

## STATE OF MINNESOTA

## SEVENTY-FIFTH SESSION—1988

## EIGHTIETH DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 5, 1988

The House of Representatives convened at 12:00 noon and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by the Reverend Perry Wieland, Zion United Methodist Church, Buffalo Lake, Minnesota.

The roll was called and the following members were present:

Anderson, R.	Greenfield	Lasley	Osthoff	Simoneau
Battaglia	Gruenes	Lieder	Otis	Skoglund
Bauerly	Gutknecht	Long	Ozment	Solberg
Beard	Hartle	Marsh	Pappas	Sparby
Begich	Haukoos	McDonald	Pauly	Stanius
Bennett	Heap	McEachern	Pelowski	Steensma
Bertram	Himle	McKasy	Peterson	Sviggun
Bishop	Hugoson	McLaughlin	Poppenhagen	Swenson
Blatz	Jacobs	McPherson	Price	Thiede
Boo	Jaros	Milbert	Quinn	Tjornhom
Brown	Jefferson	Miller	Quist	Tompkins
Burger	Jennings	Minne	Redalen	Trimble
Carlson, D.	Jensen	Morrison	Reding	Tunheim
Carlson, L.	Johnson, A.	Munger	Rest	Uphus
Carruthers	Johnson, R.	Murphy	Rice	Valento
Clark	Johnson, V.	Nelson, C.	Richter	Vellenga
Clausnitzer	Kahn	Nelson, D.	Riveness	Voss
Cooper	Kalis	Nelson, K.	Rodosovich	Wagenius
Dauner	Kelly	Neuenschwander	Rose	Waltman
Dawkins	Kelso	O'Connor	Rukavina	Welle
DeBlieck	Kinkel	Ogren	Sarna	Wenzel
Dempsey	Kludt	Olsen, S.	Schafer	Winter
Dille	Knickerbocker	Olson, E.	Scheid	Wynia
Dorn	Knuth	Olson, K.	Schreiber	Spk. Vanasek
Forsythe	Kostohryz	Omann	Seaberg	
Frederick	Krueger	Onnen	Segal	
Frerichs	Larsen	Orenstein	Shaver	

A quorum was present.

DeRaad was excused.

Anderson, G., was excused until 1:55 p.m.

The Chief Clerk proceeded to read the Journal of the preceding

day. McDonald moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

#### REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1933, 2221, 2067, 920, 944, 987, 1803, 1954, 2019, 2248, 2362, 2691, 2744, 2098, 1000 and 2151 and S. F. Nos. 2003, 2226, 2286, 2456, 1987, 2114, 1561, 2079, 2347, 1823, 1595, 1900 and 1268 have been placed in the members' files.

S. F. No. 1900 and H. F. No. 1874, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Simoneau moved that the rules be so far suspended that S. F. No. 1900 be substituted for H. F. No. 1874 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2114 and H. F. No. 2205, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Carruthers moved that the rules be so far suspended that S. F. No. 2114 be substituted for H. F. No. 2205 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2079 and H. F. No. 1973, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Kinkel moved that the rules be so far suspended that S. F. No. 2079 be substituted for H. F. No. 1973 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1987 and H. F. No. 2220, which had been referred to the

Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Riveness moved that the rules be so far suspended that S. F. No. 1987 be substituted for H. F. No. 2220 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2347 and H. F. No. 2491, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Segal moved that the rules be so far suspended that S. F. No. 2347 be substituted for H. F. No. 2491 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1561 and H. F. No. 1719, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Carlson, D., moved that the rules be so far suspended that S. F. No. 1561 be substituted for H. F. No. 1719 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1595 and H. F. No. 1746, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Kostohryz moved that the rules be so far suspended that S. F. No. 1595 be substituted for H. F. No. 1746 and that the House File be indefinitely postponed. The motion prevailed.

### PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

March 29, 1988

The Honorable Robert Vanasek  
Speaker of the House of Representatives  
The State of Minnesota

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 81, relating to local government; providing for the use of certain city reserve funds.

H. F. No. 1732, relating to intoxicating liquor; authorizing extended off-sale hours on the day preceding Thanksgiving day.

H. F. No. 1767, relating to commerce; real property; requiring notice of foreclosure by advertisement to separately list record owners with no legally protected interest in the real estate.

H. F. No. 1926, relating to emergency services; permitting political subdivisions to authorize aid under certain conditions.

H. F. No. 2463, relating to state agencies; authorizing the iron range resources and rehabilitation board to purchase fire insurance for facilities operated by the board.

H. F. No. 2558, relating to elections; requiring optical scan voting systems to be tested within 14 days before election.

Sincerely,

RUDY PERPICH  
Governor

80th Day]

TUESDAY, APRIL 5, 1988

10617

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

March 29, 1988

The Honorable Robert Vanasek  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1988 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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1988</i>	<i>Date Filed 1988</i>
	81	419	March 29	March 29
	1732	420	March 29	March 29
	1767	421	March 29	March 29
	1926	422	March 29	March 29
	2463	423	March 29	March 29
	2558	424	March 29	March 29
187		425	March 29	March 29
678		426	March 29	March 29
1710		427	March 29	March 29
2367		428	March 29	March 29

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

**SECOND READING OF SENATE BILLS**

S. F. Nos. 1900, 2114, 2079, 1987, 2347, 1561 and 1595 were read for the second time.

## HOUSE ADVISORIES

The following House Advisory was introduced:

Osthoff, Stanius, Schreiber, Dawkins and Vanasek introduced:

H. A. No. 78, A proposal to study the need for a Metropolitan Council.

The advisory was referred to the Committee on Metropolitan Affairs.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1749, A bill for an act relating to transportation; increasing the tax on gasoline and special fuel to 20 cents per gallon; increasing the share of motor vehicle excise tax revenues dedicated to highways and transit to 35 percent; amending Minnesota Statutes 1986, section 296.02, subdivision 1b; and Minnesota Statutes 1987 Supplement, sections 296.025, subdivisions 2a and 2b; and 297B.09, subdivision 1.

The Senate has appointed as such Committee:

Messrs. Purfeerst, DeCramer, Stumpf, Mrs. Lantry and Mr. Langseth.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1795, A bill for an act relating to human services; creating a task force to study building code standards for family and

group family day care homes; changing building code requirements concerning certain child care facilities; amending Minnesota Statutes 1987 Supplement, sections 16B.61, subdivision 3; and 245A.09, by adding a subdivision.

The Senate has appointed as such Committee:

Mses. Berglin, Piper and Mr. Storm.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1980, A bill for an act relating to highways; designating I-90 as AMVETS memorial highway; adding, deleting, and substituting routes on the trunk highway system; amending Minnesota Statutes 1986, section 161.14, by adding a subdivision.

The Senate has appointed as such Committee:

Messrs. Beckman, Vickerman and Renneke.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 2126, A bill for an act relating to the organization and operation of state government; appropriating money for human resources and other purposes with certain conditions; amending Minnesota Statutes 1986, sections 3.9223, subdivision 3; 3.9225, subdivision 3; 3.9226, subdivision 3; 62A.54; 62E.04, by adding subdivisions; 129A.02, subdivision 3; 129A.09; 129A.10; 144.053, by adding subdivisions; 144.125; 144A.04, by adding a subdivision; 145.853, subdivision 2; 145.894; 245.771, by adding a subdivision; 245.814, subdivisions 1, 2, and 3; 245.83; 245.84, subdivision 1; 246.023; 248.07, subdivision 7 and 12; 252.291, subdivisions 1 and 2;

256.73, subdivisions 2, 6, and by adding subdivisions; 256.736, by adding subdivisions; 256.76, subdivision 1; 256B.08; 256B.092, subdivisions 5 and 7; 256B.14, subdivision 2; 256B.17, subdivision 7; 256B.431, by adding subdivisions; 256B.501, subdivision 3, and by adding subdivisions; 256B.69, subdivisions 3 and 4; 256D.02, subdivision 7, and by adding a subdivision; 256D.06, by adding a subdivision; 256D.07; 256D.35, by adding a subdivision; 256D.37, subdivision 2, and by adding subdivisions; 256E.12, subdivisions 1 and 2; 256F.03, subdivision 8; 257.071, subdivisions 2 and 3, and by adding a subdivision; 257.072; 260.181, subdivision 3; 268.0111, by adding a subdivision; 268.911, subdivision 3; 326.371; 462A.05, by adding a subdivision; 462A.21, by adding a subdivision; 609.72, subdivision 1; 611A.32, by adding a subdivision; Minnesota Statutes 1987 Supplement, sections 3.922, subdivision 6; 16B.08, subdivision 7; 16B.61, subdivision 3; 62A.152, subdivision 2; 62A.48, subdivision 7; 62A.50, subdivision 3; 62D.102; 129A.01, subdivisions 5, 6, and 7; 129A.03; 129A.06, subdivision 1; 129A.07, subdivision 1; 129A.08, subdivisions 1, 4, and 5, and by adding subdivisions; 144A.071, subdivision 3; 144A.073, subdivisions 1, 2, 7, and 8; 148B.23, subdivision 1; 148B.42, subdivision 1; 245.462, subdivisions 3, 4, 6, 17, 18, 19, 20, 21, 23, and 25; 245.465; 245.466, subdivisions 1, 2, and 5; 245.467, by adding subdivisions; 245.469, subdivision 2; 245.471, subdivisions 2 and 3; 245.472, subdivision 2; 245.475, subdivisions 1 and 2; 245.476, subdivision 1; 245.477; 245.478, subdivisions 1, 2, and 9; 245.479; 245.482, subdivision 2; 245.696, subdivision 2; 245.697, subdivision 2, and by adding a subdivision; 245A.09, by adding a subdivision; 248.07, subdivision 8; 252.291, subdivision 3; 252.46, subdivisions 5 and 6, and by adding subdivisions; 253B.03, subdivision 6; 256.015, subdivision 2; 256.736, subdivisions 1b, 4, and 11; 256.936; 256.969, subdivision 3; 256B.02, subdivision 8; 256B.031, subdivision 5; 256B.042, subdivision 2; 256B.06, subdivisions 1 and 4; 256B.091, subdivision 4; 256B.35, subdivision 1; 256B.431, subdivision 4; 256B.433, subdivision 1; 256B.501, subdivision 1; 256B.73, subdivision 2, and by adding a subdivision; 256D.01, subdivision 1a; 256D.03, subdivision 3; 256D.06, subdivisions 1 and 1b; 256D.37, subdivision 1; 256E.12, subdivision 3; 268.91, subdivisions 1, 3, 3b, 3c, 3e, 4, and 12; 393.07, subdivision 10, and by adding a subdivision; Laws 1984, chapter 654, article 5, section 57, subdivision 1, as amended; Laws 1987, chapter 337, section 131; Laws 1987, chapter 403, article 2, section 34; Laws 1987, chapter 403, article 4, section 13; Laws 1987, chapter 403, article 1, section 4, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 62A; 62C; 62D; 144; 145; 152A; 157; 179A; 245; 246; 252; 256; 256B; 256H; 257; and 268; repealing Minnesota Statutes 1986, sections 136.26; 144.388; 245.84, subdivision 4; 245.86; 245.87; and 257.071, subdivision 6; Minnesota Statutes 1987 Supplement, sections 129A.01, subdivision 8; 129A.07, subdivision 2; 129A.08, subdivision 3; 148B.04, subdivision 1; and 256B.73, subdivision 10.

The Senate has appointed as such Committee:



Mr. Samuelson, Ms. Piper, Messrs. Knutson, Freeman and Ms. Berglin.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2092, A bill for an act relating to environment; authorizing sanitary districts to apply for and receive assistance from the waste management board for certain solid waste programs; amending Minnesota Statutes 1986, section 115A.50; and Minnesota Statutes 1987 Supplement, section 115A.49.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Ogren moved that the House concur in the Senate amendments to H. F. No. 2092 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2092, A bill for an act relating to environment; authorizing sanitary districts to apply for and receive assistance from the waste management board for certain solid waste programs; amending Minnesota Statutes 1986, sections 115A.03, by adding a subdivision; and 115A.50; and Minnesota Statutes 1987 Supplement, section 115A.49.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Boo	Dawkins	Gruenes	Jefferson
Battaglia	Brown	DeBlieck	Gutknecht	Jennings
Bauerly	Burger	Dempsey	Hartle	Jensen
Beard	Carlson, L.	Dille	Haukoos	Johnson, A.
Begich	Carruthers	Dorn	Heap	Johnson, R.
Bennett	Clark	Forsythe	Himle	Johnson, V.
Bertram	Clausnitzer	Frederick	Hugoson	Kalis
Bishop	Cooper	Frerichs	Jacobs	Kelly
Blatz	Dauner	Greenfield	Jaros	Kelso

Kinkel	Minne	Ozment	Sarna	Tompkins
Kludt	Morrison	Pappas	Schafer	Trimble
Knickerbocker	Munger	Pauly	Scheid	Tunheim
Knuth	Murphy	Pelowski	Schreiber	Uphus
Kostohryz	Nelson, C.	Peterson	Seaberg	Valento
Krueger	Nelson, D.	Poppenhagen	Segal	Vellenga
Larsen	Nelson, K.	Price	Shaver	Voss
Lasley	O'Connor	Quinn	Simoneau	Wagenius
Lieder	Ogren	Quist	Skoglund	Waltman
Long	Olsen, S.	Reding	Solberg	Welle
McDonald	Olson, E.	Rest	Sparby	Wenzel
McEachern	Olson, K.	Rice	Stanius	Winter
McKasy	Omann	Richter	Steensma	Wynia
McLaughlin	Onnen	Riveness	Sviggum	Spk. Vanasek
McPherson	Orenstein	Rodosovich	Swenson	
Milbert	Osthoff	Rose	Thiede	
Miller	Otis	Rukavina	Tjornhom	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2340, A bill for an act relating to crime; law enforcement; requiring the reporting of crimes motivated by bias; requiring the peace officer standards and training board to mandate preservice training for peace officers in recognizing, responding to, and reporting crimes of bias; requiring the board to make similar instructional materials available to peace officers for continuing education credit; proposing coding for new law in Minnesota Statutes, chapter 626.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Orenstein moved that the House concur in the Senate amendments to H. F. No. 2340 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2340, A bill for an act relating to crime; law enforcement; requiring the reporting of crimes motivated by bias; requiring the peace officer standards and training board to mandate pre-service training for peace officers in recognizing, responding to, and reporting crimes of bias; requiring the board to make similar instructional materials available to peace officers for continuing education credit; proposing coding for new law in Minnesota Statutes, chapter 626.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, R.	Frederick	Kostohryz	Omann	Seaberg
Battaglia	Frerichs	Krueger	Orenstein	Segal
Bauerly	Greenfield	Larsen	Osthoff	Shaver
Beard	Gruenes	Lasley	Otis	Simoneau
Begich	Gutknecht	Lieder	Ozment	Skoglund
Bennett	Hartle	Marsh	Pappas	Solberg
Bertram	Haukoos	McDonald	Pauly	Sparby
Bishop	Heap	McEachern	Pelowski	Steensma
Blatz	Himle	McKasy	Peterson	Sviggum
Boo	Hugoson	McLaughlin	Poppenhagen	Swenson
Brown	Jacobs	McPherson	Price	Tjornhom
Burger	Jaros	Milbert	Quinn	Tompkins
Carlson, D.	Jefferson	Miller	Quist	Trimble
Carlson, L.	Jennings	Minne	Reding	Tunheim
Carruthers	Jensen	Morrison	Rest	Uphus
Clark	Johnson, A.	Munger	Rice	Valento
Clausnitzer	Johnson, R.	Murphy	Richter	Vellenga
Cooper	Johnson, V.	Nelson, C.	Riveness	Voss
Dauner	Kalis	Nelson, D.	Rodosovich	Wagenius
Dawkins	Kelly	Nelson, K.	Rose	Waltman
DeBleeck	Kelso	O'Connor	Rukavina	Welle
Dempsey	Kinkel	Ogren	Sarna	Wenzel
Dille	Kludd	Olsen, S.	Schafer	Winter
Dorn	Knickerbocker	Olson, E.	Scheid	Wynia
Forsythe	Knuth	Olson, K.	Schreiber	Spk. Vanasek

Those who voted in the negative were:

Onnen

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1469, A bill for an act relating to traffic regulations; providing for restrictions on vehicles transporting firewood on highways; amending Minnesota Statutes 1986, sections 169.80, subdivision 1; and 169.81, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Wenzel moved that the House concur in the Senate amendments to H. F. No. 1469 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1469, A bill for an act relating to traffic regulations; providing for restrictions on vehicles transporting firewood on trunk highways; amending Minnesota Statutes 1986, sections 169.80, subdivision 1; and 169.81, by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Battaglia	Frerichs	Krueger	Olson, K.	Scheid
Bauerly	Greenfield	Larsen	Omann	Schreiber
Beard	Gruenes	Lasley	Onnen	Seaberg
Begich	Gutknecht	Lieder	Orenstein	Segal
Bennett	Hartle	Long	Osthoff	Shaver
Bertram	Haukoos	Marsh	Otis	Simoneau
Bishop	Heap	McDonald	Ozment	Solberg
Blatz	Himle	McEachern	Pappas	Sparby
Boo	Hugoson	McKasy	Pauly	Stanius
Brown	Jaros	McLaughlin	Pelowski	Steenasma
Burger	Jefferson	McPherson	Peterson	Sviggum
Carlson, D.	Jennings	Milbert	Poppenhagen	Swenson
Carlson, L.	Jensen	Miller	Price	Thiede
Carruthers	Johnson, A.	Minne	Quinn	Tjornhom
Clark	Johnson, R.	Morrison	Redalen	Trimble
Clausnitzer	Johnson, V.	Munger	Reding	Tunheim
Cooper	Kahn	Murphy	Rest	Uphus
Dauner	Kalis	Nelson, C.	Rice	Valento
Dawkins	Kelly	Nelson, D.	Richter	Vellenga
DeBieck	Kelso	Nelson, K.	Riveness	Wagenius
Dempsey	Kinkel	Neuenschwander	Rodosovich	Waltman
Dille	Kludt	O'Connor	Rose	Welle
Dorn	Knickerbocker	Ogren	Rukavina	Wenzel
Forsythe	Knuth	Olsen, S.	Sarna	Winter
Frederick	Kostohryz	Olson, E.	Schafer	Wynia
				Spk. Vanasek

Those who voted in the negative were:

Anderson, R.	Jacobs	Quist	Voss
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The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2254, A bill for an act relating to liquor; authorizing the city of Blaine to issue an on-sale intoxicating liquor license to the

Pheasant Ridge Music Center.

PATRICK E. FLAHAVERN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Quinn moved that the House concur in the Senate amendments to H. F. No. 2254 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2254, A bill for an act relating to liquor; authorizing the city of Blaine to issue an on-sale intoxicating liquor license to the city of Blaine.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 110 yeas and 15 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Gruenes	Kostohryz	Olson, K.	Rukavina
Battaglia	Gutknecht	Krueger	Omam	Sarna
Bauerly	Hartle	Larsen	Orenstein	Scheid
Beard	Heap	Lasley	Osthoff	Schreiber
Begich	Himle	Lieder	Otis	Seaberg
Bennett	Hugoson	Long	Ozment	Segal
Bertram	Jacobs	Marsh	Pappas	Shaver
Blatz	Jaros	McEachern	Pauly	Simoneau
Boo	Jefferson	McKasy	Pelowski	Solberg
Brown	Jennings	McLaughlin	Peterson	Sparby
Burger	Jensen	Milbert	Poppenhagen	Steensma
Carlson, L.	Johnson, A.	Minne	Price	Swenson
Clark	Johnson, R.	Morrison	Quinn	Tjornhom
Clausnitzer	Johnson, V.	Munger	Quist	Trimble
Cooper	Kahn	Murphy	Redalen	Tunheim
Dawkins	Kalis	Nelson, C.	Reding	Uphus
DeBlicke	Kelly	Nelson, D.	Rest	Valento
Dempsey	Kelso	Nelson, K.	Rice	Welle
Dorn	Kinkel	O'Connor	Richter	Wenzel
Forsythe	Khudt	Ogren	Riveness	Winter
Frederick	Knickerbocker	Olsen, S.	Rodosovich	Wynia
Greenfield	Knuth	Olson, E.	Rose	Spk. Vanasek

Those who voted in the negative were:

Bishop	Dille	McDonald	Schafer	Thiede
Carlson, D.	Frerichs	McPherson	Stanius	Voss
Dauner	Haukoos	Miller	Sviggum	Waltman

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1897, A bill for an act relating to insurance; regulating the Minnesota Insurance Guaranty Association; excluding investment risks insurance from coverage; modifying the definitions of "resident" and "covered claim"; regulating claims; preventing insolvencies; making certain technical changes; amending Minnesota Statutes 1986, sections 60C.02, subdivision 1; 60C.03, subdivisions 2, 7, and by adding a subdivision; 60C.05, subdivisions 1 and 2; 60C.06, by adding a subdivision; 60C.13, subdivision 2; 60C.15; and 60C.18; Minnesota Statutes 1987 Supplement, section 60C.09; repealing Minnesota Statutes 1987 Supplement, section 60C.06, subdivision 5.

PATRICK E. FLAHAVERN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Scheid moved that the House concur in the Senate amendments to H. F. No. 1897 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1897, A bill for an act relating to insurance; regulating the Minnesota Insurance Guaranty Association; excluding investment risks insurance from coverage; modifying the definitions of "resident" and "covered claim"; regulating claims; preventing insolvencies; making certain technical changes; amending Minnesota Statutes 1986, sections 60C.02, subdivision 1; 60C.03, subdivisions 2, 7, and by adding a subdivision; 60C.05, subdivisions 1 and 2; 60C.06, by adding a subdivision; 60C.13, subdivision 2; 60C.15; and 60C.18; Minnesota Statutes 1987 Supplement, section 60C.09; repealing Minnesota Statutes 1987 Supplement, section 60C.06, subdivision 5.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, R.	Bishop	Carlson, L.	Dawkins	Frederick
Battaglia	Blatz	Carruthers	DeBlicke	Frerichs
Beard	Boo	Clark	Dempsey	Greenfield
Begich	Brown	Clausnitzer	Dille	Gruenes
Bennett	Burger	Cooper	Dorn	Gutknecht
Bertram	Carlson, D.	Dauner	Forsythe	Hartle

Haukoos	Kostohryz	Neuenschwander	Redalen	Stanius
Heap	Krueger	O'Connor	Reding	Steensma
Himle	Larsen	Ogren	Rest	Sviggum
Hugoson	Lasley	Olsen, S.	Rice	Swenson
Jacobs	Lieder	Olson, E.	Richter	Thiede
Jaros	Long	Olson, K.	Riveness	Tjornhom
Jefferson	Marsh	Omann	Rodosovich	Tompkins
Jennings	McDonald	Onnen	Rose	Trimble
Jensen	McEachern	Orenstein	Rukavina	Tunheim
Johnson, A.	McKasy	Osthoff	Sarna	Uphus
Johnson, R.	McLaughlin	Otis	Schafer	Valento
Johnson, V.	McPherson	Ozment	Scheid	Vellenga
Kahn	Milbert	Pappas	Schreiber	Voss
Kalis	Miller	Pauly	Seaberg	Wagenius
Kelly	Minne	Pelowski	Segal	Waltman
Kelso	Morrison	Peterson	Shaver	Wenzel
Kinkel	Munger	Poppenhagen	Simoneau	Winter
Kludt	Murphy	Price	Skoglund	Wynia
Knickerbocker	Nelson, C.	Quinn	Solberg	Spk. Vanasek
Knuth	Nelson, K.	Quist	Sparby	

Those who voted in the negative were:

Bauerly

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2446, A bill for an act relating to St. Louis county; providing duties of the county board and the county administrator; regulating finances; providing for property assessments; repealing obsolete laws; amending Minnesota Statutes 1986, sections 383C.031; 383C.034; 383C.091; 383C.094, subdivision 1; 383C.131; 383C.133, subdivision 1; 383C.135; 383C.16; 383C.161; 383C.162; 383C.17; 383C.231, subdivision 1; 383C.232; 383C.26; 383C.261; 383C.36; 383C.422; 383C.482, subdivision 1; 383C.74, subdivision 1; 383C.75; and 383C.78, subdivision 2; Minnesota Statutes 1987 Supplement, section 383C.035; proposing coding for new law in Minnesota Statutes, chapter 383C; repealing Minnesota Statutes 1986, section 383C.075; 383C.076; 383C.095; 383C.132; 383C.13; 383C.133; 383C.171; 383C.174; 383C.175; 383C.20; 383C.202; 383C.203; 383C.291; 383C.292; 383C.339; 383C.361; 383C.362; 383C.363; 383C.392, subdivision 2; 383C.423; 383C.424; 383C.45; 383C.481; 383C.52; 383C.521; 383C.523; 383C.55; 383C.551; 383C.552; 383C.553; 383C.554; 383C.555, subdivision 2; 383C.556; 383C.557; 383C.61; 383C.611; 383C.612; 383C.613; 383C.64; 383C.641; 383C.642; 383C.643; 383C.644; 383C.645; 383C.646; 383C.647; 383C.648; 383C.649; 383C.65; 383C.651; 383C.66; 383C.67; 383C.671; 383C.672; 383C.673; 383C.674; 383C.675; 383C.676; 383C.677; 383C.77; 383C.80; 383C.801; 383C.802;

383C.803; 383C.804; and 383C.805; Minnesota Statutes 1987 Supplement, section 383C.76.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Rukavina moved that the House concur in the Senate amendments to H. F. No. 2446 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2446, A bill for an act relating to St. Louis county; providing duties of the county board and the county administrator; regulating finances; providing for property assessments; repealing obsolete laws; amending Minnesota Statutes 1986, sections 383C.031; 383C.034; 383C.091; 383C.094, subdivision 1; 383C.131; 383C.133, subdivision 1; 383C.135; 383C.16; 383C.161; 383C.162; 383C.17; 383C.231, subdivision 1; 383C.232; 383C.26; 383C.261; 383C.36; 383C.422; 383C.482, subdivision 1; 383C.74, subdivision 1; 383C.75; and 383C.78, subdivision 2; Minnesota Statutes 1987 Supplement, section 383C.035; proposing coding for new law in Minnesota Statutes, chapter 383C; repealing Minnesota Statutes 1986, section 383C.075; 383C.076; 383C.095; 383C.132; 383C.13; 383C.133; 383C.171; 383C.174; 383C.175; 383C.20; 383C.202; 383C.203; 383C.291; 383C.292; 383C.339; 383C.361; 383C.362; 383C.363; 383C.392, subdivision 2; 383C.423; 383C.424; 383C.45; 383C.481; 383C.52; 383C.521; 383C.523; 383C.55; 383C.551; 383C.552; 383C.553; 383C.554; 383C.555, subdivision 2; 383C.556; 383C.557; 383C.61; 383C.611; 383C.612; 383C.613; 383C.64; 383C.641; 383C.642; 383C.643; 383C.644; 383C.645; 383C.646; 383C.647; 383C.648; 383C.649; 383C.65; 383C.651; 383C.66; 383C.67; 383C.671; 383C.672; 383C.673; 383C.674; 383C.675; 383C.676; 383C.677; 383C.77; 383C.80; 383C.801; 383C.802; 383C.803; 383C.804; and 383C.805; Minnesota Statutes 1987 Supplement, section 383C.76.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Battaglia	Boo	Cooper	Frederick	Himle
Bauerly	Brown	Dauner	Frerichs	Hugoson
Beard	Burger	Dawkins	Greenfield	Jacobs
Begich	Carlson, D.	DeBlicke	Gruenes	Jaros
Bennett	Carlson, L.	Dempsey	Gutknecht	Jefferson
Bertram	Carruthers	Dille	Hartle	Jennings
Bishop	Clark	Dorn	Haukoos	Jensen
Blatz	Clausnitzer	Forsythe	Heap	Johnson, A.



Johnson, R.	McEachern	Onnen	Rodosovich	Tjornhom
Johnson, V.	McKasy	Orenstein	Rose	Tompkins
Kahn	McLaughlin	Osthoff	Rukavina	Trimble
Kalis	McPherson	Otis	Sarna	Tunheim
Kelly	Milbert	Ozment	Scheid	Uphus
Kelso	Miller	Pappas	Schreiber	Valento
Kinkel	Minne	Pauly	Seaberg	Vellenga
Kludt	Munger	Pelowski	Segal	Voss
Knickerbocker	Murphy	Peterson	Shaver	Wagenius
Knuth	Nelson, C.	Poppenhagen	Simoneau	Waltman
Kostohryz	Nelson, D.	Price	Skoglund	Welle
Krueger	Nelson, K.	Quinn	Solberg	Wenzel
Larsen	O'Connor	Quist	Sparby	Winter
Lasley	Ogren	Redalen	Stanius	Wynia
Lieder	Olsen, S.	Reding	Steensma	Spk. Vanasek
Long	Olson, E.	Rest	Sviggum	
Marsh	Olson, K.	Richter	Swenson	
McDonald	Omamm	Riveness	Thiede	

Those who voted in the negative were:

Rice

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2422, A bill for an act relating to agriculture; clarifying certain exemptions; specifying property exempt from final process issued by a court; modifying the exemption for employee benefits; amending Minnesota Statutes 1986, sections 323.24; and 550.37, subdivisions 5 and 24.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Simoneau moved that the House concur in the Senate amendments to H. F. No. 2422 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2422, A bill for an act relating to agriculture; clarifying certain exemptions; specifying property exempt from final process issued by a court; modifying the exemption for employee benefits; amending Minnesota Statutes 1986, sections 323.24; and 550.37, subdivisions 5, 18, and 24.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Battaglia	Hartle	Long	Otis	Skoglund
Bauerly	Haukoos	Marsh	Ozment	Solberg
Begich	Heap	McDonald	Pappas	Sparby
Bennett	Himle	McEachern	Pauly	Stanius
Bertram	Hugoson	McKasy	Pelowski	Steensma
Bishop	Jacobs	McLaughlin	Peterson	Sviggum
Blatz	Jaros	McPherson	Poppenhagen	Swenson
Boo	Jefferson	Milbert	Price	Thiede
Carlson, D.	Jennings	Miller	Quist	Tjornhom
Carlson, L.	Jensen	Minne	Redalen	Tompkins
Carruthers	Johnson, A.	Morrison	Reding	Trimble
Clark	Johnson, R.	Munger	Rest	Tunheim
Clausnitzer	Johnson, V.	Murphy	Rice	Uphus
Cooper	Kahn	Nelson, C.	Richter	Valento
Dauner	Kalis	Nelson, D.	Riveness	Vellenga
Dawkins	Kelly	Nelson, K.	Rodosovich	Voss
DeBlick	Kelso	Neuenschwander	Rose	Wagenius
Dempsey	Kinkel	O'Connor	Rukavina	Waltman
Dille	Kludt	Ogren	Sarna	Welle
Dorn	Knickerbocker	Olsen, S.	Schafer	Wenzel
Forsythe	Knuth	Olson, E.	Scheid	Winter
Frederick	Kostohryz	Olson, K.	Schreiber	Wynia
Frerichs	Krueger	Omann	Seaberg	Spk. Vanasek
Greenfield	Larsen	Onnen	Segal	
Gruenes	Lasley	Orenstein	Shaver	
Gutknecht	Lieder	Osthoff	Simoneau	

Those who voted in the negative were:

Brown

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2551, A bill for an act relating to state lands; authorizing private conveyance of tax-forfeited land in St. Louis county.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Battaglia moved that the House concur in the Senate amendments to H. F. No. 2551 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2551, A bill for an act relating to state lands; authorizing private conveyance of tax-forfeited land in St. Louis county.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Frerichs	Larsen	Otis	Simoneau
Battaglia	Greenfield	Lasley	Ozment	Skoglund
Bauerly	Gruenes	Lieder	Pappas	Solberg
Beard	Gutknecht	Long	Pauly	Sparby
Begich	Hartle	Marsh	Pelowski	Stanius
Bennett	Haukoos	McDonald	Peterson	Steenasma
Bertram	Heap	McKasy	Poppenhagen	Sviggum
Bishop	Himle	McLaughlin	Price	Swenson
Blatz	Hugoson	McPherson	Quinn	Thiede
Boo	Jacobs	Milbert	Quist	Tjornhom
Brown	Jaros	Miller	Redalen	Tompkins
Burger	Jefferson	Minne	Reding	Trimble
Carlson, D.	Jennings	Morrison	Rest	Tunheim
Carlson, L.	Jensen	Munger	Rice	Uphus
Carruthers	Johnson, A.	Murphy	Richter	Valento
Clark	Johnson, R.	Nelson, C.	Riveness	Vellenga
Clausnitzer	Johnson, V.	Nelson, D.	Rodosovich	Voss
Cooper	Kahn	Neuenschwander	Rose	Wagenius
Dauner	Kalis	O'Connor	Rukavina	Waltman
Dawkins	Kelly	Ogren	Sarna	Welle
DeBlieck	Kelso	Olson, E.	Schafer	Wenzel
Dempsey	Kinkel	Olson, K.	Scheid	Winter
Dille	Kludt	Omann	Schreiber	Wynia
Dorn	Knuth	Onnen	Seaberg	Spk. Vanasek
Forsythe	Kostohryz	Orenstein	Seagal	
Frederick	Krueger	Osthoff	Shaver	

Those who voted in the negative were:

McEachern      Nelson, K.      Olsen, S.

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2489, A bill for an act relating to land exchange; authorizing the exchange of certain state lands free from reservations of public travel under certain conditions; authorizing sale of certain land in Cook county; amending Minnesota Statutes 1986,

section 94.342, subdivision 3.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Battaglia moved that the House concur in the Senate amendments to H. F. No. 2489 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2489, A bill for an act relating to state lands; authorizing the exchange of certain state lands free from reservations of public travel under certain conditions; authorizing sale of certain land in Cook county; appropriating money; amending Minnesota Statutes 1986, section 94.342, subdivision 3.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Frerichs	Larsen	Osthoff	Simoneau
Battaglia	Greenfield	Lasley	Otis	Skoglund
Bauerly	Gruenes	Lieder	Ozment	Solberg
Beard	Gutknecht	Long	Pappas	Sparby
Begich	Hartle	Marsh	Pauly	Stanius
Bennett	Haukoos	McDonald	Pelowski	Steensma
Bertram	Heap	McKasy	Peterson	Sviggum
Bishop	Himle	McLaughlin	Poppenhagen	Swenson
Blatz	Hugoson	McPherson	Price	Thiede
Boo	Jacobs	Milbert	Quinn	Tjornhom
Brown	Jaros	Miller	Quist	Tompkins
Burger	Jefferson	Minne	Redalen	Trimble
Carlson, D.	Jennings	Morrison	Reding	Tunheim
Carlson, L.	Jensen	Murphy	Rest	Uphus
Carruthers	Johnson, R.	Nelson, C.	Rice	Valento
Clark	Johnson, V.	Nelson, D.	Riveness	Vellenga
Clausnitzer	Kahn	Nelson, K.	Rodosovich	Voss
Cooper	Kalis	Neuenschwander	Rose	Wagenius
Dauner	Kelly	O'Connor	Rukavina	Waltman
Dawkins	Kelso	Ogren	Sarna	Welle
DeBlick	Kinkel	Olsen, S.	Schafer	Wenzel
Dempsey	Kludt	Olson, E.	Scheid	Winter
Dille	Knickerbocker	Olson, K.	Schreiber	Wynia
Dorn	Knuth	Omman	Seaberg	Spk. Vanasek
Forsythe	Kostohryz	Onnen	Segal	
Frederick	Krueger	Orenstein	Shaver	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1585, A bill for an act relating to natural resources; designating a basin of Twin Lake within the city of Robbinsdale as a separate basin, South Twin Lake.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Carlson, L., moved that the House concur in the Senate amendments to H. F. No. 1585 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1585, A bill for an act relating to natural resources; designating a basin of Twin Lake within the city of Robbinsdale as a separate basin, South Twin Lake.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Frederick	Knuth	Olsen, S.	Rukavina
Battaglia	Frerichs	Kostohryz	Olson, E.	Sarna
Bauerly	Greenfield	Krueger	Olson, K.	Schafer
Beard	Gruenes	Larsen	Omann	Scheid
Begich	Gutknecht	Lasley	Onnen	Schreiber
Bennett	Hartle	Lieder	Orenstein	Seaberg
Bertram	Haukoos	Long	Osthoff	Segal
Bishop	Heap	Marsh	Otis	Shaver
Blatz	Himle	McDonald	Ozment	Simoneau
Boo	Hugoson	McEachern	Pappas	Skoglund
Brown	Jacobs	McKasy	Pauly	Solberg
Burger	Jaros	McLaughlin	Pelowski	Sparby
Carlson, D.	Jefferson	McPherson	Peterson	Stanius
Carlson, L.	Jennings	Milbert	Poppenhagen	Steensma
Carruthers	Jensen	Miller	Price	Swiggum
Clark	Johnson, A.	Minne	Quinn	Swenson
Clausnitzer	Johnson, R.	Morrison	Quist	Thiede
Cooper	Johnson, V.	Munger	Redalen	Tjornhom
Dauner	Kahn	Murphy	Reding	Tompkins
Dawkins	Kalis	Nelson, C.	Rest	Trimble
DeBlicke	Kelly	Nelson, D.	Rice	Tunheim
Dempsey	Kelso	Nelson, K.	Richter	Uphus
Dille	Kinkel	Neuenschwander	Riveness	Valento
Dorn	Kludt	O'Connor	Rodosovich	Vellenga
Forsythe	Knickerbocker	Ogren	Rose	Voss

Wagenius  
Waltman

Welle  
Wenzel

Winter  
Wynia

Spk. Vanasek

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1731, A bill for an act relating to the city of Proctor; authorizing the continuance of a municipal liquor store.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Murphy moved that the House concur in the Senate amendments to H. F. No. 1731 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1731, A bill for an act relating to the city of Proctor; authorizing the continuance of a municipal liquor store.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	DeBlicke	Johnson, V.	McPherson	Otis
Battaglia	Dempsey	Kahn	Milbert	Ozment
Bauerly	Dille	Kalis	Miller	Pappas
Beard	Dorn	Kelly	Minne	Pauly
Begich	Forsythe	Kelso	Morrison	Pelowski
Bennett	Frederick	Kinkel	Munger	Peterson
Bertram	Greenfield	Kludt	Murphy	Poppenhagen
Bishop	Greenes	Knickerbocker	Nelson, C.	Price
Blatz	Gutknecht	Knuth	Nelson, D.	Quinn
Boo	Hartle	Kostohryz	Nelson, K.	Quist
Brown	Heap	Krueger	Neuenschwander	Redalen
Burger	Himle	Larsen	O'Connor	Reding
Carlson, D.	Hugoson	Lasley	Ogren	Rest
Carlson, L.	Jacobs	Lieder	Olsen, S.	Richter
Carruthers	Jaros	Long	Olson, E.	Riveness
Clark	Jefferson	Marsh	Olson, K.	Rodosovich
Clausnitzer	Jennings	McDonald	Omann	Rose
Cooper	Jensen	McEachern	Onnen	Rukavina
Dauner	Johnson, A.	McKasy	Orenstein	Sarna
Dawkins	Johnson, R.	McLaughlin	Osthoff	Scheid

Schreiber	Solberg	Tjornhom	Vellenga	Winter
Seaberg	Sparby	Tompkins	Voss	Wynia
Segal	Stanius	Trimble	Wagenius	Spk. Vanasek
Shaver	Steensma	Tunheim	Waltman	
Simoneau	Sviggum	Uphus	Welle	
Skoglund	Swenson	Valento	Wenzel	

Those who voted in the negative were:

Frerichs	Haukoos	Schafer
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The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2317, A bill for an act relating to education; providing for use of certain revenues in the independent school district No. 710 bond redemption fund; amending Laws 1982, chapter 523, article 30, section 4, subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Begich moved that the House concur in the Senate amendments to H. F. No. 2317 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2317, A bill for an act relating to education; providing for use of certain revenues in the independent school district No. 710 bond redemption fund; amending Laws 1982, chapter 523, article 30, section 4, subdivision 3.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Begich	Boo	Carruthers	Dawkins
Anderson, R.	Bennett	Brown	Clark	DeBlieck
Battaglia	Bertram	Burger	Clausnitzer	Dempsey
Bauerly	Bishop	Carlson, D.	Cooper	Dille
Beard	Blatz	Carlson, L.	Dauner	Dorn

Forsythe	Kelly	Munger	Price	Solberg
Frederick	Kelso	Murphy	Quinn	Sparby
Frerichs	Kinkel	Nelson, C.	Quist	Stanius
Greenfield	Kludt	Nelson, D.	Redalen	Steensma
Gruenes	Knuth	Nelson, K.	Reding	Sviggum
Gutknecht	Kostohryz	Neuenschwander	Rest	Swenson
Hartle	Krueger	O'Connor	Rice	Thiede
Haukoos	Larsen	Ogren	Richter	Tjornhom
Heap	Lasley	Olson, E.	Riveness	Tompkins
Himle	Lieder	Olson, K.	Rodosovich	Trimble
Hugoson	Long	Omann	Rose	Tunheim
Jacobs	Marsh	Onnen	Rukavina	Uphus
Jaros	McDonald	Orenstein	Sarna	Valento
Jefferson	McEachern	Osthoff	Schafer	Vellenga
Jennings	McKasy	Otis	Scheid	Voss
Jensen	McLaughlin	Ozment	Schreiber	Wagenius
Johnson, A.	McPherson	Pappas	Seaberg	Waltman
Johnson, R.	Milbert	Pauly	Segal	Welle
Johnson, V.	Miller	Pelowski	Shaver	Wenzel
Kahn	Minne	Peterson	Simoneau	Winter
Kalis	Morrison	Poppenhagen	Skoglund	Wynia
				Spk. Vanasek

Those who voted in the negative were:

Knickerbocker

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1277, A bill for an act relating to transportation; providing for state park road account funds to be used for lake access roads; amending Minnesota Statutes 1986, section 162.06, subdivision 5.

PATRICK E. FLAHAVER, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Anderson, G., moved that the House concur in the Senate amendments to H. F. No. 1277 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1277, A bill for an act relating to transportation; providing for state park road account funds to be used for lake access roads; amending Minnesota Statutes 1986, section 162.06, subdivision 5.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.



The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frederick	Kostarczyz	Omann	Seaberg
Anderson, R.	Frerichs	Krueger	Onnen	Segal
Battaglia	Greenfield	Larsen	Orenstein	Shaver
Bauerly	Gruenes	Lasley	Osthoff	Simoneau
Beard	Gutknecht	Long	Otis	Skoglund
Begich	Hartle	Marsh	Ozment	Solberg
Bennett	Haukoos	McDonald	Pappas	Sparby
Bertram	Heap	McEachern	Pauly	Stanius
Bishop	Himle	McKasy	Pelowski	Steensma
Blatz	Hugoson	McLaughlin	Peterson	Sviggum
Boo	Jacobs	McPherson	Poppenhagen	Swenson
Brown	Jaros	Milbert	Price	Thiede
Burger	Jefferson	Miller	Quinn	Tjornhom
Carlson, D.	Jennings	Minne	Quist	Tompkins
Carlson, L.	Jensen	Morrison	Redalen	Trimble
Carruthers	Johnson, A.	Munger	Reding	Tunheim
Clark	Johnson, R.	Murphy	Rest	Uphus
Clausnitzer	Johnson, V.	Nelson, C.	Rice	Valento
Cooper	Kahn	Nelson, D.	Richter	Voss
Dauner	Kalis	Nelson, K.	Riveness	Wagenius
Dawkins	Kelly	Neuenschwander	Rodosovich	Waltman
DeBlieck	Kelso	O'Connor	Rose	Welle
Dempsey	Kinkel	Ogren	Sarna	Wenzel
Dille	Khudt	Olsen, S.	Schafer	Winter
Dorn	Knickerbocker	Olson, E.	Scheid	Wynia
Forsythe	Knuth	Olson, K.	Schreiber	Spk. Vanasek

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2590, A bill for an act relating to the financing of government in Minnesota; changing tax rates and bases; modifying the administration, collection, and enforcement of taxes; imposing taxes; changing the computation, administration, and payment of aids, credits, and refunds; limiting taxing powers; transferring and imposing governmental powers and duties; making technical corrections and clarifications; providing bonding authority to Hennepin County; imposing penalties; appropriating money and reducing appropriations; amending Minnesota Statutes 1986, sections 69.031, subdivision 3; 168.011, subdivision 8; 168.012, subdivision 9; 237.075, subdivision 8; 240.01, by adding a subdivision; 240.13, subdivisions 4 and 6; 240.15, subdivisions 1, 3, and 6; 240.18; 270.075, subdivision 2; 270.41; 270.70, subdivision 1; 271.01, subdivision 5; 273.05, subdivision 1; 273.061, subdivision 2; 273.112, subdivisions 3 and 6; 273.121; 273.124, subdivisions 1 and 6; 273.13, by adding a subdivision; 273.40; 279.01, subdivision 3; 287.21, by

adding a subdivision; 290.01, by adding a subdivision; 290.06, by adding subdivisions; 290.39, by adding a subdivision; 290.50, subdivision 3; 290.92, subdivisions 2a and 21; 290.931, subdivision 1; 290.934, subdivisions 1, 3, and by adding a subdivision; 290A.03, subdivision 7; 297.01, by adding a subdivision; 297.03, subdivision 12, and by adding a subdivision; 297.041, subdivision 1; 297.06, subdivisions 1, 2, 3, and by adding a subdivision; 297.08, subdivision 1; 297.12, subdivision 1; 297.35, by adding a subdivision; 297A.02, subdivision 4; 297A.15, subdivisions 1 and 5; 297A.16; 297A.17; 297A.21; 297A.25, subdivisions 5, 8, 27, and by adding subdivisions; 297A.256; 297C.02, subdivisions 3 and 4; 297C.03, by adding a subdivision; 297C.07; 297D.08; 298.223; 303.03; 329.11; 349.12, subdivision 18, and by adding subdivisions; 349.2121, subdivisions 1, 2, 5, and by adding a subdivision; 349.22, subdivision 1, and by adding subdivisions; 375.192, subdivision 1; 375.83; 473.167, subdivisions 2, 3, and by adding subdivisions; 473.249, subdivision 1, and by adding a subdivision; 473.446, subdivision 3, and by adding a subdivision; 473.711, subdivision 2, and by adding a subdivision; 473.843, subdivision 2; 477A.011, subdivision 11, and by adding a subdivision; and 477A.015; Minnesota Statutes 1987 Supplement, sections 16A.1541; 60A.15, subdivision 1; 60E.04, subdivision 4; 69.021, subdivision 5; 69.54; 124.155, subdivision 2; 124A.02, subdivisions 3a and 11; 240.13, subdivision 5; 270.485; 272.02, subdivision 1; 272.115, subdivision 4; 272.121; 273.061, subdivision 1; 273.1195; 273.123, subdivisions 4 and 5; 273.124, subdivisions 11 and 13; 273.13, subdivisions 23, 24, and 25; 273.135, subdivision 2; 273.1391, subdivision 2; 273.1392; 273.1393; 273.1397, subdivision 2; 273.165, subdivision 2; 273.42, subdivision 2; 274.01, subdivision 1; 274.19, subdivisions 1, 2, 3, 4, 6, 7, and 8; 275.07, subdivision 1; 275.50, subdivision 2; 275.51, subdivision 3h; 276.04; 279.01, subdivision 1; 290.01, subdivisions 3a, 4, 7, 19, 19a, 19b, 19c, 19d, 19e, and 20; 290.015, subdivisions 1, 2, 3, and 4; 290.06, subdivisions 1, 2c, and 21; 290.081; 290.092, subdivisions 3, 4, 5, and by adding a subdivision; 290.095, subdivisions 1, 3, and by adding a subdivision; 290.10; 290.17, subdivision 2; 290.191, subdivisions 6 and 11; 290.21, subdivisions 3 and 4; 290.35, subdivision 2; 290.371, subdivisions 1, 3, 4, and 5; 290.38; 290.41, subdivision 2; 290.92, subdivisions 7 and 15; 290.934, subdivision 2; 290.9725; 290A.03, subdivisions 3, 13, 14, and 15; 290A.04, subdivision 2; 290A.06; 295.32; 295.34, subdivision 1; 297.01, subdivisions 7 and 14; 297.03, subdivision 6; 297.11, subdivision 5; 297A.01, subdivision 3; 297A.212; 297A.25, subdivisions 3 and 11; 297B.03; 297C.04; 298.2213, subdivision 3; 299.01, subdivision 1; 349.212, subdivisions 1 and 4; 349.2121, subdivisions 4a and 10; 349.2122; 349.2123; 469.174, subdivision 10; 469.175, subdivisions 1, 2, 3, 4, and by adding a subdivision; 469.176, subdivisions 1, 4, and 6; 469.177, subdivisions 1, 3, 4, and by adding subdivisions; 473.446, subdivision 1; 475.53, subdivision 4; 475.61, subdivision 3; 477A.012, subdivision 1; and 508.25; Laws 1987, chapter 268, article 6, sections 19, 53, and 54; and article 8, section 9; proposing coding for new law in Minnesota Statutes, chapters 270; 273; 275; 290; 290A; 297; 297C; 298; 349; and 424A; repealing Minnesota Statutes 1986,

sections 272.64; 273.13, subdivisions 7a and 30; 275.035; 275.49; 290.07, subdivisions 3 and 6; 290.11; 290.12, as amended; 290.131, as amended; 290.132, as amended; 290.133, as amended; 290.134, as amended; 290.135, as amended; 290.136, as amended; 290.138, as amended; 290.934, subdivision 4; 297A.15; subdivision 2; 297C.03, subdivision 5; 298.401; and 299.013; Minnesota Statutes 1987 Supplement, sections 273.1195; 273.13, subdivision 15a; 273.1394; 273.1395; 273.1396; 273.1397; 275.081; 275.082; 275.125, subdivision 22; 290.06, subdivision 20; 290.077, subdivision 1; 290.14; 290.371, subdivision 2; 290A.04, subdivisions 2a and 2b; 296.02, subdivisions 2a and 2b; and 296.025, subdivisions 2a and 2b; Laws 1987, chapter 268, article 3, section 11; and article 5, section 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

Voss moved that the House refuse to concur in the Senate amendments to H. F. No. 2590, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2265, A bill for an act relating to natural resources; correcting certain provisions for net size for the taking of ciscoes; amending Minnesota Statutes 1986, section 97C.805, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Reding moved that the House refuse to concur in the Senate amendments to H. F. No. 2265, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2049, A bill for an act relating to commerce; motor vehicles; clarifying the intent of the legislature regarding certain motor vehicle coverages; regulating motor vehicle franchises; clarifying the intent of the legislature regarding cancellations, termina-

tions, or nonrenewals; specifying unfair practices; prohibiting agreements designed to waive, nullify, or modify statutory regulation; requiring lessors to title and register vehicles; amending Minnesota Statutes 1986, sections 60A.08, by adding a subdivision; 80E.06; 80E.07; 80E.08; 80E.09; 80E.13; Minnesota Statutes 1987 Supplement, sections 65B.49, subdivision 5a; and 72A.125, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 80E.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sparby moved that the House refuse to concur in the Senate amendments to H. F. No. 2049, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1844, A bill for an act relating to courts; prescribing when a referee's orders become effective; amending Minnesota Statutes 1986, section 484.70, subdivision 7.

PATRICK E. FLAHAVEN, Secretary of the Senate

Vellenga moved that the House refuse to concur in the Senate amendments to H. F. No. 1844, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to Senate File No. 2009:

S. F. No. 2009, A bill for an act relating to family law; modifying and clarifying provisions for the collection and enforcement of child support; providing for cost-of-living adjustments in spousal maintenance awards; providing for grandparent visitation rights in all family law proceedings; providing for reopening of judgments; providing for custody rights; clarifying and modifying provisions relating to pension plan rights in marriage dissolutions; amending Minnesota Statutes 1986, sections 69.62; 256.978; 257.022, subdivision 2; 270A.03, subdivision 4; 383B.51; 423A.16; 424A.02, subdivi-

sion 6; 490.126, by adding a subdivision; 518.145; 518.156, subdivision 1; 518.17, subdivision 3; 518.171, by adding a subdivision; 518.175, by adding a subdivision; 518.551, by adding a subdivision; 518.552, by adding a subdivision; 518.54, by adding a subdivision; 518.611, subdivision 10; 518.64, subdivision 2; and 518.641; Minnesota Statutes 1987 Supplement, sections 356.80; 518.54, subdivision 10; 518.58, subdivision 2; 518.581, subdivision 4; and 518.611, subdivision 2.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Mses. Berglin, Reichgott and Mr. Knaak.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Vellenga moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2009. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to Senate File No. 2226:

S. F. No. 2226, A bill for an act relating to state government; amending certain provisions governing advisory councils, committees, and task forces; amending Minnesota Statutes 1986, sections 3.922, subdivision 3; 3.9225, subdivision 1; 3.9226, subdivision 1; 6.65; 15.059, subdivision 5; 79.51, subdivision 4; 84B.11, subdivision 1; 85A.02, subdivision 4; 115.54; 116C.59, subdivisions 1, 2, and 4; 116C.839; 121.83; 124.48, subdivision 3; 126.56, subdivision 5; 128A.03, subdivision 3; 135A.05; 136A.02, subdivision 7; 138.97, subdivision 3; 162.02, subdivision 2; 162.09, subdivision 2; 174.031, subdivision 2; 175.008; 182.653, subdivision 4e; 214.141; 248.10, subdivision 2; 254A.035, subdivision 2; 256C.28, subdivision 2; 299F.097; 611A.34, subdivision 1; 611A.71, by adding a subdivision; Minnesota Statutes 1987 Supplement, sections 15.059, subdivision 6; 16B.20, subdivision 2; 43A.316, subdivision 4; 115A.12, subdivision 1; 116J.971, by adding a subdivision; 120.17, subdivision 11a; 121.934, subdivision 1; 123.935, subdivision 7; 126.665; 129C.10, subdivision 3; 136A.02, subdivision 6; 144.672, subdivision 1; 175.007, subdivision 1; 245.697, subdivision 1; 245.97, subdivision 6; 246.56, subdivision 2; 256.482, subdivision 1; 256.73, subdivision 7; 256B.064, subdivision 1a; 256B.27, subdivision 3; 256B.433, subdi-

visions 1 and 4; 299A.23, subdivision 2; 299J.06, subdivision 4; repealing Minnesota Statutes 1986, sections 116J.04; 160.80, subdivision 6; 177.28, subdivision 2; 326.66; Minnesota Statutes 1987 Supplement, section 115A.12, subdivision 2.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Messrs. Pogemiller, Freeman and Frederickson, D. R.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Knuth moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2226. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to Senate File No. 2003:

S. F. No. 2003, A bill for an act relating to state government; providing for salary ranges for certain state employees; clarifying requirements for submitting certain salaries for legislative approval; requiring certain reports; regulating emergency civil service appointments; clarifying limits on certain salaries; authorizing the governor to change the salaries of newly appointed agency heads; regulating affirmative action; regulating separation from certain bargaining units; regulating health and other fringe benefit coverages; providing duties for the commissioner of employee relations; amending Minnesota Statutes 1986, sections 43A.04, subdivision 7; 43A.15, subdivisions 2 and 11; 43A.17, subdivisions 1 and 9; 43A.18, subdivision 5; 43A.19, subdivision 1; 43A.23, subdivisions 1 and 3; 43A.27, subdivision 3, and by adding a subdivision; 175.101, by adding a subdivision; and 179A.10, subdivision 3; Minnesota Statutes 1987 Supplement, sections 15A.081, subdivisions 1 and 7b; 15A.083, subdivision 7; 43A.08, subdivision 1a; 43A.191, subdivision 3; 43A.316, subdivisions 2, 4, 8, and by adding a subdivision; 43A.421; 44A.02, subdivision 1; 79.34, subdivision 1; 176.611, subdivisions 2 and 3a; and 214.04, subdivision 3.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Messrs. Moe, D. M.; Wegscheid and Ms. Olson.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Jefferson moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2003. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to Senate File No. 1686:

S. F. No. 1686, A bill for an act relating to agriculture; prescribing procedure for delivery of dry edible beans from a grain warehouse; requiring the grade of dry edible beans on warehouse receipts; prescribing a redelivery charge; amending Minnesota Statutes 1986, sections 223.16, subdivision 4; 232.21, subdivision 7; and 232.23, by adding a subdivision.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Messrs. Frederickson, D. J.; Berg and Frederickson, D. R.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Brown moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1686. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to Senate File No. 2569:

S. F. No. 2569, A bill for an act relating to education; appropriating money to the higher education coordinating board, regents of the

University of Minnesota, state university board, state board for community colleges, and state board of vocational technical education, with certain conditions; authorizing bonding for capital improvements; amending Minnesota Statutes 1986, sections 3.971, subdivision 1; 92.05; 136.31, by adding a subdivision; and 136.41, by adding subdivisions; 248.07, subdivisions 7 and 12; Minnesota Statutes 1987 Supplement, section 248.07, subdivision 8; Laws 1983, chapter 334, section 7, as amended; and Laws 1987, chapter 401, section 2, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 135A and 137; repealing Minnesota Statutes 1986, sections 136.26; and 136C.13, subdivision 3.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Messrs. Waldorf, Dicklich, Mrs. Brataas, Messrs. Dahl and Taylor.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Anderson, G., moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2569. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1622.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1622

A bill for an act relating to agriculture; clarifying which debtors are eligible for mediation; amending Minnesota Statutes 1986, section 583.24, subdivision 2; Minnesota Statutes 1987 Supplement, section 583.26, subdivision 5.



March 29, 1988

The Honorable Jerome M. Hughes  
President of the Senate

The Honorable Robert Vanasek  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1622, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment and that S. F. No. 1622 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [PURPOSE.]

The purpose of this act is to clarify the meaning of Minnesota Statutes, section 583.24, subdivision 2, paragraph (b), which provides that a debtor who owns and leases less than 60 acres is ineligible for mediation if that debtor has less than \$20,000 in gross sales of agricultural products the preceding year. It is and has been the intent of the legislature that a debtor who owns and leases 60 acres or more is eligible for mediation regardless of the amount of gross income from agricultural products.

Sec. 2. Minnesota Statutes 1986, section 583.24, subdivision 2, is amended to read:

Subd. 2. [DEBTORS.] (a) Except as provided in paragraph (b) the farmer-lender mediation act applies to a debtor who is:

(1) a person operating a family farm as defined in section 500.24, subdivision 2;

(2) a family farm corporation as defined in section 500.24, subdivision 2; or

(3) an authorized farm corporation as defined in section 500.24, subdivision 2.

(b) The farmer-lender mediation act does not apply to a debtor who owns and leases less than 60 acres with if the debtor has less than \$20,000 in gross sales of agricultural products the preceding year.

Sec. 3. Minnesota Statutes 1987 Supplement, section 583.26, subdivision 5, is amended to read:

Subd. 5. [EFFECT OF MEDIATION PROCEEDING NOTICE.] (a) Except as provided in paragraphs (b), (c), and (d), if a creditor receives a mediation proceeding notice under subdivision 4 the creditor and the creditor's successors in interest may not begin or continue proceedings to enforce a debt subject to the farmer-lender mediation act against agricultural property of the debtor under chapter 580 or 581 or sections 336.9-501 to 336.9-508, to terminate a contract for deed to purchase agricultural property under section 559.21, or to garnish, levy on, execute on, seize, or attach agricultural property until 90 days after the date the debtor files a mediation request with the director.

(b) Except as provided in paragraph (c), if a creditor is an agency of the United States and receives a mediation proceeding notice under subdivision 4, the creditor and the creditor's successors in interest may not begin or continue proceedings to enforce a debt against agricultural property of the debtor under chapter 580 or 581 or sections 336.9-501 to 336.9-508, to terminate a contract for deed to purchase agricultural property under section 559.21, or to garnish, levy on, execute on, seize, or attach agricultural property until 90 days after the date the debtor files a mediation request with the director.

(c) Notwithstanding paragraphs (a) and (b) or subdivision 1, a creditor receiving a mediation proceeding notice may begin proceedings to enforce a debt against agricultural property of the debtor:

(1) at the time the creditor receives a mediator's affidavit of the debtor's lack of good faith under section 583.27; or

(2) five days after the date the debtor and creditor sign an agreement allowing the creditor to proceed to enforce the debt against agricultural property if the debtor has not rescinded the agreement within the five days.

(d) A creditor receiving a mediation proceeding notice must provide the debtor by the initial mediation meeting with copies of notes and contracts for debts subject to the farmer-lender mediation act and provide a statement of interest rates on the debts, delinquent payments, unpaid principal balance, a list of all collateral securing debts, a creditor's estimate of the value of the collateral, and debt restructuring programs available by the creditor.

(e) The provisions of this subdivision are subject to section 583.27, relating to extension or reduction in the period before a creditor may begin to enforce a debt and court-supervised mediation.

#### Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day after final enactment."

Delete the title and insert:

“A bill for an act relating to agriculture; clarifying which debtors are eligible for mediation; amending Minnesota Statutes 1986, section 583.24, subdivision 2; Minnesota Statutes 1987 Supplement, section 583.26, subdivision 5.”

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

Senate Conferees: LEROY A. STUMPF, KEITH LANGSETH AND JOHN BERNHAGEN.

House Conferees: WALLY A. SPARBY, ANDY STEENSMA AND STEVE WENZEL.

Sparby moved that the report of the Conference Committee on S. F. No. 1622 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1622, A bill for an act relating to agriculture; clarifying which debtors are eligible for mediation; amending Minnesota Statutes 1986, section 583.24, subdivision 2; Minnesota Statutes 1987 Supplement, section 583.26, subdivision 5.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dawkins	Jennings	McDonald	Olson, K.
Battaglia	DeBlieck	Jensen	McEachern	Omann
Bauerly	Dempsey	Johnson, R.	McKasy	Onnen
Beard	Dille	Johnson, V.	McLaughlin	Orenstein
Begich	Dorn	Kahn	McPherson	Osthoff
Bennett	Forsythe	Kalis	Milbert	Otis
Bertram	Frederick	Kelly	Miller	Ozment
Bishop	Frerichs	Kelso	Minne	Pappas
Blatz	Greenfield	Kinkel	Morrison	Pauly
Boo	Gruenes	Kludt	Munger	Pelowski
Brown	Gutknecht	Knickerbocker	Murphy	Peterson
Burger	Hartle	Knuth	Nelson, C.	Poppenhagen
Carlson, D.	Haukoos	Kostohryz	Nelson, D.	Price
Carlson, L.	Heap	Krueger	Nelson, K.	Quinn
Carruthers	Himle	Larsen	Neuenschwander	Quist
Clark	Hugoson	Lasley	O'Connor	Redalen
Clausnitzer	Jacobs	Lieder	Ogren	Reding
Cooper	Jaros	Long	Olsen, S.	Rest
Dauner	Jefferson	Marsh	Olsen, E.	Rice

Richter	Schreiber	Stanius	Tunheim	Wenzel
Riveness	Seaberg	Steensma	Uphus	Winter
Rodosovich	Segal	Sviggum	Valento	Wynia
Rose	Shaver	Swenson	Vellenga	Spk. Vanasek
Rukavina	Simoneau	Thiede	Voss	
Sarna	Skoglund	Tjornhom	Wagenius	
Schafer	Solberg	Tompkins	Waltman	
Scheid	Sparby	Trimble	Welle	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2107, 1815, 1937 and 1783.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1799, 1672 and 1706.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 2107, A bill for an act relating to crimes; expanding aggravated robbery and burglary in the first degree to include crimes committed with an article that appears to be a dangerous weapon; creating a felony offense of terrorizing with a replica firearm; amending Minnesota Statutes 1986, sections 609.245; 609.582; and 609.713, by adding a subdivision.

The bill was read for the first time.

Carruthers moved that S. F. No. 2107 and H. F. No. 2206, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1815, A bill for an act relating to animals; prohibiting transportation of certain animals in open vehicles; prohibiting leaving animals unattended in motor vehicles in an unsafe or dangerous manner and authorizing their removal by peace officers

and fire and rescue officials; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 346.

The bill was read for the first time.

Kelly moved that S. F. No. 1815 and H. F. No. 1880, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1937, A bill for an act relating to crimes; providing for seizure and forfeiture of property used in commission of crime, proceeds of crime, and contraband; creating a presumption that money, precious metals, and jewels found near controlled substances, and vehicles containing controlled substances, are subject to forfeiture; providing for administrative forfeiture of such property with opportunity for judicial determination; providing for summary forfeiture of contraband, certain controlled substances, weapons following a conviction, and certain plants; providing for forfeiture by judicial action of property and proceeds associated with controlled substance violations and designated offenses; eliminating the requirement that forfeiture actions be dismissed if no associated conviction results; providing that a conviction creates the presumption that after-acquired property constitutes forfeitable proceeds of the offense; eliminating the defense of an owner who negligently allowed the unlawful use of the owner's property; providing that the right to forfeitable property passes to law enforcement agencies upon commission of unlawful act; allowing seizure without process incident to a lawful search without a warrant and in other circumstances; allocating the proceeds of forfeitures to law enforcement agencies and county attorneys; amending Minnesota Statutes 1986, sections 152.205; 152.21, subdivision 6; and 609.531, subdivisions 4, 5, and by adding subdivisions; Minnesota Statutes 1987 Supplement, section 609.531, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1986, sections 152.19; and 609.531, subdivisions 2, 3, and 6.

The bill was read for the first time.

Jefferson moved that S. F. No. 1937 and H. F. No. 2193, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1783, A bill for an act relating to motor vehicles; requiring mandatory annual inspection of motor vehicle emission control equipment on vehicles registered in the metropolitan area; prescribing powers and duties of the pollution control agency and the department of public safety; imposing fees for inspection; prescribing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116.

The bill was read for the first time.

Nelson, D., moved that S. F. No. 1783 and H. F. No. 1803, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1799, A bill for an act relating to taxation; exempting the University of Minnesota and state universities and colleges from the sales and use tax; amending Minnesota Statutes 1987 Supplement, section 297A.25, subdivision 11.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 1672, A bill for an act relating to housing; repealing the expiration date of housing and redevelopment authorities' power to provide interest reduction assistance; repealing Minnesota Statutes 1987 Supplement, section 469.012, subdivision 10.

The bill was read for the first time.

Gruenes moved that S. F. No. 1672 and H. F. No. 2159, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1706, A bill for an act relating to taxation; property; allowing transfers of land to governmental subdivisions or the state or federal government without payment of tax on the entire parcel; amending Minnesota Statutes 1987 Supplement, section 272.121.

The bill was read for the first time and referred to the Committee on Taxes.

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Wynia, from the Committee on Rules and Legislative Administration, pursuant to House Rule No. 1.9, designated the following bills as Special Orders to be acted upon immediately following Special Orders pending for today, Tuesday, April 5, 1988:

S. F. No. 2097; H. F. No. 2138; S. F. No. 1885; H. F. Nos. 2067 and 1000; S. F. Nos. 1587, 2191, 1727, 2395 and 1955; H. F. No. 1780; S. F. Nos. 1821, 1867 and 1940; H. F. No. 2104; S. F. Nos. 2525, 2122, 2096 and 2214; H. F. Nos. 2485, 2526 and 2642; S. F. Nos. 1661, 1742 and 1695; H. F. No. 2360; S. F. Nos. 2243, 1328 and 1879; H. F. No. 2407;

S. F. Nos. 1834, 1582, 1871, 1620, 2102, 335, 2017, 2150 and 2323; H. F. Nos. 2130, 2520 and 2561; S. F. No. 2255; H. F. Nos. 2291, 1803 and 2098; and S. F. No. 2119.

The following Conference Committee Reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 85

A bill for an act relating to consumer protection; requiring certain disclosures in sales of used motor vehicles; regulating new and used motor vehicle licenses; providing certain standards in applications for certificates of title; requiring certain disclosures upon the transfer of a motor vehicle; amending Minnesota Statutes 1986, sections 168.27, subdivisions 1, 2, 3, 4, 8, 10, 12, and 24; 169.57, by adding a subdivision; 325E.0951, by adding a subdivision; 325G.18; and 336.2-316; proposing coding for new law in Minnesota Statutes, chapters 168 and 168A.

March 28, 1988

The Honorable Robert Vanasek  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H. F. No. 85, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 85 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1986, section 168.27, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them:

(1) “Leasing motor vehicles” means furnishing a motor vehicle for a fee under a bailor-bailee relationship where no incidences of ownership are intended to be transferred other than the right to use the vehicle for a stated period of time.

(2) “Brokering motor vehicles” means arranging sales between willing buyers and sellers of motor vehicles and receiving a fee for said service.

(3) "Wholesaling motor vehicles" means selling new or used motor vehicles to dealers for resale to the public.

(4) "Auctioning motor vehicles" means arranging for and handling the sale of motor vehicles, not the property of the auctioneer, to the highest bidder.

(5) "Dealer" includes new motor vehicle dealers, used motor vehicle dealers, brokers, wholesalers, auctioneers and lessors of new or used motor vehicles.

(6) "Commercial building" means a permanent, enclosed building that is on a permanent foundation and connected to local sewer and water facilities or otherwise complying with local sanitary codes, is adapted to commercial use and located in an area zoned for commercial or other less restrictive nonresidential use by the governmental unit in which it is located, and conforms to local government zoning requirements. "Commercial building" may include strip office malls or garages if a separate entrance and a separate address are maintained and the dealership is clearly identified as a separate business.

(7) "Commercial office space" means office space occupying all or part of a commercial building.

(8) "Horse trailer" is a trailer designed and used to carry horses and other livestock, which has not more than three axles and a maximum gross weight capacity of not more than 24,000 pounds.

(9) "Isolated or occasional sales or leases" means the sale or lease of not more than five motor vehicles in a 12-month period, exclusive of pioneer or classic motor vehicles as defined in section 168.10, subdivisions 1a and 1b or sales by a licensed auctioneer selling motor vehicles at an auction if, in the ordinary course of the auctioneer's business, the sale of motor vehicles is incidental to the sale of other real or personal property.

(10) "Used motor vehicle" means a motor vehicle for which title has been transferred from the person who first acquired it from the manufacturer, distributor, or dealer. A new motor vehicle will not be considered a used motor vehicle until it has been placed in actual operation and not held for resale by an owner who has been granted a certificate of title on the motor vehicle and has registered the motor vehicle in accordance with chapters 168, 168A, and 297B, or the laws of the residence of the owner.

(11) "New motor vehicle" means a motor vehicle other than described in paragraph (10).



Sec. 2. Minnesota Statutes 1986, section 168.27, subdivision 2, is amended to read:

Subd. 2. [NEW MOTOR VEHICLE DEALER.] (a) No person shall engage in the business of selling ~~or arranging the sale of~~ new motor vehicles or shall offer to sell, solicit, ~~arrange~~ or advertise the sale of new motor vehicles without first acquiring a new motor vehicle dealer license. A new motor vehicle dealer licensee shall be entitled thereunder to sell, broker, wholesale or auction and to solicit and advertise the sale, broker, wholesale or auction of new motor vehicles covered by the franchise and any used motor vehicles or to lease and to solicit and advertise the lease of new motor vehicles and any used motor vehicles and such sales or leases may be either for consumer use at retail or for resale to a dealer. Nothing herein shall be construed to require an applicant for a dealer license who proposes to deal in: (1) new and unused motor vehicle bodies; or (2) type A, B, or C motor homes as defined in section 168.011, subdivision 25, to have a bona fide contract or franchise in effect with either the first-stage manufacturer of the motor home or the manufacturer or distributor of any motor vehicle chassis upon which the new and unused motor vehicle body is mounted. The modification or conversion of a new van-type vehicle into a multipurpose passenger vehicle which is not a motor home does not constitute dealing in new or unused motor vehicle bodies, and a person engaged in the business of selling these van-type vehicles must have a bona fide contract or franchise with the appropriate manufacturer under subdivision 10. A van converter or modifier who owns these modified or converted van-type vehicles may sell them at wholesale to new motor vehicle dealers having a bona fide contract or franchise with the first-stage manufacturer of the vehicles.

(b) The requirements pertaining to franchises do not apply to persons who remodel or convert motor vehicles for medical purposes. For purposes of this subdivision, "medical purpose" means certification by a licensed physician that remodeling or conversion of a motor vehicle is necessary to enable a handicapped person to use the vehicle.

Sec. 3. Minnesota Statutes 1986, section 168.27, is amended by adding a subdivision to read:

Subd. 5a. [CONSIGNMENT SALES.] No person may solicit, accept, offer for sale, or sell motor vehicles for consignment sale unless licensed as a new or used motor vehicle dealer, a motor vehicle wholesaler, or a motor vehicle auctioneer. This requirement does not apply to a licensed auctioneer selling motor vehicles at an auction if, in the ordinary course of the auctioneer's business, the sale of motor vehicles is incidental to the sale of other real or personal property.

Sec. 4. Minnesota Statutes 1986, section 168.27, subdivision 8, is amended to read:

Subd. 8. [EXEMPTIONS.] (1) Salespeople and other employees of licensed dealers under this section shall not be required to obtain individual licenses.

(2) Isolated or occasional sales or leases of new or used motor vehicles shall be exempt from the provisions of this section. A person who makes only isolated or occasional sales or leases is not considered to be in the business of selling or leasing motor vehicles and does not qualify to receive dealer plates pursuant to subdivision 16.

Sec. 5. Minnesota Statutes 1986, section 168.27, subdivision 10, is amended to read:

Subd. 10. [ESTABLISHED PLACE OF DOING BUSINESS.] All licensees under this section shall have an established place of business which shall include as a minimum:

(1) For a new motor vehicle dealer, the following:

(a) a ~~permanent enclosed~~ commercial building ~~on a permanent foundation~~, owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours. Dealership business hours must be conspicuously posted on the place of doing business and readily viewable by the public;

(b) a bona fide contract or franchise (1) in effect with a manufacturer or distributor of the new motor vehicles the dealer proposes to sell, broker, wholesale or auction, or (2) in effect with the first-stage manufacturer or distributor of new motor vehicles purchased from a van converter or modifier which the dealer proposes to sell, broker, wholesale, or auction, or (3) in effect with the final stage manufacturer of the new type A, B or C motor homes which the dealer proposes to sell, broker, wholesale, or auction;

(c) a facility for the repair and servicing of motor vehicles and the storage of parts and accessories, not to exceed ten miles distance from the principal place of business. Such service may be provided through contract with bona fide operators actually engaged in such services;

(d) an area either indoors or outdoors to display motor vehicles which is owned or under lease by the licensee; and

(e) a sign clearly identifying the dealership by name which is readily viewable by the public.

(2) For a used motor vehicle dealer, the following:

(a) a permanent enclosed commercial building on a permanent foundation, owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space for where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or automatic telephone answering service during normal working business hours. Dealership business hours must be conspicuously posted on the place of doing business and readily viewable by the public;

(b) an area either indoors or outdoors to display motor vehicles which is owned or under lease by the licensee; and

(c) a sign clearly identifying the dealership by name which is readily viewable by the public.

(3) For a motor vehicle lessor, the following: a commercial office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours. Business hours must be conspicuously posted on the place of doing business and readily viewable by the public. The office space must be owned or under lease for a minimum term of one year by the licensee.

(4) For a motor vehicle broker, the following: a commercial office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(5) For a motor vehicle wholesaler, the following: a commercial office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours. The office space must be owned or under lease for a minimum term of one year by the licensee.

(6) (5) For a motor vehicle auctioneer, the following: a permanent enclosed commercial building, within or without the state, on a permanent foundation, owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space where the books, records and files necessary to conduct the business are kept and maintained with personnel

available during normal business hours or an automatic telephone answering service during normal business hours.

(7) (6) If a new or used motor vehicle dealer maintains more than one place of doing business in a county, the separate places shall be listed on the application. If additional places of business are maintained outside of one county, separate licenses shall be obtained for each county.

(8) (7) If a motor vehicle lessor, ~~broker wholesaler~~, or auctioneer maintains more than one permanent place of doing business, either in one or more counties, the separate places shall be listed in the application, but only one license shall be required. If a lessor proposes to sell previously leased or rented vehicles at a location outside the seven-county metropolitan area, as defined in section 473.121, subdivision 2, other than cities of the first or second class, the lessor must obtain a license for each nonmetropolitan area county in which sales are to take place.

(8) If a motor vehicle dealer, lessor, or wholesaler does not have direct access to a public road or street, any privately owned roadway providing access to a public road or street must be clearly identified and adequately maintained.

Sec. 6. Minnesota Statutes 1986, section 168.27, subdivision 11, is amended to read:

Subd. 11. [LICENSES.] Application for license or notification of a change of location of a license must include a street address, not a post office box, and is subject to the registrar's approval. Upon the filing of an application for a license and the proper fee, the registrar is authorized, unless the application on its face appears to be invalid, to grant a 90-day temporary license and during said 90-day period shall investigate the fitness of the applicant, inspect the site and make such other investigation as is necessary to insure compliance with the licensing law. The registrar may extend the temporary license 30 days. At the end of the period of investigation the license shall either be granted or denied. The license must be denied if within the previous five years the applicant was enjoined due to a violation of section 325F.69 or convicted of violating section 325E.14, 325E.15, 325E.16, or 325F.69, or convicted under section 609.53 of receiving or selling stolen vehicles, or convicted of violating United States Code, title 15, sections 1981 to 1991, as amended through December 31, 1984. If the application is approved, the registrar shall license the applicant as a motor vehicle dealer for the remainder of the calendar year, and issue a certificate of license therefor as the registrar may provide upon which shall be placed a distinguishing number of identification of such dealer. Each initial application for a license shall be accompanied by a fee of \$50 in addition to the annual fee. The annual fee shall be \$100. All initial fees and annual fees shall be paid into the state treasury and

credited to the general fund. If the initial application is received by the registrar after July 1 of any year, the first annual fee shall be reduced by one-half.

Sec. 7. Minnesota Statutes 1986, section 168.27, is amended by adding a subdivision to read:

Subd. 12a. [GROUNDS FOR CANCELLATION WITHOUT HEARING.] A license may be canceled by the registrar upon satisfactory proof that the dealer has failed to provide or maintain the required surety bond, or that the dealer has failed to provide or maintain the insurance required under chapter 65B. Surety companies and insurers providing required coverages shall promptly notify the registrar upon canceling any surety bond or required insurance. The registrar shall notify the dealer of the reason or reasons for cancellation before the cancellation occurs.

Sec. 8. Minnesota Statutes 1986, section 168.27, is amended by adding a subdivision to read:

Subd. 26. [ADVERTISING DISCLOSURE.] All advertising by a motor vehicle dealer must disclose that the vehicle is being offered for sale by a dealer through use of the dealership name, the term "dealer", or the abbreviation "DLR."

Sec. 9. [168A.085] [APPLICATIONS FOR TITLE, CERTAIN CASES.]

Subdivision 1. [LIMITATIONS.] No application for certificate of title or registration may be issued for a vehicle that was not manufactured in compliance with applicable federal emission standards in force at the time of manufacture as provided by the Clean Air Act, United States Code, title 42, sections 7401 through 7642, and regulations adopted pursuant thereto, and safety standards as provided by the National Traffic and Motor Safety Act, United States Code, title 15, sections 1381 through 1431, and regulations adopted pursuant thereto, unless the applicant furnishes either proof satisfactory to the agent that the vehicle was not brought into the United States from outside the country or all of the following:

(1) a bond release letter, with all attachments, issued by the United States Department of Transportation acknowledging receipt of a statement of compliance submitted by the importer of the vehicle and that the statement meets the safety requirements as provided by Code of Federal Regulations, title 19, section 12.80(e);

(2) a bond release letter, with all attachments, issued by the United States Environmental Protection Agency stating that the vehicle has been tested and known to be in conformity with federal emission requirements; and

(3) a receipt or certificate issued by the United States Department of the Treasury showing that any gas-guzzler taxes due on the vehicle as provided by Public Law Number 95-618, title 2, section 201(a), have been fully paid.

Subd. 2. [ACCOMPANYING DOCUMENTS.] The application for certificate of title and the application for registration must be accompanied by a manufacturer's certificate of origin in the English language which was issued by the actual vehicle manufacturer and either:

(1) the original documents constituting valid proof of ownership in the country in which the vehicle was originally purchased, together with a translation of the documents into the English language verified as to accuracy of the translation by affidavit of the translator; or

(2) with regard to a vehicle imported from a country that cancels the vehicle registration and title for export, a bond as required by section 168A.07, subdivision 1, clause (2).

Sec. 10. Minnesota Statutes 1987 Supplement, section 297B.031, is amended to read:

297B.031 [REFUND OF TAX; MANDATORY REFUND OR REPLACEMENT LAWS.]

If a manufacturer of motor vehicles is required by a court order under section 325F.665 or a decision of an informal dispute settlement mechanism as defined in section 325F.665, or a dealer or lessor of motor vehicles is required by section 12, to pay the consumer the tax imposed by this chapter, a portion of the tax so paid ~~shall~~ must be refunded to the manufacturer, dealer, or lessor. The amount of the refund ~~shall be~~ is the tax paid by the purchaser less an amount equal to the tax paid multiplied by a fraction, the denominator of which is the purchase price of the vehicle and the numerator of which is the allowance deducted from the refund for the consumer's use of the vehicle. The refund ~~shall~~ must be paid to the manufacturer, dealer, or lessor only upon filing of a written application, in a form and providing information as prescribed by the commissioner. Payment of a refund pursuant to this section ~~shall~~ must be made out of the general and highway user funds in the same proportion provided for deposit of tax proceeds for the fiscal year pursuant to section 297B.09, subdivision 1. The amounts necessary to pay the refunds are appropriated out of the respective funds.

Sec. 11. Minnesota Statutes 1986, section 325E.0951, is amended by adding a subdivision to read:

Subd. 3a. [DISCLOSURE.] No person may transfer a motor

vehicle without certifying in writing to the transferee that to the best of the person's knowledge, the pollution control system, including the restricted gasoline pipe, has not been removed, altered, or rendered inoperative. The registrar of motor vehicles shall prescribe the manner and form in which this written disclosure must be made. No transferor may knowingly give a false statement to a transferee in making a disclosure required by this subdivision.

Sec. 12. [325F.662] [SALE OF USED MOTOR VEHICLES.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given to them.

(a) "Consumer" means the purchaser, other than for purposes of resale, of a used motor vehicle used primarily for personal, family, or household purposes.

(b) "Dealer" means a motor vehicle dealer or lessor, as defined in section 168.27, subdivisions 2, 3, and 4, whether licensed or unlicensed, or the dealer's or lessor's agent, who is engaged in the business of selling or arranging the sale of used motor vehicles in this state; except that, the term does not include a bank or financial institution, a business selling a used motor vehicle to an employee of that business, a lessor selling a leased used motor vehicle to that vehicle's lessee or a family member or employee of the lessee, or a licensed auctioneer selling motor vehicles at an auction if, in the ordinary course of the auctioneer's business, the sale of motor vehicles is incidental to the sale of other real or personal property.

(c) "Motor vehicle" means a passenger automobile, as defined in section 168.011, subdivision 7, including pickup trucks and vans.

(d) "Used motor vehicle" means any motor vehicle which has been driven more than the limited use necessary in moving or road testing a new motor vehicle prior to delivery to a consumer.

(e) "Express warranty" means a dealer's written statement, as defined in section 325G.17, subdivision 5, provided to a consumer in connection with the sale of a used motor vehicle.

(f) "Buyer's Guide" means the window form required by the Federal Trade Commission's "Used Motor Vehicle Trade Regulation Rule," Code of Federal Regulations, title 16, section 455.2.

Subd. 2. [WRITTEN WARRANTY REQUIRED.] (a) Every used motor vehicle sold by a dealer is covered by an express warranty which the dealer shall provide to the consumer. At a minimum, the express warranty applies for the following terms:

(1) if the used motor vehicle has less than 36,000 miles, the

warranty must remain in effect for at least 60 days or 2,500 miles, whichever comes first;

(2) if the used motor vehicle has 36,000 miles or more, but less than 75,000 miles, the warranty must remain in effect for at least 30 days or 1,000 miles, whichever comes first.

(b) The express warranty must require the dealer, in the event of a malfunction, defect, or failure in a covered part, to repair or replace the covered part, or at the dealer's election, to accept return of the used motor vehicle from the consumer and provide a refund to the consumer.

(c) For used motor vehicles with less than 36,000 miles, the dealer's express warranty shall cover, at minimum, the following parts:

(1) with respect to the engine, all lubricated parts, intake manifolds, engine block, cylinder head, rotary engine housings, and ring gear;

(2) with respect to the transmission, the automatic transmission case, internal parts, and the torque converter; or, the manual transmission case, and the internal parts;

(3) with respect to the drive axle, the axle housings and internal parts, axle shafts, drive shafts and output shafts, and universal joints; but excluding the secondary drive axle on vehicles, other than passenger vans, mounted on a truck chassis;

(4) with respect to the brakes, the master cylinder, vacuum assist booster, wheel cylinders, hydraulic lines and fittings, and disc brakes calipers;

(5) with respect to the steering, the steering gear housing and all internal parts, power steering pump, valve body, piston, and rack;

(6) the water pump;

(7) the externally-mounted mechanical fuel pump;

(8) the radiator;

(9) the alternator, generator, and starter.

(d) For used motor vehicles with 36,000 miles or more, but less than 75,000 miles, the dealer's express warranty shall cover, at minimum, the following parts:



(1) with respect to the engine, all lubricated parts, intake manifolds, engine block, cylinder head, rotary engine housings, and ring gear;

(2) with respect to the transmission, the automatic transmission case, internal parts, and the torque converter; or, the manual transmission case, and internal parts;

(3) with respect to the drive axle, the axle housings and internal parts, axle shafts, drive shafts and output shafts, and universal joints; but excluding the secondary drive axle on vehicles, other than passenger vans, mounted on a truck chassis;

(4) with respect to the brakes, the master cylinder, vacuum assist booster, wheel cylinders, hydraulic lines and fittings, and disc brake calipers;

(5) with respect to the steering, the steering gear housing and all internal parts, power steering pump, valve body, and piston;

(6) the water pump;

(7) the externally-mounted mechanical fuel pump.

(e)(1) A dealer's obligations under the express warranty remain in effect notwithstanding the fact that the warranty period has expired, if the consumer promptly notified the dealer of the malfunction, defect, or failure in the covered part within the specified warranty period and, within a reasonable time after notification, brings the vehicle or arranges with the dealer to have the vehicle brought to the dealer for inspection and repair.

(2) If a dealer does not have a repair facility, the dealer shall designate where the vehicle must be taken for inspection and repair.

(3) In the event the malfunction, defect, or failure in the covered part occurs at a location which makes it impossible or unreasonable to return the vehicle to the selling dealer, the consumer may have the repairs completed elsewhere with the consent of the selling dealer, which consent may not be unreasonably withheld.

(4) Notwithstanding the provisions of this paragraph, a consumer may have non-warranty maintenance and non-warranty repairs performed other than by the selling dealer and without the selling dealer's consent.

(f) Nothing in this section diminishes the obligations of a manufacturer under an express warranty issued by the manufacturer. The express warranties created by this section do not require a dealer to repair or replace a covered part if the repair or replacement

is covered by a manufacturer's new car warranty, or the manufacturer otherwise agrees to repair or replace the part.

(g) The express warranties created by this section do not cover defects or repair problems which result from collision, abuse, negligence, or lack of adequate maintenance following sale to the consumer.

(h) The terms of the express warranty, including the duration of the warranty and the parts covered, must be fully, accurately, and conspicuously disclosed by the dealer on the front of the Buyers Guide.

Subd. 3. [EXCLUSIONS.] Notwithstanding the provisions of subdivision 2, a dealer is not required to provide an express warranty for the following used motor vehicles:

(1) vehicles sold for a total cash sale price of less than \$3,000, including the trade-in value of any vehicle traded in by the consumer, but excluding tax, license fees, registration fees, and finance charges;

(2) vehicles with engines designed to use diesel fuel;

(3) vehicles with gross weight, as defined in section 168.011, subdivision 16, in excess of 9,000 pounds;

(4) vehicles that have been custom-built or modified for show or for racing;

(5) vehicles that are eight years of age or older, as calculated from the first day in January of the designated model year of the vehicle;

(6) vehicles that have been produced by a manufacturer which has never manufactured more than 10,000 motor vehicles in any one year;

(7) vehicles having 75,000 miles or more at time of sale;

(8) vehicles that are not manufactured in compliance with applicable federal emission standards in force at the time of manufacture as provided by the Clean Air Act, United States Code, title 42, sections 7401 through 7642, and regulations adopted pursuant thereto, and safety standards as provided by the National Traffic and Motor Safety Act, United States Code, title 15, sections 1381 through 1431, and regulations adopted pursuant thereto.

Subd. 4. [WAIVER.] When purchasing a used motor vehicle, a consumer may waive the express warranty for a covered part if:

(1) the dealer discloses in a clear and conspicuous typed or printed statement on the front of the Buyers Guide that the waived part contains a malfunction, defect, or repair problem; and

(2) the consumer circles this typed or printed statement and signs the Buyers Guide next to the circled statement.

Subd. 5. [WARRANTY AUTOMATIC.] If a dealer fails to give the express warranty required by this section, the dealer nevertheless is considered to have given the express warranty as a matter of law.

Subd. 6. ["BUYERS GUIDE" REQUIREMENTS.] In selling or offering to sell any used motor vehicle, and in providing the express warranty required by this section, a dealer shall comply in all respects with the Federal Trade Commission's "Used Motor Vehicle Trade Regulation Rule," Code of Federal Regulations, title 16, part 455.

Subd. 7. [HONORING OF EXPRESS WARRANTIES.] (a) In accordance with section 325G.19, subdivision 2, every express warranty in connection with the sale of a used motor vehicle must be honored by the dealer according to the terms of the express warranty.

(b) Following repair or replacement of a covered part, the dealer remains responsible under the express warranty for that covered part for one additional warranty period.

(c) By honoring the terms of the express warranty by repairing or replacing a covered part, the dealer does not create an additional implied warranty on any portion of the used motor vehicle.

(d) A dealer may limit the duration of implied warranties to the duration of the express warranty.

Subd. 8. [REFUNDS.] (a) A refund, as provided under subdivision 2, must consist of the full purchase price of the used motor vehicle and all other charges, including but not limited to excise tax, registration tax, license fees, and reimbursement for towing expenses incurred by the consumer as a result of the vehicle being out of service for warranty repair, less a reasonable allowance for the consumer's use of the vehicle not exceeding ten cents per mile driven or ten percent of the purchase price, whichever is less. Refunds must include the amount stated by the dealer as the trade-in value of any vehicle traded in and applied to the purchase price of the used motor vehicle. Refunds must be made to the consumer and lienholder, if any, as their interests appear on the records of the registrar of motor vehicles.

(b) The amount of the excise tax to be paid by the dealer to the

consumer under paragraph (a) is the tax paid by the consumer when the vehicle was purchased less an amount equal to the tax paid multiplied by a fraction, the denominator of which is the purchase price of the vehicle and the numerator of which is the allowance deducted from the refund for the consumer's use of the vehicle.

Subd. 9. [CIVIL REMEDIES.] Any dealer who is found to have violated this section is subject to the penalties and remedies, including a private right of action, as provided in section 8.31. In addition, a violation of subdivision 7 is also a violation of section 325F.69.

Subd. 10. [LIMITATION ON ACTIONS.] A private civil action brought by a consumer under this section must be commenced within one year of the expiration of the express warranty.

Subd. 11. [REMEDY NONEXCLUSIVE.] Nothing in this section limits the rights or remedies which are otherwise available to a consumer under any other law."

Delete the title and insert:

"A bill for an act relating to consumer protection; regulating sales of used motor vehicles under certain circumstances; regulating new and used motor vehicle dealer licenses; providing certain standards in applications for certificates of title; requiring certain disclosures upon the transfer of a motor vehicle; providing for refund of certain taxes; providing penalties; amending Minnesota Statutes 1986, sections 168.27, subdivisions 1, 2, 8, 10, 11, and by adding subdivisions; and 325E.0951, by adding a subdivision; Minnesota Statutes 1987 Supplement, section 297B.031; proposing coding for new law in Minnesota Statutes, chapters 168A and 325F."

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

House Conferees: JOSEPH R. BEGICH, CHARLES BROWN AND RICHARD "RICH" O'CONNOR.

Senate Conferees: GREGORY L. DAHL, DEAN E. JOHNSON AND ALLAN H. SPEAR.

Begich moved that the report of the Conference Committee on H. F. No. 85 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 85, A bill for an act relating to consumer protection; requiring certain disclosures in sales of used motor vehicles; regu-

lating new and used motor vehicle licenses; providing certain standards in applications for certificates of title; requiring certain disclosures upon the transfer of a motor vehicle; amending Minnesota Statutes 1986, sections 168.27, subdivisions 1, 2, 3, 4, 8, 10, 12, and 24; 169.57, by adding a subdivision; 325E.0951, by adding a subdivision; 325G.18; and 336.2-316; proposing coding for new law in Minnesota Statutes, chapters 168 and 168A.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 122 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Greenfield	Larsen	Osthoff	Simoneau
Battaglia	Gruenes	Lasley	Otis	Skoglund
Bauerly	Gutknecht	Lieder	Ozment	Solberg
Beard	Hartle	Long	Pappas	Sparby
Begich	Haukoos	Marsh	Pauly	Stanis
Bennett	Heap	McDonald	Pelowski	Steensma
Bertram	Himle	McEachern	Peterson	Swenson
Bishop	Jacobs	McKasy	Poppenhagen	Tjornhom
Blatz	Jaros	McLaughlin	Price	Tompkins
Boo	Jefferson	McPherson	Quinn	Trimble
Brown	Jennings	Milbert	Redalen	Tunheim
Burger	Jensen	Minne	Reding	Uphus
Carlson, D.	Johnson, A.	Morrison	Rest	Valento
Carlson, L.	Johnson, R.	Munger	Rice	Vellenga
Carruthers	Johnson, V.	Murphy	Richter	Voss
Clark	Kahn	Nelson, C.	Riveness	Wagenius
Clausnitzer	Kalis	Nelson, D.	Rodosovich	Waltman
Cooper	Kelly	Nelson, K.	Rose	Welle
Dawkins	Kelso	O'Connor	Rukavina	Wenzel
DeBlicke	Kinkel	Ogren	Sarna	Winter
Dempsey	Kludt	Olsen, S.	Scheid	Wynia
Dille	Knickerbocker	Olson, E.	Schreiber	Spk. Vanasek
Dorn	Knuth	Omann	Seaberg	
Frederick	Kostohryz	Onnen	Segal	
Frerichs	Krueger	Orenstein	Shaver	

Those who voted in the negative were:

Dauner	Hugoson	Olson, K.	Schafer	Thiede
Forsythe	Miller	Quist	Sviggum	

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1831

A bill for an act relating to intoxicating liquor; authorizing issuance of one on-sale liquor license on an excursion and dinner boat on Detroit Lake, Becker county; authorizing issuance of an on-sale liquor license to Fort Snelling.

March 28, 1988

The Honorable Robert Vanasek  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H. F. No. 1831, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 1831 be further amended as follows:

Page 1, line 17, delete everything after "board"

Page 1, delete line 18

Page 1, line 19, delete "Lakes"

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

House Conferees: DENNIS POPPENHAGEN, JOHN SARNA AND BOB McEACHERN.

Senate Conferees: CAL LARSON, ALLAN H. SPEAR AND MICHAEL O. FREEMAN.

Poppenhagen moved that the report of the Conference Committee on H. F. No. 1831 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1831, A bill for an act relating to intoxicating liquor; authorizing issuance of one on-sale liquor license on an excursion and dinner boat on Detroit Lake, Becker county; authorizing issuance of an on-sale liquor license to Fort Snelling.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Bauerly	Bennett	Blatz	Burger
Anderson, R.	Beard	Bertram	Boo	Carlson, D.
Battaglia	Begich	Bishop	Brown	Carlson, L.

Carruthers	Jefferson	McKasy	Pappas	Simoneau
Clark	Jennings	McLaughlin	Pauly	Skoglund
Clausnitzer	Jensen	McPherson	Pelowski	Solberg
Cooper	Johnson, A.	Milbert	Peterson	Sparby
Dauner	Johnson, R.	Miller	Poppenhagen	Stanius
Dawkins	Johnson, V.	Minne	Price	Steensma
DeBlieck	Kahn	Morrison	Quinn	Swiggum
Dempsey	Kalis	Munger	Quist	Swenson
Dille	Kelly	Murphy	Redalen	Thiede
Dorn	Kelso	Nelson, C.	Reding	Tjornhom
Forsythe	Kinkel	Nelson, K.	Rest	Tompkins
Frederick	Kludt	Neuenschwander	Richter	Trimble
Frerichs	Knickerbocker	O'Connor	Riveness	Tunheim
Greenfield	Knuth	Ogren	Rodosovich	Uphus
Gruenes	Kostohryz	Olsen, S.	Rose	Valento
Gutknecht	Krueger	Olson, E.	Rukavina	Vellenga
Hartle	Larsen	Olson, K.	Sarna	Voss
Haukoos	Lasley	Omann	Schafer	Wagenius
Heap	Lieder	Onnen	Scheid	Waltman
Himle	Long	Orenstein	Schreiber	Welle
Hugoson	Marsh	Osthoff	Seaberg	Wenzel
Jacobs	McDonald	Otis	Segal	Winter
Jaros	McEachern	Ozment	Shaver	Wynia
				Spk. Vanasek

The bill was repassed, as amended by Conference, and its title agreed to.

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2009:

Vellenga, Dempsey and Rest.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2590:

Voss, Vanasek, Wynia, Ogren and Long.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2569:

Carlson, L.; Price; Dorn; Segal and Haukoos.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1844:

Vellenga, Kelly and Wagenius.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2265:

Reding; Stanius; Battaglia; Johnson, R., and Marsh.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2226:

Knuth, Simoneau and Gutknecht.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2049:

Sparby, McKasy and Skoglund.

Wynia moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

### SPECIAL ORDERS

S. F. No. 2137 was reported to the House.

Quist moved to amend S. F. No. 2137, as follows:

Page 2, after line 4, insert:

“(c) Instruments, devices, drugs, or medicines to prevent conception shall not be sold, prescribed, or distributed on the school ground, schoolhouse, or school building of a public or private elementary or secondary school unless the instrument, device, drug, or medicine is sold or distributed by a student who is enrolled at the school to another student who is enrolled at the school. Anyone convicted of violating this section shall be guilty of a misdemeanor.”

Amend the title as follows:

Page 1, line 3, after the semicolon insert “providing a penalty;”

A roll call was requested and properly seconded.



Vellenga moved to amend the Quist amendment to S. F. No. 2137, as follows:

Page 1, line 10, delete everything after the period and insert "Notwithstanding section 645.241, no criminal penalty may be imposed on any person who violates this section"

Page 1, line 11, delete everything before the period

Page 1, delete lines 13 to 15

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 50 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Long	Olson, E.	Segal
Begich	Jefferson	McLaughlin	Orenstein	Shaver
Bishop	Johnson, A.	Minne	Otis	Simoneau
Brown	Kahn	Munger	Pappas	Skoglund
Carlson, L.	Kelly	Murphy	Reding	Trimble
Carruthers	Kinkel	Nelson, C.	Rest	Vellenga
Clark	Knuth	Nelson, D.	Riveness	Voss
Dawkins	Kostohryz	Nelson, K.	Rodosovich	Wagenius
Greenfield	Larsen	Neuenschwander	Rukavina	Wynia
Hartle	Lieder	Ogren	Scheid	Spk. Vanasek

Those who voted in the negative were:

Battaglia	Forsythe	Krueger	Peterson	Sviggum
Bauerly	Frederick	Lasley	Poppenhagen	Swenson
Beard	Gruenes	Marsh	Price	Thiede
Bennett	Haukoos	McDonald	Quist	Tjornhom
Bertram	Heap	McEachern	Redalen	Tompkins
Blatz	Himle	McKasy	Richter	Tunheim
Boo	Hugoson	McPherson	Rose	Uphus
Burger	Jacobs	Milbert	Sarna	Valento
Carlson, D.	Jennings	Miller	Schafer	Waltman
Clausnitzer	Jensen	O'Connor	Schreiber	Welle
Cooper	Johnson, R.	Olsen, S.	Seaberg	Wenzel
Dauner	Johnson, V.	Omann	Solberg	Winter
DeBlicck	Kelso	Onnen	Sparby	
Dempsey	Kludt	Ozment	Stanisus	
Dorn	Knickerbocker	Pelowski	Steenma	

The motion did not prevail and the amendment to the amendment was not adopted.

Otis moved to amend the Quist amendment to S. F. No. 2137, as follows:

Page 1, line 10, delete everything after "school"

Page 1, delete line 11, and insert "or unless there is written consent by the custodial parent or guardian of the child, or unless the student is 18 years of age or older."

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 46 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jennings	Minne	Quinn	Tunheim
Bishop	Kahn	Nelson, D.	Rest	Vellenga
Brown	Kelly	Nelson, K.	Rodosovich	Wagenius
Carlson, L.	Keiso	Ogren	Rukavina	Welle
Clark	Knuth	Olson, E.	Scheid	Wynia
Dawkins	Kostohryz	Olson, K.	Segal	Spk. Vanasek
DeBlick	Larsen	Orenstein	Shaver	
Greenfield	Lieder	Osthoff	Simoneau	
Jaros	Long	Otis	Skoglund	
Jefferson	McLaughlin	Pappas	Trimble	

Those who voted in the negative were:

Anderson, R.	Dorn	Kludt	Omam	Seaberg
Battaglia	Forsythe	Knickerbocker	Onnen	Sparby
Bauerly	Frederick	Krueger	Ozment	Stanis
Beard	Frerichs	Lasley	Pelowski	Steensma
Begich	Gruenes	Marsh	Peterson	Sviggum
Bennett	Hartle	McDonald	Poppenhagen	Swenson
Bertram	Haukoos	McEachern	Price	Thiede
Blatz	Heap	McKasy	Quist	Tjornhom
Boo	Himle	McPherson	Redalen	Tompkins
Burger	Hugoson	Milbert	Reding	Uphus
Carlson, D.	Jacobs	Miller	Rose	Valento
Clausnitzer	Jensen	Murphy	Richter	Voss
Cooper	Johnson, R.	Nelson, C.	Sarna	Waltman
Dauner	Johnson, V.	O'Connor	Schafer	Wenzel
Dempsey	Kinkel	Olsen, S.	Schreiber	Winter

The motion did not prevail and the amendment to the amendment was not adopted.

Vellenga moved to amend the Quist amendment to S. F. No. 2137, as follows:

Page 1, line 11, after "a" insert "petty"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 87 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dorn	Kostohryz	Ogren	Seaberg
Anderson, R.	Forsythe	Krueger	Olsen, S.	Segal
Battaglia	Greenfield	Larsen	Olson, E.	Shaver
Bauerly	Hartle	Lasley	Olson, K.	Simoneau
Beard	Haukoos	Lieder	Orenstein	Skoglund
Begich	Himle	Long	Osthoff	Solberg
Bertram	Jaros	McEachern	Otis	Trimble
Bishop	Jefferson	McLaughlin	Pappas	Tunheim
Blatz	Jensen	Milbert	Pelowski	Vellenga
Boo	Johnson, A.	Minne	Peterson	Voss
Brown	Johnson, R.	Morrison	Price	Wagenius
Carlson, L.	Kahn	Munger	Quinn	Welle
Carruthers	Kelly	Murphy	Reding	Winter
Clark	Kelso	Nelson, C.	Rest	Wynia
Cooper	Kinkel	Nelson, D.	Rodosovich	Spk. Vanasek
Dauner	Kludt	Nelson, K.	Rukavina	
Dawkins	Knickerbocker	Neuenschwander	Sarna	
DeBlicke	Knuth	O'Connor	Scheid	

Those who voted in the negative were:

Bennett	Heap	Omann	Schafer	Uphus
Burger	Hugoson	Onnen	Sparby	Valento
Clausnitzer	Jacobs	Ozment	Steensma	Waltman
Dempsey	Marsh	Poppenhagen	Sviggum	Wenzel
Frederick	McDonald	Quist	Swenson	
Frerichs	McPherson	Redalen	Thiede	
Gruenes	Miller	Richter	Tjornhom	

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

Rose was excused between the hours of 4:35 p.m. and 6:00 p.m.

Kahn moved to amend the Quist amendment, as amended, to S. F. No. 2137, as follows:

Page 1, line 5, after "conception" insert "or sexually transmitted diseases"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 17 yeas and 97 nays as follows:

Those who voted in the affirmative were:

Dawkins	Johnson, A.	Nelson, K.	Rukavina	Solberg
Dorn	Kahn	O'Connor	Shaver	
Jaros	Larsen	Ogren	Simoneau	
Jennings	Long	Olson, K.	Skoglund	

Those who voted in the negative were:

Anderson, R.	Beard	Bertram	Burger	Clausnitzer
Battaglia	Begich	Blatz	Carlson, L.	Cooper
Bauerly	Bennett	Boo	Carruthers	Dauner

DeBlicek	Kelso	Minne	Quist	Tompkins
Dempsey	Kinkel	Munger	Redalen	Trimble
Dille	Kludt	Murphy	Reding	Tunheim
Forsythe	Knickerbocker	Nelson, C.	Rest	Uphus
Frederick	Knuth	Nelson, D.	Richter	Valento
Frerichs	Kostohryz	Olsen, S.	Rodosovich	Vellenga
Greenfield	Krueger	Olson, E.	Sarna	Voss
Gruenes	Lasley	Omann	Schafer	Wagenius
Hartle	Lieder	Onnen	Schreiber	Waltman
Haukoos	Marsh	Orenstein	Seaberg	Welle
Heap	McDonald	Otis	Sparby	Wenzel
Hugoson	McEachern	Ozment	Stanius	Winter
Jacobs	McKasy	Pelowski	Steensma	Wynia
Jensen	McLaughlin	Peterson	Svigum	Spk. Vanasek
Johnson, R.	McPherson	Poppenhagen	Swenson	
Johnson, V.	Milbert	Price	Thiede	
Kelly	Miller	Quinn	Tjornhom	

The motion did not prevail and the amendment to the amendment was not adopted.

Osthoff moved to amend the Quist amendment, as amended, to S. F. No. 2137, as follows:

Page 1, line 7, delete "or secondary"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 38 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Kelly	Nelson, K.	Reding	Trimble
Clark	Kludt	Neuenschwander	Rodosovich	Tunheim
Dawkins	Kostohryz	Ogren	Rukavina	Vellenga
DeBlicek	Larsen	Olson, K.	Scheid	Wagenius
Greenfield	Long	Orenstein	Segal	Wynia
Jaros	McLaughlin	Osthoff	Simoneau	Spk. Vanasek
Jefferson	Minne	Otis	Skoglund	
Kahn	Munger	Pappas	Solberg	

Those who voted in the negative were:

Anderson, R.	Clausnitzer	Hugoson	McEachern	Pelowski
Battaglia	Cooper	Jacobs	McKasy	Peterson
Bauerly	Dauner	Jensen	McPherson	Poppenhagen
Beard	Dempsey	Johnson, R.	Milbert	Price
Begich	Dorn	Johnson, V.	Miller	Quinn
Bennett	Forsythe	Kalis	Morrison	Quist
Bertram	Frederick	Kelso	Murphy	Redalen
Blatz	Frerichs	Kinkel	O'Connor	Rest
Boo	Gruenes	Knickerbocker	Olsen, S.	Richter
Brown	Gutknecht	Krueger	Olson, E.	Sarna
Burger	Hartle	Lasley	Omann	Schafer
Carlson, D.	Haukoos	Lieder	Onnen	Schreiber
Carlson, L.	Heap	Marsh	Ozment	Seaberg
Carruthers	Himle	McDonald	Pauly	Sparby

Stanius	Swenson	Tompkins	Voss	Winter
Steensma	Thiede	Uphus	Waltman	
Sviggum	Tjornhom	Valento	Wenzel	

The motion did not prevail and the amendment to the amendment was not adopted.

McLaughlin moved to amend the Quist amendment, as amended, to S. F. No. 2137, as follows:

Page 1, line 10, after the period insert "This paragraph does not apply to Special School Districts No. 1 and No. 625."

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 44 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jefferson	Larsen	Olson, K.	Segal
Anderson, R.	Jennings	Long	Orenstein	Simoneau
Beard	Johnson, A.	McLaughlin	Osthoff	Skoglund
Carruthers	Kahn	Minne	Otis	Trimble
Clark	Kelly	Nelson, C.	Pappas	Tunheim
Dauner	Kelso	Nelson, D.	Price	Vellenga
Dawkins	Kludt	Nelson, K.	Rice	Wagenius
Greenfield	Knuth	Neuenschwander	Rukavina	Wynia
Jaros	Krueger	O'Connor	Scheid	

Those who voted in the negative were:

Battaglia	Dille	Kinkel	Ozment	Stanius
Bauerly	Frederick	Knickerbocker	Pelowski	Steensma
Begich	Frerichs	Lasley	Peterson	Sviggum
Bennett	Gruenes	Lieder	Poppenhagen	Swenson
Bertram	Gutknecht	Marsh	Quinn	Thiede
Blatz	Hartle	McDonald	Quist	Tjornhom
Boo	Haukoos	McEachern	Redalen	Tompkins
Brown	Heap	McPherson	Rest	Uphus
Burger	Himle	Miller	Richter	Valento
Carlson, D.	Hugoson	Morrison	Rodosovich	Voss
Carlson, L.	Jacobs	Murphy	Sarna	Waltman
Clausnitzer	Jensen	Olsen, S.	Schafer	Wenzel
Cooper	Johnson, R.	Olsen, E.	Schreiber	Winter
DeBlick	Johnson, V.	Omann	Seaberg	
Dempsey	Kalis	Onnen	Sparby	

The motion did not prevail and the amendment to the amendment was not adopted.

McEachern moved to amend the Quist amendment, as amended, to S. F. No. 2137, as follows:

Page 1, line 6, delete "a public or"

Page 1, line 7, delete "private elementary or secondary school" and insert "schools as defined in section 120.101, subdivision 4"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 77 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Larsen	Olsen, S.	Scheid
Anderson, R.	Hartle	Lasley	Olson, E.	Segal
Battaglia	Jacobs	Lieder	Olson, K.	Simoneau
Bauerly	Jaros	Long	Orenstein	Skoglund
Beard	Jefferson	McEachern	Osthoff	Solberg
Begich	Jennings	McLaughlin	Otis	Trimble
Bertram	Johnson, A.	Milbert	Pappas	Vellenga
Bishop	Johnson, R.	Minne	Pelowski	Voss
Brown	Kahn	Munger	Price	Wagenius
Carlson, L.	Kalis	Murphy	Quinn	Welle
Carruthers	Kelly	Nelson, C.	Reding	Wenzel
Clark	Kelso	Nelson, D.	Rest	Wynia
Cooper	Kinkel	Nelson, K.	Rice	Spk. Vanasek
Dawkins	Kludt	Neuenschwander	Rodosovich	
DeBlieck	Knuth	O'Connor	Rukavina	
Dorn	Kostohryz	Ogren	Sarna	

Those who voted in the negative were:

Bennett	Gruenes	McDonald	Quist	Swenson
Blatz	Gutknecht	McPherson	Redalen	Thiede
Burger	Haukoos	Miller	Richter	Tjornhom
Carlson, D.	Heap	Morrison	Schafer	Tompkins
Clausnitzer	Himle	Omann	Schreiber	Uphus
Dauner	Hugoson	Onnen	Seaberg	Valento
Dempsey	Jensen	Ozment	Shaver	Waltman
Dille	Johnson, V.	Pauly	Stanius	Winter
Frederick	Knickerbocker	Peterson	Steensma	
Frerichs	Marsh	Poppenhagen	Sviggum	

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

Himle was excused for the remainder of today's session.

Vellenga moved to amend the Quist amendment, as amended, to S. F. No. 2137, as follows:

Page 1, line 5, after "distributed" insert "to unmarried students"

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

Nelson, K., moved to amend the Quist amendment, as amended, to S. F. No. 2137, as follows:

Page 1, line 5, delete “, prescribed.”

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 61 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jennings	Long	Olson, E.	Sarna
Anderson, R.	Johnson, A.	McEachern	Olson, K.	Scheid
Beard	Kahn	McLaughlin	Orenstein	Segal
Carlson, L.	Kelly	Milbert	Osthoff	Shaver
Carruthers	Kelso	Minne	Otis	Simoneau
Clark	Kinkel	Munger	Pappas	Skoglund
Dawkins	Kludt	Nelson, C.	Price	Solberg
DeBlicke	Knuth	Nelson, D.	Quinn	Trimble
Dille	Kostohryz	Nelson, K.	Rest	Tunheim
Greenfield	Larsen	Neuenschwander	Rice	Vellenga
Jaros	Lasley	O'Connor	Rodosovich	Wagenius
Jefferson	Lieder	Ogren	Rukavina	Wynia
				Spk. Vanasek

Those who voted in the negative were:

Battaglia	Dempsey	Johnson, V.	Ozment	Stanius
Begich	Dorn	Kalis	Pauly	Steensma
Bennett	Forsythe	Knickerbocker	Pelowski	Swiggum
Bertram	Frederick	Marsh	Peterson	Swenson
Blatz	Gruenes	McDonald	Poppenhagen	Thiede
Boo	Gutknecht	McKasy	Quist	Tjornhom
Brown	Hartle	McPherson	Redalen	Tompkins
Burger	Haukoos	Miller	Richter	Uphus
Carlson, D.	Heap	Murphy	Schafer	Valento
Clausnitzer	Hugoson	Olsen, S.	Schreiber	Voss
Cooper	Jacobs	Omann	Seaberg	Waltman
Dauner	Jensen	Onnen	Sparby	Wenzel
				Winter

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the Quist amendment, as amended, and the roll was called. There were 87 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Blatz	Carruthers	Dorn	Hartle
Battaglia	Boo	Clausnitzer	Forsythe	Haukoos
Bauerly	Brown	Cooper	Frederick	Heap
Begich	Burger	DeBlicke	Frerichs	Hugoson
Bennett	Carlson, D.	Dempsey	Gruenes	Jacobs
Bertram	Carlson, L.	Dille	Gutknecht	Jensen

Johnson, R.	Marsh	Olsen, S.	Richter	Tjornhom
Johnson, V.	McDonald	Omann	Sarna	Tompkins
Kalis	McEachern	Onnen	Schafer	Uphus
Kelso	McKasy	Ozment	Schreiber	Valento
Kinkel	McPherson	Pauly	Seaberg	Voss
Kludt	Milbert	Pelowski	Solberg	Waltman
Knickerbocker	Miller	Peterson	Sparby	Wenzel
Kostohryz	Morrison	Poppenhagen	Stanius	Winter
Krueger	Murphy	Quinn	Steensma	Spk. Vanasek
Larsen	Nelson, C.	Quist	Sviggum	
Lasley	O'Connor	Redalen	Swenson	
Lieder	Ogren	Rest	Thiede	

Those who voted in the negative were:

Anderson, G.	Jefferson	Nelson, K.	Price	Tunheim
Beard	Jennings	Neuenschwander	Rukavina	Vellenga
Bishop	Johnson, A.	Olson, E.	Scheid	Wagenius
Clark	Kahn	Olson, K.	Segal	Wynia
Dauner	Knuth	Orenstein	Shaver	
Dawkins	Long	Osthoff	Simoneau	
Greenfield	McLaughlin	Otis	Skoglund	
Jaros	Munger	Pappas	Trimble	

The motion prevailed and the amendment, as amended, was adopted.

Neuenschwander was excused for the remainder of today's session.

S. F. No. 2137, A bill for an act relating to education; modifying certain requirements relating to school health services; amending Minnesota Statutes 1986, section 123.35, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 126; repealing Minnesota Statutes 1987 Supplement, sections 123.35, subdivision 16; and 126.201.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 101 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Carruthers	Hartle	Kinkel	McPherson
Battaglia	Clausnitzer	Haukoos	Kludt	Miller
Bauerly	Cooper	Heap	Knickerbocker	Minne
Beard	Dauner	Hugoson	Knuth	Nelson, C.
Begich	DeBlieck	Jacobs	Kostohryz	O'Connor
Bennett	Dempsey	Jefferson	Larsen	Ogren
Bertram	Dille	Jennings	Lasley	Olsen, S.
Blatz	Dorn	Jensen	Lieder	Olson, K.
Boo	Forsythe	Johnson, A.	Marsh	Omann
Brown	Frederick	Johnson, R.	McDonald	Onnen
Burger	Frerichs	Johnson, V.	McEachern	Orenstein
Carlson, D.	Gruenes	Kalis	McKasy	Otis
Carlson, L.	Gutknecht	Kelso	McLaughlin	Ozment



Pauly	Reding	Seaberg	Thiede	Waltman
Pelowski	Rest	Shaver	Tjornhom	Wenzel
Peterson	Rice	Solberg	Tompkins	Winter
Poppenhagen	Richter	Sparby	Tunheim	Spk. Vanasek
Price	Rodosovich	Stanius	Uphus	
Quinn	Sarna	Steensma	Valento	
Quist	Schafer	Svigum	Voss	
Redalen	Schreiber	Swenson	Wagenius	

Those who voted in the negative were:

Anderson, G.	Dawkins	Kelly	Osthoff	Scheid
Bishop	Jaros	Milbert	Pappas	Wynia
Clark	Kahn	Murphy	Rukavina	

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

S. F. No. 1646 was reported to the House.

Quinn moved to amend S. F. No. 1646, as follows:

Page 2, after line 27, insert:

“Sec. 2. Minnesota Statutes 1986, section 62A.044, is amended to read:

62A.044 [PAYMENTS TO GOVERNMENTAL INSTITUTIONS.]

No group or individual policy of accident and sickness insurance issued or renewed after May 22, 1973 pursuant to this chapter, no group or individual service plan or subscriber contract issued or renewed after May 22, 1973 pursuant to chapter 62C, and no group or individual health maintenance contract issued or renewed after August 1, 1984, pursuant to chapter 62D, shall contain any provision excluding, denying, or prohibiting payments for covered and authorized services rendered or paid by a hospital or medical institution owned or operated by the federal, state, or local government, including correctional facilities, or practitioners therein in any instance wherein charges for such services are imposed against the policy holder, subscriber, or enrollee. The unit of government operating the institution may maintain an action for recovery of such charges.

Sec. 3. [243.255] [PRIVATE INSURANCE POLICIES; SUBROGATION.]

Subdivision 1. [DEFINITIONS.] As used in this section:

(a) “Commissioner” means the commissioner of corrections;

(b) “Inmate” means a person who has been sentenced to incarceration in a state or local correctional facility, including persons

committed in accordance with section 631.425 or released for employment under section 241.26; and

(c) "Private insurance coverage" means coverage for medical care or services under any insurance plan regulated by chapters 62A, 62C, 62D, 64B, or 65B. Private insurance coverage also includes any self-insurance plan providing medical care or services.

Subd. 2. [SUBROGATION RIGHTS.] When the commissioner or a county agency provides medical care or services pursuant to section 241.021, subdivision 4, or any rule adopted under it to any inmate having private insurance coverage, the commissioner or county agency shall be subrogated, to the extent of the cost of services provided, to any rights the inmate may have under the terms of any private insurance coverage. This provision supersedes any inconsistent policy provision.

Subd. 3. [CIVIL ACTION.] The attorney general may institute a civil action against the carrier of the private insurance coverage to recover under this section on behalf of the commissioner. The county attorney may institute a civil action against the carrier of the private insurance coverage to recover under this section on behalf of the county agency.

Subd. 4. [POLICY EXCLUSIONS PROHIBITED.] The provisions of section 62A.044 apply to this section."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Skoglund moved to amend S. F. No. 1646, as amended, as follows:

Page 2, line 12, after "delivery" insert "to any person"

Page 2, line 23, delete "that plan" and insert "and another policy or contract, the dental plan shall be primary and the other policy or contract shall be secondary in regard to the coverage required under paragraph (a)"

Page 2, line 24, delete everything before the period

Page 2, after line 27, insert:

"Sec. 2. Minnesota Statutes 1987 Supplement, section 62A.27, is amended to read:

62A.27 [COVERAGE FOR ADOPTED CHILDREN.]

No An individual or group policy or plan of health and accident insurance regulated under this chapter or chapter 64B, subscriber contract regulated under chapter 62C, or health maintenance contract regulated under chapter 62D, providing coverage for more than one person may be issued or renewed in this state after August 1, 1988, unless the policy, plan, or contract covers that provides coverage to a Minnesota resident must cover adopted children of the insured, subscriber, or enrollee on the same basis as other dependents. Consequently, the policy or plan shall not contain any provision concerning preexisting condition limitations, insurability, eligibility, or health underwriting approval concerning adopted children.

The coverage required by this section is effective from the date of placement for the purpose of adoption and continues unless the placement is disrupted prior to legal adoption and the child is removed from placement.

Sec. 3. [EFFECTIVE DATE.]

Section 2 is effective the day following final enactment."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Carlson, L., to the Chair.

Orenstein moved to amend S. F. No. 1646, as amended, as follows:

Page 2, after line 27, insert:

"Sec. 2. [62A.161] [COVERAGE FOR SERVICES PROVIDED TO A VENTILATOR-DEPENDENT PERSON.]

Subdivision 1. [SCOPE OF COVERAGE.] This section applies to all policies of accident and health insurance, group subscriber contracts offered by nonprofit health service plan corporations regulated under chapter 62C, health maintenance contracts regulated under chapter 62D, and health benefit certificates offered through a fraternal beneficiary association regulated under chapter 64B. This section does not apply to policies designed primarily to provide coverage payable on a per diem, fixed indemnity or nonexpense incurred basis, or policies that provide only accident coverage.

Subd. 2. [REQUIRED COVERAGE.] If a policy, plan, certificate, or contract referred to in subdivision 1 issued or renewed after August 1, 1988, provides coverage for services provided by a private

duty nurse or personal care assistant to a ventilator-dependent person in the person's home, it must provide coverage for up to 120 hours of services provided by a private duty nurse or personal care assistant to the ventilator-dependent person during the time the ventilator-dependent person is in a hospital licensed under chapter 144. Subject to the patient's rights under Minnesota Statutes, section 144.651, the hospital, physicians and hospital staff, consistent with the standards of care in the medical community, shall, while the patient is hospitalized, at all times retain final decision-making authority and otherwise retain responsibility for the care and treatment of the ventilator-dependent patient. The personal care assistant or private duty nurse shall perform the services of communicator or interpreter for the ventilator-dependent patient during a transition period of up to 120 hours to assure adequate training of the hospital staff to communicate with the patient and to understand the unique comfort, safety and personal care needs of the patient. The personal care assistant or private duty nurse may offer nonbinding advice to the health care professionals in charge of the ventilator-dependent patient's care and treatment on matters pertaining to the comfort and safety of the patient. After the 120 hour transition period, an assessment may be made by the ventilator-dependent patient, the attending physician and the patient's primary care nurse to determine whether continued services of communicator or interpreter for the patient by the private duty nurse or personal care assistant is necessary and appropriate for the patient's needs."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Thiede offered an amendment to S. F. No. 1646, as amended.

#### POINT OF ORDER

Skoglund raised a point of order pursuant to rule 3.9 that the Thiede amendment was not in order. Speaker pro tempore Carlson, L., ruled the point of order well taken and the amendment out of order.

S. F. No. 1646, A bill for an act relating to insurance; accident and health; clarifying certain coverages for newborn infants; amending Minnesota Statutes 1986, section 62A.042.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 116 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Kru̇ger	Orenstein	Shaver
Anderson, R.	Gruenes	Larsen	Osthoff	Simoneau
Battaglia	Gutknecht	Lieder	Otis	Skoglund
Bauerly	Hartle	Long	Ozment	Solberg
Begich	Haukoos	McEachern	Pappas	Sparby
Bennett	Heap	McKasy	Pauly	Stanius
Bertram	Hugoson	McLaughlin	Pelowski	Steensma
Blatz	Jacobs	McPherson	Peterson	Sviggum
Boo	Jefferson	Milbert	Price	Swenson
Brown	Jennings	Miller	Quist	Tjornhom
Burger	Jensen	Minne	Redalen	Tompkins
Carlson, D.	Johnson, A.	Morrison	Reding	Trimble
Carlson, L.	Johnson, R.	Munger	Rest	Tunheim
Carruthers	Johnson, V.	Murphy	Rice	Uphus
Clark	Kahn	Nelson, C.	Richter	Valento
Clausnitzer	Kalis	Nelson, D.	Riveness	Vellenga
Cooper	Kelly	Nelson, K.	Rodosovich	Voss
Dauner	Kelso	O'Connor	Rukavina	Wagenius
Dawkins	Kinkel	Ogren	Sarna	Waltman
Dempsey	Kludt	Olsen, S.	Schafer	Welle
Dorn	Knickerbocker	Olson, E.	Scheid	Wenzel
Forsythe	Knuth	Olson, K.	Schreiber	Winter
Frederick	Kostohryz	Omann	Segal	Wynia
				Spk. Vanasek

Those who voted in the negative were:

McDonald      Poppenhagen      Seaberg      Thiede

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

S. F. No. 2071 was reported to the House.

Bishop and Jefferson offered an amendment to S. F. No. 2071.

#### POINT OF ORDER

Thiede raised a point of order pursuant to rule 3.9 that the Bishop and Jefferson amendment was not in order. Speaker pro tempore Carlson, L., ruled the point of order well taken and the amendment out of order.

Nelson, C.; Bishop and Jefferson moved to amend S. F. No. 2071, as follows:

Page 2, after line 24, insert:

"Sec. 2. Minnesota Statutes 1986, section 629.53, is amended to read:

629.53 [PROVIDING RELEASE ON BAIL; COMMITMENT.]

A person charged with a criminal offense may be released with or without bail in accordance with Rule 6.02 of the rules of criminal procedure. Money bail is the property of the accused, whether deposited by that person or by a third person on the accused's behalf. When money bail is accepted by a judge, that judge shall order it to be deposited with the court administrator. The court administrator shall retain it until the final disposition of the case and the final order of the court disposing of the case. Upon release, the amount released must be paid to the accused personally or upon that person's written order. In case of conviction of the accused, the judge may order the money bail deposit to be applied to any fine or restitution imposed on the defendant by the court and, if the fine or restitution is less than the deposit, order the balance to be paid to the defendant. If the fine exceeds the money bail deposit, the deposit must be applied to the fine and the defendant committed until the balance is paid. The commitment may not exceed one day's time for each dollar of the unpaid balance of the fine. Money bail in the hands of deposited with the court or any officer of it is exempt from garnishment or levy under attachment or execution."

Renumber the remaining section

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "authorizing courts to apply bail deposits to restitution orders;"

Page 1, line 5, after "Statutes" insert "1986, section 629.53; and Minnesota Statutes"

The motion prevailed and the amendment was adopted.

S. F. No. 2071, A bill for an act relating to crimes; requiring a neighborhood impact statement to be submitted as part of the presentence investigation report for controlled substance offenses; amending Minnesota Statutes 1987 Supplement, section 609.115, subdivision 1.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Bennett	Brown	Clark	DeBlicke
Battaglia	Bertram	Burger	Clausnitzer	Dempsey
Bauerly	Bishop	Carlson, D.	Cooper	Dille
Beard	Blatz	Carlson, L.	Dauner	Dorn
Begich	Boo	Carruthers	Dawkins	Forsythe

Frederick	Kludt	Nelson, C.	Quist	Stanius
Greenfield	Knickerbocker	Nelson, D.	Redalen	Steensma
Gruenes	Knuth	Nelson, K.	Reding	Sviggum
Gutknecht	Kostohryz	O'Connor	Rest	Swenson
Hartle	Krueger	Ogren	Rice	Thiede
Haukoos	Larsen	Olsen, S.	Richter	Tjornhom
Heap	Lasley	Olson, E.	Riveness	Tompkins
Hugoson	Lieder	Olson, K.	Rodosovich	Trimble
Jacobs	Long	Omann	Rose	Tunheim
Jaros	Marsh	Onnen	Rukavina	Uphus
Jefferson	McDonald	Orenstein	Sarna	Valento
Jennings	McEachern	Osthoff	Schafer	Vellenga
Jensen	McKasy	Otis	Scheid	Voss
Johnson, A.	McLaughlin	Ozment	Schreiber	Wagenius
Johnson, R.	McPherson	Pappas	Seaberg	Waltman
Johnson, V.	Milbert	Pauly	Segal	Welle
Kahn	Miller	Pelowski	Shaver	Wenzel
Kalis	Minne	Peterson	Simoneau	Winter
Kelly	Morrison	Poppenhagen	Skoglund	Wynia
Kelso	Munger	Price	Solberg	Spk. Vanasek
Kinkel	Murphy	Quinn	Sparby	

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

S. F. No. 2491 was reported to the House.

Johnson, A.; McLaughlin; Osthoff and Carruthers moved to amend S. F. No. 2491, as follows:

Page 5, after line 18, insert:

"Sec. 7. Minnesota Statutes 1986, section 473.375, subdivision 4, is amended to read:

Subd. 4. [PROPERTY.] The board may acquire by purchase, lease, gift, or grant property and interests in property necessary for the accomplishment of its purposes and may sell or otherwise dispose of property which it no longer requires. The board may not rent or lease any premises from a recipient of financial assistance from the board. Except for the rental or lease of its office space, the board may not acquire or hold any permanent or temporary right, title, or interest in or to real property, including easements or development rights. The board may not acquire or hold any permanent or temporary right, title, or interest in or to transit vehicles.

Sec. 8. Minnesota Statutes 1986, section 473.375, subdivision 8, is amended to read:

Subd. 8. [GIFTS; GRANTS.] The board may apply for, accept and disburse gifts, grants, or loans from the United States, the state, or from any person on behalf of itself or any of its contract recipients, for any of its purposes. It may enter into an agreement required for the gifts, grants, or loans and may hold, use, and dispose of money or property received therefrom according to the terms of the gift, grant, or loan. ~~When the board has adopted an approved implementation~~

plan and has certified to the governor that it is ready to receive federal funds, the governor shall take whatever steps are necessary to designate the board as may not be a recipient of federal transit operating or capital assistance for the metropolitan area distributed by formula or block grant. The board may not be a recipient of federal discretionary capital grants for light rail and other fixed guideway transit systems.

No political subdivision within the metropolitan area may apply for federal transit assistance unless its application has been submitted to and approved by the board.

Sec. 9. Minnesota Statutes 1986, section 473.375, is amended by adding a subdivision to read:

Subd. 18. [OPERATIONS.] The board may not own or operate transit services."

Page 5, after line 31, insert:

"Sec. 12. [REPEALER.]

Minnesota Statutes 1987 Supplement, section 473.393, is repealed."

Renumber sections in sequence

Amend the title as follows:

Page 1, line 3, after "organization," insert "authority,"

Page 1, line 7, after "6;" insert "473.375, subdivisions 4 and 8, and by adding a subdivision;"

Page 1, line 9, before the period, insert "; repealing Minnesota Statutes 1987 Supplement, section 473.393"

The motion prevailed and the amendment was adopted.

Schreiber and Long moved to amend S. F. No. 2491, as amended, as follows:

Page 5, after line 31, insert:

"Sec. 9. [LIGHT RAIL TRANSIT.]

Construction of light rail transit facilities in the metropolitan area using the proceeds of a state tax may not begin without express legislative authorization.



## Sec. 10. [REPEALER.]

Minnesota Statutes 1986, section 473.398, and Minnesota Statutes 1987 Supplement, section 473.17, are repealed."

Amend the title accordingly

A roll call was requested and properly seconded.

## CALL OF THE HOUSE

On the motion of Rice and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Anderson, R.	Frerichs	Larsen	Olson, K.	Seaberg
Battaglia	Gruenes	Lasley	Omann	Segal
Bauerly	Gutknecht	Lieder	Onnen	Shaver
Beard	Hartle	Long	Orenstein	Simoneau
Begich	Haukoos	Marsh	Osthoff	Skoglund
Bennett	Heap	McDonald	Otis	Solberg
Bertram	Hugoson	McEachern	Pappas	Sparby
Bishop	Jacobs	McKasy	Pauly	Stanius
Blatz	Jaros	McLaughlin	Pelowski	Steensma
Brown	Jefferson	McPherson	Poppenhagen	Sviggum
Carlson, D.	Jennings	Milbert	Price	Swenson
Carlson, L.	Jensen	Miller	Quinn	Thiede
Carruthers	Johnson, A.	Minne	Redalen	Tjornhom
Clark	Johnson, V.	Morrison	Reding	Tompkins
Clausnitzer	Kalis	Munger	Rest	Trimble
Cooper	Kelly	Murphy	Rice	Uphus
Dauner	Kelso	Nelson, C.	Richter	Valento
Dawkins	Kinkel	Nelson, D.	Rodosovich	Voss
DeBlieck	Kludt	Nelson, K.	Rukavina	Wagenius
Dempsey	Knickerbocker	O'Connor	Sarna	Waltman
Dorn	Knuth	Ogren	Schafer	Wenzel
Forsythe	Kostohryz	Olsen, S.	Scheid	Winter
Frederick	Krueger	Olson, E.	Schreiber	

Rice moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

## POINT OF ORDER

Olsen, S., raised a point of order pursuant to section 480, paragraph 2, of "Mason's Manual of Legislative Procedure" relating to the motion to rescind. Speaker pro tempore Carlson, L., ruled the point of order not well taken.

The question recurred on the Schreiber and Long amendment and the roll was called.

Otis moved that those not voting be excused from voting. The motion prevailed.

There were 49 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Bennett	Gruenes	Long	Poppenhagen	Sviggum
Blatz	Gutknecht	Marsh	Redalen	Swenson
Boo	Hartle	McDonald	Richter	Thiede
Burger	Haukoos	McKasy	Rose	Tjornhom
Carlson, D.	Heap	McPherson	Schafer	Tompkins
Clausnitzer	Hugoson	Miller	Schreiber	Uphus
Dempsey	Jennings	Morrison	Seaberg	Valento
Dille	Johnson, V.	Omann	Shaver	Voss
Forsythe	Knickerbocker	Onnen	Sparby	Waltman
Frerichs	Kostohryz	Pauly	Stanius	

Those who voted in the negative were:

Anderson, G.	Frederick	Krueger	Olson, K.	Sarna
Battaglia	Greenfield	Larsen	Orenstein	Scheid
Bauerly	Jacobs	Lasley	Osthoff	Segal
Beard	Jaros	Lieder	Otis	Simoneau
Begich	Jefferson	McEachern	Pappas	Skoglund
Bertram	Jensen	McLaughlin	Pelowski	Solberg
Brown	Johnson, A.	Milbert	Peterson	Steensma
Carlson, L.	Johnson, R.	Murphy	Price	Trimble
Carruthers	Kahn	Nelson, C.	Quinn	Vellenga
Clark	Kalis	Nelson, D.	Reding	Wagenius
Cooper	Kelly	Nelson, K.	Rest	Welle
Dauner	Kelso	O'Connor	Rice	Wenzel
Dawkins	Kinkel	Ogren	Riveness	Winter
DeBlieck	Kludt	Olsen, S.	Rodosovich	
Dorn	Knuth	Olson, E.	Rukavina	

The motion did not prevail and the amendment was not adopted.

Schreiber, Riveness and Tjornhom moved to amend S. F. No. 2491, as amended, as follows:

Page 5, after line 3, insert:

"Sec. 6. Minnesota Statutes 1987 Supplement, section 473.169, subdivision 7, is amended to read:

Subd. 7. [COUNCIL REVIEW.] Before proceeding with construction of a light rail transit facility, a regional rail authority established under chapter 398A must submit preliminary and final design plans to the metropolitan council. The council must review the plans for consistency with the council's development guide and comment on approve or disapprove the plans. The proposer of the facility may not proceed with construction of the facility without the approval of the council."

Renumber sections in sequence

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

McLaughlin raised a point of order pursuant to section 401, paragraph 4, of "Mason's Manual of Legislative Procedure" relating to frivolous and improper amendments. Speaker pro tempore Carlson, L., ruled the point of order not well taken.

The question recurred on the Schreiber et al amendment and the roll was called.

Otis moved that those not voting be excused from voting. The motion prevailed.

There were 68 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frederick	Krueger	Pauly	Sviggum
Bennett	Frerichs	Long	Pelowski	Swenson
Bertram	Greenfield	Marsh	Poppenhagen	Thiede
Bishop	Gruenes	McDonald	Redalen	Tjornhom
Blatz	Gutknecht	McKasy	Reding	Tompkins
Brown	Hartle	McPherson	Richter	Tunheim
Burger	Haukoos	Miller	Riveness	Uphus
Carlson, D.	Heap	Morrison	Rose	Valento
Clausnitzer	Hugoson	Nelson, D.	Schafer	Voss
Cooper	Jennings	Olson, E.	Schreiber	Waltman
Dauner	Johnson, V.	Omann	Seaberg	Welle
Dempsey	Kahn	Onnen	Shaver	Winter
Dille	Knickerbocker	Orenstein	Stanius	
Forsythe	Kostohryz	Ozment	Steenasma	

Those who voted in the negative were:

Battaglia	Jefferson	Lasley	Ogren	Sarna
Bauerly	Jensen	Lieder	Olsen, S.	Scheid
Beard	Johnson, A.	McEachern	Olson, K.	Segal
Begich	Johnson, R.	McLaughlin	Osthoff	Solberg
Carlson, L.	Kalis	Milbert	Otis	Sparby
Carruthers	Kelly	Minne	Peterson	Trimble
Clark	Kelso	Munger	Price	Vellenga
Dawkins	Kinkel	Murphy	Rest	Wagenius
DeBlick	Kludt	Nelson, C.	Rice	Wenzel
Dorn	Knuth	Nelson, K.	Rodosovich	Spk. Vanasek
Jacobs	Larsen	O'Connor	Rukavina	

The motion prevailed and the amendment was adopted.

Schreiber moved to amend S. F. No. 2491, as amended, as follows:

Page 5, after line 27, insert:

"Sec. 8. [REPEALER.]

Minnesota Statutes 1987 Supplement, section 473.398, is repealed."

Page 5, line 28, delete "8" and insert "9"

Page 5, line 29, delete "7" and insert "8"

Page 5, line 31 after the period, insert:

"Section 8 is effective the day after final enactment."

Amend the title as follows:

Page 1, line 4, after the semicolon insert "repealing transit needs assessment;"

Page 1, line 9, before the period insert "; repealing Minnesota Statutes 1987 Supplement, section 473.398"

A roll call was requested and properly seconded.

#### POINT OF ORDER

Olsen, S., raised a point of order pursuant to section 398, paragraph 2, of "Mason's Manual of Legislative Procedure" relating to decisions on amendments as final. Speaker pro tempore Carlson, L., ruled the point of order not well taken.

The question recurred on the Schreiber amendment and the roll was called.

Otis moved that those not voting be excused from voting. The motion prevailed.

There were 48 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Bennett	Frederick	Long	Poppenhagen	Swenson
Bishop	Frerichs	Marsh	Redalen	Thiede
Blatz	Gruenes	McDonald	Richter	Tjornhom
Boo	Gutknecht	McKasy	Rose	Tompkins
Burger	Hartle	McPherson	Schafer	Uphus
Carlson, D.	Haukoos	Miller	Schreiber	Valento
Clausnitzer	Heap	Morrison	Seaberg	Voss
Dempsey	Hugoson	Omann	Shaver	Waltman
Dille	Johnson, V.	Onnen	Stanius	
Forsythe	Knickerbocker	Pauly	Sviggum	

Those who voted in the negative were:

Anderson, G.	Greenfield	Larsen	Olson, E.	Sarna
Battaglia	Jacobs	Lasley	Olson, K.	Scheid
Bauerly	Jaros	Lieder	Orenstein	Segal
Beard	Jefferson	McEachern	Osthoff	Simoneau
Begich	Jennings	McLaughlin	Otis	Skoglund
Bertram	Jensen	Milbert	Pappas	Solberg
Brown	Johnson, A.	Minne	Pelowski	Sparby
Carlson, L.	Johnson, R.	Munger	Peterson	Steensma
Carruthers	Kahn	Murphy	Price	Trimble
Clark	Kalis	Nelson, C.	Quinn	Tunheim
Cooper	Kelly	Nelson, D.	Reding	Vellenga
Dauner	Kelso	Nelson, K.	Rest	Wagenius
Dawkins	Kinkel	O'Connor	Rice	Welle
DeBlicek	Kludt	Ogren	Rodosovich	Wenzel
Dorn	Knuth	Olsen, S.	Rukavina	Winter
				Spk. Vanasek

The motion did not prevail and the amendment was not adopted.

S. F. No. 2491, A bill for an act relating to metropolitan government; establishing various requirements on agency organization, work programs, budgets, and reports; amending Minnesota Statutes 1986, sections 473.13, subdivision 1, and by adding a subdivision; 473.146, subdivision 3; 473.173, subdivision 6; 473.38, by adding a subdivision; Minnesota Statutes 1987 Supplement, section 473.1623, subdivisions 4 and 6.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

Otis moved that those not voting be excused from voting. The motion prevailed.

There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carruthers	Gutknecht	Kelly	McLaughlin
Anderson, R.	Clark	Hartle	Kelso	McPherson
Battaglia	Clausnitzer	Haukoos	Kinkel	Milbert
Bauerly	Cooper	Heap	Kludt	Miller
Beard	Dauner	Hugoson	Knickerbocker	Minne
Begich	Dawkins	Jacobs	Knuth	Morrison
Bennett	DeBlicek	Jaros	Kostohryz	Munger
Bertram	Dempsey	Jefferson	Larsen	Murphy
Bishop	Dille	Jennings	Lasley	Nelson, C.
Blatz	Dorn	Jensen	Lieder	Nelson, D.
Boo	Forsythe	Johnson, A.	Long	Nelson, K.
Brown	Frederick	Johnson, R.	Marsh	O'Connor
Burger	Frerichs	Johnson, V.	McDonald	Ogren
Carlson, D.	Greenfield	Kahn	McEachern	Olsen, S.
Carlson, L.	Gruenes	Kalis	McKasy	Olson, E.

Olson, K.	Poppenhagen	Rukavina	Sparby	Valento
Omann	Price	Sarna	Stanius	Vellenga
Onnen	Quinn	Schafer	Steensma	Voss
Orenstein	Redalen	Scheid	Svigum	Wagenius
Osthoff	Reding	Schreiber	Swenson	Waltman
Otis	Rest	Seaberg	Thiede	Welle
Ozment	Rice	Segal	Tjornhom	Wenzel
Pappas	Richter	Shaver	Tompkins	Winter
Pauly	Riveness	Simoneau	Trimble	Spk. Vanasek
Pelowski	Rodosovich	Skoglund	Tunheim	
Peterson	Rose	Solberg	Uphus	

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

#### CALL OF THE HOUSE LIFTED

Rice moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

Long was excused for the remainder of today's session.

The Speaker resumed the Chair.

S. F. No. 2384 was reported to the House.

Sparby moved to amend S. F. No. 2384, as follows:

Page 4, line 24, before "Sections" insert "The provisions of"

Page 4, line 24, delete "July 1, 1988" and insert "the day after enactment"

Page 4, line 27, delete "May 31, 1988" and insert "the day of enactment"

Page 4, lines 28 and 30, delete "June 1, 1988" and insert "the day of enactment"

The motion prevailed and the amendment was adopted.

S. F. No. 2384, A bill for an act relating to trade practices; providing for payment to farm implement retailer by successor in interest of the manufacturer, wholesaler, or distributor who repurchases stock and inventory; amending Minnesota Statutes 1986, sections 325E.05; and 325E.06, subdivisions 1, 4, and 5, and by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Forsythe	Krueger	Osthoff	Shaver
Anderson, R.	Frederick	Larsen	Otis	Simoneau
Battaglia	Frerichs	Lasley	Ozment	Skoglund
Bauerly	Greenfield	Lieder	Pappas	Solberg
Beard	Gruenes	Marsh	Pauly	Sparby
Begich	Gutknecht	McDonald	Pelowski	Stanius
Bennett	Hartle	McKasy	Peterson	Steensma
Bertram	Haukoos	McPherson	Poppenhagen	Sviggum
Bishop	Heap	Milbert	Price	Swenson
Blatz	Hugoson	Miller	Quinn	Thiede
Boo	Jacobs	Minne	Redalen	Tjornhom
Brown	Jaros	Morrison	Reding	Tompkins
Burger	Jefferson	Munger	Rest	Trimble
Carlson, D.	Jennings	Murphy	Rice	Tunheim
Carlson, L.	Jensen	Nelson, C.	Richter	Uphus
Carruthers	Johnson, A.	Nelson, D.	Riveness	Valento
Clark	Johnson, R.	Nelson, K.	Rodosovich	Voss
Clausnitzer	Johnson, V.	O'Connor	Rose	Wagenius
Cooper	Kahn	Ogren	Rukavina	Waltman
Dauner	Kalis	Olsen, S.	Sarna	Welle
Dawkins	Kelso	Olson, E.	Schafer	Wenzel
DeBlieck	Kludt	Olson, K.	Scheid	Winter
Dempsey	Knickerbocker	Omann	Schreiber	Wynia
Dille	Knuth	Onnen	Seaberg	Spk. Vanasek
Dorn	Kostohryz	Orenstein	Segal	

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

S. F. No. 1674, A bill for an act relating to environment; prescribing criminal penalties for violation of certain statutes, rules, or permits relating to pollution control; amending Minnesota Statutes 1987 Supplement, section 115.071, subdivision 2; and 609.671.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carlson, D.	Frederick	Jensen	Krueger
Anderson, R.	Carlson, L.	Frerichs	Johnson, A.	Larsen
Battaglia	Carruthers	Greenfield	Johnson, R.	Lasley
Bauerly	Clark	Gruenes	Johnson, V.	Lieder
Beard	Clausnitzer	Gutknecht	Kahn	Marsh
Begich	Cooper	Hartle	Kalis	McDonald
Bennett	Dauner	Haukoos	Kelly	McEachern
Bertram	Dawkins	Heap	Kelso	McKasy
Bishop	DeBlieck	Hugoson	Kinkel	McLaughlin
Blatz	Dempsey	Jacobs	Kludt	McPherson
Boo	Dille	Jaros	Knickerbocker	Milbert
Brown	Dorn	Jefferson	Knuth	Minne
Burger	Forsythe	Jennings	Kostohryz	Morrison

Munger	Osthoff	Rice	Simoneau	Uphus
Murphy	Otis	Richter	Skoglund	Valento
Nelson, C.	Ozment	Riveness	Solberg	Vellenga
Nelson, D.	Pappas	Rodosovich	Sparby	Voss
Nelson, K.	Pauly	Rose	Stanis	Wagenius
O'Connor	Pelowski	Rukavina	Steensma	Waltman
Ogren	Peterson	Sarna	Sviggum	Welle
Olsen, S.	Poppenhagen	Schafer	Swenson	Wenzel
Olson, E.	Price	Scheid	Thiede	Winter
Olson, K.	Quinn	Schreiber	Tjornhom	Wynia
Omann	Redalen	Seaberg	Tompkins	Spk. Vanasek
Onnen	Reding	Segal	Trimble	
Orenstein	Rest	Shaver	Tunheim	

The bill was passed and its title agreed to.

S. F. No. 1769 was reported to the House.

Solberg moved to amend S. F. No. 1769, as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1986, section 363.01, is amended by adding a subdivision to read:

Subd. 40. [MARITAL STATUS.] “Marital status” means whether a person is single, married, divorced, widowed, separated, or other like status, and in employment cases includes protection against discrimination on the basis of identity, situation, actions, or beliefs of one’s spouse or former spouse.

Sec. 2. Minnesota Statutes 1986, section 363.02, subdivision 2a, is amended to read:

Subd. 2a. [MANUFACTURED HOME PARKS.] The provisions of subdivision 2, prohibiting discrimination because of familial status:

(1) do not apply to a manufactured home park the majority of whose lots are reserved by park rule to households containing at least one elderly person; and

(2) do not apply to a section or sections of a manufactured home park which are identified by park rule and do not comprise more than one-third of the lots in the park. In order to qualify for exemption under this subdivision does not allow, a park owner to avoid complying must comply with section 327C.02, subdivision 2, 327C.05 or 327C.07, subdivision 4 when adopting or amending a rule concerning the permitted familial status of residents or of buyers of homes offered for in park sale.

Sec. 3. Minnesota Statutes 1986, section 363.02, is amended by adding a subdivision to read:



Subd. 2b. [EVICTON DUE TO FAMILIAL STATUS.] The provisions of section 363.03, subdivision 2, prohibiting discrimination because of familial status, do not apply to eviction from, or denial of continuing tenancy in, dwelling units exempt through certification under this section, provided that (1) one year has elapsed from the commencement of the familial status; and (2) six months prior written notice has been given to the tenant, unless the eviction or denial of continuing tenancy is for just cause unrelated to familial status.

Sec. 4. Minnesota Statutes 1986, section 363.03, subdivision 2, is amended to read:

Subd. 2. [REAL PROPERTY.] It is an unfair discriminatory practice:

(1) For an owner, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease any real property, or any agent of any of these:

(a) to refuse to sell, rent, or lease or otherwise deny to or withhold from any person or group of persons any real property because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status; or

(b) to discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status in the terms, conditions or privileges of the sale, rental or lease of any real property or in the furnishing of facilities or services in connection therewith, except that nothing in this clause shall be construed to prohibit the adoption of reasonable rules intended to protect the safety of minors in their use of the real property or any facilities or services furnished in connection therewith; or

(c) in any transaction involving real property, to print, circulate or post or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental or lease of real property, or make any record or inquiry in connection with the prospective purchase, rental, or lease of real property which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status, or any intent to make any such limitation, specification, or discrimination except that nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as available to adults-only if the person placing the advertisement reasonably believes that the provisions of this subdivision prohibiting discrimination because of familial status do not apply to the dwelling unit.

(2) For a real estate broker, real estate salesperson, or employee, or agent thereof:

(a) to refuse to sell, rent, or lease or to offer for sale, rental, or lease any real property to any person or group of persons or to negotiate for the sale, rental, or lease of any real property to any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status or represent that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or otherwise deny or withhold any real property or any facilities of real property to or from any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status; or

(b) to discriminate against any person because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status in the terms, conditions or privileges of the sale, rental or lease of real property or in the furnishing of facilities or services in connection therewith; or

(c) to print, circulate, or post or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental, or lease of any real property or make any record or inquiry in connection with the prospective purchase, rental or lease of any real property, which expresses directly or indirectly, any limitation, specification or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status or any intent to make any such limitation, specification or discrimination except that nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as available to adults-only if the person placing the advertisement reasonably believes that the provisions of this subdivision prohibiting discrimination because of familial status do not apply to the dwelling unit.

(3) For a person, bank, banking organization, mortgage company, insurance company, or other financial institution or lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any real property or any agent or employee thereof:

(a) to discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status of the person or group of persons or of the prospective occupants or tenants of the real property in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions, or privileges of the financial assistance or in the extension of services in connection therewith; or

(b) to use any form of application for the financial assistance or make any record or inquiry in connection with applications for the financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status or any intent to make any such limitation, specification, or discrimination; or

(c) to discriminate against any person or group of persons who desire to purchase, lease, acquire, construct, rehabilitate, repair or maintain real property in a specific urban or rural area or any part thereof solely because of the social, economic or environmental conditions of the area in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions, or privileges of the financial assistance or in the extension of services in connection therewith.

(4) For any real estate broker or real estate salesperson, for the purpose of inducing a real property transaction from which the person, the person's firm, or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, sex, marital status, status with regard to public assistance, or disability of the owners or occupants in the block, neighborhood, or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood, or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other public facilities.

(5) Notwithstanding the provisions of any law, ordinance, or home rule charter to the contrary, no person shall be deemed to have committed an unfair discriminatory practice based upon age if the unfair discriminatory practice alleged is attempted or accomplished for the purpose of obtaining or maintaining one of the exemptions provided for a dwelling unit provided for in section 363.02, subdivision 2.

(6) Notwithstanding any law, ordinance, or home rule charter to the contrary, a totally or partially blind or deaf person with a guide dog is entitled to full and equal access to real property provided for in this section. The person may not be required to pay extra compensation for the guide dog but is liable for damage done to the premises by the guide dog.

Sec. 5. Minnesota Statutes 1987 Supplement, section 363.06, subdivision 1, is amended to read:

Subdivision 1. [ACTIONS.] Any person aggrieved by a violation of this chapter may bring a civil action as provided in section 363.14,

subdivision 1, clause (a), or may file a verified charge with the commissioner or the commissioner's designated agent. A charge filed with the commissioner must be in writing on a form provided by the commissioner and signed by the charging party. The charge must state the name of the person alleged to have committed an unfair discriminatory practice, and set out a summary of the details of the practice complained of. The commissioner may require a charging party to provide the address of the person alleged to have committed the unfair discriminatory practice, names of witnesses, documents, and any other information necessary to process the charge. The commissioner may dismiss a charge when the charging party fails to provide required information. The commissioner within ten days of the filing shall serve a copy of the charge and a form for use in responding to the charge upon the respondent personally or by mail. The respondent shall file with the department a written response to the charge within 20 days of receipt of the charge. If the respondent fails to respond within 30 days after service of the charge, and service was consistent with rule 4 of the rules of civil procedure, the commissioner, on behalf of the complaining party, may bring an action for default in district court pursuant to rule 55.01 of the rules of civil procedure.

Sec. 6. Minnesota Statutes 1986, section 363.06, subdivision 3, is amended to read:

Subd. 3. [TIME FOR FILING CLAIM.] A claim of an unfair discriminatory practice must be brought as a civil action pursuant to section 363.14, subdivision 1, clause (a), filed in a charge with a local commission pursuant to section 363.116, or filed in a charge with the commissioner within ~~300 days~~ one year after the occurrence of the practice. The running of the ~~300 day~~ one-year limitation period is suspended during the time a potential charging party and respondent are voluntarily engaged in a dispute resolution process involving a claim of unlawful discrimination under chapter 363, including arbitration, conciliation, mediation or grievance procedures pursuant to a collective bargaining agreement or statutory, charter, or ordinance provisions for a civil service or other employment system. A potential respondent who participates in such a process with a potential charging party before a charge is filed or a civil action is brought shall notify the department and the charging party in writing of the participation in the process and the date the process commenced, and shall also notify the department and the charging party of the ending date of the process. A respondent who fails to provide this notification is barred from raising the defense that the statute of limitations has run unless ~~the 300 days~~ one year plus a period of time equal to the suspension period has passed.

Sec. 7. Minnesota Statutes 1986, section 363.073, subdivision 1, is amended to read:

Subdivision 1. [SCOPE OF APPLICATION.] No department or

agency of the state shall receive, enter into, or accept any bid or proposal for a contract ~~or~~ nor execute any contract for goods ~~or~~ services, or the performance of any function, or any agreement to transfer funds for any reason in excess of \$50,000 with any business person having more than 20 full-time employees in Minnesota at any time during the previous 12 months, unless the firm or business person has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved by the commissioner of human rights. Receipt of a certificate of compliance issued by the commissioner shall signify that a firm or business person has an affirmative action plan that has been approved by the commissioner. A certificate shall be valid for a period of two years.

Sec. 8. Minnesota Statutes 1986, section 363.073, subdivision 3, is amended to read:

Subd. 3. [REVOCATION OF CONTRACT.] A contract awarded by a department or agency of the state may be terminated or abridged by the department or agency because of suspension or revocation of a certificate based upon a contractor's failure to implement or make a good faith effort to implement an affirmative action plan approved by the commissioner under this section. If a contract is awarded to a person who does not have a contract compliance certificate required under subdivision 1, the commissioner may void the contract on behalf of the state.

Sec. 9. Minnesota Statutes 1986, section 363.074, is amended to read:

#### 363.074 [RULES FOR CERTIFICATES OF COMPLIANCE.]

The commissioner shall adopt rules to implement section 363.073 specifying the criteria used to review affirmative action plans and the standards used to review implementation of affirmative action plans. A firm or business certified to be in compliance with affirmative action requirements of a local human rights agency or the federal government ~~shall~~ may be deemed to be in compliance with section 363.073 upon submission to the commissioner of an affirmative action plan approved by a local human rights agency or the federal government and amendments to the plan which are necessary to address the employment of disabled persons protected by section 363.03, subdivision 1.

Sec. 10. Minnesota Statutes 1986, section 363.091, is amended to read:

#### 363.091 [ENFORCEMENT.]

When a respondent fails or refuses to comply with a final decision of the department, the commissioner may file with the court

administrator of district court in the judicial district in which the hearing was held a petition requesting the court to order the respondent to comply with the order of the department. Thereupon the court shall issue an order to show cause directed to the respondent why an order directing compliance should not be issued. ~~Notwithstanding the provisions of any law or rule of civil procedure to the contrary, the court shall examine at the hearing on the order to show cause all the evidence in the record and may amend the order of the department in any way the court deems just and equitable.~~ If the panel or examiner has ordered an award of damages pursuant to section 363.071 and if the court sustains or modifies the award, ~~it~~ the court shall enter judgment on the order or modified order in the same manner as in the case of an order of the district court, as provided in section 546.27.

Sec. 11. Minnesota Statutes 1986, section 363.121, is amended to read:

363.121 [DEPARTMENT ATTORNEY.]

The attorney general shall be the attorney for the department. When a matter has been referred to the attorney general by the commissioner subsequent to a finding of probable cause or for the purpose of interim relief, communications between members of the attorney general's office and charging parties or members of a class formed pursuant to section 363.06, subdivision 4, clause (6), are privileged as would be a communication between an attorney and a client.

Sec. 12. Minnesota Statutes 1986, section 363.14, subdivision 1, is amended to read:

Subdivision 1. [COURT ACTIONS, SUITS BY PRIVATE PARTIES, INTERVENTION.] (a) The commissioner or a person may bring a civil action seeking redress for an unfair discriminatory practice directly to district court. In addition, a person may bring a civil action:

(a) Directly to district court; or

(b) Notwithstanding the provisions of any law to the contrary,

(1) within 45 days after the commissioner has dismissed a charge because it is frivolous or without merit, because the charging party has failed to provide required information, because the commissioner has determined that further use of department resources is not warranted, or because the commissioner has determined that there is no probable cause to credit the allegations contained in a charge filed with the commissioner;

(2) within 45 days after the commissioner has reaffirmed a determination of no probable cause if the charging party requested a reconsideration of the probable cause determination; or

(3) after 45 days from the filing of a charge pursuant to section 363.06, subdivision 1 if a hearing has not been held pursuant to section 363.071 or if the commissioner has not entered into a conciliation agreement to which the charging party is a signator. The charging party shall notify the commissioner of an intention to bring a civil action, which shall be commenced within 90 days of giving the notice;

(b) If the commissioner has issued both probable cause and no probable cause determinations on separate issues in the same charge, the charging party may, if a hearing is held, require that all matters be heard at the hearing or may bring a civil action for the no probable cause charges at the same time as the probable cause charges under the rules and time frames that govern the probable cause charges.

(c) The commissioner may dismiss, without prejudice to the charging party, any case filed with the department on or before June 30, 1978. The commissioner shall notify a charging party by regular mail sent before August 1, 1981, of the right to bring a civil action pursuant to this section. Upon giving this notice the commissioner shall end all proceedings in the department relating to the charge. Notwithstanding any statutory period of limitation to the contrary, an individual notified pursuant to this clause may bring a civil action relating to the charge; provided that the action is filed on or before February 1, 1982.

A charging party bringing a civil action shall mail by registered or certified mail a copy of the summons and complaint to the commissioner, and upon their receipt the commissioner shall terminate all proceedings in the department relating to the charge. No charge shall be filed or reinstated with the commissioner after a civil action relating to the same unfair discriminatory practice has been brought unless the civil action has been dismissed without prejudice.

(d) Upon application by the complaining party to the district court at a special term and under circumstances the court deems just, the court may appoint an attorney for the person and may authorize the commencement of the action without payment of fees, costs, or security.

(e) Upon timely application, the court may permit the department to intervene in a civil action brought pursuant to this section upon certification that the case is of general public importance.

Sec. 13. Minnesota Statutes 1986, section 363.14, subdivision 3, is amended to read:

Subd. 3. [ATTORNEY'S FEES AND COSTS.] In any action or proceeding brought pursuant to this section the court, in its discretion, may allow the prevailing party, ~~other than the department,~~ a reasonable attorney's fee as part of the costs.

Sec. 14. [363.15] [NOTICE OF APPEAL TO THE COMMISSIONER.]

In any case that is appealed to the supreme court or the court of appeals in which an issue is raised under this chapter, the party raising the issue shall serve a copy of the notice of appeal on the commissioner. The clerk of the appellate courts may not accept a notice of appeal or other papers, documents, or briefs from any party in an action involving this chapter without proof of service of the papers, documents, or briefs upon the commissioner.

Delete the title and insert:

"A bill for an act relating to human rights; clarifying marital status discrimination and housing discrimination; enforcing comparable worth and affirmative action requirements; making procedural and administrative changes; amending Minnesota Statutes 1986, sections 363.01, by adding a subdivision; 363.02, subdivision 2a, and by adding a subdivision; 363.03, subdivision 2; 363.06, subdivision 3; 363.073, subdivisions 1 and 3; 363.074; 363.091; 363.121; and 363.14, subdivisions 1 and 3; Minnesota Statutes 1987 Supplement, section 363.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 363."

The motion prevailed and the amendment was adopted.

Solberg moved to amend S. F. No. 1769, as amended, as follows:

Page 2, lines 20 to 21, delete "just cause unrelated to familial status" and insert "nonpayment of rent, damage to the premises, disturbance of other tenants, or other breach of the lease"

Page 6, line 8, delete "guide" and insert "service"

Page 6, line 10, delete "guide" and insert "service"

Page 6, line 11, delete "guide" and insert "service"

The motion prevailed and the amendment was adopted.



Solberg moved to amend S. F. No. 1769, as amended, as follows:

Page 1, line 4, delete "comparable worth and"

The motion prevailed and the amendment was adopted.

S. F. No. 1769, A bill for an act relating to human rights; clarifying marital status discrimination and housing discrimination; enforcing comparable worth and affirmative action requirements; making procedural and administrative changes; amending Minnesota Statutes 1986, sections 363.01, by adding a subdivision; 363.02, subdivision 2a, and by adding a subdivision; 363.03, subdivision 2; 363.06, subdivision 3; 363.073, subdivisions 1 and 3; 363.091; 363.121; and 363.14, subdivisions 1 and 3; Minnesota Statutes 1987 Supplement, sections 363.06, subdivision 1; and 363.071, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 363.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Forsythe	Kostohryz	Onnen	Segal
Anderson, R.	Frederick	Larsen	Orenstein	Shaver
Battaglia	Frerichs	Lasley	Osthoff	Simoneau
Bauerly	Greenfield	Lieder	Otis	Skoglund
Beard	Gruenes	Marsh	Ozment	Solberg
Begich	Gutknecht	McDonald	Pappas	Sparby
Bennett	Hartle	McEachern	Pauly	Stanius
Bertram	Haukoos	McKasy	Pelowski	Steenma
Bishop	Heap	McLaughlin	Peterson	Sviggum
Blatz	Hugoson	McPherson	Poppenhagen	Swenson
Boo	Jacobs	Milbert	Price	Thiede
Brown	Jaros	Miller	Quinn	Tjornhom
Burger	Jefferson	Minne	Redalen	Tompkins
Carlson, D.	Jennings	Morrison	Reding	Trimble
Carlson, L.	Jensen	Munger	Rest	Tunheim
Carruthers	Johnson, A.	Murphy	Rice	Uphus
Clark	Johnson, R.	Nelson, C.	Richter	Valento
Clausnitzer	Johnson, V.	Nelson, D.	Rodosovich	Vellenga
Cooper	Kahn	Nelson, K.	Rose	Voss
Dauner	Kalis	O'Connor	Rukavina	Wagenius
Dawkins	Kelso	Ogren	Sarna	Waltman
DeBlieck	Kinkel	Olsen, S.	Schafer	Welle
Dempsey	Kludt	Olson, E.	Scheid	Wenzel
Dille	Knickerbocker	Olson, K.	Schreiber	Winter
Dorn	Knuth	Omann	Seaberg	Wynia
				Spk. Vanasek

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

S. F. No. 2217 was reported to the House.

Kelly and Trimble moved to amend S. F. No. 2217, as follows:

Page 2, after line 4, insert:

“Sec. 2. [JOINT POWERS AGREEMENT FOR THE RAMSEY COUNTY COURTHOUSE AND SAINT PAUL CITY HALL.]

Before Ramsey county issues any general obligation bonds pursuant to state statute for the repair, restoration, expansion and modernization of the Saint Paul City Hall and Ramsey County Courthouse, the city and county shall enter into joint powers agreements delineating the powers and responsibilities of each party respecting (i) the repair, restoration, expansion, and modernization of the city hall and county courthouse building; (ii) the normal repair and maintenance of the building, and the determination of proportionate square foot exclusive usage of the building by the county and the city; and (iii) the transfer of ownership or reversionary interests in Lake Owasso residence, the Ramsey county workhouse, Boys Totem Town, Woodview Detention Center, and St. Paul Ramsey Medical Center and any other property the city and county agree upon.

Sec. 3. [ASSUMPTION OF DEBT.]

Ramsey county is authorized to assume all remaining debt service on bonds issued by the city of St. Paul for construction of St. Paul-Ramsey Medical Center under Laws 1957, chapter 938, section 6. The obligation authorized to be assumed under this section is not subject to election requirements nor to the debt or tax levy limitations applicable to the county and shall not be considered in calculating amounts subject to any other debt or tax levy limitations. Any levies by the county for debt servicing payment for the retirement of these bonds shall be exempt from all tax levy limitations applicable to the county.

Sec. 4. [EFFECTIVE DATE.]

Sections 2 and 3 of this act are effective the day after filing of certificates of local approval by the governing body of the city of Saint Paul and by the Ramsey county board in compliance with Minnesota Statutes, section 645.021, subdivision 3.”

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2217, A bill for an act relating to state lands; authorizing transfer of certain state lands in Ramsey county to the city of Mounds View.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frerichs	Larsen	Osthoff	Skoglund
Anderson, R.	Greenfield	Lasley	Otis	Solberg
Battaglia	Gruenes	Lieder	Ozment	Sparby
Bauerly	Gutknecht	Marsh	Pauly	Stanius
Beard	Hartle	McDonald	Pelowski	Steensma
Begich	Haukoos	McEachern	Peterson	Sviggum
Bennett	Heap	McKasy	Poppenhagen	Swenson
Bertram	Hugoson	McLaughlin	Price	Thiede
Bishop	Jacobs	McPherson	Quinn	Tjornhom
Blatz	Jaros	Milbert	Redalen	Tompkins
Brown	Jefferson	Miller	Reding	Trimble
Burger	Jennings	Minne	Rest	Tunheim
Carlson, D.	Jensen	Morrison	Rice	Uphus
Carlson, L.	Johnson, A.	Munger	Richter	Valento
Carruthers	Johnson, R.	Murphy	Riveness	Vellenga
Clark	Johnson, V.	Nelson, C.	Rodosovich	Voss
Clausnitzer	Kahn	Nelson, D.	Rose	Wagenius
Cooper	Kalis	Nelson, K.	Rukavina	Waltman
Dauner	Kelly	O'Connor	Sarna	Welle
Dawkins	Kelso	Ogren	Schafer	Wenzel
DeBlicck	Kinkel	Olsen, S.	Scheid	Winter
Dempsey	Kludt	Olson, E.	Schreiber	Wynia
Dille	Knickerbocker	Olson, K.	Seaberg	Spk. Vanasek
Dorn	Knuth	Omann	Segal	
Forsythe	Kostohryz	Onnen	Shaver	
Frederick	Krueger	Orenstein	Simoneau	

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

S. F. No. 1700, A bill for an act relating to metropolitan government; scheduling the payment of certain watershed improvement costs; amending Minnesota Statutes 1986, section 473.883, subdivisions 2 and 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Beard	Bishop	Burger	Clark
Anderson, R.	Begich	Blatz	Carlson, D.	Clausnitzer
Battaglia	Bennett	Boo	Carlson, L.	Cooper
Bauerly	Bertram	Brown	Carruthers	Dauner

Dawkins	Johnson, V.	Minne	Poppenhagen	Sparby
DeBieck	Kahn	Morrison	Price	Stanius
Dempsey	Kalis	Munger	Quinn	Steensma
Dille	Kelly	Murphy	Redalen	Sviggum
Dorn	Kelso	Nelson, C.	Reding	Swenson
Forsythe	Kinkel	Nelson, D.	Rest	Thiede
Frederick	Kludt	Nelson, K.	Rice	Tjornhom
Frerichs	Knickerbocker	O'Connor	Richter	Tompkins
Greenfield	Knuth	Ogren	Riveness	Trimble
Gruenes	Kostohryz	Olsen, S.	Rodosovich	Tunheim
Gutknecht	Krueger	Olsen, E.	Rose	Uphus
Hartle	Larsen	Olson, K.	Rukavina	Valento
Haukoos	Lasley	Omann	Sarna	Vellenga
Heap	Lieder	Onnen	Schafer	Voss
Hugoson	Marsh	Orenstein	Scheid	Wagenius
Jacobs	McDonald	Osthoff	Schreiber	Waltman
Jaros	McEachern	Otis	Seaberg	Welle
Jefferson	McKasy	Ozment	Segal	Wenzel
Jennings	McLaughlin	Pappas	Shaver	Winter
Jensen	McPherson	Pauly	Simoneau	Wynia
Johnson, A.	Milbert	Pelowski	Skoglund	Spk. Vanasek
Johnson, R.	Miller	Peterson	Solberg	

The bill was passed and its title agreed to.

McKasy was excused for the remainder of today's session.

H. F. No. 704 was reported to the House.

Rest moved that H. F. No. 704 be continued on Special Orders for one day. The motion prevailed.

S. F. No. 1610 was reported to the House.

Lasley moved to amend S. F. No. 1610, as follows:

Page 2, after line 18, insert:

"Sec. 6. [161.179] [LOANS FOR RIGHT-OF-WAY ACQUISITION; APPROPRIATION, ACCOUNT.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the following terms have the meanings given them.

(b) "Acquiring authority" means a town, statutory or home rule charter city, or county, located outside the metropolitan area.

(c) "Homestead property" means a single-family dwelling occupied by the owner, and the surrounding land.

(d) "Metropolitan area" has the meaning given it in section 473.121, subdivision 2.

(e) "Salvage value" means the probable sale price of the dwelling and other property that is severable from the land if offered for sale on the condition that it be removed from the land at the buyer's expense, allowing a reasonable time to find a buyer with knowledge of the possible uses of the property, including separate use of serviceable components and scrap when there is no other reasonable prospect of sale.

Subd. 2. [LOANS TO ACQUIRING AUTHORITIES.] The commissioner may make loans to acquiring authorities located outside the metropolitan area for purchasing property within the proposed state trunk highway right-of-way, corridor, or project shown on an official map adopted under section 394.361 or 462.359 or for purchasing property within a proposed principal or intermediate arterial highway right-of-way, corridor, or project designated by the commissioner as a part of the state trunk highway system and approved by the commissioner. The loans must be made by the commissioner from the fund established under subdivision 4, for purchases approved by the commissioner. The loans must bear no interest. The commissioner shall make loans only to (1) avert the imminent conversion or the granting of approvals that would allow the conversion of property to uses that would jeopardize its availability for highway construction, or (2) purchase the property before imminent development or other use of the property would result in a substantial increase in its acquisition cost. The commissioner shall not make a loan for the purchase of property at a price that exceeds the fair market value of the property or that includes the costs of relocating or moving persons or property, except as provided in subdivision 3. A private property owner may elect to receive the purchase price either in a lump sum or in not more than four annual installments without interest on the deferred installments. If the purchase agreement provides for installment payments, the acquiring authority shall make the loan in installments corresponding to those in the purchase agreement. The acquiring authority receiving an acquisition loan shall convey the property to the department for the construction of the highway at the same price that the acquiring authority paid for the property. On notification by the commissioner that the plan to construct the highway has been abandoned or the anticipated location of the highway changed, the acquiring authority shall sell the property at market value in accordance with the procedures required for the disposition of the property. Rents and other money received because of the acquiring authority's ownership of the property and the proceeds from the conveyance or sale of the property must be paid to the commissioner and deposited in the special account in the state treasury established in subdivision 4. Money paid to the commissioner by acquiring authorities receiving loans under this section, and interest on the proceeds and payments, must be deposited in the fund established in subdivision 4. For administration of the loan program the commissioner may expend from the fund each year an amount no greater than three percent of the amount disbursed as loans to acquiring authorities in that year.

Subd. 3. [HARDSHIP ACQUISITION AND RELOCATION.] (a) The commissioner may make hardship loans to acquiring authorities outside the metropolitan area to purchase homestead property located in a proposed state trunk highway right-of-way or project, and to provide relocation assistance. Acquiring authorities are authorized to accept the loans and to acquire the property. Except as provided in this subdivision, the loans must be made as provided in subdivision 2. Loans must be in the amount of the appraised fair market value of the homestead property plus relocation costs and less salvage value. Before construction of the highway begins, the acquiring authority shall convey the property to the commissioner of transportation at the same price it paid, plus relocation costs and less its salvage value. Acquisition and assistance under this subdivision must conform to sections 117.50 to 117.56.

(b) The commissioner may make hardship loans only when:

(1) the owner of affected homestead property requests acquisition and relocation assistance from an acquiring authority;

(2) federal financial participation is not available;

(3) the owner is unable to sell the homestead property at its appraised market value because the property is located in a proposed state trunk highway right-of-way, corridor, or project as indicated on an official map or plat adopted under section 160.085, 394.361, or 462.359;

(4) the appraisal of the fair market value of the homestead property has been approved by the commissioner, who must not unreasonably withhold approval; and

(5) the owner of the homestead property is burdened by circumstances that constitute a hardship, such as catastrophic medical expenses; a transfer of the homestead owner by the owner's employer to a distant site of employment; or inability of the owner to maintain the property due to physical or mental disability or the permanent departure of children from the homestead.

Subd. 4. [APPROPRIATION; SPECIAL ACCOUNT.] Money collected by the commissioner under this section must be deposited in the state treasury and credited to a special account in the trunk highway fund. Money in the account and money transferred under subdivision 5 does not cancel and is annually appropriated to the commissioner to administer and carry out the purposes of this section.

Subd. 5. [FUND TRANSFERS.] On taking title to lands acquired under this section, the commissioner of transportation, with the approval of the commissioner of finance, shall transfer money from

the trunk highway account appropriated for trunk highway development to the special fund established under subdivision 4. The amount of money transferred must equal the loan amount made available to acquire the lands under this section.

Sec. 7. [APPROPRIATION TRANSFER.]

Up to \$1,000,000 of the appropriation made in Laws 1987, chapter 358, section 2, subdivision 2, is for transfer from the trunk highway fund to the special account created in section 6, subdivision 4."

Delete the title and insert:

"A bill for an act relating to transportation; providing for specific service signs to be displayed along highways; establishing a fund for loans to purchase highway rights-of-way outside the metropolitan area; providing for acquisition and relocation assistance in cases of hardship to owners of homestead property located in a proposed state highway right-of-way; providing for transfer of appropriated money; amending Minnesota Statutes 1986, sections 160.292, subdivisions 2 and 10; 160.293, subdivisions 1 and 3; and 160.295, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 161."

The motion prevailed and the amendment was adopted.

S. F. No. 1610, A bill for an act relating to advertising devices; providing for specific service signs relating to rural agricultural businesses and places of worship to be displayed along highways; amending Minnesota Statutes 1986, sections 160.292, subdivisions 2 and 10; 160.293, subdivisions 1 and 3; and 160.295, by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brown	Dempsey	Hugoson	Kelly
Anderson, R.	Burger	Dille	Jacobs	Kelso
Battaglia	Carlson, D.	Dorn	Jaros	Kinkel
Bauerly	Carlson, L.	Forsythe	Jefferson	Kludt
Beard	Carruthers	Frederick	Jennings	Knickerbocker
Begich	Clark	Frerichs	Jensen	Kostohryz
Bennett	Clausnitzer	Greenfield	Johnson, A.	Krueger
Bertram	Cooper	Gruenes	Johnson, R.	Larsen
Bishop	Dauner	Hartle	Johnson, V.	Lasley
Blatz	Dawkins	Haukoos	Kahn	Lieder
Boo	DeBlicck	Heap	Kalis	McEachern

McLaughlin	Olson, E.	Redalen	Shaver	Uphus
McPherson	Olson, K.	Reding	Simoneau	Valento
Milbert	Omann	Rest	Skoglund	Vellenga
Miller	Omnen	Rice	Solberg	Voss
Minne	Orenstein	Richter	Sparby	Wagenius
Morrison	Osthoff	Riveness	Stanius	Waltman
Munger	Otis	Rodosovich	Steensma	Welle
Murphy	Ozment	Rose	Sviggum	Wenzel
Nelson, C.	Pappas	Rukavina	Swenson	Winter
Nelson, D.	Pauly	Sarna	Thiede	Wynia
Nelson, K.	Pelowski	Schafer	Tjornhom	Spk. Vanasek
O'Connor	Peterson	Scheid	Tompkins	
Ogren	Poppenhagen	Seaberg	Trimble	
Olsen, S.	Price	Segal	Tunheim	

Those who voted in the negative were:

Gutknecht	Knuth	Marsh	Quinn	Schreiber
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The bill was passed, as amended, and its title agreed to.

Blatz was excused for the remainder of today's session.

H. F. No. 2216 was reported to the House.

Battaglia and Ogren moved to amend H. F. No. 2216, as follows:

Page 2, line 11, before the period insert "provided the agreement is amended by July 1, 1988 by the addition of the following language: "Any party in the Memorandum of Agreement may cancel this agreement upon one year's written notice to the other parties.""

Carlson, D., moved to amend the Battaglia and Ogren amendment to H. F. No. 2216, as follows:

Page 1, delete lines 3 to 7 and insert:

"Page 2, delete line 24, and insert:

"This act is effective July 1, 1988, and none of the conditions of the Memorandum of Agreement shall be considered fulfilled until then."

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 52 yeas and 67 nays as follows:

Those who voted in the affirmative were:



Bennett	Gruenes	McDonald	Poppenhagen	Swenson
Bishop	Gutknecht	McEachern	Redalen	Thiede
Burger	Hartle	McLaughlin	Richter	Tjornhom
Carlson, D.	Haukoos	McPherson	Rose	Tompkins
Clark	Heap	Miller	Sarna	Uphus
Clausnitzer	Hugoson	Morrison	Schafer	Valento
Dempsey	Jacobs	Olsen, S.	Schreiber	Waltman
Dille	Johnson, V.	Omamm	Seaberg	Winter
Forsythe	Knickerbocker	Onnen	Shaver	
Frerichs	Kostohryz	Pappas	Stanius	
Greenfield	Marsh	Pauly	Sviggum	

Those who voted in the negative were:

Anderson, G.	DeBlicek	Krueger	Osthoff	Solberg
Anderson, R.	Dorn	Larsen	Otis	Sparby
Battaglia	Jefferson	Lieder	Pelowski	Steensma
Bauerly	Jennings	Milbert	Peterson	Trimble
Beard	Jensen	Minne	Quinn	Tunheim
Begich	Johnson, A.	Munger	Reding	Voss
Bertram	Johnson, R.	Murphy	Rest	Wagenius
Boo	Kahn	Nelson, C.	Riveness	Welle
Brown	Kalis	Nelson, D.	Rodosovich	Wenzel
Carlson, L.	Kelly	O'Connor	Rukavina	Wynia
Carruthers	Kelso	Ogren	Scheid	Spk. Vanasek
Cooper	Kinkel	Olson, E.	Segal	
Dauner	Kludd	Olson, K.	Simoneau	
Dawkins	Knuth	Orenstein	Skoglund	

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the Battaglia and Ogren amendment to H. F. No. 2216. The motion prevailed and the amendment was adopted.

H. F. No. 2216, A bill for an act relating to natural resources; ratifying and affirming the settlement agreement arising from litigation concerning certain treaty related claims of Chippewa Indians; prescribing powers and duties of the commissioner of natural resources in relation to the settlement agreement; proposing coding for new law in Minnesota Statutes, chapter 97A.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 81 yeas and 38 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Bertram	Carruthers	Dorn	Johnson, A.
Anderson, R.	Bishop	Cooper	Frerichs	Johnson, R.
Battaglia	Boo	Dauner	Haukoos	Kahn
Bauerly	Brown	Dawkins	Jefferson	Kalis
Beard	Burger	DeBlicek	Jennings	Kelly
Begich	Carlson, L.	Dempsey	Jensen	Kelso

Kinkel	Minne	Peterson	Seaberg	Voss
Kludt	Munger	Price	Segal	Wagenius
Knuth	Nelson, C.	Quinn	Shaver	Welle
Kostohryz	Nelson, D.	Reding	Simoneau	Wenzel
Krueger	Ogren	Rest	Skoglund	Winter
Larsen	Olson, E.	Rice	Solberg	Wynia
Lasley	Olson, K.	Riveness	Steensma	Spk. Vanasek
Lieder	Orenstein	Rodosovich	Swenson	
Marsh	Osthoff	Rukavina	Trimble	
McDonald	Otis	Scheid	Tunheim	
McEachern	Pelowski	Schreiber	Vellenga	

Those who voted in the negative were:

Bennett	Gutknecht	McPherson	Poppenhagen	Svigum
Carlson, D.	Hartle	Milbert	Redalen	Thiede
Clark	Hugoson	Miller	Richter	Tjornhom
Clausnitzer	Jacobs	Murphy	Rose	Uphus
Dille	Jaros	O'Connor	Sarna	Valento
Forsythe	Johnson, V.	Olsen, S.	Schafer	Waltman
Greenfield	Knickerbocker	Onnen	Sparby	
Gruenes	McLaughlin	Pauly	Stanisus	

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

H. F. No. 2396, A bill for an act relating to education; authorizing the sale of college savings bonds; requiring a market study and plan; authorizing the issuance of zero coupon bonds; exempting a specified amount of bonds from consideration in financial aid eligibility; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 16A.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Dille	Kahn	Minne	Pelowski
Anderson, R.	Dorn	Kelly	Morrison	Peterson
Bauerly	Forsythe	Kelso	Munger	Poppenhagen
Beard	Frederick	Kinkel	Murphy	Price
Bennett	Greenfield	Kludt	Nelson, C.	Quinn
Bertram	Gruenes	Knickerbocker	Nelson, D.	Redalen
Boo	Gutknecht	Knuth	O'Connor	Reding
Brown	Hartle	Kostohryz	Ogren	Rest
Burger	Haukoos	Krueger	Olsen, S.	Rice
Carlson, D.	Heap	Larsen	Olson, E.	Richter
Carlson, L.	Hugoson	Lasley	Olson, K.	Riveness
Carruthers	Jacobs	Lieder	Omann	Rodosovich
Clark	Jaros	Marsh	Onnen	Rose
Clausnitzer	Jefferson	McDonald	Orenstein	Rukavina
Cooper	Jennings	McEachern	Osthoff	Sarna
Dauner	Jensen	McLaughlin	Otis	Schafer
Dawkins	Johnson, A.	McPherson	Ozment	Scheid
DeBlicck	Johnson, R.	Milbert	Pappas	Schreiber
Dempsey	Johnson, V.	Miller	Pauly	Seaberg

Segal	Sparby	Thiede	Uphus	Welle
Shaver	Stanis	Tjornhom	Valento	Wenzel
Simoneau	Steensma	Tompkins	Vellenga	Winter
Skoglund	Sviggum	Trimble	Wagenius	Wynia
Solberg	Swenson	Tunheim	Waltman	Spk. Vanasek

Those who voted in the negative were:

Kalis

The bill was passed and its title agreed to.

H. F. No. 1925, A bill for an act relating to education; eliminating the cap on the state university system student health service fee; amending Minnesota Statutes 1986, section 136.11, subdivision 7.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 115 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frederick	Kostohryz	Onnen	Scheid
Anderson, R.	Frerichs	Krueger	Orenstein	Schreiber
Battaglia	Greenfield	Larsen	Osthoff	Segal
Bauerly	Gruenes	Lasley	Otis	Shaver
Beard	Gutknecht	Lieder	Ozment	Simoneau
Begich	Hartle	McDonald	Pappas	Solberg
Bennett	Haukoos	McEachern	Pauly	Sparby
Bertram	Heap	McLaughlin	Pelowski	Steensma
Bishop	Hugoson	McPherson	Peterson	Sviggum
Boo	Jaros	Milbert	Poppenhagen	Swenson
Brown	Jefferson	Miller	Price	Tjornhom
Burger	Jennings	Minne	Quinn	Tompkins
Carlson, D.	Jensen	Morrison	Redalen	Trimble
Carlson, L.	Johnson, A.	Munger	Reding	Tunheim
Carruthers	Johnson, R.	Murphy	Rest	Uphus
Clark	Kahn	Nelson, C.	Rice	Vellenga
Clausnitzer	Kalis	Nelson, D.	Richter	Wagenius
Dauner	Kelly	Nelson, K.	Riverness	Waltman
Dawkins	Kelso	O'Connor	Rodosovich	Welle
DeBlicck	Kinkel	Ogren	Rose	Wenzel
Dille	Kludt	Olsen, S.	Rukavina	Winter
Dorn	Knickerbocker	Olson, K.	Sarna	Wynia
Forsythe	Knuth	Omann	Schafer	Spk. Vanasek

Those who voted in the negative were:

Cooper	Jacobs	Olson, E.	Skoglund	Thiede
Dempsey	Marsh	Seaberg	Stanis	Valento

The bill was passed and its title agreed to.

Wynia moved that the remaining bills on Special Orders for today be continued one day. The motion prevailed.

### GENERAL ORDERS

Wynia moved that the bills on General Orders for today be continued one day. The motion prevailed.

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2003:

Jefferson, Simoneau and Knickerbocker.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1686:

Brown, Ogren and Carlson, D.

### MOTIONS AND RESOLUTIONS

Cooper moved that the name of Lasley be added as an author on H. F. No. 2407. The motion prevailed.

Reding moved that the name of Simoneau be added as chief author on H. F. No. 2477. The motion prevailed.

Simoneau moved that the name of Sviggum be added as an author on H. F. No. 2688. The motion prevailed.

Solberg moved that H. F. No. 2379 be returned to its author. The motion prevailed.

Osthoff moved that H. F. No. 279 be returned to its author. The motion prevailed.

Osthoff moved that H. F. No. 324 be returned to its author. The motion prevailed.

Osthoff moved that H. F. No. 326 be returned to its author. The motion prevailed.

Sviggum moved that H. F. No. 832 be returned to its author. The motion prevailed.

Ogren moved that H. F. No. 1821 be returned to its author. The motion prevailed.

Skoglund moved that H. F. No. 1914, now on General Orders, be returned to its author. The motion prevailed.

#### ADJOURNMENT

Wynia moved that when the House adjourns today it adjourn until 12:00 noon, Wednesday, April 6, 1988. The motion prevailed.

Wynia moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Wednesday, April 6, 1988.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

