

STATE OF MINNESOTA

SEVENTY-SIXTH SESSION—1990

EIGHTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 9, 1990

The House of Representatives convened at 1:00 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Monsignor James D. Habiger, House Chaplain.

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

The roll was called and the following members were present:

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

A quorum was present.

Beard and Dempsey were excused.

The Chief Clerk proceeded to read the Journals of the preceding

days. Murphy moved that further reading of the Journals be dispensed with and that the Journals 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. 2812, 1453, 1884, 1887, 1889, 1898, 1965, 2060, 2061, 2198, 2238, 2323, 2420, 1854, 2817, 2446 and 1815 and S. F. Nos. 1807, 2018, 1001, 1081, 1520, 1838 and 188 have been placed in the members' files.

S. F. No. 1807 and H. F. No. 1877, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Schreiber moved that the rules be so far suspended that S. F. No. 1807 be substituted for H. F. No. 1877 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1903 and H. F. No. 1889, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Weaver moved that the rules be so far suspended that S. F. No. 1903 be substituted for H. F. No. 1889 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 29, 1990

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

Dear Sir:

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

H. F. No. 1893, relating to local government; authorizing certain towns to contribute to economic development organizations.

H. F. No. 2508, relating to education; placing certain positions in special school district No. 1, Minneapolis, in the unclassified service; naming the appointing authority for the positions.

H. F. No. 2149, relating to port authorities; expanding the range of titles for certain offices.

H. F. No. 1987, relating to housing; establishing a procedure for the allocation of low-income housing tax credits.

H. F. No. 951, relating to utilities; providing for the establishment of pilot area development rates for certain electric utility customers; providing for the establishment of competitive electric utility rates for certain customers subject to effective competition; authorizing public utilities commission to require utility to initiate rate proceeding under limited circumstances.

H. F. No. 1859, relating to transportation; exempting volunteer drivers of private passenger vehicles from certain passenger service rules of the commissioner of transportation.

H. F. No. 2594, relating to commerce; regulating trade practices; prohibiting contracts from providing an exclusive right to display free newspapers for distribution in any place of public accommodation.

H. F. No. 2212, relating to education; revising, updating, and making substantive changes in the laws on the county extension service.

Sincerely,

RUDY PERPICH
Governor

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

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1990 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F.</i> <i>No.</i>	<i>H.F.</i> <i>No.</i>	<i>Session Laws</i> <i>Chapter No.</i>	<i>Time and</i> <i>Date Approved</i> <i>1990</i>	<i>Date Filed</i> <i>1990</i>
2353	1893	362	16:50-March 29	March 30
		363	21:38-March 29	March 30
	2508	366	16:52-March 29	March 30
	2149	367	21:41-March 29	March 30
	1987	368	21:42-March 29	March 30
1663		369	21:44-March 29	March 30
	951	370	21:46-March 29	March 30
	1859	372	21:40-March 29	March 30
	2594	379	21:37-March 29	March 30

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 30, 1990

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

Dear Sir:

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

H. F. No. 2609, relating to capital improvements; providing for emergency capital expenses at Inver Hills Community College; authorizing sale of state bonds.

H. F. No. 2143, relating to crimes; defining "crime" for purposes of crime victims reparations.

H. F. No. 2521, relating to health care; increasing the membership of the health care access commission.

H. F. No. 2336, relating to historical interpretive centers; defining the status of Farmamerica in Waseca county.

H. F. No. 2058, relating to education; changing names of state board and state director of vocational technical education and local directors of technical colleges.

H. F. No. 2062, relating to public employment; repealing the exclusion of graduate assistants from coverage under the public employment labor relations act.

H. F. No. 2045, relating to human services; clarifying the definition of mentally retarded person in the Minnesota Commitment Act; increasing the time limit for a court of appeals decision under the commitment act.

Sincerely,

RUDY PERPICH
Governor

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

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1990 Session of the State Legislature have been received from

the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 1990</i>	<i>Date Filed 1990</i>
1922		364	19:00-March 30	April 2
	2609	365	14:00-March 30	April 2
	2143	371	19:02-March 30	April 2
	2521	373	18:59-March 30	April 2
	2336	374	18:58-March 30	April 2
	2058	375	18:55-March 30	April 2
	2212	376	22:32-March 29	March 30
	2062	377	19:04-March 30	April 2
	2045	378	19:05-March 30	April 2

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 3, 1990

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

Dear Sir:

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

H. F. No. 2650, relating to cemeteries; allowing transfer of certain cemetery property to a religious corporation.

H. F. No. 2407, relating to health; changing asbestos containment standards.

H. F. No. 2156, relating to counties; regulating performance bonds.

H. F. No. 2386, relating to solid waste management; granting authority to St. Louis county; providing an exemption from the bond requirement for a contract for the construction of a solid waste facility in Kanabec county under certain circumstances.

Sincerely,

RUDY PERPICH
Governor

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

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1990 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 1990</i>	<i>Date Filed 1990</i>
	2650	380	20:31-April 3	April 3
	2407	381	20:32-April 3	April 3
2048		382	20:33-April 3	April 3
2159		383	20:34-April 3	April 3
2381		384	20:35-April 3	April 3
2039		385	20:36-April 3	April 3
2383		386	20:37-April 3	April 3
1968		387	20:38-April 3	April 3
1692		388	20:39-April 3	April 3
	2156	389	20:40-April 3	April 3
	2386	400	20:42-April 3	April 3

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 3, 1990

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

Dear Mr. Speaker:

I have vetoed Chapter 390, H. F. No. 2481/S. F. No. 2237, a bill that would permit a judge to sentence a criminal defendant to prison without first conducting a presentence investigation, if the sentence is in accord with the sentencing guidelines.

By eliminating presentence investigations for many defendants, this bill would remove the opportunity for the crime victim to address the court, request restitution, or express a sentencing preference. In the case of drug crimes, the bill removes the opportunity for an assessment of the impact of the crime on the community to be brought to the attention of the judge. The bill could also result in a shorter sentence for a criminal because a judge may not have complete information regarding the defendant's prior criminal history at the time of sentencing.

I understand that the purpose of this bill was to ease crowding in some county jails. However, this bill would eliminate significant rights of crime victims and weaken the sentencing process. Moreover, the bill is unnecessary because current law allows convicted felons to be moved from jail to prison while they await the results of the presentence investigation.

Sincerely,

RUDY PERPICH
Governor

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 4, 1990

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

Dear Sir:

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

H. F. No. 1067, relating to education; providing for students on HECB advisory groups if requested.

H. F. No. 2018, relating to newspapers; changing filing requirements for qualification as a legal newspaper.

H. F. No. 1785, relating to real property; providing for plat monuments; imposing a penalty.

H. F. No. 2084, relating to statutes; revising the text of certain laws to remove redundant and obsolete language, to simplify grammar and syntax, and to improve the style of language without causing changes in the meaning of the laws.

H. F. No. 2059, relating to education; designating the commissioner of transportation as agent for the Mid-American Aviation Resource Consortium; permitting special school district No. 1 to remodel the Aviation Training Center with federal funds.

Sincerely,

RUDY PERPICH
Governor

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

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1990 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F.</i> No.	<i>H.F.</i> No.	<i>Session Laws</i> <i>Chapter No.</i>	<i>Time and</i> <i>Date Approved</i> <i>1990</i>	<i>Date Filed</i> <i>1990</i>
	1067	393	21:15-April 4	April 5
	2018	395	21:52-April 4	April 5
	1785	396	21:54-April 4	April 5

	2084	401	21:56-April 4	April 5
2432		402	21:58-April 4	April 5
	2059	410	22:00-April 4	April 5

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Simoneau from the Committee on Appropriations to which was referred:

H. F. No. 1617, A bill for an act relating to the environment; providing for mitigation of the greenhouse effect by imposing a surcharge on motor vehicles and on facilities permitted by the pollution control agency; requiring the commissioner of natural resources to complete a tree planting plan for carbon dioxide absorption; proposing coding for new law in Minnesota Statutes, chapter 116.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [116.86] [CARBON DIOXIDE; LEGISLATIVE INTENT.]

The legislature recognizes that waste carbon dioxide emissions, primarily from transportation and industrial sources, may be a primary component of the global greenhouse effect that warms the earth's atmosphere and may result in untold and irreparable damage to the agricultural, water, forest, and wildlife resources of the state. The legislature further recognizes that trees are a major factor in keeping the earth's carbon cycle balanced, and planting trees and perennial shrubs and vines recycles carbon downward from the atmosphere.

Sec. 2. [TREE AND PERENNIAL SHRUBS AND VINES PLANTING FOR CARBON DIOXIDE ABSORPTION.]

By January 1, 1991, the commissioner of natural resources and the commissioner of the pollution control agency, in consultation with representatives of industry that may be affected by a surcharge on carbon dioxide emissions, and representatives of the forestry and environmental communities, shall prepare a report on the use of a surcharge on carbon dioxide emissions. The report shall:

(1) suggest an appropriate fee on sources of carbon dioxide

emissions, including motor vehicle and permitted facilities in the air emission inventory of the pollution control agency;

(2) recommend methods of encouraging tree and perennial shrubs and vines planting to be implemented in lieu of payment of part or all of a surcharge; and

(3) include a planting plan for carbon dioxide absorption that identifies the proper mix of species for adequate absorption, the proper placement of trees for energy efficiency and conservation, the areas of the state most effective for proper tree planting, the adequate production of state nursery stock, the available procurement of private nursery stock, a range of costs to plant adequate species that absorb carbon dioxide, and the current and prospective distribution system to allow adequate species to be planted.

The commissioners of the pollution control agency and the department of natural resources shall have authority to solicit and accept funds from nonstate sources to accomplish the responsibilities in this section."

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Simoneau from the Committee on Appropriations to which was referred:

H. F. No. 1808, A bill for an act relating to agriculture; providing grasshopper control; making certain payments to beekeepers; appropriating money; amending Minnesota Statutes 1989 Supplement, section 18.0225; proposing coding for new law in Minnesota Statutes, chapters 3 and 18; repealing Minnesota Statutes 1989 Supplement, section 18.0226.

Reported the same back with the following amendments:

Page 2, line 28, before the period insert "except that the commissioner and the commissioner's agents do not have authority to require grasshopper control measures on land under the jurisdiction of the commissioner of natural resources under section 84.033 or land owned by a nonprofit scientific or educational organization and maintained in a natural state"

Page 3, line 13, after "commissioner" insert "in consultation with the commissioner of natural resources,"

Page 3, after line 28, insert:

“(f) Before any grasshopper control measures, including but not limited to spraying or the deposit of pelletized controls, are applied on or to public waters, waterways, streams, or lakes, the commissioner shall seek the review and approval of the commissioner of natural resources.”

Page 4, after line 28, insert:

“(c) The commissioner, a county agricultural inspector, or a local weed inspector issuing a notice under this subdivision must provide the same number of days for compliance under paragraph (b), clause (5), for property controlled by a private land owner or occupant as for property controlled by a unit of state or local government.”

Page 5, delete lines 14 to 17

Page 5, line 18, delete “(e)” and insert “(d)”

Page 5, line 23, delete “(f)” and insert “(e)”

Page 7, delete lines 16 to 33

Page 8, line 2, after “4” insert “and 6”

Reorder the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 4, delete “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:

H. F. No. 1891, A bill for an act relating to lawful gambling; expanding definition of contraband; extending deadline for inventory of seized contraband; authorizing seizing authorities to use proceeds from forfeited contraband; prohibiting possession or sale of unregistered video pull-tab devices; prohibiting altered or counterfeit gambling equipment and possession thereof; prohibiting orga-

nizations from accepting checks for gambling equipment or chances; requiring posting of penalties for receiving cash on video games of chance; subjecting illegally used gambling equipment to forfeiture; providing penalties; amending Minnesota Statutes 1988, sections 349.2125, subdivision 4; 349.2127, by adding a subdivision; 349.22, by adding subdivisions; 349.52, by adding a subdivision; and 609.762, subdivision 1; Minnesota Statutes 1989 Supplement, sections 349.2125, subdivisions 1 and 3; 349.2127, subdivision 2; 349.22, subdivisions 1 and 3; 349.501, subdivision 1; 349.502, subdivision 1; and 609.76, subdivision 1.

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. 1948, A bill for an act relating to health; clarifying requirements for water well construction and ownership; amending Minnesota Statutes 1989 Supplement, sections 103I.005, subdivisions 8, 9, 16, and by adding a subdivision; 103I.101, subdivisions 2, 5, and 6; 103I.111, subdivision 5, and by adding a subdivision; 103I.205, subdivisions 1, 2, 4, and 8; 103I.208, subdivision 2, and by adding a subdivision; 103I.235; 103I.301, subdivision 3; 103I.311, subdivision 3; 103I.325, subdivision 2; 103I.541, subdivision 1, and by adding subdivisions; 103I.681; 103I.685; 103I.691; 103I.705, subdivisions 2 and 3; Laws 1989, chapter 326, article 3, section 49; repealing Minnesota Statutes 1989 Supplement, sections 103I.005, subdivision 19; 103I.211; 103I.301, subdivision 5; 103I.321; 103I.325, subdivision 1; and 103I.533.

Reported the same back with the following amendments:

Page 17, after line 29, insert:

"Sec. 28. Minnesota Statutes 1988, section 105.37, is amended by adding a subdivision to read:

Subd. 19. [ONCE-THROUGH SYSTEM.] "Once-through system" means any space heating, ventilating, air conditioning (HVAC), or refrigeration system used for any type of temperature or humidity control application, utilizing groundwater, which circulates through the system and is then discharged without recirculating the majority of the water in the system components or reusing it for another purpose.

Sec. 29. Minnesota Statutes 1989 Supplement, section 105.41, subdivision 1c, is amended to read:

Subd. 1c. [~~CERTAIN COOLING SYSTEM PERMITS PROHIBITED PROHIBITION ON ONCE-THROUGH WATER USE PERMITS.~~] (a) The commissioner ~~may~~ shall not, after December 31, 1990, issue a water use permit to increase the volume of appropriation from a groundwater source for a once-through cooling system using in excess of five million gallons annually.

(b) ~~For purposes of this subdivision, a once-through cooling system means a cooling or heating system for human comfort that draws a continuous stream of water from a groundwater source to remove or add heat for cooling, heating, or refrigeration. The commissioner may issue no new water use permits for once-through systems after the date of enactment. Permits for once-through cooling systems shall terminate no later than December 31, 1999.~~

Sec. 30. Minnesota Statutes 1988, section 105.41, is amended by adding a subdivision to read:

Subd. 1d. [MT. SIMON-HINCKLEY AQUIFER.] (a) The commissioner may not issue new water use permits that will appropriate water from the Mt. Simon-Hinckley aquifer within the seven-county metropolitan area unless the appropriation is for potable water use, there are no feasible or practical alternatives to using the aquifer, and a water conservation plan is incorporated with the permit.

(b) The commissioner must terminate all permits authorizing appropriation and use of water from the Mt. Simon-Hinckley aquifer for once-through systems in the seven-county metropolitan area by December 31, 1992.

Sec. 31. Minnesota Statutes 1988, section 105.41, subdivision 4, is amended to read:

Subd. 4. [MEASURING AND RECORDING QUANTITIES USED.] It is unlawful for the state, a person, partnership, or association, private or public corporation, county, municipality, or other political subdivision of the state to appropriate or use waters of the state, surface or underground, without measuring and keeping a record of the quantity of water used or appropriated as provided in this section. Each installation for appropriating or using water must be equipped with a device or employ a method flow meter to measure the quantity of water appropriated with reasonable within the degree of accuracy required by rule. The commissioner's determination of the method commissioner can determine other methods to be used for measuring water quantity must be based on the quantity of water appropriated or used, the source of water, the method of appropriating or using water, and any other facts supplied to the commissioner.

Sec. 32. Minnesota Statutes 1989 Supplement, section 105.41, subdivision 5a, is amended to read:

Subd. 5a. [WATER USE PROCESSING FEE.] (a) Except as provided in paragraph (b), a water use processing fee not to exceed \$2,000 must be prescribed by the commissioner in accordance with the following schedule of fees for each water use permit in force at any time during the year:

(1) 0.05 cent per 1,000 gallons for the first 50 million gallons per year; and

(2) 0.1 cents per 1,000 gallons for the amounts greater than 50 million gallons per year.

(b) For once-through cooling systems as defined in subdivision 1c, a water use processing fee must be prescribed by the commissioner in accordance with the following schedule of fees for each water use permit in force at any time during the year:

(1) 5.0 cents per 1,000 gallons until December 31, 1991;

(2) 10.0 cents for 1,000 gallons from January 1, 1992, until December 31, 1996; and

(3) 15.0 cents per 1,000 gallons after January 1, 1997.

(c) The fee is payable based on the amount of water permitted during the year and in no case may the fee be less than \$25.

(d) Failure to pay the fee is sufficient cause for revoking a permit.

(e) A water use processing fee may not be imposed on any state agency as defined in section 16B.01, holding a water appropriation permit.

(f) For once-through systems fees payable after July 1, 1993, 50 percent of the fee deposited in the general fund may be used for grants as appropriated by the legislature to assist in financing retrofitting of permitted once-through systems. The commissioner shall promulgate rules for determining eligibility and criteria for the issuance of grants for retrofitting according to chapter 14, by July 1, 1993.

The commissioner shall notify all permittees of the fee changes authorized by this law by July 1, 1990. Permittees shall have until November 1, 1990, to amend permits to accurately reflect historic water use. The commissioner is authorized to refund 1989 water use report processing fees based on amendments under this subdivision.

Sec. 33. Minnesota Statutes 1988, section 326.37, is amended to read:

326.37 [PLUMBERS; SUPERVISION BY STATE COMMISSIONER OF HEALTH; RULES; VIOLATION; PENALTY.]

Subdivision 1. The state commissioner of health may, by rule, prescribe minimum standards which shall be uniform, and which standards shall thereafter be effective for all new plumbing installations, including additions, extensions, alterations, and replacements connected with any water or sewage disposal system owned or operated by or for any municipality, institution, factory, office building, hotel, apartment building, or any other place of business regardless of location or the population of the city or town in which located. Violation of the rules shall be a misdemeanor.

The commissioner shall administer the provisions of sections 326.37 to 326.45 and for such purposes may employ plumbing inspectors and other assistants.

Subd. 2. [STANDARDS FOR CAPACITY.] By January 1, 1992, all new and replacement floor-mounted water closets may not have a flush volume of more than 1.6 gallons. The water closets must meet the standards of the commissioner and the American National Standards Institute.

Page 18, line 17, delete "and 29" and insert "30, and 35"

Page 18, line 18, delete "28" and insert "34"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon insert "limiting the issuance of water use permits for once-through cooling systems; imposing deadlines for termination of once-through cooling systems; allocating water use processing fees for retrofitting once-through systems; imposing limits on the flush volume of water closets;" and after "amending" insert "Minnesota Statutes 1988, sections 105.37, by adding a subdivision; 105.41, subdivision 4, and by adding a subdivision; and 326.37;"

Page 1, line 13, after the semicolon insert "105.41, subdivisions 1c and 5a;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Simoneau from the Committee on Appropriations to which was referred:

H. F. No. 1949, A bill for an act relating to the environment; changing certain requirements for municipal wastewater treatment grants; amending Minnesota Statutes 1988, sections 116.18, subdivision 3c; 446A.07, subdivision 2; and 446A.12, subdivision 1; Minnesota Statutes 1989 Supplement, section 116.16, subdivisions 2 and 5.

Reported the same back with the following amendments:

Page 4, line 11, reinstate "serving" and insert "less than six" and reinstate "dwellings"

Page 4, line 12, reinstate the stricken language

Page 4, line 25, strike "that"

Page 5, line 35, before the period insert "but not including the making of grants"

Page 6, line 2, delete "\$300,000,000" and insert "\$150,000,000"

Page 6, after line 2, insert:

"Sec. 6. [EFFECTIVE DATE.]

Section 5 is effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Simoneau from the Committee on Appropriations to which was referred:

H. F. No. 2007, A bill for an act relating to environment and natural resources; amending provisions relating to water management organizations; providing legislative commission oversight of the metropolitan water management act; providing for appointment of metropolitan watershed district managers from residents within

the district; authorizing management and financing of drainage systems under certain laws; clarifying water management purposes; authorizing counties to remove watershed district managers for just cause; authorizing a technical advisory committee; requiring watershed management organizations to prepare newsletters, annual reports, and audits; providing for preparation of watershed plans and implementation of plans; providing penalties for not implementing plans; authorizing and directing the board of water and soil resources to adopt rules; providing for appeal of plan failures; providing for requests for proposals for certain services; authorizing accumulation of levy proceeds; appropriating money; requiring a draining system report; amending Minnesota Statutes 1988, sections 110B.28; 110B.30; 112.42, subdivision 3; 473.875; 473.876, by adding a subdivision; 473.877, subdivision 1; 473.878, subdivisions 1, 1a, 2, 3, 4, 6, 8, and by adding subdivisions; 473.879, subdivision 2; 473.881; 473.882, subdivision 1; and 473.883, subdivisions 3 and 7; Minnesota Statutes 1989 Supplement, section 473.883, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 112 and 473.

Reported the same back with the following amendments:

Page 19, line 12, delete "\$" and insert "\$57,000"

Page 19, after line 13, insert:

"The appropriation shall be taken from the amount appropriated in fiscal year 1991 for local water resources protection grants under Laws 1989, chapter 326, article 10, section 1, subdivision 4, clause (b)."

With the recommendation that when so amended the bill pass.

The report was adopted.

Simoneau from the Committee on Appropriations to which was referred:

H. F. No. 2023, A bill for an act relating to veterans; authorizing the veterans homes board to rent certain facilities; appropriating money; amending Minnesota Statutes 1989 Supplement, section 198.003.

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. 2035, A bill for an act relating to agriculture; appropriating money for farm and small business management programs at technical colleges.

Reported the same back with the following amendments:

Page 1, line 6, delete "APPROPRIATION;"

Page 1, line 7, delete "\$740,000 is appropriated from the general fund to"

Page 1, line 8, after "education" insert "may use funds available from any state or nonstate source"

Page 1, delete line 14

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon and insert "authorizing use of certain funds by the state board of vocational technical education for certain purposes."

Page 1, delete lines 3 and 4

With the recommendation that when so amended the bill pass.

The report was adopted.

Simoneau from the Committee on Appropriations to which was referred:

H. F. No. 2379, A bill for an act relating to human services; clarifying case management services under medical assistance; specifying requirements for an individual service plan; requiring county boards to document unavailability of money for services to persons with mental retardation or related conditions; requiring a waiting list; requiring a study on cost containment; amending Minnesota Statutes 1988, section 256B.092, subdivisions 1a, 1b, and by adding subdivisions.

Reported the same back with the following amendments:

Page 3, line 12, delete "a list of" and insert "specify"

Page 3, line 13, delete "STUDY" and insert "PROPOSALS"

Page 3, line 15, delete "a proposal" and insert "proposals"

Page 3, line 17, after "to" insert "examine alternatives to"

Page 3, line 21, delete "proposal" and insert "proposals"

Page 3, line 22, after the first comma insert "respite care,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Simoneau from the Committee on Appropriations to which was referred:

H. F. No. 2495, A bill for an act relating to farm safety; providing for a pilot project of comprehensive farm safety audits; extending the availability of a previous appropriation; appropriating money.

Reported the same back with the following amendments:

Page 2, line 2, after "APPROPRIATION" insert "; UNENCUMBERED BALANCE"

Page 2, delete lines 3 to 6

Page 2, line 7, delete "(b)" and insert "(a)"

Page 2, line 12, delete "(c)" and insert "(b)"

With the recommendation that when so amended the bill pass.

The report was adopted.

Simoneau from the Committee on Appropriations to which was referred:

H. F. No. 2769, A bill for an act relating to the state building code; accessibility for the physically disabled; establishing an access review board; providing for review of applications for permission to provide accessibility by means of certain devices, equipment, and building modifications; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 471.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [471.471] [ACCESS REVIEW BOARD.]

Subdivision 1. [MEMBERSHIP.] The access review board consists of:

(1) a representative of the building code and standards division of the department of administration, appointed by the commissioner of administration;

(2) a representative of the state fire marshal's office, appointed by the commissioner of public safety;

(3) the commissioner of human rights or the commissioner's designee;

(4) the commissioner of labor and industry or the commissioner's designee; and

(5) the chair of the council on disability or the chair's designee.

The council shall elect a chair from among its members. Terms of members coincide with the terms of their appointing authorities or, in the case of ex officio members or their designees, with the terms of the offices by virtue of which they are members of the board. Compensation of members is governed by section 15.0575, subdivision 3.

Subd. 2. [STAFF; ADMINISTRATIVE SUPPORT.] The commissioner of administration shall furnish staff, office space, and administrative support to the board. Staff assigned to the board must be knowledgeable with respect to access codes, site surveys, plan design, and product use and eligibility.

Subd. 3. [DUTIES.] The board shall consider applications for waivers from the state building code to permit the installation of stairway chair lifts to provide limited accessibility for the physically disabled to buildings in which the provision of access by means permitted under the state building code is not architecturally or financially feasible. In considering applications, the board shall review other possible access options. The board may approve an application for installation of a stairway chair when the board determines that the installation would be appropriate and no other means of access is feasible. In determining whether to approve an application, the board shall consider:

(1) the need for limited accessibility when a higher degree of accessibility is not required by state or federal law or rule;

(2) the architectural feasibility of providing a greater degree of accessibility than would be provided by the proposed device or equipment;

(3) the applicant's demonstrated inability to afford a greater degree of accessibility;

(4) the total cost of the proposed device or equipment over its projected usable life, including installation, maintenance, and replacement costs;

(5) the reliability of the proposed device or equipment;

(6) the applicant's ability to comply with all recognized access and safety standards for installation and maintenance; and

(7) whether the proposed device or equipment can be operated and used without reducing or compromising minimum safety standards.

The board may not approve an application unless the applicant guarantees that the device or equipment will be installed and operated in accordance with nationally recognized standards for such devices or equipment and agrees to obtain any permits needed from the agency responsible for enforcing those standards.

Subd. 4. [APPLICATION PROCESS.] A person seeking a waiver shall apply to the building code and standards division of the department of administration on a form prescribed by the board and pay a \$70 fee. The division shall review the application to determine whether it appears to be meritorious, using the standards set out in subdivision 3. The division shall forward applications it considers meritorious to the board, along with a list and summary of applications considered not to be meritorious. The board may require the division to forward to it an application the division has considered not to be meritorious. The board shall issue a decision on an application within 90 days of its receipt. A board decision to approve an application must be unanimous. An application that contains false or misleading information must be rejected.

Subd. 5. [LIABILITY.] Board members are immune from liability for personal injury or death resulting from the use or misuse of a device or equipment installed and operated under a waiver granted by the board."

Delete the title and insert:

"A bill for an act relating to the state building code; accessibility for the physically disabled; establishing an access review board; providing for review of applications for permission to provide accessibility by means of stairway chair lifts; proposing coding for new law in Minnesota Statutes, chapter 471."

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. 838, A bill for an act relating to motor vehicles; providing for special license plates for disabled persons; setting fee for duplicate personalized license plates; amending Minnesota Statutes 1988, sections 168.012, subdivision 3a; 168.021, as amended; 168.12, subdivision 2a; 168.125, subdivision 2; 168.27, subdivision 2; 168.29; 169.01, subdivision 24a; 169.215; and 169.346; Minnesota Statutes 1989 Supplement, sections 168.011, subdivision 4; 168.012, subdivision 1; and 169.345; repealing Minnesota Statutes 1988, section 168.12, subdivisions 3 and 4.

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. 1400, A bill for an act relating to probate; providing right to counsel in certain guardianship and conservatorship proceedings; proposing coding for new law in Minnesota Statutes, chapter 525.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [525.5501] [RIGHT TO COUNSEL.]

Subdivision 1. [GENERAL.] A proposed ward or conservatee has the right to be represented by counsel at any proceeding under this chapter. The court shall appoint counsel to represent the proposed ward or conservatee for the initial proceeding held pursuant to section 525.551 if neither the proposed ward or conservatee nor others provide counsel unless in a meeting with a visitor the proposed ward or conservatee specifically waives the right to coun-

sel. Counsel must be appointed immediately after any petition under this chapter is served under section 525.55.

Counsel has the full right of subpoena. In all proceedings under this chapter, counsel shall:

(1) consult with the proposed ward or proposed conservatee before any hearing;

(2) be given adequate time to prepare for all hearings; and

(3) continue to represent the person throughout any proceedings under section 525.551 unless released as counsel by the court.

The court need not appoint counsel to represent the proposed ward or conservatee on a voluntary petition and the court may remove a court-appointed attorney at any time if the court finds that the proposed ward or conservatee has made a knowing and intelligent waiver of the right to counsel or has obtained private counsel.

Subd. 2. [FILING FEE SURCHARGE.] A petitioner who pays a filing fee for a petition under chapters 524 and 525 shall pay a surcharge of up to \$20, set by the county board of the county in which the petition is filed, in addition to the filing fee and other surcharges imposed by law. The court administrator shall transmit the surcharge to the county treasurer for deposit in the county treasury. This subdivision does not apply in the counties that make up the Eighth Judicial District.

Subd. 3. [PAYMENT OF COUNSEL.] A proposed ward or conservatee shall pay the costs of counsel out of assets of, or available to, the ward or conservatee. If the proposed ward or conservatee is indigent, the costs of counsel shall be paid by the county from amounts deposited in the county treasury under subdivision 2."

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. 1813, A bill for an act relating to human services; amending the Medicare certification requirement for nursing homes; amending Minnesota Statutes 1989 Supplement, section 256B.48, subdivision 6.

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. 2216, A bill for an act relating to occupations and professions; specifying requirements for membership of the board of medical examiners; containing procedural requirements for disciplinary actions; applying reporting requirements to other entities that provide professional liability coverage to physicians; amending Minnesota Statutes 1988, sections 147.01, subdivisions 1, 3, and 4; 147.09; 147.111, subdivision 5; repealing Minnesota Statutes 1988, sections 147.171; 147.24; 147.25; 147.26; 147.27; 147.28; 147.29; 147.30; 147.31; 147.32; 147.33; and Laws 1988, chapter 557, section 6.

Reported the same back with the following amendments:

Page 3, lines 2 to 8, reinstate the stricken language

Page 3, line 14, delete the new language and reinstate the stricken language

Page 3, line 19, delete the new language and reinstate the stricken language

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. 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.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

“Section 1. Minnesota Statutes 1988, section 115B.03, is amended by adding a subdivision to read:

Subd. 4. [GOVERNMENTAL LIABILITY.] Notwithstanding any other provisions of this chapter or any other law to the contrary, the state or a political subdivision is not a responsible person and is not responsible for the release or threatened release of a hazardous substance, pollutant, or contaminant if the state or political subdivision acquired ownership or control of the property or facility involuntarily through bankruptcy, tax delinquencies, abandonment, escheat, or other circumstances in which the government involuntarily acquires title by virtue of its function as sovereign. This exclusion does not apply if the state or political subdivision has caused or substantially contributed to the release or threatened release of a hazardous substance from the facility or property.”

Page 1, line 7, delete “Section 1.” and insert “Sec. 2.”

Amend the title as follows:

Page 1, line 2, after the semicolon insert “exempting the state and political subdivisions from liability as responsible persons;”

Page 1, line 5, delete “section” and insert “sections 115B.03, by adding a subdivision; and”

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1617, 1808, 1891, 1948, 1949, 2007, 2023, 2035, 2379, 2495 and 2769 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1807, 1903, 838, 1400, 1813, 2216 and 2396 were read for the second time.

**INTRODUCTION AND FIRST READING
OF HOUSE BILLS**

The following House File was introduced:

McEachern introduced:

H. F. No. 2827, A bill for an act relating to state lands; requiring sealed bids in the sale of certain state lands; amending Minnesota Statutes 1988, section 92.67, subdivision 1.

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

HOUSE ADVISORIES

The following House Advisories were introduced:

Dempsey and McDonald introduced:

H. A. No. 52, A proposal to provide aid for low income pupils who go to nonpublic schools.

The advisory was referred to the Committee on Education.

Begich introduced:

H. A. No. 53, A proposal for a study of hiring replacement workers in strike situations.

The advisory was referred to the Committee on Labor-Management Relations.

Begich introduced:

H. A. No. 54, A proposal to study the practice of imposing service charges by restaurants and resorts.

The advisory was referred to the Committee on Labor-Management Relations.

Frerichs, Dille and Dorn introduced:

H. A. No. 55, A proposal to study and recommend standards for reverse referendums.

The advisory was referred to the Committee on General Legislation, Veterans Affairs and Gaming.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 2419, A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government; providing for the transfer of certain money in the state treasury; fixing and limiting the amount of fees, penalties, and other costs to be collected in certain cases; creating, abolishing, modifying, and transferring agencies and functions; defining and amending terms; providing for settlement of claims; imposing certain duties, responsibilities, authority, and limitations on agencies and political subdivisions; consolidating certain funds and accounts and making conforming changes; changing the organization, operation, financing, and management of certain courts and related offices; amending Minnesota Statutes 1988, sections 2.722, subdivision 1; 3C.035, subdivision 3; 3C.11, subdivision 2; 5.13; 11A.07, subdivision 5; 14.07, subdivisions 1 and 2; 14.08; 14.26; 14.53; 15.054; 15.06, subdivision 1; 15.51; 15.52, subdivisions 2 and 3; 15.53, subdivision 1; 15.56, subdivision 5; 15.59; 16A.10, by adding a subdivision; 16A.127, subdivisions 3 and 8; 16B.24, subdivision 5, and by adding subdivisions; 16B.28, subdivision 2; 16B.48, subdivisions 4 and 5; 16B.51, subdivision 2; 16B.53, subdivision 3; 16B.85, subdivisions 2, 3, and 5; 17.102, subdivision 4; 40A.08; 40A.151; 40A.152, subdivision 3; 40A.16; 41A.04, subdivision 1; 41A.05, subdivision 2; 41A.051; 41A.066, subdivision 1; 62D.122; 62J.02, subdivisions 2 and 3; 84.027, by adding a subdivision; 84.154, subdivision 5; 84.943; 84A.53; 84A.54; 89.37, subdivision 4; 89.58; 97A.065, subdivision 2; 97C.001, subdivision 1; 105.485, subdivision 3; 110B.04, subdivision 7; 110B.08, subdivision 5; 115.103, subdivision 1; 115A.072, subdivision 1; 115A.15, subdivision 6; 116.36, subdivision 1; 116.65, subdivision 3; 116C.03, subdivisions 4 and 5; 116C.712, subdivisions 3 and 5; 116D.04, subdivisions 5a and 10; 116D.045, subdivision 3; 116J.971, by adding a subdivision; 116J.980; 116L.03, by adding a subdivision; 116P.11; 126.115, subdivision 3; 144.226, subdivision 3; 144.70, subdivision 2; 144.8093, subdivisions 2, 3, and 4; 144A.071, subdivision 5; 144A.31, subdivision 1; 144A.33, subdivision 4; 145A.02, subdivision 16; 145A.09, subdivision 6; 157.045; 169.126, subdivision 4b; 171.06, subdivision 2a; 176B.02; 176B.04; 181.953; 183.545, subdivision 9; 184.33, subdivision 1, and by adding a subdivision; 184.35; 190.08, by adding a subdivision; 192.85; 196.054, subdivision 2; 197.23, subdivision 2; 201.023; 204B.14, subdivision 5; 214.141; 240A.02, subdivisions 1 and 3;

240A.03, subdivision 13, and by adding a subdivision; 243.48, subdivision 1; 268.026, subdivision 2; 268.361, subdivision 3; 268.677, subdivision 2; 268.681, subdivision 3; 270.68, subdivision 1; 272.38, subdivision 1; 282.014; 296.06, subdivision 2; 296.12, subdivisions 1 and 2; 296.17, subdivisions 10 and 17; 297.03, subdivision 5a; 299D.03, subdivision 5; 326.37; 326.47, subdivision 3; 326.52; 326.75, subdivision 4; 349.22, subdivision 2; 349.36; 349.52, subdivision 3; 352.92, subdivision 2; 352B.02, subdivision 1c; 353D.01, subdivision 2; 354.42, subdivision 5; 363.073, by adding a subdivision; 368.01, subdivision 1a; 402.045; 462.384, subdivision 7; 477A.014, subdivision 4; 480A.01, subdivision 3; 481.14; 484.54, subdivision 1; 484.545, subdivision 1; 484.68, subdivision 2, and by adding a subdivision; 484.70, subdivision 1; 485.03; 486.01; 487.32, subdivisions 2 and 3; 487.33, by adding a subdivision; 611.20; 611.215, subdivision 1; 611.26, subdivision 3; 611.27; 611.271; 629.292, subdivision 1; Minnesota Statutes 1989 Supplement, sections 3.30, subdivisions 1 and 2; 5.18; 15A.081, subdivision 1; 16A.11; subdivision 3; 16A.133, subdivision 1; 16B.24, subdivision 6; 16B.28, subdivision 3; 16B.465, subdivision 1; 16B.48, subdivision 2; 17.49, subdivision 1; 18.0225; 41A.05, subdivision 1; 43A.02, subdivision 25; 43A.24, subdivision 2, and by adding a subdivision; 84A.51, subdivision 2; 85.205; 89.035; 89.036; 97A.475, subdivision 2; 103H.101, subdivision 4; 103H.175; 105.41, subdivision 5a; 115A.54, subdivision 2a; 115A.923, subdivision 2; 116.85; 116C.03, subdivision 2; 116J.01, subdivision 3; 116J.58, subdivision 1; 116J.617, subdivision 5; 116J.955, subdivision 1; 116J.9673, subdivision 4; 116J.971, subdivisions 6, 7, and 8; 116L.03, subdivision 2; 129B.13, subdivisions 2, 3, 8, 9, 10, 12, 14, 15, and 16; 144.861; 145.926, subdivisions 1, 4, 5, 7, and 8; 169.686, subdivision 3; 176.135, subdivision 1; 183.357, subdivision 4; 190.25, subdivision 3; 216D.08, subdivision 3; 245.4873, subdivision 2; 245.697, subdivision 2a; 246.18, subdivision 3a; 256H.25, subdivision 1; 270.06; 270.064; 299A.30, subdivision 2; 299A.31, subdivision 1; 299A.40, subdivision 4; 299F.641, subdivision 8; 299J.12, subdivision 1; 336.9-413; 352.04, subdivisions 2 and 3; 357.021, subdivision 2; 357.022; 357.08; 363.073, subdivision 1; 466A.05, subdivision 1; 469.203, subdivisions 4 and 5; 469.204, subdivision 2; 469.205, by adding a subdivision; 469.207; 473.156, subdivision 1; 480.242; 484.68, subdivision 5; 485.018, subdivision 5; 486.05, subdivisions 1 and 1a; 486.06; 487.31, subdivision 1; 504.34, subdivisions 5 and 6; 611.215, by adding a subdivision; and 611.26, subdivision 2; Minnesota Statutes Second 1989 Supplement, sections 3.885, subdivisions 3, 5, and 6; 275.14; 275.51, subdivision 6; 297A.44, subdivision 1; 357.021, subdivision 1a; 373.40, subdivision 1; 477A.011, subdivisions 3 and 3a; 477A.012, subdivision 4; Laws 1987, chapter 404, section 192, subdivision 2; Laws 1988, chapters 648, section 3; and 686, article 1, section 52; Laws 1989, chapter 335, article 1, sections 4, 36, and 42, subdivision 2; article 3, sections 38; and 58, as amended; and article 4, section 107; Laws 1989, First Special Session chapter 1, article 24, section 2; proposing coding for new law in Minnesota Statutes, chapters 4, 6, 15, 16A, 16B, 43A, 88, 116, 116J, 240A, 268, 462A, and 484; proposing coding for new law as Minne-

sota Statutes, chapter 484A; repealing Minnesota Statutes 1988, sections 3C.056; 14.32, subdivision 2; 40A.02, subdivision 2; 84A.51, subdivision 1; 85.30; 116E.01; 116E.02; 116E.04; 116J.971, subdivisions 1, 2, 4, 5, and 10; 116K.01 to 116K.03; 116K.04, as amended; 116K.05 to 116K.13; 116N.01; 116N.02, as amended; 116N.03 to 116N.07; 116N.08, as amended; 184.34; 268.681, subdivision 4; 299J.18; 326.82; 480.252; 480.254; 484.55; 485.018, subdivision 2a; 486.07; 487.10, subdivisions 2 and 4; and 487.13; Minnesota Statutes 1989 Supplement, sections 3C.035, subdivision 2; 8.15; 97B.301, subdivision 5; 116E.03; 116E.035; 116J.970; 116J.971, subdivisions 3 and 9; 116K.14; 116O.03, subdivision 2a; 357.021, subdivision 2a; 469.203, subdivision 5; 480.241; 480.242, subdivision 4, as amended; 480.256; and 484.545, subdivisions 2 and 3; Laws 1988, chapter 686, article 1, section 3, paragraph (c); Laws 1989, chapter 303, section 10; Minnesota Rules, part 4410.3800, subparts 1 and 3.

The Senate has appointed as such committee:

Messrs. Kroening; Merriam; Luther; Frederickson, D. R., and Lessard.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2651, A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature, with certain conditions; authorizing issuance of state bonds; authorizing the commissioner of finance to make certain covenants to the purchasers of certain bonds or certificates of indebtedness; requiring identification of certain accounts; providing for the reduction and cancellation of certain bond sale authorizations; approving capital loans to certain school districts; not approving capital loans to certain school districts; authorizing certain lease-purchase, lease with option to buy, and rental arrangements by the commissioner of administration; appropriating money; amending Minnesota Statutes 1988, sections 16A.641, subdivision 6; 16A.672, by adding a subdivision; 16B.24, subdivisions 5 and 6; 116.18, subdivision 3d; 136.62, by adding a subdivision; 136A.28, subdivisions 3 and 7; 136C.04, subdivision 4; Minnesota Statutes 1989 Supplement, sections 16A.631; 16A.641, subdivision 7; 16A.69, subdivision 1; 16B.335, subdivision 2; Laws 1979, chapter 280, section 2, as amended; Laws 1989, chapter 329, article 5, section 21, subdivision

8; proposing coding for new law in Minnesota Statutes, chapter 124; repealing Minnesota Statutes 1988, section 16A.651.

The Senate has appointed as such committee:

Messrs. Freeman, Merriam, Waldorf, Benson and Moe, R. D.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 1873, A bill for an act relating to crime victims; providing victims of delinquent acts the right to request notice of release of juvenile offenders from juvenile correctional facilities; providing notice to sexual assault victims when a juvenile offender is released from pretrial detention; requiring that victims be informed of their right to request the withholding of public law enforcement data that identifies them; clarifying the duty of court administrators to disburse restitution payments; making certain changes to the crime victims reparations act; amending Minnesota Statutes 1988, sections 611A.53, subdivision 2; and 611A.57, subdivision 6; Minnesota Statutes 1989 Supplement, sections 13.84, subdivision 5a; 260.161, subdivision 2; 611A.04, subdivision 2; 611A.06; 611A.52, subdivision 8; and 629.73; proposing coding for new law in Minnesota Statutes, chapter 611A.

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

Mr. Cohen, Ms. Reichgott and Mr. Laidig.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Seaberg moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1873. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2018, A bill for an act relating to lawful gambling; defining lawful purposes for expenditures of gambling profits; establishing licensing qualifications for organizations and manufacturers; requiring organizations to report monthly on expenditures and contributions of gambling profits; authorizing the gambling control board to require recipients of contributions of gambling profits to register with the board; authorizing summary suspension of gambling licenses for failure to file tax returns; authorizing a limited number of video pull-tab devices and establishing standards and requirements for them; requiring inspection and testing of gambling equipment; requiring permits for gambling premises; requiring gambling managers to be licensed; requiring that employees of organizations conducting lawful gambling be registered with the board; requiring local gambling taxes and prescribing uses for revenue therefrom; appropriating money; amending Minnesota Statutes 1988, sections 349.12, subdivisions 10, 18, and by adding subdivisions; 349.16, as amended; 349.17, as amended; 349.18, as amended; 349.19, as amended; 349.211, by adding a subdivision; 349.212, subdivision 5; 349.2121, subdivisions 1 and 4a; 349.2123; 349.2125, subdivision 4; 349.2127, subdivisions 1, 3, and by adding subdivisions; 349.30, subdivision 2; 349.31; 349.32; 349.34; 349.35, subdivision 1; 349.36; 349.38; 349.39; 349.50, subdivision 8; 349.52, by adding a subdivision; 349.59, subdivision 1; 349.55; 609.75, subdivision 4; Minnesota Statutes 1989 Supplement, sections 299L.03, by adding a subdivision; 349.12, subdivisions 12 and 15; 349.151, subdivision 4, and by adding a subdivision; 349.152, subdivision 2, and by adding subdivisions; 349.161, as amended; 349.162; 349.163, as amended; 349.164; 349.2121, subdivision 2; 349.2122; 349.213; Minnesota Statutes Second 1989 Supplement, sections 349.12, subdivisions 11 and 19; 349.15; 349.212, subdivisions 1, 2, and 4; 349.2125, subdivisions 1 and 3; 349.2127, subdivisions 2, 4, and 5; 349.22, subdivision 1; 349.501, subdivision 1; 349.502, subdivision 1; 609.76, subdivision 1; Laws 1989, First Special Session chapter 1, article 13, section 27; proposing coding for new law in Minnesota Statutes, chapter 349; repealing Minnesota Statutes 1988, sections 349.14; 349.214, subdivisions 1, 1a, 3, and 4; Minnesota Statutes 1989 Supplement, sections 349.151, subdivision 4a; 349.20; 349.21; 349.22, subdivision 3; Minnesota Statutes Second 1989 Supplement, section 349.214, subdivision 2.

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

Mrs. Lantry, Mr. Diessner, Mrs. McQuaid, Ms. Reichgott and Mr. Purfeerst.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Quinn moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2018. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 2419, 2483, 824 and 1798.

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. 2158, 2619, 2346, 1962 and 2173.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2419, A bill for an act relating to human services; clarifying requirements for employment and training programs for recipients of AFDC; allowing county agencies to implement grant diversion programs; clarifying eligibility and payment requirements for general assistance and work readiness; clarifying requirements for child care programs; establishing criteria to certify employment and training service provider; requiring a two-year plan from the local service unit; amending Minnesota Statutes 1988, sections 256.73, subdivision 2; 256.736, subdivision 1a; 256.7365, subdivision 2; 256D.01, by adding a subdivision; 256D.02, subdivisions 5, 8, and 12; 256D.052, subdivision 5; 256D.06, subdivision 2; 256H.10, subdivisions 1 and 4; 256H.17; 268.673, subdivisions 3 and 5; 268.6751, subdivision 1; 268.676, subdivision 2; 268.677, subdivisions 2 and 3; 268.678; 268.681, subdivisions 1, 2, and 3; 268.86, subdivision 8; 268.871, subdivisions 1, 2, and by adding a subdivision; 268.90, subdivisions 1, 3, and 4; Minnesota Statutes 1989 Supplement, sections 256.73, subdivision 3a; 256.736, subdivisions

3, 3b, 4, 10, 10a, 11, 14, and 18; 256.737, subdivisions 1, 1a, and 2; 256D.01, subdivision 1a; 256D.051, subdivisions 1a, 1b, 2, 3, and 8; 256H.01, subdivisions 7, 8, and 12; 256H.09, subdivision 1; 256H.10, subdivision 3; 256H.11, subdivision 1; 256H.21, subdivision 9; 256H.22, subdivisions 2, 3, and 10; 268.0111, subdivision 4; 268.86, subdivision 2; 268.88; 268.881; Minnesota Statutes Second 1989 Supplement, section 256D.03, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 256; repealing Minnesota Statutes 1988, sections 256.736, subdivisions 1b, 2a, and 17; 256.7365, subdivision 8; 256D.06, subdivision 1c; 256H.01, subdivision 14; 256H.16; 268.672, subdivision 12; 268.86, subdivision 9; 268.872, subdivision 3; and Minnesota Statutes 1989 Supplement, section 256H.05, subdivisions 1, 1a, and 3a.

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

S. F. No. 2483, A bill for an act relating to corporations; clarifying and modifying provisions relating to the organization and operation of nonprofit corporations; amending Minnesota Statutes 1989 Supplement, sections 317A.011, subdivision 15; 317A.021, subdivisions 1, 2, 4, and 7; 317A.111, subdivisions 3 and 4; 317A.115, subdivision 2; 317A.133, subdivisions 1, 2, 3, and 4; 317A.181, subdivision 2; 317A.201; 317A.205; 317A.207, subdivision 1; 317A.213; 317A.225; 317A.237; 317A.251, subdivision 3; 317A.301; 317A.311; 317A.321; 317A.341, subdivision 2; 317A.401, subdivision 4; 317A.403; 317A.431; 317A.435, subdivision 2; 317A.443, subdivision 1; 317A.453, subdivision 3; 317A.455, subdivision 3; 317A.615, subdivision 1; 317A.711, subdivision 2; 317A.735, subdivisions 1 and 2; 317A.811, subdivisions 1, 4, and 6; 317A.821, subdivisions 1 and 2; 317A.823, subdivisions 2 and 3; and 354A.021, subdivision 2.

The bill was read for the first time.

Pugh moved that S. F. No. 2483 and H. F. No. 2678, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 824, A bill for an act relating to environment; requiring recycling of CFCs under certain conditions; providing an exemption for medical devices; prohibiting the sale of certain motor vehicle coolants and certain solvents; requiring recapture and recycling of halons from fire extinguishers; amending Minnesota Statutes 1988, sections 116.70, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 116 and 325E.

The bill was read for the first time.

Trimble moved that S. F. No. 824 and H. F. No. 1025, now on

General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1798, A bill for an act relating to health; providing limited prescription privileges for physician assistants; requiring permanent registration for certain physician assistants; amending Minnesota Statutes 1988, section 151.37, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 147.

The bill was read for the first time.

Dauner moved that S. F. No. 1798 and H. F. No. 1887, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2158, A bill for an act relating to utilities; regulating flexible gas utility rates; repealing sunset provisions relating to flexible gas utility rates; appropriating money; amending Minnesota Statutes 1988, section 216B.163; and Laws 1987, chapter 371, section 4.

The bill was read for the first time.

Jacobs moved that S. F. No. 2158 and H. F. No. 2520, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2619, A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

The bill was read for the first time.

Lieder moved that S. F. No. 2619 and H. F. No. 2812, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2346, A bill for an act relating to the state building code; accessibility for the physically disabled; establishing an access review board; providing for review of applications for permission to provide accessibility by means of stairway chair lifts; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 471.

The bill was read for the first time.

Kalis moved that S. F. No. 2346 and H. F. No. 2769, now on

Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1962, A bill for an act relating to appropriations; canceling an appropriation for a cooperative agreement with the Cuyuna Development Corporation; restoring the wild rice management account; amending Laws 1989, chapter 335, article 4, section 109, subdivision 1.

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

S. F. No. 2173, A bill for an act relating to the environment; providing assistance to eligible recipients on methods to prevent toxic pollution; providing financial assistance to research and demonstrate alternative means to prevent toxic pollution; requiring facilities to develop plans to prevent toxic pollution; providing for chlorofluorocarbon reduction; requiring an air pollution study; providing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 116 and 325E; proposing coding for new law as Minnesota Statutes, chapter 115D.

The bill was read for the first time.

Munger moved that S. F. No. 2173 and H. F. No. 2198, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Anderson, R., was excused while in conference.

The following Conference Committee Reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1857

A bill for an act relating to transportation; providing greater restrictions on eligibility of debarred persons for certain public contracts; increasing scope of interstate motor carrier registration agreements; amending Minnesota Statutes 1988, section 161.315, subdivisions 2 and 3; Minnesota Statutes 1989 Supplement, section 221.601, subdivision 1.

April 4, 1990

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1857, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 1857 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 161.315, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] The terms used in this section have the meanings given them in this subdivision.

(a) "Affiliate" means a predecessor or successor of a person under the same or substantially the same control by merger, reorganization, or otherwise, who is, or that has as an officer or director an individual who is, a relative of the person or an individual over whose actions the person exercises substantial influence or control, or a group of entities so connected or associated that one entity controls or has the power to control each of the other entities. "Affiliate" includes the affiliate's principals. One person's ownership of a controlling interest in another entity or a pooling of equipment or income among entities is prima facie evidence that one entity is an affiliate of another.

(b) "Contract crime" means a violation of state or federal antitrust law, fraud, theft, embezzlement, bribery, forgery, misrepresentation, making false statements, falsification or destruction of records, or other criminal offense in connection with obtaining, attempting to obtain, or performing a public or private contract or subcontract.

(c) "Conviction" has the meaning given it in section 609.02, subdivision 5.

(d) "Debar" means to disqualify from receiving a contract or from serving as a subcontractor or material supplier as provided by Laws 1984, chapter 654, article 2, section 8.

(e) "Person" means a natural person or a business, corporation, association, partnership, sole proprietorship, or other entity formed

to do business as a contractor, subcontractor, or material supplier and includes an affiliate of a person.

(f) "Pooling" means a combination of persons engaged in the same business or combined for the purpose of engaging in a particular business or commercial venture and who all contribute to a common fund or place their holdings of a given stock or other security in the hand and control of a managing member or committee of the combination.

(g) "Suspend" means to temporarily disqualify from receiving a contract or from serving as a subcontractor or material supplier as provided by Laws 1984, chapter 654, article 2, section 8.

(h) "Relative" means an individual related by consanguinity within the second degree as determined by the common law, a spouse, or an individual related to a spouse within the second degree as determined by the common law, and includes an individual in an adoptive relationship within the second degree as determined by the common law.

Sec. 2. Minnesota Statutes 1988, section 161.315, subdivision 3, is amended to read:

Subd. 3. [PROHIBITIONS.] Except as provided in subdivision 4:

(1) neither the commissioner nor a county, town, or home rule or statutory city may award or approve the award of a contract for goods or services to a person who is suspended or debarred;

(2) neither the commissioner nor a county, town, or home rule or statutory city may award or approve the award of a contract for goods or services under which a debarred or suspended person will serve as a subcontractor or material supplier; and

(3) a person to whom a contract for goods or services has been awarded may not subcontract with or purchase materials or services from a debarred or suspended person for performance of that contract; and

(4) when a debarred person sells or otherwise transfers to a relative or to any other party over whose actions the debarred person exercises substantial influence or control, a business, corporation, association, partnership, sole proprietorship, or other entity, or an affiliate of the entity, that is ineligible by virtue of the debarment to contract with a governmental entity, the sold or transferred entity remains ineligible for these contracts for the duration of the seller's or transferor's debarment.

Sec. 3. Minnesota Statutes 1989 Supplement, section 221.022, is amended to read:

221.022 [METROPOLITAN TRANSIT COMMISSION; EXCEPTION.]

The powers granted to the board under sections 221.011 to 221.296 do not include the power to regulate any service or vehicles operated by the metropolitan transit commission or to regulate passenger transportation service provided under contract to the department or the regional transit board. A provider of passenger transportation service under contract to the department or the regional transit board may not provide charter service without first having obtained a permit to operate as a charter carrier.

Sec. 4. Minnesota Statutes 1989 Supplement, section 221.025, is amended to read:

221.025 [EXEMPTIONS.]

Except as provided in sections 221.031 and 221.033, the provisions of this chapter do not apply to the intrastate transportation described below:

(a) the transportation of students to or from school or school activities in a school bus inspected and certified under section 169.451;

(b) the transportation of rubbish as defined in section 443.27;

(c) a commuter van as defined in section 221.011, subdivision 27;

(d) authorized emergency vehicles as defined in section 169.01, subdivision 5, including ambulances, and tow trucks when picking up and transporting disabled or wrecked motor vehicles and when carrying proper and legal warning devices;

(e) the transportation of grain samples under conditions prescribed by the board;

(f) the delivery of agricultural lime;

(g) the transportation of dirt and sod within an area having a 50-mile radius from the home post office of the person performing the transportation;

(h) a person while exclusively engaged in the transportation of sand, gravel, bituminous asphalt mix, concrete ready mix, concrete blocks or tile, or crushed rock to or from the point of loading or a place of gathering within an area having a 50-mile radius from that person's home post office or a 50-mile radius from the site of construction or maintenance of public roads and streets;

(i) the transportation of pulpwood, cordwood, mining timber, poles, posts, decorator evergreens, wood chips, sawdust, shavings, and bark

from the place where the products are produced to the point where they are to be used or shipped;

(j) a person while engaged exclusively in transporting fresh vegetables from farms to canneries or viner stations, from viner stations to canneries, or from canneries to canneries during the harvesting, canning, or packing season, or transporting potatoes, sugar beets, wild rice, or rutabagas from the field of production to the first place of delivery or unloading, including a processing plant, warehouse, or railroad siding;

(k) a person engaged in transporting property or freight, other than household goods and petroleum products in bulk, entirely within the corporate limits of a city or between contiguous cities except as provided in section 221.296;

(l) the transportation of unprocessed dairy products in bulk within an area having a 100-mile radius from the home post office of the person providing the transportation;

(m) a person engaged in transporting agricultural, horticultural, dairy, livestock, or other farm products within an area having a 25-mile radius from the person's home post office and the carrier may transport other commodities within the 25-mile radius if the destination of each haul is a farm;

(n) a person providing limousine service that is not regular route service in a passenger automobile that is not a van, and that has a seating capacity, excluding the driver, of not more than 12 persons;

(o) passenger transportation service that is not charter service and that is under contract to and with operating assistance from the department or the regional transit board.

Sec. 5. Minnesota Statutes 1989 Supplement, section 221.031, subdivision 3a, is amended to read:

Subd. 3a. [CONTRACTORS OR RECIPIENTS OF TRANSPORTATION ASSISTANCE.] Notwithstanding subdivision 3, providers of passenger transportation service under contract to and with operating assistance from the department or the regional transit board must comply with rules of the commissioner for driver qualifications, safe operation of vehicles, equipment, parts and accessories, maximum hours of service of drivers, inspection, repair and maintenance, and accident reporting. This subdivision does not apply to a local transit commission, a transit authority created by the legislature, or special transportation service certified by the commissioner under section 174.30.

Sec. 6. Minnesota Statutes 1989 Supplement, section 221.601, subdivision 1, is amended to read:

221.601 [AGREEMENTS WITH OTHER STATES.]

Subdivision 1. [AUTHORITY.] The commissioner may enter into agreements with representatives of other states to allow the cooperative registration of motor carriers transporting property or passengers for hire in interstate commerce. The agreement may authorize representatives of other states to issue interstate registration stamps and trip permits; accept the filing of insurance certificates, insurance cancellation notices, and interstate commerce commission orders; issue suspension and reinstatement orders or notices; and collect and disburse fees prescribed by this chapter. The agreement may allow the exchange of information for audit, reporting, and enforcement purposes, and the collection and disbursement of fees provided under this chapter and the laws of other states that participate in the agreement. The agreement and all amendments must be in writing. The agreement may provide for the gradual adoption of a base state registration system. It may provide that a motor carrier based in another state participating in the agreement, that has filed evidence of financial responsibility in that state that meets the requirements of this chapter and of the agreement, need not file evidence of financial responsibility with the commissioner for its interstate operations in this state.

Sec. 7. [FIBER OPTIC CABLE ALONG I-94; I-494.]

Notwithstanding Minnesota Rules 1989, part 8810.3300, subpart 4, a utility, as defined in Minnesota Rules 1989, part 8810.3100, subpart 4, may lay a fiber optic cable or a conduit containing one or more fiber optic cables inside the control-of-access lines along the portion of the interstate highway designated as I-94 that runs between Maple Grove in Hennepin county and St. Cloud in Stearns county, and the portion of the interstate highway designated as I-494 that runs between Plymouth in Hennepin county and Maple Grove in Hennepin county. The commissioner of transportation may impose reasonable conditions on the time, place, and manner of the utility's installation and maintenance of the cable or conduit and may also charge reasonable fees therefor notwithstanding Minnesota Statutes, chapters 14 and 16A. If the cable or conduit must be relocated because of reconstruction or maintenance work on an interstate highway, the utility shall bear the entire cost of the relocation.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to transportation; providing greater restrictions on eligibility of debarred persons for certain public contracts; exempting provision of passenger transportation service under contract with regional transportation board from some regulation; increasing scope of interstate motor carrier registration agreements; permitting fiber optic cable to be laid along portions of certain interstate highways; amending Minnesota Statutes 1988, section 161.315, subdivisions 2 and 3; Minnesota Statutes 1989 Supplement, sections 221.022; 221.025; 221.031, subdivision 3a; and 221.601, subdivision 1."

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

House Conferees: BERNARD L. LIEDER, ANDY STEENSMA AND DOUG CARLSON.

Senate Conferees: JIM VICKERMAN, BETTY A. ADKINS AND MEL FREDERICK.

Lieder moved that the report of the Conference Committee on H. F. No. 1857 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1857, A bill for an act relating to transportation; providing greater restrictions on eligibility of debarred persons for certain public contracts; increasing scope of interstate motor carrier registration agreements; amending Minnesota Statutes 1988, section 161.315, subdivisions 2 and 3; Minnesota Statutes 1989 Supplement, section 221.601, subdivision 1.

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

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

Those who voted in the affirmative were:

Abrams	Carruthers	Hartle	Johnson, R.	Lynch
Anderson, G.	Clark	Hasskamp	Johnson, V.	Macklin
Battaglia	Cooper	Haukoos	Kahn	Marsh
Bauerly	Dauner	Hausman	Kalis	McDonald
Begich	Dawkins	Heap	Kelly	McEachern
Bennett	Dille	Henry	Kelso	McGuire
Bertram	Dorn	Himle	Kinkel	McLaughlin
Bishop	Forsythe	Hugoson	Knickerbocker	McPherson
Blatz	Frederick	Jacobs	Kostohryz	Milbert
Boo	Frerichs	Janezich	Krueger	Miller
Brown	Girard	Jaros	Lasley	Morrison
Burger	Greenfield	Jefferson	Lieder	Munger
Carlson, D.	Gruenes	Jennings	Limmer	Murphy
Carlson, L.	Gutknecht	Johnson, A.	Long	Nelson, C.

Nelson, K.	Otis	Reding	Simoneau	Uphus
Neuenschwander	Ozment	Rest	Skoglund	Valento
O'Connor	Pappas	Rice	Solberg	Vellenga
Ogren	Pauly	Richter	Sparby	Wagenius
Olsen, S.	Pellow	Rodosovich	Stanius	Waltman
Olson, E.	Pelowski	Rukavina	Steensma	Weaver
Olson, K.	Peterson	Runbeck	Sviggum	Welle
Omnn	Poppenhagen	Sarna	Swenson	Wenzel
Onnen	Price	Schafer	Tjornhom	Williams
Orenstein	Pugh	Schreiber	Tompkins	Winter
Osthoff	Quinn	Seaberg	Trimble	Spk. Vanasek
Ostrom	Redalen	Segal	Tunheim	

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1846

A bill for an act relating to prostitution; increasing penalties for certain patrons of prostitutes; providing that when a patron uses a motor vehicle during commission of an offense, that fact will be noted on the person's driving record; amending Minnesota Statutes 1988, sections 609.324, subdivisions 2, 3, and by adding subdivisions; and 609.3241.

April 2, 1990

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1846, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1846 be further amended as follows:

Pages 1 and 2, delete sections 2 and 3 and insert:

"Sec. 2. Minnesota Statutes 1988, section 609.324, subdivision 3, is amended to read:

Subd. 3. Whoever intentionally does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both:

(1) Engages in prostitution with an individual 18 years of age or above; or

(2) Hires or offers or agrees to hire an individual 18 years of age or above to engage in sexual penetration or sexual contact. Except as otherwise provided in subdivision 4, a person who is convicted of violating clause (1) or (2) while acting as a patron must, at a minimum, be sentenced to pay a fine of at least \$500.

Whoever violates the provisions of this subdivision within two years of a previous conviction may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. Except as otherwise provided in subdivision 4, a person who is convicted of a gross misdemeanor violation of this subdivision while acting as a patron, must, at a minimum, be sentenced as follows:

- (1) to pay a fine of at least \$1,500; and
- (2) to serve 20 hours of community work service.

The court may waive the mandatory community work service if it makes specific, written findings that the community work service is not feasible or appropriate under the circumstances of the case.

Sec. 3. Minnesota Statutes 1988, section 609.324, is amended by adding a subdivision to read:

Subd. 4. [COMMUNITY SERVICE IN LIEU OF MINIMUM FINE.] The court may order a person convicted of violating subdivision 2 or 3 to perform community work service in lieu of all or a portion of the minimum fine required under those subdivisions if the court makes specific, written findings that the convicted person is indigent or that payment of the fine would create undue hardship for the convicted person or that person's immediate family. Community work service ordered under this subdivision is in addition to any mandatory community work service ordered under subdivision 3.

Page 3, delete section 5 and insert:

"Sec. 5. Minnesota Statutes 1988, section 609.3241, is amended to read:

609.3241 [PENALTY ASSESSMENT AUTHORIZED.]

In any county that has established a multidisciplinary child protection team pursuant to section 626.558, when a court sentences an adult convicted of violating section 609.322, 609.323, or 609.324, while acting other than as a prostitute, the court shall impose an assessment of \$250 for a violation of section 609.324, subdivision 2, or a misdemeanor violation of section 609.324, subdivision 3, otherwise the court shall impose an assessment of \$500. The

assessment is to be used for the purposes described in section 626.558, subdivision 2a. This assessment and is in addition to the assessment or surcharge required by section 609.101."

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

House Conferees: JEAN WAGENIUS, RANDY C. KELLY, KATHLEEN VELLENGA, KATHLEEN BLATZ AND MARCUS MARSH.

Senate Conferees: LAWRENCE J. POGEMILLER, PATRICK D. MCGOWAN, CAROL FLYNN, WILLIAM V. BELANGER, JR. AND EMBER D. REICHGOTT.

Wagenius moved that the report of the Conference Committee on H. F. No. 1846 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1846, A bill for an act relating to prostitution; increasing penalties for certain patrons of prostitutes; providing that when a patron uses a motor vehicle during commission of an offense, that fact will be noted on the person's driving record; amending Minnesota Statutes 1988, sections 609.324, subdivisions 2, 3, and by adding subdivisions; and 609.3241.

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

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

Those who voted in the affirmative were:

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

Stanius
Steensma
Sviggum
Swenson

Tjornhom
Tompkins
Trimble
Tunheim

Uphus
Valento
Vellenga
Wagenius

Waltman
Weaver
Welle
Wenzel

Williams
Winter
Spk. Vanasek

Those who voted in the negative were:

Kahn

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1913

A bill for an act relating to commerce; regulating dividends on claims in liquidation proceedings; regulating the lending practices of regulated lenders; specifying the loan fees and charges that may be imposed by regulated lenders; amending Minnesota Statutes 1988, sections 49.24, subdivision 9; 56.131, subdivisions 1, and 2; 56.14; and 325G.22, by adding a subdivision.

April 3, 1990

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1913, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 1913 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 49.24, subdivision 9, is amended to read:

Subd. 9. [DIVIDENDS ON CLAIMS.] At any time after the expiration of the date fixed for the presentation of claims the commissioner may, out of the funds remaining on hand after the payment of expenses and amounts due to depositors, declare one or more dividends, and after the expiration of one year from the first publication of notice to creditors, may declare a final dividend, such dividends to be paid to such persons in such amounts as may be directed by the district court.

If any dividend on any claim shall be less than \$1, the commis-

sioner may hold that dividend until it with subsequent dividends amounts to the sum of \$1 or more. The commissioner shall pay all dividends so withheld with the final dividend.

Sec. 2. Minnesota Statutes 1988, section 56.131, subdivision 1, is amended to read:

Subdivision 1. [INTEREST RATES AND CHARGES.] (a) On any loan in a principal amount not exceeding \$35,000 or ten percent of a corporate licensee's contributed capital and appropriated reserves as defined in section 53.015, if greater, a licensee may contract for and receive interest, calculated according to the actuarial method, not exceeding the equivalent of the greater of any of the following:

(1) the total of: (i) 33 percent per year on that part of the unpaid balance of the principal amount not exceeding ~~\$350~~ \$750; and (ii) 19 percent per year on that part of the unpaid balance of the principal amount exceeding ~~\$350~~ \$750; or

(2) 21.75 percent per year on the unpaid balance of the principal amount.

(b) On any loan where interest has been calculated according to the method provided for in paragraph (a), clause (1), interest must be contracted for and earned as provided in that provision or at the single annual percentage rate computed to the nearest 1/100 of one percent that would earn the same total interest at maturity of the contract as would be earned by the application of the graduated rates provided in paragraph (a), clause (1), when the debt is paid according to the agreed terms and the calculations are made according to the actuarial method.

(c) Loans may be interest-bearing or precomputed.

(d) To compute time on interest-bearing and precomputed loans, including, but not limited to the calculation of interest, a day is considered 1/30 of a month when calculation is made for a fraction of a calendar month. A year is 12 calendar months. A calendar month is that period from a given date in one month to the same numbered date in the following month, and if there is no same numbered date, to the last day of the following month. When a period of time includes a whole month and a fraction of a month, the fraction of a month is considered to follow the whole month.

In the alternative, for interest-bearing loans, a licensee may charge interest at the rate of 1/365 of the agreed annual rate for each actual day elapsed.

(e) With respect to interest-bearing loans:

(1) Interest must be computed on unpaid principal balances outstanding from time to time, for the time outstanding. Each payment must be applied first to the accumulated interest and the remainder of the payment applied to the unpaid principal balance; provided however, that if the amount of the payment is insufficient to pay the accumulated interest, the unpaid interest continues to accumulate to be paid from the proceeds of subsequent payments and is not added to the principal balance.

(2) Interest must not be payable in advance or compounded. However, if part or all of the consideration for a new loan contract is the unpaid principal balance of a prior loan, then the principal amount payable under the new loan contract may include any unpaid interest which has accrued. The unpaid principal balance of a precomputed loan is the balance due after refund or credit of unearned interest as provided in paragraph (f), clause (3). The resulting loan contract is deemed a new and separate loan transaction for all purposes.

(f) With respect to precomputed loans:

(1) Loans must be repayable in substantially equal and consecutive monthly installments of principal and interest combined, except that the first installment period may be more or less than one month by not more than 15 days, and the first installment payment amount may be larger than the remaining payments by the amount of interest charged for the extra days and must be reduced by the amount of interest for the number of days less than one month to the first installment payment; and monthly installment payment dates may be omitted to accommodate borrowers with seasonal income.

(2) Payments may be applied to the combined total of principal and precomputed interest until the loan is fully paid. Payments must be applied in the order in which they become due.

(3) When any loan contract is paid in full by cash, renewal or refinancing, or a new loan, one month or more before the final installment due date, a licensee shall refund or credit the borrower with the total of the applicable charges for all fully unexpired installment periods, as originally scheduled or as deferred, which follow the day of prepayment; if the prepayment is made other than on a scheduled payment date, the nearest scheduled installment payment date must be used in the computation; provided further, if the prepayment occurs prior to the first installment due date, the licensee may retain 1/30 of the applicable charge for a first installment period of one month for each day from the date of the loan to the date of prepayment, and shall refund or credit the borrower with the balance of the total interest contracted for. If the maturity of the loan is accelerated for any reason and judgment is entered, the licensee shall credit the borrower with the same refund as if

prepayment in full had been made on the date the judgment is entered.

(4) If an installment, other than the final installment, is not paid in full within ten days of its scheduled due date, a licensee may contract for and receive a default charge not exceeding five percent of the amount of the installment, but not less than \$4.

A default charge under this subdivision may not be collected on an installment paid in full within ten days of its scheduled due date, or deferred installment due date with respect to deferred installments, even though a default or deferral charge on an earlier installment has not been paid in full. A default charge may be collected at the time it accrues or at any time thereafter.

(5) If the parties agree in writing, either in the loan contract or in a subsequent agreement, to a deferment of wholly unpaid installments, a licensee may grant a deferment and may collect a deferment charge as provided in this section. A deferment postpones the scheduled due date of the earliest unpaid installment and all subsequent installments as originally scheduled, or as previously deferred, for a period equal to the deferment period. The deferment period is that period during which no installment is scheduled to be paid by reason of the deferment. The deferment charge for a one-month period may not exceed the applicable charge for the installment period immediately following the due date of the last undeferred payment. A proportionate charge may be made for deferment for periods of more or less than one month. A deferment charge is earned pro rata during the deferment period and is fully earned on the last day of the deferment period. Should a loan be prepaid in full during a deferment period, the licensee shall make or credit to the borrower a refund of the unearned deferment charge in addition to any other refund or credit made for prepayment of the loan in full.

(6) If two or more installments are delinquent one full month or more on any due date, and if the contract so provides, the licensee may reduce the unpaid balance by the refund credit which would be required for prepayment in full on the due date of the most recent maturing installment in default. Thereafter, and in lieu of any other default or deferment charges, the single annual percentage rate permitted by this subdivision may be charged on the unpaid balance until fully paid.

(7) Following the final installment as originally scheduled or deferred, the licensee, for any loan contract which has not previously been converted to interest-bearing under paragraph (f), clause (6), may charge interest on any balance remaining unpaid, including unpaid default or deferment charges, at the single annual percentage rate permitted by this subdivision until fully paid.

(8) With respect to a loan secured by an interest in real estate, and having a maturity of more than 60 months, the original schedule of installment payments must fully amortize the principal and interest on the loan. The original schedule of installment payments for any other loan secured by an interest in real estate must provide for payment amounts that are sufficient to pay all interest scheduled to be due on the loan.

Sec. 3. Minnesota Statutes 1988, section 56.131, subdivision 2, is amended to read:

Subd. 2. [ADDITIONAL CHARGES.] In addition to the charges provided for by this section and section 56.155, no further or other amount whatsoever, shall be directly or indirectly charged, contracted for, or received for the loan made, except actual out of pocket expenses of the licensee to realize on a security after default, and except for the following additional charges which may be included in the principal amount of the loan:

(a) lawful fees and taxes paid to any public officer to record, file, or release security;

(b) with respect to a loan secured by an interest in real estate, the following closing costs, if they are bona fide, reasonable in amount, and not for the purpose of circumvention or evasion of this section; provided the costs do not exceed one percent of the principal amount or \$250, whichever is greater:

(1) fees or premiums for title examination, abstract of title, title insurance, surveys, or similar purposes;

(2) fees, if not paid to the licensee, an employee of the licensee, or a person related to the licensee, for preparation of a mortgage, settlement statement, or other documents, fees for notarizing mortgages and other documents, and appraisal fees;

(c) the premium for insurance in lieu of perfecting and releasing a security interest to the extent that the premium does not exceed the fees described in paragraph (a);

(d) discount points and appraisal fees may not be included in the principal amount of a loan secured by an interest in real estate when the loan is a refinancing for the purpose of bringing the refinanced loan current and is made within 24 months of the original date of the refinanced loan. For purposes of this paragraph, a refinancing is not considered to be for the purpose of bringing the refinanced loan current if new funds advanced to the customer, not including closing costs or delinquent installments, exceed \$1,000.

Sec. 4. Minnesota Statutes 1988, section 56.14, is amended to read:

56.14 [DUTIES OF LICENSEE.]

Every licensee shall:

(1) deliver to the borrower (or if there are two or more borrowers to one of them) at the time any loan is made a statement making the disclosures and furnishing the information required by the federal Truth-in-Lending Act, United States Code, title 15, sections 1601 to 1667e, as amended from time to time, with respect to the contract of loan. A copy of the loan contract may be delivered in lieu of a statement if it discloses the required information;

(2) deliver or mail to the borrower without request, a written receipt within 30 days following payment for each payment by coin or currency made on account of any loan wherein charges are computed and paid on unpaid principal balances for the time actually outstanding, specifying the amount applied to charges and the amount, if any, applied to principal, and stating the unpaid principal balance, if any, of the loan; and wherein precomputed charges have been added to the principal of the loan specifying the amount of the payment applied to principal and charges combined, the amount applied to default or extension charges, if any, and stating the unpaid balance, if any, of the precomputed loan contract. A periodic statement showing a payment received by mail complies with this clause;

(3) permit payment to be made in advance in any amount on any contract of loan at any time, but the licensee may apply the payment first to all charges in full at the agreed rate up to the date of the payment;

(4) upon repayment of the loan in full, mark indelibly every obligation and security, other than a mortgage or security agreement which secures a new loan to the licensee, signed by the borrower with the word "Paid" or "Canceled," and release any mortgage or security agreement which no longer secures a loan to the licensee, restore any pledge, and cancel and return any note, and any assignment given to the licensee which does not secure a new loan to the licensee within 20 days after the repayment;

(5) display prominently in each licensed place of business a full and accurate schedule, to be approved by the commissioner, of the charges to be made and the method of computing the same; furnish a copy of the contract of loan to any person obligated on it or who may become obligated on it at any time upon the request of that person;

(6) show in the loan contract or statement of loan the rate or rates of charge on which the charge in the contract is based, expressed in terms of rate or rates per annum. The rate expression shall be printed in at least 8-point type on the loan statement or copy of the loan contract given to the borrower.

Sec. 5. Minnesota Statutes 1988, section 325G.22, is amended by adding a subdivision to read:

Subd. 1a. [ADJUSTMENT OF DOLLAR AMOUNTS.] The dollar amount in subdivision 1 shall change periodically as provided in section 550.37, subdivision 4a.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective the day following final enactment."

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

House Conferees: LINDA SCHEID, TOM OSTHOFF, ANDY DAWKINS, BOB NEUENSCHWANDER AND BEN BOO.

Senate Conferees: SAM G. SOLON, ALLAN H. SPEAR, JAMES P. METZEN, CAL LARSON AND GREGORY L. DAHL.

Scheid moved that the report of the Conference Committee on H. F. No. 1913 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1913, A bill for an act relating to commerce; regulating dividends on claims in liquidation proceedings; regulating the lending practices of regulated lenders; specifying the loan fees and charges that may be imposed by regulated lenders; amending Minnesota Statutes 1988, sections 49.24, subdivision 9; 56.131, subdivisions 1, and 2; 56.14; and 325G.22, by adding a subdivision.

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

The question was taken on the repassage of the bill and the roll was called. There were 93 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Abrams	Boo	Cooper	Girard	Himle
Anderson, G.	Brown	Dawkins	Gruenes	Hugoson
Battaglia	Burger	Dille	Gutknecht	Janezich
Begich	Carlson, D.	Forsythe	Hartle	Jennings
Bennett	Carlson, L.	Frederick	Haukoos	Johnson, R.
Blatz	Carruthers	Frerichs	Heap	Johnson, V.

Kalis	McDonald	Orenstein	Reding	Sviggun
Kelly	McPherson	Osthoff	Rest	Swenson
Kelso	Miller	Ostrom	Rodosovich	Tjornhom
Kinkel	Morrison	Otis	Runbeck	Tompkins
Knickerbocker	Munger	Ozment	Schafer	Uphus
Kostohryz	Murphy	Pauly	Scheid	Valento
Krueger	Nelson, C.	Pellow	Schreiber	Waltman
Lieder	Neuenschwander	Pelowski	Seaberg	Weaver
Limmer	Olsen, S.	Peterson	Segal	Welle
Long	Olsen, E.	Poppenhagen	Solberg	Wenzel
Lynch	Olsen, K.	Price	Sparby	Spk. Vanasek
Macklin	Omann	Pugh	Stanisus	
Marsh	Onnen	Redalen	Steensma	

Those who voted in the negative were:

Bauerly	Jaros	McLaughlin	Richter	Vellenga
Bertram	Jefferson	Nelson, K.	Rukavina	Wagenius
Clark	Johnson, A.	O'Connor	Sarna	Winter
Dauner	Kahn	Ogren	Simoneau	
Hasskamp	Lasley	Pappas	Skoglund	
Henry	McEachern	Quinn	Trimble	
Jacobs	McGuire	Rice	Tunheim	

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1952

A bill for an act relating to crimes; permitting individuals to request that the commissioner of public safety hold certain information on the individual as private; increasing penalties for certain acts of harassment; expanding the crime of terroristic threats to include threats made through an intermediary; authorizing courts to issue orders to restrain acts of harassment; amending Minnesota Statutes 1988, sections 171.12, by adding a subdivision; and 609.713, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 168 and 609.

April 3, 1990

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1952, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1952 be further amended as follows:

Delete everything after the enacting clause and insert;

"Section 1. [168.346] [PRIVACY OF RESIDENCE ADDRESS.]

The registered owner of a motor vehicle may request in writing that the owner's residence address be classified as private data on individuals, as defined in section 13.02, subdivision 12. The commissioner shall grant the classification upon receipt of a signed statement by the owner that the classification is required for the safety of the owner or the owner's family, if the statement also provides a valid, existing address where the owner consents to receive service of process. The commissioner shall use the mailing address in place of the residence address in all documents and notices pertaining to the motor vehicle. The residence address and any information provided in the classification request, other than the mailing address, are private data on individuals and may be provided to requesting law enforcement agencies.

Sec. 2. Minnesota Statutes 1988, section 171.12, is amended by adding a subdivision to read:

Subd. 7. [PRIVACY OF RESIDENCE ADDRESS.] An applicant for a driver's license or a Minnesota identification card may request that the applicant's residence address be classified as private data on individuals, as defined in section 13.02, subdivision 12. The commissioner shall grant the classification upon receipt of a signed statement by the individual that the classification is required for the safety of the applicant or the applicant's family, if the statement also provides a valid, existing address where the applicant consents to receive service of process. The commissioner shall use the mailing address in place of the residence address in all documents and notices pertaining to the driver's license or identification card. The residence address and any information provided in the classification request, other than the mailing address, are private data on individuals and may be provided to requesting law enforcement agencies.

Sec. 3. Minnesota Statutes 1988, section 609.713, subdivision 1, is amended to read:

Subdivision 1. Whoever threatens, directly or indirectly, to commit any crime of violence with purpose to terrorize another or to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience, or in a reckless disregard of the risk of causing such terror or inconvenience may be sentenced to imprisonment for not more than five years.

Sec. 4. [609.747] [HARASSMENT; ENHANCED PENALTIES.]

Subdivision 1. [MULTIPLE ACTS OF HARASSMENT.] It is a gross misdemeanor for a person to commit more than one act of harassment in violation of section 609.605, subdivision 1, paragraph

(b), clause (7), against the same individual within six consecutive months. As used in this subdivision, "individual" means a natural person.

Subd. 2. [HARASSMENT FOLLOWING ASSAULT OR TERRORISTIC THREAT.] (a) It is a gross misdemeanor for a person who has been convicted of assault or terroristic threat to commit harassment:

(1) against the same victim, within five consecutive years after the conviction; or

(2) against any victim, within two consecutive years after the conviction.

(b) In this subdivision:

(1) "assault" means a violation of section 609.221, 609.222, 609.223, 609.2231, or 609.224;

(2) "harassment" means a violation of section 609.605, subdivision 1, paragraph (b), clause (7); 609.746, subdivision 2; 609.79, subdivision 1, clause (1)(b); or 609.795, subdivision 1, clause (3); and

(3) "terroristic threat" means a violation of section 609.713, subdivision 1 or 3.

Sec. 5. [609.748] [HARASSMENT; RESTRAINING ORDER.]

Subdivision 1. [DEFINITION.] As used in this section, "harassment" means repeated, intrusive, or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target.

Subd. 2. [RESTRAINING ORDER; JURISDICTION.] A person who is a victim of harassment may seek a restraining order from the district court in the manner provided in this section. The parent or guardian of a minor who is a victim of harassment may seek a restraining order from the juvenile court on behalf of the minor.

Subd. 3. [CONTENTS OF PETITION.] A petition for relief must allege facts sufficient to show the following:

(1) the name of the alleged harassment victim;

(2) the name of the respondent; and

(3) that the respondent has engaged in harassment.

The petition shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought. The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section.

Subd. 4. [TEMPORARY RESTRAINING ORDER.] (a) The court may issue a temporary restraining order ordering the respondent to cease or avoid the harassment of another person or to have no contact with that person if the petitioner files a petition in compliance with subdivision 3 and if the court finds reasonable grounds to believe that the respondent has engaged in harassment.

(b) Notice need not be given to the respondent before the court issues a temporary restraining order under this subdivision. A temporary restraining order may be entered only against the respondent named in the petition.

(c) The temporary restraining order is in effect until a hearing is held on the issuance of a restraining order under subdivision 5. The court shall hold the hearing on the issuance of a restraining order within seven days after the temporary restraining order is issued unless (1) the time period is extended upon written consent of the parties; or (2) the time period is extended by the court for one additional seven-day period upon a showing that the respondent has not been served with a copy of the temporary restraining order despite the exercise of due diligence.

Subd. 5. [RESTRAINING ORDER.] (a) The court may grant a restraining order ordering the respondent to cease or avoid the harassment of another person or to have no contact with that person if all of the following occur:

(1) the petitioner has filed a petition under subdivision 3;

(2) the sheriff has served respondent with a copy of the temporary restraining order obtained under subdivision 4, and with notice of the time and place of the hearing, or service has been made by publication under paragraph (b); and

(3) the court finds at the hearing that there are reasonable grounds to believe that the respondent has engaged in harassment.

A restraining order may be issued only against the respondent named in the petition. Relief granted by the restraining order must be for a fixed period of not more than two years.

(b) The order may be served on the respondent by means of a one-week published notice under section 645.11, if:

(1) the petitioner files an affidavit with the court stating that an attempt at personal service made by a sheriff was unsuccessful because the respondent is avoiding service by concealment or otherwise; and

(2) a copy of the order is mailed to the respondent at the respondent's residence or the respondent is not known to the petitioner.

Service under this paragraph is complete seven days after publication.

Subd. 6. [VIOLATION OF RESTRAINING ORDER.] (a) When a temporary restraining order or a restraining order is granted under this section and the respondent knows of the order, violation of the order is a misdemeanor.

(b) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under subdivision 4 or 5 if the existence of the order can be verified by the officer.

Subd. 7. [COPY TO LAW ENFORCEMENT AGENCY.] An order granted under this section shall be forwarded by the court administrator within 24 hours to the local law enforcement agency with jurisdiction over the residence of the applicant. Each appropriate law enforcement agency shall make available to other law enforcement officers through a system for verification, information as to the existence and status of any order issued under this section.

Subd. 8. [NOTICE.] An order granted under this section must contain a conspicuous notice to the respondent:

(1) of the specific conduct that will constitute a violation of the order;

(2) that violation of an order is a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$700 or both; and

(3) that a peace officer must arrest without warrant and take into custody a person if the peace officer has probable cause to believe the person has violated a restraining order.

Sec. 6. [EFFECTIVE DATE.]

Sections 3 to 5 are effective August 1, 1990, and apply to acts committed on or after that date."

Delete the title and insert:

"A bill for an act relating to crimes; permitting individuals to request that the commissioner of public safety hold certain information on the individual as private; increasing penalties for certain acts of harassment; clarifying that terroristic threats include those made indirectly; authorizing courts to issue orders to restrain acts of harassment; amending Minnesota Statutes 1988, sections 171.12, by adding a subdivision; and 609.713, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 168 and 609."

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

House Conferees: RANDY C. KELLY, ARTHUR W. SEABERG AND SANDY PAPPAS.

Senate Conferees: JOHN J. MARTY, ALLAN H. SPEAR AND WILLIAM V. BELANGER, JR.

Kelly moved that the report of the Conference Committee on H. F. No. 1952 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1952, A bill for an act relating to crimes; permitting individuals to request that the commissioner of public safety hold certain information on the individual as private; increasing penalties for certain acts of harassment; expanding the crime of terroristic threats to include threats made through an intermediary; authorizing courts to issue orders to restrain acts of harassment; amending Minnesota Statutes 1988, sections 171.12, by adding a subdivision; and 609.713, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 168 and 609.

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

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

Those who voted in the affirmative were:

Abrams	Carlson, L.	Gruenes	Jefferson	Lieder
Anderson, G.	Carruthers	Gutknecht	Jennings	Limmer
Battaglia	Clark	Hartle	Johnson, A.	Long
Bauerly	Cooper	Hasskamp	Johnson, R.	Lynch
Begich	Dauner	Haukoos	Johnson, V.	Macklin
Bennett	Dawkins	Hausman	Kalis	Marsh
Bertram	Dille	Heap	Kelly	McDonald
Bishop	Dorn	Henry	Kelso	McEachern
Blatz	Forsythe	Himle	Kinkel	McGuire
Boo	Frederick	Hugoson	Knickerbocker	McLaughlin
Brown	Frerichs	Jacobs	Kostohryz	McPherson
Burger	Girard	Janezich	Krueger	Milbert
Carlson, D.	Greenfield	Jaros	Lasley	Miller

Morrison	Orenstein	Quinn	Seaberg	Tunheim
Munger	Osthoff	Redalen	Segal	Uphus
Murphy	Ostrom	Reding	Simoneau	Valento
Nelson, C.	Otis	Rest	Skoglund	Vellenga
Nelson, K.	Ozment	Rice	Solberg	Wagenius
Neuenschwander	Pappas	Richter	Sparby	Waltman
O'Connor	Pauly	Rodosovich	Stanius	Weaver
Ogren	Pellow	Rukavina	Steenasma	Welle
Olsen, S.	Pelowski	Runbeck	Svigum	Wenzel
Olson, E.	Peterson	Sarna	Swenson	Williams
Olson, K.	Poppenhagen	Schafer	Tjornhom	Winter
Omann	Price	Scheid	Tompkins	Spk. Vanasek
Onnen	Pugh	Schreiber	Trimble	

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1730

A bill for an act relating to commerce; requiring seating furniture in public occupancies to meet flammability and labeling standards; proposing coding for new law in Minnesota Statutes, chapter 299F.

April 3, 1990

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1730, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 1730 be further amended as follows:

Delete everything after the enacting clause and insert:

“FLAMMABILITY STANDARDS FOR SEATING FURNITURE

Section 1. [299F.840] [CITATION.]

Sections 1 to 9 may be cited as the “furniture fire safety act.”

Sec. 2. [299F.841] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The terms used in sections 1 to 9, have the meanings given them in this section.

Subd. 2. [SELL.] "Sell" includes sell, offer or expose for sale, barter, trade, deliver, give away, rent, consign, lease, or possess with an intent to sell or dispose of in any other commercial manner.

Subd. 3. [SEATING FURNITURE.] "Seating furniture" means movable or stationery furniture, manufactured on or after January 1, 1992, including children's furniture, that is made of or with loose or attached cushions or pillows or is itself stuffed or filled in whole or in part with filling material; is or can be stuffed or filled in whole or in part with any substance or material, hidden or concealed by fabric or other covering, including cushions or pillows belonging to or forming a part of the furniture; together with the structural units, the filling material, and its container and its covering that can be used as a support for the body of a human being or a person's limbs and feet when sitting or resting in an upright or reclining position.

Subd. 4. [FILLING MATERIAL.] "Filling material" includes cotton, wool, kapok, feathers, down, hair, liquid, or other natural or man-made material, substance, or prefabricated form, concealed or not concealed, to be used or that could be used in seating furniture.

Subd. 5. [MANUFACTURER.] "Manufacturer" means a person or the person's employee or agent who makes an article of seating furniture in whole or in part.

Subd. 6. [PUBLIC OCCUPANCIES.] "Public occupancies" means:

- (1) jails, prisons, and penal institutions;
- (2) hospitals, mental health facilities, and similar health care facilities;
- (3) nursing care and convalescent homes;
- (4) child day-care centers;
- (5) public auditoriums and stadiums; and
- (6) public assembly areas of hotels and motels containing more than ten articles of seating furniture.

Sec. 3. [299F.842] [EXEMPT ARTICLES.]

Articles of upholstered furniture, other than juvenile furniture and furniture used for and in facilities designed for the care or treatment of humans, that meet any of the following criteria are exempt from compliance with sections 1 to 9:

- (1) cushions and pads intended solely for outdoor use;

(2) articles that are smooth-surfaced and contain no more than one-half inch of filling material, provided that the article does not have a horizontal surface meeting a vertical surface; and

(3) articles manufactured solely for recreational use or physical fitness purposes, such as weightlifting benches, gymnasium mats or pads, sidehorses, and similar articles.

Sec. 4. [299F.843] [ENFORCEMENT.]

The state fire marshal shall enforce sections 1 to 9 in accordance with the laws of this state.

Sec. 5. [299F.844] [RULES.]

The state fire marshal shall adopt rules necessary for the enforcement of sections 1 to 9 within six months of the effective date of sections 1 to 9. The fire marshal, in adopting rules, shall consider the testing and labeling procedures and requirements set forth in Technical Bulletin 133 of the state of California, "Flammability Testing and Labeling Procedures for Use in Public Occupancies," published in April 1988 by the California Bureau of Home Furnishings and Thermal Insulation and periodically the deletions, revisions, and updates of California Technical Bulletin 133. An amendment to a rule does not apply to seating furniture manufactured before the effective date of the amendment. New seating furniture sold for use in a public occupancy that meets the test criteria under rules adopted by the fire marshal must conform to the labeling requirements specified under the adopted rules.

Sec. 6. [299F.845] [SCOPE.]

Sections 1 to 9 apply to seating furniture manufactured on or after the effective date of sections 1 to 9 that is sold or intended for use in public occupancies in this state regardless of its point of origin. New seating furniture sold or intended for use in public occupancies after the effective date of sections 1 to 9 that fails to conform to the applicable flammability standard and labeling requirement provided under sections 1 to 9, or rule of the state fire marshal adopted under section 5, is prohibited from being sold or used for public occupancies.

Sec. 7. [299F.846] [PERFORMANCE STANDARDS; TESTING.]

The applicable flammability requirements of sections 1 to 9 or rules adopted under section 5 are to be considered as performance standards. Testing under these standards is at the discretion of the manufacturer. However, new seating furniture offered for sale in this state on or after the effective date of sections 1 to 9 must meet

applicable flammability requirements as set out by rule adopted under section 5.

Sec. 8. [299F.847] [TEST INSPECTIONS, AUDITS.]

The state fire marshal may inspect or audit the testing of seating furniture as may be considered necessary under rules adopted under section 5.

Sec. 9. [299F.848] [CIVIL ACTION.]

The state fire marshal may institute a civil action or proceeding to enjoin a person from selling seating furniture on or after the effective date of sections 1 to 9, that does not meet the requirements of sections 1 to 8, and that is sold or intended for use in public occupancies.

Sec. 10. [EFFECTIVE DATE.]

This act is effective January 1, 1992."

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

House Conferees: RICH O'CONNOR, LINDA SCHEID AND TONY L. BENNETT.

Senate Conferees: MARILYN M. LANTRY, SAM G. SOLON AND PHYLLIS W. MCQUAID.

O'Connor moved that the report of the Conference Committee on H. F. No. 1730 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1730, A bill for an act relating to commerce; requiring seating furniture in public occupancies to meet flammability and labeling standards; proposing coding for new law in Minnesota Statutes, chapter 299F.

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

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

Those who voted in the affirmative were:

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

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

SPECIAL ORDERS

S. F. No. 1874 was reported to the House.

Carruthers moved to amend S. F. No. 1874, as follows:

Page 2, line 34, delete “shall” and insert “may”

Page 3; line 14, delete “law enforcement agency;” and insert “state agency, political subdivision, or statewide system;”

The motion prevailed and the amendment was adopted.

S. F. No. 1874, A bill for an act relating to meetings of public bodies; government data practices; defining final disposition of a disciplinary action regarding personnel records; making clear that meetings may not be closed on the basis of data classification statutes; providing an exception to the open meeting law for preliminary discussions concerning allegations of misconduct against government employees or evaluations of government employees;

amending Minnesota Statutes 1988, sections 13.43, subdivision 2; and 471.705, by adding subdivisions.

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

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

S. F. No. 1920, A bill for an act relating to elections; making various changes in laws applicable to school district elections; amending Minnesota Statutes 1988, sections 201.071, subdivision 3; 203B.08, subdivision 3; 204B.08, subdivision 3; 204B.14, subdivision 5; 204B.17; 204B.44; 204C.22, subdivisions 9, 10, 15, and by adding a subdivision; 204D.04, subdivision 2; 205A.05, subdivision 1; 205A.07, by adding a subdivision; 205A.09, subdivision 2; 205A.11; 209.02, subdivision 1; 209.03; 209.09, subdivision 1; and 211A.01, subdivision 6; and Minnesota Statutes 1989 Supplement, sections 205A.10, subdivisions 2 and 3; and 209.021, subdivision 1.

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

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

Those who voted in the affirmative were:

Abrams	Gruenes	Lasley	Orenstein	Seaberg
Anderson, G.	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	McLaughlin	Poppenhagen	Tjornhom
Burger	Janezich	McPherson	Price	Tompkins
Carlson, D.	Jaros	Milbert	Pugh	Trimble
Carlson, L.	Jefferson	Miller	Quinn	Tunheim
Carruthers	Jennings	Morrison	Redalen	Uphus
Clark	Johnson, A.	Munger	Reding	Valento
Cooper	Johnson, R.	Murphy	Rest	Vellenga
Dauner	Johnson, V.	Nelson, C.	Rice	Wagenius
Dawkins	Kahn	Nelson, K.	Richter	Waltman
Dille	Kalis	Neuenschwander	Rodosovich	Weaver
Dorn	Kelly	O'Connor	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
Greenfield	Krueger	Onnen	Schreiber	

The bill was passed and its title agreed to.

The Speaker called Quinn to the Chair.

H. F. No. 1894 was reported to the House.

Johnson, R., moved that H. F. No. 1894 be continued on Special Orders. The motion prevailed.

S. F. No. 1150 was reported to the House.

Pugh moved to amend S. F. No. 1150, as follows:

Page 17, delete lines 12 to 14 and insert "(Note: Any indebtedness to you incurred within ten days prior to your receipt of the first execution levy on a debt may not be set off against the earnings otherwise subject to this levy. Any wage assignment made by the judgment debtor within ten days prior to your receipt of the first execution levy on a debt is void.)"

Page 22, delete lines 22 to 24 and insert "(Note: Any indebtedness to you incurred within ten days prior to your receipt of the first execution levy may not be set off against the earnings otherwise subject to this levy. Any wage assignment made by the judgment

debtor within ten days prior to your receipt of the first execution levy is void.)”

Page 25, line 24, delete “a managing” and insert “an authorized”

Page 40, delete lines 34 to 36 and insert “indebtedness to you incurred by the judgment debtor within ten days prior to the receipt of the first execution levy on a debt may not be claimed as a setoff, defense, lien, or claim against the amount set forth on line (1).”

Page 65, delete lines 22 to 25 and insert “to you incurred within ten days prior to your receipt of the first execution levy on a debt may not be set off against the earnings otherwise subject to this levy. Any wage assignment made by the judgment debtor within ten days prior to your receipt of the first execution levy on a debt is void.”

Page 72, delete lines 6 to 8 and insert “(Note: Any indebtedness to you incurred within ten days prior to your receipt of the first execution levy on a debt may not be set off against the earnings otherwise subject to this levy. Any wage assignment made by the judgment debtor within ten days prior to your receipt of the first execution levy on a debt is void.)”

Page 75, line 11, delete “a managing” and insert “an authorized”

Page 79, line 5, after “creditor,” insert “until the creditor authorizes release to the debtor,”

Page 79, delete lines 10 to 13 and insert:

“(7) that an assignment of wages made by the debtor within ten days before the service of the first garnishment summons on a debt is void and that any indebtedness to the garnishee incurred with ten days before the service of the first garnishment summons on a debt may not be set off against amounts otherwise subject to the garnishment.”

Page 86, delete lines 2 to 5 and insert:

“Any assignment of earnings made by the debtor to any party within ten days before the receipt of the first garnishment on a debt is void. Any indebtedness to you incurred by the debtor within the ten days before the receipt of the first garnishment on a debt may not be set off against amounts otherwise subject to the garnishment.”

Page 91, line 1, delete the comma

Page 91, delete lines 2 to 5 and insert "incurred by the debtor within the ten days before the receipt of the first garnishment on a debt may not be set off against amounts otherwise subject to the garnishment. Any assignment of earnings made by the debtor to any party within ten days before the receipt of the first garnishment on a debt is void."

Page 96, delete lines 19 to 21 and insert "assignment of earnings made by the debtor to any party within ten days before the receipt of the first garnishment on a debt is void. Any indebtedness to you incurred by the debtor within the ten days before the receipt of the first garnishment on a debt may not be set off against amounts otherwise subject to the garnishment."

Page 99, delete lines 22 and 23 and insert "debtor within the ten days before the receipt of the first garnishment on a debt may not be set off against amounts otherwise subject to the garnishment."

Page 104, delete lines 22 to 25 and insert "assignment of earnings made by the debtor to any party within ten days before the receipt of the first garnishment on a debt is void. Any indebtedness to you incurred by the debtor within the ten days before the receipt of the first garnishment on a debt may not be set off against amounts otherwise subject to the garnishment."

Page 130, line 31, delete "1989" and insert "1990"

The motion prevailed and the amendment was adopted.

Pugh moved to amend S. F. No. 1150, as amended, as follows:

Page 36, line 29, delete "1989" and insert "1990"

Page 76, line 2, delete "1989" and insert "1990"

Page 130, line 31, delete "1989" and insert "1990"

The motion prevailed and the amendment was adopted.

Pugh and Kelly moved to amend S. F. No. 1150, as amended, as follows:

Page 130, after line 22, insert:

"Sec. 39. Minnesota Statutes 1988, section 609.535, is amended by adding a subdivision to read:

Subd. 2b. [SENTENCING.] Upon conviction of the offense of issuing a dishonored check, if sentence is deferred or suspended, the court, as a condition of probation, shall require the defendant to make restitution on all checks issued by the defendant which are unpaid as of the date of conviction and any service charge paid by the payee or holder of the worthless checks in addition to other terms and conditions appropriate for the treatment or rehabilitation of the defendant, and shall require the defendant to pay processing fees pursuant to this section, class fees, or other handling charges.

If the defendant is accepted pursuant to a preprosecution diversion program after an allegation or charge, the program, as a condition of its supervision, shall require the defendant to make restitution on all checks issued by the defendant which are unpaid as of the date of the commencement of the supervision, or which the defendant writes during the period of supervision, and any service charge paid by the payee or holder of the worthless checks in addition to other terms and conditions appropriate for the treatment and rehabilitation of the defendant, and shall require the defendant to pay processing fees assessed under this subdivision and the costs, not exceeding \$75, of attending the preprosecution diversion program.

A prosecuting attorney may assess a processing fee against any person who is convicted of violating this section and against any person who does not contest a charge under this section but for whom prosecution is waived by the prosecuting attorney. The processing fee assessed under this section shall not exceed \$25 per check.

Sec. 40. Minnesota Statutes 1988, section 609.535, subdivision 3, is amended to read:

Subd. 3. [PROOF OF INTENT.] Any of the following is evidence sufficient to sustain a finding that the person at the time the person issued the check intended it should not be paid:

(1) proof that, at the time of issuance, the issuer did not have an account with the drawee;

(2) proof that, at the time of issuance, the issuer did not have sufficient funds or credit with the drawee to pay in full the check as well as other checks outstanding at the time of issuance and that the issuer failed to pay the check together with reasonable costs within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision; or

(3) proof that, when presentment was made within a reasonable time, the issuer did not have sufficient funds or credit with the drawee to pay in full the check as well as other checks outstanding at the time of presentment and that the issuer failed to pay the check

together with reasonable costs within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision.

Notice of nonpayment or dishonor that includes a citation to and a description of the penalties in this section shall be sent by the payee or holder of the check to the maker or drawer by certified mail, return receipt requested, or by regular mail, supported by an affidavit of service by mailing, to the address printed of the issuer as shown on the check. Refusal by the maker or drawer of the check to accept certified mail notice or failure to claim certified or regular mail notice is not a defense that notice was not received.

The notice may state that unless the check together with all reasonable costs is paid in full within five business days after mailing of the notice of nonpayment or dishonor, the payee or holder of the check will or may refer the matter to proper authorities for prosecution under this section. Notice may be given by the actual victim or by any agency directed to do so by either the victim or the state. The notice is not coercion under section 609.27.

An affidavit of service by mailing shall be retained by the payee or holder of the check.

Sec. 41. Minnesota Statutes 1988, section 609.535, subdivision 5, is amended to read:

Subd. 5. [EXCEPTIONS.] This section does not apply ~~to a post-dated check or to a check given for a past consideration, except a payroll check or a check issued to a fund for employee benefits if an~~ insufficiency of funds results from an adjustment to the person's account by the institution without notice to the person.

Sec. 42. [609.536] [CHECK PROSECUTION DIVERSION.]

Subdivision 1. [DIVERSION PROGRAM.] A prosecuting attorney may create within the office a diversion program for persons who write worthless checks. For purposes of this section, "writing a worthless check" means making, drawing, uttering, or delivering any check or draft upon any bank or depository for the payment of money when there is probable cause to believe there is a violation of section 609.535. The program may be conducted by the prosecuting attorney or by a private entity under contract with the prosecuting attorney. If the program is conducted by a private entity, no prosecutorial discretion shall vest in that entity.

Subd. 2. [REFERRAL.] The prosecuting attorney may refer a worthless check case to the diversion program. Except as provided in subdivision 5, this section does not limit the power of the prosecuting attorney to prosecute worthless check complaints.

Subd. 3. [REFERRAL FACTORS.] The prosecuting attorney shall determine whether a bad check case is one that is appropriate to be referred to the worthless check diversion program. In determining whether to refer a case, the prosecuting attorney shall consider all of the following and any other appropriate matters:

- (1) the amount of the bad check;
- (2) if the person has a prior criminal record or has previously been diverted;
- (3) the number of worthless check complaints against the person previously received by the prosecuting attorney;
- (4) whether there are other worthless check complaints currently pending against the person; and
- (5) the strength of the evidence, if any, of intent to defraud the victim.

Subd. 4. [NOTIFICATION OF REFERRAL.] On referral of a case to the diversion program, a notice shall be forwarded by mail to the person alleged to have written the worthless check which contains all of the following:

- (1) the date and amount of the worthless check;
- (2) the name of the payee;
- (3) the date before which the person must contact the office of the prosecuting attorney or an entity designated by the prosecuting attorney concerning the check;
- (4) a statement of the penalty for issuing a dishonored check;
- (5) a statement advising the accused of the right to counsel, the right to a hearing, and to all the other rights of a defendant in a criminal trial; and
- (6) a statement of how the person can enter an agreement to forego prosecution.

Subd. 5. [AGREEMENT TO FOREGO PROSECUTION.] The prosecuting attorney may enter a written agreement with the person to forego prosecution on the worthless check for a period to be determined by the prosecuting attorney, not to exceed six months, pending notification that all of the following terms have been completed:

(1) a rehabilitation class or classes conducted by the prosecuting attorney or private entity under contract with the prosecuting attorney;

(2) restitution to the victim of the bad check; and

(3) payment of the collection fee specified in subdivision 6.

The written agreement shall be kept by the prosecuting attorney for no less than three years.

Subd. 6. [WORTHLESS CHECK FEE.] A prosecuting attorney may collect a fee if the prosecuting attorney's office collects and processes a worthless check. The amount of the fee shall not exceed \$25 for each worthless check.

Fees collected under this section shall be deposited in the local government unit treasury in a special fund to be administered by the prosecuting attorney. The money in the fund shall be used only for expenditures associated with the performance of the prosecuting attorney's duties.

If a nonstate agency or entity is used by the prosecuting attorney to run the worthless check prosecution diversion program, the nonstate agency or entity may be funded by costs assessed to the check writers enrolled in the program. Program costs assessed to a check writer shall not exceed \$75.

Subd. 7. [COERCION EXCEPTION.] Action under this section is not coercion under section 609.27."

Page 130, line 31, delete "39" and insert "38 and 43"

Page 130, after line 32, insert:

"Sections 39 to 42 take effect the day after final enactment."

ReNUMBER the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 1150, A bill for an act relating to creditors remedies; regulating executions and garnishments; amending Minnesota Statutes 1988, section 550.142; proposing coding for new law in

Minnesota Statutes, chapters 550 and 557; proposing coding for new law as Minnesota Statutes, chapter 551; repealing Minnesota Statutes 1988, sections 550.041; 550.05; 550.14; 550.141; 571.41; 571.42; 571.43; 571.44; 571.45; 571.46; 571.471; 571.495; 571.50; 571.51; 571.52; 571.53; 571.54; 571.55; 571.56; 571.57; 571.58; 571.59; 571.60; 571.61; 571.62; 571.63; 571.64; 571.65; 571.66; 571.67; 571.68; and 571.69.

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

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

S. F. No. 1739 was reported to the House.

McLaughlin, Skoglund and Carruthers moved to amend S. F. No. 1739, as follows:

Page 3, line 24, delete "This act" and insert "Sections 1 to 4"

Page 3, after line 25, insert:

"Sec. 6. [375.065] [MEETINGS, PAY.]

A member of the county board of a county who is paid a salary that is more than 50 percent of the salary of the governor may not be paid any amount, by per diem or otherwise, except as reimbursement for expenses, for attendance at meetings related to the business of any local government unit.

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the McLaughlin et al amendment and the roll was called. There were 126 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Quinn

The motion prevailed and the amendment was adopted.

S. F. No. 1739, A bill for an act relating to metropolitan government; clarifying provisions for compensation; amending Minnesota Statutes 1988, sections 473.123, subdivision 5; and 473.141, subdivision 7; Minnesota Statutes 1989 Supplement, sections 473.605, subdivision 2; and 473.704, subdivision 6.

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

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

Those who voted in the affirmative were:

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

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

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

S. F. No. 2213 was reported to the House.

Olson, K., and Kalis moved to amend S. F. No. 2213, as follows:

Page 3, after line 28, insert:

"Sec. 4. [STUDY DIRECTED.]

The chairs of the committees on transportation of the senate and the house of representatives shall appoint a joint subcommittee on motor carrier regulation. The joint subcommittee must consist of an equal number of members of each committee. The joint subcommittee shall oversee those activities of the transportation regulation board which relate to a study by the board, or by a board task force or advisory committee, of current and proposed law and rules on regulated motor carriers. The chair and other members of the transportation regulation board, and the members of any task force or advisory committee of the board, shall cooperate and consult with

the joint subcommittee throughout the study. The chair and any person selected by the chair as a facilitator for any of the board's task forces, must report to the joint subcommittee at least once every 60 days until February 1, 1991. The joint subcommittee must report to the chairs of each committee not later than January 1, 1991, on the results of its activities and any recommendations of the joint subcommittee for changes in motor carrier laws.

Sec. 5. [EFFECTIVE DATE.]

Section 4 is effective the day following final enactment."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Schreiber moved to amend S. F. No. 2213, as amended, as follows:

Page 3, after line 28, insert:

"(d) Paragraph (a) applies from the effective date of this act until April 1, 1991. After April 1, 1991, the driver of a vehicle transporting sand, gravel, aggregate, dirt, lime rock, silica, or similar material shall ensure that the cargo compartment of the vehicle is securely covered with a close-fitting tarpaulin or other appropriate cover."

A roll call was requested and properly seconded.

The question was taken on the Schreiber amendment and the roll was called. There were 36 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Abrams	Haukoos	Marsh	Price	Tjornhom
Blatz	Henry	McDonald	Sarna	Tompkins
Boo	Himle	McPherson	Schafer	Valento
Burger	Johnson, R.	Milbert	Scheid	Weaver
Carruthers	Kahn	Onnen	Schreiber	
Forsythe	Kostohryz	Orenstein	Sparby	
Frerichs	Lynch	Osthoff	Stanius	
Gutknecht	Macklin	Pauly	Swenson	

Those who voted in the negative were:

Battaglia	Gruenes	Limmer	Otis	Simoneau
Bauerly	Hartle	Long	Pappas	Skoglund
Begich	Hasskamp	McEachern	Pellow	Solberg
Bennett	Hugoson	McGuire	Pelowski	Steensma
Bertram	Jacobs	McLaughlin	Peterson	Sviggum
Bishop	Janezich	Miller	Poppenhagen	Trimble
Brown	Jaros	Munger	Pugh	Tunheim
Carlson, D.	Jefferson	Murphy	Quinn	Uphus
Carlson, L.	Jennings	Nelson, C.	Redalen	Vellenga
Clark	Johnson, A.	Nelson, K.	Reding	Waltman
Cooper	Johnson, V.	Neuenschwander	Rest	Welle
Dauner	Kalis	O'Connor	Rice	Wenzel
Dawkins	Kelly	Ogren	Richter	Williams
Dille	Kelso	Olsen, S.	Rodosovich	Winter
Dorn	Kinkel	Olson, E.	Rukavina	Spk. Vanasek
Frederick	Krueger	Olson, K.	Runbeck	
Girard	Lasley	Omman	Seaberg	
Greenfield	Lieder	Ostrom	Segal	

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

S. F. No. 2213, A bill for an act relating to traffic regulations; regulating wheel flaps and covered loads; imposing a penalty; amending Minnesota Statutes 1988, sections 169.733; and 169.81, subdivision 5, and by adding a subdivision.

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

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

Those who voted in the affirmative were:

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

Stanius	Tjornhom	Uphus	Weaver	Winter
Steensma	Tompkins	Valento	Welle	Spk. Vanasek
Sviggum	Trimble	Vellenga	Wenzel	
Swenson	Tunheim	Waltman	Williams	

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

S. F. No. 1696, A bill for an act relating to human services; including the commissioners of commerce and health in designing the demonstration project for uninsured low-income persons; clarifying eligibility and enrollee participation requirements for the demonstration project; amending Minnesota Statutes 1988, section 256B.73.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1366 was reported to the House.

Pappas moved that S. F. No. 1366 be continued on Special Orders. The motion prevailed.

S. F. No. 488 was reported to the House.

Simoneau moved to amend S. F. No. 488, the unofficial engrossment, as follows:

Page 2, after line 7, insert:

“Sec. 3. Minnesota Statutes 1988, section 471.992, is amended by adding a subdivision to read:

Subd. 4. [COLLECTIVE BARGAINING.] This law shall not be construed to limit the ability of the parties to collectively bargain in good faith.”

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Sviggum moved to amend S. F. No. 488, the unofficial engrossment, as amended, as follows:

Page 1, after line 15, insert:

“Section 1. Minnesota Statutes 1988, section 275.125, is amended by adding a subdivision to read:

Subd. 6j. [PAY EQUITY IMPLEMENTATION LEVY.] Each year a school district may levy an amount not to exceed two percent of the total annual salary of all school district employees necessary to increase compensation of female-dominated job classes in order to comply with sections 471.991 to 471.9981.

Sec. 2. Minnesota Statutes Second 1989 Supplement, section 275.50, subdivision 5, is amended to read:

Subd. 5. Notwithstanding any other law to the contrary for taxes levied in 1989 payable in 1990 and subsequent years, “special levies” means those portions of ad valorem taxes levied by governmental subdivisions to:

(a) for taxes levied in 1990, payable in 1991 and subsequent years, pay the costs not reimbursed by the state or federal government, of payments made to or on behalf of recipients of aid under any public assistance program authorized by law, and the costs of purchase or delivery of social services. The aggregate amounts levied under this clause for the costs of purchase or delivery of social services and

income maintenance programs, other than those identified in section 273.1398, subdivision 1, paragraph (i), are subject to a maximum increase over the amount levied for the previous year of 12 percent for counties within the metropolitan area as defined in section 473.121, subdivision 2, or counties outside the metropolitan area but containing a city of the first class, and 15 percent for other counties. For purposes of this clause, "income maintenance programs" include income maintenance programs in section 273.1398, subdivision 1, paragraph (i), to the extent the county provides benefits under those programs over the statutory mandated standards. Effective with taxes levied in 1990, the portion of this special levy for human service programs identified in section 273.1398, subdivision 1, paragraph (i), is eliminated;

(b) pay the costs of principal and interest on bonded indebtedness except on bonded indebtedness issued under section 471.981, subdivisions 4 to 4c, or to reimburse for the amount of liquor store revenues used to pay the principal and interest due in the year preceding the year for which the levy limit is calculated on municipal liquor store bonds;

(c) pay the costs of principal and interest on certificates of indebtedness, except tax anticipation or aid anticipation certificates of indebtedness, issued for any corporate purpose except current expenses or funding an insufficiency in receipts from taxes or other sources or funding extraordinary expenditures resulting from a public emergency; and to pay the cost for certificates of indebtedness issued pursuant to sections 298.28 and 298.282;

(d) fund the payments made to the Minnesota state armory building commission pursuant to section 193.145, subdivision 2, to retire the principal and interest on armory construction bonds;

(e) provide for the bonded indebtedness portion of payments made to another political subdivision of the state of Minnesota;

(f) pay the amounts required, in accordance with section 275.075, to correct for a county auditor's error of omission but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(g) pay amounts required to correct for an error of omission in the levy certified to the appropriate county auditor or auditors by the governing body of a city or town with statutory city powers in a levy year, but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(h) pay amounts required by law to be paid to pay the interest on and to reduce the unfunded accrued liability of public pension funds in accordance with the actuarial standards and guidelines specified in sections 356.215 and 356.216 reduced by 106 percent of the amount levied for that purpose in 1976, payable in 1977. For the purpose of this special levy, the estimated receipts expected from the state of Minnesota pursuant to sections 69.011 to 69.031 or any other state aid expressly intended for the support of public pension funds shall be considered as a deduction in determining the required levy for the normal costs of the public pension funds. No amount of these aids shall be considered as a deduction in determining the governmental subdivision's required levy for the reduction of the unfunded accrued liability of public pension funds;

(i) to compensate the state for the cost of a reassessment ordered by the commissioner of revenue pursuant to section 270.16;

(j) pay the debt service on tax increment financing revenue bonds to the extent that revenue to pay the bonds or to maintain reserves for the bonds is insufficient as a result of the provisions of Laws 1988, chapter 719, article 5;

(k) pay the cost of hospital care under section 261.21;

(l) pay the unreimbursed costs incurred in the previous year to satisfy judgments rendered against the governmental subdivision by a court of competent jurisdiction in any tort action, or to pay the costs of settlements out of court against the governmental subdivision in a tort action when substantiated by a stipulation for the dismissal of the action filed with the court of competent jurisdiction and signed by both the plaintiff and the legal representative of the governmental subdivision, provided that an appeal for the unreimbursed costs under this clause was approved by the commissioner of revenue under section 275.51, subdivision 3;

(m) pay the expenses reasonably and necessarily incurred in preparing for or repairing the effects of natural disaster including the occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from natural causes such as earthquake, fire, flood, wind storm, wave action, oil spill, water contamination, air contamination, or drought in accordance with standards formulated by the emergency services division of the state department of public safety, provided that an appeal for the expenses incurred under this clause were approved by the commissioner of revenue under section 275.51, subdivision 3;

(n) pay a portion of the losses in tax receipts to a city due to tax abatements or court actions in the year preceding the current levy year, provided that an appeal for the tax losses was approved by the commissioner of revenue under section 275.51, subdivision 3. This special levy is limited to the amount of the losses times the ratio of

the nonspecial levies to total levies for taxes payable in the year the abatements were granted. County governments are not authorized to claim this special levy;

(o) pay the operating cost of regional library services authorized under section 134.34, subject to a maximum increase over the previous year of the greater of (1) 103 percent multiplied by one plus the percentage increase determined for the governmental subdivision under section 275.51, subdivision 3h, clause (b), or (2) six percent. If a governmental subdivision elected to include some or all of its levy for libraries within its adjusted levy limit base in the prior year, but elects to claim the levy as a special levy in the current levy year, the allowable increase is determined by applying the greater percentage determined under clause (1) or (2) to the total amount levied for libraries in the prior levy year. After levy year 1989, the increase must not be determined using a base amount other than the amount that could have been levied as a special levy in the prior year. In no event shall the special levy be less than the minimum levy required under sections 134.33 and 134.34, subdivisions 1 and 2;

(p) pay the amount of the county building fund levy permitted under section 373.40, subdivision 6;

(q) pay the county's share of the costs levied in 1989, 1990, and 1991 for the Minnesota cooperative soil survey under Minnesota Statutes 1988, section 40.07, subdivision 15;

(r) for taxes levied in 1989, payable in 1990 only, pay the cost incurred for the minimum share required by counties levying for the first time under section 134.34 as required under section 134.341. For taxes levied in 1990, and thereafter, counties levying under this provision must levy under clause (o), and their allowable increase must be determined with reference to the amount levied in 1989 under this paragraph;

(s) for taxes levied in 1989, payable in 1990 only, provide an amount equal to 50 percent of the estimated amount of the reduction in aids to a county under sections 273.1398, subdivision 2, paragraph (d), and 477A.012, subdivision 3, for aids payable in 1990;

(t) for taxes levied in 1990 only by a county in the eighth judicial district, provide an amount equal to the amount of the levy, if any, that is required under Laws 1989, chapter 335, article 3, section 54, subdivision 8;

(u) for taxes levied in 1989, payable in 1990 only, pay the costs not reimbursed by the state or federal government:

(i) for the costs of purchase or delivery of social services. The

aggregate amounts levied under this item are subject to a maximum increase over the amount levied in the previous year of 12 percent for counties within the metropolitan area as defined in section 473.121, subdivision 2, or counties outside the metropolitan area but containing a city of the first class, and 15 percent for other counties.

(ii) for payments made to or on behalf of recipients of aid under any public assistance program authorized by law. The aggregate amounts levied under this item are subject to a maximum increase over the amount levied in the previous year of 12 percent and must be used only for the public assistance programs; and

(v) pay an amount of up to 25 percent of the money sought for distribution and approved under section 115A.557, subdivision 3, paragraph (b), clause (3).

If the amount levied in 1989 is less than the actual expenditures needed for these programs for 1990, the difference between the actual expenditures and the amount levied may be levied in 1990 as a special levy. If the amount levied in 1989 is greater than the actual expenditures needed for these programs for 1990, the difference between the amount levied and the actual expenditures shall be deducted from the 1990 levy limit, payable in 1991.

(w) pay the costs incurred by political subdivisions on or after January 1, 1990, in an annual amount not to exceed two percent of the total annual salary of all employees of the political subdivision, in increasing compensation of female-dominated job classes, as defined in section 471.991, in order to comply with sections 471.991 to 471.999."

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 7, after the semicolon insert "providing for special levies;"

Page 1, line 8, after "sections" insert "275.125, by adding a subdivision;"

Page 1, line 12, before "repealing" insert "Minnesota Statutes Second 1989 Supplement, section 275.50, subdivision 5;"

A roll call was requested and properly seconded.

The question was taken on the Sviggum amendment and the roll was called. There were 44 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Bennett	Frerichs	Johnson, V.	Ozment	Stanius
Boo	Girard	Kinkel	Pellow	Sviggum
Burger	Gruenes	Knickerbocker	Pelowski	Swenson
Carlson, D.	Gutknecht	Limmer	Redalen	Tompkins
Carruthers	Hasskamp	Marsh	Richter	Uphus
Cooper	Haukoos	McDonald	Runbeck	Valento
Dille	Heap	Miller	Schafer	Waltman
Dorn	Hugoson	Omann	Schreiber	Weaver
Forsythe	Johnson, R.	Onnen	Solberg	

Those who voted in the negative were:

Abrams	Janezich	McGuire	Ostrom	Simoneau
Anderson, G.	Jaros	McLaughlin	Otis	Skoglund
Battaglia	Jefferson	McPherson	Pappas	Sparby
Bauerly	Jennings	Milbert	Pauly	Steensma
Begich	Johnson, A.	Morrison	Peterson	Tjornhom
Bertram	Kahn	Munger	Poppenhagen	Trimble
Bishop	Kalis	Murphy	Price	Tunheim
Blatz	Kelly	Nelson, C.	Pugh	Vellenga
Brown	Kelso	Nelson, K.	Reding	Welle
Clark	Kostohryz	Neuenschwander	Rest	Wenzel
Dauner	Krueger	O'Connor	Rice	Williams
Dawkins	Lasley	Ogren	Rodosovich	Winter
Frederick	Lieder	Olsen, S.	Rukavina	Spk. Vanasek
Greenfield	Long	Olson, E.	Sarna	
Hausman	Lynch	Olson, K.	Scheid	
Henry	Macklin	Orenstein	Seaberg	
Himle	McEachern	Osthoff	Segal	

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

Gutknecht offered an amendment to S. F. No. 488, the unofficial engrossment, as amended.

POINT OF ORDER

Krueger raised a point of order pursuant to rule 3.9 that the Gutknecht amendment was not in order. Speaker pro tempore Quinn ruled the point of order well taken and the amendment out of order.

S. F. No. 488, A bill for an act relating to public employment; defining equitable compensation relationships; requiring an implementation report; providing for review of plans; providing for appeals from decisions of the commissioner of employee relations; requiring the commissioner to report to the legislature; amending Minnesota Statutes 1988, sections 471.991, subdivision 5; 471.992, subdivisions 1, 2, and by adding a subdivision; 471.994; 471.998, by adding a subdivision; 471.9981, subdivision 6, and by adding subdivisions; and 471.999; Minnesota Statutes 1989 Supplement, section

485.018, subdivision 7; repealing Minnesota Statutes 1988, sections 471.992, subdivision 3; 471.995; 471.996; 471.9975; and 471.9981, subdivisions 2 to 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 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Gruenes	Lasley	Orenstein	Seaberg
Anderson, G.	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	Stanisus
Bishop	Henry	McDonald	Pellow	Steensma
Blatz	Himle	McEachern	Pelowski	Sviggum
Boo	Hugoson	McGuire	Peterson	Swenson
Brown	Jacobs	McLaughlin	Poppenhagen	Tjornhom
Burger	Janezich	McPherson	Price	Tompkins
Carlson, D.	Jaros	Milbert	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	Waltman
Dawkins	Kahn	Neuenschwander	Richter	Weaver
Dille	Kalis	O'Connor	Rodosovich	Welle
Dorn	Kelly	Ogren	Rukavina	Wenzel
Forsythe	Kelso	Olsen, S.	Runbeck	Williams
Frederick	Kinkel	Olsen, E.	Sarna	Winter
Frerichs	Knickerbocker	Olson, K.	Schafer	Spk. Vanasek
Girard	Kostohryz	Omann	Scheid	
Greenfield	Krueger	Onnen	Schreiber	

Those who voted in the negative were:

Miller

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

S. F. No. 2061, A bill for an act relating to privacy of communications; including cordless telephones in the privacy of communications act; amending Minnesota Statutes 1988, sections 626A.01, subdivisions 3 and 14; and 626A.02, subdivisions 2 and 4.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 2068, A bill for an act relating to insurance; no-fault auto; clarifying eligibility for economic loss benefits; amending Minnesota Statutes 1988, section 65B.64, subdivision 1; and Minnesota Statutes 1989 Supplement, section 65B.64, subdivision 3.

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

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

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

S. F. No. 1995, A bill for an act relating to insurance; property and casualty; regulating terminations of agents; prescribing a penalty; proposing coding for new law in Minnesota Statutes, chapter 60A.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 2431, A bill for an act relating to buildings; changing the definition of public building in the state building code; ratifying the interstate compact on industrialized/modular buildings; amending

Minnesota Statutes 1989 Supplement, section 16B.60, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 16B.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1365, A bill for an act relating to crimes; requiring prosecutor training in bias-motivated crimes; proposing coding for new law in Minnesota Statutes, chapter 8.

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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 2317 was reported to the House.

Jacobs moved to amend S. F. No. 2317, as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1988, section 216B.62, subdivision 5, is amended to read:

Subd. 5. The commission and department shall be authorized to charge cooperative electric associations and municipal electric utilities their proportionate share of the expenses incurred in the adjudication of service area disputes and all of the costs incurred in the adjudication of complaints over service standards and, practices, and rates. Cooperative electric associations electing to become subject to rate regulation by the commission pursuant to section 216B.02 216B.026, subdivision 4, shall also be subject to this section.”

Delete the title and insert:

“A bill for an act relating to utilities; providing for the assessment of expenses for adjudicating service area disputes to municipal electric utilities; amending Minnesota Statutes 1988, section 216B.62, subdivision 5.”

The motion prevailed and the amendment was adopted.

S. F. No. 2317, A bill for an act relating to utilities; providing for the assessment of expenses for adjudicating service area disputes to municipal electric utilities; providing for civil penalties for violations of chapter 237; reestablishing the position of program administrator of the telecommunications access for communication-impaired persons board; extending the electric utility service area task force until 1992; requiring a study; appropriating money; amending Minnesota Statutes 1988, sections 216B.62, subdivision 5; and 237.51, subdivision 5; 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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

The Speaker resumed the Chair.

S. F. No. 2108 was reported to the House.

Jacobs moved to amend S. F. No. 2108, as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1988, section 340A.101, subdivision 10, is amended to read:

Subd. 10. [EXCLUSIVE LIQUOR STORE.] “Exclusive liquor store” is an establishment used exclusively for the sale of intoxicating liquor except for the incidental sale of ice, tobacco, nonintoxicating malt liquor, beverages for mixing with intoxicating liquor, soft drinks, liqueur-filled candies, cork extraction devices, and books and videos on the use of alcoholic beverages in the preparation of food, and the establishment may offer recorded or live entertainment. “Exclusive liquor store” also includes an on-sale or combination on-sale and off-sale intoxicating liquor establishment which sells food for on-premise consumption when authorized by the municipality issuing the license.

Sec. 2. Minnesota Statutes 1988, section 340A.308, is amended to read:

340A.308 [PROHIBITED TRANSACTIONS.]

(a) No brewer or malt liquor wholesaler may directly or indirectly, or through an affiliate or subsidiary company, or through an officer, director, stockholder, or partner:

- (1) give, or lend money, credit, or other thing of value to a retailer;
- (2) give, lend, lease, or sell furnishing or equipment to a retailer;
- (3) have an interest in a retail license; or
- (4) be bound for the repayment of a loan to a retailer.

(b) This section does not prohibit a manufacturer or wholesaler from:

- (1) furnishing, lending, or renting to a retailer outside signs, of a cost of up to \$400 excluding installation and repair costs;
- (2) furnishing, lending, or renting to a retailer inside signs and other promotional material, of a cost of up to \$300 in a year;
- (3) furnishing to or maintaining for a retailer equipment for dispensing malt liquor, including tap trailers, cold plates and other dispensing equipment, of a cost of up to \$100 per tap in a year;
- (4) using or renting property owned continually since November 1,

1933, for the purpose of selling intoxicating or nonintoxicating malt liquor at retail; or

(5) extending customary commercial credit to a retailer in connection with a sale of nonalcoholic beverages only, or engaging in cooperative advertising agreements with a retailer in connection with the sale of nonalcoholic beverages only.

(c) The limitations on the cost of outside signs and inside signs and other promotional materials do not apply in the case of an indoor arena with a seating capacity of at least 14,000.

Sec. 3. Minnesota Statutes 1989 Supplement, section 340A.404, subdivision 2, is amended to read:

Subd. 2. [SPECIAL PROVISION; CITY OF MINNEAPOLIS.] (a) The city of Minneapolis may issue an on-sale intoxicating liquor license to the Guthrie Theatre, the Cricket Theatre, the Orpheum Theatre, and the State Theatre, notwithstanding the limitations of law, or local ordinance, or charter provision relating to zoning or school or church distances. The licenses authorize sales on all days of the week to holders of tickets for performances presented by the theatres and to members of the nonprofit corporations holding the licenses and to their guests.

(b) The city of Minneapolis may issue an intoxicating liquor license to 510 Groveland Associates, a Minnesota cooperative, for use by a restaurant on the premises owned by 510 Groveland Associates, notwithstanding limitations of law, or local ordinance, or charter provision.

(c) Notwithstanding any other law, local ordinance, or charter provision, the city of Minneapolis may issue one or more on-sale intoxicating liquor licenses to the owner of the sports arena located at 600 First Avenue North in the city of Minneapolis or an entity holding a concessions contract with the owner for use on the premises of that sports arena. The license authorizes sales on all days of the week to holders of tickets for sporting events or other events at the sports arena, and to the owner of the sports arena and the owner's guests. The licensee may not dispense intoxicating liquor to any person attending or participating in an amateur athletic event held on the premises.

Sec. 4. Minnesota Statutes 1988, section 340A.404, subdivision 3, is amended to read:

Subd. 3. [NOTICE TO THE COMMISSIONER.] A city shall within ten days of the issuance of a license under subdivision 1 or 5, inform the commissioner of the licensee's name and address and trade name, and the effective date and expiration date of the license.

The city shall also inform the commissioner of a license transfer, cancellation, suspension, or revocation during the license period.

Sec. 5. Minnesota Statutes 1988, section 340A.404, is amended by adding a subdivision to read:

Subd. 11. [REMOVAL OF WINE FROM RESTAURANT.] A restaurant licensed to sell intoxicating liquor or wine at on-sale under this section may permit a person purchasing a full bottle of wine in conjunction with the purchase of a meal to remove the bottle on leaving the licensed premises, provided that the bottle has been opened and the contents partially consumed. A removal of a bottle under the conditions described in this subdivision is not an off-sale of intoxicating liquor and may be permitted without additional license.

Sec. 6. Minnesota Statutes 1988, section 340A.405, subdivision 2, is amended to read:

Subd. 2. [COUNTIES.] (a) A county may issue an off-sale intoxicating license with the approval of the commissioner to exclusive liquor stores located within unorganized territory of the county.

(b) A county board of any county except Ramsey county containing a town exercising powers under section 368.01, subdivision 1, may issue an off-sale license to an exclusive liquor store within that town with the approval of the commissioner. No license may be issued under this paragraph unless the town board adopts a resolution supporting the issuance of the license.

(c) A county board of any county except Ramsey county containing a town that may not exercise powers under section 368.01, subdivision 1, may issue a combination off-sale and on-sale license to restaurants within that town with the approval of the commissioner pursuant to section 340A.404, subdivision 6. No license may be issued under this paragraph unless the town board adopts a resolution supporting the issuance of the license.

(d) No license may be issued under this subdivision unless a public hearing is held on the issuance of the license. Notice must be given to all interested parties and to any city located within three miles of the premises proposed to be licensed. At the hearing the county board shall consider testimony and exhibits presented by interested parties and may base its decision to issue or deny a license upon the nature of the business to be conducted and its impact upon any municipality, the character and reputation of the applicant, and the propriety of the location. Any hearing held under this paragraph is not subject to chapter 14.

(e) A county board may not issue a license under this subdivision

to a person for an establishment located less than three miles by the most direct route from the boundary of any statutory or home rule city except cities of the first class or within Pine, Carlton, Carver, or Red Lake county within three miles of a statutory or home rule city with a municipal liquor store.

(f) (e) The town board may impose an additional license fee in an amount not to exceed 20 percent of the county license fee.

(g) (f) Notwithstanding any provision of this subdivision or Laws 1973, chapter 566, as amended by Laws 1974, chapter 200, a county board may transfer or renew a license that was issued by a town board under Minnesota Statutes 1984, section 340.11, subdivision 10b, prior to January 1, 1985.

Sec. 7. Minnesota Statutes 1988, section 340A.504, subdivision 1, is amended to read:

Subdivision 1. [NONINTOXICATING MALT LIQUOR.] No sale of nonintoxicating malt liquor may be made between 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 1:00 a.m. and 12:00 noon on Sunday, provided that an establishment located on land owned by the metropolitan sports commission, or the sports arena for which one or more licenses have been issued under section 340A.404, subdivision 2, paragraph (c), may sell nonintoxicating malt liquor between 10:00 a.m. and 12:00 noon on a Sunday on which a sports or other event is scheduled to begin at that location on or before 1:00 p.m. of that day.

Sec. 8. [CITY OF ST. PAUL; WINE AND BEER LICENSES.]

Subdivision 1. [LICENSE AUTHORIZED.] The city of St. Paul may issue on-sale nonintoxicating malt liquor licenses and on-sale wine licenses to the city's division of parks and recreation. The licenses authorize the sale of wine or nonintoxicating malt liquor on property owned by the city and under the jurisdiction of the division, by:

(1) employees of the city;

(2) persons holding a permit from the division to conduct an event and sell wine or nonintoxicating malt liquor to persons attending the event; or

(3) persons who have contracted with the city to sell wine or nonintoxicating malt liquor on such property.

Subd. 2. [PERMITS, CONTRACTS.] (a) Permits issued by the city under subdivision 1, clause (2), and contracts entered into by the city under subdivision 1, clause (3), must provide for:

(1) the duration of the permit or contract;

(2) the premises or area in which sales of wine or nonintoxicating malt liquor will be made;

(3) the persons to whom such sales will be made;

(4) the days and hours in which such sales will be made; and

(5) obtaining by the permit holder or contracted vendor of such liquor liability insurance or bond, or both, as the city considers necessary to protect the city's interest as the holder of the license.

(b) A permit may be issued or a contract entered into under this section with a person who does not hold a license issued under Minnesota Statutes, chapter 340A, for the retail sale of alcoholic beverages.

(c) The division may, without notice or hearing, refuse to issue a permit under subdivision 1, clause (2).

Subd. 3. [CITY COUNCIL APPROVAL.] The St. Paul city council must approve each:

(1) facility at which wine or nonintoxicating malt liquor will be sold by city employees;

(2) permit issued under subdivision 1, clause (2); and

(3) contract entered into under subdivision 1, clause (3).

Subd. 4. [APPLICABILITY OF GENERAL LAW.] All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to licenses issued under this section. Licenses authorized by this section are in addition to any other licenses authorized by law.

Sec. 9. [EARLE BROWN HERITAGE CENTER LICENSE.]

In addition to any license authorized by law, the city of Brooklyn Center may issue one on-sale intoxicating liquor license for the Earle Brown Heritage Center convention center. The license shall authorize the sale and serving of liquor to persons attending events at the center, other than amateur athletic events. The license fee and hours of sale shall be set by the city council within the limits imposed by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to this license.

Sec. 10. [DULUTH LICENSE.]

Notwithstanding any law to the contrary, the city of Duluth may issue an on-sale intoxicating liquor license to a restaurant located at 109 North Second Avenue West in the city of Duluth. The license authorized by this section is in addition to any other licenses authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the license authorized by this section.

Sec. 11. [REPEALER.]

Minnesota Statutes 1988, section 340A.601, subdivision 2, is repealed.

Sec. 12. [EFFECTIVE DATE.]

Section 3 is effective on approval by the Minneapolis city council and compliance with Minnesota Statutes, section 645.021. Section 4 is effective the day following final enactment. Section 8 is effective on approval by the St. Paul city council and compliance with section 645.021. Section 9 is effective on approval by the Brooklyn Center city council and compliance with section 645.021. Section 10 is effective on approval by the Duluth city council and compliance with section 645.021."

Delete the title and insert:

"A bill for an act relating to liquor; authorizing liquor stores to sell candy liqueurs; exempting certain signs from cost limits; authorizing removal of partially consumed wine bottles from licensed premises; authorizing additional licenses in the cities of Minneapolis, Brooklyn Center, and Duluth; authorizing the issuance of wine and nonintoxicating malt liquor licenses by the city of St. Paul to its parks and recreation division; repealing prohibitions against county off-sale and combination licenses within three miles of incorporated areas; providing for the reporting of wine licenses to the commissioner of public safety; eliminating the requirement for a vote on municipal liquor store continuance upon population change; amending Minnesota Statutes 1988, sections 340A.101, subdivision 10; 340A.308; 340A.404, subdivision 3, and by adding a subdivision; 340A.405, subdivision 2; 340A.504, subdivision 1; Minnesota Statutes 1989 Supplement, section 340A.404, subdivision 2; repealing Minnesota Statutes 1988, section 340A.601, subdivision 2."

The motion prevailed and the amendment was adopted.

Jacobs moved to amend S. F. No. 2108, as amended, as follows:

Page 1, after line 23, insert a section to read:

"Section 1. Minnesota Statutes 1988, section 31.121, is amended to read:

31.121 [FOOD ADULTERATION.]

A food shall be deemed to be adulterated:

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health; or

(b) If it bears or contains any added poisonous or added deleterious substance, other than one which is a pesticide chemical in or on a raw agricultural commodity; a food additive; or a color additive, which is unsafe within the meaning of section 31.122; or

(c) If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of section 31.122; or

(d) If it is or it bears or contains any food additive which is unsafe within the meaning of section 31.122; provided that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or tolerance prescribed under section 31.122, and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed food shall, notwithstanding the provisions of section 31.122 and this clause, not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice, and the concentration of such residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity; or

(e) If it consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or

(f) If it has been produced, prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome, or injurious to health; or

(g) If it is in whole or in part the product of a diseased animal or of an animal which has died otherwise than by slaughter, or of an animal that has been fed upon the uncooked offal from a slaughterhouse; or

(h) If its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health; or

(i) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a rule or exemption in effect pursuant to section 31.122 or section 409 of the federal act; or

(j) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or

(k) If any substance has been substituted wholly or in part therefor; or

(l) If damage or inferiority has been concealed in any manner; or

(m) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength or make it appear better or of greater value than it is; or

(n) If it is confectionery, and (1) has partially or completely imbedded therein any nonnutritive object; provided, that this clause shall not apply in the case of any nonnutritive object if in the judgment of the commissioner, as provided by rules, such object is of practical functional value to the confectionery product and would not render the product injurious or hazardous to health; or (2) bears or contains any alcohol, other than alcohol not in excess of one half of one percent by volume derived solely from the use of flavoring extracts; or (3) bears or contains any nonnutritive substance; provided, that this clause shall not apply to a safe nonnutritive substance which is in or on confectionery by reason of its use for some practical functional purpose in the manufacture, packaging, or storing of such confectionery if the use of the substance does not promote deception of the consumer or otherwise result in adulteration or misbranding in violation of any provision of the Minnesota food law; and provided further, that the commissioner may, for the purpose of avoiding or resolving uncertainty as to the application of this clause, issue rules allowing or prohibiting the use of particular nonnutritive substances; or

(o) If it is or bears or contains any color additive which is unsafe within the meaning of section 31.122; or

(p) If it is oleomargarine or margarine or butter and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance, or such oleomargarine or margarine or butter is otherwise unfit for food."

Page 7, line 27, delete "section" and insert "sections 340A.405, subdivision 5; and"

Page 7, line 27, after "2" delete the comma and insert a semicolon

Page 7, line 28, delete "is" and insert "are"

Renumber the remaining sections

Amend the title as follows:

Page 8, line 3, after "liqueurs" insert "and removing prohibition against confectioneries containing alcohol"

Page 8, line 16, after "sections" insert "31.121,"

Page 8, line 17, delete "340A.308,"

Page 8, line 21, delete "section" and insert "sections 340A.405, subdivision 5; and"

The motion prevailed and the amendment was adopted.

Quinn moved to amend S. F. No. 2108, as amended, as follows:

Page 7, after line 25, insert:

"Sec. 11. [ANOKA COUNTIES; LIQUOR LICENSING.]

The county board of Anoka county may, by resolution, delegate to the town board of towns located within the county, powers possessed by the county to issue nonintoxicating malt liquor licenses under Minnesota Statutes, section 340A.403, on-sale intoxicating liquor licenses under section 340A.404, and off-sale intoxicating liquor licenses under section 340A.405, within the unincorporated area of the county; provided that the town board of the respective town consents to the delegation of powers. License fees must be paid to the town and the town board shall assume all powers and duties of the county board in regard to licensing.

Sec. 12. [EFFECTIVE DATE.]

Pursuant to Minnesota Statutes, section 645.023, subdivision 1, clauses (a) and (c), section 11 is effective without local approval the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 8, line 15, after "change," insert "authorizing Anoka county to delegate liquor licensing authority to town boards within the county;"

The motion prevailed and the amendment was adopted.

Nelson, C., moved to amend S. F. No. 2108, as amended, as follows:

Page 7, after line 25, insert a section to read:

"Sec. 13. [CITY OF EVANSVILLE; SUNDAY LIQUOR LICENSE.]

Notwithstanding Minnesota Statutes, section 340A.504, subdivision 3, paragraph (d), the city of Evansville may issue a license authorizing on-sales of intoxicating liquor on Sunday to a restaurant in the city without authorization by the voters of the city. All other provisions of Minnesota Statutes, chapter 340A, apply to a license issued under this section."

Renumber the remaining sections

Page 8, line 2, after the period insert "Section 13 is effective on approval by the Evansville city council and compliance with section 645.021."

Amend the title as follows:

Page 8, line 5, after the semicolon insert "authorizing issuance of a Sunday on-sale license in Evansville without voter approval;"

The motion prevailed and the amendment was adopted.

Long moved to amend S. F. No. 2108, as amended, as follows:

Page 2, after line 3, insert sections to read:

"Sec. 3. Minnesota Statutes 1988, section 340A.301, subdivision 1, is amended to read:

Subdivision 1. [LICENSES REQUIRED.] No person may directly or indirectly manufacture or sell at wholesale intoxicating liquor, or nonintoxicating malt liquor without obtaining an appropriate license from the commissioner, except where otherwise provided in

this chapter. A manufacturer's license includes the right to import. A licensed brewer of malt liquor may sell products at wholesale without an additional license. A licensed brewer may sell the brewer's products at wholesale only if the brewer has been issued a wholesaler's license. The commissioner shall issue a wholesaler's license to a brewer only if the commissioner determines that the brewer was selling the brewer's own products at wholesale in Minnesota on January 1, 1991. A licensed wholesaler of intoxicating malt liquor may sell nonintoxicating malt liquor at wholesale without an additional license. The business of manufacturer and wholesaler may be combined and carried on under a single manufacturer's license.

Sec. 4. Minnesota Statutes 1988, section 340A.301, subdivision 7, is amended to read:

Subd. 7. [INTEREST IN OTHER BUSINESS.] (a) Except as provided in this subdivision, a holder of a license as a manufacturer, brewer, or wholesaler may not have any ownership, in whole or in part, in a business holding a retail intoxicating liquor or nonintoxicating malt liquor license, but a manufacturer or wholesaler of intoxicating liquor may use or have property rented for retail intoxicating liquor sales if the manufacturer or wholesaler has owned the property continuously since November 1, 1933.

(b) A licensed brewer of malt liquor described in subdivision 6, clause (d) may be issued an on-sale intoxicating liquor or nonintoxicating malt liquor license by a municipality for a restaurant operated in or immediately adjacent to the place of manufacture.

(c) A licensed brewer may not have any ownership, in whole or in part, directly or indirectly, in a business holding a wholesale license for the sale of malt liquor.

(d) Notwithstanding paragraph (c), a licensed brewer which was selling the brewer's own products at wholesale in Minnesota on January 1, 1991, may continue to sell those products in the area of distribution existing on January 1, 1991."

Re-number the remaining sections

Amend the title as follows:

Page 8, line 4, after the semicolon insert "placing restrictions on wholesaling of beer by brewers;"

Page 8, line 17, after "10;" insert "340A.301, subdivisions 2 and 7;"

The motion prevailed and the amendment was adopted.

Tunheim moved to amend S. F. No. 2108, as amended, as follows:

Page 2, after line 3, insert:

“Sec. 3. Minnesota Statutes 1988, section 340A.101, subdivision 25, is amended to read:

Subd. 25. [RESTAURANT] “Restaurant” is an establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly served at tables to the general public, and having seating capacity for guests in the following minimum numbers:

- | | |
|---|-----|
| (a) First class cities | 50 |
| (b) Second and third class cities
and statutory cities of over
10,000 population | 30 |
| (c) Unincorporated or unorganized
territory other than in Cook,
Itasca, Lake, and St. Louis
counties | 100 |
| (d) Unincorporated or unorganized
territory in Cook, Itasca, Lake,
<u>Lake of the Woods</u> , and St. Louis
counties | 50 |

In the case of classes (b) and (c) above, the governing body of a city or county may prescribe a higher minimum number. In fourth class cities and statutory cities under 10,000 population, minimum seating requirements are those prescribed by the governing body of the city.”

Re-number the remaining sections

Amend the title as follows:

Page 8, line 17, delete “subdivision 10” and insert “subdivisions 10 and 25”

The motion prevailed and the amendment was adopted.

O'Connor, Pappas, Dempsey, Knickerbocker, Omann, Begich, Vellenga, Hausman and Trimble moved to amend S. F. No. 2108, as amended, as follows:

Page 7, after line 25, insert:

"Sec. 14. [SALE OF MINNESOTA BEER AT PUBLIC FACILITIES.]

Subdivision 1. [MINNESOTA-PRODUCED BEER; REQUIRED AVAILABILITY.] At any permanent or temporary building or structure owned or operated by the state, a political subdivision, or an instrumentality thereof, where beer is sold for on-premise consumption, the entity owning or operating the building or structure must insure that a Minnesota-produced beer is available for purchase at each station where beer is sold. This section applies to all such permanent or temporary buildings or structures without regard to whether sales of beer are made by the owning or operating government entity or employees thereof or by a person holding a lease or concession contract with the government entity.

Subd. 2. [EXCEPTIONS.] This section does not apply to:

(1) municipal liquor stores; or

(2) persons holding an event on property owned by a government entity where (a) the event is conducted under a temporary permit from that government entity, and (b) alcoholic beverages are provided to persons attending the event, at no cost to those persons."

Renumber the remaining sections

Amend the title as follows:

Page 8, line 15, after the semicolon, insert "requiring public facilities that sell beer to sell Minnesota-produced beer;"

The motion prevailed and the amendment was adopted.

Otis offered an amendment to S. F. No. 2108, as amended.

POINT OF ORDER

Schreiber raised a point of order pursuant to rule 3.9 that the Otis amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

S. F. No. 2108, A bill for an act relating to liquor; regulating the sale of liqueur-filled candy; authorizing municipalities to issue on-sale wine licenses to bed and breakfast facilities; authorizing removal of partially consumed wine bottles from licensed premises; authorizing additional licenses in the cities of Minneapolis, Brooklyn Center, and Duluth; authorizing the issuance of wine and nonintoxicating malt liquor licenses by the city of St. Paul to its parks and recreation division; authorizing the county board of Anoka county to delegate liquor licensing authority to town boards within the county; authorizing the county board of Itasca county to issue an off-sale or combination license within three miles of an incorporated area; providing for the reporting of wine licenses to the commissioner of public safety; eliminating the requirement for a vote on municipal liquor store continuance upon population change; amending Minnesota Statutes 1988, sections 31.121; 340A.101, subdivision 10; 340A.404, subdivisions 3, 5, and by adding a subdivision; 340A.504, subdivision 1; 340A.601, subdivision 2; Minnesota Statutes 1989 Supplement, sections 340A.404, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 340A.

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 114 yeas and 9 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dille	Haukoos	Onnen	Schafer	Sviggum
Frerichs	Lasley	Richter	Seaberg	

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

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

GENERAL ORDERS

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

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following message was 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. 2666, A bill for an act relating to elections; limiting campaign expenditures by congressional candidates who choose to receive a public subsidy for their campaigns; limiting certain contribution receipts by congressional candidates; clarifying and modifying certain exceptions to multicandidate political party expenditure limitations; modifying lobbyist reporting requirements; expanding certain reports by certain political committees and political funds; discontinuing the state ethical practices board's responsibility for developing and furnishing certain forms; providing an income tax credit for contributions to state candidates and political parties; limiting contributions and solicitations during a regular legislative session; providing a public subsidy for legislative candidates in special elections; requiring candidates to match funds received from the state elections campaign fund; requiring deer licenses to include an application for absentee ballots; requiring county auditors to provide a sample ballot for classroom use; specifying a time period for preparing a candidate's affidavit; providing penalties; amending Minnesota Statutes 1988, sections 10A.01, subdivisions 7 and 10b; 10A.02, subdivision 1; 10A.04, subdivisions 2, 4, and 4a; 10A.05; 10A.20, subdivision 3; 10A.24; 10A.25, subdivision 10, and by adding a subdivision; 10A.255, by adding a subdivision; 10A.27, subdivisions 1 and 4; 10A.275; 10A.28, subdivision 1; 10A.30, subdivision 2; 10A.33; 97A.485, by

adding a subdivision; 204B.09, subdivision 1; 204D.03, subdivision 1; 290.06, by adding a subdivision; and 383B.055, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 10A; and 204D; repealing Minnesota Statutes 1988, sections 10A.27, subdivision 5; 10A.32, subdivisions 1, 2, 3, and 4; and 211B.11, subdivision 2; Minnesota Statutes 1989 Supplement, section 10A.32, subdivision 3a.

PATRICK E. FLAHAVEN, Secretary of the Senate

Scheid moved that the House refuse to concur in the Senate amendments to H. F. No. 2666, 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.

MOTIONS AND RESOLUTIONS

Sparby moved that the name of Schreiber be added as an author on H. F. No. 2720. The motion prevailed.

Pappas moved that H. F. No. 1258 be returned to its author. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2666:

Scheid, Vanasek, Solberg, Osthoff and Bishop.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2018:

Quinn, Long, Kostohryz, Himle and Janezich.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 1:00 p.m., Wednesday, April 11, 1990. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Wednesday, April 11, 1990.

EDWARD A. BURDICK, Chief Clerk, House of Representatives