

## STATE OF MINNESOTA

## SEVENTY-SIXTH SESSION — 1990

## EIGHTY-THIRD DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 3, 1990

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 Representative Mary Murphy, District 8A, Hermantown, Minnesota.

The roll was called and the following members were present:

Abrams	Greenfield	Lasley	Osthoff	Simoneau
Anderson, G.	Gruenes	Lieder	Ostrom	Skoglund
Anderson, R.	Gutknecht	Limmer	Otis	Solberg
Battaglia	Hartle	Long	Ozment	Sparby
Bauerly	Hasskamp	Lynch	Pappas	Stanius
Begich	Haukoos	Macklin	Pauly	Steensma
Bennett	Hausman	Marsh	Pellow	Sviggum
Bertram	Heap	McDonald	Pelowski	Swenson
Bishop	Henry	McEachern	Peterson	Tjornhom
Blatz	Himle	McGuire	Poppenhagen	Tompkins
Boo	Hugoson	McPherson	Price	Trimble
Brown	Jacobs	Milbert	Pugh	Tunheim
Burger	Janezich	Miller	Quinn	Uphus
Carlson, D.	Jaros	Morrison	Redalen	Valento
Carlson, L.	Jefferson	Munger	Reding	Vellenga
Carruthers	Jennings	Murphy	Rest	Wagenius
Clark	Johnson, A.	Nelson, C.	Rice	Waltman
Cooper	Johnson, R.	Nelson, K.	Richter	Weaver
Dauner	Johnson, V.	Neuenschwander	Rodosovich	Welle
Dawkins	Kahn	O'Connor	Rukavina	Wenzel
Dempsey	Kalis	Ogren	Runbeck	Williams
Dille	Kelly	Olsen, S.	Sarna	Winter
Dorn	Kelso	Olson, E.	Schafer	Spk. Vanasek
Forsythe	Kinkel	Olson, K.	Scheid	
Frederick	Knickerbocker	Omman	Schreiber	
Frerichs	Kostohryz	Onnen	Seaberg	
Girard	Krueger	Orenstein	Segal	

A quorum was present.

Beard and McLaughlin were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Price 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. 2616, 1843, 2383, 2390 and 2419 and S. F. Nos. 1821 and 2054 have been placed in the members' files.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Runbeck; Morrison; Olsen, S., and Henry introduced:

H. F. No. 2823, A bill for an act relating to taxation; property; providing for valuation of manufactured home parks; classifying manufactured home parks; limiting valuation increases for manufactured home parks; requiring a notice to park residents; amending Minnesota Statutes 1988, section 273.11, by adding subdivisions; Minnesota Statutes 1989 Supplement, section 273.11, subdivision 1; Minnesota Statutes Second 1989 Supplement, sections 273.13, subdivision 23; and 273.1398, subdivision 1.

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

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Gutknecht, Welle and Sviggum introduced:

H. A. No. 49, A proposal to require the House Health and Human Services Committee to study "Rule 53."

The advisory was referred to the Committee on Health and Human Services.

#### MESSAGES FROM THE SENATE

The following messages were received from 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. 2131, A bill for an act relating to crimes; prohibiting wild land arson fires; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

PATRICK E. FLAHAVEN, Secretary of the Senate

Johnson, R., moved that the House refuse to concur in the Senate amendments to H. F. No. 2131, 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 Senate Files, herewith transmitted:

S. F. Nos. 2489, 1891, 1854 and 2396.

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. 1520, 1799, 2282, 2382 and 1994.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 2489, A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited land in Koochiching and Lincoln counties; authorizing the private sale of certain state lands in Scott, Hubbard, and Fillmore counties; appropriating proceeds of the Scott county conveyance; authorizing the sale of certain surplus land in Lake county; authorizing the sale of certain trust fund land in St. Louis county; authorizing the sale of surplus land in Grant county for recreational purposes; authorizing the sale of certain wildlife land in Washington county to independent school district No. 834.

The bill was read for the first time.

Rukavina moved that S. F. No. 2489 and H. F. No. 2656, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1891, A bill for an act relating to trusts; changing certain trust requirements; amending Minnesota Statutes 1989 Supplement, sections 501A.05; 501B.09, by adding a subdivision; 501B.46; 501B.65, subdivision 2; 501B.67, subdivision 1; 501B.68; 501B.69; and 501B.72, subdivision 2.

The bill was read for the first time.

Pugh moved that S. F. No. 1891 and H. F. No. 2223, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1854, A bill for an act relating to government data practices; establishing procedures for computerized comparisons of data; requiring matching agreements; providing for contesting of data; requiring reviews and reports; imposing penalties; proposing coding for new law as Minnesota Statutes, chapter 13B.

The bill was read for the first time.

Pugh moved that S. F. No. 1854 and H. F. No. 1890, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2396, A bill for an act relating to the environment; regulating the disposition of property acquired for response action; appropriating money; amending Minnesota Statutes 1988, section 115B.17, by adding a subdivision.

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

S. F. No. 1520, A bill for an act relating to human services; creating a technology assistance review panel; proposing coding for new law in Minnesota Statutes, chapter 256.

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

S. F. No. 1799, A bill for an act relating to higher education;

authorizing an appropriation for a parking deck at Moorhead State University to be used to acquire land and construct parking spaces.

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

S. F. No. 2282, A bill for an act relating to contracts; providing for enforcement of certain contracts; proposing coding for new law as Minnesota Statutes, chapter 338.

The bill was read for the first time.

Rice moved that S. F. No. 2282 and H. F. No. 2426, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2382, A bill for an act relating to energy conservation; appropriating oil overcharge money for energy conservation projects that directly serve low-income Minnesotans; amending Minnesota Statutes 1988, section 4.071; and Laws 1989, chapter 338, section 11; repealing Laws 1989, chapter 338, section 11, subdivisions 1 and 3.

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

S. F. No. 1994, A bill for an act relating to revenue bonds and notes; stating the intent of the legislature not to appropriate money from the general fund to pay for revenue bonds or notes; amending Minnesota Statutes 1988, sections 16B.16, by adding a subdivision; 41A.03, subdivision 5; 136.31, subdivision 1; and 136A.35; Minnesota Statutes 1989 Supplement, sections 136A.176; and 298.2211, subdivision 4.

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

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following change in membership of the Conference Committee on H. F. No. 1928:

Delete the name of Beard and add the name of Sarna.

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Long, from the Committee on Rules and Legislative Administration, pursuant to House Rule No. 1.9, designated the following bills as Special Orders for immediate consideration today, Tuesday, April 3, 1990, and that the printed Special Orders pending for today be discontinued.

S. F. Nos. 1848, 1727 and 1971; H. F. No. 1877; S. F. No. 2360; H. F. Nos. 2230 and 1843; S. F. Nos. 2072 and 1743; H. F. No. 2057; S. F. Nos. 1942, 1927, 1752, 2119, 1726, 1980, 2172, 2136, 1879, 1670, 1897, 2046, 2079, 2373, 1873, 2134 and 1794; H. F. Nos. 2656, 2138 and 2148; S. F. No. 2433; H. F. No. 1854; S. F. No. 2089; H. F. No. 2599; S. F. Nos. 1874 and 2130; H. F. No. 2458; S. F. No. 2127; H. F. No. 173; S. F. No. 1920; H. F. No. 1894; S. F. Nos. 1150, 1739, 2213, 1696, 1366, 488, 2061, 2068, 1995, 2431, 1365, 2317, 2108, 1983, 2179, 2090, 2224, 1772, 2207, 2156, 1999 and 1831; H. F. No. 1890; S. F. Nos. 2349, 2181 and 1703; H. F. No. 2678; S. F. Nos. 2208, 1946, 2109, 1820, 354, 1729, 2012, 1827 and 409; H. F. No. 2304; S. F. No. 1777; H. F. No. 2152; S. F. Nos. 2281, 394, 1789 and 1698; H. F. No. 2038; S. F. No. 2026; H. F. No. 2770; S. F. No. 2564; and H. F. No. 693.

### SPECIAL ORDERS

S. F. No. 1848 was reported to the House.

O'Connor moved to amend S. F. No. 1848, the first engrossment, as follows:

Page 1, after line 13, insert:

"Section 1. Minnesota Statutes 1988, section 116J.980, is amended by adding a subdivision to read:

Subd. 3. [COORDINATION REQUIRED FOR HOUSING RELATED GRANTS.] The commissioner must coordinate with the commissioner of the Minnesota Housing Finance Agency to ensure that housing related grant applications for the small cities community development block grant program under section 116J.401 are consistent with the agency's most recent housing affordability plan and do not duplicate existing state housing programs."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 1848, A bill for an act relating to housing; making changes in the home equity conversion loan program, authorizing manufactured home park loan assistance, requiring limits, and regulating securities relating to certain home loans; amending Minnesota Statutes 1988, sections 462A.05, by adding a subdivision; 462A.21, subdivision 9; 475.66, subdivision 3; Minnesota Statutes 1989 Supplement, sections 462A.05, subdivision 34; 462A.057, subdivision 7; 462A.21, subdivisions 8b and 8c; and Laws 1989, chapter 335, article 1, section 27, 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Greenfield	Krueger	Onnen	Schreiber
Anderson, G.	Gruenes	Lasley	Orenstein	Seaberg
Anderson, R.	Gutknecht	Lieder	Osthoff	Segal
Battaglia	Hartle	Limmer	Ostrom	Simoneau
Bauerly	Hasskamp	Long	Otis	Skoglund
Begich	Haukoos	Lynch	Ozment	Solberg
Bennett	Hausman	Macklin	Pappas	Sparby
Bertram	Heap	Marsh	Pauly	Stanius
Bishop	Henry	McDonald	Pellow	Steensma
Blatz	Himle	McEachern	Pelowski	Sviggum
Boo	Hugoson	McGuire	Peterson	Swenson
Brown	Jacobs	McPherson	Poppenhagen	Tjornhom
Burger	Janezich	Milbert	Price	Tompkins
Carlson, D.	Jaros	Miller	Pugh	Trimble
Carlson, L.	Jefferson	Morrison	Quinn	Tunheim
Carruthers	Jennings	Munger	Redalen	Uphus
Clark	Johnson, A.	Murphy	Reding	Valento
Cooper	Johnson, R.	Nelson, C.	Rest	Vellenga
Dauner	Johnson, V.	Nelson, K.	Rice	Wagenius
Dawkins	Kahn	Neuenschwander	Richter	Waltman
Dempsey	Kalis	O'Connor	Rodosovich	Weaver
Dorn	Kelly	Ogren	Rukavina	Welle
Forsythe	Kelso	Olsen, S.	Runbeck	Wenzel
Frederick	Kinkel	Olsen, E.	Sarna	Williams
Frerichs	Knickerbocker	Olson, K.	Schafer	Winter
Girard	Kostohryz	Omann	Scheid	Spk. Vanasek

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

S. F. No. 1727 was reported to the House.

Rodosovich moved that S. F. No. 1727 be temporarily laid over on Special Orders. The motion prevailed.

S. F. No. 1971 was reported to the House.

Lasley moved to amend S. F. No. 1971, as follows:

Page 1, line 12, after "driving," insert "courtesy to pedestrians."

The motion prevailed and the amendment was adopted.

S. F. No. 1971, A bill for an act relating to education; establishing an automobile safety awareness week; proposing coding for new law in Minnesota Statutes, chapter 126.

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:

Abrams	Greenfield	Krueger	Orenstein	Seaberg
Anderson, G.	Gruenes	Lasley	Osthoff	Segal
Anderson, R.	Gutknecht	Lieder	Ostrom	Simoneau
Battaglia	Hartle	Limmer	Otis	Skoglund
Bauerly	Hasskamp	Lynch	Ozment	Solberg
Begich	Haukoos	Macklin	Pappas	Sparby
Bennett	Hausman	Marsh	Pauly	Stanius
Bertram	Heap	McDonald	Pellow	Steensma
Bishop	Henry	McEachern	Pelowski	Sviggum
Blatz	Himle	McGuire	Peterson	Swenson
Boo	Hugoson	McPherson	Poppenhagen	Tjornhom
Brown	Jacobs	Milbert	Price	Tompkins
Burger	Janezich	Miller	Pugh	Trimble
Carlson, D.	Jaros	Morrison	Quinn	Tunheim
Carlson, L.	Jefferson	Munger	Redalen	Uphus
Carruthers	Jennings	Murphy	Reding	Valento
Clark	Johnson, A.	Nelson, C.	Rest	Vellenga
Cooper	Johnson, R.	Nelson, K.	Rice	Wagenius
Dauner	Johnson, V.	Neuenschwander	Richter	Waltman
Dawkins	Kahn	O'Connor	Rodosovich	Weaver
Dempsey	Kalis	Ogren	Rukavina	Welle
Dorn	Kelly	Olsen, S.	Runbeck	Wenzel
Forsythe	Kelso	Olson, E.	Sarna	Williams
Frederick	Kinkel	Olson, K.	Schafer	Winter
Frerichs	Knickerbocker	Omann	Scheid	Spk. Vanasek
Girard	Kostohryz	Onnen	Schreiber	

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

H. F. No. 1877 was reported to the House.

Schreiber moved that H. F. No. 1877 be continued on Special Orders. The motion prevailed.



S. F. No. 2360, A bill for an act relating to economic development; clarifying the appointing authority for the board of the Minnesota Project Outreach Corporation; requiring duties of the Minnesota Project Outreach Corporation; requiring notification under the capital access program; removing the requirement that employees of the Greater Minnesota Corporation file statements of economic interest; changing the procedure for adopting a neighborhood revitalization program; amending Minnesota Statutes 1989 Supplement, sections 116J.691, subdivisions 1, 2, and 4; 116J.8766, by adding a subdivision; 116O.03, subdivision 11; and 469.203, subdivision 4; repealing Minnesota Statutes 1989 Supplement, section 469.203, subdivision 5.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Greenfield	Krueger	Onnen	Schreiber
Anderson, G.	Gruenes	Lasley	Orenstein	Seaberg
Anderson, R.	Gutknecht	Lieder	Osthoﬀ	Segal
Battaglia	Hartle	Limmer	Ostrom	Simoneau
Bauerly	Hasskamp	Long	Otis	Skoglund
Begich	Haukoos	Lynch	Ozment	Solberg
Bennett	Hausman	Macklin	Pappas	Sparby
Bertram	Heap	Marsh	Pauly	Stanius
Bishop	Henry	McDonald	Pellow	Steenasma
Blatz	Himle	McEachern	Pelowski	Sviggum
Boo	Hugoson	McGuire	Peterson	Swenson
Brown	Jacobs	McPherson	Poppenhagen	Tjornhom
Burger	Janezich	Milbert	Price	Tompkins
Carlson, D.	Jaros	Miller	Pugh	Trimble
Carlson, L.	Jefferson	Morrison	Quinn	Tunheim
Carruthers	Jennings	Munger	Redalen	Uphus
Clark	Johnson, A.	Murphy	Reding	Valento
Cooper	Johnson, R.	Nelson, C.	Rest	Vellenga
Dauner	Johnson, V.	Nelson, K.	Rice	Wagenius
Dawkins	Kahn	Neuenschwander	Richter	Waltman
Dempsey	Kalis	O'Connor	Rodosovich	Weaver
Dorn	Kelly	Ogren	Rukavina	Welle
Forsythe	Kelso	Olsen, S.	Runbeck	Wenzel
Frederick	Kinkel	Olson, E.	Sarna	Williams
Frerichs	Knickerbocker	Olson, K.	Schafer	Winter
Girard	Kostohryz	Omam	Scheid	Spk. Vanasek

The bill was passed and its title agreed to.

S. F. No. 1727 which was temporarily laid over earlier today was again reported to the House.

S. F. No. 1727, A bill for an act relating to education; repealing the requirement that the Minnesota state high school league conduct a

two-class high school hockey championship; clarifying the status and effect of certain law; removing surplus language; amending Minnesota Statutes 1989 Supplement, section 129.121, 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 118 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Abrams	Gruenes	Lieder	Pappas	Skoglund
Anderson, G.	Hartle	Limmer	Pauly	Solberg
Anderson, R.	Haukoos	Long	Pellow	Sparby
Battaglia	Hausman	Lynch	Pelowski	Stanius
Bauerly	Heap	Macklin	Peterson	Steensma
Bennett	Henry	McEachern	Poppenhagen	Swenson
Bertram	Himle	McGuire	Price	Tjornhom
Bishop	Hugoson	McPherson	Pugh	Tompkins
Blatz	Jacobs	Milbert	Quinn	Trimble
Boo	Janezich	Morrison	Redalen	Tunheim
Brown	Jaros	Munger	Reding	Uphus
Burger	Jefferson	Murphy	Rest	Valento
Carlson, L.	Jennings	Nelson, C.	Rice	Vellenga
Carruthers	Johnson, A.	Nelson, K.	Richter	Wagenius
Clark	Johnson, R.	Neuenschwander	Rodosovich	Waltman
Cooper	Johnson, V.	O'Connor	Rukavina	Weaver
Dauner	Kalis	Ogren	Runbeck	Welle
Dawkins	Kelly	Olsen, S.	Sarna	Wenzel
Dempsey	Kelso	Omann	Schafer	Williams
Dorn	Kinkel	Onnen	Scheid	Winter
Forsythe	Knickerbocker	Orenstein	Schreiber	Spk. Vanasek
Frederick	Kostohryz	Ostrom	Seaberg	
Girard	Krueger	Otis	Segal	
Greenfield	Lasley	Ozment	Simoneau	

Those who voted in the negative were:

Carlson, D.	Gutknecht	Kahn	McDonald	Olson, E.
Ferichs	Hasskamp	Marsh	Miller	Olson, K.

The bill was passed and its title agreed to.

The Speaker called Quinn to the Chair.

H. F. No. 2230 was reported to the House.

Jefferson moved to amend H. F. No. 2230, the first engrossment, as follows:

Pages 26 thru 28, delete section 28

Renumber subsequent sections and correct internal cross-references

Page 29, line 29, delete "9" and insert "8"

Amend the title as follows:

Page 1, line 16, after "16B;" insert "and"

Page 1, line 17, delete "and 473;"

The motion prevailed and the amendment was adopted.

H. F. No. 2230, A bill for an act relating to public purchasing; establishing programs for purchasing from certain small targeted group businesses and businesses located in economically disadvantaged areas; requiring prompt payment to subcontractors; providing penalties; amending Minnesota Statutes 1988, sections 16B.07, by adding a subdivision; 16B.20, subdivisions 1 and 3; 161.321, subdivisions 1, 4, 5, and by adding a subdivision; Minnesota Statutes 1989 Supplement, sections 16B.19; 16B.20, subdivision 2; 16B.21; 16B.22; 16B.226; 116J.68; 136.27; 136.72; 137.31, subdivision 6; 161.321, subdivisions 2, 3, and 6; 161.3211; 241.27, subdivision 2; 471.345, subdivision 8; and 473.142; Laws 1989, chapter 352, section 25; proposing coding for new law in Minnesota Statutes, chapters 16A; 16B; and 137; repealing Minnesota Statutes 1989 Supplement, sections 16B.189; 137.31, subdivision 3a; and 645.445, subdivision 5.

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 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Dauner	Henry	Kostohryz	Nelson, C.
Anderson, G.	Dawkins	Himle	Krueger	Nelson, K.
Anderson, R.	Dempsey	Hugoson	Lasley	Neuenschwander
Battaglia	Dille	Jacobs	Lieder	O'Connor
Bauerly	Dorn	Janezich	Limmer	Ogren
Begich	Forsythe	Jaros	Long	Olsen, S.
Bennett	Frederick	Jefferson	Lynch	Olson, E.
Bertram	Frerichs	Jennings	Macklin	Olson, K.
Blatz	Girard	Johnson, A.	Marsh	Omann
Boo	Greenfield	Johnson, R.	McDonald	Onnen
Brown	Gruenes	Johnson, V.	McEachern	Orenstein
Burger	Gutknecht	Kahn	McGuire	Osthoff
Carlson, D.	Hartle	Kalis	McPherson	Ostrom
Carlson, L.	Hasskamp	Kelly	Milbert	Otis
Carruthers	Haukoos	Kelso	Morrison	Ozment
Clark	Hausman	Kinkel	Munger	Pappas
Cooper	Heap	Knickerbocker	Murphy	Pauly

Pellow	Rest	Schreiber	Sviggum	Wagenius
Pelowski	Rice	Seaberg	Swenson	Waltman
Peterson	Richter	Segal	Tjornhom	Weaver
Poppenhagen	Rodosovich	Simoneau	Tompkins	Welle
Price	Rukavina	Skoglund	Trimble	Wenzel
Pugh	Runbeck	Solberg	Tunheim	Williams
Quinn	Sarna	Sparby	Uphus	Winter
Redalen	Schafer	Stanius	Valento	Spk. Vanasek
Reding	Scheid	Steensma	Vellenga	

Those who voted in the negative were:

Miller

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

H. F. No. 1843 was reported to the House.

Kelly moved to amend H. F. No. 1843, the second engrossment, as follows:

Page 48, after line 3, insert:

"Sec. 2. Laws 1989, chapter 290, article 1, section 6, is amended to read:

Sec. 6. COMMISSIONER OF PUBLIC SAFETY	1,169,000	1,610,000
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Of this amount, \$419,000 in 1990 and \$860,000 in 1991 is appropriated to the bureau of criminal apprehension to establish and operate a laboratory to perform DNA analysis and to establish a system for collecting and maintaining DNA analysis data and human biological specimens. The staff complement of the bureau is increased by up to ten positions.

Of this amount, \$100,000 in each year is to be used for grants to establish community crime reduction pilot projects. Any unencumbered balance remaining in this appropriation in the first year does not cancel but is available for the second year of the biennium.

Of this amount, \$125,000 in each year is for community drug prevention and

education grants, and \$25,000 in each year is for multidisciplinary chemical abuse prevention teams. Any unencumbered balance remaining in this appropriation in the first year does not cancel but is available for the second year of the biennium.

Of this amount, \$175,000 in each year is appropriated to the bureau of criminal apprehension for the drug abuse resistance education training program. The staff complement is increased by up to three positions.

Of this amount, \$175,000 in each year is for the office of drug policy and the drug abuse prevention resource council. The staff complement of the office of drug policy is not more than two positions. The staff complement of the council is not more than three positions.

Of this amount, \$150,000 in each year is for the soft body armor reimbursement program.”

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Macklin and Limmer moved to amend H. F. No. 1843, the second engrossment, as amended, as follows:

Page 7, after line 15, insert:

“Sec. 7. [152.0271] [CONTROLLED SUBSTANCE OFFENDERS; DRIVER'S LICENSE SUSPENSION.]

When a person is convicted of a controlled substance offense under this chapter, the court shall forward the offender's driver's license to the commissioner of public safety and direct the commissioner to suspend the offender's driving privileges for a period of not less than 30 days nor more than one year. The commissioner shall suspend the offender's driver's license for the period stated in the court order but may allow the offender driving privileges as necessary to travel to and from work. The penalty in this section is in addition to any other penalty that the court may impose for the offense committed.”

Page 11, after line 12, insert:

“Sec. 15. Minnesota Statutes 1989 Supplement, section 260.185, subdivision 1, is amended to read:

Subdivision 1. If the court finds that the child is delinquent, it shall enter an order making any of the following dispositions of the case which are deemed necessary to the rehabilitation of the child:

(a) Counsel the child or the parents, guardian, or custodian;

(b) Place the child under the supervision of a probation officer or other suitable person in the child's own home under conditions prescribed by the court including reasonable rules for conduct and the conduct of the child's parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child, or with the consent of the commissioner of corrections, in a group foster care facility which is under the management and supervision of said commissioner;

(c) Subject to the supervision of the court, transfer legal custody of the child to one of the following:

(1) a child placing agency; or

(2) the county welfare board; or

(3) a reputable individual of good moral character. No person may receive custody of two or more unrelated children unless licensed as a residential facility pursuant to sections 245.781 to 245.812; or

(4) a county home school, if the county maintains a home school or enters into an agreement with a county home school; or

(5) a county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;

(d) Transfer legal custody by commitment to the commissioner of corrections;

(e) If the child is found to have violated a state or local law or ordinance which has resulted in damage to the person or property of another, the court may order the child to make reasonable restitution for such damage;

(f) Require the child to pay a fine of up to \$700; the court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child;

(g) If the child is in need of special treatment and care for reasons of physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided;

(h) Except as otherwise provided in clause (i), if the court believes that it is in the best interests of the child and of public safety that the driver's license of the child be canceled until the child's 18th birthday, the court may recommend to the commissioner of public safety the cancellation of the child's license for any period up to the child's 18th birthday, and the commissioner is hereby authorized to cancel such license without a hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of public safety that the child be authorized to apply for a new license, and the commissioner may so authorize;

(i) If the court finds that the child committed a violation of chapter 152, the court shall impose one of the following dispositions:

(1) if the child has a driver's license or permit, the court shall forward the license or permit to the commissioner of public safety and order the commissioner to revoke the child's driver's license or permit for a period of one year. The commissioner may issue a work permit to the child as provided under section 171.30;

(2) if the child does not have a driver's license or permit, the court shall prepare an order of denial of driving privileges. The order must provide that the child will not be granted driving privileges until the child reaches the age of 17 years or for a period of one year, whichever is longer. The court shall forward the order to the commissioner of public safety. The commissioner shall deny the child's eligibility for a driver's license under section 171.04, for the period stated in the court order.

If the child is petitioned and found by the court to have committed or attempted to commit an act in violation of section 609.342, 609.343, 609.344, or 609.345, the court shall order an independent professional assessment of the child's need for sex offender treatment. An assessor providing an assessment for the court may not have any direct or shared financial interest or referral relationship resulting in shared financial gain with a treatment provider. If the assessment indicates that the child is in need of and amenable to sex offender treatment, the court shall include in its disposition order a requirement that the child undergo treatment.

Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

(a) why the best interests of the child are served by the disposition ordered; and

(b) what alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case.

Sec. 16. Minnesota Statutes 1989 Supplement, section 260.195, subdivision 3, is amended to read:

Subd. 3. [DISPOSITIONS.] If the juvenile court finds that a child is a petty offender, the court may:

(a) require the child to pay a fine of up to \$100;

(b) require the child to participate in a community service project;

(c) require the child to participate in a drug awareness program;

(d) place the child on probation for up to six months;

(e) order the child to undergo a chemical dependency evaluation and if warranted by this evaluation, order participation by the child in an inpatient or outpatient chemical dependency treatment program; or

(f) perform any other activities or participate in any other treatment programs deemed appropriate by the court.

In all cases where the juvenile court finds that a child has purchased or attempted to purchase an alcoholic beverage in violation of section 340A.503, if the child has a driver's license or permit to drive, and if the child used a driver's license, permit or Minnesota identification card to purchase or attempt to purchase the alcoholic beverage, the court shall forward its finding in the ease and the child's driver's license or permit to the commissioner of public safety. Upon receipt, the commissioner shall suspend the child's license or permit for a period of 90 days.

None of the dispositional alternatives described in clauses (a) to (e) shall be imposed by the court in a manner which would cause an undue hardship upon the child.

Sec. 17. Minnesota Statutes 1989 Supplement, section 260.195, subdivision 3a, is amended to read:

Subd. 3a. [ENHANCED CONTROLLED SUBSTANCE AND ALCOHOL OFFENDERS; DRIVER'S LICENSE DISPOSITIONS.] If the juvenile court finds that a child has committed a second or subsequent juvenile alcohol or controlled substance offense, the



court may impose any of the dispositional alternatives described in paragraphs (a) to (e).

(a) ~~The court may impose~~ shall impose a disposition under this subdivision in addition to any of the dispositional alternatives described in imposed under subdivision 3, clauses (a) to (f):

(b) (a) ~~If the adjudicated petty offender has a driver's license or permit, the court may shall~~ forward the license or permit to the commissioner of public safety. The commissioner shall revoke the petty offender's driver's license or permit ~~until the offender reaches the age of 18 years or for a period of one year, whichever is longer.~~ The commissioner may issue a work permit to the offender as provided in section 171.30.

(c) ~~If the adjudicated petty offender has a driver's license or permit, the court may suspend the driver's license or permit for a period of up to 90 days, but may allow the offender driving privileges as necessary to travel to and from work.~~

(d) (b) ~~If the adjudicated petty offender does not have a driver's license or permit, the court may shall~~ prepare an order of denial of driving privileges. The order must provide that the petty offender will not be granted driving privileges until the offender reaches the age of 18 17 years or for a period of one year, whichever is longer. The court shall forward the order to the commissioner of public safety. The commissioner shall deny the offender's eligibility for a driver's license under section 171.04, for the period stated in the court order."

Page 13, after line 13, insert:

"Sec. 21. [340A.7031] [UNDERAGE ALCOHOL OFFENDERS; DRIVER'S LICENSE SUSPENSION.]

When a person is convicted of violating section 340A.503, subdivision 1, clause (2), subdivision 2, clause (2), or subdivision 3, 4, or 5, the court shall forward the offender's driver's license to the commissioner of public safety and direct the commissioner to suspend the offender's driving privileges for a period of not less than 30 days nor more than one year. The commissioner shall suspend the offender's driver's license for the period stated in the court order but may allow the offender driving privileges as necessary to travel to and from work. The penalty in this section is in addition to any other penalty that the court may impose for the offense committed."

Renumber the sections in sequence

Correct internal cross references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Macklin and Limmer amendment and the roll was called. There were 56 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Kelso	Onnen	Tjornhom
Bertram	Gruenes	Kinkel	Ozment	Tompkins
Blatz	Gutknecht	Knickerbocker	Poppenhagen	Uphus
Boo	Hasskamp	Limmer	Redalen	Valento
Burger	Haukoos	Lynch	Richter	Waltman
Carlson, D.	Heap	Macklin	Runbeck	Weaver
Carruthers	Henry	Marsh	Schafer	Wenzel
Dempsey	Himle	McDonald	Seaberg	Winter
Dille	Hugoson	McPherson	Sparby	
Forsythe	Johnson, R.	Miller	Steenasma	
Frederick	Johnson, V.	Olsen, S.	Sviggum	
Frerichs	Kalis	Omann	Swenson	

Those who voted in the negative were:

Anderson, G.	Hartle	Long	Osthoff	Sarna
Anderson, R.	Hausman	McEachern	Ostrom	Scheid
Battaglia	Jacobs	McGuire	Otis	Schreiber
Bauerly	Janezich	Milbert	Pappas	Segal
Begich	Jaros	Munger	Pellow	Simoneau
Bishop	Jefferson	Murphy	Pelowski	Skoglund
Brown	Jennings	Nelson, C.	Peterson	Solberg
Carlson, L.	Johnson, A.	Nelson, K.	Price	Trimble
Clark	Kahn	Neuenschwander	Pugh	Tunheim
Cooper	Kelly	O'Connor	Quinn	Vellenga
Dauner	Kostohryz	Ogren	Reding	Wagenius
Dawkins	Krueger	Olson, E.	Rest	Welle
Dorn	Lasley	Olson, K.	Rodosovich	Williams
Greenfield	Lieder	Orenstein	Rukavina	Spk. Vanasek

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

Marsh and Limmer offered an amendment to H. F. No. 1843, the second engrossment, as amended.

Seaberg requested a division of the Marsh and Limmer amendment to H. F. No. 1843, the second engrossment, as amended.

The first portion of the Marsh and Limmer amendment to H. F. No. 1843, the second engrossment, as amended, reads as follows:

Page 2, line 36, delete "50" and insert "ten"

Page 3, line 10, strike "100" and insert "ten"

Page 4, line 8, delete "25" and insert "five"

Page 4, line 31, strike "50" and insert "five"

Page 5, line 29, delete "five kilograms" and insert "one kilogram"

Page 6, line 10, after "drug" insert ", marijuana, or Tetrahydrocannabinols"

Page 6, line 13, delete "ten" and insert "five"

Page 6, after line 14, insert:

"Sec. 5. Minnesota Statutes 1989 Supplement, section 152.024, subdivision 1, is amended to read:

Subdivision 1. [SALE CRIMES.] A person is guilty of controlled substance crime in the fourth degree if:

(1) the person unlawfully sells one or more mixtures containing a controlled substance classified in schedule I, II, or III, except a small amount of marijuana or Tetrahydrocannabinols for no remuneration;

(2) the person unlawfully sells one or more mixtures containing marijuana or Tetrahydrocannabinols to a person under the age of 18;

(3) the person conspires with or employs a person under the age of 18 to unlawfully sell one or more mixtures containing marijuana or Tetrahydrocannabinols;

(4) the person unlawfully sells one or more mixtures containing a controlled substance classified in schedule IV or V to a person under the age of 18; or

(5) (3) the person conspires with or employs a person under the age of 18 to unlawfully sell a controlled substance classified in schedule IV or V.

Sec. 6. Minnesota Statutes 1989 Supplement, section 152.024, subdivision 2, is amended to read:

Subd. 2. [POSSESSION CRIMES.] A person is guilty of controlled substance crime in the fourth degree if:

(1) the person unlawfully possesses one or more mixtures containing phencyclidine or hallucinogen, it is packaged in dosage units, and equals ten or more dosage units; or

(2) the person unlawfully possesses one or more mixtures containing a controlled substance classified in schedule I, II, or III, with the intent to sell it, except a small amount of marijuana or Tetrahydrocannabinols, with the intent to sell it for no remuneration;

(3) the person unlawfully possesses any amount of a schedule I or II narcotic drug; or

(4) the person possesses one or more mixtures of a total weight of 500 grams or more containing marijuana or Tetrahydrocannabinols.

Sec. 7. Minnesota Statutes 1989 Supplement, section 152.025, subdivision 1, is amended to read:

Subdivision 1. [SALE CRIMES.] A person is guilty of controlled substance crime in the fifth degree if:

(1) the person unlawfully sells one or more mixtures containing marijuana or Tetrahydrocannabinols, except a small amount of marijuana for no remuneration; or

(2) the person unlawfully sells one or more mixtures containing a controlled substance classified in schedule IV."

Renumber the sections in sequence

Correct the internal cross-references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the first portion of the Marsh and Limmer amendment and the roll was called. There were 82 yeas and 41 nays as follows:

Those who voted in the affirmative were:

Abrams	Dempsey	Heap	Lynch	O'Connor
Bauerly	Dille	Henry	Macklin	Olsen, S.
Bennett	Dorn	Himle	Marsh	Olson, K.
Bertram	Forsythe	Hugoson	McDonald	Omann
Blatz	Frederick	Johnson, R.	McEachern	Onnen
Boo	Frerichs	Johnson, V.	McGuire	Osthoff
Burger	Girard	Kalis	McPherson	Ozment
Carlson, D.	Gruenes	Kinkel	Milbert	Pauly
Carlson, L.	Gutknecht	Knickerbocker	Miller	Pellow
Carruthers	Hartle	Kostohryz	Morrison	Pelowski
Cooper	Hasskamp	Krueger	Munger	Peterson
Dauner	Haukoos	Limmer	Neuenschwander	Poppenhagen

Pugh	Scheid	Stanius	Tompkins	Wenzel
Redalen	Schreiber	Steensma	Uphus	Winter
Richter	Seaberg	Sviggum	Valento	
Runbeck	Solberg	Swenson	Waltman	
Schafer	Sparby	Tjornhom	Weaver	

Those who voted in the negative were:

Anderson, G.	Hausman	Murphy	Quinn	Vellenga
Anderson, R.	Janezich	Nelson, C.	Reding	Wagenius
Battaglia	Jaros	Nelson, K.	Rukavina	Welle
Begich	Jefferson	Ogren	Sarna	Williams
Bishop	Jennings	Orenstein	Segal	Spk. Vanasek
Brown	Johnson, A.	Ostrom	Simoneau	
Clark	Kahn	Otis	Skoglund	
Dawkins	Kelly	Pappas	Trimble	
Greenfield	Long	Price	Tunheim	

The motion prevailed and the first portion of the Marsh and Limmer amendment was adopted.

The second portion of the Marsh and Limmer amendment to H. F. No. 1843, the second engrossment, as amended, reads as follows:

Page 6, delete lines 15 to 35, and insert:

“Sec. 8. Minnesota Statutes 1989 Supplement, section 152.027, subdivision 4, is amended to read:

Subd. 4. [POSSESSION OR SALE OF SMALL AMOUNTS OF MARIJUANA.] (a) A person who unlawfully sells a small amount of marijuana for no remuneration, or who unlawfully possesses a small amount of marijuana is guilty of a petty misdemeanor punishable by a fine of up to \$200 and participation in a drug education program unless the court enters a written finding that a drug education program is inappropriate. The program must be approved by an area mental health board with a curriculum approved by the state alcohol and drug abuse authority.

(b) A person convicted of an unlawful sale under paragraph (a) who is subsequently convicted of an unlawful sale under paragraph (a) within two years is guilty of a misdemeanor and shall be required to participate in a chemical dependency evaluation and treatment if so indicated by the evaluation.

(c) A person who is convicted of a petty misdemeanor under paragraph (a) who willfully and intentionally fails to comply with the sentence imposed, is guilty of a misdemeanor. Compliance with the terms of the sentence imposed before conviction under this paragraph is an absolute defense.”

Renumber the sections in sequence

Correct the internal cross-references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the second portion of the Marsh and Limmer amendment and the roll was called. There were 98 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Krueger	Olson, E.	Sarna
Battaglia	Gruenes	Lasley	Olson, K.	Schafer
Bauerly	Gutknecht	Lieder	Omann	Schreiber
Begich	Hartle	Limmer	Onnen	Seaberg
Bennett	Hasskamp	Lynch	Osthoff	Sparby
Bertram	Haukoos	Macklin	Ostrom	Stanius
Blatz	Heap	Marsh	Otis	Steensma
Boo	Henry	McDonald	Ozment	Sviggum
Burger	Himle	McEachern	Pauly	Swenson
Carlson, D.	Hugoson	McGuire	Pellow	Tjornhom
Carlson, L.	Jefferson	McPherson	Pelowski	Tompkins
Carruthers	Jennings	Milbert	Peterson	Uphus
Cooper	Johnson, A.	Miller	Poppenhagen	Valento
Dauner	Johnson, R.	Morrison	Price	Waltman
Dempsey	Johnson, V.	Munger	Pugh	Weaver
Dille	Kalis	Murphy	Redalen	Wenzel
Dorn	Kelso	Nelson, C.	Reding	Williams
Forsythe	Kinkel	Neuenschwander	Richter	Winter
Frederick	Knickerbocker	O'Connor	Rodosovich	
Frerichs	Kostohryz	Olsen, S.	Runbeck	

Those who voted in the negative were:

Anderson, G.	Greenfield	Kelly	Segal	Tunheim
Bishop	Hausman	Orenstein	Simoneau	Vellenga
Brown	Jacobs	Pappas	Skoglund	Wagenius
Clark	Janezich	Quinn	Solberg	Welle
Dawkins	Jaros	Rukavina	Trimble	Spk. Vanasek

The motion prevailed and the second portion of the Marsh and Limmer amendment was adopted.

Runbeck; McDonald; Carlson, D.; Jennings; Henry and Frederick moved to amend H. F. No. 1843, the second engrossment, as amended, as follows:

Page 11, after line 12, insert:

“Sec. 14. [214.075] [CONTROLLED SUBSTANCE CONVICTIONS; LICENSING SANCTION POLICIES.]

A board subject to this chapter shall develop a written policy applicable to licensees and license applicants who have been convicted of controlled substance crimes. These policies shall be submitted to the legislature on or before January 1, 1991, and shall

apply to licensees and applicants who commit controlled substance crimes on or after that date."

Page 13, after line 13, insert:

"Sec. 18. [481:151] [CONTROLLED SUBSTANCE CONVICTIONS; ATTORNEY LICENSING SANCTIONS.]

The supreme court shall develop a written policy applicable to licensed attorneys and attorney license applicants who have been convicted of controlled substance crimes. These policies shall be submitted to the legislature on or before January 1, 1991, and shall apply to licensed attorneys and attorney license applicants who commit controlled substance crimes on or after that date."

Page 15, after line 12, insert:

"Sec. 22. [ADOPTION OF RULES GOVERNING LEGISLATORS CONVICTED OF CONTROLLED SUBSTANCE OFFENSES.]

The rules committee of the house of representatives shall adopt rules providing sanctions for house members who have been convicted of controlled substance crimes. These rules shall be adopted by January 31, 1991, and enforced against house members who commit controlled substance crimes on or after that date."

Renumber the sections in sequence

Correct internal cross references

Amend the title accordingly

A roll call was requested and properly seconded.

#### POINT OF ORDER

Rodosovich raised a point of order pursuant to Article IV, section 7, of the Minnesota Constitution relating to the rules of government that page 1, line 24, and section 22 of the Runbeck et al amendment were not in order. Speaker pro tempore Quinn ruled the point of order well taken and those portions of the Runbeck et al amendment out of order.

Bishop moved to amend the remaining portions of the Runbeck et al amendment to H. F. No. 1843, the second engrossment, as amended, as follows:

In the Runbeck amendment, page 1, line 16, delete "shall" and insert "is requested to"

Page 1, line 19, delete "shall" insert "may"

Page 1, line 20, delete "shall" insert "may"

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

The question recurred on the remaining portions of the Runbeck et al amendment, as amended, and the roll was called. There were 119 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Knickerbocker	Omann	Segal
Anderson, G.	Frerichs	Kostohryz	Onnen	Skoglund
Anderson, R.	Girard	Krueger	Orenstein	Solberg
Battaglia	Greenfield	Lieder	Osthoff	Sparby
Bauerly	Gruenes	Limmer	Ostrom	Stanius
Begich	Gutknecht	Lynch	Otis	Steenasma
Bennett	Hartle	Macklin	Ozment	Sviggunn
Bertram	Hasskamp	Marsh	Pauly	Swenson
Bishop	Haukoos	McDonald	Pellow	Tjornhom
Blatz	Heap	McEachern	Pelowski	Tompkins
Boo	Henry	McGuire	Peterson	Trimble
Brown	Himle	Milbert	Poppenhagen	Tunheim
Burger	Hugoson	Miller	Pugh	Uphus
Carlson, D.	Jacobs	Morrison	Quinn	Valento
Carlson, L.	Janezich	Munger	Redalen	Vellenga
Carruthers	Jefferson	Murphy	Rest	Wagenius
Clark	Jennings	Nelson, C.	Richter	Waltman
Cooper	Johnson, A.	Nelson, K.	Rodosovich	Weaver
Dauner	Johnson, V.	Neuenschwander	Runbeck	Welle
Dawkins	Kahn	O'Connor	Sarna	Wenzel
Dempsey	Kalis	Ogren	Schafer	Williams
Dille	Kelly	Olsen, S.	Scheid	Winter
Dorn	Kelso	Olson, E.	Schreiber	Spk. Vanasek
Forsythe	Kinkel	Olson, K.	Seaberg	

Those who voted in the negative were:

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

Speaker pro tempore Quinn called Krueger to the Chair.

Johnson, A., moved to amend H. F. No. 1843, the second engrossment, as amended, as follows:

Page 27, line 24, after "physician" insert "after informing the patient of the testing and the consequences of a positive result,"

A roll call was requested and properly seconded.



The question was taken on the Johnson, A., amendment and the roll was called. There were 11 yeas and 111 nays as follows:

Those who voted in the affirmative were:

Clark	Jefferson	Olson, K.	Trimble
Hausman	Johnson, A.	Rukavina	Williams
Jaros	Munger	Solberg	

Those who voted in the negative were:

Abrams	Girard	Lasley	Orenstein	Seaberg
Anderson, R.	Greenfield	Lieder	Osthoff	Segal
Battaglia	Gruenes	Limmer	Ostrom	Simoneau
Bauerly	Gutknecht	Long	Otis	Sparby
Begich	Hartle	Lynch	Ozment	Stanius
Bennett	Hasskamp	Macklin	Pappas	Steensma
Bertram	Haukoos	Marsh	Pauly	Svigum
Bishop	Heap	McDonald	Pellow	Swenson
Blatz	Henry	McGuire	Pelowski	Tjornhom
Boo	Himle	McPherson	Peterson	Tompkins
Brown	Hugoson	Milbert	Poppenhagen	Tunheim
Burger	Jacobs	Miller	Pugh	Uphus
Carlson, D.	Janezich	Morrison	Quinn	Valento
Carlson, L.	Jennings	Murphy	Redalen	Vellenga
Carruthers	Johnson, R.	Nelson, C.	Reding	Waltman
Cooper	Johnson, V.	Nelson, K.	Rest	Weaver
Dauner	Kalis	Neuenschwander	Richter	Welle
Dempsey	Kelly	O'Connor	Rodosovich	Wenzel
Dille	Kelso	Ogren	Runbeck	Winter
Dorn	Kinkel	Olsen, S.	Sarna	
Forsythe	Knickerbocker	Olsen, E.	Schafer	
Frederick	Kostohryz	Omann	Scheid	
Frerichs	Krueger	Onnen	Schreiber	

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

Speaker pro tempore Krueger called Quinn to the Chair.

Wenzel, Omann, Kinkel, McEachern, Bertram, Bauerly, Marsh, O'Connor, Sparby, Hasskamp and Tjornhom moved to amend H. F. No. 1843, the second engrossment, as amended, as follows:

Page 40, after line 7, insert:

"Sec. 2. Minnesota Statutes 1989 Supplement, section 244.05, subdivision 4, is amended to read:

Subd. 4. [MINIMUM IMPRISONMENT, LIFE SENTENCE.] An inmate serving a mandatory life sentence under section 609.185, clause (3), relating to a felony violation of chapter 152 involving the unlawful sale of a controlled substance or 609.184 must not be given supervised release under this section. Subject to the limitation provided by the preceding sentence, an inmate serving a mandatory life sentence for conviction of murder in the first degree under

section 609.185 must not be given supervised release under this section without having served a minimum term of 30 years. An inmate serving a mandatory life sentence under section 609.385 must not be given supervised release under this section without having served a minimum term of imprisonment of 17 years."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Wenzel et al amendment and the roll was called. There were 87 yeas and 37 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Krueger	Omann	Schafer
Battaglia	Gruenes	Lieder	Onnen	Scheid
Bauerly	Gutknecht	Limmer	Osthoff	Solberg
Begich	Hartle	Lynch	Ostrom	Sparby
Bennett	Hasskamp	Macklin	Otis	Stanius
Bertram	Heap	Marsh	Ozment	Steensma
Blatz	Henry	McDonald	Pauly	Sviggum
Boo	Himle	McEachern	Pellow	Tjornhom
Burger	Hugoson	McGuire	Pelowski	Tompkins
Carlson, D.	Jacobs	McPherson	Peterson	Tunheim
Carlson, L.	Jefferson	Milbert	Poppenhagen	Uphus
Carruthers	Jennings	Miller	Pugh	Valento
Cooper	Johnson, A.	Murphy	Redalen	Waltman
Dauner	Johnson, R.	Neuenschwander	Reding	Weaver
Dille	Johnson, V.	O'Connor	Richter	Wenzel
Dorn	Kalis	Olsen, S.	Rukavina	
Forsythe	Kinkel	Olson, E.	Runbeck	
Frerichs	Knickerbocker	Olson, K.	Sarna	

Those who voted in the negative were:

Anderson, G.	Greenfield	Long	Rest	Vellenga
Anderson, R.	Haukoos	Munger	Rice	Wagenius
Bishop	Hausman	Nelson, C.	Schreiber	Welle
Brown	Janezich	Ogren	Seaberg	Williams
Clark	Kahn	Orenstein	Segal	Spk. Vanasek
Dawkins	Keily	Pappas	Simoneau	
Dempsey	Kelso	Price	Skoglund	
Frederick	Kostohryz	Quinn	Swenson	

The motion prevailed and the amendment was adopted.

Bishop moved to amend H. F. No. 1843, the second engrossment, as amended, as follows:

Pages 7 and 8, delete section 8

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 1843, A bill for an act relating to crime; changing the scope of certain controlled substance offenses; allowing prosecution in any county of controlled substance offenses involving sales of amounts aggregated over a 90-day period; providing that cocaine base is weighed as a mixture for purposes of first, second, and third degree controlled substance crimes; prohibiting the importing of controlled substances into the state; requiring the reporting of transactions involving substances that are precursors to controlled substances; providing for the distribution of forfeiture proceeds; defining controlled substances for purposes of reporting prenatal exposure to controlled substances; clarifying these reporting provisions; providing for maternal and child health services in chemical abuse situations; clarifying habitual DWI offender sanctions; requiring adoption of day-fine systems by each judicial district; creating intensive community supervision programs for certain prison inmates and offenders; creating pilot programs to require drug and alcohol testing as a condition of probation; creating pilot programs to provide chemical dependency treatment services in juvenile and adult jails and correctional facilities; creating pilot programs to require chemical dependency assessments for drug offenders; requiring a chemical use assessment to be conducted when a child is found delinquent of a drug offense; requiring chemical dependency treatment for certain offenders; providing an affirmative defense for certain liquor offenses; authorizing the court to order intermediate sanctions as a condition of probation; defining intermediate sanctions; appropriating money; amending Minnesota Statutes 1988, sections 90.301, subdivision 6; 145.88; 169.121, subdivisions 3a and 5; 169.124, subdivisions 1 and 2; 169.126, subdivisions 1, 4b, and 6; 244.05, by adding a subdivision; 256.98, subdivision 1; 256B.35, subdivision 5; 260.151, subdivision 1; 268.18, subdivision 3; 340A.503, subdivisions 1 and 3; 473.608, subdivision 17; 609.135, subdivisions 1, 6, and by adding a subdivision; 609.14; 631.40; and 631.48; Minnesota Statutes 1989 Supplement, sections 145.882, subdivision 7; 152.021; 152.022; 152.023, subdivisions 1 and 2; 152.024, subdivisions 1 and 2; 152.025, subdivision 1; 152.027, subdivision 4; 152.028, subdivision 2; 169.121, subdivision 3b; 169.126, subdivision 4; 244.05, subdivision 4; 260.193, subdivision 8; 299A.34, subdivision 1; 299A.35, subdivision 2; 299C.155, subdivisions 2 and 3; 340A.503, subdivision 2; 609.5315, subdivision 5; 626.556, subdivision 2; 626.5561, subdivisions 1, 3, 4, and by adding a subdivision; and 626.5562, subdivisions 1, 2, and 4; Laws 1989,

chapter 290, article 1, section 6; proposing coding for new law in Minnesota Statutes, chapters 152; 214; 244; 299A; and 481; repealing Minnesota Statutes 1988, sections 169.124, subdivision 3; 169.126, subdivisions 2 and 3; Minnesota Statutes 1989 Supplement, section 169.126, subdivision 4a.

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 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Lieder	Osthoff	Segal
Anderson, G.	Greenfield	Limmer	Ostrom	Simoneau
Anderson, R.	Gruenes	Long	Otis	Skoglund
Battaglia	Gutknecht	Lynch	Ozment	Solberg
Bauerly	Hartle	Macklin	Pappas	Sparby
Begich	Hasskamp	Marsh	Pauly	Stanisus
Bennett	Haukoos	McDonald	Pellow	Steensma
Bertram	Heap	McEachern	Pelowski	Sviglum
Bishop	Henry	McGuire	Peterson	Swenson
Blatz	Himle	McPherson	Poppenhagen	Tjornhom
Boo	Hugoson	Milbert	Price	Tompkins
Brown	Jacobs	Miller	Pugh	Trimble
Burger	Janezich	Morrison	Quinn	Tunheim
Carlson, D.	Jefferson	Munger	Redalen	Uphus
Carlson, L.	Jennings	Murphy	Reding	Valento
Carruthers	Johnson, A.	Nelson, C.	Rest	Vellenga
Clark	Johnson, R.	Nelson, K.	Rice	Wagenius
Cooper	Johnson, V.	Neuenschwander	Richter	Waltman
Dauner	Kalis	O'Connor	Rodosovich	Weaver
Dawkins	Kelly	Ogren	Rukavina	Welle
Dempsey	Kelso	Olsen, S.	Runbeck	Wenzel
Dille	Kinkel	Olsen, E.	Sarna	Williams
Dorn	Knickerbocker	Olson, K.	Schafer	Winter
Forsythe	Kostohryz	Omann	Scheid	Spk. Vanasek
Frederick	Krueger	Onnen	Schreiber	
Frerichs	Lasley	Orenstein	Seaberg	

Those who voted in the negative were:

Jaros                      Kahn

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

S. F. No. 2072, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1988, sections 11A.14, subdivision 5; 15.0597, subdivision 1; 15.50, subdivision 5; 16B.53, subdivision 3; 62C.141; 79A.14; 115.49, subdivision 4; 197.55; 232.21, subdivision 7; 256B.69, subdivision 6; 257.41; 273.1315; 333.135; 336.9-105; 353A.02, subdivision 14; 354.05, subdivision 23; 354.66, subdivision 7; 412.701; 412.711; 459.07;

469.155, subdivision 12; 481.12; 626.556, subdivision 10c; Minnesota Statutes 1989 Supplement, sections 15.50, subdivision 2; 18.022, subdivision 2; 62A.045; 105.41, subdivision 1a; 115C.03, subdivision 9; 124.86, subdivision 2; 127.455; 144.6501, subdivision 10; 163.06, subdivision 6; 168.013, subdivision 1a; 168.33, subdivision 2; 176.421, subdivision 7; 204C.361; 236.02, subdivision 7; 245.462, subdivision 4; 256E.08, subdivision 5; 256H.08; 256H.22, subdivisions 2 and 3; 260.185, subdivision 1; 270B.12, subdivision 7; 273.119, subdivision 1; 273.124, subdivision 13; 319A.20; 336.2A-104; 352.01, subdivision 2b; 352.72, subdivision 1; 352B.30, subdivision 1; 383D.41, subdivisions 1 and 2; 422A.05, subdivision 2a; 469.129, subdivision 1; 501B.61, subdivision 1; 563.01, subdivision 3; 609.605, subdivision 3; Minnesota Statutes Second 1989 Supplement, sections 121.904, subdivision 4a; 245A.14, subdivision 6; and 275.50, subdivision 5; and Laws 1989, chapters 329, article 8, section 15, subdivision 2; 332, section 3, subdivision 3; repealing Minnesota Statutes 1988, sections 11A.19, subdivisions 1 to 8; 43A.192; Minnesota Statutes 1989 Supplement, sections 11A.19, subdivision 9; and 226.01 to 226.06.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Greenfield	Krueger	Onnen	Schreiber
Anderson, G.	Gruenes	Lasley	Orenstein	Seaberg
Anderson, R.	Gutknecht	Lieder	Osthoff	Segal
Battaglia	Hartle	Limmer	Ostrom	Simoneau
Bauerly	Hasskamp	Long	Otis	Skoglund
Begich	Haukoos	Lynch	Ozment	Solberg
Bennett	Hausman	Macklin	Pappas	Sparby
Bertram	Heap	Marsh	Pauly	Stanius
Blatz	Henry	McDonald	Pellow	Steensma
Boo	Himle	McEachern	Pelowski	Sviggum
Brown	Hugoson	McGuire	Peterson	Swenson
Burger	Jacobs	McPherson	Poppenhagen	Tjornhom
Carlson, D.	Janezich	Milbert	Price	Tompkins
Carlson, L.	Jaros	Miller	Pugh	Trimble
Carruthers	Jefferson	Morrison	Quinn	Tunheim
Clark	Jennings	Munger	Redalen	Uphus
Cooper	Johnson, A.	Murphy	Reding	Valento
Dauner	Johnson, R.	Nelson, C.	Rest	Vellenga
Dawkins	Johnson, V.	Nelson, K.	Rice	Wagenius
Dempsey	Kahn	Neuenschwander	Richter	Waltman
Dille	Kalis	O'Connor	Rodosovich	Weaver
Dorn	Kelly	Ogren	Rukavina	Welle
Forsythe	Kelso	Olsen, S.	Runbeck	Wenzel
Frederick	Kinkel	Olson, E.	Sarna	Williams
Frerichs	Knickerbocker	Olson, K.	Schafer	Winter
Girard	Kostohryz	Omann	Scheid	Spk. Vanasek

The bill was passed and its title agreed to.

S. F. No. 1743 was reported to the House.

Jacobs moved to amend S. F. No. 1743, as follows:

Delete everything after the enacting clause and insert:

“Section 1. [237.161] [EXTENDED AREA SERVICE.]

Subdivision 1. [CRITERIA.] The commission may grant a petition for installation of extended area service only when each of the following criteria has been met:

(1) the petitioning exchange is contiguous to the exchange or local calling area to which extended area service is requested in the petition;

(2) a lower cost alternative to basic flat rate service is available in the petitioning exchange; in the alternative, polling by the commission shows that 55 percent of the customers responding to the poll in the petitioning exchange favor the installation of extended area service;

(3) polling by the commission shows that a majority of the customers responding to the poll in the petitioning exchange favor its installation, unless all parties and the commission agree that no polling is necessary;

(4) at least 50 percent of the customers in the petitioning exchange make one or more calls per month to the exchange or local calling area to which extended area service is requested, as determined by a traffic study; and

(5) the commission determines that a community of interest exists between the petitioning and the petitioned exchanges and that the installation of extended area service is in the public interest as governed by the commission's rules.

The rate to the polled exchange must be available to its customers before the commission determines what proportion of them favor the installation of extended area service.

In making the determination required in clause (4), the commission shall include a reasonable estimate of FX telephone traffic and other types of toll traffic. For the purposes of this subdivision, “FX” means tariffed telephone toll service provided by placing a telephone line from another telephone exchange area in the telephone customer's exchange area.

Subd. 2. [COSTS.] The costs for extended area service shall

include the specific additional costs incurred as a result of the installation of the extended area service and the net book cost of existing facilities transferred from another service to now provide extended area service.

Subd. 3. [RATES.] (a) When the proposed extended service area is located in the metropolitan counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, 75 percent of the cost of providing extended area service as identified in subdivision 2, must be apportioned to the petitioning exchange and the remaining 25 percent apportioned to the exchange or exchanges to which extended area service is requested. When the proposed extended service area is not located in the metropolitan area, the cost must be equally divided between the petitioning exchange and the exchange or exchanges to which extended area service is requested. The cost must be apportioned among the customers in an exchange so that the relationship between the rates for classes of basic local service remains the same.

(b) The commission shall set rates that are income neutral for each affected telephone company at the point in time at which the commission determines the extended area service rates. The commission shall consider the interests of all parties when determining a fair and equitable extended area service rate for a local telephone exchange that is newly included in the extended area service.

(c) A telephone company that provides local telephone service in an exchange that is included in an extended service area must include the extended area service rate in the basic rate for the purpose of billing customers so that only one line item charge appears on customers bills for both rates.

Subd. 4. [LATA BOUNDARIES.] When the commission has determined that a petition for inclusion of a local exchange in a local calling area should be granted under this section but the inclusion of that local exchange would place a telephone company in violation of the federal prohibition on providing telephone service across a local access and transport area (LATA) line, as defined in section 237.57, subdivision 5, the commission shall order the affected telephone company to seek a waiver of the prohibition on the provision of service across the LATA line to the extent necessary to include the exchange in the appropriate local calling area.

## Sec. 2. [METROPOLITAN EXTENDED AREA TELEPHONE SERVICE.]

Subdivision 1. [DEFINITION.] For the purposes of this section, "metropolitan" or "metropolitan area" means all of the area made up by the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Subd. 2. [REQUIRED EXPANSION OF METROPOLITAN EXTENDED AREA SERVICE.] Notwithstanding section 1, by July 1, 1991, the public utilities commission shall expand the metropolitan extended area service to include each local service telephone exchange served by a central office or wire center located within the metropolitan area if a majority of the consumers in an exchange that respond to polling by the commission are in favor of including that exchange in the extended area service as determined under subdivisions 3 and 4.

Subd. 3. [COMMISSION DUTIES; PROJECT.] The commission, in cooperation with each affected telephone company, shall determine the rates that would be charged to the customers in each metropolitan exchange that is not currently included in the metropolitan extended area service if that exchange were to be included. The commission shall then conduct a poll of all the customers in each exchange. The ballot or questionnaire sent to each customer must clearly identify the rate that would be charged to customers in the applicable exchange if the exchange becomes part of the metropolitan extended area service and must be returnable to the commission, at no cost to the customers, within 60 days of the date the ballot or questionnaire was mailed. If a majority of the customers in an exchange who respond to the commission's poll indicate that they favor inclusion, the commission shall include that exchange in the metropolitan extended area service.

Subd. 4. [COSTS; RATES.] The commission shall determine the costs and rates for each exchange subject to subdivision 3, as provided in section 1, subdivisions 2 and 3, and applicable commission rules.

Subd. 5. [FUTURE EXPANSION.] Customers in metropolitan exchanges that are not included in the extended area service under subdivision 3, and customers in nonmetropolitan exchanges that want to be included in the metropolitan extended area service after the completion of the project under subdivision 3, may petition the commission for inclusion under section 1 and applicable commission rules, provided that no state boundary may be crossed in expanding the metropolitan extended area service.

Subd. 6. [DUTIES; TELEPHONE COMPANIES.] Each telephone company that is potentially affected by the activities of the commission in undertaking the project required by subdivision 3 shall cooperate with the commission in determining costs and rates and any other activity or determination necessary to implement that subdivision.

**Sec. 3. [LOCAL TELEPHONE SERVICE AREA BOUNDARY CHANGE.]**

The public utilities commission shall change the boundary be-



tween the Red Wing and Hastings local telephone exchanges to ensure that telephone service subscribers who are located in Dakota County receive local service from the Hastings local telephone exchange. The commission shall follow its existing rules to ensure that the change in boundary required by this section is revenue neutral as between the affected telephone companies.

Sec. 4. [EFFECTIVE DATE; APPLICATION.]

Sections 1 to 3 are effective the day following final enactment and section 1 applies to all petitions pending before the public utilities commission unless the petitioners are customers of a metropolitan exchange and they withdraw their petition and notify the commission in writing that they want to be governed by section 2."

The motion prevailed and the amendment was adopted.

Stanius moved to amend S. F. No. 1743, as amended, as follows:

Page 5, after line 2, insert:

"Sec. 4. [METROPOLITAN AREA.]

For purposes of Minnesota Statutes, chapter 473, the metropolitan area means the portion of the metropolitan extended telephone service area defined by the public utilities commission that is located in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, including cities and towns located wholly or partially in those counties."

Renumber subsequent sections

Correct internal cross references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Stanius amendment and the roll was called. There were 28 yeas and 98 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Limmer	Pauly	Sviggum
Burger	Gutknecht	Lynch	Pellow	Swenson
Dempsey	Heap	Marsh	Poppenhagen	Tjornhom
Forsythe	Henry	McPherson	Runbeck	Valento
Frederick	Hugoson	Miller	Schreiber	
Frerichs	Knickerbocker	Olsen, S.	Stanius	

## Those who voted in the negative were:

Anderson, G.	Hartle	Lieder	Osthoff	Simoneau
Anderson, R.	Hasskamp	Long	Ostrom	Skoglund
Battaglia	Haukoos	Macklin	Otis	Solberg
Bauerly	Hausman	McDonald	Ozment	Sparby
Begich	Jacobs	McEachern	Pappas	Steensma
Bennett	Janezich	McGuire	Pelowski	Tompkins
Bertram	Jaros	Milbert	Peterson	Trimble
Bishop	Jefferson	Morrison	Price	Tunheim
Boo	Jennings	Munger	Pugh	Uphus
Brown	Johnson, A.	Murphy	Quinn	Vellenga
Carlson, D.	Johnson, R.	Nelson, C.	Redalen	Wagenius
Carlson, L.	Johnson, V.	Nelson, K.	Reding	Waltman
Carruthers	Kahn	Neuenschwander	Rest	Weaver
Clark	Kalis	O'Connor	Rice	Welle
Cooper	Kelly	Ogren	Rodosovich	Wenzel
Dauner	Kelso	Olson, E.	Rukavina	Williams
Dawkins	Kinkel	Olson, K.	Sarna	Winter
Dille	Kostohryz	Omman	Schafer	Spk. Vanasek
Dorn	Krueger	Onnen	Scheid	
Greenfield	Lasley	Orenstein	Segal	

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

S. F. No. 1743, A bill for an act relating to telephone service; regulating the installation of extended area service in exchanges; requiring the expansion of the metropolitan extended area telephone service, under some circumstances; proposing coding for new law in Minnesota Statutes, chapter 237.

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 113 yeas and 13 nays as follows:

## Those who voted in the affirmative were:

Anderson, G.	Dorn	Johnson, A.	Munger	Peterson
Anderson, R.	Forsythe	Johnson, R.	Murphy	Poppenhagen
Battaglia	Frederick	Johnson, V.	Nelson, C.	Price
Bauerly	Frerichs	Kalis	Nelson, K.	Pugh
Begich	Girard	Kelly	Neuenschwander	Quinn
Bennett	Greenfield	Kelso	O'Connor	Redalen
Bertram	Gruenes	Kinkel	Ogren	Reding
Boo	Gutknecht	Krueger	Olsen, S.	Rest
Brown	Hartle	Lasley	Olson, E.	Rice
Burger	Hasskamp	Lieder	Olson, K.	Richter
Carlson, D.	Haukoos	Limmer	Omman	Rodosovich
Carlson, L.	Hausman	Long	Onnen	Rukavina
Carruthers	Heap	Macklin	Orenstein	Runbeck
Clark	Hugoson	Marsh	Ostrom	Sarna
Cooper	Jacobs	McDonald	Otis	Schreiber
Dauner	Janezich	McEachern	Ozment	Seaberg
Dawkins	Jaros	McGuire	Pappas	Segal
Dempsey	Jefferson	Miller	Pellow	Simoneau
Dille	Jennings	Morrison	Pelowski	Skoglund

Solberg  
Sparby  
Steensma  
Svigggum

Swenson  
Tompkins  
Trimble  
Tunheim

Uphus  
Vellenga  
Wagenius  
Waltman

Weaver  
Welle  
Wenzel  
Williams

Winter  
Spk. Vanasek

Those who voted in the negative were:

Abrams  
Henry  
Kahn

Knickerbocker  
Kostohryz  
Lynch

McPherson  
Osthoff  
Schafer

Scheid  
Stanius  
Tjornhom

Valento

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

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

The Speaker resumed the Chair.

### GENERAL ORDERS

Rodosovich moved that the bills on General Orders for today be continued. The motion prevailed.

There being no objection, the order of business reverted to Reports of Standing Committees.

### REPORTS OF STANDING COMMITTEES

Simoneau from the Committee on Appropriations to which was referred:

H. F. No. 2024, A bill for an act relating to education; entering the Midwestern Higher Education Compact; providing the appointment of members; proposing coding for new law in Minnesota Statutes, chapter 135A.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Simoneau from the Committee on Appropriations to which was referred:

H. F. No. 2520, A bill for an act relating to utilities; regulating flexible gas utility rates; repealing sunset provisions relating to

flexible gas utility rates; amending Minnesota Statutes 1988, section 216B.163; and Laws 1987, chapter 371, section 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1988, section 216B.163, is amended to read:

216B.163 [FLEXIBLE TARIFFS.]

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

(b) “Effective competition” means that a customer of a gas utility who either receives interruptible service or whose daily requirement exceeds 50,000 cubic feet maintains or plans on acquiring the capability to switch to the same, equivalent, or substitutable energy supplies or service, ~~except indigenous biomass energy supplies composed of wood products, grain, biowaste, and cellulose materials,~~ at comparable prices from a supplier not regulated by the commission.

(c) “Flexible tariff” means a rate schedule under which a gas utility may set or change the price for its service to an individual customer or group of customers without prior approval of the commission within a range of prices determined by the commission to be just and reasonable.

Subd. 2. [FLEXIBLE TARIFFS PERMITTED.] Notwithstanding any other provision of this chapter section 216B.03, 216B.05, 216B.06, 216B.07, or 216B.16, the commission is ~~authorized to may~~ approve a flexible tariff for any class of customers of a gas utility when provision of service, including the sale or transportation of gas, to any customers within the class is subject to effective competition. Upon application of a gas utility, the commission shall find that effective competition exists for a class of customers taking interruptible service at a level exceeding 199,000 cubic feet per day. A gas utility may ~~only~~ apply a flexible tariff only to a customer that is subject to effective competition ~~and a gas utility may not apply a flexible tariff or otherwise reduce its rates to compete with indigenous biomass energy supplies, or with customers of district heating facilities as of June 1, 1987. Customers of a gas utility whose only alternative source of energy is gas from a supplier not regulated by the commission and who must use the gas utility's system to transport the gas are not subject to effective competition unless the customers have or can reasonably acquire the capability to bypass the gas utility's system to obtain gas from a supplier not regulated~~

by the commission. A customer subject to effective competition may elect to take service either under the flexible tariff or under the appropriate nonflexible tariff for that class of service set in accordance with section 216B.03, provided that a customer that uses an alternative energy supply or service other than indigenous biomass energy supplies from a supplier not regulated by the commission for reasons of price shall be deemed to have elected to take service under the flexible tariff.

Subd. 3. [ESTABLISHING OR CHANGING A FLEXIBLE TARIFF.] The commission may establish a flexible tariff through a miscellaneous rate filing only if the filing does not seek to recover any revenues which the utility expects to lose by implementing flexible tariffs from any customers who do not take service under the flexible tariff, nor to change any other rates another rate. If a gas utility requests authority to establish a flexible tariff and as part of that request seeks to recover any revenues which the utility expects to lose by implementing flexible tariffs from any customers who do not take service under the flexible tariff or to change any other rates the commission may only establish that flexible tariff within a general rate case for that gas utility. The commission may only change the rates in a flexible tariff within a gas utility's general rate case.

Subd. 4. [RATES AND TERMS OF SERVICE.] Whenever the commission authorizes a flexible tariff, it shall set the terms, and conditions of service for that tariff, which shall include including:

(1) that the minimum rate for the tariff, which must recover at least the incremental cost of providing the service;

(2) that there is no upward the maximum for the rate for the tariff; and

(3) a requirement that a customer who elects to take service under the flexible tariff remain on that tariff for a reasonable period of time, which shall not be less than one year; and

(4) that any customer changing from a flexible tariff to the appropriate nonflexible tariff for that class pay all costs incurred by the utility due to that change.

The commission may set the terms and conditions of service for a flexible tariff in a gas utility proceeding, a miscellaneous filing, or a complaint proceeding under section 216B.17.

Subd. 5. [RECOVERY OF REVENUES.] In a general rate case which that establishes a flexible tariff for a gas utility, and in each general rate case of a gas utility for which a flexible tariff has been authorized, the commission shall determine a projected level of

revenues and expenses from services under that tariff based on a single target rate for all sales under that tariff, which projection shall be used and use the projection to determine the utility's overall rates. That target rate method used to establish a level of projected revenues shall may not limit the gas utility's ability or right to set rates for any a customer taking service under the flexible tariff.

Subd. 6. [INTERIM FLEXIBLE TARIFF.] Notwithstanding section 216B.16, subdivision 3, if a gas utility files with the commission to establish or change a flexible tariff the commission shall permit the proposed flexible tariff to take effect on an interim basis no later than 30 days after filing. If any customers receive an increase in rates during the period that an interim flexible tariff is in effect, the increase is subject to refund as provided in section 216B.16, subdivision 3. The gas utility shall provide ten days written notice, or other notice as may be established by contract not to exceed 30 days, to a customer before implementing an interim rate ~~increase~~ change for that customer under this section.

Subd. 7. [FINAL DETERMINATION.] The commission shall make a final determination in a proceeding begun under this section for approval of a flexible tariff, other than a filing made within a general rate case, within 180 days of the filing by the gas utility.

Subd. 8. [STUDY AND REPORT.] The department shall review the operation and effects of any rates implemented under this section. The review must include, at a minimum, an evaluation of the impact of flexible gas rates on alternative energy sources, including indigenous biomass energy, and the impact on the utility and its customers of setting a maximum rate for the tariff. The department shall submit its report to the legislature by January 1, 1995. The department shall assess gas utilities that utilize a flexible tariff under section 1 for the actual cost of conducting the study, not to exceed \$5,000. Each utility utilizing a flexible tariff must be assessed an equal share of the cost.

Sec. 2. Laws 1987, chapter 371, section 4, is amended to read:

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment, and are repealed effective July 1, 1990.

Sec. 3. [APPROPRIATION.]

\$5,000 is appropriated from the general fund to the department of public service to be reimbursed from the assessment authorized in section 1, subdivision 8, for the purpose of conducting the study required by section 1. The money is available until February 1, 1995.

Sec. 4. [EFFECTIVE DATES.]

Sections 1 and 3 are effective July 1, 1990. Section 2 is effective the day following final enactment.

Amend the title as follows:

Page 1, line 4, after the semicolon insert "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Simoneau from the Committee on Appropriations to which was referred:

S. F. No. 1725, A bill for an act relating to the environment; changing the fund balances required to impose the fee and the collection period of the fee; changing the terms for reimbursement of petroleum tank release costs by the petroleum tank release compensation board; providing certain tank facilities and refineries are ineligible for reimbursement; appropriating money reimbursed to state agencies; amending Minnesota Statutes 1988, sections 115C.02, by adding subdivisions; 115C.08, subdivision 2; Minnesota Statutes 1989 Supplement, sections 115C.08, subdivision 5; and 115C.09, subdivision 3, and by adding a subdivision.

Reported the same back with the following amendments:

Page 2, after line 24, insert:

"Sec. 5. Minnesota Statutes 1989 Supplement, section 115C.09, subdivision 1, is amended to read:

Subdivision 1. [REIMBURSABLE COSTS.] (a) The board shall provide partial reimbursement to eligible responsible persons for reimbursable costs incurred after June 4, 1987.

(b) The following costs ~~shall be considered~~ are reimbursable for purposes of this section:

(1) corrective action costs incurred by the responsible person, except the costs related to the physical removal of a tank; and

(2) costs that the responsible person is legally obligated to pay as damages to third parties for bodily injury or property damage

caused by a release if the responsible person's liability for the costs has been established by a court order or a consent decree.

(c) A cost for liability to a third party is ~~considered to be~~ incurred by the responsible person when an order or consent decree establishing the liability is entered. Except as provided in this paragraph, reimbursement may not be made for costs of liability to third parties until all eligible corrective action costs have been reimbursed. If a corrective action is expected to continue in operation for more than one year after it has been fully constructed or installed, the board may estimate the future expense of completing the corrective action and, after subtracting this estimate from the total reimbursement available under subdivision 3, reimburse the costs for liability to third parties. The total reimbursement may not exceed the limit set forth in subdivision 3."

Page 3, line 19, before the period insert "and section 5 applies to applications for reimbursement received by the board after that date"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 13, delete "subdivision 3" and insert "subdivisions 1, 3"

With the recommendation that when so amended the bill pass.

The report was adopted.

Simoneau from the Committee on Appropriations to which was referred:

S. F. No. 1758, A bill for an act relating to health; requiring the licensing of wholesale drug distributors; regulating the use of biosynthetic bovine somatotropin; providing penalties; amending Minnesota Statutes 1988, sections 151.01, subdivision 28; 151.06, subdivision 1; 151.15, subdivision 3; and 151.25; proposing coding for new law in Minnesota Statutes, chapter 151.

Reported the same back with the recommendation that the bill pass.

The report was adopted.



Simoneau from the Committee on Appropriations to which was referred:

S. F. No. 1866, A bill for an act relating to Lake Superior; establishing an information and education authority; proposing coding for new law as Minnesota Statutes, chapter 85B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [PURPOSE.]

The legislature determines that it is in the public interest and an objective of the state that its citizens and the citizens of the world be better informed about the importance of preserving and restoring the large freshwater lakes of the world, including Lake Superior. The legislature determines that an enhanced public awareness of the vital role which the large freshwater lakes play in the ecosystem is an essential element in a wider program to provide for the protection and preservation of these lakes. The legislature also determines that the transfer of data and scientific findings about the large freshwater lakes of the world to the policymakers and citizens of the state, our nation, and the world is essential.

The legislature determines that as the largest surface of fresh water in the world, Lake Superior can function as a focal point for transferring information about these large lakes to the policymakers and the public, and that the establishment of a facility containing appropriate exhibits and other educational features to support these objectives and the establishment of programs related to them near the shore of Lake Superior in Duluth is in the public interest and of advantage and benefit to all of the citizens of the state.

The legislature is aware that Lake Superior Center, a Minnesota nonprofit corporation, is actively engaged in the development of a program and plan to meet these objectives and is actively engaged in assembling the public and private partnership required to secure the resources, international participation, and expertise required to create a freshwater education center.

The legislature finds that objectives of this act can best be accomplished by forming a public corporation to be known as Lake Superior Center Authority and that Lake Superior Center Authority be given the powers, rights, privileges, and immunities provided in this act, including the power to cooperate and contract with Lake Superior Center to the extent and for the purposes provided for in this act.

Sec. 2. [ORGANIZATION.]

Subdivision 1. [ESTABLISHMENT.] The Lake Superior Center Authority is established as a public corporation. The business of the corporation must be conducted under the name "Lake Superior Center Authority."

Subd. 2. [BOARD OF DIRECTORS.] The corporation is governed by a board of five directors. The term of a director, except as otherwise provided below, is six years. One of the five directors is the commissioner of the department of natural resources. The other four members of the board shall be appointed by the governor. Two members of the initial board of directors shall be appointed for terms of four years, and two for terms of two years. Vacancies on the board shall be filled by appointment of the governor. Board members shall not be compensated for their service as board members other than to be reimbursed for reasonable expenses incurred in connection with their duties as board members. This reimbursement shall be reviewed each year by the commissioner of finance.

Subd. 3. [BYLAWS.] The board of directors shall adopt bylaws necessary for the conduct of the business of the corporation, consistent with this act. The corporation must publish the bylaws and amendments to the bylaws in the State Register.

Subd. 4. [PLACE OF BUSINESS.] The board shall locate and maintain the corporation's place of business within the state.

Subd. 5. [CHAIR.] The board shall annually elect from among its members a chair and other officers necessary for the performance of its duties.

Subd. 6. [MEETINGS.] The board shall meet at least twice each year and may hold additional meetings upon giving notice in accordance with the bylaws of the corporation. Board meetings are subject to Minnesota Statutes, section 471.705.

Subd. 7. [CONFLICT OF INTEREST.] A director, employee, or officer of the corporation may not participate in or vote on a decision of the board relating to an organization in which the director has either a direct or indirect financial interest.

Subd. 8. [ECONOMIC INTEREST STATEMENTS.] Directors and officers of the corporation are public officials for the purpose of section 10A.09, and must file statements of economic interest with the state ethical practices board.

Subd. 9. [NO BENEFIT TO PRIVATE INDIVIDUALS OR CORPORATIONS.] This corporation shall not afford pecuniary gain, incidental or otherwise, to any private individual, firm, or corporation other than Lake Superior Center, a Minnesota nonprofit corporation (except the payment of reasonable fees for goods and

services rendered and approved in accordance with the bylaws of the corporation) and no part of the net income or net earnings of the corporation shall, directly or indirectly, be distributable to or otherwise inure to the benefit of any individual.

Sec. 3. [POWERS.]

Subdivision 1. [GENERAL CORPORATE POWERS.] (a) The corporation has the powers granted to a business corporation by Minnesota Statutes, section 302A.161, subdivisions 3; 4; 5; 7; 8; 9; 11; 12; 13, except that the corporation may not act as a general partner in any partnership; 14; 15; 16; 17; 18; and 22; and the powers necessary or convenient to exercise the enumerated powers.

(b) The state is not liable for the obligations of the corporation.

(c) Minnesota Statutes, section 302A.041 applies to this chapter and the corporation in the same manner that it applies to business corporations established under Minnesota Statutes, chapter 302A.

Subd. 2. [FACILITY DESIGN; DEVELOPMENT AND OPERATION.] The corporation shall enter into management contracts or lease agreements or both with Lake Superior Center, a Minnesota nonprofit corporation, to design, develop, and operate a facility to further the purposes of this act in the city of Duluth, at the site determined by the board and on the terms that the board finds desirable. Notwithstanding the provisions of section 2, subdivision 7, relating to the conflict of interest, a director or officer of the corporation who is also a director, officer, or member of Lake Superior Center, a Minnesota nonprofit corporation, and the corporation, may participate in and vote on the decision of the board as to the terms and conditions of management contracts or lease agreements between Lake Superior Center and the corporation.

Subd. 3. [FUNDS.] The corporation may accept and use gifts, grants, or contributions from any source. Unless otherwise restricted by the terms of a gift or bequest, the board may sell, exchange, or otherwise dispose of, and invest or reinvest the money, securities, or other property given or bequeathed to it. The principal of these funds, the income from them, and all other revenues received by it from any nonstate source must be placed in the depositories the board determines and is subject to expenditure for the board's purposes. Expenditures of \$25,000 or more must be approved by the full board.

Subd. 4. [ANIMALS; REGULATION.] The corporation shall comply with all federal laws and federal rules or regulations relating to the quarantine, transportation, examination, habitation, care, and treatment of wild animals. The department of natural resources may prescribe rules supplemental to federal regulations, relating to the transportation, examination, care, and treatment of wild ani-

mals native to this state held or proposed to be acquired by the board and may inspect them as often and at the times it deems necessary.

Subd. 5. [ANIMALS; SALE.] The board may sell or exchange animals determined by it to be superfluous to operations, subject to state and federal regulations.

Subd. 6. [ADVERTISING.] The board may provide for promotional and advertising programs to be developed and implemented either by its personnel or by contract with outside personnel and paid for out of funds other than bond revenues.

Subd. 7. [ADMISSION FEES.] The board or its agent may establish admission fees and other charges for use of its facilities.

#### Sec. 4. [EMPLOYEES.]

Persons employed by contractors or lessees are not state employees and may not participate in state retirement, deferred compensation, insurance, or other plans that apply to state employees generally and are not subject to regulation by the state ethical practices board.

#### Sec. 5. [ACCOUNTS; AUDITS.]

The corporation may establish funds and accounts that it finds convenient. The board shall provide for and pay the cost of an independent annual audit of its official books and records by the legislative auditor subject to Minnesota Statutes, sections 3.971 and 3.972. A copy of this audit shall be filed with the secretary of state.

#### Sec. 6. [ANNUAL REPORT.]

The board shall submit a report to the chairs of the senate economic development and housing and the house economic development committees of the legislature and the governor on the activities of the corporation and its contractors and lessees by February 1 of each year. The report must include at least the following:

(1) a description of each of the programs that the corporation has provided or undertaken at some time during the previous year;

(2) an identification of the sources of funding in the previous year for the corporation and its programs including federal, state and local government, foundations, gifts, donation, fees, and all other sources;

(3) a description of the administrative expenses of the corporation during the previous year;

(4) a listing of the assets and liabilities of the corporation at the end of the previous fiscal year;

(5) a description of any changes made to the operational plan during the previous year; and

(6) a description of any newly adopted or significant changes to bylaws, policies, rules, or programs created or administered by the corporation during the previous year.

Reports must be made to the legislature as required by Minnesota Statutes, section 3.195.

#### Sec. 7. [PROPERTY TAX EXEMPTION.]

Property of the corporation is exempt from taxation on its value in the same manner as property listed in Minnesota Statutes, section 272.02, subdivision 1."

Delete the title and insert:

"A bill for an act relating to Lake Superior; establishing an information and education authority."

With the recommendation that when so amended the bill pass.

The report was adopted.

### SECOND READING OF HOUSE BILLS

H. F. Nos. 2024 and 2520 were read for the second time.

### SECOND READING OF SENATE BILLS

S. F. Nos. 1725, 1758 and 1866 were read for the second time.

### MOTIONS AND RESOLUTIONS

Poppenhagen moved that the name of Runbeck be added as an author on H. F. No. 2822. The motion prevailed.

House Concurrent Resolution No. 4 was reported to the House.

## HOUSE CONCURRENT RESOLUTION NO. 4

A house concurrent resolution relating to local government packaging ordinances.

*Whereas*, six Minnesota cities have passed ordinances that seek to ban environmentally unacceptable packaging; and

*Whereas*, the Legislature preempted the enforcement or further adoption of local packaging and labeling ordinances through June 30, 1990; and

*Whereas*, additional local government units may undertake to pass packaging or labeling ordinances on July 1, 1990; and

*Whereas*, the Governor created the Select Committee on Packaging and the Environment in 1989 to study the full environmental context of packaging and propose a coherent, statewide strategy to achieve more environmentally sound packaging; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota, the Senate concurring that:

(1) local government units should not act to adopt any additional packaging or labeling ordinances before the Legislature has had the opportunity to act on recommendations of the Select Committee on Packaging and the Environment in the 1991 Legislative Session.

(2) this resolution is contingent on the ability of the Select Committee on Packaging and the Environment to reach a coherent statewide plan to achieve more environmentally sound packaging and to present that strategy in its final report due in August 1990.

*Be It Further Resolved* that the Chief Clerk of the House of Representatives is directed to prepare enrolled copies of this resolution, to be authenticated as appropriate.

Johnson, R., moved that House Concurrent Resolution No. 4 be now adopted. The motion prevailed and House Concurrent Resolution No. 4 was adopted.

Olson, K., moved that H. F. No. 869 be returned to its author. The motion prevailed.

Rukavina moved that H. F. No. 2444 be returned to its author. The motion prevailed.

O'Connor moved that H. F. No. 2494 be returned to its author. The motion prevailed.

Rice moved that H. F. No. 2806 be returned to its author. The motion prevailed.

#### ADJOURNMENT

Rodosovich moved that when the House adjourns today it adjourn until 12:00 noon, Wednesday, April 4, 1990. The motion prevailed.

Rodosovich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Wednesday, April 4, 1990.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

