6; and 473.1466.

Reports the same back with the recommendation that the report from the Committee on Transportation, shown in the Journal for March 22, 1999, be amended to read:

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

**Senator Lessard from the Committee on Environment and Natural Resources, to which was referred**

**S.F. No. 18:** A bill for an act relating to the environment; repealing the motor vehicle emissions testing program; repealing Minnesota Statutes 1998, sections 116.60; 116.61; 116.62; 116.63; 116.64; and 116.65.

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 1998, section 116.60, is amended by adding a subdivision to read:

Subd. 12. [TWIN CITIES NONATTAINMENT AREA FOR CARBON MONOXIDE.] "Twin Cities nonattainment area for carbon monoxide" means the areas in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington, and Wright, which have been designated as nonattainment for carbon monoxide by the United States Environmental Protection Agency as of January 1, 1999.

Sec. 2. Minnesota Statutes 1998, section 116.61, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] (a) Except as described provided in subdivision subdivisions 1a and 3, each motor vehicle registered to an owner residing in the metropolitan area and each motor vehicle customarily domiciled in the metropolitan area but exempt from registration under section 168.012 or 473.448 must be inspected annually for air pollution emissions as provided in sections 116.60 to 116.65.

(b) The inspections must take place at a public or fleet inspection station. The inspections must take place within 90 days prior to the registration deadline for the vehicle or, for vehicles that are exempt from license fees under section 168.012 or 473.448, at a time set by the agency.

(c) The registration on a motor vehicle subject to paragraph (a) may not be renewed unless the vehicle has been inspected for air pollution emissions as provided in sections 116.60 to 116.65 and received a certificate of compliance or a certificate of waiver.

Sec. 3. Minnesota Statutes 1998, section 116.61, is amended by adding a subdivision to read:

Subd. 3. [CESSATION OF TESTING REQUIREMENT.] Notwithstanding subdivision 1, a motor vehicle is not required to be inspected annually for air pollution emissions on or after July 1, 2000.

Sec. 4. Minnesota Statutes 1998, section 116.62, subdivision 2, is amended to read:

Subd. 2. [CRITERIA AND STANDARDS.] (a) The agency shall adopt rules for the program under chapter 14 establishing standards and criteria governing the testing and inspection of motor vehicles for air pollution emissions.

(b) The rules must specify maximum pollutant emission levels for motor vehicles, giving consideration to the levels of emissions necessary to achieve applicable federal and state air quality standards. The standards may be different for different model years, sizes, and types of motor vehicles, except that the standards must be based on the year of the chassis of the motor vehicle, and not the year of the engine of the motor vehicle.

(c) The rules must establish testing procedures and standards for test equipment used for the

inspection. The test procedures or procedures producing comparable results must be available to the automobile pollution equipment repair industry. The test equipment used for the inspection or comparable equipment must be available to the repair industry on the open market.

(d) The rules must establish standards and procedures for the issuance of licenses for fleet inspection stations.

(e) The rules must establish standards and procedures for the issuance of certificates of compliance and waiver.

Sec. 5. Minnesota Statutes 1998, section 116.62, subdivision 3, is amended to read:

Subd. 3. [PUBLIC INSPECTION STATIONS; CONTRACT.] (a) The program shall provide for the inspection of motor vehicles at public inspection stations. The number and location of the stations must provide convenient public access.

(b) The agency shall contract with a private entity for the design, construction, equipment, establishment, maintenance, and operation of the public inspection stations and the provision of related services and functions. The contractor and its officers and employees may not be engaged in the business of selling, maintaining, or repairing motor vehicles or selling motor vehicle replacement or repair parts, except that the contractor may repair any motor vehicle owned or operated by the contractor. The contractor's employees are not employees of the state for any purpose. In evaluating contractors, the agency shall consider the contractors' policies and standards on working conditions of employees. ~~Contracts must require the contractor to operate the public inspection stations for a minimum of five years and~~ may provide for equitable compensation, from the vehicle emission inspection account established by section 116.65, for capital costs and other appropriate expenditures to the contractor, as determined by the agency.

(c) A public inspection station shall inspect and reinspect motor vehicles in accordance with the agency rules and contract. The inspection station shall issue a certificate of compliance for a motor vehicle that has been inspected and determined to comply with the standards and criteria of the agency adopted under this section. If a certificate of compliance cannot be issued, the inspection station shall provide a written inspection report describing the reasons for rejection and, when appropriate, the repairs needed or likely to be needed to bring the vehicle into compliance with the standards and criteria.

(d) The agency shall develop a means of responding to inquiries from members of the public about the current status of a motor vehicle under the program, including the last date of inspection, certification of compliance, and the terms under which a certificate of waiver has been issued. The agency shall ensure in its public information program that the public is aware of this service. The agency may contract for the provision of this service.

(e) The agency shall not enter into any contract under this section, or renew any contract previously entered into under this section, that provides for the operation of public inspection stations on or after July 1, 2000.

Sec. 6. Minnesota Statutes 1998, section 116.62, subdivision 5, is amended to read:

Subd. 5. [CERTIFICATES OF WAIVER.] (a) A certificate of waiver, valid for one year, must be issued for a motor vehicle following inspection if:

(1) a low emissions adjustment has been performed on the vehicle, following inspection and within 90 days prior to the renewal of registration, and

(2) ~~either the estimated cost of repairs and adjustments necessary to bring the vehicle into compliance with emissions standards or the actual cost of repairs already performed on a vehicle in accordance with the inspection report under subdivision 3 exceeds the repair cost limit.~~

(b) The following costs may not be considered in determining eligibility for waiver under paragraph (a): costs for repairs made under warranty and costs necessary to repair or replace any emission control equipment that has been removed, dismantled, tampered with, misfueled, or otherwise rendered inoperative in violation of section 325E.0951.

(c) The repair cost limit is \$75 for vehicles manufactured before the 1981 model year, and \$200 for vehicles manufactured in the 1981 model year and after.

(d) A temporary certificate of waiver, valid for not more than 30 days, may be issued to a vehicle to allow time for inspection and necessary repairs and adjustments.

Sec. 7. Minnesota Statutes 1998, section 116.63, subdivision 4, is amended to read:

Subd. 4. [FALSE REPAIR COSTS.] A person may not provide false information to a public inspection station or the agency about ~~estimated~~ or actual repair costs or repairs needed to bring a motor vehicle into compliance with the standards of the agency. A person may not claim an amount spent for repair if the repairs were not made or the amount not spent.

Sec. 8. [REPORT ON MOTOR VEHICLE EMISSIONS.]

The commissioner of the pollution control agency, in consultation with state agencies, public officials, citizens, environmental interest groups, and private industry stakeholders must investigate strategies to reduce emissions of ozone-forming chemicals and toxic air pollutants from motor vehicles and other nonpoint sources in the Twin Cities metropolitan area. By January 15, 2000, the commissioner must submit a progress report to the chairs of the senate and house committees with jurisdiction over environmental issues and the chairs of the senate and house committees with jurisdiction over transportation issues. The commissioner may not implement any of the strategies in the report unless additional funds are appropriated for these activities.

Sec. 9. [EFFECTIVE DATE.]

Sections 4, 6, and 7 are effective December 1, 1999."

Delete the title and insert:

"A bill for an act relating to the environment; providing for the suspension of the motor vehicle emissions testing program; requiring a report on motor vehicle emissions; amending Minnesota Statutes 1998, sections 116.60, subdivision 1, and by adding a subdivision; 116.61, subdivision 1, and by adding a subdivision; 116.62, subdivisions 2, 3, and 5; and 116.63, subdivision 4."

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

## **SECOND READING OF SENATE BILLS**

S.F. Nos. 2059, 321 and 18 were read the second time.

## **SECOND READING OF HOUSE BILLS**

H.F. Nos. 528 and 745 were read the second time.

## **MOTIONS AND RESOLUTIONS**

Senator Moe, R.D. moved that the name of Senator Morse be stricken as a co-author to S.F. No. 692. The motion prevailed.

Senator Flynn moved that S.F. No. 1721 be withdrawn from the Committee on Governmental Operations and Veterans and re-referred to the Committee on State Government Finance. The motion prevailed.

Senator Belanger moved that S.F. No. 1908 be withdrawn from the Committee on Local and Metropolitan Government and re-referred to the Committee on Taxes. The motion prevailed.

Senator Vickerman moved that S.F. No. 851, on General Orders, be stricken and re-referred to the Committee on Governmental Operations and Veterans. The motion prevailed.

Senator Berglin moved that S.F. No. 1016, No. 144 on General Orders, be stricken and re-referred to the Committee on Taxes. The motion prevailed.

Senator Ten Eyck moved that S.F. No. 565 be withdrawn from the Committee on Taxes and re-referred to the Committee on Local and Metropolitan Government. The motion prevailed.

Senator Flynn moved that S.F. No. 2082 be withdrawn from the Committee on Taxes and re-referred to the Committee on Local and Metropolitan Government. The motion prevailed.

**Senators Moe, R.D. and Day introduced--**

**Senate Concurrent Resolution No. 8:** A Senate concurrent resolution relating to adjournment for more than three days.

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

1. Upon their adjournments on March 31, 1999, the Senate and House of Representatives may each set its next day of meeting for April 6, 1999.

2. Each house consents to adjournment of the other house for more than three days.

Senator Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

**Senators Sams, Murphy and Johnson, D.J. introduced--**

**S.F. No. 2115:** A bill for an act relating to taxation; sales and use; exempting materials and supplies used in constructing a community center by a nonprofit corporation; amending Minnesota Statutes 1998, section 297A.25, by adding a subdivision.

Referred to the Committee on Taxes.

**Senator Pogemiller introduced--**

**S.F. No. 2116:** A bill for an act relating to education; assisting with education and job training for newly arrived immigrants ages 12 to 24; appropriating money.

Referred to the Committee on Children, Families and Learning.

**Senators Metzen, Pariseau and Knutson introduced--**

**S.F. No. 2117:** A bill for an act relating to taxation; sales and use; exempting construction materials used in certain library constructions and improvements; amending Minnesota Statutes 1998, section 297A.25, by adding a subdivision.

Referred to the Committee on Taxes.

**Senator Lourey introduced--**

**S.F. No. 2118:** A bill for an act relating to health; modifying health care service contract requirements; amending Minnesota Statutes 1998, section 62R.06, subdivision 1.

Referred to the Committee on Health and Family Security.

**Senator Johnson, D.H. introduced--**

**S.F. No. 2119:** A bill for an act relating to education; directing the board of trustees of the Minnesota state colleges and universities to reduce spending disparities among campuses.

Referred to the Committee on Children, Families and Learning.

**Senator Johnson, D.H. introduced--**

**S.F. No. 2120:** A bill for an act relating to crime prevention; classifying Gamma Hydroxybutyrate as a controlled substance; amending Minnesota Statutes 1998, section 152.02, subdivision 3.

Referred to the Committee on Crime Prevention.

**Senator Junge introduced--**

**S.F. No. 2121:** A bill for an act relating to retirement; Minneapolis teachers retirement fund association; authorizing the purchase of service credit for various periods of prior teaching service.

Referred to the Committee on Governmental Operations and Veterans.

**Senator Sams introduced--**

**S.F. No. 2122:** A bill for an act relating to education; authorizing a technology grant for independent school district No. 23, Frazee; appropriating money.

Referred to the Committee on Children, Families and Learning.

**Senators Lessard, Vickerman, Frederickson and Johnson, D.J. introduced--**

**S.F. No. 2123:** A bill for an act relating to recreational vehicles; prohibiting the use of metal traction devices on paved public trails; requiring a metal traction device sticker; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 84; repealing Minnesota Statutes 1998, section 84.871, subdivision 2; and Laws 1998, chapter 401, section 23.

Referred to the Committee on Environment and Natural Resources.

**Senator Ranum introduced--**

**S.F. No. 2124:** A bill for an act relating to public administration; limiting government purchases of airline tickets; proposing coding for new law in Minnesota Statutes, chapter 15.

Referred to the Committee on Governmental Operations and Veterans.

**Senators Price; Moe, R.D.; Larson; Johnson, D.J. and Pogemiller introduced--**

**S.F. No. 2125:** A bill for an act relating to appropriations; providing funding for public radio; appropriating money.

Referred to the Committee on State Government Finance.

**Senators Stumpf, Belanger and Johnson, D.J. introduced--**

**S.F. No. 2126:** A bill for an act relating to taxation; requiring the department of revenue to notify taxpayers when tax liabilities have been compromised; providing a subtraction from taxable income for gains realized on disposition of certain farm property; amending Minnesota Statutes 1998, sections 8.30; and 290.491.

Referred to the Committee on Taxes.

**Senators Pappas, Ranum, Scheid, Pogemiller and Johnson, D.E. introduced--**

**S.F. No. 2127:** A bill for an act relating to education; enhancing basic skills revenue; extending funding for English language learners; removing the compensatory revenue cap; adjusting for the under-reporting of secondary students eligible for free or reduced price meals; creating a grant program to fund best practices English language learner programs; appropriating money; amending Minnesota Statutes 1998, sections 124D.59, by adding a subdivision; 124D.65, subdivisions 1, 2, 3, 4, and 5; 126C.05, subdivision 3; 126C.10, subdivision 4; and 126C.15, subdivision 2.

Referred to the Committee on Children, Families and Learning.

**Senators Janezich, Krentz, Laidig, Frederickson and Metzen introduced--**

**S.F. No. 2128:** A bill for an act relating to appropriations; appropriating money for youth sports, natural resources, agriculture, and wastewater funding.

Referred to the Committee on State Government Finance.

**Senator Ranum introduced--**

**S.F. No. 2129:** A bill for an act relating to civil actions; allowing aggregation of the fault of multiple defendants for the purpose of the comparative negligence statute; amending Minnesota Statutes 1998, section 604.01, subdivision 1.

Referred to the Committee on Judiciary.

**Senators Robling and Murphy introduced--**

**S.F. No. 2130:** A bill for an act relating to the public facilities authority; changing a wastewater treatment funding formula; amending Minnesota Statutes 1998, section 446A.072, subdivision 4.

Referred to the Committee on Environment and Natural Resources.

**Senator Flynn introduced--**

**S.F. No. 2131:** A bill for an act relating to local government; establishing county services districts; requiring counties to cooperate in the delivery of services; authorizing boards and advisory committees; proposing coding for new law in Minnesota Statutes, chapter 373.

Referred to the Committee on Local and Metropolitan Government.

**Senators Vickerman introduced--**

**S.F. No. 2132:** A bill for an act relating to traffic regulations; authorizing cities to establish speed limits for streets under their jurisdiction; making technical changes; amending Minnesota Statutes 1998, section 169.14, subdivisions 2 and 5b.

Referred to the Committee on Transportation.

**Senators Kelley, S.P.; Novak; Frederickson and Johnson, D.H. introduced--**

**S.F. No. 2133:** A bill for an act relating to telecommunications; providing a regulatory structure for a competitive industry with a rapidly evolving technology; proposing coding for new law as Minnesota Statutes, chapter 237A; repealing Minnesota Statutes, chapters 237; and 238.

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

**Senator Ten Eyck introduced--**

**S.F. No. 2134:** A bill for an act relating to education; authorizing a technology grant for independent school district No. 116, Pillager; appropriating money.

Referred to the Committee on Children, Families and Learning.

**Senator Scheid introduced--**

**S.F. No. 2135:** A bill for an act relating to education; modifying the dates for payment of school district state aids; authorizing an additional appeal; amending Minnesota Statutes 1998, section 127A.45, subdivisions 2, 3, and 4.

Referred to the Committee on Children, Families and Learning.

**Senator Flynn introduced--**

**S.F. No. 2136:** A bill for an act relating to transportation; requiring commissioner of transportation to be responsible for design, construction, and operation of commuter rail; requiring adoption of commuter rail system plan; establishing design plan approval process for commuter rail; creating commuter rail corridor coordinating committee; modifying provisions relating to regional rail authorities; amending Minnesota Statutes 1998, sections 398A.04, subdivision 2; 473.399; and 473.3994, subdivisions 3, 4, and 10; amending Laws 1998, chapter 404, section 17, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 174; repealing Minnesota Statutes 1998, section 473.3998.

Referred to the Committee on Transportation.

**Senators Kelly, R.C.; Janezich; Anderson and Pappas introduced--**

**S.F. No. 2137:** A bill for an act relating to capital improvements; authorizing funds and appropriating money for transitways.

Referred to the Committee on Transportation.

**MEMBERS EXCUSED**

Senator Pogemiller was excused from the Session of today from 10:00 to 10:45 a.m. Senator Wiener was excused from the Session of today from 10:00 to 11:00 a.m. Senator Scheevel was excused from the Session of today from 10:00 to 11:10 a.m. Senators Higgins and Novak were excused from the Session of today at 11:30 a.m.

**ADJOURNMENT**

Senator Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Tuesday, March 30, 1999. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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