

STATE OF MINNESOTA
SEVENTY-EIGHTH SESSION -- 1993

FIFTY-FIFTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MAY 10, 1993

The House of Representatives convened at 10:30 a.m. and was called to order by Dee Long, Speaker of the House.

Prayer was offered by Senator Pat Piper, District 27, Austin, Minnesota.

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	Dauner	Haukoos	Koppendraye	Mosel	Rest	Trimble
Anderson, I.	Davids	Hausman	Krinkie	Murphy	Rhodes	Tunheim
Anderson, R.	Dawkins	Holsten	Krueger	Nelson	Rice	Van Dellen
Asch	Dehler	Hugoson	Lasley	Ness	Rodosovich	Vellenga
Battaglia	Delmont	Huntley	Leppik	Olson, E.	Rukavina	Vickerman
Bauerly	Dempsey	Jacobs	Lieder	Olson, M.	Sarna	Wagenius
Beard	Dorn	Jaros	Limmer	Onnen	Seagren	Waltman
Bergson	Erhardt	Jefferson	Lindner	Opatz	Sekhon	Weaver
Bertram	Evans	Jennings	Lourey	Orenstein	Simoneau	Wejzman
Bettermann	Farrell	Johnson, A.	Luther	Orfield	Skoglund	Welle
Bishop	Frerichs	Johnson, R.	Lynch	Ostrom	Smith	Wenzel
Blatz	Garcia	Johnson, V.	Macklin	Ozment	Solberg	Winter
Brown, C.	Girard	Kahn	Mahon	Pauly	Sparby	Wolf
Brown, K.	Goodno	Kalis	Mariani	Pawlenty	Stanis	Worke
Carlson	Greenfield	Kelley	McCollum	Pelowski	Steensma	Workman
Carruthers	Greiling	Kelso	McGuire	Perlt	Sviggum	Spk. Long
Clark	Gruenes	Kinkel	Milbert	Peterson	Swenson	
Commers	Gutknecht	Klinzing	Molnau	Pugh	Tomassoni	
Cooper	Hasskamp	Knickerbocker	Morrison	Reding	Tompkins	

A quorum was present.

Neary was excused.

Osthoff was excused until 11:10 a.m. Olson, K., was excused until 11:35 a.m. Munger was excused until 12:45 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Tompkins moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 162 and H. F. No. 147, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Reding moved that the rules be so far suspended that S. F. No. 162 be substituted for H. F. No. 147 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 502 and H. F. No. 726, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Orfield moved that the rules be so far suspended that S. F. No. 502 be substituted for H. F. No. 726 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 760 and H. F. No. 859, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Wolf moved that the rules be so far suspended that S. F. No. 760 be substituted for H. F. No. 859 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1101 and H. F. No. 1317, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Bauerly moved that the rules be so far suspended that S. F. No. 1101 be substituted for H. F. No. 1317 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1418 and H. F. No. 1661, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Orenstein moved that the rules be so far suspended that S. F. No. 1418 be substituted for H. F. No. 1661 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 162, 502, 760, 1101 and 1418 were read for the second time.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Madam 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. 735, A bill for an act relating to highway traffic regulations; implements of husbandry; defining implements of husbandry; exempting trailers that carry dry fertilizer from vehicle registration tax; reducing the

maximum speed limit for implements of husbandry to 25 miles per hour; requiring hazard warning lights on implements of husbandry; regulating brakes on implements of husbandry; imposing certain size and weight restrictions; requiring slow-moving vehicle safety to be included in driver examinations and driver education courses; amending Minnesota Statutes 1992, sections 168.012, subdivision 2b; 169.01, subdivision 55; 169.145; 169.18, subdivision 5; 169.47; 169.55, subdivision 2, and by adding a subdivision; 169.64, subdivision 6; 169.67, subdivisions 3, 4, and by adding a subdivision; 169.72, subdivision 1; 169.781, subdivision 3; 169.80, subdivisions 1 and 2; 169.82; 169.86, subdivision 5; and 171.13, subdivision 1, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 169.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Johnson, V., moved that the House concur in the Senate amendments to H. F. No. 735 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 735, A bill for an act relating to highway traffic regulations; implements of husbandry; defining implements of husbandry; exempting trailers that carry dry fertilizer from vehicle registration tax; reducing the maximum speed limit for implements of husbandry to 25 miles per hour; clarifying the use of slow-moving vehicle emblem for implements of husbandry; requiring hazard warning lights on implements of husbandry; regulating brakes on implements of husbandry; imposing certain size and weight restrictions; requiring slow-moving vehicle safety to be included in driver examinations and driver education courses; amending Minnesota Statutes 1992, sections 168.012, subdivision 2b; 169.01, subdivision 55; 169.145; 169.18, subdivision 5; 169.47; 169.522, subdivision 1; 169.55, subdivision 2, and by adding a subdivision; 169.64, subdivision 6; 169.67, subdivisions 3, 4, and by adding a subdivision; 169.72, subdivision 1; 169.781, subdivision 3; 169.80, subdivisions 1 and 2; 169.82; 169.86, subdivision 5; and 171.13, subdivision 1, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 169.

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

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

Those who voted in the affirmative were:

Abrams	Dawkins	Holsten	Krinkie	Mosel	Reding	Tompkins
Anderson, I.	Dehler	Hugoson	Krueger	Murphy	Rest	Trimble
Anderson, R.	Delmont	Huntley	Lasley	Nelson	Rhodes	Tunheim
Asch	Dempsey	Jacobs	Leppik	Ness	Rice	Van Dellen
Battaglia	Dorn	Jaros	Lieder	Olson, E.	Rodosovich	Vellenga
Bauerly	Erhardt	Jefferson	Limmer	Olson, M.	Rukavina	Vickerman
Beard	Evans	Jennings	Lindner	Ornen	Sarna	Wagenius
Bergson	Farrell	Johnson, A.	Lourey	Opatz	Seagren	Waltman
Bertram	Frerichs	Johnson, R.	Luther	Orenstein	Simoneau	Weaver
Bettermann	Garcia	Johnson, V.	Lynch	Orfield	Skoglund	Wejcman
Blatz	Girard	Kahn	Macklin	Ostrom	Smith	Wenzel
Brown, K.	Goodno	Kalis	Mahon	Ozment	Solberg	Winter
Carlson	Greiling	Kelley	Mariani	Pauly	Sparby	Wolf
Carruthers	Gruenes	Kelso	McCollum	Pawlenty	Stanius	Worke
Commers	Gutknecht	Kinkel	McGuire	Pelowski	Steensma	Workman
Cooper	Hasskamp	Klinzing	Milbert	Perlt	Swiggum	Spk. Long
Dauner	Haukoos	Knickerbocker	Molnau	Peterson	Swenson	
Davids	Hausman	Koppendrayner	Morrison	Pugh	Tomassoni	

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

SPECIAL ORDERS

S. F. No. 937 was reported to the House.

Mahon moved to amend S. F. No. 937, as follows:

Page 2, line 9, delete "1" and insert "31"

The motion prevailed and the amendment was adopted.

Rukavina moved to amend S. F. No. 937, as amended, as follows:

Page 23, after line 27, insert:

"ARTICLE 3

Section 1. [OMITTED SERVICE CREDIT.]

Subdivision 1. [ELIGIBILITY.] Notwithstanding Minnesota Statutes, section 353.27, subdivision 12, an employee of independent school district No. 697 (Eveleth) who first became a public employees retirement association covered employee with the district in November 1983, but for whom no retirement deductions were made in December 1983, shall receive service credit in the public employees retirement association coordinated plan for the omitted period upon payment of the amounts specified in this section.

Subd. 2. [PURCHASE PAYMENT AMOUNT.] (a) To purchase credit for prior eligible service under subdivision 1, there must be paid to the public employees retirement association an amount equal to the present value on the date of payment, of the amount of the additional retirement annuity obtained by purchase of the additional service credit.

(b) Calculation of this amount must be made by the executive director of the public employees retirement association using the applicable preretirement interest rate specified in Minnesota Statutes, section 356.215, subdivision 4d, and the mortality table adopted for the coordinated program of the retirement association. The calculation must assume continuous future service in the association until, and retirement at, the age at which the minimum requirements of the retirement association for normal retirement or retirement with an annuity unreduced for retirement at an early age, including Minnesota Statutes, section 356.30, are met with the additional service credit purchased. The calculation must also assume a future salary history that includes annual salary increases at the salary increase rate specified in Minnesota Statutes, section 356.215, subdivision 4d.

(c) The eligible person must establish in the records of the association proof of the service for which the purchase of prior service is requested. The manner of the proof of service must be in accordance with procedures prescribed by the executive director of the retirement association.

(d) The portion of the total cost of the purchase payable by the eligible person is specified in subdivision 3. The remaining portion of total cost is to be paid by the applicable employing unit as specified in subdivision 4.

Subd. 3. [ELIGIBLE PERSON PAYMENT.] (a) To receive credit for the period of service credit purchase specified in subdivision 1, the eligible person specified in subdivision 1 must pay a member contribution equivalent amount.

(b) The member contribution equivalent amount is an amount equal to four percent of salary during the period for service credit purchase, plus six percent annually compounded interest from the date on which a member contribution should have been made to the date on which payment is made. Payment must be made in a lump sum. Authority to make the member contribution equivalent amount expires one year after the effective date of this section.

Subd. 4. [MANDATORY EMPLOYING UNIT PAYMENT.] (a) Within 60 days of the receipt by the executive director of the public employees retirement association of the payment from the eligible person under subdivision 1,

the governmental unit employing the eligible person described in subdivision 1 during December, 1983, shall pay the difference between the amounts specified in subdivisions 2 and 3.

(b) The mandatory employing unit payment amount is payable by the governmental unit in a lump sum.

Subd. 5. [SERVICE CREDIT GRANT.] Service credit for the purchase period must be granted to the account of the eligible person upon receipt of the purchase payment amount specified in subdivision 2.

Subd. 6. [LOCAL APPROVAL.] This section is effective upon approval of independent school district No. 697, and compliance with Minnesota Statutes, section 645.021, subdivision 3."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 937, A bill for an act relating to retirement; benefit computation for members of the Bloomington police relief association; amending Minnesota Statutes 1992, sections 353B.07, subdivision 3; 353B.08, subdivision 6; and 353B.11, subdivisions 2, 3, 5, and 6.

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

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

Those who voted in the affirmative were:

Abrams	Dauner	Haukoos	Koppendrayner	Mosel	Rest	Trimble
Anderson, I.	Davids	Hausman	Krinkie	Murphy	Rhodes	Tunheim
Anderson, R.	Dawkins	Holsten	Krueger	Nelson	Rice	Van Dellen
Asch	Dehler	Hugoson	Lasley	Ness	Rodosovich	Vellenga
Battaglia	Delmont	Huntley	Leppik	Olson, E.	Rukavina	Vickerman
Bauerly	Dempsey	Jacobs	Lieder	Olson, M.	Sarna	Wagenius
Beard	Dorn	Jaros	Limmer	Onnen	Seagren	Waltman
Bergson	Erhardt	Jefferson	Lindner	Opatz	Sekhon	Weaver
Bertram	Evans	Jennings	Lourey	Orenstein	Simoneau	Wejcman
Bettermann	Farrell	Johnson, A.	Luther	Orfield	Skoglund	Welle
Bishop	Frerichs	Johnson, R.	Lynch	Ostrom	Smith	Wenzel
Blatz	Garcia	Johnson, V.	Macklin	Ozment	Solberg	Winter
Brown, C.	Girard	Kahn	Mahon	Pauly	Sparby	Wolf
Brown, K.	Goodno	Kalis	Mariani	Pawlenty	Stanisus	Worke
Carlson	Greenfield	Kelley	McCollum	Pelowski	Steensma	Workman
Carruthers	Greiling	Kelso	McGuire	Perlt	Sviggum	
Clark	Gruenes	Kinkel	Milbert	Peterson	Swenson	
Commers	Gutknecht	Klinzing	Molnau	Pugh	Tomassoni	
Cooper	Hasskamp	Knickerbocker	Morrison	Reding	Tompkins	

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

S. F. No. 694 was reported to the House.

Carruthers moved to amend S. F. No. 694, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [152.0271] [NOTICE TO COMMISSIONER OF PUBLIC SAFETY OF CERTAIN DRUG CONVICTIONS; DRIVER'S LICENSE REVOCATION.]

When a person is convicted of violating a provision of sections 152.021 to 152.027, the sentencing court shall determine whether the person unlawfully sold or possessed the controlled substance while driving a motor vehicle.

If so, the court shall notify the commissioner of public safety of its determination and order the commissioner to revoke the person's driver's license for 90 days or, if the conviction is for a violation of section 152.027, for 30 days. If the person does not have a driver's license or if the person's driver's license is suspended or revoked at the time of the conviction, the commissioner shall delay the issuance or reinstatement of the person's driver's license for 90 days or, if the conviction is for a violation of section 152.027, for 30 days after the person applies for the issuance or reinstatement of the license. Upon receipt of the court's order, the commissioner is authorized to take the licensing action without a hearing.

Sec. 2. Minnesota Statutes 1992, section 168.042, subdivision 2, is amended to read:

Subd. 2. [VIOLATION; ISSUANCE OF IMPOUNDMENT ORDER.] The commissioner shall issue a registration plate impoundment order when:

(1) a person's driver's license or driving privileges are revoked for a third violation, as defined in subdivision 1, paragraph (c), clause (1), within five years or a fourth or subsequent violation, as defined in subdivision 1, paragraph (c), clause (1), within 15 years; ~~or~~

(2) a person's driver's license or driving privileges are revoked for a violation of section 169.121, subdivision 3, paragraph (c), clause (4), within five years of one previous violation or within 15 years of two or more previous violations, as defined in subdivision 1, paragraph (c), clause (1); or

(3) a person is arrested for or charged with a violation described in subdivision 1, paragraph (c), clause (2) or (3).

The order shall require the impoundment of the registration plates of the vehicle involved in the violation and all vehicles owned by, registered, or leased in the name of the violator, including vehicles registered jointly or leased in the name of the violator and another. An impoundment order shall not be issued for the registration plates of a rental vehicle as defined in section 168.041, subdivision 10, or a vehicle registered in another state.

Sec. 3. Minnesota Statutes 1992, section 169.121, is amended by adding a subdivision to read:

Subd. 1c. [CONDITIONAL RELEASE.] A person charged with violating subdivision 1 within 15 years of the first of three prior impaired driving convictions or within the person's lifetime after four or more prior impaired driving convictions may be released from detention only upon the following conditions unless maximum bail is imposed:

(1) the impoundment of the registration plates of the vehicle used to commit the violation occurred, unless already impounded;

(2) a requirement that the alleged violator report weekly to a probation agent;

(3) a requirement that the alleged violator submit to random, weekly alcohol breath tests and urine analysis; and

(4) a requirement that, if convicted, the alleged violator reimburse the court or county for the total cost of these services.

Sec. 4. Minnesota Statutes 1992, section 169.121, subdivision 2, is amended to read:

Subd. 2. [EVIDENCE.] Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for driving, operating, or being in physical control of a motor vehicle in violation of subdivision 1, the court may admit evidence of the amount of alcohol or a controlled substance in the person's blood, breath, or urine as shown by an analysis of those items.

For the purposes of this subdivision,

~~(a) evidence that there was at the time an alcohol concentration of 0.05 or less is prima facie evidence that the person was not under the influence of alcohol;~~

~~(b) evidence that there was at the time an alcohol concentration of more than 0.05~~ 0.04 or more and less than 0.10 is relevant evidence in indicating whether or not the person was under the influence of alcohol.

Evidence of the refusal to take a test is admissible into evidence in a prosecution under this section or an ordinance in conformity with it.

If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of subdivision 1, clause (e), that the defendant consumed a sufficient quantity of alcohol after the time of actual driving, operating, or physical control of a motor vehicle and before the administration of the evidentiary test to cause the defendant's alcohol concentration to exceed 0.10. Provided, that this evidence may not be admitted unless notice is given to the prosecution prior to the omnibus or pretrial hearing in the matter.

The foregoing provisions do not limit the introduction of any other competent evidence bearing upon the question whether or not the person violated this section, including tests obtained more than two hours after the alleged violation and results obtained from partial tests on an infrared breath-testing instrument. A result from a partial test is the measurement obtained by analyzing one adequate breath sample, as defined in section 169.123, subdivision 2b, paragraph (b).

Sec. 5. Minnesota Statutes 1992, section 169.121, subdivision 3, is amended to read:

Subd. 3. [CRIMINAL PENALTIES.] (a) As used in this subdivision:

(1) "prior impaired driving conviction" means a prior conviction under this section; section 84.91, subdivision 1, paragraph (a); 86B.331, subdivision 1, paragraph (a); 169.129; 360.0752; 609.21, subdivision 1, clauses (2) to (4); 609.21, subdivision 2, clauses (2) to (4); 609.21, subdivision 2a, clauses (2) to (4); 609.21, subdivision 3, clauses (2) to (4); 609.21, subdivision 4, clauses (2) to (4); or an ordinance from this state, or a statute or ordinance from another state in conformity with any of them. A prior impaired driving conviction also includes a prior juvenile adjudication that would have been a prior impaired driving conviction if committed by an adult; and

(2) "prior license revocation" means a driver's license suspension, revocation, or cancellation under this section; section 169.123; 171.04; 171.14; 171.16; 171.17; or 171.18 because of an alcohol-related incident; 609.21, subdivision 1, clauses (2) to (4); 609.21, subdivision 2, clauses (2) to (4); 609.21, subdivision 2a, clauses (2) to (4); 609.21, subdivision 3, clauses (2) to (4); or 609.21, subdivision 4, clauses (2) to (4).

(b) A person who violates subdivision 1 or 1a, or an ordinance in conformity with either of them, is guilty of a misdemeanor.

(c) A person is guilty of a gross misdemeanor under any of the following circumstances:

(1) the person violates subdivision 1 within five years of a prior impaired driving conviction, or within ten years of the first of two or more prior impaired driving convictions;

(2) the person violates subdivision 1a within five years of a prior license revocation, or within ten years of the first of two or more prior license revocations; or

(3) the person violates section 169.26 while in violation of subdivision 1; or

(4) the person violates subdivision 1 while a child under the age of 16 is in the vehicle, if the child is more than 36 months younger than the violator.

(d) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

(e) Notwithstanding section 609.04, a prosecution for or conviction of a crime under this section is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct. The court may impose consecutive sentences for multiple crimes committed by the defendant as part of the same conduct.

When an attorney responsible for prosecuting gross misdemeanors under this section requests criminal history information relating to prior impaired driving convictions from a court, the court must furnish the information without charge.

Sec. 6. Minnesota Statutes 1992, section 169.121, subdivision 3a, is amended to read:

Subd. 3a. [HABITUAL OFFENDER PENALTIES.] (a) If a person has been convicted under this section, section 169.129, an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with either of them, and if the person is then convicted of ~~a gross misdemeanor violation of violating~~ this section, a ~~violation of~~ section 169.129, or an ordinance in conformity with either of them (1) once within five years after the first conviction or (2) two or more times within ten years after the first conviction, the person must be sentenced to a minimum of 30 days imprisonment or to eight hours of community work service for each day less than 30 days that the person is ordered to serve in jail. Provided, that if a person is convicted of violating this section, section 169.129, or an ordinance in conformity with either of them two or more times within five years after the first conviction, or within five years after the first of two or more license revocations, as defined in subdivision 3, paragraph (a), clause (2), the person must be sentenced to a minimum of ~~30~~ 45 days imprisonment and the sentence may not be waived under paragraph (b) or (c). Notwithstanding section 609.135, the above sentence must be executed, unless the court departs from the mandatory minimum sentence under paragraph (b) or (c).

(b) Prior to sentencing the prosecutor may file a motion to have the defendant sentenced without regard to the mandatory minimum sentence established by this subdivision. The motion must be accompanied by a statement on the record of the reasons for it. When presented with the prosecutor's motion and if it finds that substantial mitigating factors exist, the court shall sentence the defendant without regard to the mandatory minimum term of imprisonment established by this subdivision.

(c) The court may, on its own motion, sentence the defendant without regard to the mandatory minimum term of imprisonment established by this subdivision if it finds that substantial mitigating factors exist and if its sentencing departure is accompanied by a statement on the record of the reasons for it.

(d) The court may sentence the defendant without regard to the mandatory minimum term of imprisonment established by this subdivision if the defendant is sentenced to probation and ordered to participate in a program established under section 169.1265.

(e) When any portion of the sentence required by this subdivision is not executed, the court should impose a sentence that is proportional to the extent of the offender's prior criminal and moving traffic violation record.

Sec. 7. Minnesota Statutes 1992, section 169.121, subdivision 4, is amended to read:

Subd. 4. [ADMINISTRATIVE PENALTIES.] (a) The commissioner of public safety shall revoke the driver's license of a person convicted of violating this section or an ordinance in conformity with it as follows:

(1) first offense under subdivision 1: not less than 30 days;

(2) first offense under subdivision 1a: not less than 90 days;

(3) second offense in less than five years, or third or subsequent offense on the record: (i) if the current conviction is for a violation of subdivision 1, not less than 180 days and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169.126; or (ii) if the current conviction is for a violation of subdivision 1a, not less than one year and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169.126;

(4) third offense in less than five years: not less than one year, together with denial under section 171.04, subdivision 1, clause (8), until rehabilitation is established in accordance with standards established by the commissioner;

(5) fourth or subsequent offense on the record: not less than two years, together with denial under section 171.04, subdivision 1, clause (8), until rehabilitation is established in accordance with standards established by the commissioner.

(b) If the person convicted of violating this section is under the age of ~~18~~ 21 years, the commissioner of public safety shall revoke the offender's driver's license or operating privileges ~~until the offender reaches the age of 18 years or for a period of six months or for the appropriate period of time under paragraph (a), clauses (1) to (5), for the offense committed, whichever is the greatest period.~~

(c) For purposes of this subdivision, a juvenile adjudication under this section, section 169.129, an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with either of them is an offense.

(d) Whenever department records show that the violation involved personal injury or death to any person, not less than 90 additional days shall be added to the base periods provided above.

(e) Except for a person whose license has been revoked under paragraph (b), any person whose license has been revoked pursuant to section 169.123 as the result of the same incident is subject to the mandatory revocation provisions of paragraph (a), clause (1) or (2), in lieu of the mandatory revocation provisions of section 169.123.

Sec. 8. Minnesota Statutes 1992, section 169.121, subdivision 6, is amended to read:

Subd. 6. [PRELIMINARY SCREENING TEST.] When a peace officer has reason to believe from the manner in which a person is driving, operating, controlling, or acting upon departure from a motor vehicle, or has driven, operated, or controlled a motor vehicle, that the driver may be violating or has violated subdivision 1 or section 169.1211, the officer may require the driver to provide a sample of the driver's breath for a preliminary screening test using a device approved by the commissioner of public safety for this purpose. The results of this preliminary screening test shall be used for the purpose of deciding whether an arrest should be made and whether to require the tests authorized in section 169.123, but shall not be used in any court action except (1) to prove that a test was properly required of a person pursuant to section 169.123, subdivision 2; ~~or~~ (2) in a civil action arising out of the operation or use of the motor vehicle; (3) in an action for license reinstatement under section 171.19; or (4) in a prosecution or juvenile court proceeding concerning a violation of section 340A.503, subdivision 1, paragraph (a), clause (2). Following the screening test additional tests may be required of the driver pursuant to the provisions of section 169.123.

The driver who refuses to furnish a sample of the driver's breath is subject to the provisions of section 169.123 unless, in compliance with section 169.123, the driver submits to a blood, breath or urine test to determine the presence of alcohol or a controlled substance.

Sec. 9. Minnesota Statutes 1992, section 169.1217, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section, the following terms have the meanings given them:

(a) "Appropriate authority" means a law enforcement agency that has the authority to make an arrest for a violation of a designated offense.

(b) "Designated offense" includes a violation of section 169.121, an ordinance in conformity with it, or 169.129:

(1) within five years of three prior driving under the influence convictions or three prior license revocations based on separate incidents;

(2) within 15 years of the first of four or more prior driving under the influence convictions or the first of four or more prior license revocations based on separate incidents;

(3) by a person whose driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (8); or

(4) by a person who is subject to a restriction on the person's driver's license under section 171.09 which provides that the person may not use or consume any amount of alcohol or a controlled substance.

"Designated offense" also includes a violation of section 169.121, subdivision 3, paragraph (c), clause (4):

(1) within five years of two prior driving under the influence convictions or two prior license revocations based on separate incidents; or

(2) within 15 years of the first of three or more prior driving under the influence convictions or the first of three or more prior license revocations based on separate incidents.

(c) "Motor vehicle" and "vehicle" have the meaning given "motor vehicle" in section 169.121, subdivision 11. The terms do not include a vehicle which is stolen or taken in violation of the law.

(d) "Owner" means the registered owner of the motor vehicle according to records of the department of public safety and includes a lessee of a motor vehicle if the lease agreement has a term of 180 days or more.

(e) "Prior driving under the influence conviction" means a prior conviction under section 169.121; 169.129; or 609.21, subdivision 1, clauses (2) to (4); 2, clauses (2) to (4); 2a, clauses (2) to (4); 3, clauses (2) to (4); or 4, clauses (2) to (4); or an ordinance from this state, or a statute or ordinance from another state in conformity with any of them. A prior driving under the influence conviction also includes a prior juvenile adjudication that would have been a prior driving under the influence conviction if committed by an adult.

(f) "Prior license revocation" has the meaning given it in section 169.121, subdivision 3.

(g) "Prosecuting authority" means the attorney in the jurisdiction in which the designated offense occurred who is responsible for prosecuting violations of a designated offense.

Sec. 10. Minnesota Statutes 1992, section 169.1217, subdivision 9, is amended to read:

Subd. 9. [DISPOSITION OF FORFEITED VEHICLES.] (a) If the court finds under subdivision 8 that the vehicle is subject to forfeiture, it shall order the appropriate agency to:

- (1) sell the vehicle and distribute the proceeds under paragraph (b); or
- (2) keep the vehicle for official use.

(b) The proceeds from the sale of forfeited vehicles, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the property, must be forwarded to the treasury of the political subdivision that employs the appropriate agency responsible for the forfeiture for use in DWI-related enforcement, training and education. If the appropriate agency is an agency of state government, the net proceeds must be forwarded to the state treasury and credited to the general fund agency for use in DWI-related enforcement, training, and education.

Sec. 11. Minnesota Statutes 1992, section 169.123, subdivision 2, is amended to read:

Subd. 2. [IMPLIED CONSENT; CONDITIONS; ELECTION OF TEST.] (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state or upon the ice of any boundary water of this state consents, subject to the provisions of this section and section sections 169.121 and 169.1211, to a chemical test of that person's blood, breath, or urine for the purpose of determining the presence of alcohol or a controlled substance. The test shall be administered at the direction of a peace officer. The test may be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and one of the following conditions exist:

- (1) the person has been lawfully placed under arrest for violation of section 169.121, or an ordinance in conformity with it;
- (2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death;
- (3) the person has refused to take the screening test provided for by section 169.121, subdivision 6; or
- (4) the screening test was administered and indicated an alcohol concentration of 0.10 or more.

The test may also be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a commercial motor vehicle with the presence of any alcohol.

(b) At the time a test is requested, the person shall be informed:

- (1) that Minnesota law requires the person to take a test to determine if the person is under the influence of alcohol or a controlled substance or, if the motor vehicle was a commercial motor vehicle, that Minnesota law requires the person to take a test to determine the presence of alcohol;

(2) that refusal to take a test is a crime;

(3) if the peace officer has probable cause to believe the person has violated the criminal vehicular homicide and injury laws, that a test will be taken with or without the person's consent; and

(4) that the person has the right to consult with an attorney, but that this right is limited to the extent that it cannot unreasonably delay administration of the test.

(c) The peace officer who requires a test pursuant to this subdivision may direct whether the test shall be of blood, breath, or urine. Action may be taken against a person who refuses to take a blood test only if an alternative test was offered and action may be taken against a person who refuses to take a urine test only if an alternative test was offered.

Sec. 12. Minnesota Statutes 1992, section 169.123, subdivision 4, is amended to read:

Subd. 4. [REFUSAL; REVOCATION OF LICENSE.] If a person refuses to permit a test, none shall be given, but the peace officer shall report the refusal to the commissioner of public safety and the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred. However, if a peace officer has probable cause to believe that the person has violated section 609.21, a test may be required and obtained despite the person's refusal. A refusal to submit to an alcohol concentration test does not constitute a violation of section 609.50, unless the refusal was accompanied by force or violence or the threat of force or violence. If a person submits to a test and the test results indicate an alcohol concentration of 0.10 or more, or if a person was driving, operating, or in physical control of a commercial motor vehicle and the test results indicate an alcohol concentration of 0.04 or more, the results of the test shall be reported to the commissioner of public safety and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred.

Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person refused to submit to a test, the commissioner of public safety shall revoke the person's license or permit to drive, or nonresident operating privilege, for a period of one year even if a test was obtained pursuant to this section after the person refused to submit to testing. Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle with the presence of any alcohol and that the person refused to submit to a test, the commissioner shall disqualify the person from operating a commercial motor vehicle for a period of one year under section 171.165 and shall revoke the person's license or permit to drive or nonresident operating privilege for a period of one year. ~~If the person refusing to submit to testing is under the age of 18 years, the commissioner shall revoke the person's license or permit to drive, or nonresident operating privilege, for a period of one year or until the person reaches the age of 18 years, whichever is greater.~~ Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person submitted to a test and the test results indicate an alcohol concentration of 0.10 or more, the commissioner of public safety shall revoke the person's license or permit to drive, or nonresident operating privilege, for: (1) a period of 90 days; or (2) if the person is under the age of 18 21 years, for a period of six months ~~or until the person reaches the age of 18 years, whichever is greater~~; or (3) if the person's driver's license or driving privileges have been revoked within the past five years under this section or section 169.121, for a period of 180 days. On certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle with any presence of alcohol and that the person submitted to a test and the test results indicated an alcohol concentration of 0.04 or more, the commissioner of public safety shall disqualify the person from operating a commercial motor vehicle under section 171.165.

If the person is a resident without a license or permit to operate a motor vehicle in this state, the commissioner of public safety shall deny to the person the issuance of a license or permit for the same period after the date of the alleged violation as provided herein for revocation, subject to review as hereinafter provided.

Sec. 13. Minnesota Statutes 1992, section 169.129, is amended to read:

169.129 [AGGRAVATED VIOLATIONS; PENALTY.]

Any person is guilty of a gross misdemeanor who drives, operates, or is in physical control of a motor vehicle, the operation of which requires a driver's license, within this state or upon the ice of any boundary water of this state in violation of section 169.121 or an ordinance in conformity with it before the person's driver's license or driver's

privilege has been reinstated following its cancellation, suspension, revocation, or denial under any of the following: section 169.121, 169.1211, or 169.123; section 171.04, 171.14, 171.16, 171.17, or 171.18 because of an alcohol-related incident; section 609.21, subdivision 1, clauses (2) to (4); 609.21, subdivision 2, clauses (2) to (4); 609.21, subdivision 2a, clauses (2) to (4); 609.21, subdivision 3, clauses (2) to (4); or 609.21, subdivision 4, clauses (2) to (4).

Notwithstanding section 609.04, a prosecution for or conviction of a crime under this section is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct. The court may impose consecutive sentences for multiple crimes committed by the defendant as part of the same conduct.

Sec. 14. Minnesota Statutes 1992, section 169.797, subdivision 4, is amended to read:

Subd. 4. [PENALTY.] (a) A person who violates this section is guilty of a misdemeanor. A person is guilty of a gross misdemeanor who violates this section within ten years of the first of two prior convictions under this section, section 169.791, or a statute or ordinance in conformity with one of those sections. The operator of a vehicle who violates subdivision 3 and who causes or contributes to causing a vehicle accident that results in the death of any person or in substantial bodily harm to any person, as defined in section 609.02, subdivision 7a, is guilty of a gross misdemeanor. The same prosecuting authority who is responsible for prosecuting misdemeanor violations of this section is responsible for prosecuting gross misdemeanor violations of this section. In addition to any sentence of imprisonment that the court may impose on a person convicted of violating this section, the court shall impose a fine of not less than \$200 nor more than the maximum amount authorized by law. The court may allow community service in lieu of any fine imposed if the defendant is indigent.

(b) In addition to the criminal penalty, the driver's license of an operator convicted under this section shall be revoked for not more than 12 months. If the operator is also an owner of the vehicle, the registration of the vehicle shall also be revoked for not more than 12 months. Before reinstatement of a driver's license or registration, the operator shall file with the commissioner of public safety the written certificate of an insurance carrier authorized to do business in this state stating that security has been provided by the operator as required by section 65B.48.

(c) The commissioner shall include a notice of the penalties contained in this section on all forms for registration of vehicles required to maintain a plan of reparation security.

(d) Notwithstanding section 609.04, a prosecution for or conviction of a crime under this section is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct. The court may impose consecutive sentences for multiple crimes committed by the defendant as part of the same conduct.

Sec. 15. Minnesota Statutes 1992, section 171.13, subdivision 1b, is amended to read:

Subd. 1b. [DRIVER'S MANUAL; ALCOHOL CONSUMPTION.] The commissioner shall include in each edition of the driver's manual published by the department a chapter relating to the effect of alcohol consumption on highway safety and on the ability of drivers to safely operate motor vehicles and a summary of the laws of Minnesota on operating a motor vehicle while under the influence of alcohol or a controlled substance. This chapter shall also include information on the dangers of driving at alcohol concentration levels below the per se level as defined in section 169.01, and specifically state that:

(1) there is no "safe" level or amount of alcohol that an individual can assume will not impair one's driving performance and increase the risk of a crash;

(2) a driver may be convicted of driving while impaired irrespective of whether or not the driver's alcohol concentration exceeds the legal limit for alcohol concentration; and

(3) a person under the legal drinking age may be convicted of illegally consuming alcohol if found to have consumed any amount of alcohol.

Sec. 16. [171.172] [DRIVER'S LICENSE REVOCATION; PERSONS CONVICTED OF OR ADJUDICATED FOR CERTAIN CONTROLLED SUBSTANCE OFFENSES.]

The commissioner of public safety shall revoke the driver's license of any person convicted of or any juvenile adjudicated for a controlled substance offense if the court has notified the commissioner of a determination made under section 152.0271 or 260.185, subdivision 1. The period of revocation shall be for the applicable time period specified in section 152.0271. If the person does not have a driver's license or if the person's driver's license is

suspended or revoked at the time of the conviction or adjudication, the commissioner shall, upon the person's application for driver's license issuance or reinstatement, delay the issuance or reinstatement of the person's driver's license for the applicable time period specified in section 152.0271.

Sec. 17. [171.173] [DRIVER'S LICENSE SUSPENSION; PERSONS CONVICTED OF OR ADJUDICATED FOR CERTAIN UNDERAGE DRINKING OFFENSES.]

The commissioner of public safety shall suspend the driver's license of any person convicted of or any juvenile adjudicated for an offense under section 340A.503, subdivision 1, paragraph (a), clause (2), if the court has notified the commissioner of a determination made under section 340A.503, subdivision 1, paragraph (c). The period of suspension shall be for the applicable period specified in that paragraph. If the person does not have a driver's license or if the person's driver's license is suspended or revoked at the time of the conviction or adjudication, the commissioner shall, upon the person's application for driver's license issuance or reinstatement, delay the issuance or reinstatement of the person's driver's license for the applicable time period specified in section 340A.503, subdivision 1, paragraph (c). Upon receipt of the court's order, the commissioner is authorized to take the licensing action without a hearing.

Sec. 18. Minnesota Statutes 1992, section 171.24, is amended to read:

171.24 [VIOLATIONS; DRIVING WITHOUT VALID LICENSE.]

(a) Except as otherwise provided in paragraph (c), any person whose driver's license or driving privilege has been canceled, suspended, or revoked and who has been given notice of, or reasonably should know of the revocation, suspension, or cancellation, and who disobeys such order by operating anywhere in this state any motor vehicle, the operation of which requires a driver's license, while such license or privilege is canceled, suspended, or revoked is guilty of a misdemeanor.

(b) Any person who has been disqualified from holding a commercial driver's license or been denied the privilege to operate a commercial motor vehicle, who has been given notice of or reasonably should know of the disqualification, and who disobeys the order by operating in this state a commercial motor vehicle while the person is disqualified to hold the license or privilege, is guilty of a misdemeanor.

(c) A person is guilty of a gross misdemeanor if:

(1) the person's driver's license or driving privileges has been canceled under section 171.04, subdivision 1, clause (8), and the person has been given notice of or reasonably should know of the cancellation; and

(2) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is canceled.

(d) Notwithstanding section 609.04, a prosecution for or conviction of a crime under this section is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct. The court may impose consecutive sentences for multiple crimes committed by the defendant as part of the same conduct.

Notice of revocation, suspension, cancellation, or disqualification is sufficient if personally served, or if mailed by first class mail to the person's last known address or to the address listed on the person's driver's license. Notice is also sufficient if the person was informed that revocation, suspension, cancellation, or disqualification would be imposed upon a condition occurring or failing to occur, and where the condition has in fact occurred or failed to occur. It is not a defense that a person failed to file a change of address with the post office, or failed to notify the department of public safety of a change of name or address as required under section 171.11.

Sec. 19. Minnesota Statutes 1992, section 171.30, subdivision 1, is amended to read:

Subdivision 1. [CONDITIONS OF ISSUANCE.] In any case where a person's license has been suspended under section 171.18 or 171.173, or revoked under section 169.121, 169.123, 169.792, 169.797, or 171.17, or 171.172, the commissioner may issue a limited license to the driver including under the following conditions:

(1) if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of the driver's license;

(2) if the use of a driver's license by a homemaker is necessary to prevent the substantial disruption of the education, medical, or nutritional needs of the family of the homemaker; or

(3) if attendance at a post-secondary institution of education by an enrolled student of that institution depends upon the use of the driver's license.

The commissioner in issuing a limited license may impose such conditions and limitations as in the commissioner's judgment are necessary to the interests of the public safety and welfare including reexamination as to the driver's qualifications. The license may be limited to the operation of particular vehicles, to particular classes and times of operation and to particular conditions of traffic. The commissioner may require that an applicant for a limited license affirmatively demonstrate that use of public transportation or carpooling as an alternative to a limited license would be a significant hardship.

For purposes of this subdivision, "homemaker" refers to the person primarily performing the domestic tasks in a household of residents consisting of at least the person and the person's dependent child or other dependents.

The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under the limited license shall have the license in possession at all times when operating as a driver.

In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver and shall consider the number of miles driven by the driver annually.

If the person's driver's license or permit to drive has been revoked under section 169.792 or 169.797, the commissioner may only issue a limited license to the person after the person has presented an insurance identification card, policy, or written statement indicating that the driver or owner has insurance coverage satisfactory to the commissioner of public safety. The commissioner of public safety may require the insurance identification card provided to satisfy this subdivision be certified by the insurance company to be noncancelable for a period not to exceed 12 months.

Sec. 20. Minnesota Statutes 1992, section 260.185, subdivision 1, is amended to read:

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

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

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

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

(1) a child placing agency; or

(2) the county welfare board; or

(3) a reputable individual of good moral character. No person may receive custody of two or more unrelated children unless licensed as a residential facility pursuant to sections 245A.01 to 245A.16; or

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

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

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

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

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

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

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

If the child is petitioned and found by the court to have committed a controlled substance offense under sections 152.021 to 152.027, the court shall determine whether the child unlawfully possessed or sold the controlled substance while driving a motor vehicle. If so, the court shall notify the commissioner of public safety of its determination and order the commissioner to revoke the child's driver's license for the applicable time period specified in section 152.0271. If the child does not have a driver's license or if the child's driver's license is suspended or revoked at the time of the delinquency finding, the commissioner shall, upon the child's application for driver's license issuance or reinstatement, delay the issuance or reinstatement of the child's driver's license for the applicable time period specified in section 152.0271. Upon receipt of the court's order, the commissioner is authorized to take the licensing action without a hearing.

If the child is petitioned and found by the court to have committed or attempted to commit an act in violation of section 609.342; 609.343; 609.344; 609.345; 609.3451; 609.746, subdivision 1; 609.79; or 617.23, or another offense arising out of a delinquency petition based on one or more of those sections, the court shall order an independent professional assessment of the child's need for sex offender treatment. An assessor providing an assessment for the court may not have any direct or shared financial interest or referral relationship resulting in shared financial gain with a treatment provider. If the assessment indicates that the child is in need of and amenable to sex offender treatment, the court shall include in its disposition order a requirement that the child undergo treatment. Notwithstanding section 13.42, 13.85, 144.335, 260.161, or 626.556, the assessor has access to the following private or confidential data on the child if access is relevant and necessary for the assessment:

- (1) medical data under section 13.42;
- (2) corrections and detention data under section 13.85;
- (3) health records under section 144.335;
- (4) juvenile court records under section 260.161; and
- (5) local welfare agency records under section 626.556.

Data disclosed under this paragraph may be used only for purposes of the assessment and may not be further disclosed to any other person, except as authorized by law.

If the child is found delinquent due to the commission of an offense that would be a felony if committed by an adult, the court shall make a specific finding on the record regarding the juvenile's mental health and chemical dependency treatment needs.

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

- (a) why the best interests of the child are served by the disposition ordered; and
- (b) what alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case.

Sec. 21. Minnesota Statutes 1992, section 340A.503, subdivision 1, is amended to read:

Subdivision 1. [CONSUMPTION.] (a) It is unlawful for any:

(1) retail intoxicating liquor or nonintoxicating liquor licensee, municipal liquor store, or bottle club permit holder under section 340A.414, to permit any person under the age of 21 years to consume alcoholic beverages on the licensed premises or within the municipal liquor store; or

(2) person under the age of 21 years to consume any alcoholic beverages. As used in this clause, "consume" includes the ingestion of an alcoholic beverage and the physical condition of having ingested an alcoholic beverage. If proven by a preponderance of the evidence, it is an affirmative defense to a violation of this clause that the defendant consumed the alcoholic beverage in the household of the defendant's parent or guardian and with the consent of the parent or guardian.

(b) An offense under paragraph (a), clause (2), may be prosecuted either at the place where consumption occurs or the place where evidence of consumption is observed.

(c) When a person is convicted of or adjudicated for an offense under paragraph (a), clause (2), the court shall determine whether the person committed the offense while operating a motor vehicle. If so, the court shall notify the commissioner of public safety of its determination. Upon receipt of the court's determination, the commissioner shall suspend the person's driver's license or operating privileges for 30 days, or for 180 days if the person has previously been convicted of or adjudicated for an offense under paragraph (a), clause (2).

Sec. 22. Minnesota Statutes 1992, section 340A.802, subdivision 2, is amended to read:

Subd. 2. [LIMITATIONS; CONTENT.] In the case of a claim for damages, the notice must be served by the claimant's attorney within ~~120~~ 240 days of the date of entering an attorney-client relationship with the person in regard to the claim. In the case of claims for contribution or indemnity, the notice must be served within 120 days after the injury occurs or within 60 days after receiving written notice of a claim for contribution or indemnity, whichever is applicable. No action for damage or for contribution or indemnity may be maintained unless the notice has been given. If requested to do so, a municipality or licensee receiving a notice shall promptly furnish claimant's attorney the names and addresses of other municipalities or licensees who sold or bartered liquor to the person identified in the notice, if known. Actual notice of sufficient facts reasonably to put the licensee or governing body of the municipality on notice of a possible claim complies with the notice requirement.

No action may be maintained under section 340A.801 unless commenced within two years after the injury.

Sec. 23. Minnesota Statutes 1992, section 609.035, is amended to read:

609.035 [CRIME PUNISHABLE UNDER DIFFERENT PROVISIONS.]

Except as provided in sections 169.121, 169.129, 169.797, 171.24, 609.251, 609.585, 609.21, subdivisions 3 and 4, 609.2691, and 609.856, if a person's conduct constitutes more than one offense under the laws of this state, the person may be punished for only one of the offenses and a conviction or acquittal of any one of them is a bar to prosecution for any other of them. All the offenses, if prosecuted, shall be included in one prosecution which shall be stated in separate counts.

Sec. 24. [EFFECTIVE DATE.]

Sections 1 to 20, and 23 are effective August 1, 1993, and apply to crimes committed on or after that date. Section 21 is effective June 1, 1993, and applies to crimes committed on or after that date. Section 22 is effective August 1, 1993, and applies to causes of action arising on or after that date.

Delete the title and insert:

"A bill for an act relating to alcohol and chemical use; increasing penalties for driving while intoxicated with a child under 16 in the vehicle; establishing a misdemeanor offense for juveniles who drive with an alcohol concentration greater than 0.02; providing for driver's license suspension for this offense; requiring driver's license revocation for

persons convicted of a controlled substance offense if the court finds that the person committed the offense while driving a motor vehicle; providing that certain repeat DWI offenders must serve 45 days in jail; providing pretrial release conditions for habitual DWI violators; increasing the penalty for certain persons who drive while under license cancellation; allowing consecutive sentences for persons convicted of DWI, driving after revocation or cancellation, or driving without insurance; allowing the use of preliminary screening tests in certain proceedings; clarifying administrative revocation penalties; defining "consumption" in the underage drinking law; expanding prosecutorial jurisdiction over underage drinking offenses; expanding filing requirements relating to dram shop actions; amending Minnesota Statutes 1992, sections 168.042, subdivision 2; 169.121, subdivisions 2, 3, 3a, 4, 6, and by adding a subdivision; 169.1217, subdivisions 1 and 9; 169.123, subdivisions 2 and 4; 169.129; 169.797, subdivision 4; 171.13, subdivision 1b; 171.24; 171.30, subdivision 1; 260.185, subdivision 1; 340A.503, subdivision 1; 340A.802, subdivision 2; and 609.035; proposing coding for new law in Minnesota Statutes, chapters 152; and 171."

The motion prevailed and the amendment was adopted.

Carruthers moved to amend S. F. No. 694, as amended, as follows:

Page 16, line 33, delete "per se level" and insert "legal limit for alcohol concentration"

Page 16, line 34, delete everything before the comma

Page 17, line 1, delete "and" and insert "or"

Page 17, line 3, delete "irrespective of"

Page 25, line 26, before "20" insert "16, 18,"

Page 25, line 27, delete "Section 21 is" and insert "Sections 17, 19, and 21 are"

Page 25, line 28, delete "applies" and insert "apply"

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, delete lines 5 to 7

Page 1, line 23, after the semicolon, insert "requiring driver's license suspension for persons who commit an underage drinking offense while operating a motor vehicle;"

The motion prevailed and the amendment was adopted.

The Speaker called Bauerly to the Chair.

Solberg moved to amend S. F. No. 694, as amended, as follows:

Page 17, delete lines 25 to 36

Page 18, delete lines 1 to 7

Page 24, delete lines 18 to 27

Renumber remaining sections

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Solberg amendment and the roll was called. There were 57 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dauner	Hausman	Klinzing	Opatz	Rukavina	Vellenga
Anderson, R.	Dorn	Huntley	Krinkie	Orfield	Sarna	Welle
Bauerly	Evans	Jacobs	Lasley	Osthoff	Simoneau	Winter
Beard	Farrell	Jaros	Lieder	Ozment	Solberg	
Bertram	Garcia	Jefferson	Mariani	Perlt	Sparby	
Bishop	Greenfield	Johnson, A.	Milbert	Peterson	Tomassoni	
Brown, C.	Greiling	Kahn	Nelson	Pugh	Tompkins	
Carlson	Gruenes	Kelso	Olson, E.	Reding	Trimble	
Clark	Hasskamp	Kinkel	Olson, K.	Rodosovich	Tunheim	

Those who voted in the negative were:

Abrams	Dawkins	Hugoson	Lindner	Murphy	Seagren	Waltman
Asch	Dehler	Jennings	Lourey	Ness	Sekhon	Weaver
Battaglia	Delmont	Johnson, R.	Luther	Olson, M.	Skoglund	Wejcman
Bergson	Dempsey	Johnson, V.	Lynch	Onnen	Smith	Wenzel
Bettermann	Erhardt	Kalis	Macklin	Orenstein	Stanis	Wolf
Blatz	Frerichs	Kelley	Mahon	Ostrom	Sviggun	Worke
Brown, K.	Girard	Knickerbocker	McCollum	Pauly	Steensma	Workman
Carruthers	Goodno	Koppendrayner	McGuire	Pawlenty	Swenson	
Commers	Gutknecht	Krueger	Molnau	Pelowski	Van Dellen	
Cooper	Haukoos	Leppik	Morrison	Rest	Vickerman	
Davids	Holsten	Limmer	Mosel	Rhodes	Wagenius	

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

S. F. No. 694, A bill for an act relating to driving while intoxicated; increasing driver's license revocation periods and restricting issuance of limited licenses to persons convicted of DWI, to comply with federal standards; increasing penalties for driving while intoxicated with a child under 16 in the vehicle; modifying bond provisions; establishing misdemeanor offense of operating a motor vehicle by a minor with alcohol concentration greater than 0.02; providing for implied consent to test minor's blood, breath, or urine and making refusal to take test a crime; amending Minnesota Statutes 1992, sections 168.042, subdivision 2; 169.121, subdivisions 1, 2, 3, 4, 6, 8, 10a, and by adding a subdivision; 169.1217, subdivisions 1 and 4; 169.123, subdivisions 2, 4, 5a, 6, 10, and by adding a subdivision; 169.129; 171.30, subdivision 2a; 171.305, subdivision 2; and 609.21; proposing coding for new law in Minnesota Statutes, chapter 169.

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 107 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Abrams	Bishop	Clark	Dehler	Frerichs	Gruenes	Jacobs
Anderson, I.	Blatz	Commers	Delmont	Garcia	Gutknecht	Jefferson
Asch	Brown, C.	Cooper	Dempsey	Girard	Haukoos	Jennings
Bauerly	Brown, K.	Dauner	Dorn	Goodno	Holsten	Johnson, A.
Bergson	Carlson	Davids	Erhardt	Greenfield	Hugoson	Johnson, R.
Bettermann	Carruthers	Dawkins	Evans	Greiling	Huntley	Johnson, V.

Kalis	Lindner	Molnau	Orenstein	Rest	Swenson	Wenzel
Kelley	Lourey	Morrison	Orfield	Rhodes	Tompkins	Wolf
Klinzing	Luther	Mosel	Ostrom	Rice	Trimble	Worke
Knickerbocker	Lynch	Murphy	Ozment	Seagren	Tunheim	Workman
Koppendrayner	Macklin	Nelson	Pauly	Sekhon	Van Dellen	Spk. Long
Krueger	Mahon	Ness	Pawlenty	Skoglund	Vickerman	
Lasley	Mariani	Olson, E.	Pelowski	Smith	Wagenius	
Leppik	McCollum	Olson, M.	Perlt	Sparby	Waltman	
Lieder	McGuire	Onnen	Peterson	Steensma	Weaver	
Limmer	Milbert	Opatz	Pugh	Sviggum	Wejcmann	

Those who voted in the negative were:

Anderson, R.	Farrell	Jaros	Krinkie	Rodosovich	Stanius	Winter
Beard	Hasskamp	Kelso	Olson, K.	Rukavina	Tomassoni	
Bertram	Hausman	Kinkel	Osthoff	Simoneau	Welle	

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

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

S. F. No. 1400 was reported to the House.

Anderson, I., moved to amend S. F. No. 1400, as follows:

Page 2, after line 10, insert:

"Sec. 4. [NORTHERN ITASCA HOSPITAL DISTRICT.]

Notwithstanding Minnesota Statutes, section 447.31, subdivision 2, the Northern Itasca Hospital District shall include any city or town located in Itasca or Koochiching counties that at any time after May 1, 1993, elects, by resolution or otherwise as provided by statute, to be part of the hospital district."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Steensma and Winter moved to amend S. F. No. 1400, as amended, as follows:

Page 1, line 6, delete "county" and insert ", Rock, Pipestone,"

Page 1, line 15, delete the first "county" and insert ", Rock, Pipestone,"

Page 1, line 22, after "Nobles" insert ", Rock, Pipestone," and delete the first "county"

Page 2, line 12, delete everything before "respective" and insert "Sections 1 to 3 take effect in each"

Page 2, line 14, delete "county board or the" and insert ", Rock, Pipestone, or"

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

S. F. No. 1400, A bill for an act relating to Nobles and Murray counties; permitting the consolidation of the offices of auditor and treasurer.

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 121 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dawkins	Holsten	Lasley	Nelson	Rice	Tunheim
Anderson, R.	Dehler	Hugoson	Leppik	Ness	Rodosovich	Van Dellen
Asch	Delmont	Huntley	Lieder	Olson, E.	Rukavina	Vellenga
Battaglia	Dempsey	Jacobs	Limmer	Opatz	Sarna	Vickerman
Bauerly	Dorn	Jaros	Lindner	Orenstein	Seagren	Wagenius
Beard	Erhardt	Jefferson	Lourey	Orfield	Sekhon	Weaver
Bergson	Evans	Johnson, A.	Luther	Osthoff	Simoneau	Wejcman
Bertram	Farrell	Johnson, V.	Lynch	Ostrom	Skoglund	Wenzel
Bishop	Garcia	Kahn	Macklin	Ozment	Smith	Winter
Blatz	Girard	Kalis	Mahon	Pauly	Solberg	Wolf
Brown, C.	Goodno	Kelley	Mariani	Pawlenty	Sparby	Worke
Brown, K.	Greenfield	Kelso	McCollum	Pelowski	Stanisus	Workman
Carlson	Greiling	Kinkel	McGuire	Perlt	Steensma	Spk. Long
Carruthers	Gruenes	Klinzing	Milbert	Peterson	Sviggum	
Clark	Gutknecht	Knickerbocker	Molnau	Pugh	Swenson	
Commers	Hasskamp	Koppendrayner	Morrison	Reding	Tomassoni	
Cooper	Haukoos	Krinkie	Mosel	Rest	Tompkins	
Davids	Hausman	Krueger	Murphy	Rhodes	Trimble	

Those who voted in the negative were:

Abrams	Dauner	Johnson, R.	Onnen
Bettermann	Jennings	Olson, M.	Waltman

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

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 574:

Reding, Kahn, Knickerbocker, Greiling and Johnson, R.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1039:

Garcia; Brown, C., and Gutknecht.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1114:

Milbert; Anderson, I., and Weaver.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1585:

Skoglund, Bishop, Carruthers, McGuire and Brown, C.

SPECIAL ORDERS, Continued

S. F. No. 490 was reported to the House.

Workman moved to amend S. F. No. 490, as follows:

Page 1, after line 23, insert:

"Sec. 2. [EASEMENT ACROSS STATE LANDS; LOTUS LAKE FISH BARRIER.]

(a) Notwithstanding Minnesota Statutes, section 84.631, the commissioner of natural resources shall convey a right-of-way easement for ingress and egress to the fee title owner of land described as follows: that part of Government Lot One (1), Section One (1), Township One Hundred Sixteen (116), Range Twenty-Three (23), Carver county, described as follows:

Beginning at a point on the East line of Government Lot One (1) distant 1775.00 feet South of the Northeast corner of the Southeast Quarter of said Section One (1); thence at right angles West 183.00 feet; thence at right angles South 150.00 feet; thence deflecting to the left 67 degrees 43 minutes distant 197.76 feet to the East line of said Government Lot 1; thence North along said East line to the point of beginning, except the East 33 feet taken for State Highway No. 101, according to the U.S. Government Survey. Also, that part of Government Lot One (1), Section One (1), Township One Hundred Sixteen (116), Range Twenty-three (23), described as follows: Commencing at a point to the East line of Government Lot One (1) distant 1775.00 feet South of the Northeast corner of the Southeast Quarter of said Section One (1); thence at right angles West 183.00 feet to the actual point of beginning; thence continuing West along the last described course 50.00 feet; thence at right angles South 129.51 feet; thence deflecting to the left 67 degrees 43 minutes distant 54.04 feet; thence deflecting to the left 112 degrees 17 minutes distant 150.00 feet to the point of beginning.

(b) The conveyance must be in a form approved by the attorney general.

(c) The easement granted is: A 12.00 foot easement for ingress and egress over and across that part of Government Lot One (1), Section 1, Township 116, Range 23, Carver County, described as follows:

Commencing at the southeast corner of said Section 1; thence on an assumed bearing of North 205.00 feet along the east line of said Section 1 to the point of beginning; thence continuing North 430.65 feet along the east line of said Section 1 to the southeast corner of that tract of land filed for record on October 30, 1973, in Book 114 of Deeds, page 447; thence North 67 degrees 43 minutes 00 seconds West 251.80 feet along the south line of said tract to its southwest corner; thence North 65.00 feet along the west line of said tract; thence North 89 degrees 17 minutes 39 seconds West; 223.37 feet; thence North 48 degrees 25 minutes 13 seconds West, 107.06 feet; thence North 75 degrees 46 minutes 32 seconds West, 117.98 feet; thence South 87 degrees 23 minutes 08 seconds West, 168.93 feet; thence South 77 degrees 22 minutes 17 seconds West, 189.00 feet, more or less, to the water's edge of Lotus Lake; thence southeasterly along the water's edge of Lotus Lake to a point which bears North 69 degrees 00 minutes 00 seconds West from the point of beginning; thence South 69 degrees 00 minutes 00 seconds East 846.00 feet, more or less, to the point of beginning.

The centerline of said easement is described as follows:

Beginning at a point on the East line of said Government Lot 1, distant 1931.80 feet south from the Northeast corner of said Southeast Quarter; thence southwesterly 110.13 feet, along a curve to the left, having a radius of 300.00 feet, a central angle of 21 degrees 01 minutes 56 seconds, a chord distance of 109.51 feet and chord bearing of South 66 degrees 20 minutes 51 seconds West; thence westerly 98.77 feet, along a reverse curve to the right, having a radius of 71.50 feet and a central angle of 79 degrees 08 minutes 47 seconds; thence northerly 64.86 feet, along a compound curve to the right, having a radius of 100.00 feet and a central angle of 37 degrees 09 minutes 40 seconds to the northerly line of said property and there said line terminates.

For the purpose of this description, the side lines of said easement are to terminate at the north line of the above described property.

(d) The consideration received by the state for its conveyance of the easement shall be the value of the easement as established by the state's appraisal, less the appraised value of the easement the state is acquiring from the fee title owner of the land described in paragraph (a). The commissioner shall appraise and review both easements. Appraisal costs associated with the easement the state is granting shall be the state's responsibility. All other actual appraisal costs incurred by the commissioner shall be the fee title owner's responsibility.

(e) Conveyance of the easement shall take place only after the fee title owner of the land described in paragraph (a), has donated to the state of Minnesota a right-of-way easement for ingress and egress in connection with the operation, maintenance and repair of the Lotus Lake Fish Barrier which is located in the lands described in paragraph (c), approximately 60 feet westerly of the east line of the above described property in the outlet stream from Lotus Lake. Said easement shall be: A 12.00 foot easement for ingress and egress over and across that part of Government Lot 1, Section 1, Township 116, Range 23, Carver county, Minnesota, described as follows:

Beginning at a point on the East line of said Government Lot 1, distant 1775.00 feet south from the Northeast corner of the Southeast Quarter of said Section 1; thence at right angles west, a distance of 233.00 feet; thence at right angles south, a distance of 129.51 feet; thence deflecting to the left 67 degrees 43 minutes, a distance of 251.80 feet to the East line of said Government Lot 1; thence north along said East line to the point of beginning, except the East 33.00 feet taken for State Highway No. 101. The centerline of said easement is described as follows:

Beginning at a point on the East line of said Government Lot 1, distant 1931.80 feet south from the Northeast corner of said Southeast Quarter; thence southwesterly 110.13, along a curve to the left, having a radius of 300.00 feet, a Central angle of 21 degrees 01 minutes 56 seconds, a chord distance of 109.51 feet and a chord bearing of South 66 degrees 20 minutes 51 seconds West and there said centerline terminates. For the purpose of this description, the side lines of said easement are to terminate at the South and East lines of the above described property.

(f) Both easements conveyed shall be perpetual and be drafted in a form approved by the attorney general. Any changes to the easement must be mutually agreed upon by all parties and approved as to form and execution by the attorney general."

Page 1, line 25, delete "Section 1 is" and insert "Sections 1 and 2 are"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "Oakdale" insert "; authorizing the conveyance of an easement across department of natural resources-fisheries land"

The motion prevailed and the amendment was adopted.

S. F. No. 490, A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited land that borders public water in Washington county to the city of Oakdale.

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	Dauner	Hausman	Krinkie	Murphy	Rest	Trimble
Anderson, I.	Davids	Holsten	Krueger	Nelson	Rhodes	Tunheim
Anderson, R.	Dawkins	Hugoson	Lasley	Ness	Rice	Van Dellen
Asch	Dehler	Huntley	Leppik	Olson, E.	Rodosovich	Vellenga
Battaglia	Delmont	Jacobs	Lieder	Olson, K.	Rukavina	Vickerman
Bauerly	Dempsey	Jaros	Limmer	Olson, M.	Sarna	Wagenius
Beard	Dorn	Jefferson	Lindner	Onnen	Seagren	Waltman
Bergson	Erhardt	Jennings	Lourey	Opatz	Sekhon	Weaver
Bertram	Evans	Johnson, A.	Luther	Orenstein	Simoneau	Wejzman
Bettermann	Farrell	Johnson, R.	Lynch	Osthoff	Skoglund	Wenzel
Bishop	Garcia	Johnson, V.	Macklin	Ostrom	Smith	Winter
Blatz	Girard	Kahn	Mahon	Ozment	Solberg	Wolf
Brown, C.	Goodno	Kalis	Mariani	Pauly	Sparby	Worke
Brown, K.	Greenfield	Kelley	McCollum	Pawlenty	Stanis	Workman
Carlson	Greiling	Kelso	McGuire	Pelowski	Steensma	Spk. Long
Carruthers	Gruenes	Kinkel	Milbert	Perlt	Sviggum	
Clark	Gutknecht	Klinzing	Molnau	Peterson	Swenson	
Commers	Hasskamp	Krickerbocker	Morrison	Pugh	Tomassoni	
Cooper	Haukoos	Koppendraye	Mosel	Reding	Tompkins	

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

S. F. No. 464 was reported to the House.

Johnson, R.; Rukavina; Johnson, V.; Weaver and Kinkel moved to amend S. F. No. 464, as follows:

Page 1, after line 14, insert:

"This section is effective for the 1994 firearms deer season and subsequent firearms deer seasons. The commissioner of natural resources shall, by way of public service announcements and other means, inform the public of the provisions of this section."

The motion prevailed and the amendment was adopted.

S. F. No. 464, A bill for an act relating to game and fish; color of outer clothing required in firearms deer zones; amending Minnesota Statutes 1992, section 97B.071.

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

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

Those who voted in the affirmative were:

Abrams	Bertram	Clark	Dempsey	Greenfield	Hugoson	Johnson, V.
Anderson, I.	Bettermann	Commers	Dorn	Greiling	Huntley	Kahn
Anderson, R.	Bishop	Cooper	Erhardt	Gruenes	Jacobs	Kalis
Asch	Blatz	Dauner	Evans	Gutknecht	Jaros	Kelley
Battaglia	Brown, C.	Davids	Farrell	Hasskamp	Jefferson	Kelso
Bauerly	Brown, K.	Dawkins	Garcia	Haukoos	Jennings	Kinkel
Beard	Carlson	Dehler	Girard	Hausman	Johnson, A.	Klinzing
Bergson	Carruthers	Delmont	Goodno	Holsten	Johnson, R.	Krickerbocker

Koppendraye	Macklin	Ness	Pauly	Rukavina	Swenson	Wejcman
Krinkie	Mahon	Olson, E.	Pawlenty	Sarna	Tomassoni	Wenzel
Krueger	Mariani	Olson, K.	Pelowski	Seagren	Tompkins	Winter
Lasley	McCollum	Olson, M.	Perl	Sekhon	Trimble	Wolf
Leppik	McGuire	Onnen	Peterson	Simoneau	Tunheim	Worke
Lieder	Milbert	Opatz	Pugh	Skoglund	Van Dellen	Workman
Limmer	Molnau	Orenstein	Reding	Smith	Vellenga	Spk. Long
Lindner	Morrison	Orfield	Rest	Solberg	Vickerman	
Lourey	Mosel	Osthoff	Rhodes	Sparby	Wagenius	
Luther	Murphy	Ostrom	Rice	Steensma	Waltman	
Lynch	Nelson	Ozment	Rodosovich	Sviggum	Weaver	

Those who voted in the negative were:

Stanius

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

S. F. No. 1380 was reported to the House.

Evans moved to amend S. F. No. 1380, as follows:

Page 2, line 5, before "or" delete "tow" and insert "ton"

The motion prevailed and the amendment was adopted.

S. F. No. 1380, A bill for an act relating to commerce; regulating heavy and utility equipment dealership agreements; including truck parts within the scope of coverage; defining terms; amending Minnesota Statutes 1992, section 325E.068, subdivision 2, and 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dauner	Hausman	Krinkie	Murphy	Reding	Tompkins
Anderson, I.	Davidson	Holsten	Krueger	Nelson	Rest	Trimble
Anderson, R.	Dawkins	Hugoson	Lasley	Ness	Rhodes	Tunheim
Asch	Dehler	Huntley	Leppik	Olson, E.	Rice	Van Dellen
Battaglia	Delmont	Jacobs	Lieder	Olson, K.	Rodosovich	Vellenga
Bauerly	Dempsey	Jaros	Limmer	Olson, M.	Rukavina	Vickerman
Beard	Dorn	Jefferson	Lindner	Onnen	Sarna	Wagenius
Bergson	Erhardt	Jennings	Lourey	Opatz	Seagren	Waltman
Bertram	Evans	Johnson, A.	Luther	Orenstein	Sekhon	Weaver
Bettermann	Farrell	Johnson, R.	Lynch	Orfield	Simoneau	Wejcman
Bishop	Garcia	Johnson, V.	Macklin	Osthoff	Skoglund	Wenzel
Blatz	Girard	Kahn	Mahon	Ostrom	Smith	Winter
Brown, C.	Goodno	Kalis	Mariani	Ozment	Solberg	Wolf
Brown, K.	Greenfield	Kelley	McCollum	Pauly	Sparby	Worke
Carlson	Greiling	Kelso	McGuire	Pawlenty	Stanius	Workman
Carruthers	Gruenes	Kinkel	Milbert	Pelowski	Steensma	Spk. Long
Clark	Gutknecht	Klinzing	Molnau	Perl	Sviggum	
Commers	Hasskamp	Knickerbocker	Morrison	Peterson	Swenson	
Cooper	Haukoos	Koppendraye	Mosel	Pugh	Tomassoni	

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

S. F. No. 174 was reported to the House.

Asch moved that S. F. No. 174 be temporarily laid over on Special Orders. The motion prevailed.

S. F. No. 739, A bill for an act relating to health; regulating ionization radiation; exempting practitioners of veterinary medicine from certain quality assurance tests; amending Minnesota Statutes 1992, section 144.121, by adding subdivisions.

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 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Dauner	Holsten	Krueger	Nelson	Rest	Trimble
Anderson, I.	Davids	Hugoson	Lasley	Ness	Rhodes	Tunheim
Anderson, R.	Dehler	Huntley	Leppik	Olson, E.	Rice	Van Dellen
Asch	Delmont	Jacobs	Lieder	Olson, K.	Rodosovich	Vellenga
Battaglia	Dempsey	Jaros	Limmer	Olson, M.	Rukavina	Vickerman
Bauerly	Dorn	Jefferson	Lindner	Onnen	Sarna	Wagenius
Beard	Erhardt	Jennings	Lourey	Opatz	Seagren	Weaver
Bergson	Evans	Johnson, A.	Luther	Orenstein	Sekhon	Wejcman
Bertram	Farrell	Johnson, R.	Lynch	Orfield	Simoneau	Wenzel
Bettermann	Garcia	Johnson, V.	Macklin	Osthoff	Skoglund	Winter
Bishop	Girard	Kahn	Mahon	Ostrom	Smith	Wolf
Blatz	Goodno	Kalis	McCollum	Ozment	Solberg	Worke
Brown, C.	Greenfield	Kelley	McGuire	Pauly	Sparby	Workman
Brown, K.	Greiling	Kelso	Milbert	Pawlenty	Stanis	Spk. Long
Carlson	Gruenes	Kinkel	Molnau	Pelowski	Steensma	
Carruthers	Gutknecht	Klinzing	Morrison	Perlt	Sviggum	
Clark	Hasskamp	Knickerbocker	Mosel	Peterson	Swenson	
Commers	Haukoos	Koppendrayner	Munger	Pugh	Tomassoni	
Cooper	Hausman	Krinkie	Murphy	Reding	Tompkins	

Those who voted in the negative were:

Waltman

The bill was passed and its title agreed to.

S. F. No. 174 which was temporarily laid over earlier today on Special Orders was again reported to the House.

S. F. No. 174, A bill for an act relating to commerce; regulating facsimile transmission of unsolicited advertising materials; providing penalties and remedies; proposing coding for new law in Minnesota Statutes, chapter 325E.

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 127 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abrams	Asch	Beard	Bettermann	Brown, C.	Carruthers	Cooper
Anderson, I.	Battaglia	Bergson	Bishop	Brown, K.	Clark	Dauner
Anderson, R.	Bauerly	Bertram	Blatz	Carlson	Commers	Davids

Dehler	Hausman	Klinzing	Molnau	Ozment	Simoneau	Wagenius
Delmont	Holsten	Knickerbocker	Morrison	Pauly	Skoglund	Waltman
Dempsey	Hugoson	Koppendrayner	Mosel	Pawlenty	Smith	Weaver
Dorn	Huntley	Krueger	Munger	Pelowski	Solberg	Wejcmán
Erhardt	Jacobs	Lasley	Murphy	Perlt	Sparby	Wenzel
Evans	Jaros	Leppik	Nelson	Peterson	Stanisus	Winter
Farrell	Jefferson	Lieder	Ness	Pugh	Steensma	Wolf
Garcia	Jennings	Limmer	Olson, E.	Reding	Swiggum	Worke
Girard	Johnson, A.	Lourey	Olson, K.	Rest	Swenson	Workman
Goodno	Johnson, R.	Luther	Olson, M.	Rhodes	Tomassoni	Spk. Long
Greenfield	Johnson, V.	Lynch	Onnen	Rice	Tompkins	
Greiling	Kahn	Macklin	Opatz	Rodosovich	Trimble	
Gruenes	Kalis	Mahon	Orenstein	Rukavina	Tunheim	
Gutknecht	Kelley	McCollum	Orfield	Sarna	Van Dellen	
Hasskamp	Kelso	McGuire	Osthoﬀ	Seagren	Vellenga	
Haukoos	Kinkel	Milbert	Ostrom	Sekhon	Vickerman	

Those who voted in the negative were:

Krinkie Lindner

The bill was passed and its title agreed to.

H. F. No. 1149, A bill for an act relating to the agricultural finance authority; authorizing direct loans and participations; increasing the dollar limit; amending Minnesota Statutes 1992, sections 41B.02, by adding a subdivision; and 41B.043.

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 126 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Dauner	Hausman	Koppendrayner	Mosel	Peterson	Swiggum
Anderson, I.	Davids	Holsten	Krinkie	Munger	Pugh	Swenson
Anderson, R.	Dehler	Hugoson	Krueger	Murphy	Reding	Tomassoni
Asch	Delmont	Huntley	Lasley	Nelson	Rest	Tompkins
Bauerly	Dempsey	Jacobs	Leppik	Ness	Rhodes	Trimble
Beard	Dorn	Jaros	Lieder	Olson, E.	Rice	Tunheim
Bergson	Erhardt	Jefferson	Limmer	Olson, K.	Rodosovich	Van Dellen
Bertram	Evans	Jennings	Lindner	Olson, M.	Rukavina	Vellenga
Bettermann	Farrell	Johnson, A.	Lourey	Onnen	Sarna	Wagenius
Bishop	Garcia	Johnson, R.	Luther	Opatz	Seagren	Waltman
Blatz	Girard	Johnson, V.	Lynch	Orenstein	Sekhon	Weaver
Brown, C.	Goodno	Kahn	Macklin	Orfield	Simoneau	Wejcmán
Brown, K.	Greenfield	Kalis	Mahon	Ostrom	Skoglund	Wenzel
Carlson	Greiling	Kelley	McCollum	Ozment	Smith	Winter
Carruthers	Gruenes	Kinkel	McGuire	Pauly	Solberg	Wolf
Clark	Gutknecht	Klinker	Milbert	Pawlenty	Sparby	Worke
Commers	Hasskamp	Klinzing	Molnau	Pelowski	Stanisus	Workman
Cooper	Haukoos	Knickerbocker	Morrison	Perlt	Steensma	Spk. Long

Those who voted in the negative were:

Osthoﬀ

The bill was passed and its title agreed to.

H. F. No. 1529 was reported to the House.

Knickerbocker moved to amend H. F. No. 1529, the second engrossment, as follows:

Page 7, line 31, delete everything after the period

Page 7, delete lines 32 to 36

Page 8, delete line 1

The motion prevailed and the amendment was adopted.

H. F. No. 1529, A bill for an act relating to state government; reviewing the possible reorganization and consolidation of agencies and departments with environmental and natural resource functions; creating a legislative task force; requiring establishment of worker participation committees before possible agency restructuring.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Abrams	Cooper	Hausman	Krueger	Ness	Rest	Tunheim
Anderson, I.	Dauner	Holsten	Lasley	Olson, E.	Rhodes	Van Dellen
Anderson, R.	Dawkins	Huntley	Lieder	Olson, K.	Rice	Vellenga
Asch	Dehler	Jacobs	Limmer	Olson, M.	Rodosovich	Wagenius
Battaglia	Delmont	Jaros	Lourey	Onnen	Rukavina	Waltman
Bauerly	Dempsey	Jefferson	Luther	Opatz	Sarna	Weaver
Beard	Dorn	Jennings	Lynch	Orenstein	Seagren	Wejzman
Bergson	Erhardt	Johnson, A.	Macklin	Orfield	Sekhon	Welle
Bertram	Evans	Johnson, R.	Mahon	Osthoff	Simoneau	Wenzel
Bettermann	Farrell	Johnson, V.	Mariani	Ostrom	Skoglund	Winter
Bishop	Garcia	Kahn	McCollum	Ozment	Smith	Wolf
Blatz	Girard	Kalis	McGuire	Pauly	Solberg	Worke
Brown, C.	Goodno	Kelley	Milbert	Pawlenty	Sparby	Workman
Brown, K.	Greenfield	Kelso	Morrison	Pelowski	Stanis	Spk. Long
Carlson	Greiling	Kinkel	Mosel	Perlt	Steensma	
Carruthers	Gruenes	Klinzing	Munger	Peterson	Tomassoni	
Clark	Gutknecht	Knickerbocker	Murphy	Pugh	Tompkins	
Commers	Hasskamp	Koppendraye	Nelson	Reding	Trimble	

Those who voted in the negative were:

Davids	Hugoson	Leppik	Molnau	Swenson
Haukoos	Krinkie	Lindner	Sviggum	Vickerman

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

S. F. No. 1087, A bill for an act relating to utilities; providing for determination by public utilities commission of competitive rate filings; amending Minnesota Statutes 1992, section 216B.162, subdivision 7.

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

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

Those who voted in the affirmative were:

Abrams	Dauner	Hausman	Krinkie	Munger	Pugh	Tompkins
Anderson, I.	Davids	Holsten	Krueger	Murphy	Reding	Trimble
Anderson, R.	Dawkins	Hugoson	Lasley	Nelson	Rest	Tunheim
Asch	Dehler	Huntley	Leppik	Ness	Rhodes	Van Dellen
Battaglia	Delmont	Jacobs	Lieder	Olson, E.	Rice	Vellenga
Bauerly	Dempsey	Jaros	Limmer	Olson, K.	Rodosovich	Vickerman
Beard	Dorn	Jefferson	Lindner	Olson, M.	Rukavina	Wagenius
Bergson	Erhardt	Jennings	Lourey	Onnen	Sarna	Waltman
Bertram	Evans	Johnson, A.	Luther	Opatz	Seagren	Weaver
Bettermann	Farrell	Johnson, R.	Lynch	Orenstein	Sekhon	Wejcmán
Bishop	Garcia	Johnson, V.	Macklin	Orfield	Simoneau	Welle
Blatz	Girard	Kahn	Mahon	Osthoff	Skoglund	Wenzel
Brown, C.	Goodno	Kalis	Mariani	Ostrom	Smith	Winter
Brown, K.	Greenfield	Kelley	McCollum	Ozment	Solberg	Wolf
Carlson	Greiling	Kelso	McGuire	Pauly	Stanis	Worke
Carruthers	Gruenes	Kinkel	Milbert	Pawlenty	Steensma	Workman
Clark	Gutknecht	Klinzing	Molnau	Pelowski	Swiggum	Spk. Long
Commers	Hasskamp	Knickerbocker	Morrison	Perlt	Swenson	
Cooper	Haukoos	Koppendraye	Mosel	Peterson	Tomassoni	

The bill was passed and its title agreed to.

The Speaker called Rodosovich to the Chair.

S. F. No. 273 was reported to the House.

Tompkins moved that S. F. No. 273 be temporarily laid over on Special Orders. The motion prevailed.

S. F. No. 306 was reported to the House.

Ozment, Bergson, Delmont, Perl and Opatz moved to amend S. F. No. 306, the unofficial engrossment, as follows:

Page 3, after line 19, insert:

"Sec. 4. Minnesota Statutes 1992, section 16A.11, is amended by adding a subdivision to read:

Subd. 3b. [CONTRACTS.] The detailed budget estimate must also include the following information on professional and technical services contracts involving departments listed in section 15.01:

(1) the number and amount of all contracts for each agency for the past biennium;

(2) the anticipated number and amount of all contracts for each agency for the upcoming biennium; and

(3) the total value of all contracts from the previous biennium, and the anticipated total value of all contracts for the upcoming biennium.

Sec. 5. [16B.166] [CONTRACT OVERSIGHT BOARD.]

The contract oversight board consists of one person appointed by the speaker of the house, one person appointed by the senate committee on rules and administration, one person appointed by the attorney general, and three persons appointed by the governor. The board shall meet at least quarterly to selectively review professional and technical

service contracts entered into by departments listed in section 15.01 and by the metropolitan council and the metropolitan agencies. The purpose of the review is to assure that the contracting agencies and the commissioner of administration have followed all applicable laws. The board shall give particular emphasis to assuring compliance with laws requiring an agency to certify that: (1) no state or metropolitan employee was able to perform the services called for; and (2) reasonable efforts were made to publicize the availability of the contract. The legislative auditor shall assist the board in its reviews.

Sec. 6. [16B.167] [EMPLOYEE SKILLS INVENTORY.]

The commissioners of employee relations and administration shall develop a list of skills that state and metropolitan agencies commonly seek from professional and technical services contracts as developed through the collective bargaining process.

Sec. 7. Minnesota Statutes 1992, section 16B.17, is amended to read:

16B.17 [CONSULTANTS AND PROFESSIONAL OR TECHNICAL SERVICES.]

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

~~(a) [CONSULTANT SERVICES.] "Consultant services" "professional or technical services" means services which are intellectual in character; which do not involve the provision of supplies or materials; which include consultation, analysis, evaluation, prediction, planning, or recommendation; and which result in the production of a report or the completion of a task.~~

~~(b) [PROFESSIONAL AND TECHNICAL SERVICES.] "Professional and technical services" means services which are predominantly intellectual in character; which do not involve the provision of supplies or materials; and in which the final result is the completion of a task rather than analysis, evaluation, prediction, planning, or recommendation.~~

Subd. 2. [PROCEDURE FOR CONSULTANT AND PROFESSIONAL AND OR TECHNICAL SERVICES CONTRACTS.] Before approving a proposed state contract for ~~consultant services or professional and or~~ technical services the commissioner must determine, at least, that:

- (1) all provisions of section 16B.19 and subdivision 3 of this section have been verified or complied with;
- (2) the work to be performed under the contract is necessary to the agency's achievement of its statutory responsibilities, and there is statutory authority to enter into the contract;
- (3) the contract will not establish an employment relationship between the state or the agency and any persons performing under the contract;
- (4) no contract, including any amendments and extensions, will extend for more than five years;
- (5) no current state employees will engage in the performance of the contract;
- (5) ~~(6)~~ no state agency has previously performed or contracted for the performance of tasks which would be substantially duplicated under the proposed contract; and
- (6) ~~(7)~~ the contracting agency has specified a satisfactory method of evaluating and using the results of the work to be performed.

Subd. 3. [DUTIES OF CONTRACTING AGENCY.] ~~(a)~~ Before an agency may seek approval of a ~~consultant or~~ professional ~~and or~~ technical services contract valued in excess of \$5,000, it must certify to the commissioner that:

(1) the agency has publicized the contract by posting notices at employee worksites and has determined that no state employee, including an employee outside the contracting agency, is able to perform the services called for by the contract;

(2) the normal competitive bidding mechanisms will not provide for adequate performance of the services;

(3) the services are not available as a product of a prior consultant or professional and technical services contract, and the contractor has certified that the product of the services will be original in character;

(4) reasonable efforts were made to publicize the availability of the contract;

(5) the agency has received, reviewed, and accepted a detailed work plan from the contractor for performance under the contract; and

(6) the agency has developed, and fully intends to implement, a written plan providing for the assignment of specific agency personnel to a monitoring and liaison function; the periodic review of interim reports or other indications of past performance, and the ultimate utilization of the final product of the services; and

(7) the agency will not allow the contractor to begin work before funds are fully encumbered.

(b) The agency certification must include:

(1) a description as to how the agency complied with paragraph (a), clauses (1) and (4); and

(2) what steps the agency has taken to verify the competence of the proposed contractor.

Subd. 3a. [RENEWALS.] A renewal of a contract must comply with all requirements, including notice, required for the original contract. A renewal contract must be identified as such. All notices and reports on a renewal contract must state the date of the original contract and the amount paid previously under the contract.

Subd. 4. [REPORTS.] (a) The commissioner shall submit to the governor and the legislature legislative reference library a monthly listing of all contracts for consultant services and for professional and or technical services executed or disapproved in the preceding month. The report must identify the parties and the contract amount, duration, and tasks to be performed. The commissioner shall also issue quarterly and annual reports summarizing the contract review activities of the department during the preceding quarter.

(b) The monthly, quarterly, and annual reports must:

(1) be sorted by agency and by contractor;

(2) show the aggregate value of contracts issued by each agency and issued to each contractor;

(3) distinguish between original and renewal contracts;

(4) state the termination date of each contract; and

(5) categorize contracts according to subject matter, including topics such as contracts for training, contracts for research and opinions, and contracts for computer systems.

Subd. 5. [CONTRACT TERMS.] A consultant or technical and professional or technical services contract must by its terms permit the agency to unilaterally terminate the contract prior to completion, upon payment of just compensation, if the agency determines that further performance under the contract would not serve agency purposes. If the final product of the contract is to be a written report, no more than three copies of the report, one in camera ready form, shall be submitted to the an agency must obtain copies in the most cost efficient manner. One of the copies must be filed with the legislative reference library.

Subd. 6. [REPORTING ON CONTRACTS.] (a) This subdivision applies to contracts entered into by departments listed in section 15.01 that are valued at more than \$3,000 and that:

(1) are subject to review and approval of the commissioner of administration;

(2) are not for supplies or materials; and

(3) involve analysis, evaluation, prediction, planning, or recommendation, or completion of a task that is predominantly intellectual in character.

(b) The terms of the contract must provide that no more than 90 percent of the amount due under the contract may be paid until the chief executive of the agency entering into the contract has:

(1) reviewed the final product; and

(2) certified that the contractor has satisfactorily fulfilled the terms of the contract.

(c) Within 30 days of final completion of a contract covered by this subdivision, the chief executive of the agency entering into the contract must submit a one page statement to the chairs of the appropriate policy and finance committees or divisions in the legislature. The report must:

(1) summarize the purpose of the contract, including why it was necessary to enter into a contract to further the agency's mission;

(2) evaluate the conclusions reached under the contract, and state how these conclusions help the agency to take action to further accomplish its mission; and

(3) state the amount spent on the contract, and explain why this amount was a cost-effective way to enable the agency to provide its services or products better or more efficiently.

Subd. 7. [METROPOLITAN COUNCIL AND AGENCIES.] The metropolitan council and its agencies shall provide by rule conditions for its contracts that are equivalent to the conditions required for state contracts by this section.

Sec. 8. [SPENDING LIMITATIONS ON CONTRACTS.]

During the biennium ending June 30, 1995, the amount spent by a department listed in Minnesota Statutes, section 15.01 from direct-appropriated funds on professional or technical service contracts that are subject to review and approval of the commissioner of administration may not exceed 90 percent of the amount the department spent on these contracts from these funds in the biennium from July 1, 1991 to June 30, 1993. For purposes of this section, professional or technical service contracts are as defined in Minnesota Statutes, section 16B.17, but do not include contracts for highway construction or maintenance."

Delete the title and insert:

"A bill for an act relating to state government; appointments of department heads and members of administrative boards and agencies; clarifying procedures and requirements; providing for minority representation on the metropolitan council; providing oversight of certain state and metropolitan government contracts; amending Minnesota Statutes 1992, sections 15.0575, subdivision 4; 15.06, subdivision 5; 15.066, subdivision 2; 16A.11, by adding a subdivision; 16B.17; and 473.123, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 16B."

The motion prevailed and the amendment was adopted.

S. F. No. 306, A bill for an act relating to state government; appointments of department heads and members of administrative boards and agencies; clarifying procedures and requirements; amending Minnesota Statutes 1992, sections 15.0575, subdivision 4; 15.06, subdivision 5; and 15.066, subdivision 2.

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 121 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Battaglia	Bergson	Bishop	Brown, K.	Clark	Dauner
Anderson, R.	Bauerly	Bertram	Blatz	Carlson	Commers	Davids
Asch	Beard	Bettermann	Brown, C.	Carruthers	Cooper	Dawkins

Dehler	Hausman	Klinzing	Morrison	Pawlenty	Skoglund	Waltman
Delmont	Holsten	Koppendrayner	Mosel	Pelowski	Smith	Weaver
Dempsey	Hugoson	Krueger	Munger	Perlt	Solberg	Wejcman
Dorn	Huntley	Lasley	Murphy	Peterson	Sparby	Welle
Evans	Jacobs	Leppik	Nelson	Pugh	Stanisus	Wenzel
Farrell	Jaros	Lieder	Ness	Reding	Steensma	Winter
Garcia	Jefferson	Limmer	Olson, E.	Rest	Sviggum	Wolf
Girard	Jennings	Lourey	Olson, K.	Rhodes	Swenson	Worke
Goodno	Johnson, A.	Luther	Olson, M.	Rice	Tomassoni	Workman
Greenfield	Johnson, R.	Lynch	Onnen	Rodosovich	Tompkins	Spk. Long
Greiling	Johnson, V.	Mahon	Opatz	Rukavina	Trimble	
Gruenes	Kahn	Mariani	Orenstein	Sarna	Tunheim	
Gutknecht	Kalis	McCollum	Ostrom	Seagren	Van Dellen	
Hasskamp	Kelley	Milbert	Ozment	Sekhon	Vellenga	
Haukoos	Kinkel	Molnau	Pauly	Simoneau	Wagenius	

Those who voted in the negative were:

Abrams	Erhardt	Knickerbocker	Krinkie	Lindner	Macklin	Vickerman
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The bill was passed, as amended, and its title agreed to.

S. F. No. 639 was reported to the House.

Krinkie moved to amend S. F. No. 639, as follows:

Page 1, after line 19, insert:

"Sec. 2. [STATEWIDE APPLICATION.]

The provisions in section 1 apply to ash produced anywhere in the state."

Page 1, line 20, delete "2" and insert "3"

Amend the title as follows:

Page 1, line 3, after "operated" insert "anywhere in the state and"

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

S. F. No. 639, A bill for an act relating to the environment; providing for the disposal of ash from incinerators operated by the Western Lake Superior Sanitary District; amending Minnesota Statutes 1992, section 458D.07, 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 126 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abrams	Battaglia	Bertram	Brown, C.	Clark	Davids	Dempsey
Anderson, I.	Bauerly	Bettermann	Brown, K.	Commers	Dawkins	Dorn
Anderson, R.	Beard	Bishop	Carlson	Cooper	Dehler	Erhardt
Asch	Bergson	Blatz	Carruthers	Dauner	Delmont	Evans

Farrell	Jaros	Lasley	Molnau	Ostrom	Sarna	Tunheim
Garcia	Jefferson	Leppik	Morrison	Ozment	Seagren	Van Dellen
Girard	Jennings	Lieder	Mosel	Pauly	Sekhon	Vellenga
Goodno	Johnson, A.	Limmer	Murphy	Pawlenty	Simoneau	Vickerman
Greenfield	Johnson, R.	Lindner	Nelson	Pelowski	Smith	Waltman
Greiling	Johnson, V.	Lourey	Ness	Perlt	Solberg	Weaver
Gruenes	Kalis	Luther	Olson, E.	Peterson	Sparby	Wejcmán
Gutknecht	Kelley	Lynch	Olson, K.	Pugh	Stanis	Welle
Hasskamp	Kelso	Macklin	Olson, M.	Reding	Steensma	Wenzel
Haukoos	Kinkel	Mahon	Onnen	Rest	Sviggum	Winter
Holsten	Klinzing	Mariani	Opatz	Rhodes	Swenson	Wolf
Hugoson	Knickerbocker	McCollum	Orenstein	Rice	Tomassoni	Worke
Huntley	Koppendraye	McGuire	Orfield	Rodosovich	Tompkins	Workman
Jacobs	Krueger	Milbert	Osthoff	Rukavina	Trimble	Spk. Long

Those who voted in the negative were:

Hausman Krinkie Wagenius

The bill was passed and its title agreed to.

S. F. No. 1115 was reported to the House.

Bettermann moved that S. F. No. 1115 be continued on Special Orders. The motion prevailed.

S. F. No. 361 was reported to the House.

Bettermann moved to amend S. F. No. 361, the unofficial engrossment, as follows:

Pages 1 and 2, delete section 2

Page 2, delete lines 11 and 12

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

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

S. F. No. 361, A bill for an act relating to public safety; extending existence of Minnesota advisory council on fire protection systems; amending Minnesota Statutes 1992, section 299M.02, 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 87 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Battaglia	Bergson	Brown, C.	Carruthers	Dawkins	Evans
Anderson, R.	Bauerly	Bertram	Brown, K.	Clark	Delmont	Farrell
Asch	Beard	Bishop	Carlson	Cooper	Dorn	Garcia

Greenfield	Johnson, R.	Lieder	Munger	Pelowski	Sekhon	Wagenius
Greiling	Kahn	Limmer	Murphy	Perlt	Simoneau	Wejcmán
Hasskamp	Kalis	Lourey	Olson, E.	Peterson	Skoglund	Welle
Hausman	Kelley	Luther	Olson, K.	Pugh	Solberg	Wenzel
Huntley	Kelso	Mahon	Opatz	Reding	Sparby	Winter
Jacobs	Kinkel	Mariani	Orenstein	Rhodes	Steensma	Spk. Long
Jaros	Klinzing	McCollum	Orfield	Rice	Tomassoni	
Jefferson	Krueger	McGuire	Osthoff	Rodosovich	Trimble	
Jennings	Lasley	Milbert	Ostrom	Rukavina	Tunheim	
Johnson, A.	Leppik	Mosel	Ozment	Sarna	Vellenga	

Those who voted in the negative were:

Abrams	Dempsey	Holsten	Lynch	Onnen	Swenson	Worke
Bettermann	Erhardt	Hugoson	Macklin	Pauly	Tompkins	Workman
Blatz	Girard	Johnson, V.	Molnau	Pawenty	Van Dellen	
Commers	Goodno	Knickerbocker	Morrison	Seagren	Vickerman	
Dauner	Gruenes	Koppendrayner	Nelson	Smith	Waltman	
Davids	Gutknecht	Krinkie	Ness	Stanis	Weaver	
Dehler	Haukoos	Lindner	Olson, M.	Svigum	Wolf	

The bill was passed and its title agreed to.

S. F. No. 273 which was temporarily laid over earlier today on Special Orders was again reported to the House.

Osthoff moved to amend S. F. No. 273, the unofficial engrossment, as follows:

Page 3, after line 2, insert:

"Sec. 4. Minnesota Statutes 1992, section 162.09, is amended by adding a subdivision to read:

Subd. 11. [RAMSEY COUNTY STREETS.] Notwithstanding any law or rule to the contrary:

(a) The commissioner of transportation shall increase the allowable municipal state-aid street mileage of each municipality in Ramsey county to accommodate the transfers of jurisdiction required for implementation of the Ramsey county local government services study commission's recommendation for functional consolidation of roadways in its March 1992 report of the Ramsey county local government services study commission.

(b) Notwithstanding paragraph (a), the commissioner shall make no apportionment of municipal state-aid street funds which will result in any municipality receiving a lesser apportionment of such funds than was apportioned to it in calendar year 1993 where the reduction in apportionment is the result of mileage increases under paragraph (a).

Sec. 5. Minnesota Statutes 1992, section 383A.16, subdivision 2, is amended to read:

Subd. 2. [DUTY TO APPROPRIATE FOR MUNICIPAL STREETS; FORMULA FOR APPROPRIATION.] (a) Ramsey county shall appropriate \$100,000 annually and pay it to the municipalities in the county who do not receive municipal state-aid street funds, outside the city of Saint Paul, to aid the these municipalities in the construction and maintenance of municipal roads, streets or bridges, appropriate traffic control devices and lighting, and former county roads and county state-aid highways that have been transferred to municipal jurisdiction or town roads as a result of implementation of the recommendation for functional consolidation by the Ramsey county local government services study commission in its March 1992 report of the Ramsey county local government services study commission.

(b) This appropriation shall be apportioned in the following manner:

(a) 70 percent to be prorated to the municipalities in proportion as the number of miles of roads inside, and maintained exclusively by each municipality bears to the total number of miles of roads inside the county and maintained exclusively by all the municipalities; and

~~(b) 30 percent thereof to the municipalities, proportionately, according to the net tax capacity of all property for taxation in the municipalities, and shall be spent on municipal roads, streets, or bridges by the governing body of each municipality by allocating \$8,000 per mile for each mile of former county roads and county state-aid highways received by each municipality. These funds shall be spent on municipal roads, streets, or bridges by the governing body of each municipality.~~

~~(c) The \$8,000 appropriation shall increase or decrease each year by an amount equal to the overall increase or decrease reflected in the Engineering News Record Index.~~

~~(d) Failure to provide the appropriation will result in the cities returning the "turnback roads" to Ramsey county, if the city so chooses.~~

Sec. 6. Minnesota Statutes 1992, section 383A.16, is amended by adding a subdivision to read:

Subd. 6. [CONDITION OF HIGHWAYS TRANSFERRED.] Ramsey county shall, before transferring any highway jurisdiction under subdivision 2, improve each highway to be transferred to a condition consistent with a Ramsey county pavement management system score of 90.

Sec. 7. Minnesota Statutes 1992, section 383A.16, is amended by adding a subdivision to read:

Subd. 7. [DEFINITION.] For purposes of this section "municipality" means a home rule or statutory city and the town of White Bear.

Sec. 8. [REPEALER.]

Minnesota Statutes 1992, section 383A.16, subdivision 1, is repealed."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Asch moved to amend S. F. No. 273, the unofficial engrossment, as amended, as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1992, section 219.16, is amended to read:

219.16 [GRADE CROSSING DEFINED.]

The term "grade crossing" as used in this chapter means the intersection of a public highway and or public pedestrian-bicycle trail with the tracks of a railroad, however operated, on the same plane or level, except street railways within city limits."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 273, A bill for an act relating to highways; changing description of legislative Route No. 279 in state trunk highway system after agreement to transfer part of old route to Dakota county.

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	Dauner	Hausman	Krinkie	Murphy	Reding	Trimble
Anderson, I.	Dauids	Holsten	Krueger	Nelson	Rhodes	Tunheim
Anderson, R.	Dawkins	Hugoson	Lasley	Ness	Rice	Van Dellen
Asch	Dehler	Huntley	Lieder	Olson, E.	Rodosovich	Vellenga
Battaglia	Delmont	Jacobs	Limmer	Olson, K.	Rukavina	Vickerman
Bauerly	Dempsey	Jaros	Lindner	Olson, M.	Sarna	Wagenius
Beard	Dorn	Jefferson	Lourey	Onnen	Seagren	Waltman
Bergson	Erhardt	Jennings	Luther	Opatz	Sekhon	Weaver
Bertram	Evans	Johnson, A.	Lynch	Orenstein	Simoneau	Wejzman
Bettermann	Farrell	Johnson, R.	Macklin	Orfield	Skoglund	Wenzel
Bishop	Garcia	Johnson, V.	Mahon	Osthoff	Smith	Winter
Blatz	Girard	Kahn	Mariani	Ostrom	Solberg	Wolf
Brown, C.	Goodno	Kalis	McCollum	Ozment	Sparby	Worke
Brown, K.	Greenfield	Kelley	McGuire	Pauly	Stanius	Workman
Carlson	Greiling	Kelso	Milbert	Pawlenty	Steensma	Spk. Long
Carruthers	Gruenes	Kinkel	Molnau	Pelowski	Sviggum	
Clark	Gutknecht	Klinzing	Morrison	Perlt	Swenson	
Commers	Hasskamp	Knickerbocker	Mosel	Peterson	Tomassoni	
Cooper	Haukoos	Koppendrayar	Munger	Pugh	Tompkins	

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

Speaker pro tempore Rodosovich called Bauerly to the Chair.

S. F. No. 1184 was reported to the House.

Lieder moved that S. F. No. 1184 be temporarily laid over on Special Orders. The motion prevailed.

The Speaker resumed the Chair.

H. F. No. 777, A bill for an act relating to consumers; requiring certain disclosures when consumer reports are used for employment purposes; providing for access to consumer reports; amending Minnesota Statutes 1992, section 13C.01, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 13C; repealing Minnesota Statutes 1992, section 13C.01, subdivision 2.

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 126 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abrams	Asch	Bergson	Bishop	Carlson	Commers	Dauids
Anderson, I.	Battaglia	Bertram	Brown, C.	Carruthers	Cooper	Dawkins
Anderson, R.	Beard	Bettermann	Brown, K.	Clark	Dauner	Dehler

Delmont	Hugoson	Knickerbocker	McGuire	Osthoff	Sarna	Tunheim
Dempsey	Huntley	Koppendrayner	Milbert	Ostrom	Seagren	Van Dellen
Dorn	Jacobs	Krueger	Molnau	Ozment	Sekhon	Vellenga
Erhardt	Jaros	Lasley	Morrison	Pauly	Simoneau	Vickerman
Evans	Jefferson	Leppik	Mosel	Pawlenty	Skoglund	Wagenius
Farrell	Jennings	Lieder	Murphy	Pelowski	Smith	Waltman
Garcia	Johnson, A.	Limmer	Nelson	Perlt	Solberg	Weaver
Girard	Johnson, R.	Lindner	Ness	Peterson	Sparby	Wejzman
Goodno	Johnson, V.	Lourey	Olson, E.	Pugh	Stanis	Welle
Greenfield	Kahn	Luther	Olson, K.	Reding	Steensma	Wenzel
Greiling	Kalis	Lynch	Olson, M.	Rest	Sviggum	Winter
Gutknecht	Kelley	Macklin	Onnen	Rhodes	Swenson	Wolf
Hasskamp	Kelso	Mahon	Opatz	Rice	Tomassoni	Worke
Hausman	Kinkel	Mariani	Orenstein	Rodosovich	Tompkins	Workman
Holsten	Klinzing	McCollum	Orfield	Rukavina	Trimble	Spk. Long

Those who voted in the negative were:

Gruenes Haukoos Krinkie

The bill was passed and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Anderson, I., from the Committee on Rules and Legislative Administration, pursuant to rule 1.09, designated the following bills as Special Orders to be acted upon immediately following printed Special Orders for today:

S. F. Nos. 53, 894, 902, 700, 406 and 560; H. F. Nos. 531 and 936; and S. F. Nos. 853, 1320, 751, 441, 826, 1141, 235, 192, 262, 207, 229, 58 and 1036.

SPECIAL ORDERS, Continued

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

GENERAL ORDERS

Anderson, I., moved that the bills on General Orders for today be continued. The motion prevailed.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 9:00 a.m., Tuesday, May 11, 1993. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:00 a.m., Tuesday, May 11, 1993.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

