

SIXTY-SECOND DAY

St. Paul, Minnesota, Thursday, May 16, 1985

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

Mr. Luther imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Cy Solberg.

The roll was called, and the following Senators answered to their names:

Adkins	Diessner	Knutson	Novak	Schmitz
Anderson	Dieterich	Kroening	Olson	Sieloff
Belanger	Frank	Kronebusch	Pehler	Solon
Benson	Frederick	Laidig	Peterson, C.C.	Spear
Berg	Frederickson	Langseth	Peterson, D.C.	Storm
Berglin	Freeman	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Gustafson	Lessard	Peterson, R.W.	Taylor
Bertram	Hughes	Luther	Petty	Vega
Brataas	Isackson	McQuaid	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Wegscheid
Dahl	Johnson, D.J.	Merriam	Ramstad	Willet
Davis	Jude	Moe, D.M.	Reichgott	
DeCramer	Kamrath	Moe, R.D.	Renneke	
Dicklich	Knaak	Nelson	Samuelson	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Johnson, D.J. moved that the following members be excused for a Conference Committee on H.F. No. 756 at 12:00 noon:

Messrs. Johnson, D.J.; Novak; Peterson, C.C.; Merriam and Petty. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Ms. Berglin moved that the following members be excused for a Conference Committee on S.F. No. 1525 at 12:45 p.m.:

Messrs. Samuelson, Knutson, Solon, Spear and Ms. Berglin. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Kroening moved that the following members be excused for a Conference Committee on H.F. No. 1641 at 1:30 p.m.:

Messrs. Kroening, Frederickson, Luther, Willet and Dahl. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 45, 798, 1358, 1374, 1499, 904, 1131, 1388, 1414, 63, 82, 228, 1485, 375, 1347 and 1353.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 1985

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1171: A bill for an act relating to state lands; conveying land to Olmsted county.

Senate File No. 1171 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 1985

CONCURRENCE AND REPASSAGE

Mrs. Brataas moved that the Senate concur in the amendments by the House to S.F. No. 1171 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1171 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 47 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frank	Knaak	Pehler	Storm
Belanger	Frederick	Knutson	Peterson, D.C.	Stumpf
Benson	Frederickson	Kroening	Peterson, D.L.	Taylor
Berg	Freeman	Kronebusch	Peterson, R.W.	Vega
Bernhagen	Gustafson	Laidig	Pogemiller	Waldorf
Bertram	Hughes	Langseth	Reichgott	Wegscheid
Brataas	Isackson	Luther	Renneke	Willet
Dahl	Johnson, D.E.	McQuaid	Schmitz	
DeCramer	Jude	Moe, D.M.	Sieloff	
Dieterich	Kamrath	Nelson	Spear	

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 925: A bill for an act relating to economic development; granting certain powers to municipalities; amending Minnesota Statutes 1984, sections 16B.61, subdivision 3; 273.73, subdivisions 9, 12, and by adding a subdivision; 273.74, subdivision 3; 273.75, subdivision 1, and by adding a subdivision; 273.76, subdivision 1; 458.16, by adding a subdivision; 462.352, subdivisions 5, 7, 9, 10, 15, and by adding a subdivision; 462.357, subdivision 1; 462.358, subdivision 2a; 472.08, subdivision 1; 472A.03; 474.02, by adding a subdivision; Laws 1980, chapter 595, section 3, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 465; and proposing coding for new law as Minnesota Statutes, chapter 472B.

Senate File No. 925 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 1985

CONCURRENCE AND REPASSAGE

Mr. Pogemiller moved that the Senate concur in the amendments by the House to S.F. No. 925 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 925 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 41 and nays 17, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Petty	Stumpf
Anderson	Frederick	Kronebusch	Pogemiller	Taylor
Belanger	Frederickson	Laidig	Purfeerst	Vega
Berg	Freeman	Langseth	Ramstad	Wegscheid
Berglin	Gustafson	Lessard	Reichgott	Willet
Bernhagen	Hughes	Luther	Renneke	
Bertram	Isackson	Mehrkins	Schmitz	
Brataas	Johnson, D.E.	Olson	Spear	
Chmielewski	Kamrath	Peterson, D.C.	Storm	

Those who voted in the negative were:

Benson	Dieterich	Kroening	Pehler	Waldorf
Dahl	Frank	Merriam	Peterson, D.L.	
Davis	Jude	Moe, D.M.	Peterson, R.W.	
DeCramer	Knaak	Nelson	Sieloff	

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the con-

currence of the Senate is respectfully requested:

S.F. No. 647: A bill for an act relating to education; Minnesota Educational Computing Corporation; removing some limits on its powers; providing for compliance with certain bidding laws for management computing services; amending Minnesota Statutes 1984, sections 119.04, subdivision 2; 119.05, subdivision 2; and 119.07.

Senate File No. 647 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 1985

Mr. Pehler moved that the Senate do not concur in the amendments by the House to S.F. No. 647, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 230: A bill for an act relating to commerce; authorizing industrial loan and thrifts to sell certain evidences of indebtedness; establishing different certificate of authorization requirements for corporations that will and will not sell or issue thrift certificates; modifying certain application and examination duties of the department of commerce; providing simplified requirements for the issuance of more than one certificate of authorization to the same corporation; clarifying the right of industrial loan and thrifts to collect certain additional loan charges; exempting certain mortgage purchasers and assignees from licensing as regulated lenders; prohibiting industrial loan and thrifts from using the words "savings and loan" in their corporate names; authorizing regulated lenders to make loans up to ten percent of capital; modifying the licensing provisions governing regulated lenders; providing for changes in business locations of regulated lenders; increasing the minimum default charge that may be charged; providing for the determination of interest; authorizing certain additional loan charges; and providing alternative loan disclosure requirements; providing that certain violations do not impair obligations of a contract; providing penalties; providing for certain dollar adjustments; amending Minnesota Statutes 1984, sections 48.151; 53.03, subdivisions 1, 2, 2a, 3a, 5, 7, 8, and by adding a subdivision; 53.04, subdivision 3a; 53.05; 56.01; 56.04; 56.07; 56.12; 56.125, subdivision 4; 56.131, subdivisions 1 and 4; 56.19, subdivision 4, and by adding a subdivision; and 550.37, subdivision 4a; repealing Minnesota Statutes 1984, section 53.03, subdivision 4.

Senate File No. 230 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 1985

CONCURRENCE AND REPASSAGE

Mr. Wegscheid moved that the Senate concur in the amendments by the

House to S.F. No. 230 and that the bill be placed on its repassage as amended. The motion prevailed.

RECONSIDERATION

Having voted on the prevailing side, Mr. Merriam moved to reconsider the motion of Mr. Wegscheid to concur in the amendments to S.F. No. 230. The motion prevailed.

Mr. Wegscheid moved that S.F. No. 230 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 952: A bill for an act relating to occupations and professions; providing for licensing of alarm and communication contractors and installers by the board of electricity; amending Minnesota Statutes 1984, sections 326.01, by adding subdivisions; 326.241; 326.242, subdivisions 7 and 8, and by adding subdivisions; 326.243; 326.244, subdivisions 4 and 5; and 326.246.

There has been appointed as such committee on the part of the House:

Miller, Clausnitzer and Krueger.

Senate File No. 952 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 1985

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1234: A bill for an act relating to the city of Saint Paul; permitting the city to issue temporary on-sale wine licenses to nonprofit charitable, religious, or veterans organizations.

Senate File No. 1234 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 1985

CONCURRENCE AND REPASSAGE

Mr. Waldorf moved that the Senate concur in the amendments by the House to S.F. No. 1234 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1234: A bill for an act relating to liquor; permitting the city of St. Paul to issue temporary on-sale wine licenses to nonprofit charitable, reli-

gious, or veterans organizations; providing for the applicability of mandatory liability insurance; amending Minnesota Statutes 1984, section 340.11, subdivision 21.

Was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 49 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, D.J.	Merriam	Schmitz
Anderson	DeCramer	Jude	Novak	Sieloff
Belanger	Diessner	Kamrath	Olson	Spear
Benson	Dietrich	Knaak	Peterson, R.W.	Storm
Berg	Frederick	Knutson	Petty	Stumpf
Berglin	Frederickson	Kroening	Pogemiller	Vega
Bernhagen	Freeman	Kronebusch	Purfeerst	Waldorf
Bertram	Hughes	Lessard	Ramstad	Wegscheid
Brataas	Isackson	Luther	Reichgott	Willet
Dahl	Johnson, D.E.	McQuaid	Renneke	

Messrs. Laidig and Peterson, C.C. voted in the negative.

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1036: A bill for an act relating to domestic abuse; providing for service by publication under certain circumstances under the Domestic Abuse Act; clarifying relief and providing for additional relief; amending Minnesota Statutes 1984, section 518B.01, subdivisions 4, 5, 6, and 7.

Senate File No. 1036 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 1985

CONCURRENCE AND REPASSAGE

Ms. Reichgott moved that the Senate concur in the amendments by the House to S.F. No. 1036 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1036 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 50 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, D.J.	Moe, R.D.	Schmitz
Anderson	DeCramer	Jude	Novak	Solon
Belanger	Diessner	Kamrath	Olson	Spear
Benson	Dieterich	Knaak	Peterson, C.C.	Storm
Berg	Frederick	Knutson	Petty	Stumpf
Berglin	Frederickson	Kroening	Pogemiller	Taylor
Bernhagen	Freeman	Laidig	Purfeerst	Vega
Bertram	Hughes	Lessard	Ramstad	Waldorf
Brataas	Isackson	Luther	Reichgott	Wegscheid
Dahl	Johnson, D.E.	McQuaid	Renneke	Willet

Mrs. Kronebusch; Messrs. Merriam and Sieloff voted in the negative.

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1183: A bill for an act relating to intoxicating liquor; providing for issuance of licenses within Indian country; allowing the sales between collectors of discontinued brands of beer in cans; authorizing the issuance of on-sale licenses in certain theaters in Minneapolis; amending Minnesota Statutes 1984, section 340.11, subdivision 15, and by adding a subdivision.

Senate File No. 1183 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 1985

Mr. Dieterich moved that the Senate do not concur in the amendments by the House to S.F. No. 1183, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1404: A bill for an act relating to local government; expanding the authority of counties to make electronic funds transfers; amending Minnesota Statutes 1984, section 385.07; and proposing coding for new law in Minnesota Statutes, chapter 385.

Senate File No. 1404 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 1985

CONCURRENCE AND REPASSAGE

Mr. Wegscheid moved that the Senate concur in the amendments by the

House to S.F. No. 1404 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1404: A bill for an act relating to local government; expanding the authority of counties to make electronic funds transfers; providing for transfer of certain federal payments in lieu of taxes from a county to a city or town; amending Minnesota Statutes 1984, section 385.07; and proposing coding for new law in Minnesota Statutes, chapters 385 and 471.

Was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 47 and nays 0, as follows:

Those who voted in the affirmative were:

Belanger	Frederick	Kroening	Olson	Storm
Benson	Frederickson	Kronebusch	Peterson, C.C.	Stumpf
Berg	Freeman	Laidig	Pogemiller	Taylor
Berglin	Hughes	Lessard	Purfeerst	Vega
Bernhagen	Johnson, D.E.	Luther	Ramstad	Waldorf
Bertram	Johnson, D.J.	McQuaid	Reichgott	Wegscheid
Dahl	Jude	Mehrkens	Renneke	Willet
Davis	Kamrath	Merriam	Schmitz	
DeCramer	Knaak	Moe, R.D.	Sieloff	
Dieterich	Knutson	Novak	Spear	

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 331, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 331: A bill for an act relating to health; permitting the county coroner to remove the pituitary gland from a body under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 390.

Senate File No. 331 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1985

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 213:

H.F. No. 213: A bill for an act relating to the maltreatment of minors or vulnerable adults in certain licensed facilities; providing for notification of parents or guardians after reports of alleged abuse; clarifying certain provisions; amending Minnesota Statutes 1984, sections 626.556, subdivisions 10b, 11, and by adding a subdivision; and 626.557, subdivision 12, and by adding a subdivision.

The House respectfully requests that a Conference Committee of three members be appointed thereon.

Stanius; Nelson, K. and Valento have been appointed as such committee on the part of the House.

House File No. 213 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 15, 1985

Mr. Spear moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 213, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1032:

H.F. No. 1032: A bill for an act relating to the borough of Belle Plaine; permitting Belle Plaine to use the term "borough" for all purposes; amending Minnesota Statutes 1984, sections 410.015; and 413.02, subdivision 5, and by adding a subdivision.

The House respectfully requests that a Conference Committee of three members be appointed thereon.

Rees, Kiffmeyer and Vanasek have been appointed as such committee on the part of the House.

House File No. 1032 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 15, 1985

Mr. Schmitz moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1032, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 818: A bill for an act relating to employment and economic opportunity; providing for the streamlining and coordination of job, economic development, and income-maintenance programs; setting as dual goals the lowering of unemployment rates and welfare caseloads; creating the councils for the hearing impaired and for the blind; abolishing the department of economic security; creating a new department of employment and training;

transferring responsibilities of the department of economic security to the department of employment and training and the department of human services; transferring certain employment and training functions of the department of human services and the department of administration to the department of employment and training; providing for biennial statewide plans for employment and training and apprenticeships; providing for coordination of state and federal jobs programs; establishing community investment programs; granting rulemaking authority; changing formulas for paying local agencies for general assistance grants to recipients subject to work requirements; removing a sunset provision from the Minnesota emergency employment development act; amending Minnesota Statutes 1984, sections 15A.081, subdivision 1; 86.33, by adding subdivisions; 116J.035, by adding a subdivision; 116L.03, subdivision 7; 116L.04, by adding a subdivision; 129A.02, subdivision 2; 136.63, by adding a subdivision; 136C.06; 178.03, by adding a subdivision; 245.87; 248.07; 248.08; 256.736; 256.737; 256C.24; 256C.25; 256C.26; 256D.02, subdivision 13; 256D.03, subdivision 2; 256D.09, subdivision 3, and by adding a subdivision; 256D.111, subdivision 2; 268.04, by adding subdivisions; 268.08, by adding a subdivision; 268.31; 268.32; 268.33; 268.34; 268.36; 268.672, subdivision 6; 268.676, subdivision 1; and 268.686; proposing coding for new law in Minnesota Statutes, chapters 256C and 268; proposing coding for new law as Minnesota Statutes, chapters 267 and 268A; repealing Minnesota Statutes 1984, sections 129A.02, subdivision 4; 245.84, subdivision 2; 256.736, subdivisions 1 and 2; 256D.02, subdivision 8a; 256D.111, subdivision 1a; 256D.112; 268.011; 268.012; 268.013; 268.12, subdivisions 1 and 1a; 268.683, subdivision 2; 268.684; 268.80; and 268.81.

Senate File No. 818 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1985

Mr. Pogemiller moved that the Senate do not concur in the amendments by the House to S.F. No. 818, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1250.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 15, 1985

FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

H.F. No. 1250: A bill for an act relating to public safety; authorizing commissioner to prescribe fees and prescribing fees; providing for statutory inclusion of state patrol lieutenants; providing that commissioner control

video game of chance license fees; abolishing fire code regulations relating to theaters, halls, and dry cleaning and dyeing establishments; amending Minnesota Statutes 1984, sections 299A.01, subdivision 6; 299D.03, subdivision 2; 299F.19, subdivision 1; and 349.52, subdivisions 2 and 3; repealing Minnesota Statutes 1984, sections 299H.211 to 299H.28; 299I.01 to 299I.08; 299I.10; and 299I.20 to 299I.24.

Referred to the Committee on Transportation.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 384 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
384	303				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 384 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 384 and insert the language after the enacting clause of S.F. No. 303, the second engrossment; further, delete the title of H.F. No. 384 and insert the title of S.F. No. 303, the second engrossment.

And when so amended H.F. No. 384 will be identical to S.F. No. 303, and further recommends that H.F. No. 384 be given its second reading and substituted for S.F. No. 303, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 694 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
694	627				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 694 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 694 and insert the language after the enacting clause of S.F. No. 627, the second engrossment; further, delete the title of H.F. No. 694 and insert the title of S.F. No.

627, the second engrossment.

And when so amended H.F. No. 694 will be identical to S.F. No. 627, and further recommends that H.F. No. 694 be given its second reading and substituted for S.F. No. 627, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1070 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1070	1004				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1070 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1070 and insert the language after the enacting clause of S.F. No. 1004, the first engrossment; further, delete the title of H.F. No. 1070 and insert the title of S.F. No. 1004, the first engrossment.

And when so amended H.F. No. 1070 will be identical to S.F. No. 1004, and further recommends that H.F. No. 1070 be given its second reading and substituted for S.F. No. 1004, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1227 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1227	1003				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1227 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1227 and insert the language after the enacting clause of S.F. No. 1003, the first engrossment; further, delete the title of H.F. No. 1227 and insert the title of S.F. No. 1003, the first engrossment.

And when so amended H.F. No. 1227 will be identical to S.F. No. 1003,

and further recommends that H.F. No. 1227 be given its second reading and substituted for S.F. No. 1003, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1233 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1233	1103				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1233 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1233 and insert the language after the enacting clause of S.F. No. 1103, the third engrossment; further, delete the title of H.F. No. 1233 and insert the title of S.F. No. 1103, the third engrossment.

And when so amended H.F. No. 1233 will be identical to S.F. No. 1103, and further recommends that H.F. No. 1233 be given its second reading and substituted for S.F. No. 1103, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 856 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
856	854				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 856 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 856 and insert the language after the enacting clause of S.F. No. 854, the first engrossment; further, delete the title of H.F. No. 856 and insert the title of S.F. No. 854, the first engrossment.

And when so amended H.F. No. 856 will be identical to S.F. No. 854, and further recommends that H.F. No. 856 be given its second reading and sub-

stituted for S.F. No. 854, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1231 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1231	1126				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1231 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1231 and insert the language after the enacting clause of S.F. No. 1126, the first engrossment; further, delete the title of H.F. No. 1231 and insert the title of S.F. No. 1126, the first engrossment.

And when so amended H.F. No. 1231 will be identical to S.F. No. 1126, and further recommends that H.F. No. 1231 be given its second reading and substituted for S.F. No. 1126, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF HOUSE BILLS

H.F. Nos. 384, 694, 1070, 1227, 1233, 856 and 1231 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Wegscheid moved that S.F. No. 364 be taken from the table. The motion prevailed.

S.F. No. 364: A bill for an act relating to health; expanding the purposes of health care review organizations; amending Minnesota Statutes 1984, section 145.61, subdivision 5.

CONCURRENCE AND REPASSAGE

Mr. Wegscheid moved that the Senate concur in the amendments by the House to S.F. No. 364 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 364: A bill for an act relating to health; expanding the purposes of health care review organizations; providing an exception to liability; amending Minnesota Statutes 1984, sections 145.61, subdivision 5; and 145.63.

Was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 49 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Knaak	Olson	Solon
Anderson	DeCramer	Knutson	Petty	Spear
Belanger	Dieterich	Kroening	Pogemiller	Storm
Benson	Frederick	Kronebusch	Purfeerst	Stumpf
Berg	Frederickson	Luther	Ramstad	Taylor
Berglin	Freeman	McQuaid	Reichgott	Vega
Bernhagen	Hughes	Mehrkins	Renneke	Waldorf
Bertram	Isackson	Merriam	Samuelson	Wegscheid
Brataas	Johnson, D.E.	Moe, R.D.	Schmitz	Willet
Dahl	Jude	Novak	Sieloff	

So the bill, as amended, was repassed and its title was agreed to.

Without objection, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1244: A bill for an act relating to the city of Burnsville; increasing the total number of on-sale liquor licenses.

Senate File No. 1244 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 1985

CONCURRENCE AND REPASSAGE

Mr. Knutson moved that the Senate concur in the amendments by the House to S.F. No. 1244 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1244 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 48 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Knaak	Moe, D.M.	Sieloff
Anderson	DeCramer	Knutson	Moe, R.D.	Solon
Belanger	Dieterich	Kroening	Novak	Spear
Benson	Frederick	Kronebusch	Olson	Storm
Berg	Frederickson	Laidig	Petty	Stumpf
Berglin	Freeman	Lessard	Ramstad	Taylor
Bernhagen	Hughes	Luther	Reichgott	Waldorf
Bertram	Isackson	McQuaid	Renneke	Willet
Brataas	Johnson, D.E.	Mehrkins	Samuelson	
Chmielewski	Jude	Merriam	Schmitz	

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 251: A bill for an act relating to nursing homes; establishing an educational program for resident and family advisory councils; authorizing a surcharge on license fees; requiring evaluation and a report to the legislature by the Minnesota board on aging; appropriating money; amending Minnesota Statutes 1984, sections 256B.421, subdivision 8; and 256B.431, subdivision 2b; proposing coding for new law in Minnesota Statutes, chapter 144A.

Senate File No. 251 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1985

Ms. Berglin moved that the Senate do not concur in the amendments by the House to S.F. No. 251, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. DeCramer moved that the following members be excused for a Conference Committee on H.F. No. 58 at 1:30 p.m.:

Messrs. Langseth, DeCramer and Stumpf. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated the General Orders Calendar a Special Orders Calendar to be heard immediately.

SPECIAL ORDER

S.F. No. 903: A bill for an act relating to human services; creating a procedure for reconsideration of a resident's case mix classification; establishing approval procedures and requirements for hospital swing beds; restricting licensure of new nursing home beds; expanding the preadmission screening program; revising statutes relating to nursing home reimbursement; requiring nursing homes participating in the medical assistance program to be medicare certified; creating an appeal process for nursing home appraisals; authorizing the legislative commission on long-term health care to study cost containment strategies and collect data; requiring recovery of the federal share of medical assistance overpayments; authorizing bingo in nursing homes and senior citizen housing projects; requiring review by the commissioners of human services and health of proposals for revenue bond financing of health facility projects; requiring a study of the feasibility of home equity conversion to finance long-term health care; appropriating money; amending

Minnesota Statutes 1984, sections 144.50, subdivision 2; 144.651, subdivision 6; 144A.01, subdivision 5; 144A.071, subdivisions 1, 2, and 3; 256B.02, subdivision 8; 256B.091, subdivisions 1, 2, 4, 5, and 8; 256B.421, subdivision 1; 256B.431, subdivisions 2b, 3, and 4, and by adding a subdivision; 256B.50; 256B.504, subdivision 1; 349.214, by adding a subdivision; and 474.01, subdivisions 7a and 9; proposing coding for new law in Minnesota Statutes, chapters 144 and 256B.

Ms. Berglin moved to amend S.F. No. 903 as follows:

Page 4, line 13, after "time" insert " , unless approval for the use of additional swing beds has been granted under section 4 "

Pages 6 and 7, delete section 4, and insert:

"Sec. 4. [144.563] [NURSING HOME SERVICES PROVIDED IN A HOSPITAL; AUTHORIZATION FOR ADDITIONAL SWING BEDS.]

Subdivision 1. [PROHIBITED SERVICES.] A hospital that has been granted a license condition under section 3 must not provide the types of services that would normally be provided in, and reimbursed under medical assistance or medicare as services of, a skilled nursing facility or intermediate care facility, whether on a short-term or long-term basis, unless the patient is in a swing bed in compliance with this section.

Subd. 2. [APPROVAL CRITERIA FOR AUTHORIZING MORE THAN FOUR SWING BEDS.] The department of health shall approve a hospital's request for up to three additional swing beds if the hospital meets all of the requirements of this subdivision:

(a) The hospital submits a written request that specifies the number of additional swing beds requested and that is accompanied with the following documentation:

(1) the daily census records for the swing beds for the last 180 days and the computed average occupancy;

(2) the length of stay in days for all patients discharged from a swing bed in the last 180 days and the computed average length of stay;

(3) a listing of all nursing homes within a 25-mile radius of the hospital and the current occupancy of those nursing homes by certification level;

(4) if home health agency services are available within a 25-mile radius of the hospital, a statement from the hospital's medical director indicating that the current and expected swing bed patients are not suitable clients for those services; and

(5) copies of notices sent to the administrators of all nursing homes and home health agencies providing services within a 25-mile radius of the hospital that inform the administrators that the hospital is submitting a request to the department for additional swing beds.

(b) The commissioner of health shall approve a hospital's request for additional swing beds if all of the following criteria are met:

(1) the hospital has maintained an average occupancy of at least three swing beds during the past 180 days;

(2) the average length of stay during the past 180 days for swing bed patients is less than 30 days;

(3) at the time of the request, all swing beds in the facility are occupied;

(4) the occupancy of each nursing home within a 25-mile radius exceeds 97 percent; and

(5) home health services appropriate to the needs of the current and expected swing bed patients are not available within a 25-mile radius of the hospital.

(c) The use of additional swing beds may be approved for a period not to exceed 180 days. A hospital may request that this period be extended by submitting a request as required by paragraph (a). The request must be submitted no earlier than 30 days prior to the expiration of the approval authorizing the use of the additional swing beds. Approval for the extended time period shall be governed by the criteria contained in paragraph (b).

Subd. 3. [EXCEPTION.] If a swing bed is not available, upon approval of the commissioner of health, a patient may be retained in the hospital if the hospital demonstrates that (a) no nursing home beds, alternative care services, or other alternatives are available to meet the needs of the patient, and (b) the hospital is making prompt and continuing efforts to discharge the patient at the earliest possible date. The hospital shall notify the commissioner of health in writing that a patient is being retained in the hospital. The notice must include the name of the patient, date of admission, expected length of stay, and documentation demonstrating that nursing home or other alternative services are not available to meet the needs of the patient. The commissioner of health shall approve the hospital's request if the criteria in clauses (a) and (b) are met. The patient must not be retained in the hospital for longer than 30 days. The hospital may request an extension of the 30-day period by following the procedures contained in this section. The provisions contained in section 3 must govern the use of the hospital beds. The hospital shall notify the commissioner when the patient has been discharged."

Page 7, delete section 5

Page 8, line 3, delete everything after "with" and insert "approved"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Ms. Berglin imposed a call of the Senate for the balance of the proceedings on S.F. No. 903. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the amendment.

The motion prevailed. So the amendment was adopted.

Mr. Stumpf moved to amend S.F. No. 903 as follows:

Page 4, line 3, after "section" insert "for the purpose of receiving reimbursement under the federal medicare program under United States Code,

title 42, section 1395(tt). Nothing in this section shall preclude the use of any licensed hospital bed by any other payor"

The question was taken on the adoption of the amendment.

Ms. Berglin moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 23 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Freeman	Kronebusch	Taylor
Belanger	Davis	Gustafson	Langseth	Waldorf
Berg	DeCramer	Isackson	Lessard	Wegscheid
Bertram	Frederick	Johnson, D.E.	Reichgott	
Brataas	Frederickson	Kamrath	Stumpf	

Those who voted in the negative were:

Adkins	Frank	Luther	Pogemiller	Spear
Benson	Hughes	McQuaid	Ramstad	Storm
Berglin	Jude	Mehrkens	Renneke	Vega
Bernhagen	Knaak	Merriam	Samuelson	
Dicklich	Knutson	Moe, D.M.	Schmitz	
Diessner	Laidig	Olson	Sieloff	
Dieterich	Lantry	Petty	Solon	

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

Mr. Waldorf moved to amend S.F. No. 903 as follows:

Pages 21 to 23, delete section 16

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 42 and nays 5, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kamrath	Moe, R.D.	Storm
Anderson	Frank	Knaak	Olson	Stumpf
Belanger	Frederick	Knutson	Purfeerst	Taylor
Benson	Freeman	Kronebusch	Ramstad	Vega
Bernhagen	Gustafson	Laidig	Renneke	Waldorf
Bertram	Hughes	Langseth	Samuelson	Willet
Brataas	Isackson	Lessard	Schmitz	
Chmielewski	Johnson, D.E.	McQuaid	Sieloff	
Davis	Jude	Mehrkens	Solon	

Those who voted in the negative were:

Berglin	Dicklich	Luther	Moe, D. M.	Reichgott
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The motion prevailed. So the amendment was adopted.

Mr. Kamrath moved to amend S.F. No. 903 as follows:

Page 6, delete lines 2 to 7

Renumber the subdivisions in sequence

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 14 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Berg	Chmielewski	Isackson	Sieloff
Belanger	Bernhagen	DeCramer	Kamrath	Stumpf
Benson	Brataas	Gustafson	Kronebusch	

Those who voted in the negative were:

Adkins	Frank	Langseth	Peterson, D.C.	Schmitz
Berglin	Hughes	Luther	Peterson, R.W.	Solon
Bertram	Johnson, D.E.	McQuaid	Purfeerst	Spear
Davis	Jude	Mehrkens	Ramstad	Storm
Dicklich	Knaak	Moe, D.M.	Reichgott	Waldorf
Diessner	Knutson	Moe, R.D.	Renneke	Willet
Dieterich	Laidig	Nelson	Samuelson	

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

S.F. No. 903 was then progressed.

SPECIAL ORDER

S.F. No. 908: A bill for an act relating to human services; revising procedures and requirements under the aid to families with dependent children, medical assistance, and general assistance programs; appropriating money; amending Minnesota Statutes 1984, sections 245.791; 245.804, subdivision 1; 256.12, subdivision 20; 256.73, subdivisions 2, 3a, and 6; 256.736, subdivisions 3 and 4; 256.74, subdivisions 1, 1a, and 2; 256.76, subdivision 1; 256.78; 256.79; 256.871, subdivision 3; 256.99; 256B.02, subdivisions 2 and 3; 256B.06, subdivision 1; 256B.07; 256B.17, subdivision 6; 256D.01, subdivision 1a; 256D.03, subdivision 4; and 256D.06, by adding a subdivision.

Mr. Waldorf moved to amend S.F. No. 908 as follows:

Page 3, after line 15, insert:

"Sec. 3. Minnesota Statutes 1984, section 256.12, subdivision 15, is amended to read:

Subd. 15. [CONTINUED ABSENCE FROM THE HOME.] "Continued absence from the home," as used in sections 256.72 to 256.87, means the absence from the home of the parent, whether or not entitled to the custody of the child, by reason of being an inmate of a penal institution or a fugitive after escape therefrom, or absence from the home by the parent for a period believed to be, and declared by applicant to be, of a continuous duration together with failure on the part of the absent parent to support the child, provided that prior to the granting of such aid all reasonable efforts have been made to secure support for such child. *Daily visitation by the absent parent in the home of the child renders the child ineligible for assistance based on continued parental absence.*"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

S.F. No. 908 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kronebusch	Pehler	Sieloff
Anderson	Frank	Laidig	Peterson, C.C.	Solon
Benson	Frederick	Langseth	Peterson, D.C.	Storm
Berg	Frederickson	Lantry	Peterson, D.L.	Stumpf
Berglin	Freeman	Lessard	Peterson, R.W.	Taylor
Bernhagen	Gustafson	Luther	Petty	Vega
Bertram	Hughes	McQuaid	Pogemiller	Waldorf
Brataas	Isackson	Mehrkens	Purfeerst	Wegscheid
Chmielewski	Johnson, D.E.	Merriam	Ramstad	Willet
Davis	Jude	Moe, D.M.	Reichgott	
DeCramer	Kamrath	Nelson	Renneke	
Dicklich	Knaak	Novak	Samuelson	
Diessner	Kroening	Olson	Schmitz	

So the bill passed and its title was agreed to.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Pogemiller moved that the following members be excused for a Conference Committee on H.F. No. 729 at 4:00 p.m.:

Messrs. Pogemiller; Moe, D.M.; Renneke; Wegscheid and Spear. The motion prevailed.

The question recurred on S.F. No. 903.

SPECIAL ORDER

S.F. No. 903: A bill for an act relating to human services; creating a procedure for reconsideration of a resident's case mix classification; establishing approval procedures and requirements for hospital swing beds; restricting licensure of new nursing home beds; expanding the preadmission screening program; revising statutes relating to nursing home reimbursement; requiring nursing homes participating in the medical assistance program to be medicare certified; creating an appeal process for nursing home appraisals; authorizing the legislative commission on long-term health care to study cost containment strategies and collect data; requiring recovery of the federal share of medical assistance overpayments; authorizing bingo in nursing homes and senior citizen housing projects; requiring review by the commissioners of human services and health of proposals for revenue bond financing of health facility projects; requiring a study of the feasibility of home equity conversion to finance long-term health care; appropriating money; amending Minnesota Statutes 1984, sections 144.50, subdivision 2; 144.651, subdivision 6; 144A.01, subdivision 5; 144A.071, subdivisions 1, 2, and 3; 256B.02, subdivision 8; 256B.091, subdivisions 1; 2, 4, 5, and 8; 256B.421, subdivision 1; 256B.431, subdivisions 2b, 3, and 4, and by adding a subdivision; 256B.50; 256B.504, subdivision 1; 349.214, by adding a subdivision; and 474.01, subdivisions 7a and 9; proposing coding for new law in Minnesota Statutes, chapters 144 and 256B.

Mr. Kamrath moved to amend S.F. No. 903 as follows:

Page 6, line 4, before "rate" insert "estimated" and after "rate" insert

"expected to be"

Ms. Berglin moved to amend the Kamrath amendment to S.F. No. 903 as follows:

Page 1, after line 3 of the Kamrath amendment, insert:

"Page 6, line 6, after *"period"* insert *" , provided the hospital reimburses the patient for any overpayment that results from the final rate being lower than the estimated rate"*"

The question was taken on the adoption of the Berglin amendment to the Kamrath amendment.

The roll was called, and there were yeas 47 and nays 6, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Novak	Sieloff
Anderson	Diessner	Knutson	Olson	Solon
Belanger	Dieterich	Laidig	Peterson, C.C.	Stumpf
Berg	Frank	Langseth	Peterson, D.C.	Taylor
Berglin	Frederick	Lantry	Pogemiller	Vega
Bernhagen	Frederickson	Lessard	Ramstad	Waldorf
Bertram	Freeman	Luther	Reichgott	Willet
Chmielewski	Hughes	McQuaid	Renneke	
Davis	Johnson, D.E.	Moe, R.D.	Samuelson	
DeCramer	Jude	Nelson	Schmitz	

Those who voted in the negative were:

Benson	Isackson	Kamrath	Kronebusch	Mehrkens
Brataas				

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

Mr. Kamrath withdrew his amendment, as amended.

S.F. No. 903 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 58 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Jude	Merriam	Schmitz
Anderson	Diessner	Knaak	Moe, R.D.	Sieloff
Belanger	Dieterich	Knutson	Novak	Solon
Benson	Frank	Kroening	Olson	Storm
Berg	Frederick	Kronebusch	Peterson, C.C.	Stumpf
Berglin	Frederickson	Laidig	Peterson, D.L.	Taylor
Bernhagen	Freeman	Langseth	Pogemiller	Vega
Bertram	Gustafson	Lantry	Purfeerst	Waldorf
Brataas	Hughes	Lessard	Ramstad	Wegscheid
Chmielewski	Isackson	Luther	Reichgott	Willet
Davis	Johnson, D.E.	McQuaid	Renneke	
DeCramer	Johnson, D.J.	Mehrkens	Samuelson	

Mr. Kamrath voted in the negative.

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

SPECIAL ORDER

H.F. No. 694: A bill for an act relating to natural resources; grants and

loans for certain dam reconstruction, repair, and removal projects; appropriating money; amending Laws 1979, chapter 300, section 4, subdivisions 2, as amended, 3 and 4; and Laws 1981, chapter 361, section 3, subdivision 3.

SUSPENSION OF RULES

Mr. Peterson, C.C. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 694 and that the rules of the Senate be so far suspended as to give H.F. No. 694, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

Mr. Peterson, C.C. moved to amend H.F. No. 694 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 694, and insert the language after the enacting clause, and the title, of S.F. No. 1543, as introduced.

Mr. Knaak questioned whether the amendment was germane.

The President ruled that the amendment was germane.

The question was taken on the Peterson, C.C. amendment.

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Mr. Peterson, C.C. imposed a call of the Senate for the balance of the proceedings on H.F. No. 694. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Taylor moved to amend H.F. No. 694, as amended by the Senate, May 16, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 1543.)

Page 15, delete lines 9 to 16

Correct the section totals and the summary

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 40, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Johnson, D.E.	Laidig	Renneke
Belanger	Dieterich	Kamrath	McQuaid	Sieloff
Benson	Frederickson	Knaak	Mehrkins	Storm
Berg	Hughes	Knutson	Olson	Stumpf
Bernhagen	Isackson	Kronebusch	Ramstad	Taylor

Those who voted in the negative were:

Adkins	Frank	Lessard	Peterson, C.C.	Samuelson
Berglin	Freeman	Luther	Peterson, D.C.	Schmitz
Bertram	Gustafson	Merriam	Peterson, D.L.	Solon
Chmielewski	Johnson, D.J.	Moe, D.M.	Peterson, R.W.	Spear
Dahl	Jude	Moe, R.D.	Petty	Vega
Davis	Kroening	Nelson	Pogemiller	Waldorf
DeCramer	Langseth	Novak	Purfeerst	Wegscheid
Dicklich	Lantry	Pehler	Reichgott	Willet

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

Mr. Kamrath moved to amend H.F. No. 694, as amended by the Senate, May 16, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 1543.)

Page 2, delete section 2

Page 4, delete line 8

Reletter the lettered paragraphs in sequence

Page 4, delete lines 41 and 42

Page 14, delete lines 20 to 34

Page 14, line 35, delete "(b)"

Correct the subdivision and section totals and the summary

Renumber the sections in sequence

Correct internal section references

Mr. Frederickson requested division of the amendment as follows:

First portion:

Page 2, delete section 2

Page 4, delete line 8

Reletter the lettered paragraphs in sequence

Page 14, delete lines 20 to 34

Page 14, line 35, delete "(b)"

Correct the subdivision and section totals and the summary

Renumber the sections in sequence

Correct internal section references

Second portion:

Page 4, delete lines 41 and 42

Correct the subdivision and section totals and the summary

The question was taken on the adoption of the first portion of the amendment.

The roll was called, and there were yeas 16 and nays 40, as follows:

Those who voted in the affirmative were:

Anderson	Bernhagen	DeCramer	Kamrath	Olson
Belanger	Brataas	Dieterich	Laidig	Storm
Benson	Davis	Isackson	McQuaid	Taylor
Berg				

Those who voted in the negative were:

Adkins	Frederickson	Lantry	Peterson, C.C.	Schmitz
Berglin	Freeman	Lessard	Peterson, D.C.	Solon
Bertram	Hughes	Luther	Peterson, R.W.	Spear
Chmielewski	Johnson, D.E.	Merriam	Petty	Stumpf
Dahl	Jude	Moe, D.M.	Purfeerst	Vega
Dicklich	Knaak	Moe, R.D.	Ramstad	Waldorf
Diessner	Kroening	Novak	Reichgott	Wegscheid
Frank	Langseth	Pehler	Samuelson	Willet

The motion did not prevail. So the first portion of the amendment was not

adopted.

Mr. Kamrath withdrew the second portion of his amendment.

H.F. No. 694 was then progressed.

MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Reichgott moved that S.F. No. 623 be taken from the table. The motion prevailed.

S.F. No. 623: A bill for an act relating to marriage dissolution; clarifying factors to consider in awarding maintenance; amending Minnesota Statutes 1984, sections 518.552; and 518.64, subdivision 2.

Ms. Reichgott moved that the Senate do not concur in the amendments by the House to S.F. No. 623, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Ms. Reichgott moved that S.F. No. 196 be taken from the table. The motion prevailed.

S.F. No. 196: A bill for an act relating to crimes; requiring the county attorney to prosecute failure to report child abuse or neglect; providing for the reporting of child abuse or neglect; defining certain terms; clarifying immunity from liability for reporting child abuse or neglect; providing for concise summaries of disposition of reports; making technical changes; prescribing penalties; amending Minnesota Statutes 1984, sections 388.051, subdivision 2; and 626.556, subdivisions 1, 2, 3, 4, 4a, 5, 6, 9, and 11.

Ms. Reichgott moved that the Senate do not concur in the amendments by the House to S.F. No. 196, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. Samuelson moved that S.F. No. 1455, No. 54 on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Order of Business of Messages From the House. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the following change in the membership of the Conference Committee on Senate File No. 862:

The name of Boo has been deleted.

The name of Dempsey has been added.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 16, 1985

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 968:

H.F. No. 968: A bill for an act relating to education; permitting payroll deductions in the state university system for a certain nonprofit university foundation; proposing coding for new law in Minnesota Statutes, chapter 136.

The House respectfully requests that a Conference Committee of three members be appointed thereon.

Thorson, Haukoos and Boerboom have been appointed as such committee on the part of the House.

House File No. 968 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 16, 1985

Mr. Waldorf moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 968, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 33: A bill for an act relating to crimes; providing for penalties upon conviction of certain hit and run violations; enhancing penalties upon conviction of certain hit and run violations; amending Minnesota Statutes 1984, section 169.09, subdivision 14.

There has been appointed as such committee on the part of the House:

Hartinger, Kelly and Blatz.

Senate File No. 33 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1985

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 295: A bill for an act relating to counties; authorizing a special levy for county agricultural society and park and recreation purposes for Hubbard county; authorizing a special levy for support of the Clearwater

county hospital; authorizing a special levy for tourism and agriculture promotion in Cass county; requiring a reverse referendum under certain circumstances; increasing the amount of loans available to certain counties for design and construction costs of district heating and qualified energy improvements; allowing municipalities to accelerate repayment of principal of energy loans; authorizing county regulation of pawnbrokers, second-hand, and junk dealers; designating Hubbard county as a fiscal agent; amending Minnesota Statutes 1984, section 116J.36, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 471.

There has been appointed as such committee on the part of the House:

Zaffke, Brinkman and Marsh.

Senate File No. 295 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1985

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1176: A bill for an act relating to children; requiring a new job classification in child protection; requiring continuing education; providing for a joint training program; requiring a report to the legislature; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 626.

There has been appointed as such committee on the part of the House:

Blatz, Vellenga and Kiffmeyer.

Senate File No. 1176 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1985

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 1183: Messrs. Dieterich, Novak and Gustafson.

H.F. No. 213: Messrs. Spear, Ramstad and Merriam.

H.F. No. 1032: Messrs. Schmitz, Renneke and Mrs. Adkins.

H.F. No. 83: Ms. Reichgott, Messrs. Freeman and Storm.

S.F. No. 647: Mr. Pehler, Ms. Olson and Mr. Moe, D.M.

S.F. No. 818: Messrs. Pogemiller, Freeman and Dicklich.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 251: Ms. Berglin, Mrs. Lantry and Mr. Benson.

S.F. No. 43: Messrs. Langseth, Purfeerst, DeCramer, Schmitz and Mehrkens.

S.F. No. 623: Ms. Reichgott, Mrs. Brataas and Ms. Berglin.

S.F. No. 196: Ms. Reichgott, Messrs. Pogemiller and Knaak.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 7:00 p.m. The motion prevailed.

The hour of 7:00 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Langseth moved that the following members be excused for a Conference Committee on H.F. No. 1639 at 7:00 p.m.:

Mr. Langseth, Mrs. Lantry, Messrs. Schmitz, Purfeerst and Mehrkens. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Kroening moved that the following members be excused for a Conference Committee on H.F. No. 1641 at 7:00 p.m.:

Messrs. Kroening, Dahl, Luther, Willet and Frederickson. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, the Senate reverted to the Order of Business of Mes-

sages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 264:

H.F. No. 264: A bill for an act relating to animals; providing for a rabies control program; imposing criminal liability on persons who cause the death or substantial bodily harm of another by permitting certain dogs to be unconfined or improperly confined; providing for the destruction of dangerous animals; imposing penalties; amending Minnesota Statutes 1984, section 609.25; proposing coding for new law in Minnesota Statutes, chapters 346 and 609.

The House respectfully requests that a Conference Committee of three members be appointed thereon.

Heap, Gutknecht and Kelly have been appointed as such committee on the part of the House.

House File No. 264 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 16, 1985

Mr. Ramstad moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 264, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 513:

H.F. No. 513: A bill for an act relating to state government; regulating the career executive service; specifying executive branch conflicts of interest; providing for review of state trooper arbitration awards; regulating approved complements; regulating liquidation of vacation leave; amending Minnesota Statutes 1984, sections 15.62, subdivision 2; 16A.123, subdivision 3; 16B.65, subdivision 3; 43A.17, subdivision 8; 43A.21, subdivision 5; 43A.38, subdivision 5; 62D.22, subdivision 7; and 299D.03, subdivision 11.

The House respectfully requests that a Conference Committee of three members be appointed thereon.

Sviggum, Knuth and McPherson have been appointed as such committee on the part of the House.

House File No. 513 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 16, 1985

Mr. Moe, D.M. moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 513, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 850:

H.F. No. 850: A bill for an act relating to elections; making changes in registration, caucuses, ballots, affidavits of candidacy and withdrawal, nominations, election certificates, and election judge qualifications; amending Minnesota Statutes 1984, sections 201.018, subdivision 2; 201.095; 201.12, subdivision 2; 201.15, subdivision 1; 202A.11, subdivision 2; 202A.16, subdivision 1; 204B.03; 204B.06, subdivision 1; 204B.07, subdivision 4; 204B.09, subdivision 1; 204B.10, by adding a subdivision; 204B.12, subdivision 3; 204B.35, subdivision 2; 204C.40, subdivision 1; 204D.11, subdivisions 3, 5, and 6; 206.71, by adding a subdivision; and 208.03; repealing Minnesota Statutes 1984, section 204B.19, subdivision 3.

The House respectfully requests that a Conference Committee of three members be appointed thereon.

Shaver, Tjornhom and Osthoff have been appointed as such committee on the part of the House.

House File No. 850 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 16, 1985

Mr. Hughes moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 850, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Without objection, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports read by the Secretary be now adopted. The motion prevailed.

Mr. Willet from the Committee on Finance, to which was re-referred

S.F. No. 1002: A bill for an act relating to the Minnesota historical society; requiring it to develop instructional materials on Minnesota history; providing for a study of the tourist potential of the Fond du Lac region; appropriating money.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 2, line 35, delete "\$150,000" and insert "\$50,000"

Page 2, lines 35 and 36, delete "for fiscal year 1986, and \$300,000 is appropriated for fiscal year 1987"

Page 3, line 2, delete "6" and insert "7"

Page 3, line 2, delete ". The amounts appropriated by this section are" and insert "to be"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Finance, to which was re-referred

S.F. No. 1284: A bill for an act relating to traffic regulations; authorizing commissioner of transportation to issue special permit for three-vehicle combination exceeding length and weight restrictions under certain conditions; prescribing fees; amending Minnesota Statutes 1984, sections 169.81, subdivision 2; and 169.86, subdivision 5, and by adding subdivisions.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 168.013, subdivision 1e, is amended to read:

Subd. 1e. [TRUCKS; TRACTORS; COMBINATIONS; EXCEPTIONS.] On trucks and tractors except those in this chapter defined as farm trucks, and urban trucks, and on truck-tractor and semitrailer combinations except those defined as farm combinations and urban combinations and on commercial zone vehicles, the tax based on total gross weight shall be graduated according to the Minnesota base rate schedule prescribed in this subdivision, but in no event less than \$120.

Minnesota Base Rate Schedule

Scheduled taxes include five percent
surtax provided for in subdivision 14

TOTAL GROSS WEIGHT IN POUNDS

		TAX
A	0 - 1,500	\$ 15
B	1,501 - 3,000	20
C	3,001 - 4,500	25
D	4,501 - 6,000	35
E	6,001 - 9,000	45
F	9,001 - 12,000	70
G	12,001 - 15,000	105
H	15,001 - 18,000	145
I	18,001 - 21,000	190
J	21,001 - 26,000	270
K	26,001 - 33,000	360
L	33,001 - 39,000	470
M	39,001 - 45,000	590
N	45,001 - 51,000	710
O	51,001 - 57,000	860

P	57,001 - 63,000	1010
Q	63,001 - 69,000	1180
R	69,001 - 73,280	1320
S	73,281 - 78,000	1520 1595
T	78,001 - 81,000	1620 1760

Except for purposes of the special permit under section 9, the base rates for vehicles with six or more axles in the "S" and "T" categories are \$1,520 and \$1,620 respectively, subject to the annual increases authorized by this section.

For each vehicle with a gross weight in excess of 81,000 pounds an additional tax of \$50 is imposed for each ton or fraction thereof in excess of 81,000 pounds, subject to subdivision 12.

For the registration year 1987 and each subsequent registration year through 1991, the commissioner of revenue shall recompute and publish the tax rates provided in the Minnesota base rate schedule, including the tax provided for vehicles with a gross weight in excess of 81,000 pounds. The commissioner shall calculate the new rates by increasing each rate in effect at the time of the calculation by four percent. The calculation for each registration year must be published by the previous July 1. The rates calculated under this subdivision must be rounded to the nearest dollar and are effective for all vehicles taxed under the Minnesota base rate schedule.

Truck-tractors except those herein defined as farm and urban truck-tractors and commercial zone vehicles shall be taxed in accord with the foregoing gross weight tax schedule on the basis of the combined gross weight of the truck-tractor and any semitrailer or semitrailers which the applicant proposes to combine with the truck-tractor. In addition, to the gross weight tax imposed on the truck-tractor, each semitrailer shall be taxed a fee of \$10 for a one-year period or \$50 for a five-year period whichever the applicant elects.

Commercial zone trucks include only trucks, truck-tractors, and semitrailer combinations which are:

(1) used by an authorized local cartage carrier operating under a permit issued under section 221.296 and whose gross transportation revenue consists of at least 60 percent obtained solely from local cartage carriage, and are operated solely within an area composed of two contiguous cities of the first class and municipalities contiguous thereto as defined by section 221.011, subdivision 17; or,

(2) operated by an interstate carrier registered under section 221.61 or 221.62, or by an authorized local cartage carrier or other carrier receiving operating authority under chapter 221, and operated solely within a zone exempt from regulation by the interstate commerce commission pursuant to United States Code, title 49, section 10526(b).

The license plates issued for commercial zone vehicles shall be plainly marked. A person operating a commercial zone vehicle outside the zone or area in which its operation is authorized is guilty of a misdemeanor and, in addition to the penalty therefor, shall have the registration of the vehicle as a commercial zone vehicle revoked by the registrar and shall be required to reregister the vehicle at 100 percent of the full annual tax prescribed in the Minnesota base rate schedule, and no part of this tax shall be refunded during the balance of the registration year.

On commercial zone trucks the tax shall be based on the total gross weight of the vehicle and during the first eight years of vehicle life shall be 75

percent of the Minnesota base rate schedule. During the ninth and succeeding years of vehicle life the tax shall be 50 percent of the Minnesota base rate schedule, except as otherwise provided in this subdivision. On commercial zone trucks, during the ninth and succeeding years of vehicle life, the tax shall be:

(a) for the 1982 registration year, 35 percent of the tax imposed in the Minnesota base rate schedule;

(b) for the 1983 registration year, 40 percent of the tax imposed in the Minnesota base rate schedule;

(c) for the 1984 registration year, 45 percent of the tax imposed in the Minnesota base rate schedule;

(d) for the 1985 registration year, and each succeeding year, 50 percent of the tax imposed in the Minnesota base rate schedule.

On trucks, truck-tractors and semitrailer combinations, except those defined as farm trucks and farm combinations, and except for those urban trucks and combinations and commercial zone vehicles specifically provided for in this subdivision, the tax for the first eight years of vehicle life shall be 100 percent of the tax imposed in the Minnesota base rate schedule, and during the ninth and succeeding years of vehicle life, the tax shall be 75 percent of the Minnesota base rate prescribed by this subdivision, except as otherwise provided in this subdivision.

On trucks, truck-tractors and semitrailer combinations, except those defined as farm trucks and farm combinations, and except for those urban trucks and combinations and commercial zone vehicles specifically provided for in this subdivision, during each of the first eight years of vehicle life the tax shall be:

(a) for the registration year 1982, 83 percent of the tax imposed in the Minnesota base rate schedule;

(b) for the registration year 1983, 89 percent of the tax imposed in the Minnesota base rate schedule;

(c) for the registration year 1984, 95 percent of the tax imposed in the Minnesota base rate schedule;

(d) for the registration year 1985, and each succeeding year, 100 percent of the tax imposed in the Minnesota base rate schedule.

Sec. 2. Minnesota Statutes 1984, section 169.81, subdivision 2, is amended to read:

Subd. 2. [LENGTH OF VEHICLES.] (a) No single unit motor vehicle, except truck cranes which may not exceed 45 feet, unladen or with load may exceed a length of 40 feet extreme overall dimensions inclusive of front and rear bumpers, except that the governing body of a city is authorized by permit to provide for the maximum length of a motor vehicle, or combination of motor vehicles, or the number of vehicles that may be fastened together, and which may be operated upon the streets or highways of a city; provided, that the permit may not prescribe a length less than that permitted by state law. A motor vehicle operated in compliance with the permit on the streets or highways of the city is not in violation of this chapter.

(b) No single semitrailer, *unladen or with load*, may have an overall length, exclusive of non-cargo-carrying accessory equipment, including refrigeration units or air compressors, necessary for safe and efficient opera-

tion mounted or located on the end of the semitrailer adjacent to the truck or truck-tractor, in excess of 48 feet, except as provided in paragraph (d). No single trailer, *unladen or with load*, may have an overall length inclusive of tow bar assembly and exclusive of rear protective bumpers which do not increase the overall length by more than six inches, in excess of 45 feet. For determining compliance with the provisions of this subdivision, the length of the semitrailer or trailer must be determined separately from the overall length of the combination of vehicles.

(c) No semitrailer or trailer used in a three-vehicle combination, *unladen or with load*, may have an overall length, exclusive of non-cargo-carrying accessory equipment, including refrigeration units or air compressors, necessary for safe and efficient operation mounted or located on the end of the semitrailer or trailer adjacent to the truck or truck-tractor, and further exclusive of the tow bar assembly, in excess of 28-1/2 feet. *Except as provided in section 12*, the commissioner may not grant a permit authorizing the movement, in a three-vehicle combination, of a semitrailer or trailer that exceeds 28-1/2 feet, *whether unladen or with load*, except that the commissioner may renew a permit that was granted before April 16, 1984 for the movement of a semitrailer or trailer that exceeds the length limitation in this paragraph.

(d) The commissioner may issue an annual permit for a semitrailer in excess of 48 feet in length, if the distance from the kingpin to the centerline of the rear axle group of the semitrailer does not exceed 41 feet and if a combination of vehicles, which includes a semitrailer in excess of 48 feet for which a permit has been issued under this paragraph, does not exceed an overall length of 65 feet, *unladen or with load*. The annual fee for a permit issued under this paragraph is \$36.

Sec. 3. Minnesota Statutes 1984, section 169.825, is amended by adding a subdivision to read:

Subd. 3a. [TANDEM.] "Tandem axles" means two consecutive axles whose centers are spaced more than 40 inches and not more than 96 inches apart.

Sec. 4. Minnesota Statutes 1984, section 169.825, subdivision 8, is amended to read:

Subd. 8. [PNEUMATIC-TIRED VEHICLES.] No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state:

(a) Where the gross weight on any wheel exceeds 9,000 pounds, except that on designated *local routes and state trunk highways* the gross weight on any single wheel shall not exceed 10,000 pounds;

(b) Where the gross weight on any single axle exceeds 18,000 pounds, except that on designated *local routes and state trunk highways* the gross weight on any single axle shall not exceed 20,000 pounds;

(c) Where the maximum wheel load exceeds 600 pounds per inch of tire width or the manufacturer's recommended load, whichever is less;

(d) Where the gross weight on any axle of a tridem exceeds 15,000 pounds, except that for vehicles to which an additional axle has been added prior to June 1, 1981, the maximum gross weight on any axle of a tridem may be up to 16,000 pounds provided the gross weight of the tridem combination does not exceed 37,000 pounds where the first and third axles of the tridem are spaced seven feet apart; 38,500 pounds where the first and third axles of

the tridem are spaced eight feet apart; and 39,900 pounds where the first and third axles of the tridem are spaced nine feet apart.

(e) Where the gross weight on any group of axles exceeds the weights permitted under this section with any or all of the interior axles disregarded and their gross weights subtracted from the gross weight of all axles of the group under consideration.

Sec. 5. Minnesota Statutes 1984, section 169.825, subdivision 10, is amended to read:

Subd. 10. [GROSS WEIGHT SCHEDULE.] (a) No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state where the total gross weight on any group of two or more consecutive axles of any vehicle or combination of vehicles exceeds that given in the following table for the distance between the centers of the first and last axles of any group of two or more consecutive axles under consideration; the distance between axles being measured longitudinally to the nearest even foot, and when the measurement is a fraction of exactly one-half foot the next largest whole number in feet shall be used, except that when the distance between axles is more than three feet four inches and less than three feet six inches the distance of four feet shall be used:

Distances in feet between centers of fore- most and rearmost axles of a group	Maximum gross weight in pounds on a group of		
	2	3	4
	consecutive axles of a 2-axle vehicle or of any vehicle or combination of vehicles having a total of 2 or more axles	consecutive axles of a 3-axle vehicle or of any vehicle or combination of vehicles having a total of 3 or more axles	consecutive axles of a 4-axle vehicle or any com- bination of vehicles having a total of 4 or more axles
4	34,000		
5	34,000		
	(35,000)		
6	34,000		
	(36,000)		
7	34,000	41,500	
	(37,000)		
8	34,000	42,000	
	(38,000)		
9	35,000	43,000	
	(39,000)		
10	36,000	43,500	49,000
	(40,000)		
11	36,000	44,500	49,500
12		45,000	50,000
13		46,000	51,000
14		46,500	51,500
15		47,500	52,000
16		48,000	53,000
17		49,000	53,500
18		49,500	54,000

19	50,500	55,000
20	51,000	55,500
21	52,000	56,000
22	52,500	57,000
23	53,500	57,500
24	54,000	58,000
25	(55,000)	59,000
26	(55,500)	59,500
27	(56,500)	60,000
28	(57,000)	61,000
29	(58,000)	61,500
30	(58,500)	62,000
31	(59,500)	63,000
32	(60,000)	63,500
33		64,000
34		65,000
35		65,500
36		66,000
37		67,000
38		67,500
39		68,000
40		69,000
41		69,500
42		70,000
43		71,000
44		71,500
45		72,000
46		72,500
47		(73,500)
48		(74,000)
49		(74,500)
50		(75,500)
51		(76,000)

Maximum gross weight in pounds on a group of

	5	6	7
Distances in feet between centers of fore- most and rearmost axles of a group	consecutive axles of a 5-axle vehicle or any com- bination of vehicles having a total of 5 or more axles	consecutive axles of a combination of vehicles having a total of 6 or more axles	consecutive axles of a combination of vehicles having a total of 7 or more axles
14	57,000		
15	57,500		
16	58,000		
17	59,000		
18	59,500		
19	60,000		
20	60,500	66,000	72,000
21	61,500	67,000	72,500
22	62,000	67,500	73,000
23	62,500	68,000	73,500

24	63,000	68,500	74,000
25	64,000	69,000	75,000
26	64,500	70,000	75,500
27	65,000	70,500	76,000
28	65,500	71,000	76,500
29	66,500	71,500	77,000
30	67,000	72,000	77,500
31	67,500	73,000	78,500
32	68,000	73,500	79,000
33	69,000	74,000	79,500
34	69,500	74,500	80,000
35	70,000	75,000	
36	70,500	76,000	
37	71,500	76,500	
38	72,000	77,000	
39	72,500	77,500	
40	73,000	78,000	
41	74,000 (74,000)	79,000	
42	74,500 (74,500)	79,500	
43	75,000 (75,000)	80,000	
44	75,500 (75,500)		
45	76,500 (76,500)		
46	77,000 (77,000)		
47	77,500 (77,500)		
48	78,000 (78,000)		
49	79,000 (79,000)		
50	79,500 (79,500)		
51	80,000 (80,000)		

The gross weights shown in parentheses in this clause are permitted only on *state trunk highways* and routes designated under section 169.832, subdivision 11.

(b) Notwithstanding any lesser weight in pounds shown in this table but subject to the restrictions on gross vehicle weights in clause (c), two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each and a combined gross load of 68,000 pounds provided the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

(c) Notwithstanding the provisions of section 169.85, the gross vehicle weight of all axles of a vehicle or combination of vehicles shall not exceed the following:

(1) 80,000 pounds for any vehicle or combination of vehicles on all *state trunk highways* as defined in section 160.02, subdivision 2, and for all routes designated under section 169.832, subdivision 11; and

(2) 73,280 pounds for any vehicle or combination of vehicles with five axles or less on all routes, *other than state trunk highways*, that are not designated under section 169.832, subdivision 11; and

(3) 80,000 pounds for any vehicle or combination of vehicles with six or more axles on all routes, *other than state trunk highways*, that are not designated under section 169.832, subdivision 11.

(d) The maximum weights specified in this subdivision for five consecutive axles shall not apply to a combination of vehicles that includes a three

axle semi-trailer first registered before August 1, 1981. All other weight limitations in this section are applicable.

(e) The maximum weights specified in this subdivision for five consecutive axles shall not apply to a four axle ready mix concrete truck which was equipped with a fifth axle prior to June 1, 1981. The maximum gross weight on four or fewer consecutive axles of vehicles excepted by this clause shall not exceed any maximum weight specified for four or fewer consecutive axles in this subdivision.

Sec. 6. Minnesota Statutes 1984, section 169.825, subdivision 11, is amended to read:

Subd. 11. [GROSS WEIGHT SEASONAL INCREASES.] (a) The limitations provided in this section are increased:

(1) by ten percent from January 1 to March 7 each winter, statewide;

(2) by ten percent from December 1 through December 31 each winter in the zone bounded as follows: beginning at Pigeon River in the northeast corner of Minnesota; thence in a southwesterly direction along the north shore of Lake Superior along Trunk Highway No. 61 to the junction with Trunk Highway No. 210; thence westerly along Trunk Highway No. 210 to the junction with Trunk Highway No. 10; thence northwesterly along Trunk Highway No. 10 to the junction with Trunk Highway No. 59; thence northerly along Trunk Highway No. 59 to the junction with Trunk Highway No. 2; thence westerly along Trunk Highway No. 2 to the junction with Trunk Highway No. 32; thence northerly along Trunk Highway No. 32 to the junction with Trunk Highway No. 11; thence northeast along Trunk Highway No. 11 to the east line of Range 43W to the Minnesota-North Dakota Border; thence northerly along said Border to the Minnesota-Canadian Border; thence easterly along said Border to Lake Superior; and

(3) by ten percent from October 1 through November 30 each year for the movement of sugar beets and potatoes from the field of harvest to the point of first unloading.

(b) The duration of a ten percent increase in load limits is subject to limitation by order of the commissioner, subject to implementation of springtime load restrictions, or March 7.

(c) When the ten percent increase is in effect, a permit is required for a motor vehicle, trailer, or semitrailer combination that has a gross weight in excess of 80,000 pounds, an axle group weight in excess of that prescribed in subdivision 10, or a single axle weight in excess of 20,000 pounds and which travels on interstate routes.

(d) In cases where gross weights in an amount less than that set forth in this section are fixed, limited, or restricted on a highway or bridge by or under another section of this chapter, the lesser gross weight as fixed, limited, or restricted may not be exceeded and must control instead of the gross weights set forth in this section.

(e) Notwithstanding any other provision of this subdivision, no vehicle may exceed a total gross vehicle weight of 80,000 pounds on local and county routes which have not been designated by the commissioner under section 169.832, subdivision 11.

Sec. 7. Minnesota Statutes 1984, section 169.833, is amended to read:

169.833 [ADDITION OF TRUNK HIGHWAYS TO DESIGNATED

ROUTE SYSTEM; PRIORITY LIST.]

Subdivision 1. [PRIORITY LIST PREPARED.] (a) By December 31 of each odd-numbered year beginning in 1985, each highway district must submit to the commissioner its list of identified market arteries and recommended priorities for upgrading. The priority list must be prepared in accordance with this section by the district engineer in consultation with county and city engineers in the district. Each district engineer must hold one or more public meetings on the list and report to the commissioner in detail how the district upgrading priority list reflects testimony received in the public meetings.

(b) In making its priority list each district must consider the priorities of counties, municipalities, regions and adjoining districts. Each district must submit to the commissioner a preliminary list of market arteries identified for upgrading by September 1, 1985.

Subd. 2. [SELECTION OF MARKET ARTERIES.] The district priority list must identify all market arteries and determine those in need of upgrading. Roads considered for identification as market arteries must include roads connecting Minnesota with border states and provinces, roads connecting interstate highways with state trunk highways, and roads connecting trunk highways with one another. In determining the need for upgrading market arteries, the district must consider shippers' needs, community views, road conditions, regional development plans and the plans of adjoining districts. In identifying market arteries and determining the need for upgrading, the district must give priority to roads serving communities without access to rail service or a year-round, ten-ton route.

Subdivision 4 Subd. 3. [IDENTIFICATION OF PROJECTS.] The commissioner shall develop a priority list of trunk highway routes to be added to the system of routes designated under section 169.832 improvements to upgrade market arteries identified in the district priority lists developed under this section. The commissioner shall consult with representatives of the trucking, shipping, and agricultural industries and, local authorities, and regional development commissions in developing the list. A route shall be added to the designated route system after completion of road improvements that provide road strength adequate to carry the permissible weights under section 169.825 or when the commissioner otherwise determines that designation of a route is reasonable. In developing the list the commissioner shall give highest priority to improvements that will eliminate prohibitions or restrictions that interrupt year-round full service on market arteries.

Subd. 2. [FUNDING OF ADDITIONS TO THE SYSTEM.] On July 1 of each year the commissioner of finance shall certify to the commissioner the estimated increase in revenue to the trunk highway fund resulting from the increase in the gasoline and special fuel excise tax under section 296.02. The commissioner shall expend 15 percent of the increase in revenue to the trunk highway fund resulting from the increase in the gasoline and special fuel excise tax under section 296.02 and 15 percent of future increases in gasoline and special fuel excise tax revenues to the trunk highway fund for the purposes of subdivision 1. In the event that actual expenditures during any fiscal year are less or greater than 15 percent when compared to actual revenue the commissioner shall adjust his expenditures for the purpose of subdivision 1

for the following years in order to achieve compliance with this subdivision.

Sec. 8. Minnesota Statutes 1984, section 169.86, subdivision 1a, is amended to read:

Subd. 1a. [SEASONAL PERMITS FOR CERTAIN HAULERS.] The commissioner of transportation, upon application in writing therefor, may issue special permits annually to any hauler authorizing the hauler to move vehicles or combinations of vehicles with weights exceeding by not more than ten percent the weight limitations contained in section 169.825, but not exceeding 88,000 pounds gross vehicle weight, on interstate highways during the times and within the zones specified in section 169.825.

Sec. 9. Minnesota Statutes 1984, section 169.86, is amended by adding a subdivision to read:

Subd. 1b. [SPECIAL PERMITS.] (a) The commissioner of transportation may issue a permit authorizing a hauler, during the times and under the conditions specified by the commissioner, to move a vehicle or combination of vehicles with a gross vehicle weight not exceeding 88,000 pounds on state trunk highways, if the vehicle or combination of vehicles has six or more axles and all wheels are equipped with brakes. The maximum wheel load on a non-steering axle shall not exceed the lesser of 500 pounds per inch of tire width or the manufacturer's recommended load for the tire used. The maximum gross weight on a group of consecutive axles shall not exceed the limits set in section 169.825, subdivision 10, for any combination of five or fewer axles. The seasonal increases allowed under section 169.825, subdivision 11, do not apply to vehicles operating under a permit issued under this subdivision. The commissioner shall not issue permits under this section if their issuance will result in a loss of federal highway funding to the state.

(b) Before a permit is issued under this subdivision, the applicant must present to the commissioner an inspection report issued by the department of public safety for each vehicle or combination of vehicles. The inspection report must certify that at the time of inspection each loaded vehicle properly distributed the weight as prescribed in section 169.825. The inspection report must also certify that at the time of inspection each vehicle complied with federal bureau of motor carrier safety standards. At the time of inspection, each vehicle or combination of vehicles must be loaded to the requested permitted weight. The inspection report will expire 12 months after the date of inspection. The commissioner shall issue at no charge a 48-hour permit to authorize transportation to and from the point of inspection.

The applicant must pay to the commissioner a permit fee of \$200 and an inspection fee of \$50 for each vehicle or combination of vehicles that will be operated under the permit. Permit fees must be deposited in the state treasury and credited to the trunk highway fund. Inspection fees must be deposited in the trunk highway fund and credited to a special account. Money in the account is appropriated to the commissioner of public safety to administer this subdivision.

(c) The permit and a copy of the inspection report must be carried with each vehicle or combination of vehicles operating under a permit issued under this subdivision and must be displayed on request of any officer empowered to enforce this section. Each vehicle certified for compliance must

display an identifying sticker as prescribed by the commissioner.

Sec. 10. Minnesota Statutes 1984, section 169.86, subdivision 2, is amended to read:

Subd. 2. [REQUIRED INFORMATION.] The application for ~~any such a~~ permit shall specifically describe *in writing* the vehicle or vehicles and loads to be moved and the particular highways ~~for which permit to so use is requested,~~ and the period of time for which ~~such a~~ permit is requested.

Sec. 11. Minnesota Statutes 1984, section 169.86, subdivision 5, is amended to read:

Subd. 5. [FEES.] The commissioner, with respect to highways under his jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

(a) \$15 for each single trip permit.

(b) \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight and dimension.

(c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) refuse compactor vehicles that carry a gross weight up to but not in excess of 22,000 pounds on a single rear axle and not in excess of 38,000 pounds on a tandem rear axle;

(2) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;

(3) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a;

(4) motor vehicles operating with gross weights authorized under section 169.825, subdivision 11, clause (3).

(d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) truck cranes;

(2) construction equipment, machinery, and supplies;

(3) manufactured homes;

(4) farm equipment when the movement is not made according to the provisions of section 169.80, subdivision 1, paragraphs (a) to (f);

(5) double-deck buses;

(6) commercial boat hauling.

(e) For vehicles which have axle weights exceeding the weight limitations of section 169.825, an additional cost added to the fees listed above. The additional cost is equal to the product of the distance traveled times the sum

of the overweight axle group cost factors shown in the following chart:

Overweight Axle Group Cost Factors

Weight (pounds) exceeding weight limi- tations on axles	Cost Per Mile For Each Group Of:		
	Two consec- utive axles spaced within 8 feet or less	Three consec- utive axles spaced within 9 feet or less	Four consec- utive axles spaced with- in 14 feet or less
0-2,000	.100	.040	.036
2,001-4,000	.124	.050	.044
4,001-6,000	.150	.062	.050
6,001-8,000	Not permitted	.078	.056
8,001-10,000	Not permitted	.094	.070
10,001-12,000	Not permitted	.116	.078
12,001-14,000	Not permitted	.140	.094
14,001-16,000	Not permitted	.168	.106
16,001-18,000	Not permitted	.200	.128
18,001-20,000	Not permitted	Not permitted	.140
20,001-22,000	Not permitted	Not permitted	.168

The amounts added are rounded to the nearest cent for each axle or axle group. The additional cost does not apply to paragraph (c), clauses (1) and (3).

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, construction equipment, machinery, and supplies. The fees for the permit are as follows:

Gross Weight (pounds) of vehicle Annual Permit Fee

90,000 or less	\$200.00
90,001 - 100,000	\$300.00
100,001 - 110,000	\$400.00
110,001 - 120,000	\$500.00
120,001 - 130,000	\$600.00
130,001 - 140,000	\$700.00

If the gross weight of the vehicle is more than 140,000 pounds the permit fee is determined under paragraph (e).

(g) For vehicles which exceed the width limitations set forth in section 169.80 by more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a) when the permit is issued while seasonal load restrictions pursuant to section 169.87 are in effect.

(h) For vehicles granted a special permit under section 12, an annual fee

of \$120.

Sec. 12. Minnesota Statutes 1984, section 169.86, is amended by adding a subdivision to read:

Subd. 7. [SPECIAL PERMIT FOR WESTERN BORDER VEHICLES.] The commissioner may issue a special annual permit for a three-vehicle combination consisting of a truck tractor and two semitrailers. The combination of vehicles may not exceed an overall length, unladen or with load, of 110 feet; a maximum total gross weight of 105,000 pounds; or maximum axle weight restrictions under this chapter. This combination of vehicles may not travel within this state more than 25 miles from the western border of Minnesota, and is limited to four-lane highways and local two-lane roads leading to a terminal within one mile of a four-lane highway. The commissioner may rescind the permit if the condition of the road begins to deteriorate or show signs of damage. The combination of vehicles must not travel within the corporate limits of a home rule, statutory, or charter city unless the governing body of the city approves the travel by resolution.

Sec. 13. Minnesota Statutes 1984, section 169.862, is amended to read:

169.862 [PERMITS FOR WIDE LOADS OF BALED HAY.]

The commissioner of transportation with respect to highways under the commissioner's jurisdiction, and local authorities with respect to highways under their jurisdiction, may issue an annual permit to enable a vehicle carrying round ~~baled hay~~, *bales of agricultural products* with a total outside width of the vehicle or the load not exceeding 11-1/2 feet, to be operated on public streets and highways. Permits issued under this section are governed by the applicable provisions of section 169.86 except as otherwise provided herein and, in addition, carry the following restrictions:

(a) The vehicles may not be operated between sunset and sunrise, when visibility is impaired by weather, fog, or other conditions rendering persons and vehicles not clearly visible at a distance of 500 feet, or on ~~Saturdays, Sundays, and Sunday from noon until sunset, or on the days the following holidays are observed: New Year's day, Memorial day, Independence day, Labor day, Thanksgiving day, and Christmas day.~~

(b) The vehicles may not be operated on interstate highways.

(c) The vehicles may not be operated on a trunk highway with a pavement less than 24 feet wide.

(d) A vehicle operated under the permit must be equipped with a retractable or removable mirror on the left side so located that it will reflect to the driver a clear view of the highway for a distance of at least 200 feet to the rear of the vehicle. ~~Simultaneous flashing amber lights, as provided in section 169.59, subdivision 4, must be displayed to the front and rear of the vehicle. The flashing amber lights must be lighted only when the width of the load exceeds 102 inches. The flashing amber light system is in addition to and separate from the turn signal system and the hazard warning light system.~~

(e) A vehicle operated under the permit must display red, orange, or yellow flags, ~~42~~ 18 inches square, as markers at the front and rear and on both sides of the load. The load must be securely bound to the transporting vehicle.

The fee for the permit is \$24.

Sec. 14. Minnesota Statutes 1984, section 169.87, subdivision 1, is amended to read:

Subdivision 1. ~~[OPTIONAL POWER SEASONAL LOAD RESTRICTION.]~~ Local authorities, with respect to highways under their jurisdiction, may prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, whenever any such highway, by reason of deterioration, rain, snow, or other climatic conditions, will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

The local authority enacting any such prohibition or restriction shall erect or cause to be erected and maintained signs plainly indicating the prohibition or restriction at each end of that portion of any highway affected thereby, and the prohibition or restriction shall not be effective unless and until such signs are erected and maintained.

Municipalities, with respect to highways under their jurisdiction, may also, by ordinance, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

The commissioner shall likewise have authority, as hereinabove granted to local authorities, to determine and to impose prohibitions or restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of the commissioner, and, *except as provided in this subdivision*, such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway affected by such action.

When a local authority petitions the commissioner to establish a truck route for travel into, through, or out of the territory under its jurisdiction, the commissioner shall investigate the matter. If the commissioner determines from his investigation that the operation of trucks into, through, or out of the territory involves unusual hazards because of any or all of the following factors: load carried; type of truck used; or topographic or weather conditions, the commissioner may make his order designating certain highways under his jurisdiction as truck routes into, through, or out of such territory. When these highways have been marked as truck routes pursuant to the order, trucks traveling into, through, or out of the territory shall comply with the order. The commissioner shall propose the prohibitions and restrictions and publish them in the qualified legal newspaper of each affected county by November 1 of each year. The commissioner shall, within ten days of the publication, notify the county auditor of each affected county, by mail, of the proposed prohibitions and restrictions. The commissioner may impose restrictions that are not proposed by November 1 only in cases of unanticipated road damage so severe as to warrant immediate emergency action. Emergency road restrictions are not subject to the meeting requirement.

If a meeting is requested by the county board of one or more counties in which the proposed prohibition or restriction is effective, a proposed prohibition or restriction may not be posted and does not become effective unless

the commissioner holds a public meeting. Notice of the meeting must be published in the qualified legal newspaper of the county. The commissioner or his designee shall hold a public meeting in the affected county and shall determine whether the adverse economic impact of the prohibition or restriction on the affected communities is so severe that the prohibition or restriction must be modified or suspended. If more than one county board requests a meeting on a single proposed prohibition or restriction the commissioner may hold one consolidated meeting on the proposal.

A county board may request a meeting only if it determines that the proposed prohibition or restriction would adversely affect one or more communities in the county by denying it all access to unrestricted routes.

Sec. 15. Minnesota Statutes 1984, section 169.87, is amended by adding a subdivision to read:

Subd. 1a. [TRUCK ROUTES.] When a local authority petitions the commissioner to establish a truck route for travel into, through, or out of the territory under its jurisdiction, the commissioner shall investigate the matter. The commissioner may designate by order certain highways under his or her jurisdiction as truck routes into, through, or out of a territory if the commissioner determines from investigation that the operation of trucks into, through, or out of the territory involves unusual hazards because of any or all of the following factors: load carried, type of truck used, or topographic or weather conditions. When these highways have been marked as truck routes pursuant to the order, trucks traveling into, through, or out of the territory shall comply with the order.

Sec. 16. [COMPLEMENT.]

The approved complement of the department of public safety is increased by three trooper positions. If the number of inspections under section 9 in either year of the biennium ending June 30, 1987, exceeds 5,000, the approved complement of the department of public safety is increased as follows: to four trooper positions if the number of inspections is greater than 5,000 and less than 6,501, to five trooper positions if the number of inspections is greater than 6,500 and less than 8,000, and to six trooper positions if the number of inspections is 8,000 or greater."

Delete the title and insert:

"A bill for an act relating to transportation; motor carriers; providing for annual increases in gross weight tax rates; establishing a gross vehicle weight limitation for state trunk highways; revising the gross weight seasonal zone; providing for ten percent overweight allowance for movement of potatoes and sugar beets; authorizing the commissioner of transportation to issue special permit for three-vehicle combination exceeding length and weight restrictions under certain conditions; allowing wide loads of baled agricultural products to travel certain roads at certain times by annual permit; removing a requirement that wide loads be marked by flashing amber lights; requiring a district priority list; providing that a county may challenge a seasonal weight restriction imposed by the commissioner; appropriating money; amending Minnesota Statutes 1984, sections 168.013, subdivision 1e; 169.81, subdivision 2; 169.825, subdivisions 8, 10, and 11, and by adding a subdivision; 169.833; 169.86, subdivisions 1a, 2, 5, and by adding subdivi-

sions; 169.862; and 169.87, subdivision 1, and by adding a subdivision."

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1002 and 1284 were read the second time.

Without objection, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Merriam introduced—

S.F. No. 1550: A bill for an act relating to education; restricting the Minnesota state high school league's regulation of athletics to interscholastic athletics; amending Minnesota Statutes 1984, section 129.121, subdivision 1.

Referred to the Committee on Education.

Messrs. Lessard, Stumpf and Chmielewski introduced—

S.F. No. 1551: A bill for an act relating to tax-forfeited lands; providing for sale of certain improved lots; amending Minnesota Statutes 1984, section 282.01, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sieloff and Frederick introduced—

S.F. No. 1552: A bill for an act relating to taxation; income; changing computation of corporate net operating losses and carryovers; amending Minnesota Statutes 1984, section 290.095, subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

MOTIONS AND RESOLUTIONS - CONTINUED

The question recurred on H.F. No. 694.

SPECIAL ORDER

H.F. No. 694: A bill for an act relating to natural resources; grants and loans for certain dam reconstruction, repair, and removal projects; appropriating money; amending Laws 1979, chapter 300, section 4, subdivisions 2, as amended, 3 and 4; and Laws 1981, chapter 361, section 3, subdivision 3.

Mr. Ramstad moved to amend H.F. No. 694, as amended by the Senate May 16, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 1543.)

Page 9, delete lines 43 to 46

Page 10, delete lines 7 to 22 and insert:

“(h) Construct a play area at French/Medicine Lake regional park	1,750,000
(i) Complete campground at Spring Lake	350,000
(j) Renovate railroad crossing at Hyland-Bush-Anderson Lakes regional park	200,000
(k) Begin reimbursement for agency funds spent to acquire corridor for portion of North Hennepin regional trail	800,000
(l) Continue development in Lake Minnewashta regional park	200,000”

Reletter the clauses in sequence

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Kamrath	Mehrkens	Sieloff
Benson	Frederickson	Knutson	Merriam	Storm
Berg	Isackson	Kronebusch	Olson	Taylor
Bernhagen	Johnson, D.E.	Laidig	Ramstad	
Bertram	Jude	McQuaid	Renneke	

Those who voted in the negative were:

Adkins	Diessner	Langseth	Peterson, D.C.	Solon
Berglin	Dieterich	Lantry	Petty	Stumpf
Chmielewski	Frank	Luther	Pogemiller	Vega
Dahl	Freeman	Moe, D.M.	Purfeerst	Waldorf
Davis	Hughes	Moe, R.D.	Reichgott	Wegscheid
DeCramer	Johnson, D.J.	Novak	Samuelson	Willet
Dicklich	Kroening	Peterson, C.C.	Schmitz	

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

Mr. Wegscheid moved to amend H.F. No. 694, as amended by the Senate May 16, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 1543.)

Page 37, after line 30, insert:

“Sec. 40. Minnesota Statutes 1984, section 453.51, is amended to read:
453.51 [INTENT.]

Sections 453.51 to 453.62 are intended to provide a means for those Minnesota cities which now or hereafter own and operate a utility pursuant to law for the local distribution of electric energy to secure, by individual or joint action among themselves or by contract with other public or private entities within or outside the state, an adequate, economical, and reliable supply of energy. *It is also the purpose of sections 453.51 to 453.62 to provide a means for Minnesota cities to construct and operate hydroelectric generating plants.* To accomplish ~~this purpose~~ *these purposes* it is necessary for such cities to have power, by agreement between or among two or more of their

number, to create a separate municipal corporation with the power and authority to finance and acquire facilities for the generation or transmission of electric energy, or interests in such facilities or rights to part of all of the capacity thereof. It is determined that an adequate, economical, and reliable supply of electric energy is essential to the orderly growth and prosperity of these communities, and a shortage of such energy is inimical to the safety, health, morale, and welfare of residents of the state and to the sound growth and developments of its communities. Such a shortage exists and is expected to continue or increase because of the difficulty, among others, in the operation of municipal generating plants, of achieving economies of size, limiting environmental impacts, and providing for peak loads. Accordingly it is determined that the exercise of the powers granted herein will benefit the people of the state and serve a valid public purpose in improving and otherwise promoting their health, welfare, and prosperity.

Sec. 41. Minnesota Statutes 1984, section 453.54, subdivision 15, is amended to read:

Subd. 15. It may contract with any person, within or outside the state, for the construction of any project or for the sale, *with or without advertising for bids*, or transmission of electric energy generated by any project, or for any interest therein or any right to capacity thereof, on such terms and for such period of time as its board of directors determines.

Sec. 42. Minnesota Statutes 1984, section 453.58, is amended by adding a subdivision to read:

Subd. 4. [NO TAXATION OF PROPERTY.] Notwithstanding anything in sections 453.51 to 453.62 to the contrary, a city, by the exercise of any or all of the powers granted in sections 453.51 to 453.62, is not subject to any duty under section 453.54, subdivision 20, to pay amounts in lieu of taxes on any of its property. The sale or distribution of electric energy to private persons shall not cause a project to be treated as not used exclusively for a public purpose.

Sec. 43. [INTERPRETATION.]

Section 453.58, subdivision 4, is adopted to clarify the powers intended to be granted to cities under Minnesota Statutes 1984, section 453.58, and the consequences thereof, is remedial in character, and applies to all property heretofore or hereafter acquired through the exercise of any of the powers of Minnesota Statutes, sections 453.51 to 453.62.

Sec. 44. [AUTHORIZATION.]

The city of Hastings, acting through its governing body, may exercise any or all of the powers granted in Minnesota Statutes, sections 453.51 to 453.62, with respect to a hydroelectric generating plant within its boundaries, whether or not electricity generated at the plant is distributed locally. The provisions of Minnesota Statutes, section 453.54, subdivision 20, shall not apply to the hydroelectric generating plant. The hydroelectric generating plant may be acquired and constructed without advertising for bids, preparing final plans and specifications in advance of construction or acquisition.

Sec. 45. [FINDING.]

Notwithstanding any sale of electric energy to private persons, the hydro-

electric generating plant referred to in section 44 constitutes public property used exclusively for a public purpose."

Page 39, line 8, after the period, insert "Sections 44 and 45 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Hastings."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Benson moved to amend H.F. No. 694, as amended by the Senate, May 16, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 1543.)

Page 6, delete lines 21 and 22, and lines 31 to 48

Page 7, delete lines 1 to 8

Reletter the lettered paragraphs in sequence

Correct the subdivision and section totals and the summary

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 16 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	Isackson	McQuaid	Ramstad	Storm
Benson	Kamrath	Mehrrens	Renneke	Stumpf
Bernhagen	Kronebusch	Olson	Sieloff	Taylor
Brataas				

Those who voted in the negative were:

Adkins	DeCramer	Laidig	Novak	Solon
Berg	Dieterich	Langseth	Peterson, C.C.	Spear
Berglin	Frank	Lantry	Petty	Vega
Bertram	Hughes	Luther	Reichgott	Waldorf
Chmielewski	Johnson, D.J.	Merriam	Samuelson	Wegscheid
Davis	Jude	Moe, R.D.	Schmitz	Willett

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

Mr. Isackson moved to amend H.F. No. 694, as amended by the Senate, May 16, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 1543.)

Page 13, after line 19, insert:

"(c) Bigelow, on trunk highway 60, including
a travel information center 1,191,000"

Correct the subdivision and section totals and the summary

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 17 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Knutson	Mehrrens	Taylor
Benson	DeCramer	Kronebusch	Renneke	
Berg	Isackson	Laidig	Sieloff	
Bernhagen	Johnson, D.E.	McQuaid	Storm	

Those who voted in the negative were:

Adkins	Frank	Luther	Petty	Vega
Berglin	Hughes	Merriam	Purfeerst	Waldorf
Bertram	Johnson, D.J.	Moe, D.M.	Ramstad	Wegscheid
Chmielewski	Jude	Moe, R.D.	Samuelson	Willet
Davis	Kamrath	Novak	Schmitz	
Diessner	Langseth	Olson	Solon	
Dieterich	Lantry	Peterson, C.C.	Stumpf	

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

Mr. Storm moved to amend H.F. No. 694, as amended by the Senate May 16, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 1543.)

Page 37, after line 30, insert:

"Sec. 40.

Notwithstanding Laws 1984, chapter 644, section 83, a new mixed municipal solid waste disposal facility or capacity shall not be permitted in the metropolitan area without a certificate of need."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Willet questioned whether the amendment was germane.

The President ruled that the amendment was germane.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 26, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Kamrath	Olson	Storm
Benson	Dieterich	Kronebusch	Ramstad	Taylor
Berg	Frank	Laidig	Reichgott	
Bernhagen	Isackson	McQuaid	Renneke	
Brataas	Johnson, D.E.	Mehrkens	Sieloff	

Those who voted in the negative were:

Adkins	Hughes	Moe, D.M.	Purfeerst	Wegscheid
Berglin	Jude	Moe, R.D.	Samuelson	Willet
Bertram	Langseth	Novak	Schmitz	
Davis	Lantry	Pehler	Solon	
DeCramer	Luther	Peterson, C.C.	Stumpf	
Diessner	Merriam	Petty	Vega	

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

Mrs. Brataas moved to amend H.F. No. 694, as amended by the Senate May 16, 1985, as follows:

(The text of the amended House File is identical to S. F. No. 1543.)

Page 17, after line 19, insert:

"(i) Independent School District No. 535,
Rochester

4,379,500

This appropriation is to construct an addition

and remodel the existing facility. The total cost of the project must not be more than \$5,140,000, whether paid from state, local, or federal money."

Reletter the items in sequence

Correct the subdivision and section totals, the summary, and the amount of bonds authorized to be sold

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Kamrath	Mehrkens	Sieloff
Benson	Diessner	Kronebusch	Olson	Solon
Berg	Isackson	Laidig	Ramstad	Taylor
Bernhagen	Johnson, D.E.	McQuaid	Renneke	

Those who voted in the negative were:

Adkins	Dicklich	Langseth	Petty	Spear
Berglin	Dieterich	Lantry	Purfeerst	Stumpf
Bertram	Hughes	Merriam	Reichgott	Vega
Davis	Johnson, D.J.	Novak	Samuelson	Willet
DeCramer	Jude	Peterson, C.C.	Schmitz	

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

Mr. Laidig moved to amend H.F. No. 694, as amended by the Senate May 16, 1985, as follows:

(The text of the amended House File is identical to S. F. No. 1543.)

Page 22, line 40, delete "The"

Page 22, delete lines 41 to 51

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Dieterich	Knutson	Merriam	Storm
Benson	Isackson	Kronebusch	Olson	Taylor
Berg	Johnson, D.E.	Laidig	Ramstad	
Bernhagen	Jude	McQuaid	Renneke	
Brataas	Kamrath	Mehrkens	Sieloff	

Those who voted in the negative were:

Berglin	Frank	Moe, D.M.	Purfeerst	Vega
Bertram	Freeman	Novak	Samuelson	Waldorf
Davis	Hughes	Peterson, C.C.	Schmitz	Wegscheid
DeCramer	Langseth	Petty	Solon	Willet
Diessner	Lantry	Pogemiller	Stumpf	

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

Mr. Benson moved to amend H.F. No. 694, as amended by the Senate May 16, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 1543.)

Page 22, delete section 18

Renumber the sections in sequence and correct the internal references

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 28, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Knaak	Mehrkens	Storm
Benson	DeCramer	Knutson	Olson	Taylor
Berg	Isackson	Kronebusch	Ramstad	
Bernhagen	Johnson, D.E.	Laidig	Renneke	
Bertram	Kamrath	McQuaid	Sieloff	

Those who voted in the negative were:

Adkins	Dieterich	Jude	Petty	Stumpf
Berglin	Frank	Langseth	Pogemiller	Vega
Chmielewski	Freeman	Lantry	Purfeerst	Waldorf
Davis	Gustafson	Merriam	Samuelson	Willet
Dicklich	Hughes	Novak	Schmitz	
Diessner	Johnson, D.J.	Peterson, C.C.	Solon	

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

Mr. Knaak moved to amend H.F. No. 694, as amended by the Senate, May 16, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 1543.)

Page 13, after line 2, insert:

“(c) Arden Hills 562,000”

Correct the subdivision and section totals and the summary

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

H.F. No. 694 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 43 and nays 21, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Langseth	Peterson, C.C.	Solon
Berg	Frank	Lantry	Peterson, D.C.	Spear
Berglin	Frederickson	Luther	Peterson, R.W.	Stumpf
Bertram	Freeman	Merriam	Petty	Vega
Chmielewski	Gustafson	Moe, D.M.	Pogemiller	Waldorf
Dahl	Hughes	Moe, R.D.	Purfeerst	Wegscheid
Davis	Johnson, D.J.	Nelson	Reichgott	Willet
DeCramer	Kroening	Novak	Samuelson	
Dicklich	Kronebusch	Pehler	Schmitz	

Those who voted in the negative were:

Anderson	Isackson	Knutson	Peterson, D.L.	Taylor
Benson	Johnson, D.E.	Laidig	Ramstad	
Bernhagen	Jude	McQuaid	Renneke	
Brataas	Kamrath	Mehrkens	Sieloff	
Dieterich	Knaak	Olson	Storm	

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

Mr. Willet moved that S.F. No. 1543, No. 74 on General Orders, be stricken and laid on the table. The motion prevailed.

SPECIAL ORDER

S.F. No. 1512: A bill for an act relating to public finance; imposing financial reporting and accounting requirements; allowing municipalities to issue bonds for pension liabilities; allowing municipalities to issue bonds on various conditions; limiting use of tax increments in interest reduction programs; removing limitation on duration of interest reduction programs; amending Minnesota Statutes 1984, sections 273.74, subdivision 2, and by adding a subdivision; 273.75, subdivision 4; 475.52, subdivision 6; 475.54, by adding a subdivision; 475.56; 475.58, subdivision 1; 475.60, subdivision 2; and 475.67, subdivision 8, and by adding a subdivision; repealing Minnesota Statutes 1984, section 462.445, subdivision 13.

Mr. Novak moved to amend S.F. No. 1512 as follows:

Page 5, line 24, delete "*purchasing from*" and insert "*paying an amount specified in a contract between the municipality and*" and delete "*or financial corporation a*"

Page 5, line 25, delete "*contractual*" and insert "*in consideration of the*"

Page 5, line 25, delete "*providing for the*" and insert "*of the insurance company to*" and delete "*annually*" and insert "*periodically*"

Page 5, line 27, after "*or*" insert "*a specified*"

Page 5, line 28, delete "*A pension*" and insert "*The board of trustees or directors of a pension fund*"

Page 5, line 29, before "*shall*" insert "*or chapter 422A must consent and*" and delete "*contractual obligation*" and insert "*contract*"

Page 5, line 30, delete everything after "*section*"

Page 5, line 31, delete everything before the period and insert "*with respect to the fund held by it for the benefit of and in trust for its members*"

Page 6, line 24, before "*Any*" insert "*(a)*"

Page 7, line 10, after the period, begin a new paragraph and insert "*(b)*"

Page 7, line 27, after the period, insert "*The provisions of this paragraph do not apply to obligations issued by a statutory or home rule charter city with a population of less than 10,000, as defined in section 477A.011, subdivision 3.*"

The motion prevailed. So the amendment was adopted.

Mr. Pogemiller moved to amend S.F. No. 1512 as follows:

Pages 2 and 3, delete section 2

Page 10, line 31, delete everything before "*section 3*" and delete "*3*" and insert "*2*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete “, and by”

Page 1, line 10, delete “adding a subdivision”

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

Mr. Pogemiller then moved to amend S.F. No. 1512 as follows:

Page 5, line 4, after “located” insert “either”

Page 5, line 5, before the period, insert “or within a city designated as an enterprise zone pursuant to section 273.1312, subdivision 4, clause (c) (3)”

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

Mr. Gustafson moved to amend S.F. No. 1512 as follows:

Page 10, after line 26, insert:

“Sec. 11. Laws 1981, chapter 223, section 4, subdivision 2, is amended to read:

Subd. 2. [INSTALLMENT PAYMENTS.] Alternatively, the city may accept payment by a promissory note in a principal amount equal to the contract price, repayable in equal periodic installments, including both principal and interest on the declining principal balance, payable on the due dates of bills for utility service furnished by the city and made available to the home from the completion date until the principal and interest are fully paid, and matching as closely as possible the estimated reduction in current home energy cost resulting from the project; with such provisions as may be agreed, permitting or restricting prepayment. The installments shall be added to ~~and deemed a part of~~ the charges for municipal utility service to the premises, but shall be deposited when received in a special fund or funds separate from other utility or municipal funds and used only for the payment and security of revenue bonds or notes issued by the city to finance the cost of projects to be paid as provided in this subdivision.

Sec. 12. Laws 1981, chapter 223, section 4, subdivision 3, is amended to read:

Subd. 3. ~~LIEN FOR COLLECTION OF UNPAID INSTALLMENTS.]~~
The resolutions establishing a home energy conservation program may provide that the payment of note installments may be enforced in the same manner as other utility charges. The and that the installments are a first and prior lien on the property improved as provided in Minnesota Statutes, Section 514.67, and if not paid when due shall be entered upon the tax rolls and collected with and as a part of the taxes on the property, with the same interest and penalties, or that the lien is subject to mortgages or other encumbrances of record.”

Page 10, line 33, delete “The other” and before “are” insert “1, 4 to 10, and 13”

Page 10, line 34, after the period, insert “Sections 11 and 12 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the Duluth city council.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after "programs;" insert "modifying limitations for Duluth home energy improvement loans;"

Page 1, line 14, after the semicolon, insert "and Laws 1981, chapter 223, section 4, subdivisions 2 and 3;"

The motion prevailed. So the amendment was adopted.

RECONSIDERATION

Having voted on the prevailing side, Mr. Pehler moved that the vote whereby the second Pogemiller amendment to S.F. No. 1512 was not adopted on May 16, 1985, be now reconsidered. The motion prevailed.

Mr. Pogemiller moved to amend S.F. No. 1512 as follows:

Page 5, line 4, after "located" insert "either"

Page 5, line 5, before the period, insert "*or within a city designated as an enterprise zone pursuant to section 273.1312, subdivision 4, clause (c) (3)*"

The motion prevailed. So the amendment was adopted.

S.F. No. 1512 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 47 and nays 6, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Kronebusch	Pehler	Solon
Anderson	Freeman	Laidig	Peterson, C.C.	Storm
Berg	Gustafson	Langseth	Pogemiller	Stumpf
Bernhagen	Hughes	Lantry	Purfeerst	Taylor
Bertram	Isackson	McQuaid	Ramstad	Vega
Chmielewski	Johnson, D.E.	Mehrkens	Reichgott	Waldorf
Davis	Johnson, D.J.	Merriam	Renneke	Wegscheid
DeCramer	Jude	Moe, D.M.	Samuelson	
Dicklich	Knaak	Novak	Schmitz	
Diessner	Knutson	Olson	Sieloff	

Those who voted in the negative were:

Benson	Brataas	Dieterich	Kamrath	Petty
Berglin				

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

SPECIAL ORDER

S.F. No. 1513: A bill for an act relating to local government; permitting the establishment of special service districts in the cities of Sartell, Sauk Rapids, St. Cloud, Isle, Mora, Becker, and Waite Park; providing taxing and other financial authority for the cities.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 41 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Lantry	Purfeerst	Stumpf
Anderson	Gustafson	McQuaid	Ramstad	Taylor
Bernhagen	Hughes	Merriam	Reichgott	Vega
Bertram	Isackson	Moe, R. D.	Renneke	Waldorf
Chmielewski	Johnson, D.E.	Novak	Samuelson	Wegscheid
Davis	Jude	Olson	Schmitz	
DeCramer	Kamrath	Pehler	Sieloff	
Dicklich	Knutson	Petty	Solon	
Diessner	Kronebusch	Pogemiller	Storm	

Messrs. Benson, Dieterich and Knaak voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1014: A bill for an act relating to crimes; clarifying the prosecution for failure to appear in court; prohibiting diversion of corporate property; authorizing criminal trials with petit juries composed of six persons for gross misdemeanor prosecutions; admitting into evidence for impeachment purposes certain convictions of prior driving offenses; amending Minnesota Statutes 1984, sections 169.92, subdivision 1; and 593.01, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 302A and 634.

Mr. Sieloff moved to amend S.F. No. 1014 as follows:

Page 8, delete section 10

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Sieloff then moved to amend S.F. No. 1014 as follows:

Page 8, after line 4, insert:

"Sec. 10. Minnesota Statutes 1984, section 260.141, subdivision 1, is amended to read:

Subdivision 1. (a) Service of summons or notice required by section 260.135 shall be made upon the following persons in the same manner in which personal service of summons in civil actions is made:

(1) in all delinquency matters, upon the person having custody or control of the child and upon the child *and, upon their request, upon grandparents of the child*; and

(2) in all other matters, upon the person having custody or control of the child, and upon the child if he is more than 12 years of age *and, upon their request, upon grandparents of the child*.

Personal service shall be effected at least 24 hours before the time of the hearing; however, it shall be sufficient to confer jurisdiction if service is made at any time before the day fixed in the summons or notice for the hearing, except that the court, if so requested, shall not proceed with the hearing earlier than the second day after the service. If personal service cannot well be made within the state, a copy of the summons or notice may be served on the person to whom it is directed by delivering a copy thereof to

such person personally outside the state. Such service if made personally outside the state shall be sufficient to confer jurisdiction; providing however it be made at least five days before the date fixed for hearing in such summons or notice.

(b) If the court is satisfied that personal service of the summons or notice cannot well be made, it shall make an order providing for the service of summons or notice by certified mail addressed to the last known addresses of such persons, and by one weeks published notice as provided in section 645.11. A copy of the notice shall be sent by certified mail at least five days before the time of the hearing or 14 days if mailed to addresses outside the state.

(c) Notification to the county welfare board required by section 260.135, subdivision 3, shall be in such manner as the court may direct.

Sec. 11. Minnesota Statutes 1984, section 260.155, subdivision 6, is amended to read:

Subd. 6. [RIGHTS OF THE PARTIES AT THE HEARING.] The minor and his parent, guardian, ~~or~~ custodian, *or grandparent* are entitled to be heard, to present evidence material to the case, and to cross examine witnesses appearing at the hearing."

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Sieloff then moved to amend S.F. No. 1014 as follows:

Page 8, after line 4, insert:

"Sec. 10. Minnesota Statutes 1984, section 171.30, subdivision 1, is amended to read:

Subdivision 1. [ISSUANCE.] In any case where a person's license has been suspended under section 171.18 or revoked under section 169.121, 169.123, or 171.17, the commissioner may at his own discretion issue a limited license to the driver including under the following conditions:

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

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

(3) *if child visitation by a non-custodial parent depends upon the use of the driver's license.*

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

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

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Sieloff then moved to amend S.F. No. 1014 as follows:

Page 5, after line 18, insert:

"(4) that the person has a right to consult with an attorney but that this right is limited to the extent that it cannot unreasonably delay administration of the test or the person will be deemed to have refused the test;"

Renumber the clauses in sequence

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 11 and nays 26, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Knutson	McQuaid	Storm
Belanger	Chmielewski	Kronebusch	Sieloff	Stumpf
Benson				

Those who voted in the negative were:

Adkins	Diessner	Knaak	Olson	Schmitz
Berglin	Dieterich	Laidig	Petty	Waldorf
Bernhagen	Frank	Lantry	Pogemiller	
Bertram	Freeman	Merriam	Ramstad	
Davis	Hughes	Moe, D.M.	Reichgott	
DeCramer	Jude	Novak	Renneke	

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

RECONSIDERATION

Having voted on the prevailing side, Mr. Pogemiller moved that the vote whereby the second Sieloff amendment to S.F. No. 1014 was adopted on May 16, 1985, be now reconsidered. The motion did not prevail.

Mr. Sieloff moved to amend S.F. No. 1014 as follows:

Page 3, line 11, after the semicolon, insert "or"

Page 3, line 12, strike the semicolon

Page 3, line 13, strike "or"

Page 3, strike line 14

Page 3, line 15, strike everything before the period

Page 3, after line 21, insert:

"Sec. 4. Minnesota Statutes 1984, section 169.121, subdivision 2, is amended to read:

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

For the purposes of this subdivision:

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

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

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

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

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 18, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Knutson	Moe, D.M.	Storm
Anderson	DeCramer	Kronebusch	Olson	Waldorf
Belanger	Diessner	Laidig	Peterson, R.W.	Wegscheid
Benson	Isackson	Langseth	Petty	
Bertram	Johnson, D.E.	McQuaid	Renneke	
Brataas	Jude	Mehrkens	Samuelson	
Chmielewski	Kamrath	Merriam	Sieloff	

Those who voted in the negative were:

Berglin	Frank	Lantry	Peterson, C.C.	Stumpf
Bernhagen	Freeman	Luther	Pogemiller	Taylor
Dicklich	Hughes	Moe, R.D.	Ramstad	
Dieterich	Knaak	Novak	Reichgott	

The motion prevailed. So the amendment was adopted.

Mr. Sieloff then moved to amend S.F. No. 1014 as follows:

Page 3, after line 21, insert:

“Sec. 4. Minnesota Statutes 1984, section 169.121, is amended by adding a subdivision to read:

Subd. 1b. [POLICE REPORT.] A person charged with a violation of subdivision 1, or the person's attorney, may by a phone request to the prosecuting attorney obtain a copy of the police report relating to the person's arrest. The prosecuting attorney shall promptly mail a copy of the report to the address indicated by the requester.”

Renumber the sections in sequence

Correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 26, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Isackson	McQuaid	Storm
Belanger	Chmielewski	Knutson	Olson	Taylor
Benson	Diessner	Kronebusch	Samuelson	
Bernhagen	Dieterich	Laidig	Sieloff	

Those who voted in the negative were:

Adkins	Freeman	Langseth	Petty	Waldorf
Berglin	Gustafson	Lantry	Pogemiller	Wegscheid
Bertram	Hughes	Luther	Ramstad	
Davis	Johnson, D.E.	Moe, D.M.	Reichgott	
DeCramer	Jude	Moe, R.D.	Renneke	
Frank	Knaak	Peterson, C.C.	Stumpf	

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

CALL OF THE SENATE

Mr. Petty imposed a call of the Senate for the balance of the proceedings on S.F. No. 1014. The Sergeant at Arms was instructed to bring in the absent members.

S.F. No. 1014 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 47 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Moe, D.M.	Samuelson
Anderson	Dieterich	Knutson	Moe, R.D.	Schmitz
Belanger	Frank	Kronebusch	Novak	Sieloff
Benson	Freeman	Laidig	Olson	Storm
Berglin	Gustafson	Langseth	Peterson, C.C.	Stumpf
Bernhagen	Hughes	Lantry	Petty	Waldorf
Bertram	Isackson	Luther	Pogemiller	Wegscheid
Chmielewski	Johnson, D.E.	McQuaid	Ramstad	
Davis	Jude	Mehrkens	Reichgott	
DeCramer	Kamrath	Merriam	Renneke	

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

Without objection, the Senate reverted to the Orders of Business of Messages From the House and First Reading of House Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 490, 646, 1256, 961, 957 and 1064.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 16, 1985

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 490: A bill for an act relating to state government; requiring preparation of fiscal notes for mandates to local units of government; amending Minnesota Statutes 1984, sections 3.98, subdivision 1; and 14.131; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Finance.

H.F. No. 646: A bill for an act relating to public records; providing for fees of the county recorder and secretary of state; changing grounds for appeal from resolution of county board setting salaries or budgets for certain county officials; amending Minnesota Statutes 1984, sections 268.161, subdivision 1; 270.69, by adding a subdivision; 272.483; 336.9-407; 357.18, subdivision 1; 384.151, subdivision 7; 385.373, subdivision 7; 386.015, subdivision 7; 386.77; 387.20, subdivision 7; 388.18, subdivision 6; 485.018, subdivision 7; 505.08, subdivision 2; 508.47, subdivision 4; 508.82; 508A.11; 508A.47, subdivision 4; and 508A.82.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 762, now on General Orders.

H.F. No. 1256: A bill for an act relating to natural resources; altering certain provisions regarding water permit and annual water appropriation processing fees; amending Minnesota Statutes 1984, sections 105.41, subdivision 5; and 105.44, subdivision 10.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1450, now on General Orders.

H.F. No. 961: A bill for an act relating to water; providing for comprehensive local water management; authorizing counties to develop and implement county water and related land resources plans; providing additional authorities to counties; providing additional duties of the water resources board; amending Minnesota Statutes 1984, section 473.882, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 110B.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 993, now on General Orders.

H.F. No. 957: A bill for an act relating to agriculture; providing that local

governments may enter agreements; providing for soil conservation; imposing a penalty; amending Minnesota Statutes 1984, sections 40.19, subdivisions 1, 2, 5, 6, 7, 8, 9, 11, 13, and by adding subdivisions; 40.20; 40.21; 40.22, subdivisions 1 and 2; 40.23; 40.25; 40.26; 40.28; proposing coding for new law in Minnesota Statutes, chapter 40; repealing Minnesota Statutes 1984, section 40.19, subdivisions 3, 4, 10, 12, 14, and 15.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1033, now on General Orders.

H.F. No. 1064: A bill for an act relating to public employment; providing that applicants for public employment in the fire services must be fingerprinted; amending Minnesota Statutes 1984, section 364.09.

Referred to the Committee on Governmental Operations.

Without objection, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 35: A bill for an act relating to crimes; requiring health professionals to report suspicious wounds to law enforcement authorities; amending Minnesota Statutes 1984, section 626.52.

Senate File No. 35 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1985

Mr. Diessner moved that the Senate do not concur in the amendments by the House to S.F. No. 35, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 968: Messrs. Waldorf, Nelson and Mrs. Kronebusch.

H.F. No. 513: Messrs. Moe, D.M.; Wegscheid and Frederickson.

H.F. No. 264: Messrs. Ramstad, Merriam and Petty.

S.F. No. 35: Messrs. Diessner; Peterson, R.W. and Merriam.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Merriam moved that S.F. No. 1551 be withdrawn from the Committee on Taxes and Tax Laws and re-referred to the Committee on Agriculture and Natural Resources. The motion prevailed.

RECONSIDERATION

Having voted on the prevailing side, Mr. Frank moved that the vote whereby the Stumpf amendment to H.F. No. 265 was adopted on May 14, 1985, be now reconsidered.

CALL OF THE SENATE

Mr. Luther imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Knaak moved that the Senate do now adjourn until 12:00 noon, Friday, May 17, 1985. The motion did not prevail.

The question was taken on the adoption of the motion of Mr. Frank.

Mr. Moe, R.D. moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 29 and nays 28, as follows:

Those who voted in the affirmative were:

Berglin	Frank	Lantry	Novak	Pogemiller
Dahl	Freeman	Luther	Pehler	Reichgott
Davis	Hughes	Merriam	Peterson, C.C.	Schmitz
DeCramer	Johnson, D.J.	Moe, D.M.	Peterson, D.C.	Waldorf
Dicklich	Kroening	Moe, R.D.	Peterson, R.W.	Willet
Diessner	Langseth	Nelson	Petty	

Those who voted in the negative were:

Adkins	Brataas	Jude	Mehrkens	Storm
Anderson	Chmielewski	Kamrath	Olson	Stumpf
Belanger	Frederickson	Knaak	Peterson, D.L.	Taylor
Benson	Gustafson	Kronebusch	Renneke	Wegscheid
Bernhagen	Isackson	Laidig	Samuelson	
Bertram	Johnson, D.E.	McQuaid	Sieloff	

The motion prevailed.

H.F. No. 265 was then progressed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Pogemiller moved that the following members be excused for a Conference Committee on S.F. No. 818 from 7:00 to 11:00 p.m.:

Messrs. Pogemiller, Freeman and Dicklich. The motion prevailed.

MEMBERS EXCUSED

Mr. Pogemiller was excused from the Session of today from 12:00 to 4:00 p.m. Mr. Moe, R.D. was excused from the Session of today from 12:00 to 1:30 p.m. Mrs. Lantry was excused from the Session of today from 12:30 to 2:00 p.m. Mr. Dicklich was excused from the Session of today from 12:30 to 1:30 p.m. Messrs. Nelson; Pehler; Peterson, R.W.; Peterson, D.L. and Ms. Peterson, D.C. were excused from the Session of today at 1:00 p.m. Mr. Frank was excused from the Session of today from 1:00 to 1:45 p.m. Ms. Olson was excused from the Session of today from 2:00 to 2:45 p.m. Mr. Frederick was excused from the Session of today at 5:00 p.m. Mr. Belanger was excused from the Session of today from 7:00 to 10:20 p.m. Mr. Solon was excused from the Session of today at 10:50 p.m. Messrs. Berg and Vega were excused from the Session of today at 10:15 p.m. Mr. Lessard was excused from the Session of today at 7:00 p.m. Mr. Knaak was excused from the Session of today from 7:00 to 9:25 p.m. Mr. Purfeerst was excused from the Session of today at 11:00 p.m.

The following member was excused from today's Session for a brief period of time: Ms. Reichgott.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Friday, May 17, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate