

EIGHTY-FIFTH DAY

St. Paul, Minnesota, Thursday, March 13, 1986

The Senate met at 10:30 a.m. and was called to order by the President.

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.

Prayer was offered by the Chaplain, Rev. Marjorie Aurelius.

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. Langseth moved that the following members be excused for a Conference Committee on H.F. No. 1599 at 11:00 a.m.:

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

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. 1815 at 10:30 a.m.:

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Willet moved that the following members be excused for a Conference Committee on H.F. No. 2009 at 11:00 a.m.:

Messrs. Willet, Kroening, Luther, Samuelson and Nelson. 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. 1319 and 1886.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 12, 1986

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. 31: A bill for an act relating to motorboat safety; requiring liability insurance on watercraft; strengthening prohibitions and penalties regarding operation of motorboat while under the influence of alcohol or a controlled substance; providing a penalty; amending Minnesota Statutes 1984, sections 361.02, subdivision 9; 361.03, by adding subdivisions; and 361.12; proposing coding for new law in Minnesota Statutes, chapter 361.

Senate File No. 31 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 12, 1986

Mr. Diessner moved that S.F. No. 31 be laid on the table. 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. 125: A bill for an act relating to labor; changing the definition of plumber's apprentice for the purpose of employment licensing; requiring the registration of plumber's apprentices; amending Minnesota Statutes 1984, section 326.01, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 326.

Senate File No. 125 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 12, 1986

CONCURRENCE AND REPASSAGE

Mrs. Lantry moved that the Senate concur in the amendments by the House to S.F. No. 125 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 125 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	Diessner	Knutson	Novak	Samuelson
Anderson	Dieterich	Kroening	Olson	Schmitz
Belanger	Frank	Kronebusch	Pehler	Solon
Benson	Frederickson	Laidig	Peterson, C.C.	Spear
Berglin	Freeman	Lantry	Peterson, D.C.	Storm
Bernhagen	Hughes	Luther	Peterson, R.W.	Stumpf
Bertram	Isackson	McQuaid	Petty	Taylor
Dahl	Johnson, D.E.	Mehrkens	Pogemiller	Waldorf
DeCramer	Jude	Merriam	Ramstad	Wegscheid
Dicklich	Kamrath	Nelson	Renneke	

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. 363: A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article IV, section 23; article V, sections 1, 3, and 4; article VII, section 8; article VIII, section 2; article XI, sections 6, 7, 8, and 10; and article XIII, section 11; combining the offices of state treasurer, state auditor, and secretary of state into the office of state comptroller; providing that the first comptroller would be elected in 1990; transferring the powers, responsibilities, and duties of the state auditor, the secretary of state, and the state treasurer to the state comptroller.

Senate File No. 363 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 12, 1986

Mr. Luther moved that S.F. No. 363 be laid on the table. 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. 1680: A bill for an act relating to Anoka county; providing that Anoka county park ordinances supersede local ordinances.

Senate File No. 1680 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 12, 1986

CONCURRENCE AND REPASSAGE

Mr. Merriam moved that the Senate concur in the amendments by the House to S.F. No. 1680 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1680: A bill for an act relating to Anoka county; providing that Anoka county park ordinances supersede local ordinances; designating Anoka county as an operating agency in the administration and expenditure of an appropriation for the Mississippi Regional Park.

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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

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 refuses to concur in the Senate amendments to the House File No. 418:

H.F. No. 418: A bill for an act relating to local government; excluding firefighter and peace officer job classes from certain aspects of pay equity requirements; amending Minnesota Statutes 1984, section 179A.16, by adding a subdivision; 471.992; 471.993, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 471; repealing Minnesota Statutes 1984, section 471.9965.

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

Dempsey, Ozment and Jennings, L. have been appointed as such committee on the part of the House.

House File No. 418 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 March 12, 1986

Mr. Merriam moved that the Senate accede to the request of the House for

a Conference Committee on H.F. No. 418, 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 House Files, herewith transmitted: H.F. Nos. 1793, 2169 and 2331.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 12, 1986

FIRST READING OF HOUSE BILLS

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

H.F. No. 1793: A bill for an act relating to game and fish; authorizing stocking of fish in certain streams where public access is granted; amending Minnesota Statutes 1984, section 97.485.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1659, now on General Orders.

H.F. No. 2169: A bill for an act relating to public lands; providing for a procedure to sell state leased lands; providing for maximum lease rates; providing for an endowment fund and the disposition of proceeds of the land acquisition account; permitting Winona county to convey certain real estate to a county agricultural society; proposing coding for new law in Minnesota Statutes, chapter 92.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2023, now on General Orders.

H.F. No. 2331: A bill for an act relating to taxation; providing for the taxation of lawful gambling; providing for identification cards for employees of distributors of gambling equipment; providing for the registration of manufacturers of gambling equipment; providing for maximum prizes for pull-tabs; allowing local investigation fees; making unlicensed wholesaling of gambling equipment a felony; regulating off-track betting; exempting certain lawful gambling from licensing and taxation; providing for notification to town boards of license applications; providing a penalty; amending Minnesota Statutes 1984, sections 240.25, subdivision 2; 240.26, subdivisions 1 and 2; 349.12, by adding a subdivision; 349.161, by adding subdivisions; 349.19, subdivision 5; 349.211, by adding a subdivision; 349.212, by adding a subdivision; 349.213, subdivision 2; 349.214, subdivision 2, and by adding a subdivision; 349.22; 349.31, subdivision 1; and 609.761; Minnesota Statutes 1985 Supplement, section 349.212, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 349.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2026, now on General Orders.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now

adopted. The motion prevailed.

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

S.F. No. 1732: A bill for an act relating to marriage dissolution; providing a presumption for joint legal custody; providing for custody mediation; regulating support determinations; amending Minnesota Statutes 1984, sections 518.17, subdivisions 2, 4 and 5, and by adding a subdivision; 518.551, subdivision 5; 518.57; 518.611, by adding a subdivision; Minnesota Statutes 1985 Supplement, section 518.64, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 518.

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

Page 3, delete lines 3 and 4

Page 4, line 13, delete the new language and reinstate the stricken language

Page 5, line 17, reinstate "basic living"

Page 5, lines 30 to 32, delete the new language

Page 6, line 5, reinstate the stricken language.

Page 6, line 6, reinstate everything before and after the stricken "obligee" and after the stricken "obligee" insert "parent".

Page 6, line 7, reinstate the stricken language and delete the new language

Page 6, line 8, delete the new language

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

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

H.F. No. 2195 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its 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.
2195	1998				

and that the above 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. Report adopted.

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

H.F. No. 2405 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No. S.F. No.
2405 1985

CONSENT CALENDAR

H.F. No. S.F. No.

CALENDAR

H.F. No. S.F. No.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2405 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2405 and insert the language after the enacting clause of S.F. No. 1985, the first engrossment; further, delete the title of H.F. No. 2405 and insert the title of S.F. No. 1985, the first engrossment.

And when so amended H.F. No. 2405 will be identical to S.F. No. 1985, and further recommends that H.F. No. 2405 be given its second reading and substituted for S.F. No. 1985, 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. 1803 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No. S.F. No.
1803 1690

CONSENT CALENDAR

H.F. No. S.F. No.

CALENDAR

H.F. No. S.F. No.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1803 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1803 and insert the language after the enacting clause of S.F. No. 1690, the first engrossment; further, delete the title of H.F. No. 1803 and insert the title of S.F. No. 1690, the first engrossment.

And when so amended H.F. No. 1803 will be identical to S.F. No. 1690, and further recommends that H.F. No. 1803 be given its second reading and substituted for S.F. No. 1690, 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. 1919 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.
1919	1771				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1919 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1919 and insert the language after the enacting clause of S.F. No. 1771, the second engrossment; further, delete the title of H.F. No. 1919 and insert the title of S.F. No. 1771, the second engrossment.

And when so amended H.F. No. 1919 will be identical to S.F. No. 1771, and further recommends that H.F. No. 1919 be given its second reading and substituted for S.F. No. 1771, 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. 1958 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.
1958	1953				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1958 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1958 and insert the language after the enacting clause of S.F. No. 1953, the first engrossment; further, delete the title of H.F. No. 1958 and insert the title of S.F. No. 1953, the first engrossment.

And when so amended H.F. No. 1958 will be identical to S.F. No. 1953, and further recommends that H.F. No. 1958 be given its second reading and substituted for S.F. No. 1953, 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. 1875 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERSH.F. No. S.F. No.
1875 1710**CONSENT CALENDAR**

H.F. No. S.F. No.

CALENDAR

H.F. No. S.F. No.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1875 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1875 and insert the language after the enacting clause of S.F. No. 1710, the first engrossment; further, delete the title of H.F. No. 1875 and insert the title of S.F. No. 1710, the first engrossment.

And when so amended H.F. No. 1875 will be identical to S.F. No. 1710, and further recommends that H.F. No. 1875 be given its second reading and substituted for S.F. No. 1710, 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 SENATE BILLS

S.F. No. 1732 was read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2195, 2405, 1803, 1919, 1958 and 1875 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Merriam moved that H.F. No. 2010 be taken from the table, given a second reading and placed on General Orders. The motion prevailed.

H.F. No. 2010: A bill for an act relating to the state high school league; providing for the appointment of certain board members; providing penalties for recruiting students; providing for student athletics and activity eligibility after certain transfers; providing standards for student participation in non-scholastic activities; providing administrative appeals from various decisions; amending Minnesota Statutes 1984, section 129.121, subdivision 1, and by adding subdivisions.

H.F. No. 2010 was read the second time.

SPECIAL ORDER

H.F. No. 2351: A bill for an act relating to state real estate; permitting the sale of the old Shakopee correctional facility to the local government units.

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 53 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1065: A bill for an act relating to recreational vehicles; regulating all-terrain vehicles; providing penalties; appropriating money; amending Minnesota Statutes 1984, sections 84.92; 84.922, subdivisions 1, 3, 5, 6, 7, 8, and by adding subdivisions; 84.925; 84.927; 84.928; 85.018, subdivisions 1, 2, 3, 4, and 5; 100.273, subdivision 9; and 296.16, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84.

Mr. Johnson, D.E. moved to amend S.F. No. 1065 as follows:

Page 11, after line 19, insert:

"Sec. 22. Minnesota Statutes 1984, section 168.012, subdivision 3a, is amended to read:

Subd. 3a. **[MOTORIZED GOLF CARTS SPECIAL HANDICAPPED PERMITS.]** Motorized golf carts *and four-wheel all-terrain vehicles* operated under permit and on roadways designated pursuant to section 169.045 are exempt from the provisions of this chapter.

Sec. 23. Minnesota Statutes 1984, section 169.045, is amended to read:

169.045 **[MOTORIZED GOLF CARTS; OPERATION; REGULATION SPECIAL VEHICLE USE ON ROADWAY BY HANDICAPPED.]**

Subdivision 1. **[DESIGNATION OF ROADWAYS, PERMIT.]** The governing body of any home rule charter or statutory city or town may by ordinance authorize the operation of motorized golf carts, *or four-wheel all-terrain vehicles*, on designated roadways or portions thereof under its jurisdiction. Authorization to operate a motorized golf cart *or four-wheel all-terrain vehicle* is by permit only. Permits are restricted to physically handicapped persons defined in section 169.345, subdivision 2. *For purposes of this section, a four-wheel all-terrain vehicle is a motorized flotation-tired vehicle with four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds.*

Subd. 2. **[ORDINANCE.]** The ordinance shall designate the roadways, prescribe the form of the application for the permit, require evidence of insurance complying with the provisions of section 65B.48, subdivision 5 and may prescribe conditions, not inconsistent with the provisions of this section, under which a permit may be granted. Permits may be granted for a period of not to exceed one year, and may be annually renewed. A permit

may be revoked at any time if there is evidence that the permittee cannot safely operate the motorized golf cart or *four-wheel all-terrain vehicle* on the designated roadways. The ordinance may require, as a condition to obtaining a permit, that the applicant submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart or *four-wheel all-terrain vehicle* on the roadways designated.

Subd. 3. [TIMES OF OPERATION.] Motorized golf carts and *four-wheel all-terrain vehicles* may only be operated on designated roadways from sunrise to sunset. They shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.

Subd. 4. [SLOW MOVING VEHICLE EMBLEM.] Motorized golf carts shall display the slow moving vehicle emblem provided for in section 169.522, when operated on designated roadways.

Subd. 5. [CROSSING INTERSECTING HIGHWAYS.] The operator, *under permit*, of a motorized golf cart or *four-wheel all-terrain vehicle* may cross any street or highway intersecting a designated roadway.

Subd. 6. [APPLICATION OF TRAFFIC LAWS.] Every person operating a motorized golf cart or *four-wheel all-terrain vehicle* under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of this chapter, except when those provisions cannot reasonably be applied to motorized golf carts or *four-wheel all-terrain vehicles* and except as otherwise specifically provided in subdivision 7.

Subd. 7. [NONAPPLICATION OF CERTAIN LAWS.] The provisions of chapter 171, are not applicable to persons operating motorized golf carts or *four-wheel all-terrain vehicles* under permit on designated roadways pursuant to this section. Except for the requirements of section 169.70, the provisions of this chapter relating to equipment on vehicles is not applicable to motorized golf carts or *four-wheel all-terrain vehicles* operating, *under permit*, on designated roadways."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Bernhagen moved to amend S.F. No. 1065 as follows:

Page 8, line 2, strike "Except"

Page 8, lines 3 and 4, strike the old language and delete the new language

Page 8, line 5, strike "a highway" and before the period, insert "(a) A person shall not operate an all-terrain vehicle upon the roadway, shoulder, or inside bank or slope of a trunk, county state-aid, or county highway in this state and, in the case of a divided trunk or county highway, on the right-of-way between the opposing lanes of traffic, except as provided in sections 84.92 to 84.929. A person shall not operate an all-terrain vehicle within the right-of-way of a trunk, county state-aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise. How-

ever, a person may operate an all-terrain vehicle during these hours on the right-hand side of the right-of-way and in the same direction as the highway traffic on the nearest lane of the adjacent roadway, but only if the vehicle is equipped with at least one headlight and one taillight each of minimum candlepower as prescribed by rules of the commissioner of public safety, with reflector material of a minimum area of 16 square inches mounted on each side forward of the handlebars. A person shall not operate an all-terrain vehicle at any time within the right-of-way of an interstate highway or freeway within this state. A person shall not operate an all-terrain vehicle upon a public street or highway unless it is equipped with brakes conforming to standards prescribed by rule of the commissioner of public safety."

Page 8, line 6, before "An" insert "(b)"

Page 8, after line 21, insert:

"(c) An all-terrain vehicle may be operated upon a bridge, other than a bridge that is part of the main traveled lanes of an interstate highway, when required for the purpose of avoiding obstructions to travel when no other method of avoidance is possible; provided the all-terrain vehicle is operated in the extreme right-hand lane, the entrance to the roadway is made within 100 feet of the bridge, and the crossing is made without undue delay.

(d) An all-terrain vehicle may be operated upon a public street or highway other than as provided by paragraph (b) in an emergency during the period of time when and at locations where the condition of the roadway renders travel by automobile impractical.

(e) Chapter 169 applies to the operation of all-terrain vehicles upon streets and highways, except for those provisions relating to required equipment and except those provisions which by their nature have no application.

(f) A sled, trailer, or other device being towed by an all-terrain vehicle must be equipped with reflective materials as required by rule of the commissioner.

Subd. 1a. [RESTRICTED AREAS.] The commissioner of transportation, by rule, or a local road authority, by resolution, may restrict the use of all-terrain vehicles within the right-of-way of streets and highways under its jurisdiction. The restrictions may be imposed only when necessary to:

- (1) reduce the impact of all-terrain vehicles on critical nesting habitat;
- (2) protect public safety; or
- (3) protect adjoining landowners from nuisance."

Page 8, line 27, before the period, insert ", if so equipped"

Page 9, delete lines 5 to 23 and insert:

"Subd. 5. [ORGANIZED CONTESTS, USE OF HIGHWAYS AND PUBLIC LANDS AND WATERS.] Nothing in this section or chapter 169 prohibits the use of all-terrain vehicles within the right of way of a state trunk or county state-aid highway or upon public lands or waters under the jurisdiction of the commissioner of natural resources, in an organized contest, subject to the consent of the official or board having jurisdiction over the

highway or public lands or waters. The official or board having jurisdiction may prescribe restrictions or conditions as they may deem advisable.

Subd. 6. [REGULATIONS BY POLITICAL SUBDIVISIONS.] Despite any provision in this section to the contrary, a county board, by resolution, may permit the operation of all-terrain vehicles upon the roadway, shoulder, or inside bank or slope of a county highway or county state-aid highway if the use of the outside bank is restricted or if safe operation in the ditch or outside bank or slope of the highway is impossible, in which case the county board shall provide appropriate notice.

A county, or a home rule charter or statutory city, or a town acting by its town board, may regulate the operation of all-terrain vehicles on public lands, waters, and property under its jurisdiction and on streets and highways within its boundaries, by resolution or ordinance of the governing body and by giving appropriate notice, provided the regulations are consistent with sections 84.92 to 84.929 and rules adopted under section 10. However, the local governmental unit may not adopt an ordinance which (1) imposes a fee for the use of public land or water under the jurisdiction of either the department of natural resources or other agency of the state, or for the use of an access to it owned by the state or a county or city, or (2) requires an all-terrain vehicle operator to possess a motor vehicle driver's license while operating an all-terrain vehicle."

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 34 and nays 11, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	McQuaid	Purfeerst
Anderson	Dieterich	Knutson	Mehrkens	Ramstad
Belanger	Frederick	Kronebusch	Olson	Reichgott
Benson	Frederickson	Laidig	Pehler	Renneke
Bernhagen	Gustafson	Lantry	Peterson, D.L.	Schmitz
Bertram	Isackson	Lessard	Peterson, R.W.	Storm
Chmielewski	Johnson, D.E.	Luther	Petty	

Those who voted in the negative were:

Dahl	Merriam	Moe, R.D.	Peterson, D.C.	Waldorf
Frank	Moe, D.M.	Nelson	Sieloff	Wegscheid
Knaak				

The motion prevailed. So the amendment was adopted.

S.F. No. 1065 was then progressed.

SPECIAL ORDER

S.F. No. 2135: A bill for an act relating to child abuse; providing immunity from liability for disclosure; amending Minnesota Statutes 1985 Supplement, section 626.556, subdivision 4.

Ms. Reichgott moved to amend S.F. No. 2135 as follows:

Page 1, after line 6, insert:

"Section 1. [148.975] [DUTY TO WARN; LIMITATION ON LIABIL-

ITY; VIOLENT BEHAVIOR OF PATIENT.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to sections 1 and 2.

(b) "Other person" means an immediate family member or someone who personally knows the patient and has reason to believe the patient is capable of and will carry out the serious, specific threat of harm to a specific, clearly identified victim.

(c) "Practitioner" means a psychologist, school psychologist, nurse, chemical dependency counselor, or social worker who is licensed by the state or who performs psychotherapy within a program or facility licensed by the state or established pursuant to rules adopted under section 245.69, subdivision 2.

(d) "Psychotherapy" means the professional treatment, assessment, or counseling of a mental or emotional illness, symptom, or condition.

(e) "Reasonable efforts" means communicating the serious, specific threat to the potential victim and if unable to make contact with the potential victim, communicating the serious, specific threat to the law enforcement agency closest to the potential victim or the patient.

Subd. 2. [LIABILITY STANDARD.] No monetary liability and no cause of action may arise against a practitioner for failure to predict, warn of, or take reasonable precautions to provide protection from, a patient's violent behavior, unless the patient or other person has communicated to the practitioner a specific, serious threat of physical violence against a specific, clearly identified or identifiable potential victim.

Subd. 3. [DUTY TO WARN.] The duty to predict, warn of, or take reasonable precautions to provide protection from, violent behavior arises only under the limited circumstances specified in subdivision 2. The duty is discharged by the practitioner if reasonable efforts are made to communicate the threat to the potential victim.

Subd. 4. [DISCLOSURE OF CONFIDENCES.] No monetary liability and no cause of action, or disciplinary action by the state board of psychology or board of nursing may arise against a practitioner for disclosing confidences to third parties in a good faith effort to discharge a duty arising under this section.

Subd. 5. [CONTINUITY OF CARE.] Nothing in subdivision 3 shall be construed to authorize a practitioner to terminate treatment of a patient as a direct result of a patient's violent behavior or threat of physical violence unless the patient is referred to another practitioner or appropriate health care facility.

Subd. 6. [EXCEPTION.] This section does not apply to a threat to commit suicide or other threats by a patient to harm the patient, or to a threat by a patient who is adjudicated mentally ill and dangerous under chapter 253B.

Sec. 2. [148.976] [OPTIONAL DISCLOSURE; LIMITATION ON LIABILITY.]

Subdivision 1. [OPTIONAL DISCLOSURE.] Nothing in section 1 shall be construed to prohibit a practitioner from disclosing confidences to third

parties in a good-faith effort to warn against or take precautions against a patient's violent behavior for which a duty to warn does not arise under section 1.

Subd. 2. [LIMITATION ON LIABILITY.] No monetary liability and no cause of action, or disciplinary action by the state board of psychology or board of nursing may arise against a practitioner for disclosure of confidences to third parties, for failure to disclose confidences to third parties, or for erroneous disclosure of confidences to third parties in a good-faith effort to warn against or take precautions against a patient's violent behavior for which a duty to warn does not arise under section 1."

Page 2, line 8, delete "This act" and insert "Section 3" and after the period, insert "Sections 1 and 2 are effective August 1, 1986, and apply to causes of action arising on or after that date."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "child abuse" and insert "liability; limiting the civil liability of practitioners for the violent acts of patients"

Page 1, line 4, before the period, insert "proposing coding for new law in Minnesota Statutes, chapter 148"

The motion prevailed. So the amendment was adopted.

S.F. No. 2135 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 40 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Laidig	Pehler	Renneke
Belanger	Freeman	Lantry	Peterson, D.C.	Schmitz
Bertram	Johnson, D.E.	Lessard	Peterson, D.L.	Sieloff
Dahl	Jude	Luther	Petty	Spear
Dicklich	Kamrath	McQuaid	Pogemiller	Storm
Diessner	Knaak	Mehrkens	Purfeerst	Taylor
Frank	Knutson	Moe, R.D.	Ramstad	Waldorf
Frederick	Kronebusch	Olson	Reichgott	Wegscheid

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

Ms. Reichgott moved that S.F. No. 1960, No. 83 on Special Orders, be stricken and laid on the table. The motion prevailed.

SPECIAL ORDER

S.F. No. 2262: A bill for an act relating to Winona county; permitting the county to convey certain real estate to a county agricultural society.

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 40 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frederick	Knutson	Moe, R.D.	Reichgott
Anderson	Frederickson	Kronebusch	Olson	Renneke
Belanger	Freeman	Laidig	Pehler	Schmitz
Bertram	Gustafson	Lantry	Peterson, D.C.	Sieloff
Dahl	Johnson, D.E.	Lessard	Peterson, D.L.	Spear
Dicklich	Jude	Luther	Petty	Storm
Diessner	Kamrath	McQuaid	Purfeerst	Waldorf
Frank	Knaak	Mehrkins	Ramstad	Wegscheid

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1966: A bill for an act relating to the city of St. Cloud; authorizing the city to impose certain taxes to construct, operate, and promote a convention center facility.

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 42 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Olson	Schmitz
Anderson	Dieterich	Knutson	Pehler	Spear
Belanger	Frank	Kronebusch	Peterson, D.L.	Storm
Bernhagen	Frederick	Laidig	Petty	Taylor
Bertram	Frederickson	Lantry	Pogmiller	Waldorf
Brataas	Freeman	Luther	Purfeerst	Wegscheid
Chmielewski	Gustafson	McQuaid	Ramstad	
Dahl	Johnson, D.E.	Mehrkins	Renneke	
Dicklich	Jude	Moe, R.D.	Samuelson	

Mr. Kamrath voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1702: A bill for an act relating to local government; granting the city of Brainerd the authority to establish a port authority; authorizing the port authority to exercise the power of a municipal housing and redevelopment authority; authorizing the city to impose restrictions and limitations upon the powers and procedures of the port authority; permitting the city to choose the name of the port authority; providing for removal of port authority commissioners; requiring local approval.

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 44 and nays 4, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Knutson	Nelson	Samuelson
Anderson	Frederick	Kronebusch	Olson	Schmitz
Belanger	Frederickson	Laidig	Pehler	Sieloff
Bernhagen	Freeman	Lantry	Peterson, D.C.	Spear
Bertram	Gustafson	Lessard	Peterson, D.L.	Storm
Chmielewski	Isackson	Luther	Petty	Taylor
Dahl	Johnson, D.E.	McQuaid	Purfeerst	Waldorf
Dicklich	Jude	Mehrkins	Ramstad	Wegscheid
Diessner	Kamrath	Moe, R.D.	Renneke	

Messrs. Knaak; Merriam; Moe, D.M. and Pogemiller voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

The question recurred on S.F. No. 1065.

S.F. No. 1065: A bill for an act relating to recreational vehicles; regulating all-terrain vehicles; providing penalties; appropriating money; amending Minnesota Statutes 1984, sections 84.92; 84.922, subdivisions 1, 3, 5, 6, 7, 8, and by adding subdivisions; 84.925; 84.927; 84.928; 85.018, subdivisions 1, 2, 3, 4, and 5; 100.273, subdivision 9; and 296.16, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84.

Ms. Peterson, D.C. moved to amend S.F. No. 1065 as follows:

Page 12, after line 13, insert:

“Sec. 23. [TRUNK HIGHWAY SYSTEM; NEW ROUTE SUBSTITUTED FOR EXISTING ROUTE.]

Subdivision 1. [ADDITIONAL ROUTE.] There is added to the trunk highway system a new route in Minnesota Statutes, section 161.115, described as follows:

Route No. 240. Beginning at a point on Route No. 69, at or near Annandale; thence extending in a general northerly direction to a point on Route No. 3.

Subd. 2. [SUBSTITUTION.] The route established in subdivision 1 is substituted for route numbered 240 as contained and described in Minnesota Statutes 1984, section 161.115. Route numbered 240 as contained and described in that section is discontinued and removed from the trunk highway system.

Subd. 3. [DIRECTIONS TO REVISOR.] The revisor of statutes, in compiling the next and subsequent editions of Minnesota Statutes, shall substitute the route established in subdivision 1 for the route discontinued and removed from the trunk highway system in subdivision 2.

Sec. 24. [TRUNK HIGHWAY SYSTEM; NEW ROUTE SUBSTITUTED FOR EXISTING ROUTE.]

Subdivision 1. [ADDITIONAL ROUTE.] There is added to the trunk highway system a new route in Minnesota Statutes, section 161.115, described as follows:

Route No. 241. Beginning at a point in or adjacent to St. Michael; then extending in a general easterly direction to a point on Route No. 392.

Subd. 2. [SUBSTITUTION.] The route established in subdivision 1 is substituted for route numbered 241 as contained and described in Minnesota Statutes 1984, section 161.115. Route numbered 241 as contained and described in that section is discontinued and removed from the trunk highway system.

Subd. 3. [DIRECTIONS TO REVISOR.] The revisor of statutes, in com-

piling the next and subsequent editions of Minnesota Statutes, shall substitute the route established in subdivision 1 for the route discontinued and removed from the trunk highway system in subdivision 2.

Sec. 25. [TRUNK HIGHWAY SYSTEM; NEW ROUTE SUBSTITUTED FOR EXISTING ROUTE.]

Subdivision 1. [ADDITIONAL ROUTE.] There is added to the trunk highway system a new route in Minnesota Statutes, section 161.115, described as follows:

Route No. 279. Beginning at a point on Route 390 in Dakota county southwesterly of Fort Snelling; thence extending in a general northerly direction across the Minnesota River to a point on Route 116 in Minneapolis.

Subd. 2. [SUBSTITUTION.] The route established in subdivision 1 is substituted for route numbered 279 as contained and described in Minnesota Statutes 1984, section 161.115. Route numbered 279 as contained and described in that section is discontinued and removed from the trunk highway system.

Subd. 3. [DIRECTIONS TO REVISOR.] The revisor of statutes, in compiling the next and subsequent editions of Minnesota Statutes, shall substitute the route established in subdivision 1 for the route discontinued and removed from the trunk highway system in subdivision 2.

Sec. 26. [TRUNK HIGHWAY SYSTEM; NEW ROUTE SUBSTITUTED FOR EXISTING ROUTE.]

Subdivision 1. [ADDITIONAL ROUTE.] There is added to the trunk highway system a new route in Minnesota Statutes, section 161.115, described as follows:

Route No. 108. Beginning at the terminus of Route No. 12 on the easterly limits of the city of St. Paul; thence extending in a westerly direction through the city of St. Paul to a point on the easterly limits of Hennepin County.

Subd. 2. [SUBSTITUTION.] The route established in subdivision 1 is substituted for route numbered 108 as contained and described in Minnesota Statutes 1984, section 161.115. Route numbered 108 as contained and described in that section is discontinued and removed from the trunk highway system.

Subd. 3. [DIRECTIONS TO REVISOR.] The revisor of statutes, in compiling the next and subsequent editions of Minnesota Statutes, shall substitute the route established in subdivision 1 for the route discontinued and removed from the trunk highway system in subdivision 2.

Sec. 27. [TRUNK HIGHWAY SYSTEM; NEW ROUTE SUBSTITUTED FOR EXISTING ROUTE.]

Subdivision 1. [ADDITIONAL ROUTE.] There is added to the trunk highway system a new route in Minnesota Statutes, section 161.115, described as follows:

Route No. 156. Beginning at a point on Route No. 394 in the city of Minneapolis and extending in a northerly and westerly direction to a point on Route No. 62 easterly of the Great Northern Railway.

Subd. 2. [SUBSTITUTION.] The route established in subdivision 1 is substituted for route numbered 156 as contained and described in Minnesota Statutes 1984, section 161.115. Route numbered 156 as contained and described in that section is discontinued and removed from the trunk highway system.

Subd. 3. [DIRECTIONS TO REVISOR.] The revisor of statutes, in compiling the next and subsequent editions of Minnesota Statutes, shall substitute the route established in subdivision 1 for the route discontinued and removed from the trunk highway system in subdivision 2.

Sec. 28. [TRUNK HIGHWAY SYSTEM; REMOVAL OF ROUTE NO. 129.]

Subdivision 1. [ROUTE DISCONTINUED.] Route No. 129 as contained and described in Minnesota Statutes 1984, section 161.115, is discontinued and removed from the trunk highway system.

Subd. 2. [DIRECTIONS TO REVISOR.] The revisor of statutes, in compiling the next and subsequent editions of Minnesota Statutes, shall delete the route specified in subdivision 1.

Sec. 29. [TRUNK HIGHWAY SYSTEM; REMOVAL OF ROUTE NO. 114.]

Subdivision 1. [ROUTE DISCONTINUED.] Route No. 114 as contained and described in Minnesota Statutes 1984, section 161.115, is discontinued and removed from the trunk highway system.

Subd. 2. [DIRECTIONS TO REVISOR.] The revisor of statutes, in compiling the next and subsequent editions of Minnesota Statutes, shall delete the route specified in subdivision 1.

Sec. 30. Minnesota Statutes 1984, section 161.117, is amended to read:

161.117 [TRUNK HIGHWAYS; ADDITIONAL ROUTES.]

There may be added by order of the commissioner of transportation to the trunk highway system new routes described as follows:

(1) Route No. 380. Beginning at a point on Route No. 390 at its intersection with Shepard Road in the city of St. Paul; thence extending in a northeasterly direction generally following along the course of Shepard Road to a point on Route No. 112; thence extending in a northeasterly direction to a point on Route No. 392 easterly of the downtown area of St. Paul; providing a connector route between Route No. 390 and Route Nos. 112 and 392;

(2) Route No. 382. Beginning at a point on Route No. 390 at its junction with Route No. 111, thence extending in a general northerly direction, within the corridor of the right of way already acquired on May 31, 1975, for Route No. 390, to a point on Short Line Road; thence extending in a northeasterly direction within said corridor of right of way to the intersection of Pleasant Avenue and Kellogg Boulevard in the city of St. Paul.

(3) Route No. 383. Beginning at a point on Route No. 393 in the city of Bloomington and continuing in a northerly direction above the present alignment of Hennepin county state aid highway No. 18 to its intersection with Route No. 3 in or near the city of Brooklyn Park.

(4) Route No. 384. Beginning at a point on Route No. 393 in the city of Eden Prairie and continuing in an easterly direction along the present alignment of Hennepin county state aid highway No. 62 to its intersection with Route No. 116.

(5) Route No. 385. Beginning at a point on Route No. 394 in the city of Minneapolis and continuing in an easterly direction to a point on University Avenue in the city of Minneapolis.

Sec. 31. [TRANSFERS OF JURISDICTION.]

Subdivision 1. [DUTIES OF COMMISSIONER.] The commissioner of transportation shall assume ownership of all right-of-way now owned by Hennepin county for the routes added to the trunk highway system under section 30.

Subd. 2. [TRANSFER TO HENNEPIN COUNTY.] The commissioner shall transfer to Hennepin county the following trunk highway segments and associated right-of-way:

(1) Excelsior Boulevard from its intersection with marked Trunk Highway No. 100 in the city of St. Louis Park to its intersection with marked Trunk Highway No. 121 on the westerly limits of the city of Minneapolis;

(2) Excelsior Boulevard, Lake Street and Lyndale Avenue from the intersection of Excelsior Boulevard and marked Trunk Highway No. 121 on the westerly limits of the city of Minneapolis, to the intersection of Lake Street and Lyndale Avenue and thence northerly along Lyndale Avenue to its intersection with Franklin Avenue near marked Interstate Highway No. 94, in the city of Minneapolis;

(3) marked Trunk Highway No. 7 and West Lake Street from its intersection with marked Trunk Highway No. 100 in the city of St. Louis Park to its intersection with Excelsior Boulevard in the city of Minneapolis;

(4) that portion of previous marked Trunk Highway No. 12 in the city of Wayzata from its intersection with the current alignment of marked Trunk Highway No. 12 to its intersection with marked Trunk Highway No. 101;

(5) marked Trunk Highway No. 12 on its alignment on University Avenue in the city of Minneapolis, from its intersection with Washington Avenue to the easterly limits of the city of Minneapolis;

(6) marked Trunk Highway No. 52 on its alignment on University Avenue, Fourth Street Southeast and Oak Street in the city of Minneapolis, from its intersection with marked Interstate Highway No. 35W to its intersection with Washington Avenue;

(7) marked Trunk Highway No. 81 from its intersection with marked Interstate Highway No. 94 in the city of Minneapolis to its intersection with marked Trunk Highway No. 100 in the city of Robbinsdale;

(8) marked Trunk Highway No. 88 from its intersection with marked Interstate Highway No. 35W to the easterly limits of Hennepin county;

(9) New Brighton Boulevard from its intersection with marked Interstate Highway No. 35W to its intersection with Broadway Street Northeast, in the city of Minneapolis;

(10) marked Trunk Highway No. 101 from its intersection with marked Interstate Highway No. 94 in Rogers to the southerly limits of Hennepin county except that portion marked Trunk Highway No. 101 from its intersection with marked Trunk Highway No. 12 to marked county road No. 5 until reconstruction or replacement of the marked Trunk Highway No. 101 bridge on Bushaway Road across the right of way of the Burlington Northern railroad and the marked Trunk Highway No. 101 bridge across Grays Bay;

(11) Lake Street from its intersection with marked Trunk Highway No. 55 in the city of Minneapolis to the easterly limits of Hennepin county;

(12) marked Trunk Highway No. 121 from its intersection with Excelsior Boulevard on the westerly limits of the city of Minneapolis to its intersection with West Fifty-Eighth Street in the city of Minneapolis;

(13) marked Trunk Highway No. 152 from its intersection with marked Trunk Highway No. 101 in the city of Dayton to its intersection with present marked Trunk Highway No. 169 in the city of Brooklyn Park;

(14) marked Trunk Highway No. 169 from its intersection with present marked Trunk Highway No. 152 in the city of Brooklyn Park to its intersection with marked Trunk Highway No. 100 in the city of Robbinsdale; and

(15) marked Trunk Highway No. 252 from its intersection with marked Trunk Highway No. 169 in the city of Champlin to its intersection with Ninety-Third Avenue North in the city of Brooklyn Park.

Subd. 3. [TRANSFERS; CONDITIONS.] All right-of-way transferred to the commissioner of transportation by Hennepin county under sections 23 to 33 and 36 is subject to Minnesota Statutes, section 161.18. All right-of-way transferred to Hennepin county by the commissioner of transportation under sections 23 to 33 and 36 vests the county, without compensation therefor, with all rights, titles, easements, and appurtenances held by or vested in the state of Minnesota prior to the transfer of ownership. All transfers of right-of-way under sections 23 to 33 and 36 include the transfer of ownership of interchange ramps and loops, bridges, signals, lighting devices, and all other appurtenances within the right-of-way.

Sec. 32. [STATUTORY PROVISIONS.]

Minnesota Statutes, section 161.082, subdivision 2, does not apply to transfers of trunk highways to Hennepin county under sections 23 to 33 and 36.

Sec. 33. [AGREEMENT REQUIRED.]

No transfer of a highway or associated right-of-way under sections 23 to 33 and 36 is effective unless the transfer has been mutually agreed upon by the commissioner of transportation and Hennepin county and a copy of the agreement, signed by the commissioner and the chair of the Hennepin county board, has been filed in the office of the commissioner."

Page 12, after line 20, insert:

"Sec. 36. [EFFECTIVE DATE.]

Sections 23 to 29 are each effective on the day following certification by the commissioner of transportation to the secretary of state that the owner-

ship of a trunk highway and associated right-of-way are no longer needed for trunk highway purposes by reason of that section having been transferred to Hennepin county in accordance with sections 23 to 33 and this section, or by reason of route description revisions required by the transfer. Section 31, subdivisions 1 and 2, are effective the day following final enactment, subject to the provisions of section 33. Section 31, subdivision 3, and sections 30, 32 and 33 are effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

RECONSIDERATION

Having voted on the prevailing side, Mr. Ramstad moved that the vote whereby the Bernhagen amendment to S.F. No. 1065 was adopted on March 13, 1986, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 30 and nays 20, as follows:

Those who voted in the affirmative were:

Berglin	Kamrath	Luther	Olson	Ramstad
Brataas	Knaak	McQuaid	Peterson, D.C.	Reichgott
Dieterich	Kroening	Merriam	Peterson, D.L.	Renneke
Frank	Kronebusch	Moe, R.D.	Peterson, R.W.	Samuelson
Freeman	Lantry	Nelson	Petty	Sieloff
Jude	Lessard	Novak	Pogemiller	Waldorf

Those who voted in the negative were:

Adkins	Bernhagen	Dicklich	Isackson	Mehrkens
Anderson	Bertram	Frederick	Johnson, D.E.	Pehler
Belanger	Chmielewski	Frederickson	Knutson	Purfeerst
Benson	Dahl	Gustafson	Laidig	Storm

The motion prevailed. So the vote was reconsidered.

S.F. No. 1065 was then progressed.

SPECIAL ORDER

S.F. No. 1814: A bill for an act relating to health and human services; establishing a task force on long-term care planning; requiring the commissioner of health to monitor transitional care; authorizing use of swing beds by patients transferred from hospitals located outside of the patient's community; modifying the preadmission screening program; changing financial statement certification requirements for nursing homes that are phasing out of the medical assistance program; establishing requirements for medical assistance rate appeals procedures for intermediate care facilities; requiring a study of geographic groupings of nursing homes; amending Minnesota Statutes 1985 Supplement, sections 144.562, subdivision 3; 144.563; 256B.091, subdivisions 2, 4, 5, and 8; 256.48, subdivision 1b; and 256B.501, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 144A.

Ms. Berglin moved to amend S.F. No. 1814 as follows:

Page 4, after line 19, insert:

"Sec. 4. [144.564] [MONITORING OF SUBACUTE OR TRANSITIONAL CARE SERVICES.]

Subdivision 1. [HOSPITAL DATA.] The commissioner of health shall monitor the provision of subacute or transitional care services provided in hospitals. All hospitals providing these services must report statistical data on the extent and utilization of these services on forms supplied by the commissioner. The data must include the following information: the number of admissions to and discharges from subacute or transitional care beds, charges for services in these beds, the length of stay and total patient days, admission origin and discharge destination, and other information required by the commissioner to assess the utilization of these services. For purposes of this subdivision, subacute or transitional care services is care provided in a hospital bed to patients who have been hospitalized and no longer meet established acute care criteria, and care provided to patients who are admitted for respite care.

Subd. 2. [NURSING HOME DATA.] Nursing homes which provide services to individuals whose length of stay in the facility is less than 42 days shall report the data required by subdivision 1 on forms supplied by the commissioner of health."

Page 12, line 1, delete "4" and insert "5" and delete "9" and insert "10"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 18, delete "chapter" and insert "chapters 144 and"

The motion prevailed. So the amendment was adopted.

Mr. Samuelson moved to amend S.F. No. 1814 as follows:

Page 3, line 12, delete "and" and insert "or"

Page 3, line 13, delete "bed located" and insert a period

Page 3, delete lines 14 to 18

The motion prevailed. So the amendment was adopted.

Mr. Ramstad moved to amend S.F. No. 1814 as follows:

Page 4, after line 19, insert:

"Sec. 4. Minnesota Statutes 1984, section 251.011, subdivision 4, is amended to read:

Subd. 4. [OAK TERRACE NURSING HOME.] Any portion or unit of Glen Lake Sanatorium not used for the treatment of tuberculosis patients may be used by the commissioner of human services for the care of geriatric patients, under the name of Oak Terrace Nursing Home.

The commissioner of administration may lease any portion or unit of Oak Terrace Nursing Home for the purpose of providing food and shelter for the homeless."

Renumber the sections in sequence

Correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Chmielewski moved to amend S.F. No. 1814 as follows:

Page 4, line 34, after "service" insert "*or another nurse in case of conflict of interest*"

Page 5, line 34, strike everything after "referral"

Page 5, line 35, strike everything before the period

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

S.F. No. 1814 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 53 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H.F. No. 1919: A bill for an act relating to education; imposing a limit on participation; eliminating state tuition reimbursement for courses taken for post-secondary credit; making other modifications to the post-secondary enrollment options program; providing options for swimming classes in junior high schools; amending Minnesota Statutes 1984, sections 123.35, by adding a subdivision; 124A.034, subdivisions 1 and 2; 363.03, subdivision 5; Minnesota Statutes 1985 Supplement, section 123.3514, subdivisions 3, 4, 5, 6, 8, and 10, and by adding subdivisions; and Laws 1985, First Special Session chapter 12, article 5, section 7; proposing coding for new law in Minnesota Statutes, chapter 126.

SUSPENSION OF RULES

Mr. Nelson 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. 1919 and that the rules of the Senate be so far suspended as to give H.F. No. 1919, now on Special Orders, its third reading and place it on its final passage. The motion prevailed.

Mr. Nelson moved to amend H.F. No. 1919, as amended pursuant to Rule 49, adopted by the Senate March 13, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 1771.)

Page 5, after line 17, insert:

"If a pupil is enrolled in a course for post-secondary credit, the school district shall include the pupil in the average daily membership only for the portion of time during which the pupil is enrolled in courses or programs of the secondary school and enrolled in courses or programs at a post-secondary institution for secondary credit only."

The motion prevailed. So the amendment was adopted.

H.F. No. 1919 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 52 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kronebusch	Novak	Reichgott
Anderson	Frank	Laidig	Olson	Renneke
Belanger	Frederick	Langseth	Pehler	Samuelson
Benson	Gustafson	Lantry	Peterson, C. C.	Schmitz
Berg	Isackson	Lessard	Peterson, D. C.	Sieloff
Brataas	Johnson, D.E.	Luther	Peterson, D. L.	Solon
Chmielewski	Jude	McQuaid	Peterson, R. W.	Storm
Dahl	Kamrath	Mehrkins	Petty	Waldorf
Davis	Knaak	Merriam	Pogemiller	
Dicklich	Knutson	Moe, R. D.	Purfeerst	
Diessner	Kroening	Nelson	Ramstad	

Ms. Berglin, Messrs. Bertram and Spear voted in the negative.

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

SPECIAL ORDER

S.F. No. 1515: A bill for an act relating to Ramsey county; authorizing the issuance of bonds for the construction of library buildings and an annual levy for debt retirement; providing for an appointed county abstract clerk; proposing coding for new law in Minnesota Statutes, chapter 383A; repealing Minnesota Statutes 1984, section 383A.38.

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 52 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dicklich	Knutson	Moe, R. D.	Reichgott
Belanger	Diessner	Kroening	Novak	Renneke
Benson	Dieterich	Kronebusch	Olson	Samuelson
Berg	Frank	Laidig	Pehler	Schmitz
Berglin	Frederick	Langseth	Peterson, C. C.	Sieloff
Bernhagen	Gustafson	Lantry	Peterson, D. L.	Solon
Bertram	Isackson	Lessard	Peterson, R. W.	Storm
Brataas	Johnson, D.E.	Luther	Petty	Waldorf
Chmielewski	Jude	McQuaid	Pogemiller	
Dahl	Kamrath	Mehrkins	Purfeerst	
Davis	Knaak	Merriam	Ramstad	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1745: A bill for an act relating to state lands; authorizing sale of Pearl Lake lakeshore parcel in Stearns county.

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 49 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Jude	Mehrkens	Ramstad
Anderson	Davis	Kamrath	Merriam	Reichgott
Belanger	Dicklich	Knaak	Moe, R.D.	Renneke
Benson	Diessner	Knutson	Novak	Schmitz
Berg	Dieterich	Kronebusch	Olson	Sieloff
Berglin	Frank	Langseth	Pehler	Solon
Bernhagen	Frederick	Lantry	Peterson, D.L.	Storm
Bertram	Gustafson	Lessard	Petty	Vega
Brataas	Isackson	Luther	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	McQuaid	Purfeerst	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2236: A bill for an act relating to the city of Grand Rapids; permitting the creation of the Central School commission.

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 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2222: A bill for an act relating to education; vocational; specifying use of appropriation for firefighter training programs in AVTI's; amending Laws 1985, First Special Session chapter 11, section 4, subdivision 3.

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 54 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Novak	Reichgott
Anderson	Diessner	Kroening	Olson	Samuelson
Belanger	Frank	Kronebusch	Pehler	Schmitz
Benson	Frederick	Lantry	Peterson, C.C.	Sieloff
Berglin	Freeman	Lessard	Peterson, D.C.	Solon
Bernhagen	Gustafson	Luther	Peterson, D.L.	Spear
Bertram	Isackson	McQuaid	Peterson, R.W.	Storm
Brataas	Johnson, D.E.	Mehrkins	Petty	Taylor
Chmielewski	Jude	Merriam	Pogemiller	Vega
Dahl	Kamrath	Moe, D.M.	Purfeerst	Waldorf
Davis	Knaak	Moe, R.D.	Ramstad	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2014: A bill for an act relating to game and fish; designation and use of waterfowl feeding or resting areas; amending Minnesota Statutes 1984, section 99.26, subdivision 5; and article 1, section 18, subdivision 2 of S.F. No. 1526, if enacted.

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 51 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Novak	Samuelson
Anderson	Diessner	Knutson	Olson	Schmitz
Belanger	Dieterich	Kroening	Pehler	Sieloff
Benson	Frank	Kronebusch	Peterson, D.C.	Solon
Berglin	Frederick	Lantry	Peterson, D.L.	Taylor
Bernhagen	Freeman	Lessard	Peterson, R.W.	Vega
Bertram	Gustafson	Luther	Petty	Waldorf
Brataas	Isackson	McQuaid	Pogemiller	
Chmielewski	Johnson, D.E.	Mehrkins	Purfeerst	
Dahl	Jude	Merriam	Ramstad	
Davis	Kamrath	Moe, D.M.	Reichgott	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 164: A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

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 6, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Peterson, D.C.	Schmitz
Anderson	Dieterich	Kronebusch	Peterson, D.L.	Spear
Belanger	Frank	Laidig	Peterson, R.W.	Storm
Benson	Gustafson	Lantry	Petty	Taylor
Bernhagen	Isackson	Lessard	Purfeerst	Vega
Bertram	Johnson, D.E.	McQuaid	Ramstad	
Brataas	Jude	Mehrkins	Reichgott	
Chmielewski	Kamrath	Novak	Renneke	
Dahl	Knaak	Peterson, C.C.	Samuelson	

Those who voted in the negative were:

Berglin	Luther	Merriam	Moe, D.M.	Pogemiller
Dicklich				

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2054: A bill for an act relating to taxation; sales; clarifying the application of the exemption for certain fundraising activities to certain school organizations; defining registered combined charitable organization; amending Minnesota Statutes 1984, section 309.501, subdivision 1; and Minnesota Statutes 1985 Supplement, section 297A.256.

Mr. Dahl moved to amend S.F. No. 2054 as follows:

Pages 3 and 4, delete section 2

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2054 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 44 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Jude	Moe, D.M.	Reichgott
Anderson	Dicklich	Knaak	Olson	Renneke
Belanger	Diessner	Knutson	Peterson, C.C.	Samuelson
Benson	Dieterich	Kronebusch	Peterson, D.C.	Schmitz
Berglin	Frank	Lantry	Peterson, D.L.	Sieloff
Bernhagen	Freeman	Luther	Peterson, R.W.	Storm
Bertram	Gustafson	McQuaid	Petty	Vega
Brataas	Isackson	Mehrken	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	Merriam	Ramstad	

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

SPECIAL ORDER

S.F. No. 2102: A bill for an act relating to marriage dissolution and legal separation; requiring appointment of guardians ad litem in certain child custody proceedings; amending Minnesota Statutes 1984, section 518.165.

Mr. Petty moved to amend S.F. No. 2102 as follows:

Page 1, line 11, delete "APPOINTENT" and insert "APPOINTMENT"

Page 1, line 17, strike everything after the period

Page 1, strike lines 18 to 22

The motion prevailed. So the amendment was adopted.

Mr. Petty then moved to amend S.F. No. 2102 as follows:

Page 2, line 2, delete "*physical or sexual*" and insert "*domestic child*"

and delete "or neglect"

Page 2, line 3, delete everything after "section"

Page 2, line 4, delete "proceeding" and insert "260.015, subdivision 24"

The motion prevailed. So the amendment was adopted.

Mr. Sieloff moved to amend S.F. No. 2102 as follows:

Page 2, line 1, delete "reason" and insert "probable cause"

CALL OF THE SENATE

Mr. Sieloff imposed a call of the Senate for the balance of the proceedings on S.F. No. 2102. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the adoption of the Sieloff amendment.

The roll was called, and there were yeas 31 and nays 12, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kamrath	Olson	Storm
Anderson	Frank	Knutson	Pehler	Taylor
Belanger	Frederick	Kronebusch	Peterson, D.L.	Waldorf
Benson	Gustafson	Laidig	Ramstad	
Bernhagen	Isackson	Lessard	Reichgott	
Bertram	Johnson, D.E.	McQuaid	Schmitz	
Brataas	Jude	Mehrkins	Sieloff	

Those who voted in the negative were:

Berglin	Luther	Peterson, C.C.	Petty	Spear
Freeman	Merriam	Peterson, D.C.	Pogemiller	Vega
Lantry	Novak			

The motion prevailed. So the amendment was adopted.

S.F. No. 2102 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 1, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Kronebusch	Pehler	Solon
Anderson	Frederick	Laidig	Peterson, C.C.	Spear
Belanger	Freeman	Lantry	Peterson, D.C.	Storm
Benson	Gustafson	Luther	Peterson, D.L.	Taylor
Berglin	Isackson	McQuaid	Petty	Vega
Bernhagen	Johnson, D.E.	Mehrkins	Ramstad	Waldorf
Bertram	Jude	Merriam	Reichgott	Wegscheid
Brataas	Kamrath	Moe, R.D.	Schmitz	
Dicklich	Knaak	Olson	Sieloff	

Mr. Knutson voted in the negative.

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

SPECIAL ORDER

S.F. No. 2101: A bill for an act relating to state lands; authorizing an

exchange of certain state lands with the city of Thomson in Carlton county and sale of certain state land in Lake of the Woods county.

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 44 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Pehler	Schmitz
Anderson	Frank	Kronebusch	Peterson, D.C.	Sieloff
Belanger	Frederick	Laidig	Peterson, D.L.	Solon
Benson	Freeman	Lantry	Peterson, R.W.	Spear
Berglin	Gustafson	Luther	Petty	Taylor
Bernhagen	Isackson	McQuaid	Pogemiller	Vega
Bertram	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Brataas	Jude	Merriam	Ramstad	Wegscheid
Dahl	Kamrath	Moe, R.D.	Reichgott	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 839: A bill for an act relating to crimes; prohibiting escape from custody by certain mental patients; amending Minnesota Statutes 1984, section 609.485, subdivisions 2, 4, and by adding a subdivision.

Mr. Merriam moved to amend H.F. No. 839 as follows:

Page 1, line 25, delete "*paragraph*" and insert "*clause*"

The motion prevailed. So the amendment was adopted.

H.F. No. 839 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 45 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Jude	Moe, D.M.	Reichgott
Anderson	Dicklich	Kamrath	Moe, R.D.	Schmitz
Belanger	Diessner	Kronebusch	Pehler	Sieloff
Benson	Frank	Laidig	Peterson, D.C.	Solon
Berglin	Frederick	Lantry	Peterson, D.L.	Spear
Bernhagen	Freeman	Lessard	Peterson, R.W.	Taylor
Bertram	Isackson	Luther	Petty	Vega
Brataas	Johnson, D.E.	Mehrkens	Pogemiller	Waldorf
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Wegscheid

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

SPECIAL ORDER

H.F. No. 2294: A bill for an act relating to labor; independent school district No. 709, Duluth; removing certain educational assistants from civil service; amending Laws 1967, chapter 252, section 2, as amended.

Mr. Dicklich moved to amend H.F. No. 2294 as follows:

Page 1, after line 7, insert:

“Section 1. Minnesota Statutes 1984, section 383C.391, subdivision 2, is amended to read:

Subd. 2. [DISTRIBUTION OF FUNDS.] The distribution of the funds thus provided by the county welfare board for this nutrition program shall be administered by a committee of three consisting of the ~~county~~ superintendent of schools, the vice-chairman of the county board of commissioners and the ~~executive~~ administrative secretary of the county welfare board, acting on the advice of the county health officer and the supervisor of home economics in the employ of the ~~county~~ superintendent of schools. The ~~county~~ superintendent of schools shall act as administrative officer of this nutrition committee.”

Page 1, line 25, delete “1” and insert “2”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after “labor” insert “and education”

Page 1, line 3, after the semicolon, insert “making technical changes for St. Louis county school nutrition programs;”

Page 1, line 4, after the semicolon, insert “amending Minnesota Statutes 1984, section 383C.391, subdivision 2;”

The motion prevailed. So the amendment was adopted.

H.F. No. 2294 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 46 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kamrath	Peterson, C.C.	Solon
Anderson	Dieterich	Kronebusch	Peterson, D.C.	Spear
Belanger	Frank	Laidig	Peterson, D.L.	Storm
Benson	Frederick	Lantry	Peterson, R.W.	Taylor
Berglin	Freeman	Lessard	Petty	Vega
Bernhagen	Hughes	McQuaid	Pogemiller	Waldorf
Bertram	Isackson	Mehrkins	Ramstad	
Chmielewski	Johnson, D.E.	Merriam	Reichgott	
Dahl	Johnson, D.J.	Moe, R.D.	Schmitz	
Dicklich	Jude	Pehler	Sieloff	

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

SPECIAL ORDER

H.F. No. 1897: A bill for an act relating to commerce; motor fuel franchises; extending the temporary prohibition on certain building alterations that eliminate service bays; amending Laws 1984, chapter 444, section 4.

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 1, as follows:

Those who voted in the affirmative were:

Anderson	Diessner	Jude	Peterson, C.C.	Sieloff
Benson	Dieterich	Knutson	Peterson, D.C.	Spear
Berglin	Frank	Kronebusch	Peterson, R.W.	Storm
Bernhagen	Frederick	Lantry	Petty	Taylor
Bertram	Freeman	Lessard	Pogemiller	Vega
Brataas	Hughes	McQuaid	Purfeerst	
Chmielewski	Isackson	Merriam	Ramstad	
Dahl	Johnson, D.E.	Moe, R.D.	Reichgott	
Dicklich	Johnson, D.J.	Pehler	Schmitz	

Mr. Kamrath voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2344: A bill for an act relating to St. Louis county; making certain offices appointive; allowing the county board to assign certain offices to the unclassified service; amending Minnesota Statutes 1984, sections 375A.06, subdivision 5; 383C.035 and 383C.136.

Mr. Johnson, D.J. moved to amend H.F. No. 2344, as amended pursuant to Rule 49, adopted by the Senate March 10, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 2163.)

Page 3, after line 18, insert:

“Sec. 4. [ST. LOUIS COUNTY LAND CONVEYANCE.]

(a) Notwithstanding any law to the contrary, the state of Minnesota and St. Louis County may convey to Clyde E. Arnberg and Lilah E. Arnberg, Box 2345, Star Route, Virginia, Minnesota 55792, land in St. Louis county identified as Lot C, Plat Da Bi Na Wa that forfeited for unpaid property taxes. The price for the land must be the same as that provided under Minnesota Statutes, section 281.02.

(b) The attorney general shall prepare the instrument of conveyance.

(c) The property to be sold was forfeited to the state for unpaid taxes as a result of a recording error. The Arnbergs were unaware that the taxes were not paid and were not notified of the proceeding that forfeited the property.”

Page 3, after line 29, insert:

“Section 4 of this act is effective the day after final enactment.”

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2344 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 44 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kamrath	Moe, R.D.	Reichgott
Anderson	Frank	Knaak	Pehler	Renneke
Berglin	Freeman	Kronebusch	Peterson, C.C.	Schmitz
Bernhagen	Gustafson	Laidig	Peterson, D.C.	Sieloff
Bertram	Hughes	Lantry	Peterson, D.L.	Spear
Brataas	Isackson	Lessard	Petty	Taylor
Dahl	Johnson, D.E.	McQuaid	Pogemiller	Vega
Dicklich	Johnson, D.J.	Mehrkens	Purfeerst	Waldorf
Diessner	Jude	Merriam	Ramstad	

Mr. Knutson voted in the negative.

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

SPECIAL ORDER

H.F. No. 2068: A bill for an act relating to the city of Litchfield; permitting certain investments of municipal power agency funds.

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 48 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Jude	Moe, D.M.	Reichgott
Anderson	Frank	Kamrath	Olson	Renneke
Belanger	Frederick	Knaak	Pehler	Schmitz
Berglin	Frederickson	Knutson	Peterson, C.C.	Sieloff
Bernhagen	Freeman	Kronebusch	Peterson, D.C.	Spear
Bertram	Gustafson	Laidig	Peterson, D.L.	Storm
Chmielewski	Hughes	Lantry	Peterson, R.W.	Waldorf
Dahl	Isackson	Lessard	Petty	Wegscheid
Dicklich	Johnson, D.E.	McQuaid	Purfeerst	
Diessner	Johnson, D.J.	Mehrkens	Ramstad	

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2280: A bill for an act relating to taxation; imposing levy limits on certain towns and cities; altering provisions governing distribution of certain taconite tax proceeds; reducing the taconite-railroad gross earnings tax rate; reducing occupation and royalty tax rates; providing for the deduction of taconite production taxes and transportation costs; amending Minnesota Statutes 1984, sections 275.125, subdivision 9; 275.50, subdivision 2; 275.51, subdivision 3f; 298.225, by adding a subdivision; and 298.24, subdivision 1; Minnesota Statutes 1985 Supplement, sections 294.22; 298.01, subdivision 1; 298.03; 298.225, subdivision 1; 298.28, subdivision 1; and 299.01, subdivision 1.

Mr. Dicklich moved to amend S.F. No. 2280 as follows:

Page 17, after line 33, insert:

“Sec. 12. [APPROPRIATION.]

There is appropriated from the general fund to the commissioner of natural resources the sum of \$20,000,000, to be taken from the proceeds of the taconite occupation tax imposed under Minnesota Statutes, section 298.01, beginning in 1992. This money is available only as a loan guarantee for the direct reduction project using the K.R. process and is contingent upon receipt by the commissioner of natural resources of sufficient funding from other sources to complete the project. This appropriation does not cancel but is available until the project is completed or abandoned. The money may be spent only in or for the benefit of those areas that are tax relief areas as defined in Minnesota Statutes, section 273.134."

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2280 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 37 and nays 14, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Johnson, D.E.	McQuaid	Schmitz
Anderson	Diessner	Johnson, D.J.	Novak	Solon
Belanger	Frank	Jude	Pehler	Spear
Berglin	Frederick	Knutson	Peterson, C.C.	Storm
Bernhagen	Frederickson	Laidig	Peterson, D.C.	Vega
Bertram	Freeman	Lantry	Petty	
Chmielewski	Gustafson	Lessard	Purfeerst	
Dahl	Hughes	Luther	Reichgott	

Those who voted in the negative were:

Isackson	Kronebusch	Olson	Pogemiller	Sietloff
Kamrath	Mehrken	Peterson, D.L.	Ramstad	Taylor
Knaak	Merriam	Peterson, R.W.	Renneke	

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

SPECIAL ORDER

H.F. No. 651: A bill for an act relating to health; authorizing inclusion of physical fitness therapies in grant programs for the mentally ill; providing for study of the administration of mental health services; amending Minnesota Statutes 1984, sections 245.73, by adding a subdivision; and 256E.12, subdivision 1.

Mrs. Lantry moved to amend H.F. No. 651, as amended pursuant to Rule 49, adopted by the Senate March 11, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 1395.)

Page 2, line 24, delete "and" and before the period, insert "and make recommendations regarding the transfer of mental health licensing and quality assurance activities to the commissioner of health"

The motion prevailed. So the amendment was adopted.

H.F. No. 651 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 53 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Knutson	Olson	Schmitz
Anderson	Frederick	Kronebusch	Pehler	Sieloff
Belanger	Frederickson	Laidig	Peterson, C.C.	Spear
Benson	Freeman	Lantry	Peterson, D.C.	Storm
Berglin	Gustafson	Lessard	Peterson, D.L.	Taylor
Bernhagen	Hughes	Luther	Peterson, R.W.	Vega
Bertram	Isackson	McQuaid	Petty	Waldorf
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Wegscheid
Dahl	Jude	Merriam	Ramstad	Willet
Diessner	Kamrath	Moe, R.D.	Reichgott	
Dieterich	Knäak	Novak	Renneke	

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

SPECIAL ORDER

S.F. No. 2098: A bill for an act relating to public safety; providing for the mandatory surrender of registration plates and certificates on motor vehicles operated by repeat DWI offenders; clarifying the evidentiary use of partial alcohol concentration breath tests; imposing mandatory minimum penalties on habitual DWI offenders; expanding the crime of driving a motor vehicle while under the influence of alcohol or certain substances; amending Minnesota Statutes 1984, sections 168.041; 169.121, subdivisions 2 and 6, and by adding a subdivision; 169.123, subdivisions 2a, 3, 4, and 6; and 361.12, subdivision 1; Minnesota Statutes 1985 Supplement, sections 169.121, subdivision 1; and 169.123, subdivision 2.

Mr. Waldorf moved to amend S.F. No. 2098 as follows:

Page 7, after line 27, insert:

"Sec. 5. Minnesota Statutes 1984, section 169.121, is amended by adding a subdivision to read:

Subd. 4a. [INCREASE INSURANCE COVERAGE UPON CONVICTION.] A person convicted of violating this section shall, upon reinstatement of the person's driver's license or the granting of a limited license, obtain residual liability insurance in compliance with section 65B.49. Each plan of reparation security must contain limits of liability, exclusive of interest and costs, with respect to each vehicle for which coverage is thereby granted, of not less than \$50,000 because of bodily injury to one person in any one accident and of not less than \$100,000 in any one accident.

The increased limits must be carried for a period of two years from the reinstatement of the license or the granting of a limited license."

Page 13, after line 20, insert:

"Sec. 12. [171.175] [REINSTATEMENT; PROOF OF INSURANCE.]

Upon the expiration of the revocation of a driver's license under section

169.121 or 169.123, and the satisfaction of any additional requirements imposed, the commissioner shall reinstate the license if the person provides the commissioner with either a valid insurance policy or an identification card issued by the insurer stating that security has been provided as required by section 65B.48. After one year, the license must be cancelled unless the licensee provides the commissioner with proof, satisfactory to the commissioner, of continuous insurance coverage during the previous year. If a person is unable to prove such continuous coverage, the person's driver's license may not be reinstated for a period of one year from the date of cancellation under this section. The commissioner may adopt rules to provide for exceptions to this requirement for vehicles that are in storage or out of service for substantial portions of the previous year."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Benson requested division of the amendment as follows:

First portion:

Page 7, after line 27, insert:

"Sec. 5. Minnesota Statutes 1984, section 169.121, is amended by adding a subdivision to read:

Subd. 4a. [INCREASE INSURANCE COVERAGE UPON CONVICTION.] A person convicted of violating this section shall, upon reinstatement of the person's driver's license or the granting of a limited license, obtain residual liability insurance in compliance with section 65B.49. Each plan of reparation security must contain limits of liability, exclusive of interest and costs, with respect to each vehicle for which coverage is thereby granted, of not less than \$50,000 because of bodily injury to one person in any one accident and of not less than \$100,000 in any one accident.

The increased limits must be carried for a period of two years from the reinstatement of the license or the granting of a limited license."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Second portion:

Page 13, after line 20, insert:

"Sec. 12. [171.175] [REINSTATEMENT; PROOF OF INSURANCE.]

Upon the expiration of the revocation of a driver's license under section 169.121 or 169.123, and the satisfaction of any additional requirements imposed, the commissioner shall reinstate the license if the person provides the commissioner with either a valid insurance policy or an identification card issued by the insurer stating that security has been provided as required by section 65B.48. After one year, the license must be cancelled unless the licensee provides the commissioner with proof, satisfactory to the commissioner, of continuous insurance coverage during the previous year. If a person is unable to prove such continuous coverage, the person's driver's license may not be reinstated for a period of one year from the date of cancellation under this section. The commissioner may adopt rules to provide for exceptions to this requirement for vehicles that are in storage or out of service for substantial portions of the previous year."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the first portion of the amendment. The motion prevailed. So the first portion of the amendment was adopted.

The question was taken on the adoption of the second portion of the amendment. The motion prevailed. So the second portion of the amendment was adopted.

S.F. No. 2098 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 40 and nays 9, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Kamrath	Pehler	Ramstad
Anderson	Frederickson	Lantry	Peterson, C.C.	Reichgott
Berglin	Freeman	Lessard	Peterson, D.C.	Schmitz
Bernhagen	Gustafson	Luther	Peterson, D.L.	Solon
Bertram	Hughes	McQuaid	Peterson, R.W.	Spear
Chmielewski	Isackson	Merriam	Petty	Taylor
Dahl	Johnson, D.E.	Moe, D.M.	Pogemiller	Waldorf
Diessner	Jude	Novak	Purfeerst	Willet

Those who voted in the negative were:

Belanger	Frederick	Knutson	Sieloff	Vega
Dieterich	Knaak	Mehrken	Storm	

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

SPECIAL ORDER

S.F. No. 1868: A bill for an act relating to human services; streamlining food and nutrition programs in the state; promotion of full participation in food assistance programs; establishing a coordinated nutrition data system; requiring the full expenditure of federal funds by agencies administering the special supplemental food program for women, infants, and children; requiring food stamps to be provided within 24 hours to persons eligible for expedited issuance; requiring the board on aging to pursue reimbursement of costs of home-delivered meals for the elderly; establishing a pilot school breakfast program; amending Minnesota Statutes 1984, sections 145.892, subdivision 2; 145.894; 256.975, by adding a subdivision; and 393.07, subdivision 10, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 124; 144; and 245.

Mr. Storm moved to amend S.F. No. 1868 as follows:

Page 3, line 18, delete everything after "(h)"

Page 3, delete lines 19 to 25 and insert "Monitor the activities of the local health agencies and insure that they are serving the maximum number of eligible individuals, subject to the amount of funds available;"

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

S.F. No. 1868 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 46 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frank	Laidig	Peterson, D.L.	Spear
Belanger	Gustafson	Lantry	Peterson, R.W.	Storm
Benson	Hughes	Lessard	Petty	Taylor
Berglin	Isackson	Luther	Pogemiller	Vega
Bernhagen	Johnson, D.E.	McQuaid	Purfeerst	Waldorf
Bertram	Jude	Mehrkens	Ramstad	Willet
Chmielewski	Kamrath	Merriam	Reichgott	
Dahl	Knaak	Olson	Renneke	
Diessner	Knutson	Peterson, C.C.	Schmitz	
Dieterich	Kroening	Peterson, D.C.	Sieloff	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2216: A bill for an act relating to land surveying; providing for the surveying of lands by a county board; providing for the establishment of an office of county surveyor and the assignment of its duties; providing a penalty; amending Minnesota Statutes 1984, sections 381.01; 381.02; 381.03; 381.04; 381.05; 381.06; 381.07; 381.08; 381.09; 381.10; 381.12; 381.13; 389.011; 389.02; 389.03; 389.04; 389.08; Minnesota Statutes 1985 Supplement, section 389.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 381; repealing Minnesota Statutes 1984, section 389.06.

Mr. Knaak, for Mrs. Brataas, moved to amend H.F. No. 2216, as amended pursuant to Rule 49, adopted by the Senate March 11, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 2252.)

Page 13, after line 18, insert:

"Sec. 20. Laws 1965, chapter 433, section 1, as amended by Laws 1967, chapter 645, section 1, is amended to read:

Section 1. [OLMSTED COUNTY; INCIDENTAL COSTS AND EXPENSES.]

In addition to the amount authorized by Minnesota Statutes 1965, Section ~~375.16~~ 375.161, the county board of Olmsted county may annually appropriate from the county revenue fund a sum not exceeding ~~\$1,000~~ \$3,500 as a contingent fund for use by the ~~chairman~~ chair of the county board at ~~his~~ the chair's discretion to pay for incidental costs and expenses incurred in expediting the business of the county of Olmsted. The fund shall be under the exclusive control of the ~~chairman~~ chair of the county board, subject to post audit by the county board."

Page 13, after line 20, insert:

"Sec. 22. [LOCAL APPROVAL.]

This act is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the county board of Olmsted county."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the first semicolon, insert "increasing the amount the Olmsted county board may appropriate annually for use as a contingent fund;"

Page 1, line 10, after the semicolon, insert "Laws 1965, chapter 433, section 1, as amended;"

The motion prevailed. So the amendment was adopted.

H.F. No. 2216 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 52 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frederick	Kronebusch	Pehler	Schmitz
Anderson	Frederickson	Laidig	Peterson, C.C.	Steloff
Belanger	Freeman	Lantry	Peterson, D.C.	Spear
Benson	Gustafson	Lessard	Peterson, D.L.	Storm
Bernhagen	Hughes	Luther	Peterson, R.W.	Taylor
Bertram	Isackson	McQuaid	Petty	Vega
Chmielewski	Johnson, D.E.	Mehrkens	Pogemiller	Waldorf
Dahl	Jude	Merriam	Purfeerst	Willet
DeCramer	Kamrath	Moe, D.M.	Ramstad	
Dieterich	Knaak	Nelson	Reichgott	
Frank	Knutson	Olson	Renneke	

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

SPECIAL ORDER

H.F. No. 1782: A bill for an act relating to natural resources; enacting the lake improvement district act; providing for the creation, powers, and termination of lake improvement districts; amending Minnesota Statutes 1984, sections 378.41; 378.42; 378.43; 378.44; 378.46; 378.47; 378.51; 378.52; 378.55; 378.56; and 378.57; proposing coding for new law in Minnesota Statutes, chapter 378; repealing Minnesota Statutes 1984, sections 378.41, subdivision 3; 378.45; and 378.53.

Mr. Peterson, C.C. moved to amend H.F. No. 1782, as amended pursuant to Rule 49, adopted by the Senate March 12, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 1599.)

Page 3, after line 14, insert:

"Subd. 1a. [NOTICE TO TOWN BOARD.] The county board shall, at least 30 days before holding a hearing under subdivision 2, send a copy of the resolution to each town board of a town wholly or partially within the boundaries of the proposed district and encourage the town board to respond to the proposed creation of the district."

Page 5, after line 23, insert:

"Subd. 1a. [NOTICE TO TOWN BOARD.] The county board shall, by

five days after it receives a petition, send a copy of the petition submitted under subdivision 1 to the town board of a town wholly or partially within the boundaries of a proposed district and encourage the town board to respond to the proposed creation of the district."

Page 6, line 15, delete "Subdivision 1. [FORMATION OF JOINT COUNTY AUTHORITY.]"

Page 6, delete lines 25 to 36

Page 7, delete lines 1 to 33

Page 7, line 35, delete "commissioner," and after "board" delete the comma

Page 8, line 21, delete "commissioner,"

Page 8, line 22, delete the comma

Page 9, line 5, delete "Twenty-five" and insert "Twenty-six"

Page 12, line 23, strike "or"

Page 12, after line 23, insert:

"(4) issue obligations; or"

Page 12, line 24, delete "(4)" and insert "(5)"

Page 13, line 6, before "district" insert "joint county"

Page 13, line 7, strike "by order of the commissioner"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1782 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 50 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kamrath	Merriam	Purfeerst
Anderson	Frank	Knaak	Moe, D.M.	Ramstad
Belanger	Frederick	Knutson	Olson	Reichgott
Benson	Frederickson	Kroening	Pehler	Renneke
Berglin	Freeman	Kronebusch	Peterson, C.C.	Schmitz
Bernhagen	Gustafson	Laidig	Peterson, D.C.	Sieloff
Bertram	Hughes	Lantry	Peterson, D.L.	Spear
Dahl	Isackson	Luther	Peterson, R.W.	Storm
DeCramer	Johnson, D.E.	McQuaid	Petty	Vega
Diessner	Jude	Mehrkins	Pogemiller	Willet

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

SPECIAL ORDER

H.F. No. 1911: A bill for an act relating to natural resources; authorizing watershed management organizations to establish taxing districts within minor watershed units of watersheds; amending Minnesota Statutes 1984,

sections 473.878, by adding a subdivision; 473.882, subdivision 3; and 473.883, subdivisions 2, 3, 6, and 7; Minnesota Statutes 1985 Supplement, section 473.882, subdivision 1.

Mr. Dahl moved to amend H.F. No. 1911, as amended pursuant to Rule 49, adopted by the Senate March 11, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 1948.)

Page 1, after line 10, insert:

“Section 1. Minnesota Statutes 1984, section 473.878, is amended by adding a subdivision to read:

Subd. 3a. [ADDITIONAL ORGANIZATIONS.] Any portion of the metropolitan area that is not in a watershed management organization by July 1, 1985, as required by subdivision 2, has until July 1, 1986, to form an organization. Notwithstanding the requirements of subdivision 3, a watershed management organization formed under this subdivision has until December 31, 1987, to prepare and submit a plan for review.”

Page 5, after line 2, insert:

“Sec. 6. [ANOKA COUNTY DRAINAGE.]

Subdivision 1. [REPAIRS OVER \$100,000 IN ANOKA COUNTY.] A repair under this chapter or chapter 112 of a drainage system located in Anoka county that costs more than \$100,000 may not be started unless a petition is presented to the drainage authority or board of managers, signed by:

- (1) 26 percent of the property owners affected by the repair; or*
- (2) owners of 26 percent of the property affected by the repair.*

Subd. 2. [PETITION TO PROCEED AS IMPROVEMENT.] A repair under this chapter or chapter 112 of a drainage system located in Anoka county must proceed as an improvement under section 106A.215 if, before the contract for the repair is awarded, a petition requesting the repair to proceed as an improvement is presented to the drainage authority or board of managers and signed by:

- (1) 20 percent of the property owners affected by the repair; or*
- (2) the owners of 20 percent of the property affected by the repair.*

Subd. 3. [REPAIR OF ANOKA COUNTY DITCH NO. 57.] Notwithstanding any other law to the contrary, a repair proceeding on Anoka county ditch No. 57 is stayed and may not be continued until August 1, 1986. The repair proceeding must be dismissed and proceed as an improvement under section 106A.215 if a petition requesting that the repair proceed as an improvement is presented to the Coon Creek watershed district managers by August 1, 1986, signed by:

- (1) 10 percent of the property owners affected by the repair; or*
- (2) the owners of 10 percent of the property affected by the repair.”*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Merriam requested division of the amendment as follows:

First portion:

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 1984, section 473.878, is amended by adding a subdivision to read:

Subd. 3a. [ADDITIONAL ORGANIZATIONS.] Any portion of the metropolitan area that is not in a watershed management organization by July 1, 1985, as required by subdivision 2, has until July 1, 1986, to form an organization. Notwithstanding the requirements of subdivision 3, a watershed management organization formed under this subdivision has until December 31, 1987, to prepare and submit a plan for review."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Second portion:

Page 5, after line 2, insert:

"Sec. 6. [ANOKA COUNTY DRAINAGE.]

Subdivision 1. [REPAIRS OVER \$100,000 IN ANOKA COUNTY.] A repair under this chapter or chapter 112 of a drainage system located in Anoka county that costs more than \$100,000 may not be started unless a petition is presented to the drainage authority or board of managers, signed by:

- (1) 26 percent of the property owners affected by the repair; or*
- (2) owners of 26 percent of the property affected by the repair.*

Subd. 2. [PETITION TO PROCEED AS IMPROVEMENT.] A repair under this chapter or chapter 112 of a drainage system located in Anoka county must proceed as an improvement under section 106A.215 if, before the contract for the repair is awarded, a petition requesting the repair to proceed as an improvement is presented to the drainage authority or board of managers and signed by:

- (1) 20 percent of the property owners affected by the repair; or*
- (2) the owners of 20 percent of the property affected by the repair.*

Subd. 3. [REPAIR OF ANOKA COUNTY DITCH NO. 57.] Notwithstanding any other law to the contrary, a repair proceeding on Anoka county ditch No. 57 is stayed and may not be continued until August 1, 1986. The repair proceeding must be dismissed and proceed as an improvement under section 106A.215 if a petition requesting that the repair proceed as an improvement is presented to the Coon Creek watershed district managers by August 1, 1986, signed by:

- (1) 10 percent of the property owners affected by the repair; or*
- (2) the owners of 10 percent of the property affected by the repair."*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the first portion of the amendment. The motion prevailed. So the first portion of the amendment was adopted.

Mr. Bernhagen questioned whether the second portion of the amendment was germane. The Chair ruled that the second portion of the amendment was not germane.

H.F. No. 1911 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 48 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Knutson	Moe, R.D.	Ramstad
Anderson	Frank	Kroening	Novak	Reichgott
Belanger	Frederick	Kronebusch	Olson	Renneke
Benson	Frederickson	Laidig	Pehler	Sieloff
Berglin	Freeman	Lantry	Peterson, D.C.	Spear
Bernhagen	Gustafson	Luther	Peterson, D.L.	Taylor
Bertram	Johnson, D.E.	McQuaid	Peterson, R.W.	Waldorf
Dahl	Jude	Mehrkins	Petty	Willet
DeCramer	Kamrath	Merriam	Pogemiller	
Diessner	Knaak	Moe, D.M.	Purfeerst	

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

SPECIAL ORDER

S.F. No. 2104: A bill for an act relating to natural resources; providing eligibility requirements for waterbank agreements; providing requirements for the director of the division of waters; requiring the director to maintain current wetland values; amending drainage law definitions; prescribing payment of attorney fees on certain drainage issues appealed by the commissioner; prescribing general provisions for petitions; amending petition requirements; allowing drainage proceedings to be delayed; prescribing conditions for assessments against property within a municipality; prescribing extent of benefits and damages; requiring a benefits and damages statement and a property owners' report; providing drainage liens to be recorded against tracts of property; changing rates of interest to be paid during drainage proceedings; amending definition of repair; authorizing conditions for repair if design elevation is different than original construction elevation; declaring right to have drainage systems maintained; providing easement for drainage authority to inspect drainage system; requiring permanent grass strips; apportioning repair costs; renumbering sections; amending Minnesota Statutes 1984, sections 105.392; and 105.40; Minnesota Statutes 1985 Supplement, sections 40.072, subdivisions 3 and 6; 106A.005, subdivisions 2, 3, 4, 9, 10, 11, 12, 13, 14, and 19, and by adding subdivisions; 106A.011, subdivisions 3 and 4; 106A.015; 106A.031; 106A.051; 106A.055; 106A.081, subdivisions 2 and 3; 106A.091, subdivisions 2 and 4; 106A.095, subdivisions 1, 3, and 4; 106A.101, subdivisions 2 and 4; 106A.215, subdivisions 4 and 5; 106A.221; 106A.225; 106A.231; 106A.235, subdivisions 1 and 2; 106A.241, subdivisions 1, 2, and 5; 106A.245; 106A.251; 106A.261, subdivisions 1, 3, 4, 5, 6, and 7; 106A.265, subdivision 1;

106A.271, subdivision 1; 106A.275; 106A.281; 106A.285, subdivisions 2, 4, 5, 6, 9, and 10; 106A.295; 106A.301; 106A.305, subdivision 1; 106A.311; 106A.315, subdivisions 1, 2, 5, and 6, and by adding a subdivision; 106A.321, subdivision 1, and by adding a subdivision; 106A.325, subdivisions 2 and 3; 106A.335, subdivisions 1 and 3; 106A.341; 106A.345; 106A.351; 106A.401, subdivisions 2 and 6; 106A.405; 106A.411, subdivisions 3 and 4; 106A.501, subdivisions 4, 6, and 7; 106A.505, subdivisions 1, 2, 3, 7, and 8; 106A.511, subdivisions 1, 2, 3, and 5; 106A.515; 106A.525, subdivisions 2, 3, and 4; 106A.541; 106A.555, subdivision 2; 106A.601; 106A.605; 106A.611, subdivisions 2, 3, 6, and 7; 106A.615, subdivisions 4 and 7; 106A.635, subdivisions 1 and 10; 106A.645, subdivision 7; 106A.651, subdivision 1; 106A.655, subdivision 1; 106A.701, subdivision 1, and by adding subdivisions; 106A.705, subdivision 1; 106A.715, subdivision 6; 106A.731, subdivision 1; 106A.741, subdivision 5; 106A.811, subdivisions 2, 4, and 5; 112.431, subdivision 2; 112.48, subdivision 1; 112.59; 112.60; and 112.65, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 106A; repealing Minnesota Statutes 1984, sections 111.01; 111.02; 111.03; 111.04; 111.05; 111.06; 111.07; 111.08; 111.10; 111.12; 111.14; 111.15; 111.16; 111.17; 111.18; 111.19; 111.20; 111.21; 111.22; 111.23; 111.24; 111.25; 111.26; 111.27; 111.28; 111.29; 111.32; 111.33; 111.34; 111.35; 111.37; 111.38; 111.39; 111.40; 111.41; 111.42; 111.421; Minnesota Statutes 1985 Supplement, sections 106A.005, subdivision 25; 106A.201; 106A.205; 106A.211; 111.09; 111.11; 111.13; 111.30; 111.31; and 111.36.

Mr. DeCramer moved to amend S.F. No. 2104 as follows:

Page 64, line 27, delete the new language

Page 64, delete lines 28 to 31

Pages 64 and 65, delete sections 121 and 122

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Bernhagen requested division of the amendment as follows:

First portion:

Pages 64 and 65, delete sections 121 and 122

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

Second portion:

Page 64, line 27, delete the new language

Page 64, delete lines 28 to 31

The question was taken on the adoption of the first portion of the amendment. The motion prevailed. So the first portion of the amendment was adopted.

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

The roll was called, and there were yeas 21 and nays 35, as follows:

Those who voted in the affirmative were:

Belanger	DeCramer	Lantry	Pehler	Spear
Berglin	Dicklich	Luther	Peterson, D.C.	
Chmielewski	Dieterich	Merriam	Peterson, R.W.	
Dahl	Hughes	Moe, D.M.	Petty	
Davis	Knaak	Moe, R.D.	Solon	

Those who voted in the negative were:

Adkins	Frank	Kamrath	McQuaid	Renneke
Anderson	Frederick	Knutson	Mehrkens	Schmitz
Benson	Frederickson	Kroening	Olson	Sieloff
Berg	Freeman	Kronebusch	Peterson, D.L.	Storm
Bernhagen	Gustafson	Laidig	Purfeerst	Stumpf
Bertram	Isackson	Langseth	Ramstad	Taylor
Diessner	Jude	Lessard	Reichgott	Waldorf

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

S.F. No. 2104 was then progressed.

SPECIAL ORDER

H.F. No. 2418: A bill for an act relating to Washington county; permitting the county to finance water systems on behalf of cities and towns in the county by the issuance of county general obligation bonds.

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 52 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Moe, R.D.	Renneke
Anderson	Frank	Kronebusch	Olson	Schmitz
Belanger	Frederick	Laidig	Pehler	Sieloff
Benson	Frederickson	Langseth	Peterson, D.C.	Spear
Berglin	Freeman	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Gustafson	Lessard	Peterson, R.W.	Taylor
Bertram	Isackson	Luther	Petty	Waldorf
Chmielewski	Jude	McQuaid	Pogemiller	Willet
Dahl	Kamrath	Mehrkens	Purfeerst	
Davis	Knaak	Merriam	Ramstad	
DeCramer	Knutson	Moe, D.M.	Reichgott	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2185: A bill for an act relating to state government; providing for the purchase, use, administration, or disposal of certain fees, services, and property within the jurisdiction of the commissioner of administration; amending Minnesota Statutes 1984, sections 16B.07, subdivisions 3 and 4; 16B.08, subdivision 4; 16B.09, subdivision 1; and Minnesotas Statutes 1985 Supplement, sections 16B.29; 16B.42, subdivision 4; and 16B.48, subdivision 2.

Mr. Pogemiller moved that the amendment made to H.F. No. 2185 by the

Committee on Rules and Administration in the report adopted March 11, 1986, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 2185 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 55 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2143: A bill for an act relating to utilities; permitting certain energy cost adjustments; amending Minnesota Statutes 1984, section 216B.16, subdivision 7.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2147: A bill for an act relating to health; requiring transportation services involving the use of a stretcher to meet life support transportation licensing standards; amending Minnesota Statutes 1984, sections 144.801, subdivision 4; and 174.29, subdivision 1.

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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Diessner moved that S.F. No. 31 be taken from the table. The motion prevailed.

S.F. No. 31: A bill for an act relating to motorboat safety; requiring liability insurance on watercraft; strengthening prohibitions and penalties regarding operation of motorboat while under the influence of alcohol or a controlled substance; providing a penalty; amending Minnesota Statutes 1984, sections 361.02, subdivision 9; 361.03, by adding subdivisions; and 361.12; proposing coding for new law in Minnesota Statutes, chapter 361.

Mr. Diessner moved that the Senate do not concur in the amendments by the House to S.F. No. 31, 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 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.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed 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. Bertram introduced—

S.F. No. 2314: A bill for an act relating to taxation; sales; clarifying the definition of farm machinery; amending Minnesota Statutes 1985 Supplement, section 297A.01, subdivision 15.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Lessard, Willet, Chmielewski, Stumpf and Samuelson introduced—

S.F. No. 2315: A bill for an act relating to fishing licenses; prescribing a fee for a 14-day angling license; amending Minnesota Statutes 1985 Supplement, section 98.46, subdivision 14; S. F. No. 1526, 1986 Regular Session, article 1, section 68, subdivision 7, if enacted.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Anderson, Isackson, Laidig, Mehrkens and Storm introduced—

S.F. No. 2316: A bill for an act relating to taxation; income; providing a personal credit for mentally retarded persons; amending Minnesota Statutes 1985 Supplement, section 290.06, subdivision 3f.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Bernhagen, Merriam, Peterson, R.W.; Isackson and Solon introduced—

S.F. No. 2317: A bill for an act relating to agriculture; requiring an appropriate committee of the legislature to conduct a study of the necessity for a central filing system for agricultural credit instruments.

Referred to the Committee on Economic Development and Commerce.

SPECIAL ORDER

H.F. No. 2394: A bill for an act relating to veterans; requiring the POW-MIA flag to be flown on the capitol.

Mr. Chmielewski moved that the amendment made to H.F. No. 2394 by the Committee on Rules and Administration in the report adopted March 11, 1986, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Mr. Chmielewski moved to amend H.F. No. 2394, as follows:

Page 1, after line 17, insert:

“Sec. 2. [196.054] [USE OF FACILITIES OR SERVICES BY OUTSIDE AGENCIES.]

Subdivision 1. [COMMISSIONER'S AUTHORITY.] The commissioner

of veterans affairs may allow public or private social service, educational, or rehabilitation agencies or organizations and their clients to use the facilities, staff, and other resources of the department and may require the participating agencies or organizations to pay for that use.

Subd. 2. [APPROPRIATION.] There is a veterans affairs resources fund in the state treasury. All money received by the department pursuant to subdivision 1 must be deposited in the state treasury and credited to the veterans affairs resources fund. The commissioner may only use monies from the veterans affairs resources fund for operation, maintenance, repair of facilities, associated legal fees, and other related expenses used under subdivision 1."

Amend the title as follows:

Page 1, line 3, before the period, insert " ; providing for use of department of veterans affairs resources by certain organizations; proposing coding for new law in Minnesota Statutes, chapter 196"

The motion prevailed. So the amendment was adopted.

H.F. No. 2394 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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S.F. No. 1930: A bill for an act relating to real estate; providing for cancellation of real estate contract depending upon when contract was executed; providing for determination of purchase price; amending Minnesota Statutes 1984, section 559.21, by adding subdivisions; and Minnesota Statutes 1985 Supplement, section 559.21, subdivisions 2a, 3, and 4.

Mr. Luther moved to amend S.F. No. 1930 as follows:

Page 5, line 35, reinstate the stricken "12" and delete "10-" and after the stricken "bold" insert "underlined"

Page 9, after line 11, insert:

"Sec. 8. Minnesota Statutes 1985 Supplement, section 559.21, subdivision 6, is amended to read:

Subd. 6. [TEMPORARY ~~ADDITIONAL~~ MINIMUM NOTICE.] (a) Notwithstanding the provisions of any other law to the contrary, *this subdivision applies to* a notice to terminate a contract for conveyance of homestead property to which the provisions of chapter 583 apply, served after May 24, 1983, and prior to May 1, 1985, or after June 8, 1985, and prior to May 1, 1987-. *The notice must provide that the contract will terminate 60 days after service of notice, or 90 days after service of notice if the contract was entered into after May 1, 1980, and prior to August 1, 1985, and the purchaser has paid 25 percent or more of the purchase price. The notice must specify this 60- or 90-day period. The notice must include a statement that the purchaser may be eligible for an extension of the time prior to termination under sections 583.01 to 583.12.*

(b) The statement must be in bold type, capitalized letters, or other form sufficient for the reader to quickly and easily distinguish the statement from the rest of the notice. The requirements of this paragraph must be followed on notices served under this subdivision on or after August 1, 1985. A violation of this paragraph is a petty misdemeanor.

(c) This subdivision does not apply to earnest money contracts, purchase agreements or exercised options."

Page 9, line 17, after "termination" insert "*made in accordance with Laws 1985, First Special Session chapter 18, sections 6 to 11,*"

Page 9, line 21, delete "7" and insert "8"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "and" and after "4" insert ", and 6"

The motion prevailed. So the amendment was adopted.

Mr. Pehler moved to amend S.F. No. 1930 as follows:

Page 9, after line 22, insert:

"Sec. 10. [APPROPRIATION.]

\$25,000 the first year and \$25,000 the second year is appropriated from the real estate education, research, and recovery account in the special revenue fund to the commissioner of commerce for the purposes of Minnesota Statutes, section 82.34, subdivision 6, and must be added to the appropriation for the same purpose in Laws 1985, First Special Session chapter 10, section 7, subdivision 3."

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "appropriating money;"

The motion prevailed. So the amendment was adopted.

S.F. No. 1930 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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H.F. No. 1926: A bill for an act relating to state investments; establishing various accounts within the supplemental investment fund; providing for the administration of the accounts and for the investment and valuation of shares within each account; amending Minnesota Statutes 1984, sections 11A.17, subdivisions 1, 4, 9, and by adding a subdivision; 69.77, subdivision 2; 69.775; 352.96, subdivision 4; 352D.04, subdivision 1; Minnesota Statutes 1985 Supplement, section 11A.17, subdivision 13; and Laws 1969, chapter 950, section 3, as amended.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2035: A bill for an act relating to retirement; police and fire-fighters' relief associations; standardizing auditing requirements; clarifying various duties and responsibilities in the management of local associations; auditing, financial reporting, and state aid for the Winona police relief association; amending Minnesota Statutes 1984, sections 3.85, subdivision 6; 6.72, subdivision 2; 69.011, subdivision 2; 69.021, subdivisions 4 and 7; 69.051; 69.77; 69.773, subdivision 2; 69.775; 69.80; and 424A.001, subdivision 4, and by adding a subdivision; Minnesota Statutes 1985 Supplement, sections 69.011, subdivision 1; 69.031, subdivision 1; and 356.216;

proposing coding for new law in Minnesota Statutes, chapters 6 and 423A.

Mr. Moe, D.M. moved to amend H.F. No. 2035, as amended pursuant to Rule 49, adopted by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S. F. No. 2112.)

Page 13, line 4, after "association" insert "and each independent non-profit firefighting corporation"

Page 13, after line 30, insert:

"(c) The statement shall be countersigned by the municipal clerk or clerk-treasurer of the municipality, or, where applicable, by the secretary of the independent nonprofit firefighting corporation and by the municipal clerk or clerk-treasurer of the largest municipality in population which contracts with the independent nonprofit firefighting corporation if the relief association is a subsidiary of an independent nonprofit firefighting corporation;"

Page 13, line 31, delete "(c)" and insert "(d)" and delete "its" and insert "the relief association"

Page 13, line 34, delete "(d)" and insert "(e)"

Page 28, after line 28, insert:

"Sec. 17. Minnesota Statutes 1985 Supplement, section 423A.02, subdivision 1, is amended to read:

Subdivision 1. Any municipality in which is located a local police or salaried firefighters' relief association to which the provisions of section 69.77, apply, unless the municipality has adopted a municipal resolution retaining the local relief association pursuant to section 423A.01, subdivision 1, shall be entitled upon application as required by the commissioner of ~~finance~~ revenue to receive local police and salaried firefighters' relief association amortization state aid if the municipality and the appropriate relief association both comply with the applicable provisions of sections 69.031, subdivision 5, 69.051, subdivisions 1 and 3, and 69.77. The amount of amortization state aid to which a municipality is entitled annually shall be an amount equal to the level annual dollar amount required to amortize, by December 31, 2010, the unfunded accrued liability of the special fund of the appropriate relief association as reported in the December 31, 1978, actuarial valuation of the relief association prepared pursuant to Minnesota Statutes, sections 356.215 and 356.216, reduced by the dollar amount required to pay the interest on the unfunded accrued liability of the special fund of the relief association for calendar year 1981 set at the rate specified in Minnesota Statutes 1978, section 356.215, subdivision 4, clause (4). Payment of amortization state aid to municipalities shall be made directly to the municipalities involved in four equal installments on March 15, July 15, September 15 and November 15 annually. Upon receipt of amortization state aid, the municipal treasurer shall transmit the aid amount to the treasurer of the local relief association for immediate deposit in the special fund of the relief association. The commissioner of ~~finance~~ revenue shall prescribe and periodically revise the form for and content of the application for the amortization state aid. The amounts required to pay the amortization state aid are hereby annually appropriated from the general fund to the commissioner of ~~finance~~ revenue."

Page 29, after line 33, insert:

"Sec. 20. Laws 1984, chapter 564, section 48, is amended to read:

Sec. 48. [ANNUAL APPROPRIATION.]

There is appropriated and transferred from the general fund to the commissioner of ~~finance~~ revenue, \$1,000,000 annually for distribution among those local police and salaried firefighters relief associations that receive amortization state aid according to Minnesota Statutes, section 423A.02. Distribution shall be made according to that proportion the unfunded accrued liability of each relief association bears to the total unfunded accrued liabilities of all relief associations as reported in the most recent actuarial valuations of the relief associations that receive amortization state aid according to section 423A.02. Moneys shall be distributed to the relief associations at the same time fire and police department state aid is distributed according to section 69.021."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2035 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 55 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Bertram voted in the negative.

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

SPECIAL ORDER

S.F. No. 707: A bill for an act relating to retirement; public plans generally; providing health insurance benefits for certain retired teachers; changing eligibility requirements for surviving spouse benefits; amending Minnesota Statutes 1984, sections 62E.14, subdivision 1; 352.12, subdivision 2; 353.32, subdivision 1a; 354.05, subdivision 26; 354.44, subdivision 4; 354.46, subdivision 2; and 354A.35, subdivision 2; Minnesota Statutes 1985 Supplement, sections 136C.50, subdivision 7; 353.657, subdivision 2a; 354.55, subdivision 11; and 356.215, subdivision 4d; proposing coding for new law in Minnesota Statutes, chapter 62E.

Mr. Moe, D.M. moved to amend S.F. No. 707 as follows:

Page 2, lines 1 and 4, delete "*fund*" and insert "*school district*"

Page 3, lines 26 to 28, reinstate the stricken language

Page 4, after line 18, insert:

"Sec. 5. Minnesota Statutes 1984, section 352D.01, is amended to read:

352D.01 [ESTABLISHMENT.]

There is hereby established within the Minnesota state retirement system a retirement program for certain ~~unclassified public employees in state service~~ to be known as the Minnesota unclassified employees retirement program, which shall be administered by the Minnesota state retirement system.

Sec. 6. Minnesota Statutes 1984, section 352D.015, subdivision 5, is amended to read:

Subd. 5. "Covered employment" means employment covered by ~~chapter 352, or this chapter.~~

Sec. 7. Minnesota Statutes 1984, section 352D.02, as amended by Laws 1985, First Special Session chapter 10, section 88, is amended to read:

352D.02 [COVERAGE.]

Subdivision 1. [COVERAGE.] The following employees, if they are in the unclassified service of the state and are eligible for coverage under the ~~Minnesota state employees retirement system fund~~, shall participate in the unclassified program unless an employee gives notice to the executive director of the state retirement system within one year following the commencement of employment in the unclassified service that the employee desires coverage under the regular employee plan. For the purposes of this chapter, an employee who does not file notice with the executive director shall be deemed to have exercised the option to participate in the unclassified plan.

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

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

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

(4) any person employed in a position established pursuant to section 43A.08, subdivision 1, clause (c), or subdivision 1a or in a position authorized under a statute creating or establishing a department or agency of the state, which is at the deputy or assistant head of department or agency or director level,

(5) the chair, chief administrator, and not to exceed nine positions at the

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

(6) the executive director, associate executive director, and not to exceed nine positions of the higher education coordinating board in the unclassified service, as designated by the higher education coordinating board; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system,

(7) the clerk of the appellate courts appointed pursuant to Article VI, Section 2, of the Constitution of the state of Minnesota,

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

(9) any employee whose principal employment is at the state ceremonial house,

(10) employees of the Minnesota educational computing corporation, and

(11) any employee of the world trade center board.

Subd. 1a. The following employees if they are eligible for coverage under the state employees retirement fund, or the teachers retirement association, or would have been eligible for coverage under those funds but for this subdivision, shall participate in the plan, subject to the provisions of subdivision 5 and section 8, and have Social Security coverage under the agreement between the state and the secretary of health and human services: the chancellor, university presidents, and unclassified managerial employees in the state university system employed at the level of dean or higher.

Subd. 1b. Any person who on the day before June 30, 1982 is a participant in the state unclassified employees retirement program, whose position is placed in the classified service pursuant to Laws 1982, Chapter 560, may elect to maintain membership in the unclassified program as long as the person holds the position or a position in a higher class in the same agency. When an unclassified position which entitles a person to participate in the unclassified retirement program is placed in the classified service, the commissioner of employee relations shall send written notice to the incumbent of the position, and to the director of the Minnesota state retirement system. This notice shall state the incumbent's option under this subdivision. A person eligible to maintain membership in the unclassified plan shall notify the executive director of the state retirement system of the person's election to maintain membership in the unclassified plan within 60 days of the date on which the commissioner sends the notice stating that the position has been placed in the classified service. A person who does not file this notice shall

be deemed to have waived the right to remain in the unclassified plan.

Subd. 1c. An employee covered by the regular plan who is subsequently employed as a permanent, full-time unclassified employee of the legislature or any commission or agency of the legislature may elect to transfer accumulated employee and matching employer contributions, as provided in section 352D.03.

Subd. 2. A person becoming a participant in the unclassified program by virtue of employment in a position specified in subdivision 1, clause (2) and remaining in the unclassified service shall remain a participant in the program even though the position the person occupies is deleted from any of the sections referenced in subdivision 1, clause (2) by subsequent amendment, except that a person shall not be eligible to elect the unclassified program after separation from unclassified service if on the return of the person to service, that position is not specified in subdivision 1, clause (2). Any person employed in a position specified in subdivision 1 shall cease to participate in the unclassified program in the event his position is placed in the classified service.

Subd. 3. An election to not participate is irrevocable during any period of covered employment. An employee with employee shares to his credit in the unclassified program, after acquiring credit for ten years of allowable service but prior to termination of covered employment, may, notwithstanding other provisions of this subdivision, elect to terminate his participation in the unclassified plan and be covered by the regular plan by filing such election with the executive director. The executive director shall thereupon redeem the employee's total shares and shall credit to the employee's account in the regular plan the amount of contributions that would have been so credited had the employee been covered by the regular plan during his entire covered employment. The balance of moneys so redeemed and not credited to the employee's account shall be transferred to the state contribution reserve of the state employees retirement fund, except that the employee contribution paid to the unclassified plan in excess of that required by the general employee plan shall be refunded to the employee as provided in section 352.22.

Subd. 4. When any person elects participation in the unclassified program all contributions from the time first eligible to make such an election shall be covered by the program.

Subd. 5. An employee in a position with retirement coverage under the basic program in the teachers retirement association is not entitled to participate in the plan unless the employee leaves the position and begins employment more than 30 days later in a position with retirement coverage under the plan.

Sec. 8. Minnesota Statutes 1984, section 352D.06, subdivision 1, is amended to read:

Subdivision 1. When a participant attains at least age 58, is retired from covered service, and applies for a retirement annuity, the cash value of his shares shall be transferred to the Minnesota post-retirement investment fund and used to provide an annuity for the retired employee based upon his age when the benefit begins to accrue according to the reserve basis used by the

~~regular~~ state employees retirement fund in determining pensions and reserves.

Sec. 9. Minnesota Statutes 1984, section 352D.065, subdivision 5, is amended to read:

Subd. 5. ~~An unclassified employee~~ A participant who returns to covered service after receiving benefits under this section shall not be required or allowed to repay such benefits.

Sec. 10. Minnesota Statutes 1984, section 352D.085, subdivision 1, is amended to read:

Subdivision 1. Service under the unclassified program for which the employee has employee shares to his credit, may be used for the limited purpose of qualifying for benefits under sections 352.115, 352.72, subdivision 1, ~~and 352.113, 354.44, 354.45, 354.48, and 354.60~~; provided such service may not be used to qualify for a disability benefit under section 352.113, ~~or 354.48~~ if a participant was under the unclassified program at the time of the disability, and provided further that the years of service and salary paid while ~~such the~~ participant was in the unclassified program shall not be used in determining the amount of benefits."

Page 4, lines 24 and 25, reinstate the stricken language

Page 5, line 2, delete "*subdivision*" and reinstate the stricken language

Page 6, after line 9, insert:

"Sec. 13. Minnesota Statutes 1984, section 354.05, subdivision 2, is amended to read:

Subd. 2. [TEACHER.] "Teacher" includes any person who renders service as a teacher, supervisor, principal, superintendent, or librarian in the public schools of the state located outside of the corporate limits of the cities of the first class as those cities were so classified on January 1, 1979, or in the state universities, or in any charitable or state institution including penal and corrective institutions supported, in whole or in part, by public funds, or who is engaged in educational administration in connection with the state public school system, including the state university system and state community college system, but excluding the University of Minnesota, whether the position be a public office or an employment, not including members of any general governing or managing board or body connected with the systems, or the officers of common, independent, special, or associated school districts, or unorganized territory. The term shall also include an employee of the teachers retirement association unless the employee is covered by the Minnesota state retirement system by virtue of prior employment by the association, and any nurse, counselor, social worker, therapist or psychologist who renders service in the public schools as defined above or in state universities. The term shall also include any person who renders teaching service on a part time basis and who also renders other services for a school district. In such cases, the teachers retirement association shall have the authority to determine whether all or none of the combined employment shall be covered by the teachers retirement association. *The term does not include an employee described in section 352D.02, subdivision 1a, clause (1), who is hired after the effective date of this act.* The term does not mean any person

who works for a school or institution as an independent contractor. The term shall not include any person employed in subsidized on-the-job training, work experience or public service employment as an enrollee under the federal comprehensive employment and training act from and after March 30, 1978, unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the retirement fund to meet the minimum vesting requirements for a deferred retirement annuity, or the employer agrees in writing on forms prescribed by the executive director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal comprehensive training and employment act, or the person agrees in writing on forms prescribed by the executive director to make the required employer contribution in addition to the required employee contribution. The term shall not include any person holding a part time adult supplementary vocational-technical school license who renders part time teaching service in a vocational-technical school if (1) the service is incidental to the regular nonteaching occupation of the person; and (2) the applicable vocational-technical school stipulates annually in advance that the part time teaching service will not exceed 300 hours in a fiscal year; and (3) the part time teaching service actually does not exceed 300 hours in a fiscal year. The term also shall not include a person exempt from licensure pursuant to section 125.031 or any person who was excluded from membership prior to January 1, 1981 pursuant to Laws 1978, chapter 556, section 1 and Laws 1980, chapter 342, section 8, if the person annually certifies on a form prescribed by the executive director that the person has established and is contributing to an individual retirement account which is based on nonteaching employment."

Page 7, lines 15 and 16, reinstate the stricken language

Page 9, line 23, reinstate the stricken "or has credit for at"

Page 9, line 24, reinstate the stricken language

Page 10, after line 19, insert:

"Sec. 20. [ELECTION OF COVERAGE; TRANSITION.]

A current employee or official enumerated in Minnesota Statutes, section 352D.02, subdivision 1a, as added by section 3, may elect prospective coverage in the unclassified plan. The employee may elect to transfer prior service credit to the plan under the provisions of section 352D.12.

The executive director of the state retirement system, or teachers retirement association, as appropriate, shall notify current employees or officials of the option within six months following the effective date of this act. An employee or official eligible to elect coverage by the plan shall notify the appropriate director within six months after the date of notice. An election to participate in the plan is irrevocable during any current or subsequent period of employment."

Page 11, line 9, after the second comma, insert "or"

Page 11, line 10, before the comma, insert "who terminated employment before July 1, 1973"

Page 11, line 11, delete "1973" and insert "1972"

Page 11, line 17, delete "*less any*"

Page 11, delete line 18

Page 11, line 19, delete "*deferred,*"

Page 11, line 20, after the period, insert "*Retirement funds covered by this section shall transfer to the post retirement fund the required reserves necessary to support the increases granted by this section.*"

Page 11, line 24, delete "*to 6, 9, and*" and insert a comma and after "*11*" insert "*, 12, and 14 to 19*"

Page 11, line 25, delete "*Increases*"

Page 11, line 26, delete "*under*" and delete "*5, 6, 9, and*" and delete everything after "*11*" and insert "*, 12, 16, and 18*"

Page 11, line 27, delete "*July 1*" and insert "*apply to members whose deaths occur after June 30*" and delete "*8,*" and insert "*5 to*" and delete "*and 12 to 14*" and insert "*13, and 20 to 22*"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 707 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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H.F. No. 229: A bill for an act relating to retirement; early retirement without reduction in annuities; amending Minnesota Statutes 1984, section 356.70, subdivision 1.

Mr. Moe, D.M. moved to amend H.F. No. 229, the unofficial engrossment, as follows:

Page 1, line 27, delete "*February 14*" and insert "*March 20*"

Page 2, line 1, delete "*March 27*" and insert "*April 17*" and after the

second comma, insert "*and between June 13, 1981, and October 23, 1981,*"

Page 2, line 2, strike "between"

Page 2, line 3, delete "*February 14*" and strike "*, 1981, and*" and delete "*March 27*" and strike "*, 1981*" and before "*, shall*" insert "*during those two periods of absence*"

Page 2, after line 24, insert:

"Sec. 5. [ANDOVER FIREFIGHTERS BYLAW AMENDMENT.]

Notwithstanding any provision of Minnesota Statutes, sections 69.771 to 69.776, or chapter 424A, the Andover firefighters relief association may amend its bylaws to allow computation of service pensions utilizing a member's period of service as an active member of the municipal fire department during the period prior to incorporation of the relief association."

Page 4, line 31, delete "*Both*" and insert "*Section 5 is effective upon approval by the Andover city council. All*"

Renumber the sections in sequence

Correct the internal references

The motion prevailed. So the amendment was adopted.

Mr. Solon moved to amend H.F. No. 229, the unofficial engrossment, as follows:

Page 1, line 15, delete the new language

CALL OF THE SENATE

Mr. Moe, D.M. imposed a call of the Senate for the balance of the proceedings on H.F. No. 229. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the amendment.

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

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

Those who voted in the affirmative were:

Adkins	Frederick	Knutson	Peterson, C.C.	Storm
Berg	Frederickson	Kroening	Peterson, D.L.	Stumpf
Bertram	Hughes	Lessard	Purfeerst	Taylor
Dahl	Johnson, D.E.	McQuaid	Ramstad	Willet
Davis	Johnson, D.J.	Mehrkins	Samuelson	
DeCramer	Jude	Novak	Schmitz	
Dicklich	Knaak	Pehler	Solon	

Those who voted in the negative were:

Anderson	Dieterich	Laidig	Nelson	Sieloff
Belanger	Frank	Langseth	Olson	Spear
Benson	Freeman	Lantry	Peterson, D.C.	Waldorf
Berglin	Gustafson	Luther	Peterson, R.W.	Wegscheid
Bernhagen	Isackson	Merriam	Petty	
Chmielewski	Kamrath	Moe, D.M.	Pogemiller	
Diessner	Kronebusch	Moe, R.D.	Renneke	

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

H.F. No. 229 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

The question recurred on S.F. No. 1065.

S.F. No. 1065: A bill for an act relating to recreational vehicles; regulating all-terrain vehicles; providing penalties; appropriating money; amending Minnesota Statutes 1984, sections 84.92; 84.922, subdivisions 1, 3, 5, 6, 7, 8, and by adding subdivisions; 84.925; 84.927; 84.928; 85.018, subdivisions 1, 2, 3, 4, and 5; 100.273, subdivision 9; and 296.16, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84.

Mr. Pehler moved to amend the Bernhagen amendment to S.F. No. 1065, adopted by the Senate March 13, 1986, as follows:

Page 2, line 15, after "AREAS" insert "AND SEASONS" and before "The" insert "*An all-terrain vehicle may not be operated in the right-of-way of streets and highways from April 1 to August 1 except by resolution of the road authority.*"

Page 2, line 17, after "may" insert "further"

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

Mr. Waldorf moved to amend the Pehler amendment to S.F. No. 1065, adopted by the Senate March 13, 1986, as follows:

Page 1, line 6, delete "*except by resolution of the road authority*"

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

The roll was called, and there were yeas 32 and nays 24, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Luther	Peterson, C.C.	Sieloff
Anderson	Freeman	McQuaid	Peterson, D.C.	Spear
Berglin	Jude	Merriam	Peterson, D.L.	Waldorf
Dahl	Knaak	Nelson	Petty	Wegscheid
Davis	Kroening	Novak	Pogemiller	
Diessner	Langseth	Olson	Ramstad	
Dieterich	Lantry	Pehler	Reichgott	

Those who voted in the negative were:

Belanger	Frederick	Kamrath	Peterson, R.W.	Solon
Benson	Frederickson	Kronebusch	Purfeerst	Storm
Bernhagen	Gustafson	Laidig	Renneke	Stumpf
Bertram	Isackson	Lessard	Samuelson	Willet
Chmielewski	Johnson, D.E.	Mehrkins	Schmitz	

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

The question recurred on the adoption of the Bernhagen amendment, as amended.

The roll was called, and there were yeas 38 and nays 20, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Novak	Solon
Belanger	Frederickson	Kroening	Pehler	Storm
Benson	Freeman	Kronebusch	Peterson, R.W.	Stumpf
Bernhagen	Gustafson	Laidig	Purfeerst	Waldorf
Bertram	Isackson	Langseth	Renneke	Wegscheid
Chmielewski	Johnson, D.E.	Lantry	Samuelson	Willet
Dicklich	Jude	Lessard	Schmitz	
Diessner	Kamrath	Mehrkins	Sieloff	

Those who voted in the negative were:

Adkins	Dieterich	McQuaid	Olson	Pogemiller
Berglin	Frank	Merriam	Peterson, D.C.	Ramstad
Dahl	Knaak	Moe, R.D.	Peterson, D.L.	Reichgott
Davis	Luther	Nelson	Petty	Spear

The motion prevailed. So the Bernhagen amendment, as amended, was adopted.

Mr. Benson moved to amend S.F. No. 1065 as follows:

Page 12, after line 13, insert:

“Sec. 13. [FORESTVILLE STATE PARK ROADS.]

Up to \$1,000 of the cost incurred in the biennium ending June 30, 1987, by Fillmore county in maintaining roads that provide access to Forestville state park shall be reimbursed from the state park road account created by Minnesota Statutes 1984, section 162.06, subdivision 5.”

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Wegscheid questioned whether the amendment was germane.

The Chair ruled that the amendment was not germane.

Ms. Peterson, D.C. moved to amend the Peterson, D.C. amendment to S.F. No. 1065, adopted by the Senate March 13, 1986, as follows:

Page 6, line 15, delete everything after "county"

Page 6, delete lines 16 to 20

Page 6, line 21, delete "Grays Bay"

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

S.F. No. 1065 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 42 and nays 10, as follows:

Those who voted in the affirmative were:

Adkins	Frederick	Laidig	Peterson, D.C.	Sieloff
Anderson	Frederickson	Lantry	Peterson, D.L.	Storm
Belanger	Freeman	Lessard	Peterson, R.W.	Taylor
Benson	Gustafson	Luther	Pogemiller	Waldorf
Bernhagen	Hughes	McQuaid	Purfeerst	Wegscheid
Bertram	Johnson, D.E.	Mehrkins	Ramstad	Willet
Chmielewski	Jude	Novak	Reichgott	
Dahl	Knutson	Olson	Renneke	
Diessner	Kronebusch	Peterson, C.C.	Schmitz	

Those who voted in the negative were:

Berglin	Frank	Kamrath	Merriam	Petty
Dieterich	Isackson	Knaak	Moe, R.D.	Spear

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

SPECIAL ORDER

S.F. No. 2129: A bill for an act relating to the city of St. Paul; permitting the imposition of an additional tax on transient lodging.

Mr. Waldorf moved to amend S.F. No. 2129 as follows:

Page 1, after line 5, insert:

"Section 1. Laws 1977, chapter 402, section 2, is amended to read:

Sec. 2. [LEXINGTON AVENUE SOUTH OF LARPENTEUR.]

The city of Saint Paul may ~~not~~ take or use existing park land for the redesign, reconstruction or widening of Lexington avenue south of Larpenteur avenue only if the redesign, reconstruction or widening:

(a) does not result in a traveled way on Lexington avenue between Horton avenue and Hoyt avenue greater than 32 feet, except for turning lanes, and

(b) is consistent with the Como Park master plan approved by the metropolitan council.

Sec. 2. [VARIANCE NOT REQUIRED.]

Notwithstanding any other provision of law, the section of Lexington avenue that is located within Como Park in the city of Saint Paul does not require a variance from municipal state-aid engineering standards in order to be redesigned, reconstructed, or widened; and is eligible for inclusion in the money needs of the city on the same basis as other municipal state-aid streets

in the city."

Page 1, line 21, delete *"This act"* and insert *"Sections 1 and 2 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the St. Paul city council. Section 3"*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, before the period, insert *""*; providing for the redesign, reconstruction and widening of Lexington avenue south of Larpenteur avenue; amending Laws 1977, chapter 402, section 2"

Mr. Knaak questioned whether the amendment was germane.

The Chair ruled that the amendment was germane.

S.F. No. 2129 was then progressed.

SPECIAL ORDER

S.F. No. 1847: A bill for an act relating to public finance; providing a method for determining compliance with proposed federal tax law relating to state and local government obligations; providing for additional enterprise zone credits and expansion of an enterprise zone; authorizing certain capital notes; extending the interest reduction program; providing certain powers to county housing and redevelopment authorities and joint powers agreements; amending Minnesota Statutes 1984, sections 273.1314, by adding a subdivision; 412.301; 462C.02, subdivision 6; 462C.06; 471.59, subdivision 11; 474.01, subdivisions 6 and 7b; 475.55, by adding a subdivision; Minnesota Statutes 1985 Supplement, sections 273.1314, subdivision 16a; 462.445, subdivision 13; 475.56; proposing coding for new law as Minnesota Statutes, chapter 474A; repealing Minnesota Statutes 1984, sections 462C.09, subdivision 4; 474.16, subdivisions 1, 2, and 5; 474.21; and 474.25; Minnesota Statutes 1985 Supplement, sections 462C.09, subdivisions 1, 2a, 3, 5, and 6; 474.16, subdivisions 3, and 6 to 15; 474.17; 474.19; 474.20; 474.23; and 474.26.

Mr. Benson moved to amend S.F. No. 1847 as follows:

Page 8, line 24, after the period, insert *"Commercial redevelopment project does not include any commercial retail project."*

Page 19, line 18, after the period, insert *"No portion of an entitlement allocation may be used for a commercial retail project."*

Page 32, line 35, after the period, insert *"No portion of an entitlement allocation may be used for a commercial retail project."*

Page 38, line 8, after *"project"* insert *""*, other than commercial retail projects,"

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Adkins	Dieterich	Kamrath	Merriam	Samuelson
Anderson	Frederick	Knaak	Moe, R.D.	Sieloff
Benson	Gustafson	Knutson	Nelson	Spear
Berglin	Hughes	Laidig	Peterson, D.L.	Storm
Bernhagen	Isackson	Lessard	Peterson, R.W.	Taylor
Bertram	Johnson, D.E.	Luther	Petty	Waldorf
Dahl	Jude	McQuaid	Renneke	

Those who voted in the negative were:

Belanger	Frederickson	Lantry	Peterson, C.C.	Schmitz
Chmielewski	Freeman	Mehrkens	Peterson, D.C.	Solon
Dicklich	Johnson, D.J.	Novak	Pogemiller	Willet
Diessner	Kroening	Olson	Ramstad	
Frank	Kronebusch	Pehler	Reichgott	

The motion prevailed. So the amendment was adopted.

Mr. Novak moved to amend S.F. No. 1847 as follows:

Page 4, after line 27, insert:

"Sec. 5. Minnesota Statutes 1984, section 462A.03, subdivision 13, is amended to read:

Subd. 13. "Eligible mortgagor" means a nonprofit or cooperative housing corporation, limited profit entity or a builder as defined by the agency in its rules, which sponsors or constructs residential housing as defined in subdivision 7, or a natural person of low or moderate income, except that the return to a limited dividend entity shall not exceed ten percent of the capital contribution of the investors or such lesser percentage as the agency shall establish in its rules; *provided that residual receipts funds of a limited dividend entity may be used for agency-approved, housing-related investments owned by the limited dividend entity without regard to the limitation on returns.* Owners of existing residential housing occupied by renters shall be eligible for rehabilitation loans, only if, as a condition to the issuance of the loan, the owner agrees to conditions established by the agency in its rules relating to rental or other matters that will insure that the housing will be occupied by persons and families of low or moderate income. The agency shall require by rules that the owner give preference to those persons of low or moderate income who occupied the residential housing at the time of application for the loan."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 10, after the semicolon, insert "providing for certain housing-related investments;"

Page 1, line 11, after the second semicolon, insert "462A.03, subdivision 13;"

The motion prevailed. So the amendment was adopted.

Mr. Benson moved to amend S.F. No. 1847 as follows:

Page 8, delete lines 31 to 33

Page 9, line 26, delete "entitlement" and insert "state"

Page 11, delete lines 8 to 11

Page 11, line 13, delete "*an entitlement*" and insert "*a state*"

Renumber the subdivisions in sequence

Page 15, line 10, delete "*entitlement*" and insert "*state*"

Page 15, line 26, delete everything after the first "*the*"

Page 15, delete line 27

Page 15, line 30, delete everything after "*act*"

Page 15, line 31, delete everything before the semicolon

Page 16, delete line 2, and insert "*department shall allocate only one-half of the amount available for allocation under clauses (1), (2), and (3).*"

Page 16, delete lines 3 to 13

Page 16, line 21, delete "ENTITLEMENT" and insert "STATE"

Page 18, delete lines 29 to 36

Page 19, delete lines 1 to 20

Page 19, line 21, delete "5" and insert "4" and delete "ENTITLEMENT" and insert "STATE"

Page 19, line 23, delete "*entitlement*" and insert "*state*"

Page 19, line 24, delete "*entitlement*"

Page 19, delete lines 25 to 29

Page 19, line 36, delete "*An entitlement*" and insert "*A state*"

Page 20, line 2, delete "*entitlement*"

Page 20, line 3, delete "*entitlement*" and insert "*state*"

Page 20, line 8, delete "*entitlement*"

Page 24, line 36, delete the comma and insert "*or*"

Page 25, line 1, delete "*, or an entitlement*"

Page 25, line 2, delete "*issuer*"

Page 25, line 14, after the comma, insert "*other than commercial retail projects,*"

Page 31, lines 5 and 7, delete "ENTITLEMENT" and insert "STATE"

Page 31, line 7, before "*The*" insert "*Twenty-four percent of*"

Page 31, line 8, after "*cap*" insert "*shall be*" and delete "*entitlement issuers*" and insert "*the department of finance to be allocated among state issuers.*"

Page 31, delete lines 9 to 36

Page 32, delete lines 1 to 36

Page 33, delete lines 1 to 10

Page 33, line 11, delete "*under*"

Page 33, line 12, delete everything before "*may*"

Page 33, line 16, delete everything after the period

Page 33, delete lines 17 to 24

Page 33, line 25, delete "ENTITLEMENT" and insert "STATE"

Page 33, line 27, delete "entitlement" and insert "state"

Page 33, line 28, delete "entitlement"

Page 34, delete lines 8 to 12

Page 34, line 13, delete "3" and insert "2" and delete "ENTITLEMENT"

Page 34, line 14, delete "an entitlement" and insert "a state"

Page 34, lines 15 and 30, delete "entitlement"

Page 34, line 18, delete the first "entitlement" and insert "state" and delete the second "entitlement"

Page 35, delete lines 7 to 36 and insert "State issuers may apply for and receive allocations under this section in an aggregate amount not to exceed that portion of its allocation returned for reallocation under section 11. A city of the first class may apply for an allocation for a manufacturing project at any time."

Page 36, delete lines 1 and 2

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

Mr. Ramstad moved to amend S.F. No. 1847 as follows:

Page 49, after line 5, insert:

"Sec. 33. [CITY OF PLYMOUTH; CAPITAL IMPROVEMENT RESERVE FUND.]

Subdivision 1. [TAX LEVY.] The governing body of the city of Plymouth may establish, by a two-thirds vote of all its members, by ordinance or resolution a capital improvement reserve fund and may annually levy a property tax for the support of the fund. The proceeds of taxes levied for its support shall be paid into the capital improvement reserve fund. There may be paid into the fund any other revenue from any source not required by statute or charter to be paid into some other fund to be used for purposes other than those provided for the use of the capital improvement reserve fund. A tax levied by the city of Plymouth in accordance with this section is a special levy within the meaning of section 275.50, subdivision 5. Before a tax is levied under this section, the Plymouth city council shall publish in the official newspaper of the city an initial resolution authorizing the tax levy, and if within ten days after the publication there is filed with the city clerk a petition requesting an election on the proposition of the tax levy signed by a number of qualified voters greater than ten percent of the number who voted in the city at the last general election, the tax must not be levied until the proposition has been approved by a majority of the votes cast on it at a regular or special election.

Subd. 2. [PURPOSES.] Except as provided in subdivision 3, the capital improvement reserve fund shall be used only for capital improvements for

which bonds may be issued by the city under section 475.52, subdivisions 1 and 2.

Subd. 3. [CAPITAL IMPROVEMENT PROGRAM.] A balance in the capital improvement reserve fund may be used only in accordance with the comprehensive plan adopted by the city pursuant to sections 473.851 to 473.86.

Subd. 4. [USE OF FUND FOR A SPECIFIC PURPOSE.] If the city council of Plymouth has established a capital improvement reserve fund, it may submit to the voters at a regular or special election the question of using the fund for a specific improvement or type of capital improvement. If a majority of the votes cast on the question are in favor of such a limitation on the use of the fund, it shall be used only for the purpose approved by the voters.

Subd. 5. [HEARING; NOTICE.] A capital improvement fund may not be established until after a public hearing on the question is held. Notice of the time, place, and purpose of the hearing must be published for two successive weeks in the official newspaper of the city. The second publication must be not later than seven days before the date of the hearing.

Subd. 6. [TERMINATION OF FUND.] The city may terminate a capital improvement fund at any time in the same manner as the fund was established. Upon termination of the fund any balance shall be irrevocably appropriated to the debt service fund of the city to be used solely to reduce tax levies for or bonded indebtedness of the city or, if the city has no bonded indebtedness, for capital improvements authorized by this act.

Sec. 34. [TRANSITION.]

A public works reserve fund established by the city of Plymouth pursuant to Minnesota Statutes, section 471.57, before the effective date of this act may be continued but is governed by this act."

Page 49, line 18, before "Sections" insert "Sections 33 and 34 are effective the day after final enactment."

Renumber the sections in sequence

Amend the title accordingly

Mr. Frank questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Mr. Pogemiller moved to amend S.F. No. 1847 as follows:

Page 5, line 34, delete the new language

Page 5, line 35, delete "and section 273.77, and"

The motion prevailed. So the amendment was adopted.

Ms. Reichgott moved to amend S.F. No. 1847 as follows:

Page 49, after line 5, insert:

"Sec. 33. [HENNEPIN COUNTY HOUSING AND REDEVELOPMENT AUTHORITY.]

Subdivision 1. A public body corporate and politic to be known as the

Hennepin county housing and redevelopment authority is created in the county of Hennepin. It shall have all of the powers and duties of a housing and redevelopment authority under the municipal housing and redevelopment act, Minnesota Statutes, sections 462.411 to 462.716. For the purposes of applying the municipal housing and redevelopment act to Hennepin county, the county has all of the powers and duties of a municipality, the county board has all the powers and duties of a governing body, the chairman of the county board has all of the powers and duties of a mayor, and the area of operation includes the area within the territorial boundaries of the county.

Subd. 2. This act does not limit or restrict any existing housing and redevelopment authority or prevent a municipality from creating an authority. The county authority shall not exercise its powers in a municipality where a municipal housing and redevelopment authority is established pursuant to Minnesota Statutes, section 462.425. If a municipal housing and redevelopment authority requests the county housing and redevelopment authority to perform any function of the municipal authority, the county authority may do so.

Sec. 34. [LOCAL APPROVAL.]

If a housing or redevelopment project is undertaken in Hennepin county pursuant to this act, and if all or any part of the area in which the proposed project is located is within the boundaries of a home rule charter or statutory city, the governing body of the city must approve the project before it is undertaken."

Page 49, line 18, before "Sections" insert "Sections 33 and 34 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the Hennepin county board."

Renumber the sections in sequence

Amend the title accordingly

Mr. Knutson questioned whether the amendment was germane.

The President ruled that the amendment was germane.

The question recurred on the Reichgott amendment.

The motion prevailed. So the amendment was adopted.

S.F. No. 1847 was then progressed.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, without objection, the Senate reverted to the Orders of Business of Messages From the House, Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills. 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. 1701, 1939, 2094, 2069 and 2079.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 13, 1986

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. 1580: A bill for an act relating to human services; requiring adoption of the 1985 life safety code standards for intermediate care facilities for persons with mental retardation.

Senate File No. 1580 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 13, 1986

CONCURRENCE AND REPASSAGE

Ms. Berglin moved that the Senate concur in the amendments by the House to S.F. No. 1580 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1580 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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 1913, and reports pertaining to appointments. The motion prevailed.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 1952: A bill for an act relating to environment; prohibiting certain

disposal of hazardous waste; providing for the selection of locations for and developers of hazardous waste stabilization and containment facilities; amending Minnesota Statutes 1984, sections 115.01, by adding subdivisions; 115A.03, subdivision 1, and by adding subdivisions; 115A.05, subdivision 2, and by adding a subdivision; 115A.06, by adding a subdivision; 115A.13; 115A.14, subdivision 6; 400.11; Minnesota Statutes 1985 Supplement, sections 116.07, subdivision 4h; 275.50, subdivision 5; 477A.012; proposing coding for new law in Minnesota Statutes, chapters 115, 115A, 116C and 400; repealing Minnesota Statutes 1984, sections 115A.17; and 400.10; Minnesota Statutes 1985 Supplement, section 473.811, subdivision 11.

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

Page 21, line 36, delete "For each"

Page 22, delete lines 1 to 18, and insert "(a) Each county that becomes eligible to negotiate a contract with the waste management board pursuant to section 22 shall be entitled to receive \$4,000 per month in additional local government aids, for each full calendar month that it is eligible. If the state's liability under this clause exceeds \$40,000 in any month, the commissioner shall proportionately reduce the entitlements of each eligible county.

(b) Any county government that has executed a contract with the board pursuant to section 22 shall receive an amount as provided under a schedule set forth in the contract not to exceed \$150,000 per year in additional local government aids, for a period of not more than two years following the execution of the contract. The sum of the state's obligations under this clause may not exceed \$600,000 in any fiscal year.

(c) Aid distributions under this subdivision are in addition to any distributions to which a county is entitled pursuant to subdivision 1, and must not be deducted in the computation of levy limits. When an aid payment is made pursuant to section 477A.015, the commissioner shall distribute to each eligible county the full entitlement due under clause (a) for the county's period of eligibility that was not paid in a previous distribution. When an aid payment is made pursuant to section 477A.015, the commissioner shall distribute to each county that has executed a contract the full amount due under clause (b) in accordance with the terms of the contract. In no case may any additional aid amounts due under this subdivision be paid prior to July 1, 1987.

Sec. 31. [CITY OF BABBITT; SOLID WASTE MANAGEMENT EXPENDITURES.]

Notwithstanding the provisions of any law or rule to the contrary, the council of the city of Babbitt may by resolution authorize expenditure of funds from any source, including a permanent improvement and replacement fund created under Minnesota Statutes, section 471.571, for any solid waste management purpose, including waste tire recycling. The city may exercise by resolution the powers of a corporation set forth in Minnesota Statutes, section 301.75, to assist and encourage the creation and operation of solid waste management facilities, and may by resolution grant, give, convey, guarantee or loan funds or property from any source for any solid waste

management purpose and may enter into agreements and do all things necessary or convenient to further its solid waste management purpose.

Sec. 32. [ST. LOUIS COUNTY; JOINT POWERS AGREEMENT.]

Notwithstanding any other law to the contrary, the board of commissioners of St. Louis county may by resolution enter into a joint powers agreement with the city of Babbitt by which the county may exercise the powers and authority enumerated in section 31."

Page 22, line 31, delete "31" and insert "33"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "authorizing the city of Babbitt to exercise certain powers for solid waste management purposes; authorizing St. Louis county to enter into joint powers agreements with the city of Babbitt;"

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 1968: A bill for an act relating to the city of Bloomington; authorizing the city to impose certain taxes; exempting certain assessed valuation within the city from metropolitan revenue distribution; permitting the city to establish a special taxing district; authorizing the port authority of the city to pledge certain tax revenues to pay certain bonds and permitting it to develop leased land; authorizing development in accordance with the Generic EIS and Generic Indirect Source Permit.

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

Pages 1 and 2, delete section 1

Page 2, line 28, delete "2 to 12" and insert "1 to 10"

Page 2, delete lines 34 and 35

Page 2, line 36, delete "(c)" and insert "(b)"

Page 3, line 3, delete "(d)" and insert "(c)"

Page 3, line 6, delete "(e)" and insert "(d)"

Page 3, line 10, delete "(f)" and insert "(e)"

Page 3, line 12, delete "(g)" and insert "(f)"

Page 3, line 12, delete "blighted"

Page 3, line 20, delete "(h)" and insert "(g)"

Pages 3 to 5, delete section 3

Page 6, line 1, delete "5 or 6" and insert "3 or 4"

Page 6, delete lines 10 to 12 and insert "sum of the tax imposed under this section and the tax imposed under Minnesota Statutes, section 477A.018,

shall not exceed five percent. The tax imposed under this section shall not be subject to the limitations of Minnesota Statutes, section 477A.018, subdivision 3."

Page 6, line 22, delete "4, 5, or 6" and insert "2, 3, or 4"

Page 7, line 2, delete "3, 4, 5, or 6" and insert "2, 3, or 4"

Page 7, delete lines 4 to 7

Page 7, line 8, delete "(b)" and insert "(a)" and delete "4" and insert "2,"

Page 7, line 10, delete "; any improvements authorized" and insert a period

Page 7, delete lines 11 to 13

Page 7, line 14, delete "(c)" and insert "(b)" and delete "5" and insert "3,"

Page 7, line 15, delete "6" and insert "4"

Page 7, after line 17, insert:

"The proceeds of the taxes imposed under sections 2, 3, and 4 may be expended as provided in this subdivision only within the project area or for other improvements that are necessary for and related to the project."

Page 7, line 19, delete "public"

Page 7, line 20, delete "section 1" and insert "this act"

Page 7, line 20, delete "or to provide for" and insert a period

Page 7, delete lines 21 and 22

Page 7, line 24, delete "3, 4, 5, or 6" and insert "2, 3, or 4"

Page 7, line 27, delete "4, 5, and 6" and insert "2, 3, and 4"

Page 8, line 1, delete "4, 5, and 6" and insert "2, 3, and 4"

Page 8, line 12, delete "under section 1"

Page 8, delete lines 16 to 33 and insert:

"Subject to other reviews and permits required by law, the project is authorized to proceed with a level of development as identified in the draft and final generic EISs and generic ISP. The authority to proceed with this level of development is conditioned on the construction of highway improvements with a capacity equal to or greater than those specified in the draft and final generic EISs and generic ISP and in accordance with the specific and general conditions specified therein."

Page 8, delete lines 35 and 36

Page 9, delete lines 1 and 2

Page 9, line 13, delete "enactment."

Page 9, line 4, delete "2, and 4 to 12" and insert "to 10"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "exempting certain"

Page 1, delete line 4

Page 1, line 5, delete "revenue distribution;"

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

REPORT OF VOTE IN COMMITTEE

Pursuant to Rule 60, upon the request of three members, a roll call was taken on the Johnson, D.J. amendment to S.F. No. 1968.

There were yeas 8 and nays 15, as follows:

Those who voted in the affirmative were:

Messrs. Johnson, D.J.; Belanger; Bernhagen; Chmielewski; Davis; Frederick; Pehler and Sieloff.

Those who voted in the negative were:

Mr. Berg, Ms. Berglin, Messrs. Bertram; Dieterich; Frank; Jude; Laidig; Merriam; Moe, D.M.; Peterson, C.C.; Peterson, R.W.; Petty; Pogemiller; Stumpf and Vega.

The amendment was not adopted.

REPORT OF VOTE IN COMMITTEE

Pursuant to Rule 60, upon the request of three members, a roll call was taken on the Moe, D.M. amendment to S.F. No. 1968.

There were yeas 16 and nays 8, as follows:

Those who voted in the affirmative were:

Ms. Berglin, Messrs. Bertram; Dieterich; Frank; Jude; Laidig; Merriam; Moe, D.M.; Novak; Peterson, C.C.; Peterson, R.W.; Petty; Pogemiller; Stumpf; Vega and Berg.

Those who voted in the negative were:

Messrs. Johnson, D.J.; Belanger; Benson; Bernhagen; Chmielewski; Davis; Frederick and Sieloff.

The amendment was adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

H.F. No. 2051: A bill for an act relating to the city of St. Paul; permitting the establishment of special service districts in the city and providing taxing and other authority.

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

Delete everything after the enacting clause and insert:

"Section 1. [DEFINITIONS.]

Subdivision 1. For the purpose of this act the terms defined in this section have the following meanings.

Subd. 2. "City" means the city of St. Paul.

Subd. 3. "Special services" means:

(1) the promotion and management of a special service district as a trade or shopping area; and

(2) the repair, maintenance, and operation of improvements and replacement of minor improvements within the boundaries of special service districts established under section 2, subdivision 1.

Special services do not include services that are provided throughout the city from general tax revenues of the city except to the extent of an increased level of service provided in the special service district.

Subd. 4. "Special service district" means a defined area within the city where special services are rendered and their costs are paid from revenues collected from a special service tax imposed within the area.

Subd. 5. "Assessed value" means the assessed value as most recently certified by the commissioner of revenue on the effective date of an ordinance or resolution adopted pursuant to section 2 or 4.

Subd. 6. "Land area" means the land area located within the district that is subject to property taxation.

Sec. 2. [ESTABLISHMENT OF SPECIAL SERVICE DISTRICT.]

Subdivision 1. [ORDINANCE.] The governing body of the city may adopt ordinances establishing special service districts:

(1) in the area of Grand Avenue between Oakland and Cretin Avenues;

(2) in the area of Cleveland Avenue between Bayard and Bohland Avenues and Ford Parkway between Howell Street and East Mississippi River Boulevard; and

(3) in the area of the intersection of University Avenue and Snelling Avenue between Summit Avenue and Como Avenue.

The ordinance shall describe with particularity the areas to be included in the district and the special service to be furnished. The ordinance may not be adopted until after a public hearing on the question. Notice of the hearing shall include:

(1) the time and place of the hearing;

(2) a map showing the boundaries of the proposed district;

(3) a statement that all persons owning property in the proposed district will be given an opportunity to be heard at the hearing; and

(4) a description of the proposed special services to be provided in the district.

Subd. 2. [NOTICE.] Notice of the hearing shall be given by publication in two issues of a newspaper of general circulation in the city. The two publications shall be a week apart and the hearing shall be held no sooner than

three days after the last publication. Not less than ten days before the hearing, notice shall also be mailed to the owner of each parcel of real estate proposed to be included in the district. For the purpose of giving mailed notice, owners shall be those shown on the records of the county auditor. Other records may be used to supply necessary information. For properties which are subject to taxation on a gross earning basis in lieu of property tax and are not listed on the records of the county auditor, the owners shall be ascertained by any practicable means and mailed notice given them. At the public hearing, any person who owns property in a proposed district or any interested party may be heard orally in respect to the proposed district. The hearing may be adjourned from time to time and the ordinance establishing a district may be adopted at any time within six months after the date of the conclusion of the hearing, and after the determination of all objections under section 3.

Sec. 3. [OBJECTION.]

Subdivision 1. [FILING.] On or before the adoption of the ordinance, any landowner may file objection with the city clerk objecting to:

- (1) the inclusion of the landowner's property in the district;
- (2) levy of the tax on the landowner's property; or
- (3) the fact that the use of the landowner's property is not substantially benefited by the proposed special service;

and asserting that the landowner's property should not be subjected to the special service tax. The governing body of the city shall hold a public hearing on the objection within 30 days of the filing of the objection and shall make a determination on the objection.

Subd. 2. [APPEAL TO DISTRICT COURT.] Within 30 days after the adoption of the ordinance, any person aggrieved, who is not precluded by failure to object prior to or at the hearing, or whose failure to so object is due to a reasonable cause, may appeal to the district court by serving a notice upon the mayor or clerk of the municipality. The notice shall be filed with the clerk of the district court within ten days after its service. The municipal clerk shall furnish appellant a certified copy of objections filed, the matter complained of, and all papers necessary to present the appeal. The appeal shall be placed upon the calendar of the next general term commencing more than five days after the date of serving the notice and shall be tried as other appeals in such cases. The court shall either affirm the matter objected to or modify or deny it. If appellant does not prevail upon the appeal, the costs incurred shall be taxed by the court and judgment entered therefor. All objections shall be deemed waived unless presented on appeal. This section provides the exclusive method of appeal from an action taken pursuant to this act.

Sec. 4. [TAXING AUTHORITY; NOTICE AND HEARING REQUIREMENTS.]

Subdivision 1. [TAXES; HEARING.] Upon a finding of public purpose and subject to any determination under section 3, a special service tax based upon property value, square footage, or front footage or allocated by another fair method determined by the governing body may be levied on real

properties within zoning districts classified by the city of St. Paul as: OS-1, B-1, B-2, B-2C, B-3, I-1 and P-1, found within the special district at a rate or amount sufficient to produce revenues required to provide the special services within the district. If the property value method is used, taxable property or value shall be determined without regard to captured or original assessed value under Minnesota Statutes, section 273.76, or to the distribution or contribution value under Minnesota Statutes, section 473F.08. A special service tax may not be imposed on the receipts from the sale of intoxicating liquor, food, or lodging. Before the levy of special service taxes in a district, notice shall be given and a hearing held pursuant to section 2 or 3. For purposes of this section the notice shall include:

(1) a statement that the owners of all taxable property included in the proposed district will be given an opportunity to be heard at the hearing regarding the proposed special service tax;

(2) the estimated cost of special services to be paid for in whole or part by the special service tax imposed under this section, the estimated cost of operating and maintaining improvements and providing other special services during the first year after their completion, the proposed method and source of financing, and the annual cost of repairing, operating, maintaining, and replacing improvements and providing other special services; and

(3) the proposed rate or amount and duration of special service taxes to be levied in the district during the calendar year and the nature and character of special services to be rendered in the district during the calendar year.

Within the six months of the public hearing and determination of all objections under section 3, the city may adopt a resolution levying a special service tax within the district that does not exceed the amount or rate stated in the notice issued pursuant to this section.

Any amendment increasing the amount of a special service tax from that estimated in the notice shall only be considered after further notice in accordance with this subdivision.

Subd. 2. [EXEMPTION OF CERTAIN PROPERTIES FROM TAXES.] Property exempt from taxation by Minnesota Statutes, section 272.02, and property used exclusively for residential purposes is exempt from any tax imposed pursuant to this act.

Subd. 3. [LEVY LIMIT EXEMPTIONS.] A special service tax imposed pursuant to this act shall be included in the calculation of levies or limits on levies provided by other law or home rule charter.

Subd. 4. [EXCLUSION FROM HOMESTEAD CREDIT.] A special service tax levied under this section shall not be reduced pursuant to Minnesota Statutes, section 273.13, subdivision 22.

Sec. 5. [ENLARGEMENT OF SPECIAL SERVICE DISTRICTS.]

A special service district may be enlarged only after hearing and notice as provided in section 2 and section 3. Notice shall be served on property owners in the original district and in the area proposed to be added to the district. Property added to the district shall be subject to all special service taxes levied within the district after the property becomes a part of the district. The petition requirement in section 6 and the veto power in section 7

shall only apply to owners of property in the area proposed to be added to the district.

Sec. 6. [PETITION REQUIRED.]

No public hearing may be held pursuant to section 2 unless owners of 35 percent or more of the land area subject to the proposed tax and owners of 35 percent or more of the assessed value of the proposed district file a petition with the city clerk requesting the hearing. No public hearing may be held pursuant to section 4 to impose a special service tax unless owners of 35 percent or more of the land area subject to the proposed tax and owners of 35 percent or more of the assessed value subject to the proposed tax file a petition with the city clerk requesting the hearing. If the boundaries of a proposed district or the land area of assessed value subject to a tax are changed, a petition meeting the requirements of this section must be filed with the city clerk before the ordinance establishing the district or resolution imposing the tax may become effective.

Sec. 7. [VETO POWER OF OWNERS.]

Subdivision 1. [NOTICE OF RIGHT TO FILE OBJECTIONS.] Except as provided in section 8, the effective date of an ordinance or resolution adopted pursuant to sections 2 and 4 shall be at least 45 days after it is adopted. Within ten days after adoption of the ordinance or resolution, a copy of the ordinance or resolution shall be mailed to the owner of each parcel of real estate subject to the proposed tax included in the special service district in the same manner that notice is mailed pursuant to section 2. The mailing shall include a notice that owners subject to a special service tax have a right to veto the ordinance or resolution by filing the required number of objections with the city clerk before the effective date of the ordinance or resolution and their rights under section 3.

Subd. 2. [REQUIREMENT FOR VETO.] If owners of 25 percent of the land area subject to the special service tax in the district and owners of 25 percent of the assessed value in the district file a written objection to the ordinance adopted by the city pursuant to section 2 with the city clerk before the effective date of the ordinance, the ordinance shall not become effective. If owners of 25 percent of the land area subject to a tax and owners of 25 percent of the assessed value subject to a tax file an objection to the resolution adopted pursuant to section 4 with the city clerk before the effective date of the resolution, the resolution shall not become effective.

Sec. 8. [EXCLUSION FROM PETITION REQUIREMENTS AND VETO POWER.]

The petition requirement of section 6 and the right of owners to veto a resolution in section 7 do not apply to the second or a subsequent year's application of a special service tax that is authorized to be in effect for more than one year pursuant to a resolution that has met the petition requirements of section 6 and has not been vetoed under section 7 for the first year's application. A resolution levying a special service tax shall not exceed three years and shall not be adopted unless the notice of public hearing required by section 4 and the notice mailed with the adopted resolution pursuant to section 7 include the maximum rate or amount of the special service tax to be levied in any year and the maximum number of years the tax will be levied.

The resolution may provide that the maximum amount of a special service tax to be levied in any year will increase or decrease from the maximum amount authorized in the preceding year based on a statistical indicator, increased cost, or a percentage established by the resolution.

Sec. 9. [COLLECTION OF TAXES.]

Special service taxes levied within a special service district shall be collected like other property taxes but only from property described in the ordinance. Taxes collected pursuant to this act shall not be included in computations under Minnesota Statutes, section 273.76, chapter 473F, or any other law that applies to general property taxes.

Sec. 10. [ADVISORY BOARD.]

The governing body of the city may create and appoint an advisory board for each special service district in the city to advise the governing body in connection with the construction, maintenance, and operation of improvements, and the furnishing of all other special services in a district. The advisory board shall make recommendations to the governing body on the requests and complaints of owners, occupants, and users of property within the district and members of the public. Before the adoption of any proposal by the governing body to provide service or impose a special service tax within the district, the advisory board of the district must have an opportunity to review and comment upon the proposal.

Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 10 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of St. Paul."

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 2301: A bill for an act relating to taxation; property; allowing certain property owners to appeal assessments directly to the tax or district court; amending Minnesota Statutes 1985 Supplement, sections 271.01, subdivision 5; and 278.01, subdivision 1.

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

Page 4, after line 4, insert:

"Sec. 3. Minnesota Statutes 1984, section 278.05, subdivision 1, is amended to read:

Subdivision 1. The petition, without any answer, return, or other pleading thereto, shall be tried at the next term of court. The tax court or district court shall without delay summarily hear and determine the claims, objections or defenses made by the petition and shall direct judgment ~~accordingly to sustain, reduce or increase the amount of taxes due~~, and the trial shall disregard

technicalities and matters of form not affecting the merits.

Sec. 4. Minnesota Statutes 1984, section 278.05, subdivision 4, is amended to read:

Subd. 4. [SALES RATIO STUDIES AS EVIDENCE.] The sales ratio studies published by the department of revenue, or any part of the studies, or any copy of the studies or records accumulated to prepare the studies which is prepared by the commissioner of revenue for the equalization aid review committee for use in determining school aids shall be admissible in evidence as a public record without the laying of a foundation if the sales prices used in the study are adjusted for the terms of the sale to reflect market value and are adjusted to reflect the difference in the date of sale compared to the assessment date. Additional evidence relevant to the sales ratio study is also admissible. No sales ratio study received into evidence shall be conclusive or binding on the court and evidence of its reliability or unreliability may be introduced by any party including, but not limited to, evidence of inadequate adjustment of sale prices for terms of financing, inadequate adjustment of sales prices to reflect the difference in the date of sale compared to the assessment date, and inadequate sample size.

No reduction in value on the grounds of discrimination shall be granted on the basis of a sales ratio study published by the department of revenue unless

(a) the sales prices are adjusted for the terms of the sale to reflect market value,

(b) the sales prices are adjusted to reflect the difference in the date of sale compared to the assessment date, and

(c) there is an adequate sample size; and

(d) the median ratio of the class of property of the subject property in the same county, city, or town of the subject property is lower than the assessment ratio of the subject property by at least ten percent.

If the above criteria are met and a reduction in value on the grounds of discrimination is granted based upon the sales ratio study, the reduction shall reflect only the difference between the assessment/sales ratio of the subject property and 110 percent of the median ratio of the class of property of the subject property.

Sec. 5. Minnesota Statutes 1984, section 278.07, is amended to read:

278.07 [JUDGMENT; AMOUNT; COSTS.]

Judgment shall be for the amount of the taxes for the year as the court shall determine the same, less the amount paid thereon, if any. If the tax is sustained in the full amount levied or increased, costs and disbursements shall *may, in the discretion of the court*, be taxed and allowed as in delinquent tax proceedings and shall be included in the judgment. If the tax so determined shall be less than the amount thereof as levied, the court may, in its discretion, award disbursements to the petitioner, which shall be taxed and allowed and be deducted from the amount of the taxes as determined. If there be no judgment for taxes, a judgment may be entered determining the right of the parties and for the costs and disbursements as taxed and allowed.

Sec. 6. Minnesota Statutes 1984, section 278.08, subdivision 1, is

amended to read:

Subdivision 1. [TAXES DUE.] Whether or not the tax is sustained in full as levied or increased and section 278.03 notwithstanding, the judgment shall include any interest which has accrued on the taxes for failure to pay the taxes or any part of the taxes as provided in sections 279.01 and 279.03. If the tax is reduced, no penalty shall be included in the judgment because of the failure to pay the reduced tax prior to entry of judgment. After the judgment is entered, it shall be subject to interest and penalty at the rates provided in chapter 279 for delinquent payment of property taxes."

Page 4, line 6, delete "and 2" and insert "to 6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "authorizing the courts to increase taxes; sales ratio studies as evidence;"

Page 1, line 4, after "amending" insert "Minnesota Statutes 1984, sections 278.05, subdivisions 1 and 4; 278.07; and 278.08, subdivision 1;"

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 1956: A bill for an act relating to local government; providing for city capital improvement reserve funds; amending Minnesota Statutes 1984, section 471.57.

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

Delete everything after the enacting clause and insert:

"Section 1. [CITY OF PLYMOUTH; CAPITAL IMPROVEMENT RESERVE FUND.]

Subdivision 1. [TAX LEVY.] The governing body of the city of Plymouth may establish, by a two-thirds vote of all its members, by ordinance or resolution a capital improvement reserve fund and may annually levy a property tax for the support of the fund. The proceeds of taxes levied for its support shall be paid into the capital improvement reserve fund. There may be paid into the fund any other revenue from any source not required by statute or charter to be paid into some other fund to be used for purposes other than those provided for the use of the capital improvement reserve fund. A tax levied by the city of Plymouth in accordance with this section is a special levy within the meaning of section 275.50, subdivision 5. Before a tax is levied under this section, the Plymouth city council shall publish in the official newspaper of the city an initial resolution authorizing the tax levy, and if within ten days after the publication there is filed with the city clerk a petition requesting an election on the proposition of the tax levy signed by a number of qualified voters greater than ten percent of the number who voted in the

city at the last general election, the tax must not be levied until the proposition has been approved by a majority of the votes cast on it at a regular or special election.

Subd. 2. [PURPOSES.] Except as provided in subdivision 3, the capital improvement reserve fund shall be used only for capital improvements for which bonds may be issued by the city under section 475.52, subdivisions 1 and 2.

Subd. 3. [CAPITAL IMPROVEMENT PROGRAM.] A balance in the capital improvement reserve fund may be used only in accordance with the comprehensive plan adopted by the city pursuant to sections 473.851 to 473.86.

Subd. 4. [USE OF FUND FOR A SPECIFIC PURPOSE.] If the city council of Plymouth has established a capital improvement reserve fund, it may submit to the voters at a regular or special election the question of using the fund for a specific improvement or type of capital improvement. If a majority of the votes cast on the question are in favor of such a limitation on the use of the fund, it shall be used only for the purpose approved by the voters.

Subd. 5. [HEARING; NOTICE.] A capital improvement fund may not be established until after a public hearing on the question is held. Notice of the time, place, and purpose of the hearing must be published for two successive weeks in the official newspaper of the city. The second publication must be not later than seven days before the date of the hearing.

Subd. 6. [TERMINATION OF FUND.] The city may terminate a capital improvement fund at any time in the same manner as the fund was established. Upon termination of the fund any balance shall be irrevocably appropriated to the debt service fund of the city to be used solely to reduce tax levies for or bonded indebtedness of the city or, if the city has no bonded indebtedness, for capital improvements authorized by this act.

Sec. 2. [TRANSITION.]

A public works reserve fund established by the city of Plymouth pursuant to Minnesota Statutes, section 471.57, before the effective date of this act may be continued but is governed by this act.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day after final enactment."

Amend the title as follows:

Page 1, delete lines 2 to 4 and insert "relating to the city of Plymouth; authorizing establishment of a capital improvement reserve fund."

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

REPORT OF VOTE IN COMMITTEE

Pursuant to Rule 60, upon the request of three members, a roll call was taken on the recommendation to pass S.F. No. 1956, as amended.

There were yeas 6 and nays 9, as follows:

Those who voted in the affirmative were:

Messrs. Belanger, Benson, Chmielewski, Jude, Laidig and Pogemiller.

Those who voted in the negative were:

Messrs. Johnson, D.J.; Berg; Bertram; Davis; Dieterich; Frank; Novak; Peterson, C.C. and Stumpf.

The bill, as amended, failed to pass.

The bill was reconsidered, amended, and passed.

Mr. Purfeerst from the Committee on Transportation, to which was re-referred

S.F. No. 1913: A bill for an act relating to metropolitan government; defining metropolitan agency; providing for appointments, administration, reports, and duties of metropolitan agencies; recodifying certain provisions; establishing the metropolitan taxicab commission; empowering it to set taxicab rates and to license taxicabs and taxicab drivers; amending Minnesota Statutes 1984, sections 368.01, subdivision 12; 412.221, subdivision 20; 473.121, subdivisions 6 and 11, and by adding a subdivision; 473.123, subdivisions 2a, 3, and 3a; 473.141, subdivisions 1, 2, 3, and 4a; 473.146, subdivisions 1, 2, and 3; 473.149, subdivision 3; 473.161; 473.163, subdivisions 1 and 2; 473.171, subdivisions 1 and 2; 473.173, subdivisions 3 and 4; 473.194; 473.195, subdivision 4; 473.199; 473.201, subdivision 2; 473.245; 473.249, subdivision 1; 473.303, subdivisions 2, 4a, and 6; 473.373, subdivision 1; 473.377, subdivision 1; 473.409; 473.516, subdivision 2; 473.523, subdivisions 1 and 2; 473.535; 473.553, subdivision 4; 473.811, subdivision 7; 473.823, subdivision 3; 473.852, subdivision 8; Minnesota Statutes 1985 Supplement, sections 473.167, subdivision 3; 473.373, subdivision 4; 473.38, subdivision 2; and 473.39, subdivisions 1 and 1a; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1984, sections 473.01 to 473.11; 473.121, subdivisions 7 and 9; 473.128; 473.163, subdivisions 3 and 4; 473.193; 473.203; 473.215 to 473.219; 473.373, subdivision 3; 473.377, subdivisions 2 and 3; 473.38, subdivision 1; 473.502; 473.523, subdivision 3; and 473.802.

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

Pages 1 and 2, delete sections 1 and 2

Page 2, line 24, after "than" insert "*the council or*"

Page 6, line 1, delete "*chairman*" in both places and insert "*chair*"

Page 18, line 5, delete "*and*"

Page 18, line 6, after "(7)" insert "*the services and systems management component required by subdivision 1c and the capital investment component required by subdivision 1d; and*

(8)"

Page 18, delete lines 8 to 14

Page 18, line 15, after "The" insert "plan must include a"

Page 18, line 16, delete "required by subdivision 1b" and insert "that describes the levels and costs of services that will be provided to service areas and populations within the metropolitan area. The component"

Page 18, line 24, after "The" insert "plan must include a"

Page 18, line 25, delete "required by subdivision 1b" and insert "that sets forth a capital investment strategy and estimates the fiscal and other effects of the strategy. The component"

Page 19, line 30, delete "refuses to" and insert "does not"

Page 21, line 4, after the second comma, insert "transit commission,"

Page 30, line 3, delete "9" and insert "7"

Page 33, line 11, delete "19" and insert "17"

Pages 35 to 39, delete sections 42 to 47

Page 50, delete section 62

Page 51, line 10, delete "63" and insert "54"

Page 51, line 12, delete "14 to 18" and insert "12 to 16"

Page 51, line 18, delete "19" and insert "17"

Page 51, after line 21, insert:

"Sec. 66. [EXISTING PLANS.]

Existing plans of the council and affected agencies remain in effect until expressly superseded by plans adopted in accordance with this act."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "establishing"

Page 1, delete lines 6 and 7

Page 1, line 8, delete "drivers;"

Page 1, delete line 9

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

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

H.F. No. 2466 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No. 2466 S.F. No. 2217

CONSENT CALENDAR

H.F. No. S.F. No.

CALENDAR

H.F. No. S.F. No.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2466 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2466 and insert the language after the enacting clause of S.F. No. 2217, the first engrossment; further, delete the title of H.F. No. 2466 and insert the title of S.F. No. 2217, the first engrossment.

And when so amended H.F. No. 2466 will be identical to S.F. No. 2217, and further recommends that H.F. No. 2466 be given its second reading and substituted for S.F. No. 2217, 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. 1863 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.
1863	1770				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1863 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1863 and insert the language after the enacting clause of S.F. No. 1770, the first engrossment; further, delete the title of H.F. No. 1863 and insert the title of S.F. No. 1770, the first engrossment.

And when so amended H.F. No. 1863 will be identical to S.F. No. 1770, and further recommends that H.F. No. 1863 be given its second reading and substituted for S.F. No. 1770, 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. Merriam from the Committee on Agriculture and Natural Resources, to which were referred the following appointments as reported in the Journal for February 5, 1986:

MINNESOTA POLLUTION CONTROL AGENCY

Ruth I. Ericson
Daniel D. Foley, M.D.

WASTE MANAGEMENT BOARD
CHAIRPERSON
William Walker

BOARD OF ANIMAL HEALTH

Theodore G. Huisinga

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which were referred the following appointments as reported in the Journal for February 10, 1986:

MINNESOTA POLLUTION CONTROL AGENCY

Russell W. Domino

Keith H. Langmo

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred the following appointment as reported in the Journal for February 26, 1986:

MINNESOTA WATER RESOURCES BOARD

Duane R. Ekman

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 1952, 1968, 2301 and 1956 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2051, 2466 and 1863 were read the second time.

MOTIONS AND RESOLUTIONS

Ms. Berglin moved that the name of Mr. Freeman be added as a co-author to S.F. No. 1919. The motion prevailed.

Mr. Wegscheid introduced—

Senate Resolution No. 123: A Senate resolution commending Rosemount Elementary School for being one of ten schools in Minnesota selected for participation in the national Elementary School Recognition Program.

Referred to the Committee on Rules and Administration.

Mr. Wegscheid introduced—

Senate Resolution No. 124: A Senate resolution congratulating the wres-

ting team from Apple Valley High School for winning the 1986 Class AA State High School Wrestling Championship.

Referred to the Committee on Rules and Administration.

Messrs. Merriam, Bernhagen and Willet introduced—

Senate Resolution No. 125: A Senate resolution recognizing and celebrating the 75th Anniversary of the Department of Natural Resources, Division of Forestry.

Mr. Moe, R.D. moved that Senate Resolution No. 125 be laid on the table. The motion prevailed.

Mr. Knutson introduced—

Senate Resolution No. 126: A Senate resolution congratulating the hockey team from Burnsville High School for winning the 1986 State High School Hockey Championship.

Referred to the Committee on Rules and Administration.

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

Messrs. Petty, Spear and Wegscheid introduced—

S.F. No. 2318: A bill for an act relating to health; requiring licensure to practice massage; establishing a board of examiners in massage; providing for exemptions, conditions, and qualifications of licensure; proposing coding for new law in Minnesota Statutes, chapter 148.

Referred to the Committee on Health and Human Services.

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. 418: Messrs. Merriam, Frederick and Ms. Berglin.

S.F. No. 31: Messrs. Diessner, Merriam and Spear.

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

MEMBERS EXCUSED

Mr. Hughes was excused from the Session of today from 11:45 a.m. to 2:00 p.m. Mr. Frederickson was excused from the Session of today from 12:50 to 2:30 p.m. Mr. Lessard was excused from the Session of today from 2:30 to 3:15 p.m. Mrs. Brataas was excused from the Session of today at 2:30 p.m. Mr. Frank was excused from the Session of today from 2:15 to 2:40 p.m. Mrs. Kronebush was excused from the Session of today from 3:45 to 3:55 p.m. Mr. Purfeerst was excused from the Session of today from 7:00 to 8:00 p.m. Mr. Knaak was excused from the Session of today from 8:15 to 8:45 p.m. Ms. Reichgott was excused from the Session of today from 9:15 to 9:45 p.m.

The following members were excused from today's Session for brief periods of time: Ms. Reichgott and Mr. Wegscheid.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Friday, March 14, 1986. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate