

STATE OF MINNESOTA  
SEVENTY-EIGHTH SESSION -- 1993

FIFTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MAY 12, 1993

The House of Representatives convened at 9:00 a.m. and was called to order by Dee Long, Speaker of the House.

Prayer was offered by the Reverend Dr. Donald M. Meisel, House Chaplain.

The roll was called and the following members were present:

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

A quorum was present.

Morrison was excused until 9:25 a.m. Jennings was excused until 11:50 a.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Dauner 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.

### MESSAGES FROM THE SENATE

The following messages were 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. 1161, A bill for an act relating to retirement; public employees retirement association; permitting payment in lieu of salary deductions to obtain service credit notwithstanding a one-year time limitation.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Farrell moved that the House concur in the Senate amendments to H. F. No. 1161 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1161, A bill for an act relating to retirement; public employees retirement association; permitting payment in lieu of salary deductions to obtain service credit notwithstanding a one-year time limitation.

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 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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. 299, A bill for an act relating to elections; changing requirements and procedures for maintaining precinct boundary data; appropriating money; amending Minnesota Statutes 1992, sections 204B.14, subdivisions 5 and 6; and 204B.146.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Rodosovich moved that the House concur in the Senate amendments to H. F. No. 299 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 299, A bill for an act relating to elections; changing requirements and procedures for maintaining precinct boundary data; appropriating money; amending Minnesota Statutes 1992, sections 204B.14, subdivisions 5 and 6; and 204B.146.

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

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

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. 608, A bill for an act relating to agriculture; exempting certain nonprofit organizations from the requirement for a nursery stock dealer certificate; proposing coding for new law in Minnesota Statutes, chapter 18.

PATRICK E. FLAHAVEN, Secretary of the Senate

### CONCURRENCE AND REPASSAGE

Mosel moved that the House concur in the Senate amendments to H. F. No. 608 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 608, A bill for an act relating to agriculture; exempting certain nonprofit organizations from the requirement for a nursery stock dealer certificate; proposing coding for new law in Minnesota Statutes, chapter 18.

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

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

Those who voted in the affirmative were:

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

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

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

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. 795, A bill for an act relating to insurance; no-fault auto; excluding certain vehicles from the right of indemnity granted by the no-fault act; amending Minnesota Statutes 1992, section 65B.53, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Reding moved that the House refuse to concur in the Senate amendments to H. F. No. 795, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Madam Speaker:

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

S. F. Nos. 566, 811, 880 and 580.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 566, A bill for an act relating to retirement; removing the requirement for periodic review of the rule of 90; repealing Minnesota Statutes 1992, section 356.85.

The bill was read for the first time.

Johnson, R., moved that S. F. No. 566 and H. F. No. 490, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 811, A bill for an act relating to transportation; providing for a metropolitan area high speed bus study; appropriating money.

The bill was read for the first time.

Mahon moved that S. F. No. 811 and H. F. No. 1125, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 880, A bill for an act relating to the environment; changing methods for assessing and collecting hazardous waste administration fees; providing for rulemaking; amending Minnesota Statutes 1992, sections 116.12; and 473.811, subdivision 5b.

The bill was read for the first time.

Wagenius moved that S. F. No. 880 and H. F. No. 1106, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 580, A bill for an act relating to state and local government; providing for the preparation and review of accounts; providing for duties of the state auditor; providing for the costs of examinations; defining the limits to various types of compensation; providing procedures for the satisfaction of claims; providing procedures for the removal of city managers; limiting certain high risk investments; amending Minnesota Statutes 1992, sections 6.56; 16B.06, subdivision 4; 43A.17, subdivision 9, and by adding a subdivision; 340A.602; 375.162, subdivision 2; 375.18, by adding subdivisions; 412.271, subdivision 1, and by adding subdivisions; 412.641, subdivision 1; and 475.66, subdivision 3, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 6; 465; and 471.

The bill was read for the first time.

Pugh moved that S. F. No. 580 and H. F. No. 761, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

#### 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 preceding printed Special Orders for today, Wednesday, May 12, 1993:

H. F. No. 1387; and S. F. Nos. 512, 692 and 653.

#### SPECIAL ORDERS

H. F. No. 1387 was reported to the House.

Anderson, I., moved that H. F. No. 1387 be temporarily laid over on Special Orders. The motion prevailed.

S. F. No. 512, A bill for an act relating to telecommunications; providing for regulation of telecommunications carriers; limiting discriminatory practices, services, rates, and pricing; providing for investigation, hearings, and appeals regarding telecommunications services; delineating telecommunications practices allowed; providing penalties and remedies; amending Minnesota Statutes 1992, sections 237.01, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Statutes 1992, section 237.59, 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 100 yeas and 28 nays as follows:

Those who voted in the affirmative were:

Abrams	Dehler	Jefferson	Lieder	Neary	Rodosovich	Tunheim
Anderson, I.	Delmont	Johnson, A.	Lindner	Nelson	Rukavina	Van Dellen
Anderson, R.	Dempsey	Johnson, R.	Lourey	Ness	Sarna	Vickerman
Asch	Erhardt	Johnson, V.	Luther	Olson, E.	Seagren	Wagenius
Battaglia	Frerichs	Kahn	Lynch	Opatz	Sekhon	Weaver
Bauerly	Girard	Kelley	Macklin	Orenstein	Simoneau	Wenzel
Beard	Goodno	Kelso	Mahon	Osthoff	Skoglund	Winter
Bergson	Gruenes	Kinkel	Mariani	Ozment	Solberg	Wolf
Bertram	Hasskamp	Klinzing	McCollum	Pauly	Sparby	Workman
Bettermann	Hausman	Knickerbocker	McGuire	Pelowski	Stanis	Spk. Long
Brown, C.	Holsten	Koppendrayner	Milbert	Perlt	Steensma	
Brown, K.	Hugoson	Krinkie	Molnau	Pugh	Sviggum	
Carlson	Huntley	Krueger	Morrison	Reding	Swenson	
Carruthers	Jacobs	Lasley	Munger	Rest	Tomassoni	
Cooper	Jaros	Leppik	Murphy	Rhodes	Tompkins	

Those who voted in the negative were:

Clark	Dawkins	Garcia	Kalis	Olson, M.	Pawlenty	Waltman
Commers	Dorn	Greiling	Limmer	Ornen	Peterson	Wejzman
Dauner	Evans	Gutknecht	Mosel	Orfield	Smith	Welle
Davids	Farrell	Haukoos	Olson, K.	Ostrom	Trimble	Worke

The bill was passed and its title agreed to.

S. F. No. 692, A bill for an act relating to insurance; workers' compensation; regulating the minimum deposit requirements for self-insurers; amending Minnesota Statutes 1992, section 79A.04, 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1387 which was temporarily laid over earlier today on Special Orders was again reported to the House.

Anderson, I., moved to amend H. F. No. 1387, the second engrossment, as follows:

Page 1, delete section 1

Page 2, after line 15, insert:

"Subd. 3. [WORKERS' COMPENSATION.] The department of labor and industry shall study the issue of independent contractors and their compliance with workers' compensation laws. The study shall include an estimate of the current cost and a projection of future costs to the special compensation fund of claims made by injured construction trades workers incorrectly classified as independent contractors by their employers. The cost figures shall include the reimbursement by the special compensation fund of medical assistance and general assistance benefits paid for construction trade workers misclassified as independent contractors.

The study shall evaluate the legal use of exclusions from workers' compensation under section 176.041, subdivision 1 by persons engaged in construction activities. The evaluation shall specifically address the impact of the use of the exclusions by persons engaged in construction activities on the workers' compensation system. The department shall consult with representatives of construction employers and construction trade employees in evaluating the impact of the exclusions on employers engaged in the same activity. The study shall include an estimate of the current cost and a projection of future costs to medical assistance and general assistance of work related injuries to persons in construction trades that are excluded from workers' compensation under section 176.041, subdivision 1.

The department of human services shall cooperate with the department of labor and industry in providing information and staff assistance necessary to complete the study. By February 1, 1994, the department of labor and industry shall report the results of the study with recommendations for legislation to the policy committees of the legislature having jurisdiction over workers' compensation, medical assistance and general assistance matters."

Page 2, line 17, delete everything after "1993"

Page 2, line 18, delete everything before the period

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 1387, A bill for an act relating to employment; requiring Occupational Safety and Health Act compliance by certain independent contractors; requiring certain studies and reports on independent contractors; proposing coding for new law in Minnesota Statutes, chapter 182.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Beard	Brown, K.	Dauner	Dorn	Girard	Hasskamp
Anderson, I.	Bergson	Carlson	Davidson	Erhardt	Goodno	Haukoos
Anderson, R.	Bertram	Carruthers	Dawkins	Evans	Greenfield	Hausman
Asch	Bettermann	Clark	Dehler	Farrell	Greiling	Holsten
Battaglia	Blatz	Commers	Delmont	Frerichs	Gruenes	Hugoson
Bauerly	Brown, C.	Cooper	Dempsey	Garcia	Gutknecht	Huntley

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

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

S. F. No. 653 was reported to the House.

Anderson, I., moved to amend S. F. No. 653, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 164.08, subdivision 2, is amended to read:

Subd. 2. [MANDATORY ESTABLISHMENT; CONDITIONS.] Upon petition presented to the town board by the owner of a tract of land containing at least five acres, who has no access thereto except over the lands of others, or whose access thereto is less than two rods in width, the town board by resolution shall establish a cartway at least two rods wide connecting the petitioner's land with a public road. The town board may select an alternative route other than that petitioned for if the alternative is deemed by the town board to be less disruptive and damaging to the affected landowners and in the public's best interest. In an unorganized territory, the board of county commissioners of the county in which the tract is located shall act as the town board. The proceedings of the town board shall be in accordance with section 164.07. The amount of damages shall be paid by the petitioner to the town before such cartway is opened. For the purposes of this subdivision damages shall mean the compensation, if any, awarded to the owner of the land upon which the cartway is established together with the cost of professional and other services which the town may incur in connection with the proceedings for the establishment of the cartway. The town board may by resolution require the petitioner to post a bond or other security acceptable to the board for the total estimated damages before the board takes action on the petition.

Town road and bridge funds shall not be expended on the cartway unless the town board, or the county board acting as the town board in the case of a cartway established in an unorganized territory, by resolution determines that an expenditure is in the public interest. If no resolution is adopted to that effect, the grading or other construction work and the maintenance of the cartway is the responsibility of the petitioner, subject to the provisions of section 164.10. After the cartway has been constructed the town board, or the county board in the case of unorganized territory, may by resolution designate the cartway as a private driveway with the written consent of the affected landowner in which case from the effective date of the resolution no town road and bridge funds shall be expended for maintenance of the driveway; provided that the cartway shall not be vacated without following the vacation proceedings established under section 164.07.

Sec. 2. [ESTABLISHMENT OF AN OFFICE OF DEPUTY REGISTRAR OF MOTOR VEHICLES IN DEER RIVER.]

Notwithstanding Minnesota Statutes, section 168.33, and rules adopted by the commissioner of public safety, limiting sites for the office of deputy registrar, the Itasca county auditor may, with the approval of the commissioner of public safety, establish an office of the deputy registrar of motor vehicles in the city of Deer River. All other provisions regarding the appointment and operation of a deputy registrar office under Minnesota Statutes, section 168.33, and Minnesota Rules, chapter 7406, shall apply to the office.

Sec. 3. [EFFECTIVE DATE.]

Section 2 shall become effective the day following final enactment without local approval as provided in Minnesota Statutes, section 645.023, subdivision 1, paragraph (a)."



Delete the title and insert:

"A bill for an act relating to local government; providing conditions for the establishment of town roads; providing for a deputy registrar of motor vehicles; amending Minnesota Statutes 1992, section 164.08, subdivision 2."

The motion prevailed and the amendment was adopted.

Asch moved to amend S. F. No. 653, as amended, as follows:

Page 2, after line 23, insert:

"Sec. 2. 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. 653, A bill for an act relating to town roads; permitting cartways to be established on alternative routes; amending Minnesota Statutes 1992, section 164.08, 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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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

Bettermann moved to amend S. F. No. 1115, as follows:

Page 5, line 27, strike ", except salmonids and catfish,"

The motion prevailed and the amendment was adopted.

Bettermann moved to amend S. F. No. 1115, as amended, as follows:

Page 15, delete section 21

Amend the title as follows:

Page 1, line 4, delete "appropriating money;"

The motion prevailed and the amendment was adopted.

S. F. No. 1115, A bill for an act relating to natural resources; modifying provisions relating to aquaculture; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 17.4982, subdivisions 1, 8, and by adding a subdivision; 17.4983, subdivision 2; 17.4984, subdivision 2; 17.4985, subdivisions 2 and 3; 17.4986, subdivision 2, and by adding a subdivision; 17.4991, subdivisions 3, 4, and by adding a subdivision; 17.4992, subdivision 3; 18B.26, subdivision 1; 97C.203; 97C.515, subdivision 4, and by adding a subdivision; 97C.525, subdivision 3; and 103G.2241; proposing coding for new law in Minnesota Statutes, chapter 17.

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 131 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Osthoff            Skoglund

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

The Speaker called Bauerly to the Chair.

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

Leppik, Kelley, Smith, Rhodes and Onnen moved to amend S. F. No. 1184, as follows:

Page 7, after line 35, insert:

"Sec. 10. Minnesota Statutes 1992, section 161.123, is amended to read:

161.123 [HIGHWAY CONSTRUCTION; PROHIBITIONS.]

Following May 31, 1975 the department of transportation shall not cause any construction on, nor shall any lands be acquired for, any of the trunk highways designated as I-335; proposed I-394 between I-494 and the Hawthorne interchange; nor for any extension or connector of the Dartmouth interchange of the interstate route designated as I-94, except for a connection from Fulton Avenue and Huron Street to University Avenue Southeast and 25th Avenue Southeast generally via Huron Street and 25th Avenue Southeast; nor shall the department construct or improve Legislative Route No. 116, marked trunk highway route No. 55, within the city of Minneapolis, to freeway or expressway standards; provided, that nothing in this section shall be construed to prohibit the department from taking the following actions:

(1) Construction of a parkway facility of not more than four lanes of traffic in the corridor previously designated for I-335 in the city of Minneapolis.

(2) Construction of not more than six lanes of travel on Legislative Routes No. 10 and No. 107 marked TH12 between I-494 and the Hawthorne interchange in the city of Minneapolis, except that existing available paved road surface and right-of-way may be utilized to provide additional lanes of travel; provided that no additional lands shall be acquired for any such purpose except which is necessary for construction of six lanes of travel on said highway.

(3) Generally utilizing and widening present lanes of travel, increasing the number of lanes of travel up to but not exceeding six lanes, and upgrading Legislative Route No. 116 within the city of Minneapolis generally along its present traveled corridor.

(4) Preparation of any environmental impact statements, recreational and other land use reports, and other elements of the planning process required by federal and state law, utilizing the most reasonably recent available data, on the following:

Routes and corridors enumerated above and all feasible and prudent alternate routes and corridors, giving the fullest possible consideration to each, without regard to prior authorization or to whether legislative approval or other action is necessary. In the preparation of such environmental impact statements the commissioner shall analyze and evaluate:

(a) Design modifications which may mitigate any adverse environmental impact; and

(b) The recommendations of the metropolitan council, transportation advisory board, and interstate study committee as reported to the legislature pursuant to Laws 1975, chapter 203, section 16; and

(c) All other matters required of an environmental impact statement by applicable state and federal laws.

Any highway facility authorized by this section shall be compatible with the immediate residential areas through which it passes. Upon the completion of any highway facility authorized herein, any right-of-way previously acquired within the utilized corridor and not needed for the construction and maintenance of such facility, shall be transferred to the city within which such excess right-of-way is located, for public purposes, or sold for utilization in a manner compatible with the immediate residential area through which it passes, such excess right-of-way being determined by order of the commissioner. The transfer shall be evidenced by a quit claim deed, in such form as the attorney general approves, executed by the governor in the name of the state of Minnesota to such city.

The commissioner of transportation shall consider a parkway or other alternatives for that portion of the trunk highway designated as I-35 or Route No. 390 in the city of Duluth.

Sec. 11. [EFFECTIVE DATE.]

Section 10 is effective the day following final enactment.

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Leppik et al amendment and the roll was called. There were 58 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Abrams	Erhardt	Haukoos	Leppik	Olson, M.	Smith	Welle
Bergson	Evans	Holsten	Lirumer	Onnen	Stanius	Wolf
Bettermann	Frerichs	Hugoson	Lindner	Osthoff	Sviggum	Worke
Bishop	Garcia	Johnson, V.	Lynch	Ozment	Swenson	Workman
Blatz	Girard	Kelley	Macklin	Pauly	Tompkins	
Carlson	Goodno	Kelso	Mahon	Pawlenty	Van Dellen	
Commers	Greiling	Knickerbocker	Molnau	Rest	Vickerman	
Dauids	Gruenes	Koppendrayer	Morrison	Rhodes	Waltman	
Dehler	Gutknecht	Krinkie	Ness	Seagren	Weaver	

Those who voted in the negative were:

Anderson, I.	Cooper	Jacobs	Lourey	Olson, E.	Rice	Trimble
Anderson, R.	Dauner	Jaros	Luther	Olson, K.	Rodosovich	Tunheim
Asch	Dawkins	Jefferson	Mariani	Opatz	Rukavina	Vellenga
Battaglia	Delmont	Johnson, A.	McCollum	Orenstein	Sarna	Wagenius
Bauerly	Dempsey	Johnson, R.	McGuire	Orfield	Sekhon	Wejcman
Beard	Dorn	Kahn	Milbert	Ostrom	Simoneau	Wenzel
Bertram	Farrell	Kinkel	Mosel	Pelowski	Skoglund	Winter
Brown, C.	Greenfield	Klinzing	Munger	Perlt	Solberg	Spk. Long
Brown, K.	Hasskamp	Krueger	Murphy	Peterson	Sparby	
Carruthers	Hausman	Lasley	Neary	Pugh	Steensma	
Clark	Huntley	Lieder	Nelson	Reding	Tomassori	

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

Kinkel moved to amend S. F. No. 1184, as follows:

Page 7, after line 35, insert:

"Sec. 10. Minnesota Statutes 1992, section 161.082, subdivision 2a, is amended to read:

Subd. 2a. [TOWN BRIDGES AND CULVERTS; TOWN ROAD ACCOUNT.] An amount equal to 25 percent of the county turnback account must be expended, within counties having two or more towns, on town road bridge structures that are ten feet or more in length and on town road culverts that replace existing town road bridges. In addition, if the present bridge structure is less than ten feet in length but a hydrological survey indicates that the replacement bridge structure or culvert must be ten feet or more in length, then the bridge or culvert is eligible for replacement funds. In addition, if a culvert that replaces a deficient bridge is in a county comprehensive water plan approved by the board of water and soil resources and the department of natural resources, the costs of the culvert and roadway grading other than surfacing are eligible for replacement funds up to the cost of constructing a replacement bridge. The expenditures on bridge structures and culverts may be on a matching basis, and if on a matching basis, not more than 90 percent of the cost of a bridge structure or culvert may be paid from the county turnback account. When bridge approach construction work exceeds \$10,000 in costs, or when the county engineer

determines that the cost of the replacement culverts alone will not exceed \$20,000, the town shall be eligible for financial assistance from the town bridge account. Financial assistance shall be limited to 90 percent of the cost of the bridge approach work that is in excess of \$10,000 and shall be requested by resolution of the county board and shall be limited to:

(1) 100 percent of the cost of the bridge approach work that is in excess of \$10,000; or

(2) 100 percent of the cost of the replacement culverts when the cost does not exceed \$20,000 and the town board agrees to be responsible for all the other costs, which may include costs for structural removal, installation, and permitting. The replacement structure design and costs shall be approved and certified by the county engineer, but need not be subsequently approved by the department of transportation.

An amount equal to 47.5 percent of the county turnback account must be set aside as a town road account and distributed as provided in section 162.081."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

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

Dempsey was excused between the hours of 11:25 a.m. and 12:40 p.m.

S. F. No. 1184, A bill for an act relating to transportation; authorizing road authorities to develop, finance, design, construct, improve, rehabilitate, own, and operate toll facilities and to enter into agreements with private operators for the construction, maintenance, and operation of toll facilities; proposing coding for new law in Minnesota Statutes, chapter 160.

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 70 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Abrams	Dauids	Jennings	Leppik	Olson, E.	Rhodes	Tunheim
Anderson, R.	Dehler	Johnson, A.	Lieder	Olson, K.	Rodosovich	Van Dellen
Bauerly	Erhardt	Johnson, V.	Lindner	Olson, M.	Seagren	Vickerman
Bertram	Frerichs	Kelley	Luther	Ornen	Simoneau	Waltman
Bettermann	Garcia	Kelso	Lynch	Osthoff	Smith	Weaver
Bishop	Girard	Kinkel	Macklin	Ozment	Sparby	Welle
Brown, C.	Goodno	Knickerbocker	Mahon	Pauly	Stanis	Wenzel
Brown, K.	Gutknecht	Koppendrayner	Molnau	Pelowski	Steensma	Wolf
Commers	Holsten	Krinkie	Morrison	Perlt	Sviggum	Worke
Dauner	Hugoson	Lasley	Ness	Peterson	Swenson	Workman

Those who voted in the negative were:

Anderson, I.	Beard	Carlson	Cooper	Dorn	Greenfield	Hasskamp
Asch	Bergson	Carruthers	Dawkins	Evans	Greiling	Haukoos
Battaglia	Blatz	Clark	Delmont	Farrell	Gruenes	Hausman

Huntley	Kalis	McCollum	Neary	Pawlenty	Sarna	Trimble
Jacobs	Klinzing	McGuire	Nelson	Pugh	Sekhon	Vellenga
Jaros	Krueger	Milbert	Opatz	Reding	Skoglund	Wagenius
Jefferson	Limmer	Mosel	Orenstein	Rest	Solberg	Wejcman
Johnson, R.	Lourey	Munger	Orfield	Rice	Tomassoni	Winter
Kahn	Mariani	Murphy	Ostrom	Rukavina	Tompkins	Spk. Long

The bill was passed and its title agreed to.

Simoneau was excused while in conference.

S. F. No. 53 was reported to the House.

Jacobs, Rhodes, Beard, Lynch and Kalis moved to amend S. F. No. 53, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 181A.04, is amended by adding a subdivision to read:

Subd. 6. A high school student under the age of 18 must not be permitted to work after 11:00 p.m. on an evening before a school day or before 5:00 a.m. on a school day, except as permitted by section 181A.07, subdivisions 1, 2, 3, and 4. If a high school student under the age of 18 has supplied the employer with a note signed by the parent or guardian of the student, the student may be permitted to work until 11:30 p.m. on the evening before a school day and beginning at 4:30 a.m. on a school day.

For the purpose of this subdivision, a high school student does not include a student enrolled in an alternative education program approved by the state board of education or an area learning center, including area learning centers under sections 124A.45 to 124C.48 or according to section 121.11, subdivision 12.

Sec. 2. Minnesota Statutes 1992, section 181A.12, is amended to read:

[181A.12] [PENALTIES.]

Subdivision 1. [FINES; PENALTY.] Any employer who hinders or delays the department or its authorized representative in the performance of its duties under sections 181A.01 to 181A.12 or refuses to admit the commissioner or an authorized representative to any place of employment or refuses to make certificates or lists available as required by sections 181A.01 to 181A.12, or otherwise violates any provisions of sections 181A.01 to 181A.12 or any rules issued pursuant thereto shall be assessed a fine to be paid to the commissioner for deposit in the general fund. The fine may be recovered in a civil action in the name of the department brought in the district court of the county where the violation is alleged to have occurred or the district court where the commissioner has an office. Fines are in the amounts as follows:

(a) employment of minors under the age of 14 (each employee)	\$ 50
(b) employment of minors under the age of 16 during school hours while school is in session (each employee)	50
(c) employment of minors under the age of 16 before 7:00 a.m. (each employee)	50
(d) employment of minors under the age of 16 after 9:00 p.m. (each employee)	50
(e) <u>employment of a high school student under the age of 18 in violation of section 181A.04, subdivision 6 (each employee)</u>	<u>100</u>

(f) employment of minors under the age of 16 over eight hours a day (each employee)	50
(f) (g) employment of minors under the age of 16 over 40 hours a week (each employee)	50
(g) (h) employment of minors under the age of 18 in occupations hazardous or detrimental to their well-being as defined by rule (each employee)	100
(h) (i) employment of minors under the age of 16 in occupations hazardous or detrimental to their well-being as defined by rule (each employee)	100
(i) (j) minors under the age of 18 injured in hazardous employment (each employee)	500
(j) (k) minors employed without proof of age (each employee)	5 25

An employer who refuses to make certificates or lists available as required by sections 181A.01 to 181A.12 shall be assessed a \$500 fine.

~~An employer who engages in repeated violations of sections 181A.01 to 181A.12 is also guilty of a gross misdemeanor.~~

Subd. 2. [MISDEMEANOR.] ~~Any~~ An employer or other person violating any provision of sections 181A.01 to 181A.12 excluding section 181A.04, subdivision 6, or any rules issued pursuant thereto or assisting another in such violation is guilty of a misdemeanor.

Subd. 3. [GROSS MISDEMEANOR.] An employer who engages in repeated violations of sections 181A.01 to 181A.12 excluding section 181A.04, subdivision 6, is also guilty of a gross misdemeanor. An employer who engages in a single violation of sections 181A.01 to 181A.12 excluding section 181A.04, subdivision 6, is guilty of a gross misdemeanor if the violation results in the death of the minor or substantial bodily harm to the minor. For purposes of this subdivision, "substantial bodily harm" has the meaning given in section 609.02, subdivision 7a."

Amend the title as follows:

Page 1, line 5, delete the second comma

Page 1, line 6, delete "subdivision 1"

The motion prevailed and the amendment was adopted.

Hasskamp offered an amendment to S. F. No. 53, as amended.

#### POINT OF ORDER

Asch raised a point of order pursuant to rule 3.09 that the Hasskamp amendment was not in order. Speaker pro tempore Bauerly ruled the point of order well taken and the amendment out of order.

Hugoson moved to amend S. F. No. 53, as amended, as follows:

Page 1, line 9, delete "If a"

Page 1, delete lines 10 to 14 and insert "This subdivision does not apply to a high school student who supplies the employer with a note from a parent or guardian of the student authorizing the student to work after 11:00 p.m. on an evening before a school day or before 5:00 a.m. on a school day."

A roll call was requested and properly seconded.

The question was taken on the Hugoson amendment and the roll was called. There were 53 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Abrams	Dauner	Gutknecht	Krinkie	Mosel	Seagren	Waltman
Bergson	Dauids	Hasskamp	Leppik	Ness	Smith	Welle
Bertram	Dawkins	Haukoos	Limmer	Olson, M.	Sparby	Wolf
Bettermann	Dehler	Holsten	Lindner	Ornen	Stanius	Worke
Bishop	Dorn	Hugoson	Lourey	Pauly	Sviggum	Workman
Brown, K.	Erhardt	Jennings	Macklin	Pawlenty	Swenson	
Commers	Girard	Johnson, V.	Molnau	Pelowski	Van Dellen	
Cooper	Goodno	Koppendraye	Morrison	Rodosovich	Vickerman	

Those who voted in the negative were:

Anderson, I.	Delmont	Jefferson	Lasley	Nelson	Reding	Tomassoni
Anderson, R.	Evans	Johnson, A.	Luther	Olson, K.	Rest	Tompkins
Asch	Farrell	Johnson, R.	Lynch	Opatz	Rhodes	Trimble
Battaglia	Garcia	Kahn	Mahon	Orenstein	Rice	Tunheim
Bauerly	Greenfield	Kalis	Mariani	Orfield	Rukavina	Vellenga
Beard	Greiling	Kelley	McCollum	Osthoff	Sarna	Wagenius
Blatz	Gruenes	Kelso	McGuire	Ostrom	Sekhon	Weaver
Brown, C.	Hausman	Kinkel	Milbert	Ozment	Simoneau	Wejman
Carlson	Huntley	Klinzing	Munger	Perlt	Skoglund	Wenzel
Carruthers	Jacobs	Knickerbocker	Murphy	Peterson	Solberg	Winter
Clark	Jaros	Krueger	Neary	Pugh	Steensma	Spk. Long

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

Dehler moved to amend S. F. No. 53, as amended, as follows:

Page 1, line 7 of the Jacobs amendment, after "permitted" insert ", on a regular basis,"

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

S. F. No. 53, A bill for an act relating to labor; regulating employment of children; establishing a child labor curfew; providing penalties; amending Minnesota Statutes 1992, sections 181A.04, by adding a subdivision; and 181A.12, subdivision 1.

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



The question was taken on the passage of the bill and the roll was called. There were 98 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dawkins	Jaros	Lasley	Murphy	Peterson	Sparby
Anderson, R.	Dehler	Jefferson	Leppik	Neary	Pugh	Steensma
Asch	Delmont	Jennings	Lieder	Nelson	Reding	Tomassoni
Battaglia	Dempsey	Johnson, A.	Lourey	Olson, E.	Rest	Trimble
Bauerly	Evans	Johnson, R.	Luther	Olson, K.	Rhodes	Tunheim
Beard	Farrell	Johnson, V.	Lynch	Opatz	Rice	Van Dellen
Bertram	Greenfield	Kahn	Mahon	Orenstein	Rodosovich	Vellenga
Blatz	Greiling	Kalis	Mariani	Orfield	Rukavina	Wagenius
Brown, C.	Gruenes	Kelley	McCollum	Osthoff	Sarna	Weaver
Carlson	Hasskamp	Kelso	McGuire	Ostrom	Sekhon	Wejcman
Carruthers	Hausman	Klinzing	Milbert	Ozment	Simoneau	Welle
Clark	Holsten	Knickerbocker	Morrison	Pauly	Skoglund	Wenzel
Commers	Huntley	Koppendraye	Mosel	Pawlenty	Smith	Winter
Cooper	Jacobs	Krueger	Munger	Perlt	Solberg	Spk. Long

Those who voted in the negative were:

Abrams	Davids	Girard	Kinkel	Molnau	Seagren	Vickerman
Bergson	Dorn	Goodno	Krinkie	Ness	Stanius	Waltman
Bettermann	Erhardt	Gutknecht	Limmer	Olson, M.	Sviggum	Wolf
Brown, K.	Frerichs	Haukoos	Lindner	Onnen	Swenson	Worke
Dauner	Garcia	Hugoson	Macklin	Pelowski	Tompkins	Workman

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

S. F. No. 894, A bill for an act relating to agriculture; imposing licensing requirements for general merchandise storage warehouses; providing bond claim procedures; amending Minnesota Statutes 1992, sections 231.01, by adding a subdivision; 231.11; 231.12; 231.13; 231.14; 231.17; and 231.18; repealing Minnesota Statutes 1992, sections 231.19; 231.20; 231.21; 231.22; 231.23; 231.25; 231.26; 231.27; 231.29; 231.30; 231.31; and 231.33.

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

The bill was passed and its title agreed to.

S. F. No. 902, A bill for an act relating to motor carriers; defining armored carrier service; requiring any person providing armored carrier service to obtain an armored carrier permit from the transportation regulation board; providing for conversion of existing operating authority; amending Minnesota Statutes 1992, sections 221.011, by adding subdivisions; 221.072, subdivision 2; 221.111; 221.121, by adding a subdivision; 221.131, by adding a subdivision; 221.141, by adding a subdivision; 221.161, subdivision 1; and 221.185, subdivisions 1, 2 and 4; proposing coding for new law in Minnesota Statutes, chapter 221.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

Pelowski was excused while in conference.

S. F. No. 700 was reported to the House.

Pugh, Bergson and Delmont offered an amendment to S. F. No. 700, the unofficial engrossment.

#### POINT OF ORDER

Abrams raised a point of order pursuant to rule 3.09 that the Pugh et al amendment was not in order. Speaker pro tempore Bauerly ruled the point of order well taken and the amendment out of order.

Kahn, Gutknecht and Holsten moved to amend S. F. No. 700, the unofficial engrossment, as follows:

Page 2, after line 12, insert:

"Sec. 3. Minnesota Statutes 1992, section 240.13, subdivision 6, is amended to read:

Subd. 6. [SIMULCASTING.] The commission may permit an authorized licensee to conduct simulcasting or telerace simulcasting at the licensee's facility on any day authorized by the commission. All simulcasts and telerace simulcasts must comply with the Interstate Horse Racing Act of 1978, United States Code, title 15, sections 3001 to 3007. In addition to teleracing programs featuring live racing conducted at the licensee's class A facility, the class E licensee

may conduct not more than seven teleracing programs per week during the racing season, unless additional telerace simulcasting is authorized by the director and approved by the horsepersons' organization representing the majority of horsepersons racing the breed racing the majority of races at the licensee's class A facility during the preceding 12 months. The commission may not authorize any day for simulcasting at a class A facility during the racing season, and a licensee may not be allowed to transmit out-of-state telecasts of races the licensee conducts, unless the licensee has obtained the approval of the horsepersons' organization representing the majority of the horsepersons racing the breed involved at the licensed racetrack during the preceding 12 months. The licensee may pay fees and costs to an entity transmitting a telecast of a race to the licensee for purposes of conducting pari-mutuel wagering on the race. The licensee may deduct fees and costs related to the receipt of televised transmissions from a pari-mutuel pool on the televised race, provided that one-half of any amount recouped in this manner must be added to the amounts required to be set aside for purses.

With the approval of the commission and subject to the provisions of this subdivision, a licensee may transmit telecasts of races it conducts, for wagering purposes, to locations outside the state, and the commission may allow this to be done on a commingled pool basis.

Except as otherwise provided in this section, simulcasting and telerace simulcasting may be conducted on a separate pool basis or, with the approval of the commission, on a commingled pool basis. All provisions of law governing pari-mutuel betting apply to simulcasting and telerace simulcasting except as otherwise provided in this subdivision or in the commission's rules. If pools are commingled, wagering at the licensed facility must be on equipment electronically linked with the equipment at the licensee's class A facility or with the sending racetrack via the totalizator computer at the licensee's class A facility. Subject to the approval of the commission, the types of betting, takeout, and distribution of winnings on commingled pari-mutuel pools are those in effect at the sending racetrack. Breakage for pari-mutuel pools on a televised race must be calculated in accordance with the law or rules governing the sending racetrack for these pools, and must be distributed in a manner agreed to between the licensee, and the sending racetrack. Notwithstanding subdivision 7 and section 240.15, subdivision 5, the commission may approve procedures governing the definition and disposition of unclaimed tickets that are consistent with the law and rules governing unclaimed tickets at the sending racetrack. For the purposes of this section, "sending racetrack" is either the racetrack outside of this state where the horse race is conducted or, with the consent of the racetrack, an alternative facility that serves as the racetrack for the purpose of commingling pools.

If there is more than one class B licensee conducting racing within the seven-county metropolitan area, simulcasting and telerace simulcasting may be conducted only on races run by a breed that ran at the licensee's class A facility within the 12 months preceding the event.

Contractual agreements between licensees and horsepersons' organizations entered into before June 5, 1991, regarding money to be set aside for purses from pools generated by simulcasts at a class A facility, are controlling regarding purse requirements through the end of the 1992 racing season.

Notwithstanding any other provision, a class D licensee may conduct pari-mutuel betting on simulcast races under this section only on a racing day assigned by the commission on which the class D licensee conducts at least six races."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

#### POINT OF ORDER

Osthoff raised a point of order pursuant to rule 3.09 that the Kahn et al amendment was not in order. Speaker pro tempore Bauerly ruled the point of order not well taken and the amendment in order.

The question recurred on the Kahn et al amendment and the roll was called. There were 121 yeas and 11 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Erhardt	Johnson, R.	Limmer	Reding	Weaver	Worke
Hasskamp	Kelso	Lindner	Steensma	Welle	

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

S. F. No. 700, A bill for an act relating to horse racing; permitting two class A licenses within the seven-county metropolitan area; permitting the state fair to apply for a pari-mutuel horse racing license; permitting distributions from the breeders' fund for Minnesota-bred horses racing in other racing jurisdictions; amending Minnesota Statutes 1992, sections 240.06, subdivisions 5 and 5a; 240.09, subdivision 1; and 240.18, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 48 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Abrams	Blatz	Girard	Kahn	Pugh	Sparby	Vickerman
Anderson, I.	Brown, C.	Hausman	Knickerbocker	Reding	Stanis	Waltman
Bauerly	Dawkins	Holsten	Mahon	Rukavina	Sviggum	Weaver
Beard	Dorn	Jacobs	Milbert	Sarna	Swenson	Welle
Bergson	Evans	Jaros	Morrison	Sekhon	Tomassoni	Winter
Bertram	Farrell	Jennings	Ozment	Simoneau	Tunheim	Wolf
Bishop	Frerichs	Johnson, V.	Perlt	Solberg	Van Dellen	

Those who voted in the negative were:

Anderson, R.	Dehler	Huntley	Leppik	Mosel	Osthoff	Steensma
Asch	Dempsey	Jefferson	Lieder	Murphy	Ostrom	Tompkins
Battaglia	Erhardt	Johnson, A.	Limmer	Neary	Pauly	Vellenga
Bettermann	Garcia	Johnson, R.	Lindner	Nelson	Pawlenty	Wagenius
Brown, K.	Goodno	Kalis	Lourey	Ness	Peterson	Wejcman
Carlson	Greenfield	Kelley	Luther	Olson, E.	Rest	Wenzel
Carruthers	Greiling	Kelso	Lynch	Olson, K.	Rhodes	Worke
Clark	Gruenes	Kinkel	Macklin	Olson, M.	Rice	Workman
Commers	Gutknecht	Klinzing	Mariani	Onnen	Rodosovich	Spk. Long
Cooper	Hasskamp	Koppendraye	McCollum	Opatz	Seagren	
Dauner	Haukoos	Krinkie	McGuire	Orenstein	Skoglund	
Davids	Hugoson	Krueger	Molnau	Orfield	Smith	

The bill was not passed, as amended.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 795:

Jennings, Reding and Osthoff.

Anderson, I., moved that the House recess subject to the call of the Chair. The motion prevailed.

#### RECESS

#### RECONVENED

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

Pelowski was excused while in conference.

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

#### REPORTS OF STANDING COMMITTEES

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 1624, A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

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

The report was adopted.

## SECOND READING OF SENATE BILLS

S. F. No. 1624 was read for the second time.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

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

H. F. No. 1524, A bill for an act relating to taxation; providing conditions and requirements for the issuance of public debt and for the financial obligations of authorities; providing an exemption from the mortgage registration tax; providing an exemption from an ad valorem taxation for certain lease purchase property; providing a property tax exemption for certain property devoted to public use; amending Minnesota Statutes 1992, sections 80A.12, by adding a subdivision; 275.065, subdivision 7; 287.04; 447.45, subdivision 2; 475.67, subdivisions 3 and 13; and 501B.25; repealing Minnesota Rules, part 2875.3532.

The Senate has appointed as such committee:

Mr. Pogemiller; Ms. Flynn and Olson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Madam Speaker:

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

H. F. No. 1245, A bill for an act relating to data practices; providing for the collection, classification, and dissemination of data; proposing classifications of data as not public; classifying certain licensing data, educational data, security service data, motor carrier operating data, retirement data and other forms of data; amending Minnesota Statutes 1992, sections 13.32, subdivisions 1, 3, and 6; 13.41, subdivision 4; 13.43, subdivision 2; 13.46, subdivisions 1, 2, and 4; 13.643; 13.692; 13.72, by adding a subdivision; 13.792; 13.82, subdivisions 4, 6, and 10; 13.99, subdivision 24, and by adding subdivisions; 115A.93, by adding a subdivision; 144.335, subdivision 3a, and by adding a subdivision; 151.06, by adding a subdivision; 169.09, subdivisions 7 and 13; 245A.04, subdivisions 3 and 3a; 260.161, subdivisions 1 and 3; 270B.14, subdivision 1, and by adding a subdivision; 299L.03, by adding a subdivision; and 626.556, subdivisions 11 and 11c; proposing coding for new law in Minnesota Statutes, chapters 6; 13; and 144; repealing Minnesota Statutes 1992, sections 13.644; and 13.82, subdivision 5b.

The Senate has appointed as such committee:

Ms. Ranum; and Messrs. Merriam and Knutson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Madam Speaker:

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

S. F. No. 653, A bill for an act relating to town roads; permitting cartways to be established on alternative routes; amending Minnesota Statutes 1992, section 164.08, subdivision 2.

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

Messrs. Lessard, Merriam and Dille.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Anderson, I., moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 653. The motion prevailed.

Madam Speaker:

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

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

Messrs. Metzen, Riveness and Benson, D. D.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Bergson moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 306. The motion prevailed.

Madam Speaker:

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

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

Messrs. Knutson; Chmielewski and Ms. Olson.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Tompkins moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 273. The motion prevailed.

Madam Speaker:

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

S. F. No. 512, A bill for an act relating to telecommunications; providing for regulation of telecommunications carriers; limiting discriminatory practices, services, rates, and pricing; providing for investigation, hearings, and appeals regarding telecommunications services; delineating telecommunications practices allowed; providing penalties and remedies; amending Minnesota Statutes 1992, sections 237.01, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Statutes 1992, section 237.59, subdivision 7.

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

Mr. Novak; Ms. Johnson, J. B., and Mr. Chandler.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Jacobs moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 512. The motion prevailed.

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. 208, A bill for an act relating to human rights; prohibiting discrimination against certain persons who have physical or sensory disabilities and who use service animals; clarifying certain language governing transportation of disabled persons; clarifying the commissioner's acceptance of charges; providing for office of administrative hearings costs to be charged in human rights cases; amending Minnesota Statutes 1992, sections 363.01, subdivisions 30a, 35, 41b, and by adding a subdivision; 363.03, subdivisions 2, 4, and 10; 363.071, by adding a subdivision; and 473.144.

PATRICK E. FLAHAVEN, Secretary of the Senate

Bishop moved that the House refuse to concur in the Senate amendments to H. F. No. 208, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

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. 327, A bill for an act relating to motor vehicles; providing for free motor vehicle license plates for former prisoners of war; exempting former prisoners of war plates from motor vehicle registration tax; amending Minnesota Statutes 1992, sections 168.031; 168.12, subdivision 5; and 168.125, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate



## CONCURRENCE AND REPASSAGE

Hasskamp moved that the House concur in the Senate amendments to H. F. No. 327 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 327, A bill for an act relating to motor vehicles; providing for free motor vehicle license plates for former prisoners of war; amending Minnesota Statutes 1992, sections 168.031; 168.12, subdivision 5; and 168.125, subdivision 1.

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

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

Those who voted in the affirmative were:

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

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

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. 1063, A bill for an act relating to commerce; currency exchanges; changing the date for submission of license renewal applications; amending Minnesota Statutes 1992, section 53A.03.

PATRICK E. FLAHAVEN, Secretary of the Senate

Trimble moved that the House refuse to concur in the Senate amendments to H. F. No. 1063, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Madam Speaker:

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

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

Messrs. Marty, Chandler, Cohen, Belanger and Neuville.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Anderson, I., moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 694. The motion prevailed.

## SPECIAL ORDERS

S. F. No. 406 was reported to the House.

Asch and Brown, C., offered an amendment to S. F. No. 406.

## POINT OF ORDER

Winter raised a point of order pursuant to rule 3.09 that the Asch and Brown, C., amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

S. F. No. 406, A bill for an act relating to local government; authorizing a local unit of government which self-insures health benefits for employees to enroll employees of the exclusive representative of its employees in those plans; amending Minnesota Statutes 1992, section 471.617, by adding a subdivision.

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

Those who voted in the negative were:

Davids

The bill was passed and its title agreed to.

S. F. No. 560 was reported to the House.

Greenfield moved to amend S. F. No. 560, as follows:

Page 1, line 9, strike "Until July 1," and delete "1996" and strike the second comma

Amend the title as follows:

Page 1, line 3, delete "extending" and insert "making" and after "moratorium" insert "permanent"

The motion prevailed and the amendment was adopted.

S. F. No. 560, A bill for an act relating to the hospital construction moratorium, extending the moratorium; amending Minnesota Statutes 1992, section 144.551, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Onnen

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

H. F. No. 531 was reported to the House.

Dawkins moved to amend H. F. No. 531, the second engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [504.012] [WRITTEN LEASE REQUIRED.]

An owner of a multiunit building, with 12 or more residential units, shall have a written lease for each unit rented to a residential tenant. The definitions of "owner," "tenant," and "building" in section 566.18 apply to this section.

## Sec. 2. [504.015] [TENANT TO BE GIVEN COPY OF LEASE.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, "owner" has the meaning given it in section 566.18, and "tenant" means any person occupying the dwelling unit whose signature appears on the lease agreement.

Subd. 2. [COPY OF WRITTEN LEASE TO TENANT.] An owner shall give a tenant a copy of a written lease. An owner may obtain a signed and dated receipt, either as a separate document or an acknowledgment included in the lease agreement itself, from the tenant acknowledging that the tenant has received a copy of the lease. This signed receipt or acknowledgment is prima facie evidence that the tenant has received a copy of the lease.

Subd. 3. [LEGAL ACTION TO ENFORCE LEASE.] In any legal action to enforce a written lease, except for nonpayment of rent, disturbing the peace, malicious destruction of property, or a violation of section 504.181, it is a defense for the tenant to establish that the owner failed to comply with subdivision 2. This defense may be overcome if the owner establishes that the tenant had actual knowledge of the term or terms of the lease upon which any legal action is based.

## Sec. 3. [504.201] [RESTRICTION ON LEASE TERMS FOR BUILDINGS IN FINANCIAL DISTRESS.]

Subdivision 1. [DEFINITIONS.] The definitions of "owner," "tenant," and "building" in section 566.18 apply to this section. For purposes of this section, the term "building" does not include a manufactured home park as defined in section 327C.01, subdivision 5.

Subd. 2. Once an owner has received notice of a contract for deed cancellation under section 559.21 or notice of a mortgage foreclosure sale under chapter 580 or 582, the owner may enter into a periodic lease agreement with a term of two months or less or a fixed term tenancy not extending beyond the cancellation period or owner's period of redemption until:

- (1) the contract for deed has been reinstated or paid in full;
- (2) the mortgage default has been cured and the mortgage reinstated;
- (3) the mortgage has been satisfied;
- (4) the property has been redeemed from a foreclosure sale; or
- (5) a receiver has been appointed.

## Sec. 4. [504.246] [DISCLOSURE REQUIRED FOR OUTSTANDING INSPECTION AND CONDEMNATION ORDERS.]

Subdivision 1. [DISCLOSURE TO TENANT.] (a) Except as provided in subdivision 3, a landlord, agent, or person acting under the landlord's direction or control shall provide a copy of all outstanding inspection orders for which a citation has been issued, pertaining to a rental unit or common area, specifying code violations issued under section 566.19, that the housing inspector identifies as requiring notice because the violations threaten the health or safety of the tenant, and all outstanding condemnation orders and declarations that the premises are unfit for human habitation to:

- (1) a tenant, as defined in section 566.18, either by delivery or by United States mail, postage prepaid, within 72 hours after the time allowed to complete the repairs, including any extension of the deadline, has expired;
- (2) a person before signing a lease or paying rent or a security deposit to begin a new tenancy; and
- (3) a person prior to obtaining new ownership of the property subject to the order or declaration.

The housing inspector shall indicate on the inspection order whether the violation threatens the health or safety of a tenant or prospective tenant.

(b) If an inspection order, for which a citation has been issued, does not involve code violations that threaten the health or safety of the tenants, the landlord, agent, or person acting under the landlord's control shall post a summary of the inspection order in a conspicuous place in each building affected by the inspection order, along with a notice that the inspection order will be made available by the landlord for review, upon a request of a tenant or prospective tenant. The landlord shall provide a copy of the inspection order for review by a tenant or a prospective tenant as required under this subdivision.

Subd. 2. [PENALTY.] If the landlord, agent, or person acting under the landlord's direction or control violates this section, the tenant is entitled to remedies provided by section 8.31, subdivision 3a, and other equitable relief as determined by the court.

Subd. 3. [EXCEPTION.] A landlord, agent, or person acting under the landlord's direction or control is not in violation of this section if:

(1) the landlord, agent, or person acting under the landlord's direction or control has received only an initial order to repair;

(2) the time allowed to complete the repairs, including any extension of the deadline, has not yet expired, and less than 60 days has elapsed since the expiration date of repair orders and any extension and no citation has been issued; and

(3) the landlord, agent, or person acting under the landlord's direction or control completes the repairs within the time given to repair, including any extension of the deadline.

Subd. 4. [LANDLORD'S DEFENSE.] It is an affirmative defense in an action brought under this section for the landlord, agent, or person acting under the landlord's control to prove that disclosure was made as required under subdivision 1.

Sec. 5. Minnesota Statutes 1992, section 504.29, is amended by adding a subdivision to read:

Subd. 6. [PROPER IDENTIFICATION.] "Proper identification" means information generally considered sufficient to identify a person, including a Minnesota driver's license, a Minnesota identification card, other forms of identification provided by a unit of government, a notarized statement of identity with a specimen signature of the person, or other reasonable form of identification.

Sec. 6. Minnesota Statutes 1992, section 504.30, subdivision 1, is amended to read:

Subdivision 1. [DISCLOSURES REQUIRED.] (a) Upon request and proper identification, a tenant screening service must disclose the following information to an individual:

- (1) the nature and substance of all information in its files on the individual at the time of the request; and
- (2) the sources of the information.

A tenant screening service must make the disclosures to an individual without charge if information in a tenant report has been used within the past 30 days to deny the rental or increase the security deposit or rent of a residential housing unit to the individual. If the tenant report has not been used to deny the rental or increase the rent or security deposit of a residential housing unit within the past 30 days, the tenant screening service may impose a reasonable charge for making the disclosure required under this section. The tenant screening service must notify the tenant of the amount of the charge before furnishing the information. The charge may not exceed the amount that the tenant screening service would impose on each designated recipient of a tenant report, except that no charge may be made for notifying persons of the deletion of information which is found to be inaccurate or which can no longer be verified.

(b) Files maintained on a tenant must be disclosed promptly as established in clauses (1) to (4).

(1) A tenant file must be disclosed in person, during normal business hours, at the location where the tenant screening service maintains its files, if the tenant appears in person and furnishes proper identification at that time.

(2) A tenant file must be disclosed by mail, if the tenant makes a written request with proper identification for a copy of the information contained in the tenant report and requests that the information be sent to a specified address. A disclosure made under this clause shall be deposited in the United States mail, postage prepaid, within five business days after the written request for disclosure is received by the tenant screening service. A tenant screening service complying with a request for disclosure under this clause shall not be liable for disclosures to third parties caused by mishandling mail, provided that the tenant file information is mailed to the address specified by the tenant in the request.

(3) A summary of the information in a tenant file must be disclosed by telephone, if the tenant has made a written request with proper identification for telephone disclosure.

(4) Information in a tenant's file required to be disclosed in writing under this subdivision may be disclosed in any other form including electronic means if authorized by the tenant and available from the tenant screening service.

Sec. 7. Minnesota Statutes 1992, section 504.30, subdivision 3, is amended to read:

Subd. 3. [EXPLANATIONS.] The tenant screening service must permit an individual to explain any unlawful detainer report or any disputed item not resolved by reinvestigation in a tenant report. The explanation must be included in the tenant report. The tenant screening service may limit the explanation to no more than 100 words.

Sec. 8. Minnesota Statutes 1992, section 504.30, subdivision 4, is amended to read:

Subd. 4. [COURT FILE INFORMATION.] (a) If a tenant screening service includes information from a court file on an individual in a tenant report, the outcome of the court proceeding must be accurately recorded in the tenant report, ~~unless the outcome is not provided by the court.~~ Whenever the court supplies information from a court file on an individual, in whatever form, the court shall include information on the outcome of the court proceeding when it becomes available. The tenant screening service is not liable under section 504.31 if the tenant screening service reports complete and accurate information as provided by the court.

(b) A tenant screening service shall not provide tenant reports containing information on unlawful detainer actions in the second and fourth judicial districts, unless the tenant report accurately records the outcome of the proceeding or other disposition of the unlawful detainer action such as settlement, entry of a judgment, default, or dismissal of the action.

Sec. 9. Minnesota Statutes 1992, section 504.33, subdivision 3, is amended to read:

Subd. 3. [DISPLACE.] "Displace" means to demolish, acquire for or convert to a use other than low-income housing, or to provide or spend money that directly results in the demolition, acquisition, or conversion of housing to a use other than low-income housing.

"Displace" does not include providing or spending money that directly results in: (i) housing improvements made to comply with health, housing, building, fire prevention, housing maintenance, or energy codes or standards of the applicable government unit; (ii) housing improvements to make housing more accessible to a handicapped person; or (iii) the demolition, acquisition, or conversion of housing for the purpose of creating owner-occupied housing that consists of no more than four units per structure.

"Displace" does not include downsizing large apartment complexes by demolishing less than 25 percent of the units in the complex or by eliminating units through reconfiguration and expansion of individual units for the purpose of expanding the size of the remaining low-income units. For the purpose of this section, "large apartment complex" means two or more adjacent buildings containing a total of 100 or more units per complex.

Sec. 10. Minnesota Statutes 1992, section 504.33, subdivision 5, is amended to read:

Subd. 5. [LOW-INCOME HOUSING.] (a) "Low-income housing" means either:

(1) rental housing with a rent less than or equal to 30 percent of 50 percent of the median income for the county in which the rental housing is located, adjusted by size; or

(2) rental housing occupied by households with income below 30 percent of the median for the metropolitan area as defined in section 473.121, subdivision 2, adjusted by size.

(b) "Low-income housing" also includes rental housing that has been vacant for less than two years, that was low-income housing when it was last occupied, and that is not condemned as being unfit for human habitation by the applicable government unit.

Sec. 11. Minnesota Statutes 1992, section 504.33, subdivision 7, is amended to read:

Subd. 7. [REPLACEMENT HOUSING.] "Replacement housing" means rental housing that is:

(1) the lesser of (i) the number and corresponding size of low-income housing units displaced, or (ii) sufficient in number and corresponding size of those low-income housing units displaced to meet the demand for those units. Based on demonstrated need in the housing impact report, displaced units may be replaced by fewer, larger units of comparable total size, except that efficiency and single room occupancy units may not be replaced by units of a larger size;

(2) low-income housing for ~~the greater of at least 15 years or the compliance period of the federal low income housing tax credit under United States Code, title 26, section 42(i)(1), as amended.~~ This section does not prohibit increases in rent to cover operating expenses;

(3) in at least standard condition; and

(4) located in the city where the displaced low-income housing units were located.

Replacement housing may be provided as newly constructed housing, or rehabilitated housing that was previously unoccupied or vacant and in condemnable condition or rent subsidized existing housing that does not already qualify as low-income housing.

Notwithstanding the above requirements, public housing units which are a part of a disposition plan approved by the Department of Housing and Urban Development automatically qualify as replacement housing for public housing units which are displaced.

Sec. 12. Minnesota Statutes 1992, section 504.34, subdivision 1, is amended to read:

Subdivision 1. [ANNUAL REPORT REQUIRED.] A government unit shall prepare ~~an annual~~ a housing impact report either:

(1) for each year in which the government unit displaces ten or more units of low-income housing in a city of the first class as defined in section 410.01; or

(2) when a specific project undertaken by a government unit for longer than one year displaces a total of ten or more units of low-income housing in a city of the first class as defined in section 410.01.

Sec. 13. Minnesota Statutes 1992, section 504.34, subdivision 2, is amended to read:

Subd. 2. [DRAFT ANNUAL HOUSING IMPACT REPORT.] A government unit subject to this section must prepare a draft annual housing impact report for review and comment by interested persons. The draft report must be completed by January 31 of the year immediately following a year in which the government unit has displaced ten or more units of low-income housing in a city. For a housing impact report required under subdivision 1, clause (2), the draft report must be completed by January 31 of the year immediately following the year in which the government unit has displaced a cumulative total of ten units of low-income housing in a city.

Sec. 14. Minnesota Statutes 1992, section 566.18, subdivision 2, is amended to read:

Subd. 2. [TENANT.] "Tenant" means any person who is occupying a dwelling in a building as defined in subdivision 7, under any agreement, lease, or contract, whether oral or written, and for whatever period of time, which requires the payment of ~~moneys~~ money or exchange of services as rent for the use of the dwelling unit, and all other regular occupants of that dwelling unit, and any resident of a manufactured home park.

Sec. 15. Minnesota Statutes 1992, section 566.18, subdivision 7, is amended to read:

Subd. 7. [BUILDING.] "Building" means:

(a) ~~any~~ a building used in whole or in part as a dwelling, including single family homes, multiple family units such as apartments, and structures containing both dwelling units and units used for nondwelling purposes, and also includes a manufactured home park, or

(b) ~~any an~~ unoccupied building which was previously used in whole or in part as a dwelling and which constitutes a nuisance under section 561.01.

Sec. 16. Laws 1989, chapter 328, article 2, section 17, subdivision 1, is amended to read:

Sec. 17. [HOUSING CALENDAR CONSOLIDATION PILOT PROJECT.]

Subdivision 1. [ESTABLISHMENT.] A ~~three-year pilot project~~ may be established in the second and fourth judicial districts to consolidate the hearing and determination of matters related to residential rental housing and to ensure continuity and consistency in the disposition of cases.

Sec. 17. [COURT STUDY OF UNLAWFUL DETAINER REPORTS BY TENANT SCREENING SERVICES.]

The second and fourth district courts are requested to study data reported in conjunction with unlawful detainer actions in order to assure that accurate and timely information on unlawful detainer proceedings is available for tenant reports. The study must identify ways to report data so that information on the outcome of unlawful detainer proceedings is as readily available, accurate, timely, and as permanent as information on unlawful detainer filings. The study shall also consider the length of time information on unlawful detainer filings and dispositions must be retained by the courts. The courts shall report their findings to the relevant housing committees of the house of representatives and the senate by January 1, 1994. Each district court shall implement the study findings and establish methods to report the outcome and disposition of unlawful detainer actions as soon as the study is completed, but no later than January 1, 1994.

Sec. 18. [REPEALER.]

Laws 1989, chapter 328, article 2, sections 18 and 19, are repealed.

Sec. 19. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1993, for new or renewed tenancy beginning on or after August 1, 1993.

Section 8 is effective April 1, 1994.

Sections 16 and 18 are effective the day after final enactment."

Amend the title accordingly

Dawkins moved to amend the Dawkins amendment to H. F. No. 531, as follows:

Page 3, line 36 of the Dawkins amendment, delete "and" and insert "or"

Page 4, line 2 of the Dawkins amendment, delete "and" and insert "or" in both places

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

The question recurred on the Dawkins amendment, as amended, to H. F. No. 531, the second engrossment. The motion prevailed and the amendment, as amended, was adopted.

Dawkins moved to amend H. F. No. 531, the second engrossment, as amended, as follows:

Page 3, line 4, delete everything after "after" and insert "issuance of the citation"

Page 3, line 5, delete everything before the semicolon

Page 7, line 33, delete everything after the period and insert:

"Notwithstanding subclauses (i) and (ii), if the housing impact statement shows demonstrated need"

Page 7, line 34, delete everything before the comma

The motion prevailed and the amendment was adopted.



H. F. No. 531, A bill for an act relating to housing; requiring owner to furnish a tenant with a copy of a written lease; requiring disclosure of inspection and condemnation orders; modifying procedure for tenant file disclosure by tenant screening services; modifying definitions; requiring reports; providing penalties; amending Minnesota Statutes 1992, sections 504.29, by adding a subdivision; 504.30, subdivisions 1, 3, and 4; 504.33, subdivisions 3, 5, and 7; 504.34, subdivisions 1 and 2; and 566.18, subdivisions 2 and 7; Laws 1989, chapter 328, article 2, section 17, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 504; repealing Laws 1989, chapter 328, article 2, sections 18 and 19.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Erhardt	Krinkie	Lindner	Stanis
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The bill was passed, as amended, and its title agreed to.

Dawkins was excused between the hours of 8:15 p.m. and 10:25 p.m.

H. F. No. 936, A bill for an act relating to the department of jobs and training; changing its name to the department of economic security.

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 102 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Abrams	Bauerly	Bishop	Commers	Dempsey	Frerichs	Greiling
Anderson, I.	Beard	Blatz	Cooper	Erhardt	Garcia	Gruenes
Anderson, R.	Bertram	Brown, C.	Davids	Evans	Girard	Gutknecht
Battaglia	Bettermann	Carlson	Delmont	Farrell	Goodno	Haukoos

Holsten	Kalis	Lindner	Olson, E.	Reding	Stanis	Weaver
Hugoson	Kelley	Lourey	Olson, M.	Rhodes	Steensma	Welle
Huntley	Kelso	Luther	Onnen	Rice	Sviggum	Wenzel
Jacobs	Kinkel	Lynch	Opatz	Rodosovich	Swenson	Winter
Jaros	Klinzing	Macklin	Orenstein	Rukavina	Tompkins	Wolf
Jefferson	Knickerbocker	Mariani	Orfield	Sarna	Tunheim	Worke
Jennings	Koppendrayner	McGuire	Ozment	Seagren	Van Dellen	Workman
Johnson, A.	Lasley	Milbert	Pauly	Sekhon	Vellenga	Spk. Long
Johnson, R.	Leppik	Molnau	Pawlenty	Smith	Vickerman	
Johnson, V.	Lieder	Morrison	Perlt	Solberg	Wagenius	
Kahn	Limmer	Munger	Pugh	Sparby	Waltman	

Those who voted in the negative were:

Asch	Dauner	Hausman	Mosel	Olson, K.	Rest	Wejcman
Bergson	Dehler	Krinkie	Murphy	Osthoff	Simoneau	
Brown, K.	Dorn	Krueger	Neary	Ostrom	Skoglund	
Carruthers	Greenfield	Mahon	Nelson	Pelowski	Tomassoni	
Clark	Hasskamp	McCollum	Ness	Peterson	Trimble	

The bill was passed and its title agreed to.

S. F. No. 853 was reported to the House.

Reding moved to amend S. F. No. 853, as follows:

Page 13, line 27, delete "providing" and insert "that is a qualified pension plan under section 401(a) of the federal internal revenue code, as amended, and that provides"

Page 13, line 30, after "account" insert "under section 408(a) of the federal internal revenue code, as amended"

Page 15, after line 2, insert:

"Sec. 3. [ELLENDALE FIRE DEPARTMENT RELIEF ASSOCIATION BENEFIT AND AID USE RATIFICATION.]

Subdivision 1. [BENEFIT RATIFICATION.] Notwithstanding section 424A.02, subdivision 1, or any opinion of the office of the state auditor to the contrary, benefit payments made to retiring members of the Ellendale fire department relief association prior to the effective date of this section are ratified.

Subd. 2. [AID USAGE RATIFICATION.] Notwithstanding sections 69.021, 424A.05, 424A.08, or prior laws governing the allocation or use of fire state aid, any allocation or use of fire state aid received by the firetown of Ellendale prior to the effective date of this section is hereby ratified providing the aid was used for a fire related purpose or as funding for the special fund of the Ellendale fire department relief association."

Page 15, delete lines 3 to 6, and insert:

"Sec. 4. [EFFECTIVE DATE; LOCAL APPROVAL.]

Sections 1 and 2 are effective the day following approval by the governing body of the city of Golden Valley and compliance with Minnesota Statutes, section 645.021, subdivision 3. Section 3 is effective the day following approval by the governing body of the city of Ellendale and compliance with Minnesota Statutes, section 645.021, subdivision 3."

The motion prevailed and the amendment was adopted.

S. F. No. 853, A bill for an act relating to retirement; volunteer firefighters' relief associations; increasing service pension maximums; establishing a fire state aid maximum apportionment; providing penalties for noncompliance with service pension maximums; specifying duties for the state auditor; ratifying certain prior nonconforming lump sum service pension payments; continuing certain nonconforming lump sum service pension amounts in force; modifying certain investment performance calculations; modifying certain local volunteer firefighters relief association provisions; prohibiting the use of lawful gambling contributions for pensions; amending Minnesota Statutes 1992, sections 11A.04; 349.12, subdivision 25; 356.218, subdivisions 2 and 3; and 424A.02, subdivisions 1, 3, and by adding subdivisions; Laws 1971, chapter 140, section 5, as amended; proposing coding for new law in Minnesota Statutes, chapter 471.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Anderson, I., moved that the House recess subject to the call of the Chair. The motion prevailed.

#### RECESS

#### RECONVENED

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

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 273:

Tompkins, Pugh and McGuire.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 306:

Bergson, Opatz and Ozment.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 512:

Jacobs, Kelley and Gruenes.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 653:

Anderson, I.; Solberg and Goodno.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 694:

Carruthers, Delmont, Perl, Blatz and Swenson.

### SPECIAL ORDERS, Continued

S. F. No. 1320 was reported to the House.

Tunheim; Olson, K.; Leppik and Carlson moved to amend S. F. No. 1320, as follows:

Page 1, after line 16, insert:

"Sec. 2. Minnesota Statutes 1992, section 129C.10, subdivision 1, is amended to read:

Subdivision 1. [GOVERNANCE.] The board of the Minnesota center for arts education shall consist of 15 persons, one of whom shall be knowledgeable in the field of special education. The members of the board shall be appointed by the governor with the advice and consent of the senate. At least one member must be appointed from each congressional district.

Sec. 3. Minnesota Statutes 1992, section 129C.10, is amended by adding a subdivision to read:

Subd. 3b. [APPEAL.] A parent who disagrees with a board action that adversely affects the academic program of an enrolled pupil may appeal the board's action to the state board of education within 30 days of the board's action. The decision of the state board of education shall be binding on the board. The board shall inform each pupil and parent at the time of enrolling of a parent's right to appeal a board action affecting the pupil's academic program.

Sec. 4. [APPLICABILITY.]

The requirement under section 1 that a board member be knowledgeable in the field of special education shall apply to appointments to the board made after the effective date of this act."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 1320, A bill for an act relating to education; requiring changes in college preparation requirements.

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 111 yeas and 14 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abrams	Erhardt	Gutknecht	Krinkie	Lindner	Peterson	Vickerman
Dehler	Gruenes	Haukoos	Limmer	Macklin	Sviggum	Workman

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

S. F. No. 751 was reported to the House.

Asch moved to amend S. F. No. 751, as follows:

Delete everything after the enacting clause and insert:

### "REGULATION OF TANNING FACILITIES"

#### Section 1. [461.16] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] The definitions in this section apply to sections 461.16 to 461.26.

Subd. 2. [CONSUMER.] "Consumer" means an individual who is provided access to a tanning facility.

Subd. 3. [INDIVIDUAL.] "Individual" means a human being.

Subd. 4. [LOCAL GOVERNMENT UNIT.] "Local government unit" means a statutory or home rule charter city, town, or county.

Subd. 5. [OPERATOR.] "Operator" means an individual designated by the tanning facility owner or tanning equipment lessee to operate, or to assist and instruct the consumer in the operation and use of, the tanning facility or tanning equipment.

Subd. 6. [PERSON.] "Person" means an individual, corporation, partnership, limited liability company, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state, or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of these entities.

Subd. 7. [TANNING EQUIPMENT.] "Tanning equipment" means ultraviolet or other lamps and equipment containing these lamps intended to induce skin tanning through the irradiation of any part of the living human body with ultraviolet radiation.

Subd. 8. [TANNING FACILITY.] "Tanning facility" means a location, place, area, structure, or business or a part thereof which provides consumers access to tanning equipment. Tanning facility includes, but is not limited to, tanning salons, health clubs, apartments, or condominiums regardless of whether a fee is charged for access to the tanning equipment.

Subd. 9. [ULTRAVIOLET RADIATION.] "Ultraviolet radiation" means electromagnetic radiation with wavelengths in air between 200 nanometers and 400 nanometers.

Sec. 2. [461.17] [REGULATIONS; APPLICABILITY; EXEMPTIONS.]

Subdivision 1. [REGULATIONS; APPLICABILITY.] A tanning facility in this state must be constructed, operated, and maintained according to sections 461.16 to 461.26.

Subd. 2. [EXEMPTIONS.] Sections 461.16 to 461.26 do not apply to:

(a) a person who:

(1) uses equipment which emits ultraviolet radiation incidental to its normal operation; and

(2) does not use the equipment described in clause (1) to deliberately expose parts of the living human body to ultraviolet radiation for the purpose of tanning or other treatment;

(b) a physician licensed by the board of medical practice who uses, in the practice of medicine, medical diagnostic and therapeutic equipment that emits ultraviolet radiation; and

(c) an individual who owns tanning equipment exclusively for personal, noncommercial use.

Sec. 3. [461.19] [STANDARDS FOR TANNING EQUIPMENT.]

Subdivision 1. [STANDARDS FOR ALL EQUIPMENT.] (a) The tanning facility owner or operator must use only tanning equipment manufactured according to Code of Federal Regulations, title 21, part 1040.20. The exact nature of compliance must be based on the standards in effect at the time of manufacture as shown on the device identification label required by Code of Federal Regulations, title 21, part 1010.3.

(b) Each assembly of tanning equipment must be designated for use by only one consumer at a time and must be equipped with a timer that complies with Code of Federal Regulations, title 21, part 1040.20(c)(2). The maximum timer interval may not exceed the manufacturer's maximum recommended exposure time. No timer interval may have an error exceeding plus or minus ten percent of the maximum timer interval for the product.

(c) Tanning equipment must meet the National Fire Protection Association National Electrical Code.

(d) Tanning equipment must include physical barriers to protect consumers from injury induced by touching or breaking the lamps.

(e) The tanning facility owner or operator shall replace defective or damaged lamps, bulbs, or filters with a type intended for use in the affected tanning equipment as specified on the product label and having the same spectral distribution.

(f) The tanning facility owner or operator shall replace ultraviolet lamps and bulbs, which are not otherwise defective or damaged, at a frequency or after a duration of use as may be recommended by the manufacturer of the lamps and bulbs.

(g) The tanning facility owner or operator shall maintain a record of when the bulbs or lamps in each tanning booth or bed were replaced according to paragraphs (e) and (f).

(h) Tanning equipment must have a control that enables the user to manually terminate radiation without pulling the electrical plug or coming in contact with the ultraviolet lamp.

(i) The tanning facility operator shall instruct each user on: (1) the proper position to maintain relative to the tanning lamps; (2) the position of the safety railing, where applicable; (3) the manual switching device to terminate radiation; and (4) maximum time of exposure.

(j) The tanning facility operator shall inspect the facility to ensure that the floors are dry before each individual's use.

(k) The tanning facility operator shall monitor the use of the facility to ensure that the interior temperature does not exceed 100 degrees Fahrenheit.

(l) The tanning facility operator shall comply with sanitizing procedures specified by the manufacturer of the tanning equipment between users.

Subd. 2. [STANDARDS FOR STAND-UP TANNING BOOTHS.] In addition to the requirements in subdivision 1, tanning booths designed for stand-up use must comply with the following additional requirements:

(1) booths must have physical barriers or other means, such as handrails or floor markings, to indicate the proper exposure distance between ultraviolet lamps and the consumer's skin;

(2) booths must be constructed with sufficient strength and rigidity to withstand the stress of use and the impact of a falling individual;

(3) access to booths must be of rigid construction; and

(4) booths must be equipped with handrails and nonslip floors.

Sec. 4. [461.20] [PROTECTIVE GOGGLES REQUIRED.]

(a) The tanning facility owner or operator shall provide protective goggles to each consumer for use with the tanning equipment. The protective goggles must meet the requirements of Code of Federal Regulations, title 21, part 1040.20(c)(4).

(b) Tanning facility owners and operators shall require that consumers wear the protective goggles required by this section. The tanning facility owner or operator shall ensure that the protective goggles required by this section are properly sanitized before each use and shall not rely upon exposure to the ultraviolet radiation produced by the tanning equipment itself to provide the sanitizing.

Sec. 5. [461.21] [POSTED WARNING REQUIRED.]

(a) The facility owner or operator shall conspicuously post the warning sign described in paragraph (b) within three feet of each tanning station. The sign must be clearly visible, not obstructed by any barrier, equipment, or other object, and must be posted so that it can be easily viewed by the consumer before energizing the tanning equipment.

(b) The warning sign required in paragraph (a) shall have dimensions not less than eight inches by ten inches, and must have the following wording:

"DANGER - ULTRAVIOLET RADIATION

-Follow instructions.

-Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and skin cancer.

-Wear protective eyewear.

FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT  
IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES.

-Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult a physician before using sunlamp or tanning equipment if you are using medications or have a history of skin problems or believe yourself to be especially sensitive to sunlight."

## Sec. 6. [461.22] [NOTICE TO CONSUMER.]

The tanning facility owner or operator shall provide each consumer under the age of 18, before initial exposure at the facility, with a copy of the following warning, which must be signed, witnessed, and dated as indicated in the warning:

"WARNING STATEMENT

This statement must be read and signed by the consumer BEFORE first exposure to ultraviolet radiation for tanning purposes at the below signed facility.

DANGER - ULTRAVIOLET RADIATION WARNING

-Follow instructions.

-Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and skin cancer.

-Wear protective eyewear.

FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT  
IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES.

-Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult a physician before using sunlamp or tanning equipment if you are using medications or have a history of skin problems or believe yourself to be especially sensitive to sunlight.

I have read the above warning and understand what it means before undertaking any tanning equipment exposure.

.....  
Signature of Operator of  
Tanning Facility or Equipment

.....  
Signature of Consumer

.....  
Print Name of Consumer

.....  
Date

OR

The consumer is illiterate and/or visually impaired and I have read the warning statement aloud and in full to the consumer in the presence of the below signed witness.

.....  
Signature of Operator of  
Tanning Facility or Equipment

.....  
Witness

.....  
Date"



## Sec. 7. [461.23] [RECORDS REQUIRED.]

The tanning facility owner or operator shall maintain a record of each consumer's total number of tanning visits at the facility, and the dates and durations of tanning exposures for a period of three years after exposure.

## Sec. 8. [461.24] [CONSENT REQUIRED.]

Before allowing the initial exposure at a tanning facility of a person under the age of 18, the owner or operator shall witness the person's parent's or legal guardian's signing and dating of the warning statement required under section 461.22.

## Sec. 9. [461.25] [PENALTY.]

Any person who leases tanning equipment or who owns a tanning facility and who operates or permits the equipment or facility to be operated in noncompliance with the requirements of sections 461.16 to 461.24 is guilty of a petty misdemeanor.

## Sec. 10. [461.26] [LOCAL ORDINANCE AUTHORIZATION.]

Sections 461.16 to 461.25 do not preempt a local ordinance which provides for more restrictive regulation of tanning facilities than required in sections 461.16 to 461.25."

Delete the title and insert:

"A bill for an act relating to local government; regulating tanning facilities; requiring warning notices; authorizing local units of government to license and otherwise regulate these facilities; establishing record keeping requirements; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 461."

Asch moved to amend the Asch amendment to S. F. No. 751, as follows:

Page 1, delete lines 16 and 17

Renumber the remaining subdivisions in sequence

Page 1, line 21, before the period, insert "; however an operator in an apartment or a condominium need not exercise direct supervision or be physically on the premises at all times"

Page 4, line 2, before the period, insert "; except that, in an apartment or a condominium, the operator may check the facility periodically"

Page 4, line 31, after "use" insert "unless the goggles are owned by the consumer."

Page 7, line 6, after the period, insert "In an apartment or a condominium a record of tokens sold is sufficient."

Page 7, line 9, delete "18" and insert "16"

Amend the title as follows:

Page 7, line 2, delete "local government" and insert "commerce"

Page 7, line 3, delete "authorizing"

Page 7, delete line 4

Page 7, line 5, delete "regulate these facilities;"

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

The question recurred on the Asch amendment, as amended, to S. F. No. 751. The motion prevailed and the amendment, as amended, was adopted.

S. F. No. 751, A bill for an act relating to local government; regulating tanning facilities; requiring warning notices; establishing record keeping requirements; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 461.

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 102 yeas and 29 nays as follows:

Those who voted in the affirmative were:

Abrams	Cooper	Jennings	Lieder	Neary	Rest	Tunheim
Anderson, I.	Davids	Johnson, A.	Limmer	Ness	Rhodes	Van Dellen
Anderson, R.	Delmont	Johnson, R.	Lourey	Olson, E.	Rice	Vellenga
Asch	Dorn	Johnson, V.	Luther	Olson, K.	Rodosovich	Wagenius
Battaglia	Evans	Kahn	Lynch	Opatz	Rukavina	Weaver
Bauerly	Farrell	Kalis	Macklin	Orenstein	Sarna	Wejcman
Beard	Garcia	Kelley	Mahon	Orfield	Seagren	Welle
Bishop	Greenfield	Kelso	Mariani	Osthoff	Sekhon	Wenzel
Blatz	Greiling	Kinkel	McCollum	Ostrom	Simoneau	Winter
Brown, C.	Hausman	Klinzing	McGuire	Pauly	Solberg	Wolf
Brown, K.	Holsten	Knickerbocker	Milbert	Pawlenty	Sparby	Workman
Carlson	Huntley	Koppendraye	Morrison	Perlt	Swenson	Spk. Long
Carruthers	Jacobs	Krueger	Mosel	Peterson	Tomassoni	
Clark	Jaros	Lasley	Munger	Pugh	Tompkins	
Commers	Jefferson	Leppik	Murphy	Reding	Trimble	

Those who voted in the negative were:

Bergson	Dempsey	Gruenes	Krinkie	Onnen	Sviggum
Bertram	Erhardt	Gutknecht	Lindner	Ozment	Vickerman
Bettermann	Frerichs	Hasskamp	Molnau	Smith	Waltman
Dauner	Girard	Haukoos	Nelson	Stanis	Worke
Dehler	Goodno	Hugoson	Olson, M.	Steensma	

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

S. F. No. 441, A bill for an act relating to employment; requiring employers to indemnify employees for liability arising out of the scope of employment; proposing coding for new law in Minnesota Statutes, chapter 181.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Beard	Brown, C.	Cooper	Dorn	Girard	Hasskamp
Anderson, I.	Bergson	Brown, K.	Dauner	Erhardt	Goodno	Haukoos
Anderson, R.	Bertram	Carlson	Davids	Evans	Greenfield	Hausman
Asch	Bettermann	Carruthers	Dehler	Farrell	Greiling	Holsten
Battaglia	Bishop	Clark	Delmont	Frerichs	Gruenes	Hugoson
Bauerly	Blatz	Commers	Dempsey	Garcia	Gutknecht	Huntley

Jacobs	Knickerbocker	Mahon	Olson, E.	Perl	Smith	Vickerman
Jaros	Koppendrayner	Mariani	Olson, K.	Peterson	Solberg	Wagenius
Jefferson	Krinkie	McCollum	Olson, M.	Pugh	Sparby	Waltman
Jennings	Krueger	McGuire	Ornen	Reding	Stanius	Weaver
Johnson, A.	Lasley	Milbert	Opatz	Rest	Steensma	Wejcman
Johnson, R.	Leppik	Molnau	Orenstein	Rhodes	Sviggum	Welle
Johnson, V.	Lieder	Morrison	Orfield	Rice	Swenson	Wenzel
Kahn	Limmer	Mosel	Osthoff	Rodosovich	Tomassoni	Winter
Kalis	Lindner	Munger	Ostrom	Rukavina	Tompkins	Wolf
Kelley	Lourey	Murphy	Ozment	Sarna	Trimble	Worke
Kelso	Luther	Neary	Pauly	Seagren	Tunheim	Workman
Kinkel	Lynch	Nelson	Pawlenty	Sekhon	Van Dellen	Spk. Long
Klinzing	Macklin	Ness	Pelowski	Simoneau	Vellenga	

The bill was passed and its title agreed to.

S. F. No. 826, A bill for an act relating to counties; allowing counties to impose fees or interest on late payments; amending Minnesota Statutes 1992, section 373.41.

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 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Osthoff

The bill was passed and its title agreed to.

S. F. No. 1141, A bill for an act relating to cities; allowing the use of self-insurance funds or pools to satisfy statutory bond requirements; amending Minnesota Statutes 1992, section 471.981, by adding a subdivision.

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

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, Wednesday, May 12, 1993:

H. F. Nos. 1415, 1486 and 555; S. F. No. 162; H. F. Nos. 761, 986 and 1106; and S. F. Nos. 141 and 567.

#### SPECIAL ORDERS, Continued

S. F. No. 235 was reported to the House.

Ostrom moved to amend S. F. No. 235, the unofficial engrossment, as follows:

Page 1, line 8, delete "shall" and insert "may"

The motion prevailed and the amendment was adopted.

S. F. No. 235, A bill for an act relating to state lands; authorizing release of a reversionary interest in certain state lands conveyed to the city of St. Peter.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 192 was reported to the House.

Lourey moved to amend S. F. No. 192, the unofficial engrossment, as follows:

Page 2, line 6, delete "a consideration of \$100" and insert "the appraised value of the land only"

The motion prevailed and the amendment was adopted.

S. F. No. 192, A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Aitkin 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 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Carlson	Farrell	Huntley	Klinzing	Macklin	Olson, E.
Anderson, I.	Carruthers	Frerichs	Jacobs	Knickerbocker	Mahon	Olson, K.
Anderson, R.	Clark	Garcia	Jaros	Koppendrayner	Mariani	Olson, M.
Battaglia	Commers	Girard	Jefferson	Krinkie	McCollum	Onnen
Bauerly	Cooper	Goodno	Jennings	Krueger	McGuire	Opatz
Beard	Dauner	Greenfield	Johnson, A.	Lasley	Milbert	Orenstein
Bergson	Dauids	Greiling	Johnson, R.	Leppik	Molnau	Orfield
Bertram	Dehler	Gruenes	Johnson, V.	Lieder	Morrison	Osthoff
Bettermann	Delmont	Gutknecht	Kahn	Limmer	Mosel	Ostrom
Bishop	Dempsey	Hasskamp	Kalis	Lindner	Murphy	Ozment
Blatz	Dorn	Haukoos	Kelley	Lourey	Neary	Pauly
Brown, C.	Erhardt	Holsten	Kelso	Luther	Nelson	Pawlenty
Brown, K.	Evans	Hugoson	Kinkel	Lynch	Ness	Pelowski

Perlt	Rice	Simoneau	Steensma	Tunheim	Weaver	Workman
Peterson	Rodosovich	Skoglund	Sviggum	Van Dellen	Wejzman	Spk. Long
Pugh	Rukavina	Smith	Swenson	Vellenga	Wenzel	
Reding	Sarna	Solberg	Tomassoni	Vickerman	Winter	
Rest	Seagren	Sparby	Tompkins	Wagenius	Wolf	
Rhodes	Sekhon	Stanis	Trimble	Waltman	Worke	

Those who voted in the negative were:

Munger

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

S. F. No. 262, A bill for an act relating to the city of Saint Paul; authorizing the city by ordinance to prepare, adopt, and amend design districts and design framework, to establish a design advisory committee, and to establish design review procedures to preserve and enhance the city's appearance and environmental quality.

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 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

Bishop was excused while in conference.

S. F. No. 207 was reported to the House.

Lourey moved to amend S. F. No. 207, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 13.99, subdivision 49, is amended to read:

Subd. 49. [CLIENT, LICENSEE, AND REPORTING OF VIOLATIONS RECORDS OBTAINED BY BOARDS ON MENTAL HEALTH AND SOCIAL WORK.] Client records obtained by a board conducting an investigation under chapter 148B are classified by section 148B.09. Certain licensing data and data in reports of violations under chapter 148B are classified by sections 148B.04 and 148B.08.

Sec. 2. Minnesota Statutes 1992, section 148B.04, is amended by adding a subdivision to read:

Subd. 6. [CLASSIFICATION OF CERTAIN RESIDENCE ADDRESSES AND TELEPHONE NUMBERS.] Notwithstanding section 13.41, subdivision 2 or 4, the residence address and telephone number of an applicant or licensee are private data on individuals as defined in section 13.02, subdivision 12, if the applicant or licensee provides an alternative address and telephone number.

Sec. 3. Minnesota Statutes 1992, section 148B.08, subdivision 1, is amended to read:

Subdivision 1. [REPORTING.] Any person, health care facility, business, or organization is immune from civil liability or criminal prosecution for submitting in good faith a report under section 148B.07 or for otherwise reporting violations or alleged violations of this chapter. ~~All~~ The reports are ~~confidential~~ classified under section 13.41.

Sec. 4. Minnesota Statutes 1992, section 148B.18, subdivision 8, is amended to read:

Subd. 8. [PRIVATE PRACTICE.] "Private practice" means social work practice conducted by ~~an individual a licensee practicing within the permissible scope of a license, as defined in subdivision 11, and under appropriate supervision, as defined in subdivisions 11 and 12, who is either self-employed, or a member of a partnership or of a group practice, rather than being employed by an agency, clinic, or other similar entity.~~

Sec. 5. Minnesota Statutes 1992, section 148B.18, subdivision 10, is amended to read:

Subd. 10. [QUALIFIED MENTAL HEALTH PROFESSIONAL.] "Qualified mental health professional" means a psychiatrist, board-certified or eligible for board certification, and licensed under chapter 147; a psychologist licensed under sections 148B.88 to 148B.98; an independent clinical social worker who has the qualifications in section 148B.21, subdivision 6; a psychiatric registered nurse with a master's degree from an accredited school of nursing, licensed under section 148B.211, with at least two years of post-master's supervised experience in direct clinical practice; ~~or a marriage and family therapist who is licensed under sections 148B.29 to 148B.39; or an equivalent mental health professional, as determined by the board, who is licensed or certified by a board or agency in another state or territory.~~

Sec. 6. Minnesota Statutes 1992, section 148B.19, subdivision 1, is amended to read:

Subdivision 1. [CREATION.] The board of social work is created. The board consists of ~~ten~~ 11 members appointed by the governor. The members are:

- (1) ~~six~~ eight social workers licensed under sections 148B.18 to 148B.28; and
- (2) three public members as defined in section 214.02; and
- (3) ~~one school social worker licensed by the board of teaching.~~

Sec. 7. Minnesota Statutes 1992, section 148B.19, subdivision 2, is amended to read:

Subd. 2. [QUALIFICATIONS OF BOARD MEMBERS.] The ~~six~~ eight social worker members of the board shall be as follows: two licensed independent clinical social workers, two licensed independent social workers, and ~~two~~ four licensed social workers.

Social worker members shall ~~represent~~ be engaged in the practice of social work in Minnesota in the following employment settings:

- (1) ~~two members~~ one member shall be ~~public agency social workers engaged in the practice of social work in a state agency;~~
- (2) one member shall be engaged in the practice of social work in a county agency;
- (3) two members shall be engaged in the practice of social work in a private agency social workers;
- (3) (4) one member shall be engaged in the practice of social work in a private practice clinical social work setting;

(4) ~~(5)~~ one member shall be an educator engaged in regular teaching duties at an accredited program of social work; and

~~(5) (6) one member shall be engaged in the practice of social work in an elementary, middle, or secondary school, as defined in section 120.05; and~~

~~(7) one member shall be employed in a hospital or nursing home licensed under chapter 144 or 144A.~~

In addition, at least ~~two~~ three members shall be persons of color and at least four members shall reside outside of the seven-county metropolitan area.

Sec. 8. Minnesota Statutes 1992, section 148B.21, subdivision 3, is amended to read:

Subd. 3. [SOCIAL WORKER.] To be licensed as a social worker, an applicant must provide evidence satisfactory to the board that the applicant:

- (1) has received a baccalaureate degree from an accredited program of social work;
- (2) has passed the examination provided for in section 148B.20, subdivision 1;
- (3) will engage in social work practice only under supervision as defined in section 148B.18, subdivision 12, for at least two years in full-time employment or 4,000 hours of part-time employment; and
- (4) will conduct all professional activities as a social worker in accordance with standards for professional conduct established by the rules of the board; and

(5) has not engaged in conduct warranting a disciplinary action against a licensee. If the applicant has engaged in conduct warranting disciplinary action against a licensee, the board may issue a license only on the applicant's showing that the public will be protected through the issuance of a license with conditions or limitations approved by the board.

Sec. 9. Minnesota Statutes 1992, section 148B.21, subdivision 4, is amended to read:

Subd. 4. [GRADUATE SOCIAL WORKER.] To be licensed as a graduate social worker, an applicant must provide evidence satisfactory to the board that the applicant:

- (1) has received a master's degree from an accredited program of social work or doctoral degree in social work;
- (2) has passed the examination provided for in section 148B.20, subdivision 1;
- (3) will engage in social work practice only under supervision as defined in section 148B.18, subdivision 12; and
- (4) will conduct all professional activities as a graduate social worker in accordance with standards for professional conduct established by the rules of the board; and

(5) has not engaged in conduct warranting a disciplinary action against a licensee. If the applicant has engaged in conduct warranting disciplinary action against a licensee, the board may issue a license only on the applicant's showing that the public will be protected through the issuance of a license with conditions or limitations approved by the board.

Sec. 10. Minnesota Statutes 1992, section 148B.21, subdivision 5, is amended to read:

Subd. 5. [INDEPENDENT SOCIAL WORKER.] To be licensed as an independent social worker, an applicant must provide evidence satisfactory to the board that the applicant:

- (1) has received a master's degree from an accredited program of social work or doctoral degree in social work;
- (2) has passed the examination provided for in section 148B.20, subdivision 1;



(3) has practiced social work for at least two years in full-time employment or 4,000 hours of part-time employment under supervision as defined in section 148B.18, subdivision 12, after receiving the master's or doctoral degree in social work; and

(4) will conduct all professional activities as an independent social worker in accordance with standards for professional conduct established by the rules of the board; and

(5) has not engaged in conduct warranting a disciplinary action against a licensee. If the applicant has engaged in conduct warranting disciplinary action against a licensee, the board may issue a license only on the applicant's showing that the public will be protected through the issuance of a license with conditions or limitations approved by the board.

Sec. 11. Minnesota Statutes 1992, section 148B.21, subdivision 6, is amended to read:

Subd. 6. [INDEPENDENT CLINICAL SOCIAL WORKER.] To be licensed as an independent clinical social worker, an applicant must provide evidence satisfactory to the board that the applicant:

(1) has received a master's degree from an accredited program of social work, or doctoral degree in social work, that included an advanced concentration of clinically oriented course work as defined by the board and a supervised clinical field placement at the graduate level, or post-master's clinical training that is found by the board to be equivalent to that course work and field placement;

(2) has practiced clinical social work for at least two years in full-time employment or 4,000 hours of part-time employment under supervision as defined in section 148B.18, subdivision 12, after receiving the master's or doctoral degree in social work;

(3) has passed the examination provided for in section 148B.20, subdivision 1; and

(4) will conduct all professional activities as an independent clinical social worker in accordance with standards for professional conduct established by the rules of the board; and

(5) has not engaged in conduct warranting a disciplinary action against a licensee. If the applicant has engaged in conduct warranting disciplinary action against a licensee, the board may issue a license only on the applicant's showing that the public will be protected through the issuance of a license with conditions or limitations approved by the board.

Sec. 12. Minnesota Statutes 1992, section 148B.21, is amended by adding a subdivision to read:

Subd. 9. [SUPERVISION REQUIREMENT.] If supervised social work practice is required for licensure under this section, and if the applicant has not engaged in the practice of social work during the five years preceding the applicant's application for licensure, then the board may grant a conditional license to the applicant that would require that the applicant obtain additional social work supervision or additional continuing education hours, or both, within a specified time period after licensure. The board shall establish rules to implement this section.

Sec. 13. Minnesota Statutes 1992, section 148B.26, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS.] The board may refuse to renew or to grant a license to, or may suspend, revoke, or restrict the license of an individual whom the board, after a hearing under the contested case provisions of chapter 14, determines:

(1) is incompetent to engage in social work practice, or is found to be engaged in social work practice in a manner harmful or dangerous to a client or to the public, or is found to have engaged in unprofessional conduct, as established by statute, rule, or a consensus of expert social work opinion as reasonably necessary for the protection of the public interest;

(2) has violated the rules of the board or, the statutes the board is empowered to enforce, or any other law that is related to the practice of social work;

(3) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation; or

(4) has knowingly made a false statement on a form required by the board for licensing or license renewal.

Sec. 14. Minnesota Statutes 1992, section 148B.27, is amended by adding a subdivision to read:

Subd. 2a. [JURISDICTION.] Nothing in sections 148B.60 to 148B.72 shall prohibit the board from taking disciplinary or other action that the board is authorized to take against either a licensee who is found to be practicing outside the scope of the license or a person who is found to be engaging in the unauthorized practice of social work.

Sec. 15. Minnesota Statutes 1992, section 148B.28, subdivision 2, is amended to read:

Subd. 2. [STUDENTS.] Nothing in sections 148B.18 to 148B.28 shall be construed to prevent students enrolled in an internship, externship, or any other social work experience that is required for the completion of an accredited program of social work to engage in does not constitute the practice of social work under this chapter.

Sec. 16. [EFFECTIVE DATE.]

Section 2 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to occupations and professions; boards of social work and marriage and family therapy; providing for data classifications; changing board membership; adding certain licensing requirements to the board of social work; amending Minnesota Statutes 1992, sections 13.99, subdivision 49; 148B.04, by adding a subdivision; 148B.08, subdivision 1; 148B.18, subdivisions 8 and 10; 148B.19, subdivisions 1 and 2; 148B.21, subdivisions 3, 4, 5, 6, and by adding a subdivision; 148B.26, subdivision 1; 148B.27, by adding a subdivision; and 148B.28, subdivision 2."

The motion prevailed and the amendment was adopted.

Johnson, R., and Lourey moved to amend S. F. No. 207, as amended, as follows:

Page 3, line 30, before the semicolon insert ", and licensed by the board of teaching"

The motion prevailed and the amendment was adopted.

S. F. No. 207, A bill for an act relating to occupations and professions; boards of social work and marriage and family therapy; providing for data classifications and providing certain immunities for supervisors and persons reporting violations; changing board membership; adding certain licensing requirements to the board of social work; amending Minnesota Statutes 1992, sections 13.99, subdivision 49; 148B.04, by adding a subdivision; 148B.08, subdivision 1, and by adding a subdivision; 148B.18, subdivisions 8 and 10; 148B.19, subdivisions 1 and 2; 148B.21, subdivisions 3, 4, 5, 6, and by adding a subdivision; 148B.26, subdivision 1; 148B.27, by adding a subdivision; and 148B.28, 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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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

S. F. No. 229, A bill for an act relating to watercraft; mirror requirements for watercraft towing persons on various devices; amending Minnesota Statutes 1992, section 86B.313, 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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 58, A bill for an act relating to local governments; permitting local governments to require the payment of legal fees incurred by peace officers who are the subject of investigation by a civilian review authority; amending Minnesota Statutes 1992, section 471.44.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1036, A bill for an act relating to commerce; trade practices; regulating transfers and sales of recordings; prescribing penalties; amending Minnesota Statutes 1992, sections 325E.17; 325E.18; 325E.19; and 609.531, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 325E; repealing Minnesota Statutes 1992, section 325E.20.

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 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Koppendraye Stanisus

The bill was passed and its title agreed to.

H. F. No. 1415, A bill for an act relating to agriculture; modifying certain provisions relating to wheat and barley promotion orders; amending Minnesota Statutes 1992, sections 17.53, subdivisions 2, 8, and 13; 17.59, subdivision 2; and 17.63.

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 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Asch	Osthoff	Stanius
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The bill was passed and its title agreed to.

H. F. No. 1486, A bill for an act relating to libraries; requiring the metropolitan council to conduct a study of metropolitan area libraries and library systems and report to the legislature.

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 82 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dauner	Jaros	Lasley	Nelson	Rest	Tomassoni
Anderson, R.	Dawkins	Jefferson	Leppik	Olson, E.	Rhodes	Tompkins
Asch	Dorn	Jennings	Lieder	Olson, K.	Rodosovich	Trimble
Battaglia	Evans	Johnson, A.	Lourey	Opatz	Rukavina	Tunheim
Bauerly	Farrell	Johnson, V.	Luther	Orenstein	Sarna	Vellenga
Beard	Garcia	Kahn	Lynch	Orfield	Sekhon	Wagenius
Bertram	Goodno	Kalis	Mahon	Osthoff	Simoneau	Wejcman
Brown, C.	Greenfield	Kelley	Mariani	Ostrom	Skoglund	Wenzel
Brown, K.	Greiling	Kelso	McCollum	Pauly	Solberg	Winter
Carlson	Gruenes	Klinzing	McGuire	Pelowski	Sparby	Spk. Long
Carruthers	Huntley	Krinkie	Munger	Peterson	Steensma	
Clark	Jacobs	Krueger	Murphy	Reding	Swenson	

Those who voted in the negative were:

Abrams	Dehler	Haukoos	Lindner	Olson, M.	Smith	Worke
Bergson	Delmont	Holsten	Macklin	Onnen	Stanius	Workman
Bettermann	Dempsey	Hugoson	Milbert	Ozment	Sviggum	
Bishop	Erhardt	Johnson, R.	Molnau	Pawlenty	Van Dellen	
Blatz	Frerichs	Kinkel	Morrison	Perl	Vickerman	
Commers	Girard	Knickerbocker	Mosel	Pugh	Waltman	
Cooper	Gutknecht	Koppendrayer	Neary	Rice	Weaver	
Davids	Hasskamp	Limmer	Ness	Seagren	Wolf	

The bill was passed and its title agreed to.

H. F. No. 555, A bill for an act relating to insurance; credit; permitting the sale of credit involuntary unemployment insurance; amending Minnesota Statutes 1992, sections 47.016, subdivision 1; 48.185, subdivision 4; 52.04, subdivision 1; 56.125, subdivision 3; 56.155, subdivision 1; 60K.03, subdivision 7; 60K.19, subdivision 3; 62B.01; 62B.02, by adding a subdivision; 62B.03; 62B.04, by adding a subdivision; 62B.05; 62B.06, subdivisions 1, 2, and 4; 62B.07, subdivisions 2 and 6; 62B.08, subdivisions 1, 3, 4, and by adding subdivisions; 62B.09, subdivision 3; 62B.11; 62B.12; and 72A.20, subdivision 27.

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 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Erhardt	Hausman	Skoglund
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The bill was passed and its title agreed to.

S. F. No. 162 was reported to the House.

Reding moved to amend S. F. No. 162, as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

UNCLASSIFIED EMPLOYEES RETIREMENT PLAN

Section 1. Minnesota Statutes 1992, section 352D.02, subdivision 1, is amended to read:

Subdivision 1. [COVERAGE.] (a) Employees enumerated in paragraph (b), if they are in the unclassified service of the state and are eligible for coverage under the general state employees retirement plan under chapter 352, are participants in the unclassified program under this chapter unless the employee gives notice to the executive director of the Minnesota state retirement system within one year following the commencement of employment in the unclassified service that the employee desires coverage under the general state employees retirement plan. For the purposes of this chapter, an employee who does not file notice with the executive director is deemed to have exercised the option to participate in the unclassified plan.

(b) Enumerated employees are:

(1) an employee in the office of the governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, or an employee of the state board of investment;

(2) the head of a department, division, or agency created by statute in the unclassified service, an acting department head subsequently appointed to the position, or an employee enumerated in section 15A.081, subdivision 1 or 15A.083, subdivision 4;

(3) a permanent, full-time unclassified employee of the legislature or a commission or agency of the legislature or a temporary legislative employee having shares in the supplemental retirement fund as a result of former employment covered by this chapter, whether or not eligible for coverage under the Minnesota state retirement system;

(4) a person other than an employee of the state board of technical colleges who is employed in a position established under section 43A.08, subdivision 1, clause (3), or subdivision 1a, or in a position authorized under a statute creating or establishing a department or agency of the state, which is at the deputy or assistant head of department or agency or director level;

(5) the chair, chief administrator, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan waste control commission as designated by the commission; the chair, executive director, and not to exceed three positions at the division director or assistant to the chair level of the regional transit board; a chief administrator who is an employee of the metropolitan transit commission; and the chair, executive director, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan council as designated by the council; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations may be made without approval of the board of directors of the Minnesota state retirement system;

(6) the executive director, associate executive director, and not to exceed nine positions of the higher education coordinating board in the unclassified service, as designated by the higher education coordinating board before January 1, 1992, or subsequently redesignated with the approval of the board of directors of the Minnesota state retirement system, unless the person has elected coverage by the individual retirement account plan under chapter 354B;

(7) the clerk of the appellate courts appointed under article VI, section 2, of the Constitution of the state of Minnesota;

(8) the chief executive officers of correctional facilities operated by the department of corrections and of hospitals and nursing homes operated by the department of human services;

(9) an employee whose principal employment is at the state ceremonial house;

(10) an employee of the Minnesota educational computing corporation;

(11) an employee of the world trade center board;

(12) an employee of the state lottery board who is covered by the managerial plan established under section 43A.18, subdivision 3; ~~and~~

(13) an employee of the state board of technical colleges employed in a position established under section 43A.08, subdivision 1, clause (3), or 1a, unless the person has elected coverage by the individual retirement account plan under chapter 354B; and

(14) an employee of the higher education board in a position established under section 136E.04, subdivision 2, unless the person has elected coverage by the individual retirement account plan under chapter 354B.

Sec. 2. Minnesota Statutes 1992, section 352D.02, subdivision 1a, is amended to read:

Subd. 1a. ~~[STATE UNIVERSITY HIGHER EDUCATION PERSONNEL.] Unless the person has elected coverage by the individual retirement account plan under chapter 354B the retirement program governed by this chapter, the chancellor, university presidents, and unclassified managerial employees in the state university system, the higher education board, the higher education coordinating board, and the technical college system chancellor's office shall participate in the individual retirement account plan under chapter 354B, if they are eligible for coverage under the state employees retirement fund, or the teachers retirement association, or would have been eligible for coverage under those funds but for this subdivision, subject to the provisions of subdivision 5. These employees also shall have social security coverage under the agreement between the state and the secretary of health and human services. Acting, temporary, or interim employees who would otherwise be covered by this section shall retain coverage by the general state employees retirement plan of the Minnesota state retirement system, teachers retirement association, or other Minnesota public employee retirement plan governed by section 356.30, whichever applies, during the pendency of the acting, temporary, or interim appointment and shall be covered by the unclassified plan governed by this chapter or the individual retirement account plan provided in section 354B.02, subdivision 3a, only if their appointment becomes permanent.~~

Sec. 3. Minnesota Statutes 1992, section 354B.01, is amended by adding a subdivision to read:

Subd. 6. [COVERED EMPLOYMENT; HIGHER EDUCATION BOARD MANAGERIAL EMPLOYEES.] "Covered employment," with respect to employment by the higher education board, means employment in a position described in section 352D.02, subdivision 1, paragraph (b), clause (14).

Sec. 4. Minnesota Statutes 1992, section 354B.02, subdivision 1, is amended to read:

Subdivision 1. [PLAN PARTICIPANTS.] (a) Except as provided in subdivision 2, or unless the person has elected retirement coverage under section 352D.02, subdivision 1a, a person who was first employed in covered employment under section 354B.01, subdivision 2 or 3, after June 30, 1989, shall participate in the plan.

(b) Except as provided in subdivision 2, or unless the person has elected retirement coverage under section 352D.02, subdivision 1, paragraph (b), clause (6) or (13), a person who was first employed in covered employment after July 1, 1992, shall participate in the plan.

(c) Participants or employees who would be participants in this plan but for prior participation in the teachers retirement association or other Minnesota public employee retirement plan governed by section 356.30, whichever applies, and who are subsequently appointed to a position with the community college system or the state university system designated as an acting, temporary, or interim position, shall remain in the teachers retirement association or the other Minnesota public employee plan during the term of the acting, temporary, or interim position. If the participant's status becomes permanent, the participant has the option to make a new election appropriate to the plan in which the position should be located.



Sec. 5. Minnesota Statutes 1992, section 354B.02, subdivision 3a, is amended to read:

Subd. 3a. [UNCLASSIFIED STATE UNIVERSITY SYSTEM EMPLOYEES.] State university system employees who would otherwise be covered by section 352D.02, subdivision 1a, ~~may elect coverage under the plan governed by this chapter shall be covered by the plan governed by this section unless they elect coverage under the plan governed by section 352D.02, subdivision 1a.~~ Election to participate in the plan governed by the unclassified employees plan must be made within 120 days of July 1, 1992, or the start of covered employment, ~~whichever is later.~~ If the employee does not elect to participate in the unclassified employees plan upon the start of covered employment, the employee shall participate in the individual retirement account plan. If no election is made within the 120 days, this participation must be permanent. Employees in covered employment on July 1, 1992, who would otherwise be covered by this section, but are already participating in the teachers retirement association governed by chapter 354 or the general state employees retirement plan governed by chapter 352, shall remain in the applicable plan unless an election is made to transfer to the plan governed by this chapter. The election must be made within 120 days of eligibility under the state unclassified employees retirement program governed by chapter 352D. An election to participate in the unclassified program or this plan is irrevocable during any period of service that would have been covered under chapter 352D or this chapter. This election must be made in the form prescribed in section 352D.12. Upon receipt of notice of transfer, the individual retirement account plan administrator shall transfer to the employee's account in this plan an amount equal to the employee and matching employer contributions to the credit of the person in the teachers retirement association, plus six percent compound annual interest thereon from the date that each contribution was made until the date that the transfer is made.

Sec. 6. Minnesota Statutes 1992, section 354B.02, is amended by adding a subdivision to read:

Subd. 3c. [HIGHER EDUCATION BOARD EMPLOYEES.] Employees in covered employment under section 354B.01, subdivision 6, may elect coverage under the plan. Election to participate in the plan must be made by December 31, 1993, or within 120 days of the start of covered employment, whichever is later, and is irrevocable during any period of covered employment in a position listed in section 352D.02, subdivision 1, paragraph (b), clause (14), which is established by the higher education board or the higher education facilities authority. These employees are not eligible for the supplemental retirement plan specified in sections 354B.07 to 354B.09.

Sec. 7. [EFFECTIVE DATE.]

Sections 2, 4, and 5 are effective July 1, 1993.

## ARTICLE 2

### INDIVIDUAL RETIREMENT ACCOUNT PLAN

Section 1. Minnesota Statutes 1992, section 354B.04, subdivision 1, is amended to read:

Subdivision 1. [MEMBER CONTRIBUTIONS.] (a) Persons in covered employment who would otherwise be eligible to participate in the teachers retirement association, but who participate in the plan, shall make a member contribution ~~in an amount equal to the amount prescribed by section 354.42, subdivision 2 of 4-1/2 percent of salary.~~

(b) Persons in covered employment who would otherwise be eligible to participate in the state unclassified employees retirement program, but who participate in the plan, shall make a member contribution in an amount equal to the member contribution amount prescribed in section 352D.04, subdivision 2, paragraph (a).

(c) The contribution must be made by payroll deduction each pay period.

Sec. 2. Minnesota Statutes 1992, section 354B.04, subdivision 2, is amended to read:

Subd. 2. [EMPLOYER CONTRIBUTIONS.] (a) The employer of persons described in subdivision 1, paragraph (a), shall make an employer contribution to the plan ~~in an amount equal to the amount prescribed by section 354.42, subdivision 3 of six percent of salary.~~

(b) The employer of persons described in subdivision 1, paragraph (b), shall make an employer contribution to the plan in an amount equal to the amount prescribed by section 352D.04, subdivision 2.

Sec. 3. Minnesota Statutes 1992, section 354B.04, is amended by adding a subdivision to read:

Subd. 4. [OMITTED CONTRIBUTIONS.] (a) Except as provided in paragraph (b), if the state university board or the community college board fails to make the deduction from an employee's salary required by section 354B.08 and this section in a timely fashion, the deduction must be made by subsequent payroll deductions.

(b) If a board fails to make required employee deductions within 60 days of the date on which the deductions should have been made, the board shall pay the employer contributions and an amount equivalent to 8.5 percent of the total amount due in lieu of interest. If an employee deduction is not made within 60 days of the date upon which it should have been made, the employer and employee may agree to an alternate deduction amount for the omitted employee contribution. The omitted employee deduction must be made within one year of the date upon which the deduction should have been made.

Sec. 4. [354B.045] [SABBATICAL LEAVE; CONTRIBUTIONS.]

Subdivision 1. [DEFINITION.] A "sabbatical leave" for the purpose of this section means a sabbatical leave as defined in the applicable personnel policy of the state university and community college boards.

Subd. 2. [REQUIRED EMPLOYEE AND EMPLOYER CONTRIBUTIONS.] Deductions for the employer contribution as specified in section 354B.04, subdivision 2, must be made by the employing unit from salary paid to the member for a sabbatical leave. The employer must make a contribution based on the contribution rate in section 354B.04, subdivision 2, based on the salary paid to the member for a sabbatical leave.

Subd. 3. [OPTIONAL CONTRIBUTION.] A plan participant who is on a sabbatical leave may make an optional employee contribution. The maximum optional employee contribution permitted is determined by the difference between the salary received for the sabbatical leave and the salary received for a comparable period during the year immediately preceding the leave, multiplied by the employee contribution rate specified in section 354B.04, subdivision 1. If an employee payment is made under this subdivision, the payment must be made by the end of the fiscal year following the fiscal year in which the leave terminates, and may not include interest. If an employee makes a contribution under this subdivision, the employer must make the employer contribution, at the rate specified in section 354B.04, subdivision 2, for the salary that was the basis for the employee payment under this subdivision. The employer contribution must be made within 60 days of the date on which the employee contribution was made.

Subd. 4. [REINSTATEMENT RIGHTS.] Notwithstanding the provisions of any agreements to the contrary, employee and employer contributions may not be made under this section if the member does not retain the right to full reinstatement both during and at the end of the sabbatical leave.

Sec. 5. Minnesota Statutes 1992, section 354B.05, is amended by adding a subdivision to read:

Subd. 5. [ADMINISTRATIVE EXPENSES.] (a) Plans covered by this chapter or administered by governing boards as provided in section 354B.05 may provide for administrative fees or charges to be paid by participants in the following manner:

(1) from participants whose contributions are invested with the state investment board the plan administrator may recover administrative expenses in the manner provided by section 11A.17, subdivisions 10a and 14; or

(2) from participants whose contributions are invested through contracts purchased in the manner authorized by subdivision 2, the plan administrator may assess an amount of up to two percent of the employer and employee contributions.

(b) Any amounts not needed for administrative expenses of the plan must be refunded to member accounts.

Sec. 6. [354B.085] [PAYMENT OF BENEFITS.]

Withdrawal of or a retirement benefit based on individual participant contributions and employer contributions plus accrued investment income is payable immediately upon the death or termination of a participant. An application by or on behalf of the participant must be filed before any payment of benefits may be made.

Sec. 7. Laws 1990, chapter 570, article 3, section 11, is amended to read:

Sec. 11. [TRANSFERS IN CERTAIN CASES.]

Notwithstanding any provision of Minnesota Statutes, section 354B.03, to the contrary, a person in covered employment under Minnesota Statutes, chapter 354, who was first employed for at least 25 percent of a full academic year, exclusive of summer session, by the state university system board or the community college board after June 30, 1988, and before July 1, 1989, and who has no less than one year of prior allowable service under chapter 354, and who elected, or elects before January 1, 1991, to have ~~their~~ the person's employee contributions transferred under Minnesota Statutes, chapter 354B, shall have an amount equal to the employer contributions made on behalf of the person under Minnesota Statutes, section 354.42, subdivision 3, plus annual interest compounded annually at a rate of six percent, transferred by the executive director of the teachers retirement association from the teachers retirement fund to the individual retirement account plan under Minnesota Statutes, chapter 354B. The election must be made on a form prescribed by the executive director and must be made by January 1, ~~1991~~ 1994.

Sec. 8. [REPEALER.]

Minnesota Statutes 1992, section 354B.02, subdivision 3, is repealed.

Sec. 9. [EFFECTIVE DATE.]

(a) Sections 1, 2, 3, 4, 5, 6, and 8 are effective July 1, 1993.

(b) Section 7 is effective on the day following final enactment, and applies retroactively to persons who elected a transfer under Laws 1990, chapter 570, article 3, section 11. The amount to be transferred is the employer contribution described in that section, plus annual interest compounded annually at a rate of six percent until the date of transfer.

### ARTICLE 3

#### SUPPLEMENTAL RETIREMENT PLAN

Section 1. Minnesota Statutes 1992, section 356.24, subdivision 1, is amended to read:

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

- (1) to a supplemental pension plan that was established, maintained, and operated before May 6, 1971;
- (2) to a plan that provides solely for group health, hospital, disability, or death benefits, to the individual retirement account plan established by sections 354B.01 to ~~354B.04~~ 354B.05;
- (3) to a plan that provides solely for severance pay under section 465.72 to a retiring or terminating employee;
- (4) for employees other than personnel employed by the state university board or the community college board and covered by section 354B.07, subdivision 1, to:
  - (i) the state of Minnesota deferred compensation plan under section 352.96; or
  - (ii) payment of the applicable portion of the premium on a tax sheltered annuity contract qualified under section 403(b) of the federal Internal Revenue Code, purchased from a qualified insurance company; if provided for in a personnel policy or in the collective bargaining agreement of the public employer with the exclusive representative of public employees in an appropriate unit, in an amount matching employee contributions on a dollar for dollar basis, but not to exceed an employer contribution of \$2,000 a year per employee; or
- (5) for personnel employed by the state university board or the community college board and covered by sections 352D.02, subdivision 1a and 354B.07, subdivision 1, to the supplemental retirement plan under sections 354B.07 to 354B.09, if provided for in a personnel policy or in the collective bargaining agreement of the public employer with the exclusive representative of the covered employees in an appropriate unit, in an amount matching employee contributions on a dollar for dollar basis, but not to exceed an employer contribution of \$2,000 a year for each employee.

(b) A qualified insurance company is a company that:

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

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

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

(4) is determined by the state board of investment to be among the ten applicant insurance companies with competitive options and investment returns on annuity products. The state board of investment determination must be made on or before January 1, 1993, and must be reviewed periodically. The state board of investment shall retain actuarial services to assist it in this determination. The state board of investment shall establish a budget for its costs in the determination process and shall charge a proportional share of that budget to each insurance company selected by the state board of investment. All contracts must be approved before execution by the state board of investment. The state board of investment shall establish policies and procedures under section 11A.04, clause (2), to carry out this paragraph.

(c) A personnel policy for unrepresented employees or a collective bargaining agreement may establish limits on the number of vendors under paragraph (b), clause (4), that it will utilize and conditions under which the vendors may contact employees both during working hours and after working hours.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1993.

#### ARTICLE 4

#### MARRIAGE DISSOLUTIONS

Section 1. Minnesota Statutes 1992, section 518.58, subdivision 4, is amended to read:

Subd. 4. [PENSION PLANS.] (a) The division of marital property that represents pension plan benefits or rights in the form of future pension plan payments:

(1) is payable only to the extent of the amount of the pension plan benefit payable under the terms of the plan;

(2) is not payable for a period that exceeds the time that pension plan benefits are payable to the pension plan benefit recipient;

(3) is not payable in a lump sum amount from pension plan assets attributable in any fashion to a spouse with the status of an active member, deferred retiree, or benefit recipient of a pension plan;

(4) if the former spouse to whom the payments are to be made dies prior to the end of the specified payment period with the right to any remaining payments accruing to an estate or to more than one survivor, is payable only to a trustee on behalf of the estate or the group of survivors for subsequent apportionment by the trustee; and

(5) in the case of public pension plan benefits or rights, may not commence until the public plan member submits a valid application for a public pension plan benefit and the benefit becomes payable.

(b) The individual retirement account plans established under chapter 354B may provide in its plan document, if published and made generally available, for an alternative marital property division or distribution of individual retirement account plan assets. If an alternative division or distribution procedure is provided, it applies in place of paragraph (a), clause (5).

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1993.

## ARTICLE 5

## MISCELLANEOUS PROVISIONS

Section 1. Laws 1990, chapter 570, article 10, section 7, is amended to read:

Sec. 7. [EFFECTIVE DATE.]

Sections 1 ~~to~~, 3, 4, 5, and 6 are effective the day following final enactment. Section 2 is effective June 30, 1989.

Sec. 2. [COVERAGE ELECTION.]

Individuals covered by Minnesota Statutes, section 354.05, subdivision 2a, and meeting the requirements of Minnesota Statutes, section 352.021, subdivision 5, who were employed by the state university or community college system after June 30, 1989, and before May 9, 1990, may elect coverage in the general state employee retirement plan. Election of coverage must be made before October 1, 1993, on a form approved by the director of the Minnesota state retirement system. For an individual electing coverage in the general state employees retirement plan under this section, the value of the individual's account in the individual retirement account plan under Minnesota Statutes, chapter 354B, will be transferred to the retirement fund for the general state employees retirement plan within 30 days of the election, and the individual will receive allowable service credit in the general state employees plan for the period during which the individual was a member of the individual retirement account plan.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective July 1, 1993."

Delete the title and insert:

"A bill for an act relating to retirement; retirement coverage for state university and community college personnel; providing coverage for unclassified managerial employees in temporary, acting, or interim positions; providing default plan for employee selection; adding conforming language to clarify eligibility between plans; relating to the individual retirement account plan; increasing the employer contribution rate; providing for repayment of missed contributions; providing for administrative expenses; providing for contributions during period of sabbatical leave; permitting certain coverage transfers; relating to the supplemental retirement plan; providing conforming language for previous oversight of eligible members; relating to marriage dissolutions; providing alternate method of retirement asset distribution for individual retirement account plan; providing alternative coverage for certain state university and community college personnel; amending Minnesota Statutes 1992, sections 352D.02, subdivisions 1 and 1a; 354B.01, by adding a subdivision; 354B.02, subdivisions 1, 3a, and by adding a subdivision; 354B.04, subdivisions 1 and 2, and by adding a subdivision; 354B.05, by adding a subdivision; 356.24, subdivision 1; and 518.58, subdivision 4; and Laws 1990, chapter 570, articles 3, section 11, and 10, section 7; proposing coding for new law in Minnesota Statutes, chapter 354B; repealing Minnesota Statutes 1992, section 354B.02, subdivision 3."

The motion prevailed and the amendment was adopted.

S. F. No. 162, A bill for an act relating to retirement; increasing the individual retirement account plans employer contribution rate; amending Minnesota Statutes 1992, section 354B.04, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 354B.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 986 was reported to the House.

Kelley moved that H. F. No. 986 be continued on Special Orders. The motion prevailed.

S. F. No. 141, A bill for an act relating to uniform acts; enacting Minnesota Common Interest Ownership Act; amending Minnesota Statutes 1992, sections 308A.011, subdivision 1; 500.20, subdivision 2a; 508.71, by adding a subdivision; and 541.023, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 515B.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 567, A bill for an act relating to elections; changing registration, filing, boundary change, ballot preparation, canvassing, system testing, and notice requirements and procedures; changing certain duties of election officials; clarifying certain language; adding to reimbursable expenses; amending Minnesota Statutes 1992, sections 201.071, subdivision 1; 201.081; 201.11; 201.13, subdivision 2, and by adding a subdivision; 201.15; 204B.06, subdivisions 4 and 6; 204B.14, subdivision 4; 204B.16, by adding a subdivision; 204B.46; 204C.06, subdivision 1; 204C.31, subdivision 2; 204C.32; 204D.04, subdivision 2; 204D.11, subdivisions 2, 3, and 6; 204D.24, subdivision 2; 204D.27, subdivision 11; 206.83; 206.90, subdivision 6; 207A.02, subdivision 1; 207A.10, subdivision 2; 211B.11, subdivision 1; 211B.14; and 365.51, 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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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. 64 and 1437; H. F. Nos. 490 and 570; S. F. No. 1129; H. F. No. 1253; S. F. Nos. 1290, 1171, 663 and 693; H. F. No. 1658; and S. F. Nos. 409, 264, 832, 419, 782 and 1000.

#### 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.

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

## MESSAGES FROM THE SENATE

The following messages were 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. 1042, A bill for an act relating to human services; modifying provisions dealing with the administration, computation, and enforcement of child support; imposing penalties; amending Minnesota Statutes 1992, sections 136A.121, subdivision 2; 214.101, subdivision 1; 256.87, subdivisions 1, 1a, 3, and 5; 256.978; 256.979, by adding subdivisions; 256.9791, subdivisions 3 and 4; 257.66, subdivision 3; 257.67, subdivision 3; 349A.08, subdivision 8; 518.14; 518.171, subdivisions 1, 2, 3, 4, 6, 7, 8, 10, and by adding a subdivision; 518.24; 518.54, subdivision 4; 518.551, subdivisions 1, 5, 5b, 7, 10, 12, and by adding a subdivision; 518.57, subdivision 1, and by adding a subdivision; 518.611, subdivision 4; 518.613, subdivision 1; 518.64, subdivisions 1, 2, 5, and 6; 519.11; 548.09, subdivision 1; 548.091, subdivisions 1a and 3a; 588.20; 595.02, subdivision 1; and 609.375, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 256; and 518; repealing Minnesota Statutes 1992, sections 256.979; and 609.37.

PATRICK E. FLAHAVEN, Secretary of the Senate

Farrell moved that the House refuse to concur in the Senate amendments to H. F. No. 1042, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

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. 514, A bill for an act relating to the environment; providing for passive bioremediation; providing for review of agency employee decisions; increasing membership of petroleum tank release compensation board; establishing a fee schedule of costs or criteria for evaluating reasonableness of costs submitted for reimbursement; modifying petroleum tank release cleanup fee; modifying reimbursements; modifying consultant and contractor registration requirements; authorizing board to delegate its reimbursement powers and duties to the commissioner of commerce; requiring a report; authorizing rulemaking; appropriating money; amending Minnesota Statutes 1992, sections 115C.02, subdivisions 10 and 14; 115C.03, by adding subdivisions; 115C.07, subdivisions 1, 2, and 3; 115C.08, subdivisions 1, 2, 3, and 4; 115C.09, subdivisions 1, 3, 3a, 3c, and by adding a subdivision; and 115C.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 115C; repealing Minnesota Statutes 1992, sections 115C.01; 115C.02; 115C.021; 115C.03; 115C.04; 115C.045; 115C.05; 115C.06; 115C.065; 115C.07; 115C.08; 115C.09; 115C.10; 115C.11; and 115C.12.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sparby moved that the House refuse to concur in the Senate amendments to H. F. No. 514, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.



## ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 238:

Molnau, Cooper and Brown, C.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1042:

Farrell, Bishop and Pugh.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1063:

Trimble, Peterson and Brown, K.

## MOTIONS AND RESOLUTIONS

Bertram moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Friday, May 7, 1993, when the vote was taken on the repassage of H. F. No. 1735, as amended by Conference." The motion prevailed.

Farrell moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the negative on Friday, May 7, 1993, when the vote was taken on the Hugoson amendment to S. F. No. 697." The motion prevailed.

Sparby moved that H. F. No. 970 be returned to its author. The motion prevailed.

Kahn moved that S. F. No. 409, now on Special Orders, be returned to General Orders. The motion prevailed.

## ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 9:00 a.m., Thursday, May 13, 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., Thursday, May 13, 1993.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

