

STATE OF MINNESOTA
SEVENTY-EIGHTH SESSION — 1994

NINETY-NINTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 27, 1994

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

Prayer was offered by the Reverend Ronald A. Smith, Pastor, Open Door Baptist Church, St. Paul, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Holsten was excused until 9:20 a.m. Erhardt was excused until 10:00 a.m.

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

REPORTS OF CHIEF CLERK

S. F. No. 180 and H. F. No. 3227, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Simoneau moved that the rules be so far suspended that S. F. No. 180 be substituted for H. F. No. 3227 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2072 and H. F. No. 2132, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Trimble moved that the rules be so far suspended that S. F. No. 2072 be substituted for H. F. No. 2132 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2309 and H. F. No. 2603, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Pugh moved that the rules be so far suspended that S. F. No. 2309 be substituted for H. F. No. 2603 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2354 and H. F. No. 2183, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Ozment moved that the rules be so far suspended that S. F. No. 2354 be substituted for H. F. No. 2183 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 180, 2072, 2309 and 2354 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Jennings; Johnson, V.; Mosel and Munger introduced:

H. F. No. 3235, A bill for an act relating to drainage; changing the law governing watershed and drainage districts; amending Minnesota Statutes 1992, sections 103D.201, subdivision 2; 103D.335, subdivision 9; 103D.715, subdivision 4; 103D.721, subdivision 3; 103E.005, subdivision 11; 103E.011, subdivision 4, and by adding a subdivision; 103E.015, subdivision 2, and by adding a subdivision; 103E.021, subdivisions 1 and 4; 103E.025; 103E.091, subdivisions 1 and 4; 103E.202, subdivisions 3, 4, and by adding a subdivision; 103E.212, subdivision 3; 103E.215, subdivision 4; 103E.221, subdivisions 2 and 6; 103E.225, subdivision 1; 103E.245, subdivisions 1, 2, and 4; 103E.255; 103E.261, subdivisions 4 and 5; 103E.285, subdivision 10; 103E.305, subdivision 1; 103E.315, subdivisions 1, 5, and 6; 103E.321, subdivision 1; 103E.323, subdivision 1; 103E.341; 103E.351, subdivisions 1 and 2; 103E.411, subdivision 1; 103E.701, subdivisions 2 and 6; 103E.805, subdivisions 1 and 3; and 103E.811, subdivisions 3 and 5; repealing Minnesota Statutes 1992, sections 103E.097; 103E.105; 103E.115; 103E.121; and 103E.315, subdivision 7.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Pugh, Frerichs, Jennings and Bertram introduced:

H. F. No. 3236, A bill for an act relating to employment; the employee leasing act; providing for the establishment and regulation of employee leasing companies; providing penalties; amending Minnesota Statutes 1992, section 13.99, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 116J.70, subdivision 2a; proposing coding for new law as Minnesota Statutes, chapter 181C.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Rukavina introduced:

H. F. No. 3237, A bill for an act relating to workers' compensation; providing insurance regulation; modifying benefits and provisions relating to fraud; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 79.50; 79.51, subdivisions 1 and 3; 79.53, subdivision 1; 79.55, subdivisions 2, 5, and by adding subdivisions; 79.56, subdivisions 1 and 3; 175.16; 176.011, subdivision 25; 176.021, subdivisions 3 and 3a; 176.061, subdivision 10; 176.101, subdivisions 1, 2, 4, 5, 6, 8, and by adding a subdivision; 176.105, subdivision 4; 176.178; 176.179; 176.221, subdivision 6a; 176.645, subdivision 1; 176.66, subdivision 11; and 176.82; Minnesota Statutes 1993 Supplement, section 268.08, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 79; and 176; repealing Minnesota Statutes 1992, sections 79.53, subdivision 2; 79.54; 79.56, subdivision 2; 79.57; 79.58; 176.011, subdivision 26; 176.101, subdivisions 3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h, 3i, 3j, 3k, 3l, 3m, 3n, 3o, 3p, 3q, 3r, 3s, 3t, and 3u; and 176.132.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Rukavina and Beard introduced:

H. F. No. 3238, A bill for an act relating to workers' compensation; providing for insurance regulation; regulating benefits; appropriating money; amending Minnesota Statutes 1992, sections 79.50; 79.51, subdivisions 1 and 3; 79.53, subdivision 1; 79.55, subdivisions 2, 5, and by adding subdivisions; 79.56, subdivisions 1 and 3; 176.021, subdivisions 3 and 3a; 176.101, subdivisions 1, 3g, 3l, 3m, 3o, 3q, 4, and 5; 176.645, subdivision 1; and 176.66, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 79; repealing Minnesota Statutes 1992, sections 79.53, subdivision 2; 79.54; 79.56, subdivision 2; 79.57; 79.58; and 176.132, subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

HOUSE ADVISORIES

The following House Advisory was introduced:

Jennings; Munger; Johnson, V., and Mosel introduced:

H. A. No. 37, A proposal to study and make recommendations for revisions to Minnesota Statutes, Chapter 103E relating to watershed and drainage districts.

The advisory was referred to the Committee on Environment and Natural Resources.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 2010, A bill for an act relating to the environment; requiring a person who arranges for management of solid waste in an environmentally inferior manner to indemnify generators of the waste and, for a landfill, set aside a fund to pay for contamination from the landfill; proposing coding for new law in Minnesota Statutes, chapter 115A.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Ozment moved that the House concur in the Senate amendments to H. F. No. 2010 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2010, A bill for an act relating to the environment; requiring a person who arranges for management of solid waste in an environmentally inferior manner to indemnify generators of the waste and, for a landfill, set aside a fund to pay for contamination from the landfill; proposing coding for new law in Minnesota Statutes, chapter 115A.

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

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

Mr. Speaker:

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

H. F. No. 1788, A bill for an act relating to marriage; providing for postnuptial contracts; amending Minnesota Statutes 1992, section 519.11.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Bishop moved that the House concur in the Senate amendments to H. F. No. 1788 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1788, A bill for an act relating to marriage; providing for postnuptial contracts; amending Minnesota Statutes 1992, section 519.11.

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 122 yeas and 10 nays as follows:

Those who voted in the affirmative were:

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

Dempsey	Jacobs	Krinkie	Milbert	Osthoff	Seagren	Vellenga
Dorn	Jaros	Krueger	Molnau	Ostrom	Sekhon	Vickerman
Evans	Jefferson	Lasley	Morrison	Ozment	Simoneau	Waltman
Farrell	Jennings	Leppik	Mosel	Pauly	Skoglund	Weaver
Finseth	Johnson, A.	Lieder	Munger	Pawlenty	Solberg	Wejzman
Frerichs	Johnson, R.	Limmer	Murphy	Pelowski	Stanis	Wenzel
Garcia	Johnson, V.	Long	Neary	Perlt	Steensma	Winter
Girard	Kahn	Lourey	Nelson	Peterson	Swiggum	Wolf
Goodno	Kalis	Luther	Ness	Pugh	Swenson	Worke
Greenfield	Kelley	Lynch	Olson, E.	Reding	Tomassoni	Workman
Greiling	Kelso	Macklin	Olson, K.	Rest	Tompkins	Spk. Anderson, I.
Haukoos	Kinkel	Mahon	Olson, M.	Rhodes	Trimble	
Holsten	Klinzing	Mariani	Opatz	Rodosovich	Tunheim	
Hugoson	Knickerbocker	McCollum	Orenstein	Rukavina	Van Dellen	
Huntley	Koppendray	McGuire	Orfield	Sarna	Van Engen	

Those who voted in the negative were:

Gruenes	Hasskamp	Knight	Onnen	Smith
Gutknecht	Hausman	Lindner	Rice	Wagenius

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

Mr. Speaker:

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

S. F. No. 1712.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1712

A bill for an act relating to towns; providing for financial audits in certain circumstances; amending Minnesota Statutes 1992, section 367.36, subdivision 1.

April 22, 1994

The Honorable Allan H. Spear
President of the Senate

The Honorable Irv Anderson
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1712, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 1712 be further amended as follows:

Page 1, line 23, delete "four" and insert "five"

Page 2, after line 4, insert:

"Sec. 2. Minnesota Statutes 1992, section 412.591, subdivision 2, is amended to read:

Subd. 2. Cities operating under Optional Plan A may, by an ordinance effective after the expiration of the term of the incumbent treasurer at the date of adoption of Optional Plan A, combine the offices of clerk and treasurer in the office of clerk-treasurer and thereafter the duties of the treasurer as prescribed by this chapter shall be performed

by the clerk-treasurer. The offices of clerk and treasurer may be reestablished by ordinance. If the offices of clerk and treasurer are combined as provided by this section, and the city's annual revenue for all governmental and enterprise funds combined is more than \$100,000, the council shall provide for an annual audit of the city's financial affairs by the state auditor or a public accountant in accordance with minimum procedures prescribed by the state auditor. If the offices of clerk and treasurer are combined and the city's annual revenue for all governmental and enterprise funds combined is \$100,000 or less, the council shall provide for an audit of the city's financial affairs by the state auditor or a public accountant in accordance with minimum audit procedures prescribed by the state auditor at least once every five years."

Amend the title as follows:

Page 1, line 2, delete "towns" and insert "local government"

Page 1, line 4, delete "section" and insert "sections" and before the period insert "; and 412.591, subdivision 2"

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

Senate Conferees: DEAN E. JOHNSON, PHIL J. RIVENESS AND JOHN C. HOTTINGER.

House Conferees: ROGER COOPER, DENNIS OZMENT AND CHUCK BROWN.

Cooper moved that the report of the Conference Committee on S. F. No. 1712 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1712, A bill for an act relating to towns; providing for financial audits in certain circumstances; amending Minnesota Statutes 1992, section 367.36, subdivision 1.

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

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

Those who voted in the affirmative were:

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

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

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:
S. F. No. 2303.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2303

A bill for an act relating to highway safety; requiring persons age 55 or over to complete a refresher course in accident prevention in order to remain eligible for a reduction in private passenger vehicle insurance rates; amending Minnesota Statutes 1992, section 65B.28.

April 25, 1994

The Honorable Allan H. Spear
President of the Senate

The Honorable Irv Anderson
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2303, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment and that S. F. No. 2303 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 65B.28, is amended to read:

65B.28 [ACCIDENT PREVENTION COURSE PREMIUM REDUCTIONS.]

Subdivision 1. [REQUIRED REDUCTION.] An insurer must provide an appropriate premium reduction of at least ten percent on its policies of private passenger vehicle insurance, as defined in section 65B.001, subdivision 2, issued, delivered, or renewed in this state after January 1, 1985, to insureds 55 years old and older who successfully complete an accident prevention course or refresher course established under ~~subdivision 2~~ subdivisions 2 and 3.

Subd. 2. [ACCIDENT PREVENTION COURSE; RULES.] The commissioner of public safety shall, ~~by January 1, 1985,~~ adopt rules establishing and regulating a motor vehicle accident prevention course for persons 55 years old and older. The rules must, at a minimum, include provisions:

- (1) establishing curriculum requirements;
- (2) establishing the number of hours required for successful completion of the course; and
- (3) providing for the issuance of a course completion certification and requiring its submission to an insured as evidence of completion of the course; and,
- ~~(4) requiring persons 55 years old and older to retake the course every three years to remain eligible for a premium reduction.~~

Subd. 3. [REFRESHER COURSE.] The department of public safety, in consultation with other traffic safety and medical professionals, may establish without rulemaking a refresher course for persons who have completed the original course under subdivision 2. The refresher course shall be no more than four hours, and based on the curriculum established under subdivision 2. The department of public safety shall establish criteria for and approve training agencies or organizations authorized to conduct the refresher course.

Subd. 4. [COMPLETION CERTIFICATE.] Persons 55 years old and older may retake the original course or take the refresher course every three years and receive a course completion certificate to remain eligible for the premium reduction in subdivision 1. The department of public safety shall provide criteria for the issuance of the course completion certificates.

Sec. 2. [EFFECTIVE DATES.]

Section 1 is effective January 1, 1995."

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

Senate Conferees: SANDRA L. PAPPAS, CAL LARSON AND CAROL FLYNN.

House Conferees: DON OSTROM, VIRGIL J. JOHNSON AND KATY OLSON.

Ostrom moved that the report of the Conference Committee on S. F. No. 2303 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2303, A bill for an act relating to highway safety; requiring persons age 55 or over to complete a refresher course in accident prevention in order to remain eligible for a reduction in private passenger vehicle insurance rates; amending Minnesota Statutes 1992, section 65B.28.

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

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Haukoos Ness

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

Mr. Speaker:

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

S. F. Nos. 2367, 1842, 2392, 2640 and 2685.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 2150, 2795, 2410, 2825 and 2090.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2367, A bill for an act relating to education; defining higher education board authority for bargaining with certain employees; designating certain higher education board employees as unclassified; clarifying transfer provisions for the merger of community colleges, state universities, and technical colleges; transferring bonding authority for the state universities to the higher education board; clarifying the calculation of instructional appropriations; establishing the higher education board as the sole state agency for federal funding for vocational education; providing for appointments of additional student members on the higher education board; authorizing the higher education board to supervise and control construction, improvement, and repair of its facilities; permitting reimbursement for certain costs and services relating to collective bargaining; amending Minnesota Statutes 1992, sections 43A.06, subdivision 1; 43A.08, subdivision 1; 43A.18, by adding a subdivision; 135A.03, subdivision 1; 136.31; 136.32; 136.33; 136.34; 136.35; 136.36; 136.37; 136.38; 136.41, by adding a subdivision; 136C.06; 136E.01, subdivisions 1 and 2; 136E.02, subdivision 1; and 179A.10, subdivision 1; Minnesota Statutes 1993 Supplement, sections 43A.18, subdivision 4; 136.41, subdivision 8; and 136E.03; Laws 1991, chapter 356, article 9, sections 8, subdivision 1; 9, 12; and 13; proposing coding for new law in Minnesota Statutes, chapter 136E; repealing Minnesota Statutes 1992, sections 136.31, subdivision 6; 136.40; 136.41, subdivisions 1, 2, 3, 4, 5, 6, and 7; and 136.42.

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

S. F. No. 1842, A bill for an act relating to human services; protection of vulnerable adults; amending Minnesota Statutes 1992, section 626.557, subdivisions 2, 10a, and 12.

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

S. F. No. 2392, A bill for an act relating to crime prevention; requiring law enforcement agencies to adopt policies for investigating cases involving children who are missing and endangered; regulating releases in cases involving crimes against persons; requiring that all cases of children who are missing and endangered be reported to the bureau of criminal apprehension, which may assist local law enforcement agencies; restricting access to data involving juvenile witnesses; requiring pretrial evaluations in felony and certain other cases; requiring mandated reporters to report instances of kidnapping; requiring the commissioner of public safety to develop a plan for a criminal alert network; appropriating money; amending Minnesota Statutes 1992, sections 299C.52, subdivision 1; 299C.53, subdivision 1, and by adding a subdivision; 299D.07; 626.556, subdivision 3a; and 629.73; Minnesota Statutes 1993 Supplement, sections 13.82, subdivision 10; 299C.065, subdivision 1; and 480.30; proposing coding for new law in Minnesota Statutes, chapters 626; and 629.

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

S. F. No. 2640, A bill for an act relating to human services; modifying provisions relating to mental health; modifying provisions relating to medical assistance and general assistance; requiring certain tobacco product inspections, training, and reports; amending Minnesota Statutes 1992, sections 252.275, subdivisions 3 and 4; 256.015, subdivisions 2 and 7; 256.969, subdivisions 10 and 16; 256B.042, subdivision 2; 256B.059, subdivision 1; 256B.06, subdivision 4; 256B.15, subdivision 1a; 256B.69, subdivision 4, and by adding a subdivision; 256D.03, subdivisions 3a and 3b; and 256D.425, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 245.492, subdivisions 2, 6, 9, and 23; 245.493, subdivision 2; 245.4932, subdivisions 1, 2, 3, and 4; 245.494, subdivisions 1 and 3; 245.495; 245.496, subdivision 3, and by adding a subdivision; 256.9685, subdivision 1; 256B.059, subdivisions 3 and 5; 256B.0595, subdivisions 1, 2, 3, and 4; 256B.0625, subdivisions 20 and 37; 256B.15, subdivision 2; 256B.431, subdivision 15; and 256D.03, subdivisions 3 and 4; proposing coding for new law in Minnesota Statutes, chapters 245; and 461; repealing Minnesota Statutes 1992, section 252.275, subdivisions 4a and 10.

The bill was read for the first time and referred to the Committee on Health and Human Services.

S. F. No. 2685, A bill for an act relating to lawful gambling; regulating the conduct of lawful gambling; adjusting the base of the tax on pull-tabs and tipboards; creating an advisory council on gambling; appropriating money; amending Minnesota Statutes 1992, sections 299L.02, subdivision 5, and by adding a subdivision; 349.12, subdivision 18; 349.13; 349.151, subdivision 4; 349.16, by adding a subdivision; 349.18, subdivision 1; 349.19, subdivision 10; 349.211, subdivision 2a; 349.212, by adding a subdivision; and 541.21; Minnesota Statutes 1993 Supplement, section 349.12, subdivision 25; proposing coding for new law in Minnesota Statutes, chapter 349.

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

S. F. No. 2150, A bill for an act relating to agriculture; establishing a feedlot and manure management advisory committee; providing for development of manure management research and monitoring priorities; amending eligibility requirements for beginning farmer loans; establishing livestock expansion loan program; providing for development of feedlot rules; changing definitions in the corporate farming law; appropriating money; amending Minnesota Statutes 1992, sections 41B.02, by adding a subdivision; and 116.07, subdivision 7; Minnesota Statutes 1993 Supplement, section 41B.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 17; and 41B.

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

S. F. No. 2795, A bill for an act relating to state finance; requiring fees to cover costs; amending Minnesota Statutes 1992, sections 16A.127, subdivision 1; 116.07, subdivision 4d; 144.98, subdivision 3; 221.0335; 326.2421, subdivision 3; and 341.10; Minnesota Statutes 1993 Supplement, sections 4A.05, subdivision 2; 16A.1285, subdivisions 2, 4, and 5; and 18E.03, subdivision 3; repealing Minnesota Statutes 1992, sections 14.1311; 14.235; and 14.305.

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

S. F. No. 2410, A bill for an act relating to recreational vehicles; modifying registration requirements for off-road vehicles; amending Minnesota Statutes 1993 Supplement, sections 84.797, subdivision 6, and by adding a subdivision; and 84.798, subdivision 1.

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

S. F. No. 2825, A bill for an act relating to human services; modifying provisions concerning rates for care of certain persons and recovery of medical assistance overpayments; modifying provisions concerning home care and alternative care; requiring changes in related rules; providing instructions to the revisor of statutes; amending Minnesota Statutes 1992, sections 256B.0913, subdivision 8; 256B.0915, subdivision 5; 256B.432, subdivisions 1, 2, 3, and 6; and 256B.501, subdivisions 1, 3, 3c, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 256B.0911, subdivisions 2 and 7; 256B.0913, subdivisions 5 and 12; 256B.0915, subdivisions 1 and 3; 256B.0917, subdivision 2; 256B.432, subdivision 5; 256B.501, subdivisions 3g and 8; and 256I.06, subdivision 1; repealing Minnesota Statutes 1992, section 256B.501, subdivisions 3d, 3e, and 3f.

The bill was read for the first time and referred to the Committee on Health and Human Services.

S. F. No. 2090, A bill for an act relating to family law; modifying provisions dealing with the computation, administration, and enforcement of child support; modifying service provisions; providing for certain custody determinations; providing for studies; prohibiting denial of public accommodations because of marital status; appropriating money; amending Minnesota Statutes 1992, sections 518.11; 518.17, subdivision 1; 518.18; 518B.01, subdivision 8; and 548.091, subdivision 2a; Minnesota Statutes 1993 Supplement, sections 256.87, subdivision 5; 363.03, subdivision 3; 518.14; 518.171, subdivisions 1 and 6; 518.551, subdivision 5; 518.64, subdivision 2; and 518.68, subdivisions 1, 2, and 3; proposing coding for new law in Minnesota Statutes, chapters 8; and 518; repealing Minnesota Statutes 1993 Supplement, section 518.551, subdivision 10.

The bill was read for the first time.

Farrell moved that S. F. No. 2090 and H. F. No. 2055, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

The following Conference Committee Reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2410

A bill for an act relating to natural resources; sale of native tree seed and tree planting stock; terms and conditions governing the leasing of state timber lands; amending Minnesota Statutes 1992, sections 89.36, subdivision 3; 89.37, by adding a subdivision; 90.101, subdivision 2; 90.151, subdivision 1; 90.161, subdivisions 1 and 2; 90.191, subdivision 2; and 90.193; Minnesota Statutes 1993 Supplement, sections 90.101, subdivision 1; and 90.121; repealing Minnesota Statutes 1992, section 90.151, subdivisions 13 and 14.

April 25, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H. F. No. 2410, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

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

House Conferees: TOM RUKAVINA, STEVE TRIMBLE AND KATHLEEN SEKHON.

Senate Conferees: BOB LESSARD, KEVIN M. CHANDLER AND GARY W. LAIDIG.

Rukavina moved that the report of the Conference Committee on H. F. No. 2410 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2410, A bill for an act relating to natural resources; sale of native tree seed and tree planting stock; terms and conditions governing the leasing of state timber lands; amending Minnesota Statutes 1992, sections 89.36, subdivision 3; 89.37, by adding a subdivision; 90.101, subdivision 2; 90.151, subdivision 1; 90.161, subdivisions 1 and 2; 90.191, subdivision 2; and 90.193; Minnesota Statutes 1993 Supplement, sections 90.101, subdivision 1; and 90.121; repealing Minnesota Statutes 1992, section 90.151, subdivisions 13 and 14.

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

The question was taken on the repassage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2362

A bill for an act relating to animals; changing the definition of a potentially dangerous dog; changing the identification tag requirements for a dangerous dog; amending Minnesota Statutes 1992, sections 347.50, subdivision 3; and 347.51, subdivision 7.

April 25, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H. F. No. 2362, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 2362 be further amended as follows:

Pages 1 and 2, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 1992, section 347.51, subdivision 7, is amended to read:

Subd. 7. [TAG.] A dangerous dog registered under this section must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, affixed to the dog's collar at all times. The commissioner of public safety, after consultation with animal control professionals, shall provide by rule for the design of the tag."

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

House Conferees: LYNDON R. CARLSON, PHYLLIS KAHN AND THOMAS PUGH.

Senate Conferees: EMBER D. REICHGOTT JUNGE, JAMES P. METZEN AND ARLENE J. LESEWSKI.

Carlson moved that the report of the Conference Committee on H. F. No. 2362 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2362, A bill for an act relating to animals; changing the definition of a potentially dangerous dog; changing the identification tag requirements for a dangerous dog; amending Minnesota Statutes 1992, sections 347.50, subdivision 3; and 347.51, subdivision 7.

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

The question was taken on the repassage of the bill and the roll was called. There were 112 yeas and 21 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bettermann	Dempsey	Gruenes	Krinkie	Ness	Seagren	Waltman
Dauids	Finseth	Haukoos	Lindner	Olson, M.	Stanis	Wolf
Dehler	Goodno	Knight	Molnau	Ornen	Van Engen	Workman

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2624

A bill for an act relating to employee relations; ratifying labor agreements; making certain positions unclassified; changing duties of the legislative commission on employee relations; revising a salary range for a certain position in the judicial branch; modifying duties of the commissioner of employee relations; amending Minnesota Statutes 1992, sections 3.855, subdivisions 2, 3, and by adding a subdivision; 15A.081, subdivisions 7 and 7b; 43A.05, subdivision 5; 43A.08, subdivisions 1 and 1a; 43A.18, subdivisions 2, 3, and 5; 179A.10, subdivision 3; 179A.18, subdivision 1; and 179A.22, subdivision 4; Minnesota Statutes 1993 Supplement, sections 15A.081, subdivision 1; 15A.083, subdivision 4; and 43A.18, subdivision 4.

April 26, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H. F. No. 2624, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendment and that H. F. No. 2624 be further amended as follows:

(The text of the amended House File is identical to S. F. No. 2358.)

Page 9, line 11, strike "July 1" and insert "the first Monday in January"

Page 9, line 12, strike "July" and insert "January"

Page 21, line 21, delete "July 1" and insert "the first Monday in January"

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

House Conferees: LEO J. REDING, LOREN A. SOLBERG AND JERRY KNICKERBOCKER.

Senate Conferees: CAROL FLYNN, WILLIAM P. LUTHER AND SHEILA M. KISCADEN.

Reding moved that the report of the Conference Committee on H. F. No. 2624 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2624, A bill for an act relating to employee relations; ratifying labor agreements; making certain positions unclassified; changing duties of the legislative commission on employee relations; revising a salary range for a certain position in the judicial branch; modifying duties of the commissioner of employee relations; amending Minnesota Statutes 1992, sections 3.855, subdivisions 2, 3, and by adding a subdivision; 15A.081, subdivisions 7 and 7b; 43A.05, subdivision 5; 43A.08, subdivisions 1 and 1a; 43A.18, subdivisions 2, 3, and 5; 179A.10, subdivision 3; 179A.18, subdivision 1; and 179A.22, subdivision 4; Minnesota Statutes 1993 Supplement, sections 15A.081, subdivision 1; 15A.083, subdivision 4; and 43A.18, subdivision 4.

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

The question was taken on the repassage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Solberg requested immediate consideration of S. F. No. 2289.

S. F. No. 2289 was reported to the House.

Weaver moved to amend S. F. No. 2289 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 116.07, subdivision 4d, is amended to read:

Subd. 4d. [PERMIT FEES.] (a) The agency may collect permit fees in amounts not greater than those necessary to cover the reasonable costs of reviewing and acting upon applications for agency permits and implementing and enforcing the conditions of the permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The agency shall adopt rules under section 16A.128 establishing the amounts and methods of collection of any permit fees collected under this subdivision. The fee schedule must reflect reasonable and routine permitting, implementation, and enforcement costs. The agency may impose an additional enforcement fee to be collected for a period of up to two years to cover the reasonable costs of implementing and enforcing the conditions of a permit under the rules of the agency. Any money collected under this paragraph shall be deposited in the special revenue account.

(b) Notwithstanding paragraph (a), and section 16A.128, subdivision 1, the agency shall collect an annual fee from the owner or operator of all stationary sources, emission facilities, emissions units, air contaminant treatment facilities, treatment facilities, potential air contaminant storage facilities, or storage facilities subject to the requirement to obtain a permit under Title V of the federal Clean Air Act Amendments of 1990, Public Law Number 101-549, Statutes at Large, volume 104, pages 2399 et seq., or section 116.081. The annual fee shall be used to pay for all direct and indirect reasonable costs, including attorney general costs, required to develop and administer the permit program requirements of Title V of the federal Clean Air Act Amendments of 1990, Public Law Number 101-549, Statutes at Large, volume 104, pages 2399 et seq., and sections of this chapter and the rules adopted under this chapter related to air contamination and noise. Those costs include the reasonable costs of reviewing and acting upon an application for a permit; implementing and enforcing statutes, rules, and the terms and conditions of a permit; emissions, ambient, and deposition monitoring; preparing generally applicable regulations; responding to federal guidance; modeling, analyses, and demonstrations; preparing inventories and tracking emissions; providing information to the public about these activities; and, after June 30, 1992, the costs of acid deposition monitoring currently assessed under section 116C.69, subdivision 3.

(c) The agency shall adopt fee rules in accordance with the procedures in section 16A.128, subdivisions 1a and 2a, that will result in the collection, in the aggregate, from the sources listed in paragraph (b), of the following amounts:

(1) in fiscal years 1992 and 1993, the amount appropriated by the legislature from the air quality account in the environmental fund for the agency's air quality program;

(2) for fiscal year 1994 and thereafter, an amount not less than \$25 per ton of each volatile organic compound; pollutant regulated under United States Code, title 42, section 7411 or 7412 (section 111 or 112 of the federal Clean Air Act); and each pollutant, except carbon monoxide, for which a national primary ambient air quality standard has been promulgated; and

(3) for fiscal year 1994 and thereafter, the agency fee rules may also result in the collection, in the aggregate, from the sources listed in paragraph (b), of an amount not less than \$25 per ton of each pollutant not listed in clause (2) that is regulated under Minnesota Rules, chapter 7005, or for which a state primary ambient air quality standard has been adopted.

The agency must not include in the calculation of the aggregate amount to be collected under the fee rules any amount in excess of 4,000 tons per year of each air pollutant from a source.

(d) To cover the reasonable costs described in paragraph (b), the agency shall provide in the rules promulgated under paragraph (c) for an increase in the fee collected in each year beginning after fiscal year 1993 by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of the year the fee is collected exceeds the Consumer Price Index for the calendar year 1989. For purposes of this paragraph the Consumer Price Index for any calendar year is the average of the Consumer Price Index for all-urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year. The revision of the Consumer Price Index that is most consistent with the Consumer Price Index for calendar year 1989 shall be used.

(e) Any money collected under paragraphs (b) to (d) must be deposited in an air quality account in the environmental fund and must be used solely for the activities listed in paragraph (b).

(f) Persons who wish to construct or expand an air emission facility may offer to reimburse the agency for the costs of staff overtime or consultant services needed to expedite permit review. The reimbursement shall be in addition to fees imposed by paragraphs (a) to (d). When the agency determines that it needs additional resources to review the permit application in an expedited manner, and that expediting the review would not disrupt air permitting program priorities, the agency may accept the reimbursement. Reimbursements accepted by the agency are appropriated to the agency for the purpose of reviewing the permit application. Reimbursement by a permit applicant shall precede and not be contingent upon issuance of a permit and shall not affect the agency's decision on whether to issue or deny a permit, what conditions are included in a permit, or the application of state and federal statutes and rules governing permit determinations.

Sec. 2. [REPORT.]

By June 1, 1995, the commissioner of the pollution control agency shall submit to the chairs of the environment and natural resources policy and finance committees of the house of representatives and the senate a report detailing the agency's experience under section 1, paragraph (f), including:

- (1) the number of requests for expedited permit review;
- (2) the number of staff hours used for each expedited review;
- (3) the amount of reimbursements received by the agency from each person who requested expedited review;
- (4) an indication of whether expedited review results in a sufficiently thorough examination of all aspects of a project or operation; and
- (5) an analysis of the effect of expedited review on routine review of permit requests for other businesses or individuals."

Delete the title and insert:

"A bill for an act relating to the environment; authorizing a person who wishes to construct or expand an air emission facility to reimburse certain costs of the pollution control agency; requiring a report to the legislature; amending Minnesota Statutes 1992, section 116.07, subdivision 4d."

The motion prevailed and the amendment was adopted.

Johnson, A., offered an amendment to S. F. No. 2289, as amended.

POINT OF ORDER

Goodno raised a point of order pursuant to rule 3.09 that the Johnson, A., amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

Kahn moved to amend S. F. No. 2289, as amended, as follows:

Page 4, after line 9, insert:

"Sec. 2. Minnesota Statutes 1992, section 116G.15, is amended to read:

116G.15 [MISSISSIPPI RIVER CRITICAL AREA.]

The federal Mississippi National River and Recreation Area established pursuant to United States Code, title 16, section 460zz-2(k), is designated an area of critical concern in accordance with this chapter. The governor shall review the existing Mississippi river critical area plan and specify any additional standards and guidelines to affected communities in accordance with section 116G.06, subdivision 2, paragraph (b), clauses (3) and (4), needed to insure preservation of the area pending the completion of the federal plan.

The results of an environmental impact statement prepared under chapter 116D and completed after the effective date of this section for a proposed project that is located in the Mississippi river critical area north of the United States Army Corps of Engineers lock and dam number one must be reported to the chairs of the environment and natural resources policy and finance committees of the house of representatives and the senate for legislative review of the proposed project and alternatives to the project prior to the issuance of any state or local permits and the authorization for an issuance of any bonds for the project. A report made under this paragraph must list alternatives to the project that are environmentally superior to the proposed project and identify any legislative actions that may assist in the implementation of environmentally superior alternatives. This paragraph does not apply to a proposed project to be carried out by the metropolitan council or a metropolitan agency as defined in section 473.121.

Sec. 3. [REQUIRED ENVIRONMENTAL IMPACT STATEMENT; METAL PROCESSING IN CRITICAL AREA.]

Until completion of environmental impact statement that is found adequate under Minnesota Statutes, chapter 116D for any proposed project for which final permits have not been issued by the effective date of this section, a state or local agency may not issue a permit for construction or operation of a metal materials processing project that:

(1) would be located in or adjacent to the Mississippi river critical area, as described in Minnesota Statutes 1992, section 116G.15, and north of United States Army Corps of Engineers lock and dam number one; and

(2) would have a processing capacity in excess of 20,000 tons per month.

The pollution control agency is the responsible government unit for preparation of an environmental impact statement required under this section.

Sec. 4. [EFFECTIVE DATE.]

Sections 2 and 3 are effective the day following final enactment."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

POINT OF ORDER

Frerichs raised a point of order pursuant to rule 3.09 that the Kahn amendment was not in order. The Speaker ruled the point of order not well taken and the amendment in order.

The question recurred on the Kahn amendment to S. F. No. 2289, as amended. The motion prevailed and the amendment was adopted.

Johnson, A., moved to amend S. F. No. 2289, as amended, as follows:

Page 1, line 15, after the period insert "However, inspection fees may not increase as a result of legislative changes to vehicles required to undergo inspection."

Page 4, after line 8, insert:

"Sec. 2. Minnesota Statutes 1992, section 116.61, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] (a) ~~Beginning no later than July 1, 1991~~ Except as described in subdivision 1a, each motor vehicle registered to an owner residing in the metropolitan area and each motor vehicle customarily domiciled in the metropolitan area but exempt from registration under section 168.012 or 473.448 must be inspected annually for air pollution emissions as provided in sections 116.60 to 116.65.

(b) The inspections must take place at a public or fleet inspection station. The inspections must take place within 90 days prior to the registration deadline for the vehicle or, for vehicles that are exempt from license fees under section 168.012 or 473.448, at a time set by the agency.

(c) The registration on a motor vehicle subject to paragraph (a) may not be renewed unless the vehicle has been inspected for air pollution emissions as provided in sections 116.60 to 116.65 and received a certificate of compliance or a certificate of waiver.

Sec. 3. Minnesota Statutes 1992, section 116.61, is amended by adding a subdivision to read:

Subd. 1a. [EXCEPTION FOR NEW VEHICLES.] A vehicle need not be inspected until the year of its next registration is three years more than its model year."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2289, A bill for an act relating to the environment; authorizing a person who wishes to construct or expand an air emission facility to reimburse certain costs of the pollution control agency; appropriating money; amending Minnesota Statutes 1992, section 116.07, subdivision 4d.

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 4 nays as follows:

Those who voted in the affirmative were:

Abrams	Brown, K.	Dempsey	Greiling	Jennings	Knight	Lynch
Anderson, R.	Carlson	Dorn	Gruenes	Johnson, A.	Koppendrayer	Macklin
Asch	Carruthers	Erhardt	Gutknecht	Johnson, R.	Krinkie	Mahon
Battaglia	Clark	Evans	Hasskamp	Johnson, V.	Krueger	Mariani
Bauerly	Commers	Farrell	Haukoos	Kahn	Leppik	McCollum
Beard	Cooper	Finseth	Holsten	Kalis	Lieder	McGuire
Bergson	Dauner	Frerichs	Hugoson	Kelley	Limner	Milbert
Bertram	Davids	Garcia	Huntley	Kelso	Lindner	Morrison
Bettermann	Dawkins	Girard	Jacobs	Kinkel	Long	Mosel
Bishop	Dehler	Goodno	Jaros	Klinzing	Lourey	Murphy
Brown, C.	Delmont	Greenfield	Jefferson	Knickerbocker	Luther	Neary

Nelson	Orfield	Peterson	Sarna	Steensma	Van Engen	Winter
Ness	Osthoff	Pugh	Seagren	Sviggum	Vellenga	Worke
Olson, E.	Ostrom	Reding	Sekhon	Swenson	Vickerman	Workman
Olson, K.	Ozment	Rest	Simoneau	Tomassoni	Wagenius	Spk. Anderson, I.
Olson, M.	Pauly	Rhodes	Skoglund	Tompkins	Waltman	
Onnen	Pawlenty	Rice	Smith	Trimble	Weaver	
Opatz	Pelowski	Rodosovich	Solberg	Tunheim	Wejzman	
Orenstein	Perlt	Rukavina	Stanisus	Van Dellen	Wenzel	

Those who voted in the negative were:

Lasley Molnau Munger Wolf

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

SPECIAL ORDERS

S. F. No. 2500 was reported to the House.

Kahn and Bertram moved to amend S. F. No. 2500, the unofficial engrossment, as follows:

Page 5, line 17, after "(b)" insert "For public pension plans other than volunteer firefighters' relief associations governed by sections 69.77 or 69.771 to 69.775,"

Page 5, line 20, after the period, insert "For volunteer firefighters' relief associations governed by sections 69.77 or 69.771 to 69.775, the information specified in paragraph (a) must be provided separately for each quarter for the fiscal years of the pension fund ending during calendar years 1991 to 1993 and on a monthly basis for subsequent years.

(c) Firefighter relief associations that have assets with a market value of less than \$300,000 must submit the required information through fiscal year 1994 to the state auditor on or before October 1, 1995 and subsequently within six months of the end of each fiscal year. Other associations must submit"

Page 5, line 21, delete "must be submitted"

Page 5, line 27, before the period, insert "until the pension plan has complied with the reporting requirements"

Page 5, line 30, before the period, insert ", until the pension plan has complied with the reporting requirements"

Page 5, line 30, after the period, insert:

"The state auditor shall agree to waive the withholding of all state aid required by this subdivision for a volunteer firefighters' relief association governed by sections 69.77 or 69.771 to 69.775 if:

(1) the relief association certifies to the state auditor that the financial records necessary to comply with this reporting requirement for the fiscal years of the pension fund ending during calendar years 1991 to 1993 no longer exist; or

(2) the state auditor determines that reconstructing historical financial data for the fiscal years of the pension fund ending during calendar years 1991 to 1993 would create an excessive hardship for the relief association."

Page 6, after line 2, insert:

"Subd. 5. [EXPENSE OF REPORT.] All expenses incurred relating to the investment disclosure report described in subdivision 4 must be borne by the office of the state auditor and may not be charged back to the entities described in subdivision 1."

A roll call was requested and properly seconded.

Ozment moved to amend the Kahn and Bertram amendment to S. F. No. 2500, the unofficial engrossment, as follows:

Page 1, line 9, delete the first "for" and delete "for the fiscal"

Page 1, delete line 10

Page 1, line 11, delete everything before the period

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 107 yeas and 24 nays as follows:

Those who voted in the affirmative were:

Abrams	Dorn	Jacobs	Leppik	Neary	Reding	Tunheim
Anderson, R.	Erhardt	Jaros	Lieder	Nelson	Rest	Van Dellen
Battaglia	Evans	Jennings	Limmer	Ness	Rhodes	Van Engen
Bauerly	Farrell	Johnson, A.	Lindner	Olson, E.	Rodosovich	Vickerman
Beard	Finseth	Johnson, R.	Lourey	Olson, K.	Rukavina	Waltman
Bergson	Frerichs	Johnson, V.	Luther	Olson, M.	Sarna	Weaver
Bertram	Garcia	Kalis	Lynch	Onnen	Seagren	Wenzel
Bettermann	Girard	Kelley	Macklin	Opatz	Smith	Winter
Brown, K.	Goodno	Kelso	Mahon	Ostrom	Solberg	Wolf
Carlson	Gruenes	Kinkel	McGuire	Ozment	Stanis	Worke
Commers	Gutknecht	Klinzing	Milbert	Pauly	Steensma	Workman
Cooper	Hasskamp	Knickerbocker	Molnau	Pawlenty	Sviggum	
Dauner	Haukoos	Koppendrayer	Morrison	Pelowski	Swenson	
Dauids	Holsten	Krinkie	Mosel	Perlt	Tomassoni	
Dehler	Hugoson	Krueger	Munger	Peterson	Tompkins	
Dempsey	Huntley	Lasley	Murphy	Pugh	Trimble	

Those who voted in the negative were:

Asch	Greenfield	Kahn	McCollum	Rice	Vellenga
Carruthers	Greiling	Knight	Orenstein	Sekhon	Wagenius
Clark	Hausman	Long	Orfield	Simoneau	Wejcman
Dawkins	Jefferson	Mariani	Osthoff	Skoglund	Spk. Anderson, I.

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

Ozment moved to amend the Kahn and Bertram amendment, as amended, to S. F. No. 2500, the unofficial engrossment, as follows:

Page 1, line 14, delete "through fiscal year 1994"

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

The question recurred on the Kahn and Bertram amendment, as amended, and the roll was called. There were 75 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Abrams	Bauerly	Bettermann	Carruthers	Dehler	Garcia	Greiling
Asch	Beard	Brown, K.	Clark	Dorn	Goodno	Gruenes
Battaglia	Bertram	Carlson	Dawkins	Evans	Greenfield	Gutknecht

Hasskamp	Kahn	Lourey	Neary	Pugh	Seagren	Van Dellen
Hausman	Kalis	Luther	Opatz	Reding	Sekhon	Vellenga
Huntley	Kelley	Mahon	Orenstein	Rest	Simoneau	Wagenius
Jacobs	Kinkel	Mariani	Orfield	Rhodes	Skoglund	Wejcmán
Jaros	Klinzing	McCollum	Osthoff	Rice	Solberg	Wenzel
Jefferson	Krueger	McGuire	Ostrom	Rodosovich	Sviggum	Winter
Johnson, A.	Leppik	Milbert	Pawlenty	Rukavina	Tomassoni	
Johnson, R.	Long	Morrison	Peterson	Sarna	Tunheim	

Those who voted in the negative were:

Anderson, R.	Dempsey	Jennings	Lieder	Murphy	Pauly	Van Engen
Bergson	Erhardt	Johnson, V.	Limmer	Nelson	Pelowski	Vickerman
Brown, C.	Finseth	Kelso	Lindner	Ness	Perlt	Waltman
Commers	Frerichs	Knickerbocker	Lynch	Olson, E.	Smith	Weaver
Cooper	Girard	Knight	Macklin	Olson, K.	Stanis	Wolf
Dauner	Haukoos	Koppendrayner	Molnau	Olson, M.	Steensma	Worke
Dauids	Holsten	Krinkie	Mosel	Onnen	Swenson	Workman
Delmont	Hugoson	Lasley	Munger	Ozment	Tompkins	Spk. Anderson, I.

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

S. F. No. 2500, A bill for an act relating to retirement; St. Paul teachers retirement fund association; requiring proportional representation for various membership groups on the association board of trustees; proposing coding for new law in Minnesota Statutes, chapter 354A.

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 80 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Asch	Dorn	Johnson, A.	Long	Ness	Rodosovich	Tunheim
Battaglia	Evans	Kahn	Lourey	Olson, E.	Rukavina	Vellenga
Bauerly	Farrell	Kalis	Luther	Opatz	Sarna	Vickerman
Beard	Garcia	Kelley	Mahon	Orenstein	Seagren	Wagenius
Bertram	Greenfield	Kelso	Mariani	Orfield	Sekhon	Wejcmán
Brown, K.	Greiling	Kinkel	McCollum	Osthoff	Simoneau	Wenzel
Carlson	Hausman	Klinzing	McGuire	Ostrom	Skoglund	Winter
Carruthers	Huntley	Krueger	Milbert	Pugh	Solberg	Spk. Anderson, I.
Clark	Jacobs	Lasley	Mosel	Reding	Steensma	
Cooper	Jaros	Leppik	Munger	Rest	Tomassoni	
Dawkins	Jefferson	Lieder	Murphy	Rhodes	Tompkins	
Delmont	Jennings	Limmer	Neary	Rice	Trimble	

Those who voted in the negative were:

Abrams	Dempsey	Hasskamp	Krinkie	Olson, M.	Smith	Wolf
Anderson, R.	Erhardt	Haukoos	Lindner	Onnen	Stanis	Worke
Bergson	Finseth	Holsten	Lynch	Ozment	Sviggum	Workman
Bettermann	Frerichs	Hugoson	Macklin	Pauly	Swenson	
Commers	Girard	Johnson, R.	Molnau	Pawlenty	Van Dellen	
Dauner	Goodno	Johnson, V.	Morrison	Pelowski	Van Engen	
Dauids	Gruenes	Knickerbocker	Nelson	Perlt	Waltman	
Dehler	Gutknecht	Knight	Olson, K.	Peterson	Weaver	

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

H. F. No. 3011 was reported to the House.

Osthoff moved that H. F. No. 3011 be temporarily laid over on Special Orders. The motion prevailed.

S. F. No. 2642, A bill for an act relating to witnesses; establishing a privilege for certain communications made to licensed social workers; amending Minnesota Statutes 1992, section 253B.23, subdivision 4; Minnesota Statutes 1993 Supplement, section 595.02, subdivision 1.

The bill, as amended, was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 21 yeas and 106 nays as follows:

Those who voted in the affirmative were:

Bauerly	Dawkins	Kahn	Mariani	Orenstein	Simoneau	Vellenga
Carruthers	Greenfield	Kelley	McGuire	Orfield	Skoglund	Wagenius
Clark	Jaros	Lourey	Olson, K.	Pugh	Swenson	Wejzman

Those who voted in the negative were:

Abrams	Dehler	Haukoos	Koppendrayner	Mosel	Reding	Van Dellen
Anderson, R.	Delmont	Holsten	Krinkie	Munger	Rhodes	Van Engen
Asch	Dempsey	Hugoson	Krueger	Murphy	Rodosovich	Vickerman
Battaglia	Dorn	Huntley	Lasley	Nelson	Rukavina	Weaver
Beard	Erhardt	Jacobs	Leppik	Ness	Sarna	Wenzel
Bergson	Evans	Jefferson	Lieder	Olson, E.	Seagren	Winter
Bertram	Farrell	Jennings	Limmer	Olson, M.	Sekhon	Wolf
Bettermann	Finseth	Johnson, A.	Lindner	Onnen	Smith	Worke
Bishop	Frerichs	Johnson, R.	Long	Opatz	Solberg	Workman
Brown, C.	Garcia	Johnson, V.	Luther	Ostrom	Stanislaus	Spk. Anderson, I.
Brown, K.	Girard	Kalis	Lynch	Ozment	Steensma	
Carlson	Goodno	Kelso	Macklin	Pauly	Sviggum	
Commers	Greiling	Kinkel	Mahon	Pawlenty	Tomassoni	
Cooper	Gruenes	Klinzing	McCollum	Pelowski	Tompkins	
Dauner	Gutknecht	Knickerbocker	Molnau	Perlt	Trimble	
Davids	Hasskamp	Knight	Morrison	Peterson	Tunheim	

The bill was not passed, as amended.

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

RECESS

RECONVENED

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

SPECIAL ORDERS, Continued

H. F. No. 3011 which was temporarily laid over earlier today on Special Orders was again reported to the House.

CALL OF THE HOUSE

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

Abrams	Dawkins	Hasskamp	Koppendraye	Morrison	Pelowski	Tunheim
Asch	Dehler	Haukoos	Krinkie	Mosel	Peterson	Van Dellen
Battaglia	Delmont	Hugoson	Krueger	Murphy	Reding	Van Engen
Bauerly	Dempsey	Huntley	Lasley	Neary	Rest	Vellenga
Beard	Dom	Jacobs	Leppik	Nelson	Rhodes	Vickerman
Bergson	Erhardt	Jefferson	Lieder	Ness	Rodosovich	Wagenius
Bettermann	Evans	Johnson, A.	Lindner	Olson, E.	Rukavina	Waltman
Bishop	Farrell	Johnson, R.	Long	Olson, K.	Sarna	Weaver
Brown, K.	Finseth	Johnson, V.	Lourey	Olson, M.	Seagren	Wejzman
Carlson	Frerichs	Kahn	Luther	Ornen	Sekhon	Wenzel
Carruthers	Girard	Kalis	Lynch	Opatz	Skoglund	Winter
Clark	Goodno	Kelso	Mahon	Orfield	Solberg	Wolf
Commers	Greenfield	Kinkel	Mariani	Osthoff	Steensma	Worke
Cooper	Greiling	Klinzing	McCollum	Ostrom	Sviggum	Workman
Dauner	Gruenes	Knickerbocker	McGuire	Pauly	Tompkins	Spk. Anderson, I.
Davids	Gutknecht	Knight	Molnau	Pawlenty	Trimble	

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

Osthoff moved to amend H. F. No. 3011 as follows:

Page 1, after line 5, insert:

"ARTICLE 1"

Page 1, after line 25, insert:

"ARTICLE 2"

Section 1. Minnesota Statutes 1992, section 84.928, subdivision 1, is amended to read:

Subdivision 1. [OPERATION ON ROADS AND RIGHTS-OF-WAY.] (a) A person shall not operate an all-terrain vehicle along or on the roadway, shoulder, or inside bank or slope of a public road right-of-way other than in the ditch or the outside bank or slope of a trunk, county state-aid, or county highway in this state unless otherwise allowed in sections 84.92 to 84.929.

(b) A person may operate an all-terrain vehicle registered for private use and used for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or county highway in this state if the all-terrain vehicle is operated on the extreme right-hand side of the road, and left turns may be made from any part of the road if it is safe to do so under the prevailing conditions.

(c) A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in the agricultural zone unless the vehicle is being used exclusively as transportation to and from work on agricultural lands. This paragraph does not apply to an agent or employee of a road authority, as defined in section 160.02, subdivision 9, or the department of natural resources when performing or exercising official duties or powers.

(d) A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of the right-of-way and in the same direction as the highway traffic on the nearest lane of the adjacent roadway.

(e) A person shall not operate an all-terrain vehicle at any time within the right-of-way of an interstate highway or freeway within this state.

Sec. 2. Minnesota Statutes 1992, section 160.085, subdivision 3, is amended to read:

Subd. 3. [DESCRIPTION MAY REFER TO MAP OR PLAT.] (a) Land acquisition by the road authority for highway purposes by instrument of conveyance or by eminent domain proceedings, may refer to said the map or plat and parcel number, together with delineation of the parcel, as the only manner of description necessary for the acquisition.

(b) In addition, land disposition by the road authority by instrument of conveyance may refer to the map or plat and parcel number, together with delineation of the parcel, as the only manner of description necessary for the disposition.

Sec. 3. Minnesota Statutes 1992, section 161.25, is amended to read:

161.25 [TEMPORARY TRUNK HIGHWAY DETOUR AND ~~TEMPORARY TRUNK HIGHWAY~~; HAUL ROAD.]

~~On determining~~ If, for the purpose of constructing or maintaining any trunk highway, ~~that the use of~~ any public street or highway is necessary for a detour or haul road, the commissioner may designate ~~by order~~ any such street or highway as a temporary trunk highway detour or as a temporary trunk highway haul road, and shall thereafter maintain the same as a temporary trunk highway until the commissioner revokes the designation. Prior to revoking the designation the commissioner shall restore such streets or highways to as good condition as they were prior to the designation of same as temporary trunk highways. Upon revoking the ~~designations such streets or highways designation, the street or highway~~ shall revert to the subdivision charged with the care thereof at the time it was taken over as a temporary trunk highway.

Sec. 4. [161.442] [RECONVEYANCE TO FORMER OWNER.]

Notwithstanding sections 161.23, 161.41, 161.411, 161.43, 161.44, or any other statute, the commissioner of transportation, at the commissioner's sole discretion, may transfer, sell, or convey real property including fixtures, and interests in real property including easements, to the owner from whom the property was acquired by the state for trunk highway purposes through a pending eminent domain action. The transfer of title may be by stipulation, partial dismissal, bill of sale, or conveyance. Any resulting change in the state's acquisition must be explained in the final certificate for that action. This provision does not confer on a landowner the right to compel a reconveyance without the consent of the commissioner.

Sec. 5. Minnesota Statutes 1992, section 162.07, subdivision 1, is amended to read:

Subdivision 1. [FORMULA.] After deducting for administrative costs and for the disaster account and research account and state park roads as heretofore provided, the remainder of the total sum provided for in section 162.06, subdivision 1, shall be identified as the apportionment sum and shall be apportioned by the commissioner to the several counties on the basis of the needs of the counties as determined in accordance with the following formula:

(1) An amount equal to ~~ten~~ five percent of the apportionment sum shall be apportioned equally among the 87 counties.

(2) An amount equal to ~~ten~~ 20 percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its motor vehicle registration for the calendar year preceding the one last past, determined by residence of registrants, bears to the total statewide motor vehicle registration.

(3) An amount equal to ~~30~~ 35 percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its total ~~miles existing lane miles~~ of approved county state-aid highways bears to the total ~~miles existing lane miles~~ of approved statewide county state-aid highways.

(4) An amount equal to ~~50~~ 40 percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its money needs bears to the sum of the money needs of all of the individual counties; ~~provided, that the percentage of such amount that each county is to receive shall be adjusted so that each county shall receive in 1958 a total apportionment at least ten percent greater than its total 1956 apportionments from the state road and bridge fund, and provided further that those counties whose money needs are thus adjusted shall never receive a percentage of the apportionment sum less than the percentage that such county received in 1958.~~

In 1995 and thereafter, no county shall receive more than its apportionment for the previous year plus 39.5 percent, and in 1995 and thereafter no county shall receive less than its apportionment for 1994 plus three percent. The three percent may be decreased proportionately among the counties if the total apportionment sum is insufficient.

Sec. 6. Minnesota Statutes 1992, section 162.07, subdivision 3, is amended to read:

Subd. 3. [COMPUTATIONS FOR RURAL COUNTIES.] An amount equal to a levy of 0.01596 percent on each rural county's total taxable market value for the last preceding calendar year shall be computed and shall be subtracted from the county's total estimated construction costs. The result thereof shall be the money needs of the county. ~~For the purpose of this section, "rural counties" means all counties having a population of less than 175,000.~~

Sec. 7. Minnesota Statutes 1992, section 162.07, subdivision 5, is amended to read:

Subd. 5. [SCREENING BOARD.] On or before September 1 of each year the county engineer of each county shall forward to the commissioner, on forms prepared by the commissioner, all information relating to the mileage in lane miles of the county state-aid highway system in the county, and the money needs of the county that the commissioner deems necessary in order to apportion the county state-aid highway fund in accordance with the formula heretofore set forth. Upon receipt of the information the commissioner shall appoint a board consisting of ~~nine county engineers. The board shall be so selected that each one county engineer appointed shall be from a different from each of the seven state highway construction district districts outside the department's metropolitan division and five county engineers from the department's metropolitan division.~~ No county engineer shall be appointed so as to serve consecutively for more than ~~two~~ four years. The board shall investigate and review the information submitted by each county and shall on or before the first day of November of each year submit its findings and recommendations in writing as to each county's lane mileage and money needs to the commissioner on a form prepared by the commissioner. Final determination of the lane mileage of each system and the money needs of each county shall be made by the commissioner.

Sec. 8. Minnesota Statutes 1992, section 162.07, subdivision 6, is amended to read:

Subd. 6. [ESTIMATES TO BE MADE IF INFORMATION NOT PROVIDED.] In the event that any county shall fail to submit the information provided for herein, the commissioner shall estimate the lane mileage and the money needs of the county. The estimate shall be used in determining the apportionment formula. The commissioner may withhold payment of the amount apportioned to the county until the information is submitted.

Sec. 9. Minnesota Statutes 1992, section 165.03, is amended to read:

165.03 [STRENGTH OF BRIDGES; INSPECTIONS.]

Subdivision 1. [STANDARDS GENERALLY.] Each bridge, including a privately owned bridge, must conform to the strength, width, clearance, and safety standards imposed by the commissioner for the connecting highway or street. This subdivision applies to a bridge that is constructed after August 1, 1989, on any public highway or street. The bridge must have sufficient strength to support with safety the maximum vehicle weights allowed under section 169.825 and must have the minimum width specified in section 165.04, subdivision 3.

Subd. 2. [INSPECTION AND INVENTORY RESPONSIBILITIES; RULES; FORMS.] The commissioner of transportation shall adopt official inventory and bridge inspection report forms for use in making bridge inspections by the highway authorities specified by this subdivision. Bridge inspections shall be made at regular intervals, not to exceed two years, by the following officials:

(a) The commissioner of transportation for all bridges located wholly or partially within or over the right-of-way of a state trunk highway.

(b) The county highway engineer for all bridges located wholly or partially within or over the right-of-way of any county or township road, or any street within a municipality which does not have a city engineer regularly employed.

(c) The city engineer for all bridges located wholly or partially within or over the right-of-way of any street located within or along municipal limits.

(d) The commissioner of transportation in case of a toll bridge used by the general public; provided, that the commissioner of transportation may assess the owner for the costs of such inspection.

The commissioner of transportation shall prescribe the standards for bridge inspection and inventory by rules. The specified highway authorities shall inspect and inventory in accordance with these standards and furnish the commissioner with such data as may be necessary to maintain a central inventory.

Subd. 3. [COUNTY INVENTORY AND INSPECTION RECORDS AND REPORTS.] The county engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2(b) with the inspection reports thereof, and shall certify annually, to the commissioner of transportation, as prescribed by the commissioner, that inspections have been made at regular intervals not to exceed two years. A report of the inspections shall be filed annually, on or before February 15 of each year, with the county auditor or township clerk, or the governing body of the municipality. The report shall contain recommendations for the correction of, or legal posting of load limits on any bridge or structure that is found to be understrength or unsafe.

Subd. 4. [MUNICIPAL INVENTORY AND INSPECTION RECORDS AND REPORTS.] The city engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2(c) with the inspection reports thereof, and shall certify annually, to the commissioner of transportation, as prescribed by the commissioner, that inspections have been made at regular intervals not to exceed two years. A report of the inspections shall be filed annually, on or before February 15 of each year, with the governing body of the municipality. The report shall contain recommendations for the correction of, or legal posting of load limits on any bridge or structure that is found to be understrength or unsafe.

Subd. 5. [AGREEMENTS.] Agreements may be made among the various units of governments, or between governmental units and qualified engineering personnel to carry out the responsibilities for the bridge inspections and reports, as established by subdivision 2.

Subd. 6. [TOLL BRIDGES.] The owner of a toll bridge shall certify ~~annually~~ to the commissioner of transportation, as prescribed by the commissioner, that inspections of the bridge have been made at regular intervals not to exceed two years. The certification shall be accompanied by a report of the inspection. The report shall contain recommendations for the correction of or legal posting of load limitations if the bridge is found to be understrength or unsafe.

Sec. 10. Minnesota Statutes 1992, section 174.03, subdivision 1a, is amended to read:

Subd. 1a. [REVISION OF STATE TRANSPORTATION PLAN.] The commissioner shall revise the state transportation plan by ~~July 1, 1993~~ January 1, 1996, and by ~~July~~ January 1 of each odd-numbered year thereafter. Before final adoption of a revised plan, the commissioner shall hold a hearing to receive public comment on the plan. The revised state transportation plan must:

- (1) incorporate the goals of the state transportation system in section 174.01; and
- (2) establish objectives, policies, and strategies for achieving those goals.

Sec. 11. Minnesota Statutes 1992, section 222.50, subdivision 7, is amended to read:

Subd. 7. [EXPENDITURES.] The commissioner may expend money from the rail service improvement account for the following purposes:

- (a) To pay interest adjustments on loans guaranteed under the state rail user loan guarantee program;
- (b) To pay a portion of the costs of capital improvement projects designed to improve rail service including construction or improvement of short segments of rail line such as side track, team track and connections between existing lines, and construction and improvement of loading, unloading, storage and transfer facilities of a rail user;
- (c) To acquire, maintain, manage and dispose of railroad right-of-way pursuant to the state rail bank program;
- (d) To provide for aerial photography survey of proposed and abandoned railroad tracks for the purpose of recording and reestablishing by analytical triangulation the existing alignment of the in-place track;
- (e) To pay a portion of the costs of acquiring a rail line by a regional railroad authority established pursuant to chapter 398A; and

(f) To pay for the maintenance of rail lines and rights of way acquired for the state rail bank under section 222.63, subdivision 2e; and

(g) To pay the state matching portion of federal grants for rail-highway grade crossing improvement projects.

All money derived by the commissioner from the disposition of railroad right-of-way or of any other property acquired pursuant to sections 222.46 to 222.62 shall be deposited in the rail service improvement account.

Sec. 12. Minnesota Statutes 1992, section 222.63, subdivision 8, is amended to read:

Subd. 8. [RAIL BANK MAINTENANCE AND IMPROVEMENT ACCOUNTS.] A special account shall be maintained in the state treasury, designated as the rail bank maintenance account, to record the receipts and expenditures of the commissioner of transportation for the maintenance of rail bank property. Funds received by the commissioner of transportation from interest earnings or administrative payments received from rail line rehabilitation contracts, or from rentals, fees, or charges for the use of rail bank property shall be credited to the maintenance account and used for the maintenance of that property and held as a reserve for maintenance expenses in an amount determined by the commissioner, and amounts received in the maintenance account in excess of the reserve requirements shall be transferred to the rail service improvement account. All proceeds of the sale of abandoned rail lines shall be deposited in the rail service improvement account. All money to be deposited in this rail service improvement account as provided in this subdivision is appropriated to the commissioner of transportation for the purposes of this section. The appropriations shall not lapse but shall be available until the purposes for which the funds are appropriated are accomplished.

Sec. 13. [BRIDGE INSPECTIONS.]

The commissioner of transportation shall ensure that bridge inspections must be made at regular intervals not to exceed two years.

Sec. 14. [LAND SALE AND EXCHANGE; WASHINGTON COUNTY.]

Subdivision 1. [SALE OF TAX-FORFEITED LAND; WASHINGTON COUNTY.] (a) Notwithstanding Minnesota Statutes, section 282.018, Washington county may convey the tax-forfeited land bordering public water described in paragraph (b), to the state of Minnesota acting through its commissioner of transportation, for the county's appraised market value.

(b) The land to be conveyed to the state of Minnesota is located in New Scandia township (T32N, R19W) in Washington county and is described as:

Government Lot 7, Section 7, Township 32 North, Range 19 West, Washington County, Minnesota;

containing 63.95 acres, more or less.

Subd. 2. [LAND EXCHANGE BETWEEN MINNESOTA AND UNITED STATES.] (a) Notwithstanding Minnesota Statutes, sections 94.342 to 94.344, the commissioner of transportation, with the unanimous approval of the Minnesota land exchange board may thereafter convey the land described in subdivision 1, paragraph (b), to the United States Department of Interior, National Park Service, in exchange for land described in paragraph (b).

(b) The land that is to be conveyed to the state of Minnesota by the United States is located in Stillwater township in Washington county and is described as follows:

That part of Government Lot 2 of Section 15, Township 30 North, Range 20 West, Washington County, Minnesota, lying northwesterly of the northwesterly right-of-way line of Trunk Highway No. 95 as now located and established and southwesterly of the following described line: Commencing at the northeast corner of Government Lot 3 of Section 15, Township 30 North, Range 20 West, also being a point on the west line of said Government Lot 2; thence North 00 degrees 02 minutes 22 seconds West, assumed bearing along said west line of Government Lot 2 a distance of 142.51 feet to the point of beginning of the line to be described; thence South 50 degrees 10 minutes 16 seconds East, 151.14 feet to an in-place half-inch iron pipe monument; thence South 44 degrees 08 minutes 51 seconds East, 171.86 feet to an in-place 3/8 inch iron pipe monument; thence North 87 degrees 40 minutes 47 seconds East, 124.77 feet to an in-place iron bolt monument; thence South 47 degrees 38 minutes 00 seconds East, 94.53 feet to said Northwesterly right-of-way line of Trunk Highway No. 95 and there terminating;

containing 2.48 acres, more or less.

(c) The land on three sides of the parcel described in subdivision 1, paragraph (b), is owned by the United States. Most of the parcel is part of an island between two channels of the St. Croix River and is within the preliminary boundary of the Lower St. Croix National Scenic Riverway. The parcel has little potential for use other than for said public purpose.

(d) The parcel of land described in paragraph (b) is west of Trunk Highway No. 95 and across the road from the Boom Site area located approximately one-half mile northeast of the city of Stillwater. This parcel is to be used for construction of a sanitary drain field for the Boom Site Rest Area. The present drain field is undersized, causes unsanitary seepage, and does not conform to modern-day health standards. This parcel is within the Lower St. Croix National Scenic Riverway boundary and has little potential for use other than public purpose and/or supplementing adjacent public facilities.

(e) The two above-described parcels of land have been appraised and are of substantially equal value.

(f) The United States has agreed to a land exchange subject to terms of its existing scenic easement on the land described in paragraph (b). The United States has agreed to the proposed construction of a sanitary drain field by the Minnesota department of transportation on the land described in paragraph (b).

(g) The conveyances transferring the land described in subdivision 1, paragraph (b), to the United States and the land described in paragraph (b) to the state of Minnesota must be in a form approved by the attorney general.

Sec. 15. [REPEALER.]

Minnesota Statutes 1992, section 173.14, is repealed. Minnesota Rules, part 8810.1300, subpart 6, is repealed. Minnesota Statutes 1992, section 162.07, subdivision 4, is repealed.

Sec. 16. [EFFECTIVE DATE.]

Sections 1 to 4 and 9 to 15 are effective the day following final enactment. Sections 5 to 8 are effective for county state-aid fund apportionment payment in 1995 and thereafter."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Morrison and Wolf were excused between the hours of 1:30 p.m. and 3:30 p.m.

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

RECESS

RECONVENED

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

SPECIAL ORDERS, Continued

CALL OF THE HOUSE LIFTED

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

Hausman moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. [TRUNK HIGHWAY NO. 280; NOISE BARRIERS.]

Subdivision 1. [DEFINITION.] For purposes of this section "trunk highway No. 280 project" means a department of transportation highway improvement project on marked trunk highway No. 280 that would improve, expand, or reconstruct the highway.

Subd. 2. [REQUIREMENT.] If the commissioner of transportation takes any action between the effective date of this act and June 30, 1996, that would have the effect of delaying the start of the trunk highway No. 280 project beyond June 30, 1997, the commissioner shall, within 12 months after taking that action, erect noise barriers on the highway between marked interstate highways Nos. 94 and 35-W as provided in the noise barrier component of the project."

Renumber the remaining section

Page 1, line 24, delete "Section 1 is" and insert "Sections 1 and 2 are"

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Asch and Krinkie moved to amend H. F. No. 3011, as amended, as follows:

Page 1, line 23, insert:

"Sec. 2. [TRAFFIC SIGNAL.]

The commissioner of transportation shall, not later than June 1, 1994, install traffic signals on marked trunk highway no. 49 at its intersection with Hodgson Road Connection, at or near the entrance to the Chippewa middle school in the city of North Oaks."

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

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Weaver moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. [471.346] [PUBLICLY OWNED AND LEASED VEHICLES IDENTIFIED.]

All motor vehicles owned or leased by a statutory or home rule charter city, county, town, school district, metropolitan or regional agency, or other political subdivision, except for unmarked vehicles used in general police and fire work and arson investigations, shall have the name of the political subdivision plainly displayed on both sides of the vehicle in letters not less than 2-1/2 inches high and one-half inch wide. The identification must be in a color that contrasts with the color of the part of the vehicle on which it is placed and must remain on and be clean and visible throughout the period of which the vehicle is owned or leased by the political subdivision. The identification must not be on a removable plate or placard except on leased vehicles but the plate or placard must not be removed from a leased vehicle at any time during the term of the lease."

Page 1, line 24, delete "2" and insert "3"

Amend the title as follows:

Page 1, line 2, delete "highways" and insert "local government"

Page 1, line 3, after the semicolon, insert "requiring publicly owned or leased motor vehicles to be identified;"

Page 1, line 4, after "1" insert "; proposing coding for new law in Minnesota Statutes, chapter 471"

The motion prevailed and the amendment was adopted.

Steensma and Osthoff moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 1992, section 222.50, subdivision 7, is amended to read:

Subd. 7. [EXPENDITURES.] The commissioner may expend money from the rail service improvement account for the following purposes:

(a) To make transfers as provided under section 222.57 or to pay interest adjustments on loans guaranteed under the state rail user and rail carrier loan guarantee program;

(b) To pay a portion of the costs of capital improvement projects designed to improve rail service including construction or improvement of short segments of rail line such as side track, team track and connections between existing lines, and construction and improvement of loading, unloading, storage and transfer facilities of a rail user;

(c) To acquire, maintain, manage and dispose of railroad right-of-way pursuant to the state rail bank program;

(d) To provide for aerial photography survey of proposed and abandoned railroad tracks for the purpose of recording and reestablishing by analytical triangulation the existing alignment of the in-place track;

(e) To pay a portion of the costs of acquiring a rail line by a regional railroad authority established pursuant to chapter 398A;

(f) To pay for the maintenance of rail lines and rights-of-way acquired for the state rail bank under section 222.63, subdivision 2c; and

(g) To pay the state matching portion of federal grants for rail-highway grade crossing improvement projects.

All money derived by the commissioner from the disposition of railroad right-of-way or of any other property acquired pursuant to sections 222.46 to 222.62 shall be deposited in the rail service improvement account.

Sec. 3. Minnesota Statutes 1992, section 222.55, is amended to read:

222.55 [RAIL USER AND RAIL CARRIER LOAN GUARANTEE PROGRAM; PURPOSE.]

In order to aid rail users in obtaining credit for participation in contracts for rail line and rolling stock rehabilitation, acquisition, or installation and for paying the costs of capital improvements necessary to improve rail service or reduce the impact of discontinuance of rail service, and to aid rail carriers in the rehabilitation of locomotives and the acquisition and rehabilitation of rolling stock, there is established a rail user and rail carrier loan guarantee program to provide state money in guarantee of loans made according to the provisions of sections 222.55 to 222.62.

Sec. 4. Minnesota Statutes 1992, section 222.56, subdivision 5, is amended to read:

Subd. 5. [LOAN.] "Loan" means a loan or advance of credit provided by a financial institution to (1) either a rail user or rail carrier for participation in contracts for rail line or rolling stock rehabilitation, acquisition, or installation, or for paying the costs of capital improvements necessary to improve rail service or reduce the impact of discontinuance of rail service, or (2) a rail carrier for rehabilitation of locomotives.

Sec. 5. Minnesota Statutes 1992, section 222.56, subdivision 6, is amended to read:

Subd. 6. [~~PERSONAL GUARANTEE.~~] "~~Personal~~ Guarantee" means a personal or corporate obligation to pay the loan.

Sec. 6. Minnesota Statutes 1992, section 222.56, is amended by adding a subdivision to read:

Subd. 8. [RAIL CARRIER.] "Rail carrier" means a common carrier by rail engaged in rail transportation of people, goods, or products for hire.

Sec. 7. Minnesota Statutes 1992, section 222.56, is amended by adding a subdivision to read:

Subd. 9. [ROLLING STOCK.] "Rolling stock" means rail cars, machinery, and equipment used by a rail carrier to move people, goods, and products, but does not include maintenance of way equipment or tools used in the maintenance or upgrade of track.

Sec. 8. Minnesota Statutes 1992, section 222.57, is amended to read:

222.57 [RAIL USER AND RAIL CARRIER LOAN GUARANTEE ACCOUNT.]

There is created a rail user and rail carrier loan guarantee account as a separate account in the rail service improvement account, which shall be used by the commissioner for carrying out the provisions of sections 222.55 to 222.62 with respect to loans insured under section 222.58. The commissioner may transfer to the rail user and rail carrier loan guarantee account from money otherwise available in the rail service improvement account whatever amount is necessary to implement the rail user and rail carrier loan guarantee program and, except that bond proceeds may not be transferred to the account for insurance of loans made for the purposes specified in section 222.58, subdivision 2, paragraph (b), clauses (3) to (5). The commissioner may withdraw any amount from the rail user and rail carrier loan guarantee account that is not required to insure outstanding loans as provided in section 222.60, subdivision 1.

Sec. 9. Minnesota Statutes 1992, section 222.58, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY REQUIREMENTS.] A loan is eligible for insurance under this section under the following conditions:

(a) The loan shall be in an original principal amount, bear an interest rate, contain complete amortization provisions, and have a maturity satisfactory under such terms as the commissioner may prescribe by rule.

(b) The proceeds of the loan shall be used solely for

~~(i) (1) participation in contracts for capital investment loans for rail line rehabilitation, or acquisition, or installation;~~

~~(ii) (2) capital improvement projects designed to improve rail service or reduce the economic impact of discontinuance of rail service. The projects, and may include but are not limited to construction or improvement of short segments of rail line such as side track, team track, and connections between existing lines; and construction and improvement of loading, unloading, storage, and transfer facilities, and rail facilities of the rail user users or rail carriers;~~

(3) rehabilitation of locomotives owned by rail carriers primarily in operation on railroad lines within the state;

(4) rehabilitation or acquisition of rolling stock owned or acquired by rail users or rail carriers operating or doing business primarily within the state; or

(5) costs of technical and inspection services related to the rehabilitation of locomotives or acquisition or rehabilitation of rolling stock.

(c) The loan agreement shall contain such terms and provisions with respect to any other matters as the commissioner may prescribe.

(d) The borrower provides a personal guarantee and collateral for the loan which is acceptable to the commissioner as sufficient security to protect the interests of the state.

Sec. 10. Minnesota Statutes 1992, section 222.63, subdivision 8, is amended to read:

Subd. 8. [RAIL BANK ACCOUNTS.] A special account shall be maintained in the state treasury, designated as the rail bank maintenance account, to record the receipts and expenditures of the commissioner of transportation for the maintenance of rail bank property. Funds received by the commissioner of transportation from interest earnings, administrative payments, rentals, fees, or charges for the use of rail bank property, or received from rail line rehabilitation contracts shall be credited to the maintenance account and used for the maintenance of that property and held as a reserve for maintenance expenses in an amount determined by the commissioner, and amounts received in the maintenance account in excess of the reserve requirements shall be transferred to the rail service improvement account. All proceeds of the sale of abandoned rail lines shall be deposited in the rail service improvement account. All money to be deposited in this rail service improvement account as provided in this subdivision is appropriated to the commissioner of transportation for the purposes of this section. The appropriations shall not lapse but shall be available until the purposes for which the funds are appropriated are accomplished.

Sec. 11. [REPEALER.]

Minnesota Statutes 1992, section 222.58, subdivision 6, is repealed."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

McCollum and Frerichs moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. [ADVISORY COUNCIL ON MAJOR TRANSPORTATION PROJECTS.]

Subdivision 1. [ESTABLISHMENT; PURPOSE.] A state advisory council is established to provide a forum at the state level for education, discussion, and advice to the legislature on the financing of major transportation projects.

Subd. 2. [AUTHORITY; DUTIES.] The advisory council shall:

(1) identify significant highway and transit projects that could not be funded within the current transportation funding structure;

(2) evaluate methods for funding the identified projects;

(3) receive public testimony and consult with governmental units; and

(4) submit to the legislature a report and recommendations for a preferred plan to finance significant highway and transit projects by February 1, 1995.

Subd. 3. [MEMBERSHIP.] The advisory council shall consist of 15 members who serve at the pleasure of the appointing authority as follows:

(1) six legislators; three members of the senate appointed by the subcommittee on committees of the committee on rules and administration, and three members of the house of representatives appointed by the speaker; and

(2) nine public members who are residents of the state: two appointed by the subcommittee on committees of the committee on rules and administration of the senate, two appointed by the speaker of the house of representatives, and five appointed by the governor. The appointing authorities must consult with each other to assure that no more than eight members of the advisory council are of the same gender.

Subd. 4. [CHAIRS.] The legislative appointing authorities shall each designate a legislative appointee to serve as co-chair of the advisory council.

Subd. 5. [ADMINISTRATION.] Legislative staff and the commissioner of transportation shall provide administrative and staff assistance when requested by the advisory council."

Page 1, line 25, after the period, insert "Section 2 is effective the day following final enactment and is repealed June 30, 1995."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Trimble, Dawkins, Farrell, Mariani, Osthoff, McCollum and Orenstein moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. [METRO STATE DIRECTIONAL SIGNS.]

The commissioner of the department of transportation shall place directional signs for Metropolitan State University on marked interstate highways I-94 and 35E."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Hasskamp moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1992, section 160.81, is amended to read:

160.81 [HIGHWAYS IN RECREATION AREAS.]

Subdivision 1. [JOINT STANDARDS.] The commissioner of transportation, in consultation with the commissioner of natural resources, shall establish standards for trunk highway segments located in areas of unusual scenic interest. The standards shall:

(1) establish and ensure that the safety of the traveling public is maintained or enhanced;

(2) define "areas of unusual scenic interest," which must include major recreational areas, historic areas, and major publicly and privately owned tourist attractions;

(2) (3) prescribe standards for right-of-way, shoulders, and parking areas for trunk highway segments in such areas; and

(3) (4) prescribe standards for scenic overlooks, parking piers and other parking areas, tourist information facilities, public water access points and other facilities intended to expand the recreational use of trunk highway segments in such areas.

Subd. 2. [PLAN.] The commissioner of transportation, in consultation with the commissioner of natural resources, shall prepare a plan for the recreational uses of trunk highway right-of-way and adjacent public land in areas of unusual scenic interest. The plan must ensure that the safety of the traveling public is maintained or enhanced. The plan must provide for the enhancement of such recreational uses by the construction of new recreational facilities or the improvement or rehabilitation of existing recreational facilities, as enumerated in subdivision 1, clause (3) (4). The plan must provide for joint development of these facilities by the departments of transportation and natural resources, where feasible, and must contain provisions permitting local units of government and regional development commissions to participate in the planning and development of recreational facilities.

Subd. 3. [RECREATIONAL FACILITIES.] The commissioner of transportation may, in areas of unusual scenic interest:

(1) construct, improve, and maintain recreational facilities, including parking areas, scenic overlooks, and tourist information facilities, on trunk highway right-of-way and adjacent areas; and

(2) construct, improve, and maintain access ramps and turnoffs to connect trunk highways with recreational land owned by the department of natural resources.

Sec. 2. Minnesota Statutes 1992, section 160.82, subdivision 2, is amended to read:

Subd. 2. [RESTRICTIONS.] A road authority may not make a change in the width, grade, or alignment of a park road that would affect the wildlife habitat or aesthetic characteristics of the park road or its adjacent vegetation or terrain, unless:

(1) the change is required to permit the safe travel of vehicles at the speed lawfully designated for the park road, in which case the change must be made; or

(2) if the road is a county state-aid highway or municipal state-aid street, the change is required by the minimum state-aid standard applicable to the road."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Bettermann and Brown, K., moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1992, section 160.262, is amended by adding a subdivision to read:

Subd. 4. [DESIGN-BUILD BRIDGES FOR NONMOTORIZED VEHICLES.] For streets and highways, the commissioner shall allow for the acceptance of performance-specification bids, made by the lowest responsible bidder, for constructing design-build bridges for bicycle paths, bicycle trails, and pedestrian facilities that are:

(1) designed and used primarily for nonmotorized transportation, but may allow for motorized wheelchairs, golf carts, necessary maintenance vehicles and, when otherwise permitted by law, rule, or ordinance, snowmobiles; and

(2) located apart from any road or highway or protected by barriers, provided that a design-built bridge may cross over and above a road or highway."

Renumber the sections in sequence

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

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

McCollum; Johnson, V.; Stanius; Bettermann; Mariani and Neary moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 1993 Supplement, section 169.685, subdivision 5, is amended to read:

Subd. 5. [VIOLATION; PENALTY.] (a) Every motor vehicle operator, when transporting a child under the age of four on the streets and highways of this state in a motor vehicle equipped with factory-installed seat belts, shall equip and install for use in the motor vehicle, according to the manufacturer's instructions, a child passenger restraint system meeting federal motor vehicle safety standards.

(b) No motor vehicle operator who is operating a motor vehicle on the streets and highways of this state may transport a child under the age of four in a seat of a motor vehicle equipped with a factory-installed seat belt, unless the child is properly fastened in the child passenger restraint system. Any motor vehicle operator who violates this subdivision is guilty of a petty misdemeanor and may be sentenced to pay a fine of not more than \$50. The fine may be waived or the amount reduced if the motor vehicle operator produces evidence that within 14 days after the date of the violation a child passenger restraint system meeting federal motor vehicle safety standards was purchased or obtained for the exclusive use of the operator.

(c) The fines collected for violations of this subdivision must be deposited in the state treasury and credited to a special account to be known as the Minnesota child passenger restraint and education account.

Sec. 3. Minnesota Statutes 1992, section 169.685, is amended by adding a subdivision to read:

Subd. 7. [APPROPRIATION; SPECIAL ACCOUNT.] The Minnesota child passenger restraint and education account is created in the state treasury, consisting of fines collected under subdivision 5 and other money appropriated or donated. The money in the account is annually appropriated to the commissioner of public safety, to be used to provide child passenger restraint systems to families in financial need and to provide an educational program on the need for and proper use of child passenger restraint systems. The commissioner shall report to the legislature by February 1 of each odd-numbered year on the commissioner's activities and expenditure of funds under this section.

Page 1, after line 25, insert:

"Section 2 is effective August 1, 1994, for violations committed on and after that date."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The question was taken on the McCollum et al amendment and the roll was called. There were 122 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Abrams	Battaglia	Bergson	Brown, C.	Commers	Dawkins	Dorn
Anderson, R.	Bauerly	Bertram	Brown, K.	Cooper	Dehler	Erhardt
Asch	Beard	Bettermann	Carlson	Dauner	Delmont	Evans

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

Those who voted in the negative were:

Davids	Girard	Hugoson	Molnau	Waltman
Dempsey	Gutknecht	Knight	Sviggum	

The motion prevailed and the amendment was adopted.

Dehler moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 1992, section 221.121, subdivision 6b, is amended to read:

Subd. 6b. [SPECIAL PASSENGER SERVICE, CHARTER CARRIERS.] A person who has been granted a charter carrier permit by the board may provide special passenger service within the territory or on the routes granted in the order granting the charter carrier permit. When providing a special passenger service which originates within the carrier's permitted service territory, the charter carrier may pick up and discharge no more than eight people per vehicle or no more than 20 percent of the vehicle's rider capacity, whichever is less, outside of the carrier permitted service territory providing that the pick up and discharge point is not within an area being provided transit service by any metropolitan transit authority. A charter carrier that provides special passenger service must file a tariff that shows the rates and charges that apply to the special passenger service.

Sec. 3. [EFFECTIVE DATE.]

Section 2 is effective the day following final enactment."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Dehler amendment and the roll was called. There were 36 yeas and 95 nays as follows:

Those who voted in the affirmative were:

Abrams	Dehler	Girard	Gutknecht	Hugoson	Knight	Lindner
Bertram	Dempsey	Goodno	Haukoos	Johnson, V.	Krinkie	Molnau
Commers	Erhardt	Gruenes	Holsten	Knickerbocker	Limmer	Ness

Olson, M.	Pauly	Stanislaus	Tompkins	Wenzel
Onnen	Pawlenty	Sviggun	Vickerman	Worke
Opatz	Smith	Swenson	Waltman	Workman

Those who voted in the negative were:

Anderson, R.	Davids	Jacobs	Lasley	Murphy	Reding	Trimble
Asch	Dawkins	Jaros	Leppik	Neary	Rest	Tunheim
Battaglia	Delmont	Jefferson	Lieder	Nelson	Rhodes	Van Dellen
Bauerly	Dorn	Jennings	Long	Olson, E.	Rice	Van Engen
Beard	Evans	Johnson, A.	Lourey	Olson, K.	Rodosovich	Vellenga
Bergson	Farrell	Johnson, R.	Luther	Orenstein	Rukavina	Wagenius
Bettermann	Finseth	Kahn	Lynch	Orfield	Sarna	Weaver
Brown, C.	Frerichs	Kalis	Mahon	Osthoff	Seagren	Wejzman
Brown, K.	Garcia	Kelley	Mariani	Ostrom	Sekhon	Winter
Carlson	Greenfield	Kelso	McCollum	Ozment	Simoneau	Wolf
Carruthers	Greiling	Kinkel	McGuire	Pelowski	Skoglund	Spk. Anderson, I.
Clark	Hasskamp	Klinzing	Milbert	Perlt	Solberg	
Cooper	Hausman	Koppendraye	Mosel	Peterson	Steensma	
Dauner	Huntley	Krueger	Munger	Pugh	Tomassoni	

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

Evans; Garcia; Johnson, V.; Delmont; Steensma; Osthoff and Greiling moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 1992, section 169.01, is amended by adding a subdivision to read:

Subd. 77. [RESIDENTIAL ROADWAY.] Residential roadway means a street or portion of a street that is less than one-quarter mile in length and is functionally classified by the commissioner of transportation as a local street.

Sec. 3. Minnesota Statutes 1992, section 169.14, subdivision 2, is amended to read:

Subd. 2. [SPEED LIMITS.] (a) Where no special hazard exists the following speeds shall be lawful, but any speeds in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that the speed limit within any municipality shall be a maximum limit and any speed in excess thereof shall be unlawful:

- (1) 30 miles per hour in an urban district;
- (2) 65 miles per hour in other locations during the daytime;
- (3) 55 miles per hour in such other locations during the nighttime;
- (4) ten miles per hour in alleys; and

(5) 25 miles per hour in residential roadways if adopted by the road authority having jurisdiction over the residential roadway.

(b) A speed limit adopted under paragraph (a), clause (5) is not effective unless the road authority has erected signs designating the speed limit and indicating the beginning and end of the residential roadway on which the speed limit applies.

(c) "Daytime" means from a half hour before sunrise to a half hour after sunset, except at any time when due to weather or other conditions there is not sufficient light to render clearly discernible persons and vehicles at a distance of 500 feet. "Nighttime" means at any other hour or at any time when due to weather or other conditions there is not sufficient light to render clearly discernible persons and vehicles at a distance of 500 feet."

Renumber the remaining sections in sequence

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Kahn to the Chair.

Neary moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 1992, section 221.011, is amended by adding a subdivision to read:

Subd. 46. [YOUTH CHARTER CARRIER.] "Youth charter carrier" means a charter carrier who primarily transports, in passenger vehicles seating not more than 15 persons including the driver, students enrolled in public or private elementary or secondary schools or children under school age, but who provides service under contract to a school or school district only during the months of June through August.

Sec. 3. Minnesota Statutes 1993 Supplement, section 221.111, is amended to read:

221.111 [PERMITS TO OTHER MOTOR CARRIERS.]

Motor carriers other than certificated carriers and local cartage carriers shall obtain a permit in accordance with section 221.121. The board shall issue only the following kinds of permits:

- (1) class II-T permits;
- (2) class II-L permits;
- (3) livestock carrier permits;
- (4) contract carrier permits;
- (5) charter carrier permits;
- (6) courier service carrier permits;
- (7) local cartage carrier permits;
- (8) household goods mover permits;
- (9) temperature-controlled commodities permits; and
- (10) armored carrier permits; and
- (11) youth charter carrier permits.

Sec. 4. Minnesota Statutes 1992, section 221.121, is amended by adding a subdivision to read:

Subd. 6h. [YOUTH CHARTER CARRIER.] (a) A person who desires to hold out or operate as a youth charter carrier shall follow the procedures established in subdivision 1, paragraph (a), other than the requirement for filing letters of support, and specifically request a youth charter carrier permit. The board shall issue the permit upon

compliance with the laws and rules relating to it, if the board finds that the petitioner is fit and able to conduct the proposed operations and that the petitioner's vehicles meet the applicable rules of the commissioner prescribed under section 221.031.

(b) Nothing in this subdivision requires a holder of a charter carrier permit to obtain a permit under this subdivision to provide the service described in section 221.011, subdivision 46."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Lieder and Rice moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 1992, section 169.06, is amended by adding a subdivision to read:

Subd. 5a. [TRAFFIC CONTROL SIGNALS; OVERRIDE SYSTEM.] All electronic traffic control signals installed by a road authority on and after January 1, 1995, must be prewired to facilitate a later addition of a system that allows the operator of an authorized emergency vehicle to activate a green traffic signal for the vehicle.

Sec. 3. [169.745] [MILEAGE RECORDING EQUIPMENT REQUIRED.]

(a) A motor vehicle that (1) is required to be registered in Minnesota, or is exempt from registration under section 168.012, and (2) is sold in Minnesota on or after January 1, 2000, must be equipped with an automatic mileage recorder that meets standards prescribed by the commissioner of transportation.

(b) The automatic mileage recorder must:

(1) accurately record all miles traveled by the vehicle;

(2) display the mileage traveled within the vehicle in a manner easily read by the driver of the vehicle; and

(3) be capable of being read by sensors that are maintained by the commissioner of transportation.

This section does not apply to a motor vehicle sold in Minnesota and permanently removed from the state within ten days of the sale.

Sec. 4. [COMMISSIONER OF TRANSPORTATION; STUDY; REPORT.]

Subdivision 1. [HIGHWAY USER REVENUE SYSTEM STUDY.] The commissioner of transportation shall conduct a study of the desirability and feasibility of replacing, by January 1, 2001, the present highway user taxes on motor fuel and motor vehicle licenses with a highway user revenue system based on a charge on each vehicle based on the number of miles traveled by that vehicle in each year, as recorded by the automatic mileage recorder required in section 1. The study must include:

(1) an analysis of the possible benefits of such a system, including ease of collection, tax fairness, reduction of tax evasion, and effects on vehicles powered by alternative fuels;

(2) an analysis of the possible costs of such a system, including costs of installing and maintaining a mileage monitoring system, cost of collection compared to costs of collection for existing highway user taxes, and costs to the various classes of vehicles;

(3) an analysis of the feasibility of extending this revenue-collection system to nonresident vehicles;

(4) an evaluation of the state of technology for on-vehicle automated mileage recorders and mileage-recorder sensors, and the probable state of that technology on January 1, 2000;

(5) an analysis of the impact on commercial vehicle users, including those operating in interstate commerce;

(6) an analysis of such a system from the standpoint of the motorist, including a discussion of ease of payment, freedom of travel, tax fairness, and issues of privacy and data confidentiality;

(7) an analysis of the feasibility and desirability of utilizing such a system in implementing a road pricing policy in the metropolitan area; and

(8) a recommendation as to (i) whether the requirement contained in section 2 should be allowed to go into effect on January 1, 2000, and (ii) whether legislation should be enacted to replace the existing highway user tax system with one based on recorded mileage.

If the report recommends that legislation described in clause (8), item (ii), should be enacted, the report must contain draft legislation to accomplish this purpose.

The commissioner shall submit to the governor and legislature a preliminary report covering the above subjects not later than January 15, 1996, and a final report not later than January 15, 1998.

Subd. 2. [ROAD PRICING STUDY.] The commissioner of transportation, in cooperation with other agencies and institutions, shall conduct a study to determine the scope of and to analyze the potential for implementation of road pricing options. This study will utilize the results of the road pricing conceptual planning study completed by the metropolitan council in March 1994, which identified road pricing objectives, options, and evaluation criteria.

The study will include, but is not limited to:

(1) an evaluation of public acceptance and understanding of alternative road pricing options;

(2) initiation of the public participation process, including focus group discussions with affected stakeholders;

(3) a detailed analysis, evaluation, and quantification of the impacts of various road pricing options;

(4) a financial analysis of each road pricing option, including the implementation costs, user costs, and revenue estimates;

(5) selection of specific road pricing options for future demonstration and testing in the metropolitan area or statewide; and

(6) a detailed study design, schedule, and cost estimate for a draft environmental impact statement meeting appropriate state and federal requirements.

The commissioner shall submit a written report of the results of the study to the legislature no later than January 15, 1996."

Renumber the remaining section

Page 1, line 25, delete "Section 1 is" and insert "Sections 1 to 4 are"

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Peterson and Johnson, V., moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 1993 Supplement, section 169.18, subdivision 5, is amended to read:

Subd. 5. [DRIVING LEFT OF ROADWAY CENTER; EXCEPTION.] (a) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction;

(b) Except on a one-way roadway or as provided in paragraph (c), no vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left half of the roadway under the following conditions:

(1) When approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of 700 feet;

(2) When approaching within 100 feet of any underpass or tunnel, railroad grade crossing, intersection within a city, or intersection outside of a city if the presence of the intersection is marked by warning signs; or

(3) Where official signs are in place prohibiting passing, or a distinctive center line is marked, which distinctive line also so prohibits passing, as declared in the manual of traffic-control devices adopted by the commissioner.

(c) Paragraph (b) does not apply to a self-propelled or towed implement of husbandry that (1) is escorted at the front by a registered motor vehicle that is displaying vehicular hazard warning lights visible to the front and rear in normal sunlight, and (2) does not extend into the left half of the roadway to any greater extent than made necessary by the total width of the right half of the roadway together with any adjacent shoulder that is suitable for travel. Between sunrise and sunset a self-propelled implement of husbandry may display a flashing amber lamp authorized under section 169.64, subdivision 6, paragraph (c), in lieu of the requirement of clause (1)."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Dehler moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 1993 Supplement, section 169.01, subdivision 78, is amended to read:

Subd. 78. [RECREATIONAL VEHICLE COMBINATION.] "Recreational vehicle combination" means a combination of vehicles consisting of a pickup truck as defined in section 168.011, subdivision 29, attached by means of a fifth-wheel coupling to a camper-semitrailer which has hitched to it a horse trailer or a trailer carrying a watercraft as defined in section 86B.005, subdivision 18. For purposes of this subdivision:

(a) A "fifth-wheel coupling" is a coupling between a camper-semitrailer and a towing pickup truck in which a portion of the weight of the camper-semitrailer is carried over or forward of the rear axle of the towing pickup.

(b) A "camper-semitrailer" is a trailer, other than a manufactured home as defined in section 327B.01, subdivision 13, designed for human habitation and used for vacation or recreational purposes for limited periods.

Sec. 3. Minnesota Statutes 1993 Supplement, section 169.81, subdivision 3c, is amended to read:

Subd. 3c. [RECREATIONAL VEHICLE COMBINATIONS.] Notwithstanding subdivision 3, a recreational vehicle combination may be operated without a permit if:

- (1) the combination does not consist of more than three vehicles, and the towing rating of the pickup truck is equal to or greater than the total weight of all vehicles being towed;
- (2) the combination does not exceed 60 feet in length;
- (3) the camper-semitrailer in the combination does not exceed 26 feet in length;
- (4) the operator of the combination is at least 18 years of age;
- (5) the trailer carrying horses or a watercraft meets all requirements of law;
- (6) the trailers in the combination are connected to the pickup truck and each other in conformity with section 169.82; and
- (7) the combination is not operated within the seven-county metropolitan area, as defined in section 473.121, subdivision 2, during the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m. on Mondays through Fridays."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Perlt, Pugh, Reding, Weaver, Sarna and Beard moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 3. [LEAVE DONATION PROGRAM.]

Subdivision 1. [DONATION OF VACATION TIME.] A state employee may donate up to 12 hours of accrued vacation leave for the benefit of a state department of military affairs employee whose efforts to aid victims of an automobile accident resulted in his total disability in January 1994. The vacation hours donated must be credited to the sick leave account of the receiving state employee. If the receiving state employee uses all donated time, additional hours, up to 50 hours per employee, accrued vacation leave time may be donated.

Subd. 2. [PROCESS FOR CREDITING.] The donating employee must notify the employee's agency head of the accrued vacation time the employee wishes to donate. The agency head shall transfer that amount to the sick leave account of the recipient. A donation of accrued vacation leave time is irrevocable once it has been transferred to the recipient's account."

Page 1, after line 25, insert:

"Section 3 is effective the day following final enactment."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Peterson moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. [LAC QUI PARLE COUNTY HISTORICAL MUSEUM.]

The commissioner of the department of transportation shall place directional signs for the Lac qui Parle county historical museum on marked trunk highway 40 and at the intersection of marked trunk highways 212 and 75."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

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

Long moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. [INTERSTATE HIGHWAY NO. 394; NOISE BARRIERS.]

The commissioner of transportation shall complete the noise barrier project on the north side of interstate highway no. 394 in Minneapolis adjacent to the property owned by US West, Inc. as a high priority construction project."

Renumber the remaining section

Page 1, line 24, delete "Section 1 is" and insert "Sections 1 and 2 are"

Amend the title accordingly

Leppik moved to amend the Long amendment to H. F. No. 3011, as amended, as follows:

Page 1, after line 7, insert:

"Sec. 3. [I-394 HIGHWAY LANE.]

Notwithstanding Minnesota Statutes, section 161.123, or other law to the contrary, and following completion of the phase III evaluation, the commissioner of transportation may make changes necessary to maximize the use of existing paved road surface of that portion of interstate highway marked No. I-394 in the vicinity of Penn avenue in the city of Minneapolis.

The commissioner shall notify any neighborhood associations in the areas adjacent to the affected right-of-way at least 90 days before changes are made pursuant to this section."

Page 1, line 10, delete "and 2" and insert "to 3"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 49 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Holsten	Krinkie	Ness	Rhodes	Van Engen
Carlson	Girard	Hugoson	Leppik	Olson, M.	Seagren	Vickerman
Dauids	Goodno	Jennings	Limmer	Onnen	Smith	Waltman
Dehler	Greiling	Johnson, V.	Lindner	Ozment	Sviggum	Weaver
Dempsey	Gruenes	Kelley	Macklin	Pauly	Swenson	Wolf
Erhardt	Gutknecht	Knickerbocker	Molnau	Pawlenty	Tompkins	Worke
Finseth	Haukoos	Koppendraye	Morrison	Rest	Van Dellen	Workman

Those who voted in the negative were:

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

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

The question recurred on the Long amendment to H. F. No. 3011, as amended. The motion prevailed and the amendment was adopted.

Bergson and Carruthers moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. [NOISE ABATEMENT BARRIER.]

The commissioner of transportation, in accordance with the plan required under Minnesota Statutes, section 161.125, shall construct a noise abatement barrier on the eastern most side of the right-of-way of marked trunk highway No. 252 from its intersection with 73rd Avenue North to a point where 74th Avenue North would, if extended, intersect marked highway No. 252."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Stanis moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 1992, section 169.64, subdivision 4, is amended to read:

Subd. 4. [BLUE LIGHTS.] (a) Except as provided in paragraph (b), blue lights are prohibited on all vehicles except road maintenance equipment and snow removal equipment operated by or under contract to the state or a political subdivision thereof.

(b) Authorized emergency vehicles may display flashing blue lights to the rear of the vehicle as a warning signal in combination with other lights permitted or required by this chapter."

Renumber the sections in sequence

Correct internal references.

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Van Engen and Tompkins moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 1992, section 297B.09, subdivision 1, is amended to read:

297B.09 [ALLOCATION OF REVENUE.]

Subdivision 1. [GENERAL FUND SHARE.] (a) Money collected and received under this chapter must be deposited in the state treasury and credited to the general fund. ~~The amounts collected and received shall be credited as provided in this subdivision, and transferred from the general fund on July 15 and February 15 of each fiscal year. The commissioner of finance must make each transfer based upon the actual receipts of the preceding six calendar months and include the interest earned during that six month period. The commissioner of finance may establish a quarterly or other schedule providing for more frequent payments to the transit assistance fund if the commissioner determines it is necessary or desirable to provide for the cash flow needs of the recipients of money from the transit assistance fund.~~

~~(b) Twenty five percent of the money collected and received under this chapter after June 30, 1990, and before July 1, 1991, must be transferred to the highway user tax distribution fund and the transit assistance fund for apportionment as follows: 75 percent must be transferred to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund, and the remaining 25 percent of the money must be transferred to the transit assistance fund to be appropriated to the commissioner of transportation for transit assistance within the state and to the regional transit board.~~

~~(c) The distributions under this subdivision to the highway user tax distribution fund until June 30, 1991, and to the trunk highway fund thereafter, must be reduced by the amount necessary to fund the appropriation under section 41A.09, subdivision 1. For the fiscal years ending June 30, 1988, and June 30, 1989, the commissioner of finance, before making the transfers required on July 15 and January 15 of each year, shall estimate the amount required to fund the appropriation under section 41A.09, subdivision 1, for the six month period for which the transfer is being made. The commissioner shall then reduce the amount transferred to the highway user tax distribution fund by the amount of that estimate. The commissioner shall reduce the estimate for any six month period by the amount by which the estimate for the previous six month period exceeded the amount needed to fund the appropriation under section 41A.09, subdivision 1, for that previous six month period. If at any time during a six month period in those fiscal years the amount of reduction in the transfer to the highway user tax distribution fund is insufficient to fund the appropriation under section 41A.09, subdivision 1 for that period, the commissioner shall transfer to the general fund from the highway user tax distribution fund an additional amount sufficient to fund the appropriation for that period, but the additional amount so transferred to the general fund in a six month period may not exceed the amount transferred to the highway user tax distribution fund for that six month period. as follows:~~

(a) In fiscal years 1997 and 1998, 75 percent to the general fund, 18.75 percent to the highway user tax distribution fund, and 6.25 percent to the transit assistance fund.

(b) In fiscal years 1999 and 2000, 50 percent to the general fund, 37.5 percent to the highway user tax distribution fund, and 12.5 percent to the transit assistance fund.

(c) In fiscal years 2001 and 2002, 25 percent to the general fund, 56.25 percent to the highway user tax distribution fund, and 18.75 percent to the transit assistance fund.

(d) In fiscal years 2003 and thereafter, 75 percent to the highway user tax distribution fund and 25 percent to the transit assistance fund."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

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

Workman and Osthoff moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. [TRAFFIC SIGNAL.]

The commissioner of transportation shall, not later than June 1, 1995, install traffic signals on marked trunk highway no. 5 at its intersection with Galpin Boulevard, at or near the entrance to the Chanhassen Elementary School No. 2, in the city of Chanhassen."

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

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Olson, M., moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. [STUDY OF INSURANCE-BASED SEAT BELT USE.]

The commissioners of commerce and public safety shall jointly study the desirability of enacting legislation requiring auto insurers to offer insureds the option of purchasing auto insurance based upon seat belt usage. The report must address the following issues:

- (1) imposition of a substantial deductible for claims for injuries incurred when a seat belt is not used;
- (2) actuarially appropriate premium reductions by insurers for providing this coverage; and
- (3) imposition of penalties for failure to wear seat belts after such an option is purchased.

The commissioners shall report their written findings and recommendations to the legislature no later than January 1, 1996."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Asch moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. [INTERSTATE HIGHWAY NO. 694; NOISE BARRIERS.]

The commissioner of transportation shall complete the noise barrier project on the south side of interstate highway no. 694 in Shoreview west from the end of the existing noise barrier to the Soo Line Railroad overpass near Cardigan road, as a high priority construction project."

Renumber the remaining section

Page 1, line 24, delete "Section 1 is" and insert "Sections 1 and 2 are"

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Osthoff moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 1992, section 168.1281, is amended by adding a subdivision to read:

Subd. 5. [PICKUP OF PASSENGERS RESTRICTED.] (a) A vehicle bearing personal transportation service license plates may not pick up passengers for hire within Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington county.

(b) The registrar shall include a notice of the restriction in paragraph (a), with its effective date, with each set of personal transportation service license plates issued.

Sec. 3. Minnesota Statutes 1992, section 221.85, subdivision 1, is amended to read:

Subdivision 1. [PERMIT REQUIRED; RULES.] No person may provide personal transportation service for hire without having obtained a personal transportation service permit from the commissioner. The commissioner shall adopt rules governing the issuance of permits and furnishing of personal transportation service. The rules must provide for:

- (1) annual inspections of vehicles;
- (2) driver qualifications including requiring a criminal history check of drivers;
- (3) insurance requirements;
- (4) advertising regulations, including requiring a copy of the permit to be carried in the personal transportation service vehicle and the use of the words "licensed and insured";
- (5) agreements with political subdivisions for sharing enforcement costs with the state;
- (6) issuance of temporary permits and fees therefor; and
- (7) other requirements the commissioner deems necessary to carry out the purposes of this section.

The rules must provide that the holder of a personal transportation service permit may not pick up passengers for hire within Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington county.

Sec. 4. [REPEALER.]

Minnesota Statutes 1993 Supplement, section 168.1281, subdivision 4; and Laws 1993, chapter 323, sections 3 and 4; are repealed."

Renumber the remaining section

Page 1, line 25, after the period insert "Sections 2 to 4 are effective July 1, 1994."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Osthoff moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. [DEPARTMENT OF TRANSPORTATION; STUDY.]

The commissioner of transportation shall take all necessary steps to establish a direct highway connection between marked interstate highway 35-E and Ayd Mill Road in the city of St. Paul. The city of St. Paul shall cooperate with the commissioner to the extent necessary to carry out the purposes of this section. The commissioner shall permit use of the direct connection by motor vehicles only during the period from June 1, 1994, to November 30, 1994. The commissioner shall study (1) the effects of the direct connection on the flow of traffic within the city of St. Paul and within the metropolitan area, (2) the effects of the direct connection on affected neighborhoods within the city of St. Paul. The commissioner shall report to the legislature by February 1, 1995, on the results of this study."

Renumber the remaining section

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

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Ness moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 1992, section 161.172, is amended to read:

161.172 [MUNICIPALITIES TO CONSENT.]

In any municipality of less than 10,000 population which is the county seat of that county and which is located outside of the metropolitan area, no existing trunk highway which passes within the corporate limits may be relocated outside of those corporate limits without the consent of the governing body of that municipality.

For all projects where relocation outside of the corporate limits is not proposed or for projects where consent of the governing body to relocate the trunk highway has been given and, except for routes on the interstate system, no state trunk highway or any part thereof, located within the corporate limits of any municipality, shall be constructed or improved in the manner specified in this section without the consent of the governing body of such municipality, unless the procedures prescribed by sections 161.172 to 161.177 shall have been followed by the commissioner of transportation. The highway improvements requiring consent are limited to those improvements which alter access, increase or reduce highway traffic capacity or require acquisition of permanent rights-of-way. This section shall not limit the power of the commissioner to regulate traffic or install traffic control devices or other safety measures on trunk highways located within municipalities.

Nothing contained in this section shall be construed as in any way limiting the commissioner's discretion to determine the priority and programming of trunk highway construction."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

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

Haukoos moved to amend H. F. No. 3011, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 1993 Supplement, section 169.81, subdivision 3c, is amended to read:

Subd. 3c. [RECREATIONAL VEHICLE COMBINATIONS.] Notwithstanding subdivision 3, a recreational vehicle combination may be operated without a permit if:

(1) the combination does not consist of more than three vehicles, and the towing rating of the pickup truck is equal to or greater than the total weight of all vehicles being towed;

(2) the combination does not exceed ~~60~~ 65 feet in length;

(3) the camper-semitrailer in the combination does not exceed ~~26~~ 30 feet in length;

(4) the operator of the combination is at least 18 years of age;

(5) the trailer carrying a watercraft meets all requirements of law;

(6) the trailers in the combination are connected to the pickup truck and each other in conformity with section 169.82; and

(7) the combination is not operated within the seven-county metropolitan area, as defined in section 473.121, subdivision 2, during the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m. on Mondays through Fridays."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Frerichs, Vickerman and Sviggum offered an amendment to H. F. No. 3011, as amended.

POINT OF ORDER

Peterson raised a point of order pursuant to rule 3.10 that the Frerichs et al amendment was not in order. The Speaker ruled the point of order not well taken and the amendment in order.

POINT OF ORDER

Rice raised a point of order pursuant to rule 3.09 that the Frerichs et al amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

MOTION FOR RECONSIDERATION

Osthoff moved that the vote whereby the third Osthoff amendment to H. F. No. 3011, as amended, which was adopted earlier today, be now reconsidered. The motion prevailed.

Osthoff withdrew his third amendment to H. F. No. 3011, as amended.

H. F. No. 3011, as amended, was read for the third time.

Osthoff moved that H. F. No. 3011, as amended, be continued on Special Orders. The motion prevailed.

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

GENERAL ORDERS

Carruthers 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:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2920, A bill for an act relating to the environment; reestablishing the office of waste management as the office of environmental assistance; transferring environmental assistance programs from the pollution control agency to the office; transferring waste management and policy planning from the metropolitan council to the office; amending Minnesota Statutes 1992, sections 115A.03, by adding a subdivision; 115A.055; 115A.06, subdivision 2; 115A.072; 115A.12; 115A.14, subdivision 4; 115A.15, subdivision 5; 115A.411, subdivision 1; 115A.42; 115A.5501, subdivision 2; 115A.84, subdivision 3; 115A.86, subdivision 2; 115A.912, subdivision 1; 115A.96, subdivision 2; 116F.02, subdivision 2; 473.149, subdivisions 1, 3, 5, and by adding a subdivision; 473.8011; 473.803, subdivisions 2 and 4; and 473.823, subdivision 5; Minnesota Statutes 1993 Supplement, sections 115A.551, subdivision 4; 115A.96, subdivisions 3 and 4; 115A.981, subdivision 3; 473.149, subdivision 6; 473.803, subdivision 3; and 473.846; repealing Minnesota Statutes 1992, sections 115A.81, subdivision 3; 115A.914, subdivision 1; 115A.952; 116F.06, subdivisions 2, 3, 4, and 5; 116F.08; 473.181, subdivision 4; and 473.803, subdivision 1b; Minnesota Statutes 1993 Supplement, section 473.149, subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2362, A bill for an act relating to animals; changing the definition of a potentially dangerous dog; changing the identification tag requirements for a dangerous dog; amending Minnesota Statutes 1992, sections 347.50, subdivision 3; and 347.51, subdivision 7.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1899, A bill for an act relating to state government; revising procedures used for adoption and review of administrative rules; correcting erroneous, ambiguous, obsolete, and omitted text and obsolete references; eliminating redundant, conflicting, and superseded provisions in Minnesota Rules; making various technical changes; amending Minnesota Statutes 1992, sections 10A.02, by adding a subdivision; 14.05, subdivision 1; 14.12; 14.38, subdivisions 1, 7, 8, and 9; 14.46, subdivisions 1 and 3; 14.47, subdivisions 1, 2, and 6; 14.50; 14.51; 17.84; 84.027, by adding a subdivision; and 128C.02, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 3.841; and 3.984, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 3; and 14; correcting Minnesota Rules, parts 1200.0300; 1400.0500; 3530.0200; 3530.1500; 3530.2614; 3530.2642; 4685.0100; 4685.3000; 4685.3200; 4692.0020; 5000.0400; 7045.0075; 7411.7100; 7411.7400; 7411.7700; 7883.0100; 8130.3500; 8130.6500; 8800.1200; 8800.1400; 8800.3100; 8820.0600; 8820.2300; 9050.1070; and 9505.2175; repealing Minnesota Statutes 1992, sections 3.842; 3.843; 3.844; 3.845; 3.846; 14.03, subdivision 3; 14.05, subdivisions 2 and 3; 14.06; 14.08; 14.09; 14.11; 14.115; 14.131; 14.1311; 14.14; 14.15; 14.16; 14.18, subdivision 1; 14.19; 14.20; 14.22; 14.225; 14.23; 14.235; 14.24; 14.25; 14.26; 14.27; 14.28; 14.29; 14.30; 14.305; 14.31; 14.32; 14.33; 14.34; 14.35; 14.36; 14.365; 14.38, subdivisions 4, 5, and 6; and 17.83; Minnesota Statutes 1993 Supplement, sections 3.984; and 14.10; Minnesota Rules, parts 1300.0100; 1300.0200; 1300.0300; 1300.0400; 1300.0500; 1300.0600; 1300.0700; 1300.0800; 1300.0900; 1300.0940; 1300.0942; 1300.0944; 1300.0946; 1300.0948; 1300.1000; 1300.1100; 1300.1200; 1300.1300; 1300.1400; 1300.1500; 1300.1600; 1300.1700; 1300.1800; 1300.1900; 1300.2000; 4685.2600; 4692.0020, subpart 2; 4692.0045; 7856.1000, subpart 5; 8017.5000; 8130.9500, subpart 6; 8130.9912; 8130.9913; 8130.9916; 8130.9920; 8130.9930; 8130.9956; 8130.9958; 8130.9968; 8130.9972; 8130.9980; 8130.9992; and 8130.9996.

PATRICK E. FLAHAVEN, Secretary of the Senate

Greiling moved that the House refuse to concur in the Senate amendments to H. F. No. 1899, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 2365, A bill for an act relating to traffic regulations; making technical changes; removing requirement for auxiliary low beam lights to be removed or covered when snowplow blade removed; requiring seat belts for commercial motor vehicles; allowing transportation within state of raw farm and forest products exceeding maximum weight limitation by not more than ten percent; amending Minnesota Statutes 1992, sections 169.743; and 169.851, subdivision 5; Minnesota Statutes 1993 Supplement, sections 169.122, subdivision 5; 169.47, subdivision 1; 169.522, subdivision 1; 169.56, subdivision 5; and 169.686, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Morrison moved that the House refuse to concur in the Senate amendments to H. F. No. 2365, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 3086, A bill for an act relating to the environment; expanding the authority of the commissioner of the pollution control agency to release persons from liability for contamination from petroleum tanks; establishing an environmental cleanup program for landfills; increasing the solid waste generator fee; providing penalties; appropriating money; abolishing the metropolitan landfill contingency action trust fund; transferring trust fund assets; transferring certain personnel, powers, and duties back to the office of waste management; transferring solid and hazardous waste management personnel, powers, and duties of the metropolitan council to the office of waste management; amending Minnesota Statutes 1992, sections 115.073; 115A.055; 115B.42, subdivision 1, and by adding subdivisions; 115C.03, subdivision 9; 116G.15; 383D.71, subdivision 1; 473.801, subdivisions 1 and 4; 473.841; 473.842, subdivision 1; and 473.843, subdivision 2; amending Minnesota Statutes 1993 Supplement, sections 115B.42, subdivision 2; and 116.07, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1992, sections 473.842, subdivisions 1a, 4a, and 5; 473.845; and 473.847.

PATRICK E. FLAHAVEN, Secretary of the Senate

Wagenius moved that the House refuse to concur in the Senate amendments to H. F. No. 3086, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate has rejected the recommendations and Conference Committee Report on H. F. No. 2411 and requests that the Conference Committee be discharged and a new Conference Committee be appointed.

H. F. No. 2411, A bill for an act relating to retirement; providing for coverage of employees of lessee of Itasca Medical Center facilities by the public employees retirement association.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

MOTIONS FOR RECONSIDERATION

Solberg moved that the vote whereby H. F. No. 2411 was repassed, as amended by Conference, on Friday, April 22, 1994, be now reconsidered. The motion prevailed.

Solberg moved that the vote whereby the House adopted the Conference Committee Report on H. F. No. 2411 be now reconsidered. The motion prevailed.

Solberg moved that the House accede to the request of the Senate, that the Speaker appoint a new Conference Committee of 3 members on the part of the House, and that H. F. No. 2411 be transmitted to the Senate with the request that new conferees also be appointed by the Senate. The motion prevailed.

MOTIONS AND RESOLUTIONS

Olson, M., moved that his name be stricken as an author on H. F. No. 2135. The motion prevailed.

Wejcman moved that the name of Swenson be added as an author on H. F. No. 2380. The motion prevailed.

Pugh moved that the names of Reding and Gutknecht be stricken and the names of Mahon and Seagren be added as authors on H. F. No. 2839. The motion prevailed.

Brown, C., moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Tuesday, April 26, 1994, when the vote was taken on the Knight amendment to S. F. No. 2192, as amended." The motion prevailed.

Brown, K., moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the negative on Tuesday, April 26, 1994, when the vote was taken on the Gutknecht amendment to S. F. No. 2192, as amended." The motion prevailed.

Garcia moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the negative on Tuesday, April 26, 1994, when the vote was taken on the Van Engen et al amendment to S. F. No. 2192, as amended." The motion prevailed.

Molnau moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the negative on Tuesday, April 26, 1994, when the vote was taken on the Klinzing et al amendment to S. F. No. 2192, as amended." The motion prevailed.

Smith moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Tuesday, April 26, 1994, when the vote was taken on the Knight amendment to S. F. No. 2192, as amended." The motion prevailed.

Clark moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Tuesday, April 26, 1994, when the vote was taken on the repassage of H. F. No. 2478, as amended by the Senate." The motion prevailed.

Clark moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Tuesday, April 26, 1994, when the vote was taken on the repassage of H. F. No. 2839, as amended by the Senate." The motion prevailed.

Tomassoni moved that H. F. No. 2443 be recalled from the Committee on Education and be re-referred to the Committee on Capital Investment. The motion prevailed.

Olson, K., moved that H. F. No. 2089 be returned to its author. The motion prevailed.

Rodosovich moved that H. F. No. 2741 be returned to its author. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2365:

Morrison, Osthoff and Lieder.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2411:

Solberg; Johnson, R., and Bishop.

ADJOURNMENT

Carruthers moved that when the House adjourns today it adjourn until 9:30 a.m., Thursday, April 28, 1994. The motion prevailed.

Carruthers moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:30 a.m., Thursday, April 28, 1994.

