

## EIGHTY-THIRD DAY

St. Paul, Minnesota, Friday, April 8, 1988

The Senate met at 1:00 p.m. and was called to order by the President.

### CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Sister Frances Nosbisch.

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

Adkins	Davis	Jude	Metzen	Renneke
Anderson	Decker	Knaak	Moe, D.M.	Samuelson
Beckman	DeCramer	Knutson	Moe, R.D.	Schmitz
Belanger	Dicklich	Kroening	Morse	Solon
Benson	Diessner	Laidig	Novak	Spear
Berg	Frank	Langseth	Olson	Storm
Berglin	Frederick	Lantry	Pehler	Stumpf
Bernhagen	Frederickson, D.J.	Larson	Peterson, D.C.	Taylor
Bertram	Frederickson, D.R.	Lessard	Peterson, R.W.	Vickerman
Brandl	Freeman	Luther	Piper	Waldorf
Brataas	Gustafson	Marty	Pogemiller	Wegscheid
Chmielewski	Hughes	McQuaid	Purfeirst	
Cohen	Johnson, D.E.	Mehrkens	Ramstad	
Dahl	Johnson, D.J.	Merriam	Reichgott	

The President declared a quorum present.

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

### EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 7, 1988

The Honorable Jerome M. Hughes  
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F No. 1622.

Sincerely,  
Rudy Perpich, Governor

### 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. 2243, 1695, 1834 and 1879.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 7, 1988

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. 1582: A bill for an act relating to marriage dissolution; providing for child support and maintenance enforcement; specifying conditions for judgment by operation of law; amending Minnesota Statutes 1986, sections 256.87, subdivisions 1, 1a, and 6; 257.66, subdivision 5; 518.55, subdivision 2, and by adding a subdivision; 518.551, subdivision 9; 518C.17, subdivision 1; 548.091, subdivisions 2, 3, and by adding subdivisions; and Minnesota Statutes 1987 Supplement, section 548.091, subdivision 1.

Senate File No. 1582 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 7, 1988

Ms. Berglin moved that S.F No. 1582 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. 1328: A bill for an act relating to public safety; altering certain requirements concerning fencing of unused mine pits and shafts; providing modification to certain public and private liability laws; providing penalties; amending Minnesota Statutes 1986, sections 87.024; 180.01; 180.03, subdivisions 2 and 3; 180.06; 180.10; 466.03, subdivisions 6c and 13; Minnesota Statutes 1987 Supplement, sections 3.732, subdivision 1; and 3.736, subdivision 3.

Senate File No. 1328 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 7, 1988

#### CONCURRENCE AND REPASSAGE

Mr. Dicklich moved that the Senate concur in the amendments by the House to S.F No. 1328 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F No. 1328: A bill for an act relating to public safety; altering certain requirements concerning fencing of unused mine pits and shafts; providing modification to certain public and private liability laws; providing penalties; amending Minnesota Statutes 1986, sections 3.732, subdivision 1; 3.736, subdivision 3; 87.024; 180.01; 180.03, subdivisions 2 and 3; 180.06; 180.10; 466.03, subdivisions 6c and 13.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Decker	Knaak	Metzen	Renneke
Beckman	DeCramer	Knutson	Moe, R.D.	Samuelson
Belanger	Dicklich	Kroening	Novak	Schmitz
Benson	Diessner	Laidig	Olson	Solon
Berg	Frank	Langseth	Pehler	Spear
Berglin	Frederickson, D.J.	Lantry	Peterson, D.C.	Storm
Bernhagen	Frederickson, D.R.	Larson	Peterson, R. W.	Stumpf
Bertram	Gustafson	Lessard	Piper	Vickerman
Brandl	Hughes	Luther	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	Marty	Purfeirst	
Dahl	Johnson, D.J.	McQuaid	Ramstad	
Davis	Jude	Merriam	Reichgott	

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. 1871: A bill for an act relating to family law; prohibiting certain false allegations of child abuse; regulating child custody hearings; providing a penalty; amending Minnesota Statutes 1986, section 518.17, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 609.

Senate File No. 1871 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 7, 1988

Mr. Ramstad moved that the Senate do not concur in the amendments by the House to S.F. No. 1871, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 1620: A bill for an act relating to human services; regulating payments for certain services for adults with mental retardation and related conditions; providing protection for the mentally retarded; providing for therapeutic work activities; negotiating medical assistance utilization review

appeals; regulating child support; amending Minnesota Statutes 1986, section 246.56; Minnesota Statutes 1987 Supplement, sections 252.41, subdivision 7; 252.46, subdivisions 1, 2, 3, 4, 5, and 12; 252.47; 252A.111, subdivision 6; 254B.05, subdivision 1; 254B.09, subdivision 5; 256B.04, subdivision 15; and 518.64, subdivision 2.

Senate File No. 1620 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 7, 1988

### CONCURRENCE AND REPASSAGE

Ms. Piper moved that the Senate concur in the amendments by the House to S.F. No. 1620 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1620 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	DeCramer	Knaak	Metzen	Reichgott
Beckman	Diessner	Knutson	Moe, D.M.	Renneke
Belanger	Frank	Kroening	Moe, R.D.	Samuelson
Benson	Frederick	Laidig	Novak	Schmitz
Berg	Frederickson, D.J.	Langseth	Olson	Solon
Berglin	Frederickson, D.R.	Lantry	Pehler	Spear
Bernhagen	Freeman	Larson	Peterson, D.C.	Storm
Bertram	Gustafson	Lessard	Peterson, R.W.	Stumpf
Brandl	Hughes	Luther	Piper	Vickerman
Dahl	Johnson, D.E.	Marty	Pogemiller	Waldorf
Davis	Johnson, D.J.	McQuaid	Purfeirst	
Decker	Jude	Merriam	Ramstad	

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. 2102: A bill for an act relating to the city of Minneapolis; authorizing the Minneapolis park and recreation board to establish compensation for its members; amending Laws 1974, chapter 181, section 1, as amended.

Senate File No. 2102 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 7, 1988

## CONCURRENCE AND REPASSAGE

Mr. Kroening moved that the Senate concur in the amendments by the House to S.F. No. 2102 and that the bill be placed on its repassage as amended.

Mr. Moe, D.M. moved that the Senate do not concur in the amendments by the House to S.F. No. 2102, 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 did not prevail.

The question recurred on the motion of Mr. Kroening. The motion prevailed.

S.F. No. 2102: A bill for an act relating to the city of Minneapolis; authorizing the Minneapolis park and recreation board to establish compensation for its members; providing for postretirement payments for Minneapolis police officers and Minneapolis firefighters, their surviving spouses and dependents; amending Laws 1949, chapter 406, section 5, by adding a subdivision; and Laws 1974, chapter 181, section 1, as amended.

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 4, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Hughes	Lessard	Purfeirst
Anderson	Davis	Johnson, D.E.	Luther	Ramstad
Beckman	Decker	Johnson, D.J.	McQuaid	Reichgott
Belanger	DeCramer	Jude	Metzen	Renneke
Benson	Dicklich	Knaak	Moe, R.D.	Samuelson
Berg	Diessner	Knutson	Morse	Schnitz
Berglin	Frank	Kroening	Novak	Solon
Bernhagen	Frederickson, D.J.	Laidig	Pehler	Spear
Bertram	Frederickson, D.R.	Langseth	Peterson, D.C.	Storm
Brandl	Freeman	Lantry	Piper	Stumpf
Chmielewski	Gustafson	Larson	Pogemiller	Vickerman

Messrs. Marty; Moe, D.M.; Peterson, R.W. and Waldorf voted in the negative.

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

## MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 335: A bill for an act relating to occupations and professions; authorizing physical therapy treatment without referral by a physician; prohibiting certain business relationships in the practice of physical therapy; amending Minnesota Statutes 1986, sections 148.74; 148.75; and 148.76, subdivision 2.

Senate File No. 335 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 7, 1988

### CONCURRENCE AND REPASSAGE

Mr. Brandl moved that the Senate concur in the amendments by the House to S.F. No. 335 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 335: A bill for an act relating to occupations and professions; regulating continuing education for physical therapists; specifying the amounts of certain fees; specifying certain grounds for disciplinary action; prohibiting certain business relationships in the practice of physical therapy; regulating physical therapy treatment without referral by a physician; amending Minnesota Statutes 1986, sections 148.70; 148.73; 148.74; 148.75; and 148.76, subdivision 2.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, D.J.	Mehrkens	Ramstad
Anderson	Decker	Jude	Merriam	Reichgott
Beckman	DeCramer	Knaak	Metzen	Renneke
Belanger	Dicklich	Knutson	Moe, D.M.	Samuelson
Benson	Diessner	Kroening	Moe, R.D.	Schmitz
Berg	Frank	Laidig	Morse	Solon
Berglin	Frederick	Langseth	Novak	Spear
Bernhagen	Frederickson, D.J.	Lantry	Pehler	Storm
Bertram	Frederickson, D.R.	Larson	Peterson, D.C.	Stumpf
Brandl	Freeman	Lessard	Peterson, R.W.	Vickerman
Chmielewski	Gustafson	Luther	Piper	Waldorf
Cohen	Hughes	Marty	Pogemiller	
Dahl	Johnson, D.E.	McQuaid	Purfeirst	

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. 2150: A bill for an act relating to state contracts; prohibiting the state from requiring Indian tribes or bands to deny their sovereignty to contract with the state; amending Minnesota Statutes 1986, section 16B.06, by adding a subdivision.

Senate File No. 2150 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 7, 1988

Mr. Davis moved that the Senate do not concur in the amendments by the House to S.F. No. 2150, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate,

to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 2323: A bill for an act relating to financial institutions; authorizing certain investments for banks; amending Minnesota Statutes 1986, sections 48.152, subdivision 10; 48.24, subdivision 5; and 48.61, by adding a subdivision.

Senate File No. 2323 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 7, 1988

Mr. Moe, R.D. moved that S.F. No. 2323 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. 2255: A bill for an act relating to agriculture; extending certain benefits under the family farm security act; amending Minnesota Statutes 1986, section 41.57, subdivision 4.

Senate File No. 2255 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 7, 1988

Mr. Vickerman moved that the Senate do not concur in the amendments by the House to S.F. No. 2255, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

#### **CONFERENCE COMMITTEE EXCUSED**

Pursuant to Rule 21, Mr. Waldorf moved that the following members be excused for a Conference Committee on S.F. No. 2569 at 3:00 p.m.:

Messrs. Dicklich, Dahl, Taylor, Waldorf and Mrs. Brataas. The motion prevailed.

#### **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. 2119: A bill for an act relating to child abuse reporting; clarifying the assessment duties of the local welfare agency; providing for the retention of records in certain circumstances; amending Minnesota Statutes 1986, section 626.556, subdivisions 5, 10d, and by adding subdivisions; and Minnesota Statutes 1987 Supplement, section 626.556, subdivision 11.

Senate File No. 2119 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 7, 1988

Mr. Spear moved that the Senate do not concur in the amendments by the House to S.F. No. 2119, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 1783: A bill for an act relating to motor vehicles; requiring mandatory annual inspection of motor vehicle emission control equipment on vehicles registered in the metropolitan area; prescribing powers and duties of the pollution control agency and the department of public safety; imposing fees for inspection; prescribing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116.

Senate File No. 1783 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 7, 1988

### CONCURRENCE AND REPASSAGE

Ms. Reichgott moved that the Senate concur in the amendments by the House to S.F. No. 1783 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1783 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 43 and nays 18, as follows:

Those who voted in the affirmative were:

Adkins	Decker	Johnson, D.E.	Marty	Purfeirst
Anderson	DeCramer	Johnson, D.J.	Merriam	Reichgott
Beckman	Dicklich	Jude	Moe, R.D.	Spear
Berglin	Diessner	Knaak	Novak	Stumpf
Bernhagen	Frederickson, D.J.	Laidig	Olson	Taylor
Brandt	Frederickson, D.R.	Langseth	Pehler	Vickerman
Brataas	Freeman	Lantry	Peterson, D.C.	Waldorf
Cohen	Gustafson	Larson	Peterson, R.W.	
Davis	Hughes	Luther	Piper	

Those who voted in the negative were:

Belanger	Chmielewski	Kroening	Metzen	Schmitz
Benson	Dahl	Lessard	Ramstad	Storm
Berg	Frank	McQuaid	Renneke	
Bertram	Knutson	Mehrkens	Samuelson	

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. 1742: A bill for an act relating to agriculture; clarifying a time-price offer; allowing a preceding former owner to convey the right to receive an offer to buy or lease previously owned agricultural land; restricting the sale or inducement of a sale of agricultural land by a preceding former owner accepting an offer for one year; providing penalties and liability for damages; restricting the period for a debtor to receive a copy of a forbearance policy; amending Minnesota Statutes 1987 Supplement, sections 500.24, subdivisions 6 and 7; and 583.24, subdivision 4.

Senate File No. 1742 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 7, 1988

Mr. Berg moved that the Senate do not concur in the amendments by the House to S.F. No. 1742, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 1661: A bill for an act relating to charitable gambling; changing the definition of lawful purpose expenditures; clarifying the definition of organization; increasing the percentage of profit that may be used for expenses for certain organizations; licensing bingo halls; changing the definition of bingo occasion; requiring organizations to be directly responsible for the conducting of bingo; changing the definition of gross receipts for the purposes of bingo; changing the prize limits for bingo; amending

Minnesota Statutes 1986, sections 349.19, subdivision 1; 349.211, subdivision 1; Minnesota Statutes 1987 Supplement, sections 349.12, subdivisions 11 and 12; 349.15; 349.17, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 349; repealing Minnesota Statutes 1986, section 349.211, subdivision 2.

Senate File No. 1661 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 7, 1988

Mrs. Lantry moved that the Senate do not concur in the amendments by the House to S.F No. 1661, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F No. 2071: A bill for an act relating to crimes; requiring a neighborhood impact statement to be submitted as part of the presentence investigation report for controlled substance offenses; amending Minnesota Statutes 1987 Supplement, section 609.115, subdivision 1.

There has been appointed as such committee on the part of the House: Jefferson, McKasy and Kelly.

Senate File No. 2071 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 7, 1988

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F No. 2137: A bill for an act relating to education; modifying certain requirements relating to school health services; amending Minnesota Statutes 1986, section 123.35, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 126; repealing Minnesota Statutes 1987 Supplement, sections 123.35, subdivision 16; and 126.201.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Kelso, Vellenga and Otis have been appointed as such committee on the part of the House.

House File No. 2137 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 7, 1988

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1769: A bill for an act relating to human rights; clarifying marital status discrimination and housing discrimination; enforcing comparable worth and affirmative action requirements; making procedural and administrative changes; amending Minnesota Statutes 1986, sections 363.01, by adding a subdivision; 363.02, subdivision 2a, and by adding a subdivision; 363.03, subdivision 2; 363.06, subdivision 3; 363.073, subdivisions 1 and 3; 363.091; 363.121; and 363.14, subdivisions 1 and 3; Minnesota Statutes 1987 Supplement, sections 363.06, subdivision 1; and 363.071, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 363.

There has been appointed as such committee on the part of the House: Solberg, Kelly and Bishop.

Senate File No. 1769 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 7, 1988

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2491: A bill for an act relating to metropolitan government; establishing various requirements on agency organization, work programs, budgets, and reports; amending Minnesota Statutes 1986, sections 473.13, subdivision 1, and by adding a subdivision; 473.146, subdivision 3; 473.173, subdivision 6; 473.38, by adding a subdivision; Minnesota Statutes 1987 Supplement, section 473.1623, subdivisions 4 and 6.

There has been appointed as such committee on the part of the House: Carruthers, Osthoff and Olsen, S.

Senate File No. 2491 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 7, 1988

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2568:

H.F. No. 2568: A bill for an act relating to agriculture; providing for terms and compensation for members of the Minnesota agricultural and economic development board; changing and clarifying the small business development loan portion of the agricultural resource loan guarantee program; establishing requirements for revenues that can be used in a local revolving fund; amending Minnesota Statutes 1987 Supplement, sections 41A.02, subdivisions 3 and 16; 41A.036, by adding subdivisions; and 116N.08, subdivision 8.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Olson, K.; Redalen and Cooper have been appointed as such committee on the part of the House.

House File No. 2568 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 April 7, 1988

Mr. Beckman moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2568, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1526:

H.F. No. 1526: A bill for an act relating to transportation; defining motor vehicle; providing for brakes on motor vehicles manufactured after June 30, 1988; amending Minnesota Statutes 1986, sections 168.011, subdivision 4; and 169.67, subdivisions 3 and 4.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Bauerly, Uphus and Kalis have been appointed as such committee on the part of the House.

House File No. 1526 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 April 7, 1988

Mr. DeCramer moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1526, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee

appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2185:

H.F No. 2185: A bill for an act relating to game and fish; adjusting the height of deer stands; regulating placing decoys in public waters or on public lands; amending Minnesota Statutes 1986, sections 97B.325; and 97B.811.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Sparby, Kahn and Munger have been appointed as such committee on the part of the House.

House File No. 2185 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 April 7, 1988

Mr. Stumpf moved that the Senate accede to the request of the House for a Conference Committee on H.F No. 2185, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 421:

H.F No. 421: A bill for an act relating to health; authorizing the commissioner of health to issue subpoenas in certain instances; proposing coding for new law in Minnesota Statutes, chapter 144.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Ogren, Bishop and Dempsey have been appointed as such committee on the part of the House.

House File No. 421 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 April 7, 1988

Mr. Chmielewski moved that the Senate accede to the request of the House for a Conference Committee on H.F No. 421, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

**Mr. President:**

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1851:

**H.F. No. 1851:** A bill for an act relating to local government; regulating duties of town officers; setting town powers; amending Minnesota Statutes 1986, sections 18.272; 465.71; and 471.653; and Minnesota Statutes 1987 Supplement, section 115A.921; and repealing Minnesota Statutes 1986, section 365.03.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

**Bauerly, Jennings and Anderson, R.** have been appointed as such committee on the part of the House.

House File No. 1851 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 April 7, 1988

**Mr. Vickerman** moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1851, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

**Mr. President:**

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1943:

**H.F. No. 1943:** A bill for an act relating to state lands; permitting the sale of certain tax-forfeited lands that border public waters in the city of Aitkin.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

**Ogren, Steensma and Carlson, D.** have been appointed as such committee on the part of the House.

House File No. 1943 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 April 7, 1988

**Mr. Chmielewski** moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1943, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

**Mr. President:**

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2036:

H.F No. 2036: A bill for an act relating to crimes; prohibiting possession of fireworks; increasing penalties for selling or possessing certain quantities of fireworks; providing penalties; amending Minnesota Statutes 1986, sections 624.21; 624.23; and 624.25.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Carruthers, Milbert and Kelly have been appointed as such committee on the part of the House.

House File No. 2036 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 April 8, 1988

Mr. Luther moved that the Senate accede to the request of the House for a Conference Committee on H.F No. 2036, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2344:

H.F No. 2344: A bill for an act relating to the organization and operation of state government; clarifying, providing for deficiencies in, and supplementing appropriations for the expenses of state government with certain conditions; creating and modifying agencies and functions; fixing and limiting fees; requiring studies and reports; appropriating money; amending Minnesota Statutes 1986, sections 3.9223, subdivision 5; 3.9225, subdivision 5; 3.9226, subdivision 5; 16B.24, by adding a subdivision; 88.22, by adding a subdivision; 89.001, by adding a subdivision; 89.19; 116.48, by adding subdivisions; 116J.615, by adding a subdivision; 296.16, by adding a subdivision; and 296.421, by adding a subdivision; Minnesota Statutes 1987 Supplement, sections 3.732, subdivision 1; 3.885; 85.055, subdivision 1; 105.44, subdivision 10; 115C.02, subdivision 13; 116C.712, subdivision 5; 116J.941, subdivision 1; 116O.03, subdivision 2; 116O.04, subdivision 1; 116O.06, subdivision 1; and 480.241, subdivision 2; Laws 1985, First Special Session chapter 15, section 4, subdivision 6; Laws 1987, chapter 357, section 27, subdivision 2; Laws 1987, chapter 404, sections 20, subdivision 6; and 22, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 89; 115C; 424A; and 446A; repealing Minnesota Statutes 1987 Supplement, section 161.52.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Kahn, Krueger, Battaglia, Bishop and Solberg have been appointed as such committee on the part of the House.

House File No. 2344 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 April 8, 1988

Mr. Kroening moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2344, and that a Conference Committee of 5 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. 2291, 2520 and 2526.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 7, 1988

### **FIRST READING OF HOUSE BILLS**

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

H.F. No. 2291: A bill for an act relating to state agencies; amending, enacting and repealing certain laws administered by the department of administration; increasing the powers of the state board for community colleges; changing the criteria for board membership; amending Minnesota Statutes 1986, sections 15.0591, subdivision 2; 15.50, by adding a subdivision; 16A.41, subdivision 1; 16B.07, subdivisions 2 and 3; 16B.08, subdivision 4; 16B.09, subdivision 3; 16B.24, by adding subdivisions; 16B.28; 16B.42, subdivision 1; 16B.48, subdivision 2; 16B.54, subdivision 8; 16B.55, subdivisions 3 and 6; 16B.65, subdivision 3; 16B.85; 94.12; 136.61, subdivision 1; 136.622; 136.67, subdivision 2; 214.07, subdivision 1; 268.0122, by adding a subdivision; and 382.153; Minnesota Statutes 1987 Supplement, sections 16B.09, subdivision 1; 16B.67; 115A.15, subdivision 6; and 168.012, subdivision 1; Laws 1987, chapter 365, section 24; proposing coding for new law in Minnesota Statutes, chapters 16B and 136; repealing Minnesota Statutes 1986, sections 15.38; 16B.29; and 214.07, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2059; now on Special Orders.

H.F. No. 2520: A bill for an act relating to commerce; clarifying certain procedures and fees relating to the statewide uniform commercial code computerized filing system; amending Minnesota Statutes 1987 Supplement, sections 336.9-407; 336.9-411; and 336.9-413.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2382, now on Special Orders.

H.F. No. 2526: A bill for an act relating to consumer protection; regulating the provision of real estate closing services; amending Minnesota Statutes 1986, sections 82.17, by adding a subdivision; and 481.02, subdivision 3,

and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 507.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2489, now on Special Orders.

### REPORTS OF COMMITTEES

Mr. Merriam moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

H.F. No. 2654 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2654	2413				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2654 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2654 and insert the language after the enacting clause of S.F. No. 2413; further, delete the title of H.F. No. 2654 and insert the title of S.F. No. 2413.

And when so amended H.F. No. 2654 will be identical to S.F. No. 2413, and further recommends that H.F. No. 2654 be given its second reading and substituted for S.F. No. 2413, 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. 1000 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1000	1837				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1000 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1000 and insert the language after the enacting clause of S.F. No. 1837, the second engrossment; further, delete the title of H.F. No. 1000 and insert the title of S.F. No. 1837, the second engrossment.

And when so amended H.F. No. 1000 will be identical to S.F. No. 1837, and further recommends that H.F. No. 1000 be given its second reading and substituted for S.F. No. 1837, 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. 1656 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>SPECIAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F No.	S.F No.	H.F No.	S.F No.	H.F No.	S.F No.
1656	1517				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F No. 1656 be amended as follows:

Delete all the language after the enacting clause of H.F No. 1656 and insert the language after the enacting clause of S.F No. 1517, the second engrossment; further, delete the title of H.F No. 1656 and insert the title of S.F No. 1517, the second engrossment.

And when so amended H.F No. 1656 will be identical to S.F No. 1517, and further recommends that H.F No. 1656 be given its second reading and substituted for S.F No. 1517, 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. 1925 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>SPECIAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F No.	S.F No.	H.F No.	S.F No.	H.F No.	S.F No.
1925	2093				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F No. 1925 be amended as follows:

Delete all the language after the enacting clause of H.F No. 1925 and insert the language after the enacting clause of S.F No. 2093, the first engrossment; further, delete the title of H.F No. 1925 and insert the title of S.F No. 2093, the first engrossment.

And when so amended H.F No. 1925 will be identical to S.F No. 2093, and further recommends that H.F No. 1925 be given its second reading and substituted for S.F No. 2093, 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. 2138 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:

<b>SPECIAL ORDERS</b>	<b>CONSENT CALENDAR</b>	<b>CALENDAR</b>			
H.F No.	S.F No.	H.F No.	S.F No.	H.F No.	S.F No.
2138	1628				

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.

### **SECOND READING OF SENATE BILLS**

S.F. No. 2572 was read the second time.

### **SECOND READING OF HOUSE BILLS**

H.F. Nos. 2654, 1000, 1656, 1925 and 2138 were read the second time.

### **MOTIONS AND RESOLUTIONS**

Messrs. Luther, Jude and Merriam introduced—

Senate Resolution No. 137: A Senate resolution congratulating the Orioles Boys' Basketball Team from Osseo High School for winning third place in the 1988 State High School Basketball Tournament.

Referred to the Committee on Rules and Administration.

Mr. Bertram introduced—

Senate Resolution No. 138: A Senate resolution congratulating the Spartans Boys' Basketball Team from Rocori High School for winning the 1988 State High School Class AA Basketball Championship.

Referred to the Committee on Rules and Administration.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

### **MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1980, and repassed said bill in accordance with the report of the Committee,

so adopted.

House File No. 1980 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 8, 1988

### CONFERENCE COMMITTEE REPORT ON H.E. NO. 1980

A bill for an act relating to highways; designating I-90 as AMVETS memorial highway; adding, deleting, and substituting routes on the trunk highway system; amending Minnesota Statutes 1986, section 161.14, by adding a subdivision.

April 4, 1988

The Honorable Robert Vanasek  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.E. No. 1980, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

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

House Conferees: (Signed) Henry J. Kalis, David T. Bishop, Kenneth J. Kludt

Senate Conferees: (Signed) Tracy L. Beckman, Jim M. Vickerman, Earl W. Renneke

Mr. Beckman moved that the foregoing recommendations and Conference Committee Report on H.E. No. 1980 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.E. No. 1980 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Johnson, D.J.	McQuaid	Peterson, R.W.
Anderson	Davis	Jude	Mehrkens	Piper
Beckman	Decker	Knaak	Merriam	Pogemiller
Belanger	DeCramer	Knutson	Metzen	Purfeirst
Benson	Diessner	Kroening	Moe, D.M.	Ramstad
Berg	Frank	Laidig	Moe, R.D.	Renneke
Berglin	Frederickson, D.J.	Langseth	Morse	Samuelson
Bernhagen	Frederickson, D.R.	Lantry	Novak	Schmitz
Bertram	Gustafson	Larson	Olson	Spear
Brandl	Hughes	Lessard	Pehler	Stumpf
Chmielewski	Johnson, D.E.	Luther	Peterson, D.C.	Vickerman

So the bill, as amended by the Conference Committee, was repassed and

its title was agreed to.

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1846, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1846 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 8, 1988

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 1846

A bill for an act relating to environment; authorizing inspection of certain records kept by waste facilities; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 115A.

April 7, 1988

The Honorable Robert Vanasek  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.F. No. 1846, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recedes from its amendment and that H.F. No. 1846 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [115A.882] [INSPECTION OF RECORDS.]

*A person authorized by a county in which a designation is effective may, upon presentation of identification and without a search warrant, inspect or copy records of an owner or operator of any waste facility in the state that contain information regarding the volume, type, origin, and weight of the waste received by the facility, and the date and time of weighing. A person who fails to open for inspection and copying the records referred to in this section is guilty of a misdemeanor.”*

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

House Conferees: (Signed) Leonard Price, David T. Bishop, Patrick Beard

Senate Conferees: (Signed) A.W. “Bill” Diessner, Gary W. Laidig, Randolph W. Peterson

Mr. Diessner moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1846 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1846 was read the third time, as amended by the Conference

Committee, and placed on its repassage.

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

The roll was called, and there were yeas 49 and nays 6, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Johnson, D.E.	Marty	Pogemiller
Anderson	Davis	Johnson, D.J.	McQuaid	Purfeerst
Beckman	Decker	Jude	Mehrkens	Ramstad
Belanger	DeCramer	Knutson	Metzen	Renneke
Benson	Diessner	Kroening	Moe, R.D.	Schmitz
Berg	Frank	Laidig	Novak	Solon
Berglin	Frederickson, D.J.	Langseth	Olson	Spear
Bernhagen	Frederickson, D.R.	Lantry	Pehler	Stumpf
Bertram	Gustafson	Lessard	Peterson, R.W.	Vickerman
Chmielewski	Hughes	Luther	Piper	

Those who voted in the negative were:

Brandl	Freeman	Larson	Merriam	Moe, D.M.
Frederick				

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

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Ms. Reichgott moved that the following members be excused for a Conference Committee on S.F. No. 1769 from 4:00 to 5:00 p.m.:

Mr. Storm, Mses. Peterson, D.C. and Reichgott. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

#### SPECIAL ORDER

H.F. No. 2216: A bill for an act relating to natural resources; ratifying and affirming the settlement agreement arising from litigation concerning certain treaty related claims of Chippewa Indians; prescribing powers and duties of the commissioner of natural resources in relation to the settlement agreement; proposing coding for new law in Minnesota Statutes, chapter 97A.

Mr. Johnson, D.J. moved to amend H.F. No. 2216, as amended pursuant to Rule 49, adopted by the Senate April 7, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 2141.)

Page 2, line 10, before the period, insert *“, provided the agreement is amended by July 1, 1988, by the addition of the following language: ‘Any party in the Memorandum of Agreement may cancel this agreement upon one year’s written notice to the other parties.’”*

The motion prevailed. So the amendment was adopted.

Mr. Luther moved to amend H.F. No. 2216, as amended pursuant to Rule 49, adopted by the Senate April 7, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 2141.)

Page 2, delete line 25 and insert:

*"This act is effective July 1, 1988, and none of the conditions of the Memorandum of Agreement shall be considered fulfilled until then."*

### CALL OF THE SENATE

Mr. Johnson, D.J. imposed a call of the Senate for the balance of the proceedings on H.F. No. 2216. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 11 and nays 45, as follows:

Those who voted in the affirmative were:

Berg	Freeman	Luther	Pogemiller	Stumpf
Berglin	Lantry	Marty	Spear	Vickerman
Cohen				

Those who voted in the negative were:

Adkins	Davis	Gustafson	McQuaid	Pehler
Anderson	Decker	Johnson, D.E.	Mehrkens	Peterson, D.C.
Beckman	DeCramer	Johnson, D.J.	Merriam	Peterson, R. W.
Belanger	Dicklich	Jude	Metzen	Piper
Benson	Diessner	Knutson	Moe, D.M.	Purfeerst
Bernhagen	Frank	Kroening	Moe, R.D.	Ramstad
Bertram	Frederick	Laidig	Morse	Renneke
Brandl	Frederickson, D.J.	Larson	Novak	Schmitz
Chmielewski	Frederickson, D.R.	Lessard	Olson	Storm

The motion did not prevail. So the amendment was not 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 5, as follows:

Those who voted in the affirmative were:

Adkins	Decker	Johnson, D.E.	Merriam	Pogemiller
Anderson	DeCramer	Johnson, D.J.	Metzen	Purfeerst
Beckman	Dicklich	Jude	Moe, D.M.	Ramstad
Belanger	Diessner	Knutson	Moe, R.D.	Renneke
Benson	Frank	Kroening	Morse	Schmitz
Berg	Frederick	Laidig	Novak	Storm
Bernhagen	Frederickson, D.J.	Lantry	Olson	Vickerman
Bertram	Frederickson, D.R.	Luther	Pehler	Wegscheid
Brandl	Freeman	Marty	Peterson, D.C.	
Chmielewski	Gustafson	McQuaid	Peterson, R.W.	
Davis	Hughes	Mehrkens	Piper	

Those who voted in the negative were:

Berglin	Cohen	Larson	Spear	Stumpf
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So the bill, as amended, passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that H.F. No. 2182 be taken from the table. The motion prevailed.

H.F. No. 2182: A bill for an act proposing an amendment to the Minnesota

Constitution, article XIII, section 5; permitting state-run lotteries; providing for the distribution of their proceeds; establishing a Minnesota environment and natural resources trust fund; providing implementing legislation; creating a legislative commission, an advisory committee, and a review panel; providing for trust fund expenditures; amending Minnesota Statutes 1986, sections 86.72, subdivisions 2 and 3; and 290.431; Minnesota Statutes 1987 Supplement, sections 116C.69, subdivision 3; and 297.13, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 115C; repealing Minnesota Statutes 1986, sections 86.01; 86.02; 86.03; 86.06; 86.07; 86.08; 86.10; 86.11; 86.12; 86.31; 86.32; 86.33, subdivision 1; 86.34; 86.35; 86.41; 86.42; 86.51; 86.53; 86.61; and 86.75.

### SUSPENSION OF RULES

Mr. Moe, R.D. 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. 2182 and that the rules of the Senate be so far suspended as to give H.F. No. 2182 its second and third reading and place it on its final passage. The motion prevailed.

H.F No. 2182 was read the second time.

Mr. Moe, R.D. moved to amend H.F No. 2182 as follows:

Delete everything after the enacting clause, and delete the title, of H.F No. 2182, and insert the language after the enacting clause, and the title, of S.F No. 2000, the fourth engrossment.

The motion prevailed. So the amendment was adopted.

Ms. Peterson, D.C. moved to amend H.F No. 2182, as amended by the Senate April 8, 1988, as follows:

(The text of the amended House File is identical to S.F No. 2000.)

Page 3, line 21, delete "one-half" and insert "up to one-half, as determined by law each fiscal biennium,"

Page 12, line 13, delete "one-half" and insert "up to one-half, as determined by law each fiscal biennium,"

Amend the title as follows:

Page 1, line 6, delete from "dedicating" to page 1, line 8, "corporation;"

The motion prevailed. So the amendment was adopted.

Mr. Johnson, D.E. moved to amend H.F No. 2182, as amended by the Senate, adopted April 8, 1988, as follows:

(The text of the amended House File is identical to S.F No. 2000.)

Page 12, after line 16, insert:

### "ARTICLE 3

#### COMPULSIVE GAMBLING

Section 1. [245.776] [COMPULSIVE GAMBLING; APPROPRIATION.]

*One percent of the net proceeds of the lottery are appropriated to the commissioner to establish programs for diagnosis, assistance, treatment, and counseling of compulsive gamblers and their families."*

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 27, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Hughes	McQuaid	Spear
Benson	Decker	Johnson, D.E.	Mehrkens	Storm
Berg	Frank	Jude	Olson	
Berglin	Frederick	Laidig	Piper	
Bernhagen	Frederickson, D.R.	Larson	Ramstad	
Brandl	Gustafson	Marty	Renneke	

Those who voted in the negative were:

Adkins	Diessner	Langseth	Morse	Stumpf
Beckman	Frederickson, D.J.	Lantry	Novak	Vickerman
Bertram	Freeman	Lessard	Peterson, R.W.	Wegscheid
Cohen	Johnson, D.J.	Metzen	Purfeerst	
Davis	Knutson	Moe, D.M.	Samuelson	
DeCramer	Kroening	Moe, R.D.	Schmitz	

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

Mr. Moe, R.D. moved to amend H.F No. 2182, as amended by the Senate April 8, 1988, as follows:

(The text of the amended House File is identical to S.F No. 2000.)

Page 5, line 8, after "the" insert "legislative commission on" and delete "future"

Page 5, line 9, delete "commission"

The motion prevailed. So the amendment was adopted.

### CALL OF THE SENATE

Mr. Benson imposed a call of the Senate for the balance of the proceedings on H.F No. 2182. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Benson moved to amend H.F No. 2182, as amended by the Senate April 8, 1988, as follows:

(The text of the amended House File is identical to S.F No. 2000.)

Pages 1 and 2, delete section 1.

Page 3, line 17, delete everything after "fund"

Page 3, delete line 18

Page 3, line 19, delete everything before "is"

Page 10, delete section 14

Renumber the sections of article 1 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Johnson, D.E.	Mehrkins	Storm
Belanger	Decker	Knaak	Morse	Stumpf
Benson	Diessner	Knutson	Olson	Taylor
Berg	Frank	Kroening	Peterson, D.C.	Waldorf
Berglin	Frederick	Laidig	Ramstad	
Bernhagen	Gustafson	Larson	Renneke	
Brandl	Hughes	McQuaid	Spear	

Those who voted in the negative were:

Adkins	DeCramer	Langseth	Moe, D.M.	Purfeirst
Beckman	Dicklich	Lantry	Moe, R.D.	Reichgott
Bertram	Frederickson, D.J.	Lessard	Novak	Samuelson
Brataas	Frederickson, D.R.	Luther	Pehler	Schmitz
Chmielewski	Freeman	Marty	Peterson, R. W.	Vickerman
Dahl	Johnson, D.J.	Merriam	Piper	Wegscheid
Davis	Jude	Metzen	Pogemiller	

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

H.F. No. 2182 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 26, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.E.	Marty	Piper
Beckman	Davis	Johnson, D.J.	Merriam	Pogemiller
Berglin	DeCramer	Jude	Moe, R.D.	Purfeirst
Bertram	Dicklich	Knaak	Morse	Reichgott
Brandl	Diessner	Langseth	Novak	Schmitz
Brataas	Frederickson, D.J.	Lantry	Pehler	Stumpf
Chmielewski	Frederickson, D.R.	Lessard	Peterson, D.C.	Vickerman
Cohen	Freeman	Luther	Peterson, R. W.	Wegscheid

Those who voted in the negative were:

Anderson	Frank	Laidig	Olson	Taylor
Belanger	Frederick	Larson	Ramstad	Waldorf
Benson	Gustafson	McQuaid	Renneke	
Berg	Hughes	Mehrkins	Samuelson	
Bernhagen	Knutson	Metzen	Spear	
Decker	Kroening	Moe, D.M.	Storm	

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

#### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that S.F. No. 2000, No. 43 on Special Orders, be stricken and laid on the table. The motion prevailed.

#### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Pehler moved that the following members be excused for a Conference Committee on S.F. No. 2137 from 5:00 to 6:00 p.m.:

Mses. Reichgott; Peterson, D.C. and Mr. Pehler. The motion prevailed.

#### RECESS

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

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

**APPOINTMENTS**

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

S.F. No. 2119: Messrs. Spear, Merriam and Peterson, R.W.  
H.F. No. 2185: Messrs. Stumpf, Merriam and Lessard.  
S.F. No. 1871: Messrs. Ramstad, Spear and Merriam.  
S.F. No. 2255: Messrs. Vickerman, Merriam and Renneke.  
H.F. No. 2036: Messrs. Luther, Marty and Knutson.  
H.F. No. 1526: Messrs. DeCramer, Purfeerst and Johnson, D.E.  
S.F. No. 1742: Messrs. Berg, Freeman and Larson.  
S.F. No. 1661: Mrs. Lantry, Messrs. Diessner and Johnson, D.E.  
S.F. No. 2150: Messrs. Davis, DeCramer and Ms. Peterson, D.C.  
H.F. No. 1943: Mr. Chmielewski, Mrs. Adkins and Mr. Lessard.  
H.F. No. 421: Messrs. Chmielewski, Knutson and Ms. Piper.  
H.F. No. 2568: Messrs. Beckman; Frederickson, D.J. and Vickerman.  
H.F. No. 1851: Messrs. Vickerman, Schmitz and Frederickson, D.R.  
H.F. No. 2344: Messrs. Kroening, Merriam, Luther, Solon and Frederickson, D.R.

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

**MOTIONS AND RESOLUTIONS - CONTINUED****SPECIAL ORDER**

S.F. No. 2183: A bill for an act relating to crimes; increasing penalties for certain crimes when committed because of the victim's race, color, religion, sex, affectional or sexual orientation, or national origin; amending Minnesota Statutes 1986, sections 609.2231, by adding a subdivision; 609.605, by adding a subdivision; 609.79, by adding a subdivision; and Minnesota Statutes 1987 Supplement, sections 609.595, subdivisions 2, 3, and by adding a subdivision; 609.746, by adding a subdivision; and 609.795.

Mr. Peterson, R.W. moved to amend S.F. No. 2183 as follows:

Page 1, lines 17 and 26, after "victim's" insert "or another's"

Page 3, line 23, after "owner's" insert "or another's"

Page 3, line 31, after "victim's" insert "or another's"

Page 4, lines 3 and 24, after "victim's" insert "or another's"

The motion prevailed. So the amendment was adopted.

S.F. No. 2183 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 47 and nays 7, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Merriam	Samuelson
Belanger	Frank	Knutson	Moe, D.M.	Schmitz
Berg	Frederick	Kroening	Moe, R.D.	Spear
Berglin	Frederickson, D.J.	Laidig	Pehler	Storm
Bernhagen	Frederickson, D.R.	Lantry	Peterson, D.C.	Stumpf
Brandl	Freeman	Lessard	Peterson, R.W.	Vickerman
Cohen	Gustafson	Luther	Piper	Wegscheid
Davis	Hughes	Marty	Pogemiller	
Decker	Johnson, D.E.	McQuaid	Ramstad	
DeCramer	Johnson, D.J.	Mehrken	Reichgott	

Those who voted in the negative were:

Anderson	Bertram	Larson	Olson	Renneke
Benson	Jude			

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

### SPECIAL ORDER

H.F. No. 1000: A bill for an act relating to agriculture; making changes in various agriculture programs; establishing agriculture programs; establishing a commodity contract task force; appropriating money; providing penalties; amending Minnesota Statutes 1986, sections 41A.09, by adding a subdivision; 41B.02, by adding a subdivision; and 65A.33, subdivision 3; Minnesota Statutes 1987 Supplement, sections 17.102, subdivision 1; 41B.01, subdivision 2; 41B.03, subdivision 3; 41B.039, subdivisions 1, 2, 4, and by adding a subdivision; 41B.05; Laws 1987, chapter 396, article 9, section 1, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 17; 31; 124; and 325E; proposing coding for new law as Minnesota Statutes, chapter 32C; repealing Minnesota Statutes 1986, sections 32A.01; 32A.02; 32A.03; 32A.04; 32A.05; 32A.07; 32A.08; and 32A.09; and Laws 1987, chapter 358, section 31.

### SUSPENSION OF RULES

Mr. Davis 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. 1000 and that the rules of the Senate be so far suspended as to give H.F. No. 1000, now on Special Orders, its third reading and place it on its final passage. The motion prevailed.

Mr. Davis moved to amend H.F. No. 1000, as amended pursuant to Rule 49, adopted by the Senate April 8, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 1837.)

Page 21, after line 20, insert:

### "ARTICLE 16 SUSTAINABLE AGRICULTURE LOANS AND GRANTS

Section 1. [17.115] [SHARED SAVINGS LOAN PROGRAM.]

*Subdivision 1. [ESTABLISHMENT.] The commissioner shall establish a shared savings loan program to provide loans that enable farmers to adopt management practices that emphasize energy efficiency, reduce petroleum and chemical inputs, and increase the energy self-sufficiency of agricultural producers.*

*Subd. 2. [LOAN CRITERIA.] (a) The shared savings loan program must provide loans for purchase of new or used machinery, installation of equipment and projects that reduce or make more efficient farm energy use. Eligible loan uses do not include seed, fertilizer, or fuel.*

*(b) Loans may not exceed \$15,000 per individual applying for a loan and may not exceed \$75,000 for loans to five or more individuals on joint projects. The loan repayment period may be up to seven years as determined by project cost and energy savings. The interest on the loans is six percent.*

*(c) Loans may only be made to residents of this state engaged in farming.*

*Subd. 3. [AWARDING OF LOANS.] (a) Applications for loans must be made to the commissioner on forms prescribed by the commissioner.*

*(b) The applications must be reviewed, ranked, and recommended by a loan review panel appointed by the commissioner. The loan review panel shall consist of two lenders with agricultural experience, two resident farmers of the state using sustainable agriculture methods, a farm management specialist, a representative from a post-secondary education institution, and a chairperson from the department.*

*(c) The loan review panel must rank applications according to the following criteria:*

*(1) realize savings to the cost of agricultural production and project savings to repay the cost of the loan;*

*(2) reduce or make more efficient use of energy;*

*(3) reduce production costs; and*

*(4) be able to be repaid by the applicant.*

*(d) The commissioner must consider the recommendations of the loan review panel and may make loans for eligible projects. Priority must be given based on the amount of realized savings by adopting the practice implemented by the loan.*

*Subd. 4. [ADMINISTRATION.] The amount in the revolving loan account is appropriated to the commissioner to make loans under this section and administer the loan program. The interest on the money in the revolving loan account and the interest on loans repaid to the state may be spent by the commissioner for administrative expenses.*

**Sec. 2. [17.116] [SUSTAINABLE AGRICULTURE DEMONSTRATION GRANTS.]**

*Subdivision 1. [ESTABLISHMENT.] The commissioner of agriculture shall establish a grant program for sustainable agriculture methods that demonstrates farm input reduction, farm energy efficiency, or usable on-farm energy production. The commissioner must use the program to demonstrate and publicize the energy efficiency, environmental benefit, and profitability of sustainable agriculture techniques. The grants must fund demonstrations on farms of external input reduction techniques or farm scale energy production methods consistent with the program objectives.*

*Subd. 2. [ELIGIBILITY.] (a) Grants may only be made to farmers, educational institutions, or nonprofit organizations residing or located in the state for demonstrations on farms in the state.*

(b) Grants may only be made for projects that show:

- (1) the ability to maximize direct or indirect energy savings or production;
- (2) a positive effect or reduced adverse effect on the environment; and
- (3) profitability for the individual farm.

Subd. 3. [AWARDING OF GRANTS.] (a) Applications for grants must be made to the commissioner on forms prescribed by the commissioner.

(b) The applications must be reviewed, ranked, and recommended by a technical review panel appointed by the commissioner. The technical review panel shall consist of a soil scientist, an agronomist, a representative from a post-secondary educational institution, two resident farmers of the state using sustainable agriculture methods, and a chairperson from the department.

(c) The technical review panel must rank applications according to the following criteria:

- (1) direct or indirect energy savings or production;
- (2) environmental benefit;
- (3) farm profitability;
- (4) the number of farms able to apply the techniques or the technology proposed;
- (5) the effectiveness of the project as a demonstration;
- (6) the immediate transferability of the project to farms; and
- (7) the ability of the project to accomplish its goals.

(d) The commissioner must consider the recommendations of the technical review panel and may award grants for eligible projects. Priority must be given to applicants who are farmers or groups of farmers.

(e) Grants for eligible projects may not exceed \$25,000 unless the portion above \$25,000 is matched on an equal basis by the applicant's cash or in-kind land use contribution. Grant funding of projects may not exceed \$50,000 under this section, but applicants may utilize other funding sources. A portion of each grant must be targeted for public information activities of the project.

(f) A project may continue for up to three years. Multi-year projects must be reevaluated by the technical review panel and the commissioner before second or third year funding is approved. A project is limited to one grant for its funding.

(g) Only one grant under this section may be made per grantee."

Page 24, line 17, delete "\$50,000" in both places and insert "\$25,000" in both places

Renumber the articles in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Davis then moved to amend H.F. No. 1000, as amended pursuant to Rule 49, adopted by the Senate April 8, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 1837.)

Page 20, line 18, delete "anticipation" and insert "participation"

Page 27, line 3, after "for" insert "administration and operation of" and before the period, insert "used for the farmer-lender mediation program"

The motion prevailed. So the amendment was adopted.

Mr. Davis then moved to amend H.F. No. 1000, as amended pursuant to Rule 49, adopted by the Senate April 8, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 1837.)

Pages 9 and 10, delete article 7 and insert:

## "ARTICLE 7

### GRAIN STANDARDS TESTING

Section 1. Minnesota Statutes 1986, section 17B.02, is amended to read:

#### 17B.02 [DEFINITIONS.]

Subdivision 1. [SCOPE.] As used in sections 17B.01 to 17B.29, the terms defined in this section have the meanings given them.

Subd. 2. [DEPARTMENT.] "Department" means the Minnesota department of agriculture.

Subd. 3. [COMMISSIONER.] "Commissioner" means the commissioner of agriculture or the commissioner's authorized representative.

Subd. 3a. [DISCOUNT.] "Discount" means an offer or purchase price for grain that is lower than the base or standard price offered by a buyer at a certain time and at a specified location. A discount price represents the lower than normal value of the grain because of inferior quality as determined by measurement of grade, dockage, test weight, moisture content, protein content, or other factors.

Subd. 3b. [INDEX MOISTURE LEVEL.] "Index moisture level" means the percentage moisture content for each grain that is used in establishing base or standard prices for the grain as determined by the commissioner.

Subd. 4. [PERSON.] "Person" means any individual, firm, copartnership, cooperative, company, association, and corporation, or their lessees, trustees, or receivers.

Subd. 5. [PREMIUM.] "Premium" means an offer or a purchase price for corn, soybeans, or wheat that exceeds the base or standard price offered by a buyer at a certain time and at a specified location. A premium price represents the higher than normal value of the grain because of superior quality as determined by measurement of grade, dockage, moisture content, test weight, protein content, or other factors.

Subd. 6. [TEST EQUIPMENT.] "Test equipment" means the mechanical and electronic devices commonly used in measurement of grain qualities including protein content, moisture content, and test weight.

Subd. 7. [TEST EQUIPMENT OPERATOR.] "Test equipment operator" means a person assigned by the management of an elevator or grain storage facility who is chiefly responsible for the preparation and analysis of grain samples for protein content, test weight, moisture content, and other qualities upon which price is determined.

**Sec. 2. [17B.041] [COMMISSIONER TO REVIEW ACCURACY OF TEST EQUIPMENT AND TEST EQUIPMENT OPERATORS.]**

*Subdivision 1. [PERIODIC REVIEW.] The commissioner shall establish a program for the periodic grain testing review of protein analysis, test weight, and moisture test equipment, and test equipment operators. A review must consist of the performance of routine tests and analysis by the principal operator of the test equipment. A review under this section must be based on the results of on-site analysis performed on one or more samples of grain by the principal operator of the appropriate test equipment.*

*Subd. 2. [POSTING OF REVIEW FINDINGS.] Personnel of the department who perform a review of test equipment and test equipment operators under subdivision 1 must post a dated and signed statement indicating the conclusions of the review in a conspicuous location in the place of business where grain testing is conducted. The statement must be on a form provided by the commissioner and include in prominent wording a caution to the effect that the results at the time of a review by department personnel do not necessarily indicate either accuracy or inaccuracy in the test equipment or procedures at other times. The statement must remain on display until a subsequent review has been made.*

*Subd. 3. [FOLLOW-UP REVIEW UPON REQUEST.] The commissioner shall arrange for a follow-up review within seven business days of a periodic review if a follow-up review is requested by the test equipment operator.*

*Subd. 4. [REQUEST FOR COMMISSIONER TO SCHEDULE A REVIEW.] A purchaser or seller of grain may request the commissioner to perform a review of the test equipment and test equipment operator that is used to test the grain. A signed request must be submitted to the commissioner and upon receipt of a request, the commissioner shall schedule a review at a reasonable time considering other duties and responsibilities of the department personnel.*

*Subd. 5. [STATE NOT LIABLE.] The state is not liable to a seller or purchaser of grain for losses resulting from erroneous tests or analysis by test equipment or test equipment operators, whether reviewed by the department or not, if the commissioner and the department have exercised due care in the scheduling and conduct of reviews under subdivisions 1 and 3.*

**Sec. 3. [17B.045] [PREMIUMS BASED ON TEST WEIGHT MUST EQUAL OR EXCEED DISCOUNTS.]**

*A purchaser of corn, soybeans, or wheat who provides a discount for the corn, soybeans, or wheat that falls below the standard test weight for that grain must offer an equal or greater premium for the corn, soybeans, or wheat that has a test weight higher than the standard test weight.*

**Sec. 4. [17B.047] [PREMIUMS BASED ON MOISTURE CONTENT.]**

*Subdivision 1. [COMMISSIONER TO ESTABLISH INDEX MOISTURE LEVELS.] The commissioner shall establish an index moisture level for corn, soybeans, and wheat by rule. The commissioner may take into consideration factors such as moisture level variations appropriate to different locations within the state, variations in the keeping qualities of grains at different seasons of the year, and other appropriate factors.*

*Subd. 2. [PREMIUMS GENERALLY EQUAL TO OR GREATER THAN DISCOUNTS.] A purchaser of corn, soybeans, or wheat who provides a discount for grain based on tested moisture content higher than the index*

*moisture level shall provide an equal or greater premium for corn, soybeans, or wheat that tests at a moisture content within the next three percentage points below the index moisture level. If the moisture content in a valid sample of the purchased corn, soybeans, or wheat is more than three percentage points below the index moisture level, the premium offered need not be further tied to an equivalent discount provided for corn, soybeans, or wheat that tests higher than the index moisture level.*

**Sec. 5. [17B.048] [SELLER OPTION TO AVERAGE LOADS.]**

*A purchaser of corn, soybeans, or wheat must allow a seller who delivers the grain in multiple loads within a period of seven consecutive calendar days, at the option of the seller, to average the measurements from the multiple loads with respect to test weight, moisture content, and protein analysis.*

**Sec. 6. [EFFECTIVE DATE.]**

*Sections 3, 4, and 5 apply to purchases of corn, soybeans, or wheat occurring on or after July 1, 1990."*

Amend the title accordingly

Mr. Frederickson, D.R. moved to amend the third Davis amendment to H.F. No. 1000 as follows:

Page 4, line 9, after the period, insert "A purchaser includes "grain warehouse" as defined in section 223.16, subdivision 6, and "public terminal warehouses" as defined in section 223.01, subdivisions 3 and 4."

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

The question recurred on the third Davis amendment, as amended.

The roll was called, and there were yeas 30 and nays 19, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Jude	Morse	Renneke
Beckman	Diessner	Langseth	Pehler	Samuelson
Berglin	Frank	Larson	Peterson, D.C.	Schmitz
Chmielewski	Frederickson, D.J.	Luther	Piper	Stumpf
Cohen	Frederickson, D.R.	Marty	Purfeerst	Vickerman
Davis	Freeman	Metzen	Reichgott	Wegscheid

Those who voted in the negative were:

Anderson	Bernhagen	Frederick	Laidig	Peterson, R.W.
Belanger	Bertram	Gustafson	Lantry	Ramstad
Benson	Brandt	Johnson, D.E.	McQuaid	Storm
Berg	Decker	Knutson	Mehrkins	

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

Mr. Purfeerst moved to amend H.F. No. 1000, as amended pursuant to Rule 49, adopted by the Senate April 8, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 1837.)

Page 27, after line 7, insert:

**Sec. 20. [MINNESOTA AGRICULTURAL INTERPRETIVE CENTER.]**

*\$100,000 is appropriated from the general fund to the commissioner of agriculture to be matched on an equal basis with nonstate funds. This section supercedes any inconsistent provision of other law."*

Amend the title accordingly

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

Mr. Frederickson, D.J. moved to amend H.F. No. 1000, as amended pursuant to Rule 49, adopted by the Senate April 8, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 1837.)

Page 21, after line 20, insert:

**"ARTICLE 16**  
**DRY EDIBLE BEANS**

Section 1. Minnesota Statutes 1986, section 223.16, subdivision 4, is amended to read:

Subd. 4. [GRAIN.] "Grain" means any cereal grain, coarse grain or oilseed in unprocessed form for which a standard has been established by the United States Secretary of Agriculture or the Minnesota board of grain standards, *dry edible beans, or any other agricultural crop which crops designated by the commissioner may designate by rule.*

Sec. 2. Minnesota Statutes 1986, section 232.21, subdivision 7, is amended to read:

Subd. 7. [GRAIN.] "Grain" means any cereal grain, course grain or oilseed in unprocessed form for which a standard has been established by the United States secretary of agriculture or the Minnesota board of grain standards, *dry edible beans, or agricultural crops designated by the commissioner by rule.*

Sec. 3. Minnesota Statutes 1986, section 232.23, subdivision 4, is amended to read:

Subd. 4. [FORM OF GRAIN WAREHOUSE RECEIPT.] (a) A grain warehouse receipt must be in duplicate, contain the name and location of the grain warehouse, and be delivered to the depositor or the depositor's agent. Grain warehouse receipts shall be consecutively numbered as prescribed by the commissioner and state the date of deposit, except where the deposit of a certain lot for storage is not completed in one day. In that case, the grain warehouse receipt, when issued, shall be dated not later than Saturday of the week of delivery.

(b) A grain warehouse receipt shall contain either on its face or reverse side the following specific grain warehouse and storage contract: "This grain is received, insured and stored through the date of expiration of the annual licenses of this grain warehouse and terms expressed in the body of this grain warehouse receipt shall constitute due notice to its holder of the expiration of the storage period. It is unlawful for a public grain warehouse operator to charge or collect a greater or lesser amount than the amount filed with the commissioner. All charges shall be collected by the grain warehouse operator upon the owner's presentation of the grain warehouse receipt for the sale or delivery of the grain represented by the receipt, or the termination of the storage period. Upon the presentation of this grain warehouse receipt and payment of all charges accrued up to the time of presentation, the above amount, kind and grade of grain will be delivered within the time prescribed by law to the depositor or the depositor's order."

(c) A grain warehouse receipt shall also have printed on it the following:

**"Redemption of Receipt**

Received from . . . . . , the sum of \$ . . . . . or . . . . . bushels in full satisfaction of the obligation represented by this grain warehouse receipt.

Gross price per bushel \$ . . . . .

Storage per bushel \$ . . . . .

Net price per bushel \$ . . . . .

All blank spaces in this grain warehouse receipt were filled in before I signed it and I certify that I am the owner of the commodity for which this grain warehouse receipt was issued and that there are no liens, chattel mortgages or other claims against the commodity represented by this grain warehouse receipt.

Signed . . . . .

Accepted . . . . .

Dated . . . . .

**Warehouse operator**

This redemption shall be signed by the depositor or the depositor's agent in the event that the grain represented is redelivered or purchased by the public grain warehouse operator. Signature of this redemption by the depositor constitutes a valid cancellation of the obligation embraced in the storage contract."

*(d) A warehouse receipt for dry edible beans must state the grade of the dry edible beans delivered to the grain warehouse and the redelivery charge required under section 4, paragraph (a).*

Sec. 4. Minnesota Statutes 1986, section 232.23, is amended by adding a subdivision to read:

*Subd. 10a. [REDELIVERY OF DRY EDIBLE BEANS.] (a) A public grain warehouse shall deliver dry edible beans to a holder of a warehouse receipt after the warehouse receipt holder pays a redelivery charge and the charges accrued until the time the warehouse receipt is surrendered to the grain warehouse operator. The dry edible beans must be dry and processed to acceptable standards for canning and packaging use. The redelivery charge may not exceed \$3 per net hundredweight of the dry edible beans. The commissioner may redetermine the maximum redelivery charge by rule, after receiving a petition to change the redelivery charge signed by at least 25 dry edible bean processors, producers, and public warehouse operators.*

*(b) A grain warehouse operator shall deliver dry edible beans in bags or in bulk as requested by the warehouse receipt holder. The warehouse receipt holder shall furnish the bags if dry edible beans are to be bagged.*

*(c) A grain warehouse operator shall grade the dry edible beans if requested by the warehouse receipt holder. The grain warehouse operator may determine grade by United States Department of Agriculture standards, Northarvest standards, or Michigan Bean Shippers Association standards. The warehouse receipt holder shall pay grading fees."*

Renumber the articles in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Berg moved to amend H.F No. 1000, as amended pursuant to Rule 49, adopted by the Senate April 8, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 1837.)

Page 15, after line 5, insert:

"Section 1. Minnesota Statutes 1987 Supplement, section 41.56, subdivision 4, is amended to read:

Subd. 4. [SALE OF DEFALTED PROPERTY.] In the event that title to any property is acquired by the state, upon conveyance of title to the state and expiration of the period of redemption, the commissioner shall undertake to sell the property by publishing a notice of the impending sale at least once each week for four successive weeks in a legal newspaper and also in a newspaper of general distribution in the county in which the property to be sold is situated. The notice must describe the lots or tracts to be offered and the terms of sale. Except as further provided, the terms and method of sale shall be determined by the commissioner.

The commissioner shall first attempt to sell the property to a person who is eligible for a family farm security loan. If the commissioner is unable to effect a sale to an eligible person, the commissioner shall attempt to sell the property for cash as provided in subdivision 4a. If the commissioner is unable to effect a sale to an eligible person or for cash, or if the commissioner finds that sale to an eligible person or for cash would not best protect the interests of the state, the commissioner may sell the property on terms which the commissioner finds will best protect the interests of the state. The commissioner may lease any real property which the commissioner is unable to sell with reasonable promptness. In any event, any acquired farm property must be sold within three years after the conveyance of title to the state or after the expiration of the period of redemption. The commissioner may contract for the services of a licensed real estate agent or broker to assist in selling any property acquired under this section and may pay for the services from the proceeds of the sale before proceeds are distributed under subdivision 4b.

In lieu of selling property under this subdivision, the commissioner may utilize participation under the beginning farmer program under chapter 41B.

In selling property acquired under this section, the commissioner may not sell the property to *the person who has defaulted on the property or a relative within the second degree of kindred according to common law of a person who has defaulted.*"

Page 17, line 12, delete "or reentering"

Renumber the sections in sequence

Amend the title accordingly

Mr. Davis requested division of the amendment as follows:

First portion:

Page 15, after line 5, insert:

"Section 1. Minnesota Statutes 1987 Supplement, section 41.56, subdivision 4, is amended to read:

**Subd. 4. [SALE OF DEFALTED PROPERTY.]** In the event that title to any property is acquired by the state, upon conveyance of title to the state and expiration of the period of redemption, the commissioner shall undertake to sell the property by publishing a notice of the impending sale at least once each week for four successive weeks in a legal newspaper and also in a newspaper of general distribution in the county in which the property to be sold is situated. The notice must describe the lots or tracts to be offered and the terms of sale. Except as further provided, the terms and method of sale shall be determined by the commissioner.

The commissioner shall first attempt to sell the property to a person who is eligible for a family farm security loan. If the commissioner is unable to effect a sale to an eligible person, the commissioner shall attempt to sell the property for cash as provided in subdivision 4a. If the commissioner is unable to effect a sale to an eligible person or for cash, or if the commissioner finds that sale to an eligible person or for cash would not best protect the interests of the state, the commissioner may sell the property on terms which the commissioner finds will best protect the interests of the state. The commissioner may lease any real property which the commissioner is unable to sell with reasonable promptness. In any event, any acquired farm property must be sold within three years after the conveyance of title to the state or after the expiration of the period of redemption. The commissioner may contract for the services of a licensed real estate agent or broker to assist in selling any property acquired under this section and may pay for the services from the proceeds of the sale before proceeds are distributed under subdivision 4b.

In lieu of selling property under this subdivision, the commissioner may utilize participation under the beginning farmer program under chapter 41B.

In selling property acquired under this section, the commissioner may not sell the property to *the person who has defaulted on the property or a relative within the second degree of kindred according to common law of a person who has defaulted.*"

Renumber the sections in sequence

Amend the title accordingly

Second portion:

Page 17, line 12, delete "*or reentering*"

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

The question was taken on the second portion of the Berg amendment. The motion did not prevail. So the second portion of the amendment was not adopted.

Mr. Morse moved to amend H.F. No. 1000, as amended pursuant to Rule 49, adopted by the Senate April 8, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 1837.)

Page 21, after line 20, insert:

#### "ARTICLE 16

Section 1. Minnesota Statutes 1986, section 40.036, is amended by adding a subdivision to read:

*Subd. 1a. [ABANDONED WELLS.] (a) The state board shall, within the limits of available money, provide cost-sharing funds for a pilot project to seal unused wells and to properly abandon wells that are not required to be sealed under chapter 156A. The cost-share contracts may provide a state cost share of up to 75 percent for each contracted project.*

*(b) The well sealing project must be implemented under procedures adopted by the state board that protects groundwater from further contamination from the well. The district board must certify the location of the wells that have been properly sealed with cost-share funds and forward the certification to the state board. The state board must provide information on the location of sealed wells to the commissioners of health and natural resources.*

*(c) The owner of a well that has been certified as being properly sealed is not liable for contamination of groundwater from the well that occurs after the well has been sealed if the owner has not disturbed or disrupted the sealed well.*

**Sec. 2. [40.0371] [COST-SHARING CONTRACTS TO SEAL ABANDONED WELLS.]**

*The state board shall establish a pilot cost-share program to identify and permanently seal unused wells. The contracted projects to seal wells must protect groundwater from pollution. The wells must be properly abandoned and sealed under chapter 156A unless the well is abandoned, sealed, or reconstructed as an observation well.*

**Sec. 3. [40.0372] [STATEWIDE ASSESSMENT.]**

*The board, in consultation with the commissioner of natural resources, the commissioner of the pollution control agency, the commissioner of health, and the director of the Minnesota geological survey, shall assess geographical areas for a potential for groundwater pollution caused by abandoned wells. The assessment must include notice of the program and assessment that is published in newspapers of general circulation and opportunities for persons to report abandoned and unused wells to the district board. Districts having staff trained in groundwater resources must assess areas within their districts, in cooperation with the board. The board shall provide financial and technical assistance to districts for projects that have been assessed as areas with a high potential for groundwater pollution caused by abandoned and unused wells.*

**Sec. 4. [40.0373] [FINANCIAL AND TECHNICAL ASSISTANCE.]**

*Subdivision 1. [FINANCIAL ASSISTANCE.] (a) The board must allocate at least 70 percent of available cost-sharing funds to seal wells to districts to share the cost of identifying or properly sealing wells in high-priority areas. Areas must be selected based on statewide priorities established by the board.*

*(b) Remaining cost-sharing funds may be allocated to districts for administrative expenses, not exceeding 20 percent of the funds, and sealing wells in lower-priority areas.*

*Subd. 2. [TECHNICAL ASSISTANCE.] The board may provide technical assistance to districts to efficiently and effectively develop and implement projects.*

**Sec. 5. [40.0374] [ELIGIBILITY FOR ASSISTANCE.]**

*Subdivision 1. [GENERALLY.] Only projects that are a part of, or responsive to, a district comprehensive or annual work plan are eligible for the assistance provided in section 4. After July 1, 1991, only projects that are a part of, or responsive to, a local water plan under chapter 110B or section 473.8785 are eligible for the assistance provided in section 4.*

*Subd. 2. [DOCUMENTS REQUIRED.] To be eligible for the assistance provided in section 4, a district must provide the board with:*

*(1) an application prescribed by the board;*

*(2) evidence that the district has consulted the local health department in preparing the application; and*

*(3) one of the following documents:*

*(i) the comprehensive water plan authorized under chapter 110B;*

*(ii) the county groundwater plan authorized under section 473.8785; or*

*(iii) the district comprehensive or annual work plan that provides an inventory of existing physical and hydrologic information about the area, that provides general identification of water quality problems and goals, and that demonstrates a local commitment to water quality protection or improvement.*

**Sec. 6. [40.0375] [BOARD REVIEW OF APPLICATIONS.]**

*Subdivision 1. [RANKING OF APPLICATIONS.] The district boards must rank applications for technical and financial assistance in order of priority and within the limits of available funding and grant applications with the highest priority.*

*Subd. 2. [RANKING CRITERIA.] (a) The state board, in cooperation with the commissioner of natural resources, the commissioner of the pollution control agency, the commissioner of health, and other appropriate state agencies, must by rule adopt appropriate criteria for the district boards to determine the priority of projects. The criteria used to rank projects must include:*

*(1) current use of the affected aquifer or aquifers for water supply;*

*(2) projected water demand;*

*(3) availability of alternate sources of drinking water;*

*(4) proximity of potential contaminant sources;*

*(5) aquifer susceptibility to contamination;*

*(6) current contamination of the wells and the aquifer;*

*(7) present and anticipated land use in the area;*

*(8) well construction; and*

*(9) suitability of the well for use as a monitoring well.*

*(b) The state board shall contact the commissioner of natural resources and the director of the Minnesota geological survey for locations where observation wells are needed.*

**Sec. 7. [40.0376] [LANDOWNER WELL SEALING PROJECTS.]**

*Subdivision 1. [CONTRACTS BY DISTRICTS.] A district may contract on a cost-share basis to furnish financial aid to a landowner or land*

*occupier to seal unused wells. Payment to a land occupier must not be made until the well, or wells, specified in the contract has been properly sealed by a licensed water well contractor. The district board must certify the location of the wells that have been properly sealed with cost-share funds, forward the certification to the state board and commissioner of health, and file the sealed well certification with the county recorder or registrar of deeds where the sealed well is located.*

**Subd. 2. [REVIEW BY BOARD.]** *The board or its designated representative may inspect a project at any reasonable time and must audit the cost-sharing funds expended by the district.*

**Sec. 8. [40.0377] [RULES FOR COST-SHARING PROGRAM.]**

*The board, in consultation with the commissioner of the department of health, must adopt rules specifying:*

- (1) *procedures and criteria for allocating funds to districts for cost-sharing contracts;*
- (2) *standards and guidelines for all cost-sharing contracts;*
- (3) *scope and content of comprehensive plans, plan amendments, and annual work plans, which districts submit under section 40.07, subdivision 9;*
- (4) *standards and methods necessary to plan and implement a priority cost-sharing program, including guidelines to identify high-priority areas;*
- (5) *the share of the cost of sealing wells to be paid from cost-sharing funds; and*
- (6) *requirements for districts to document their efforts to identify and contact land occupiers in high-priority areas.*

Sec. 9. Minnesota Statutes 1986, section 40.42, is amended by adding a subdivision to read:

**Subd. 4a. [SUSCEPTIBLE GROUNDWATER RECHARGE AREA.]** *"Susceptible groundwater recharge area" means an area of land with unique hydrogeological characteristics that make the area highly susceptible to groundwater contamination from land use practices.*

Sec. 10. Minnesota Statutes 1987 Supplement, section 40.43, subdivision 2, is amended to read:

**Subd. 2. [ELIGIBLE LAND.]** (a) Land may be placed in the conservation reserve program if the land:

(1) is marginal agricultural land, or is adjacent to marginal agricultural land and is either beneficial to resource protection or necessary for efficient recording of the land description, or consists of a drained wetland, or is land that with a windbreak would be beneficial to resource protection, *or is land consisting of a susceptible groundwater recharge area.* Cropland adjacent to the restored wetland may also be enrolled to the extent of up to four acres of cropland for each acre of wetland restored;

(2) was owned by the landowner on January 1, 1985, or was owned by the landowner, or a parent or other blood relative of the landowner, for at least three years before the date of application;

(3) is at least five acres in size, except for a windbreak, or is a whole

field as defined by the United States Agricultural Stabilization and Conservation Services;

(4) is not set aside, enrolled or diverted under another federal or state government program; and

(5) was in agricultural crop production for at least two years during the period 1981 to 1985.

(b) The enrolled land of a landowner may not exceed 20 percent of the landowner's total agricultural land acreage in the state, if the landowner owns at least 200 acres of agricultural land as defined by section 500.24, subdivision 2. If a landowner owns less than 200 acres of agricultural land the amount that may be enrolled in the conservation reserve is:

(a) (1) all agricultural land owned, if 20 acres or less; or

(b) (2) if the total agricultural land owned is more than 20 acres but less than 200 acres, 20 acres plus ten percent of the balance of the agricultural land.

(c) In selecting land for enrollment in the program, highest priority must be given to permanent easements that are consistent with the purposes stated in section 40.41.

Sec. 11. Minnesota Statutes 1986, section 40.43, is amended by adding a subdivision to read:

*Subd. 2a. [SUSCEPTIBLE GROUNDWATER RECHARGE AREA DESIGNATION.] The commissioner of natural resources, in cooperation with the board of water and soil resources, the director of the Minnesota geological survey, and the commissioner of the pollution control agency, shall develop criteria for identifying susceptible groundwater recharge areas by December 31, 1988, and provide maps identifying susceptible recharge areas to the board for use in administration of the pilot conservation reserve program for protecting susceptible groundwater recharge areas.*

Sec. 12. Minnesota Statutes 1986, section 40.43, is amended by adding a subdivision to read:

*Subd. 8. [CORRECTION OF CONSERVATION EASEMENT BOUNDARY LINES.] To correct errors in legal descriptions for easements obtained that affect the ownership interests in the state and adjacent landowners, the commissioner may, in the name of the state, with the approval of the attorney general, convey, without consideration, interests of the state necessary to correct legal descriptions of boundaries. The conveyance must be by quitclaim deed or release in a form approved by the attorney general.*

Sec. 13. [40.435] [LIABILITY AFTER PROTECTION OF SUSCEPTIBLE GROUNDWATER RECHARGE AREA.]

*A landowner is not liable for contamination of groundwater through a susceptible groundwater recharge area occurring after a project is implemented if:*

*(1) the soil and water conservation district adopts a plan protecting the groundwater recharge area;*

*(2) projects or practices are implemented according to the plan and certified as being implemented by the district;*

*(3) unlawful practices are not allowed by the landowner on the property*

subject to the plan; and

(4) after implementation the project and practices are maintained according to the plan.

**Sec. 14. [105E.50] [GROUNDWATER DEGRADATION POLICY.]**

*It is the policy of the state that the state, a state agency, or a person may not allow degradation of groundwater in the state.*

**Sec. 15. [105E.51] [IDENTIFICATION OF WELLS ON STATE PROPERTY.]**

*Subdivision 1. [PLAN AND APPROPRIATION REQUEST FOR WELL SEALING.] In each budget year of a biennium, the commissioner must present a plan and an appropriation request to properly seal wells on state property.*

*Subd. 2. [PROHIBITION ON STATE LAND PURCHASES WITHOUT WELL IDENTIFICATION.] The state may not purchase or sell real property or an interest in real property without identifying the location of all wells in use and not in use on the property and making provisions to have the unused wells properly sealed at the cost of the seller as part of the contract and deed for sale. A transfer of land is void if this subdivision is not complied with.*

**Sec. 16. [156A.055] [UNUSED AND UNREPAIRED WELLS.]**

*The state, a person, or other legal entity must seal or properly abandon a water well that is not in use under rules of the commissioner if the water well:*

- (1) *has not been used to withdraw water for more than ten years;*
- (2) *is in a state of disrepair that prevents use to obtain groundwater in a practical manner; or*
- (3) *is not in use and is a health hazard or allows contamination of groundwater."*

Page 27, after line 7, insert:

**"Sec. 20. [BOARD OF WATER AND SOIL RESOURCES.]**

*\$250,000 is appropriated from the general fund to the board of water and soil resources to be available until June 30, 1989. \$55,800 is to conduct a statewide well abandonment assessment and to administer the pilot grant program for well abandonment. \$97,100 is for grants for the pilot project to identify and seal abandoned wells. \$97,100 is for the pilot project for conservation easements on susceptible groundwater recharge areas.*

*The approved complement of the board of water and soil resources is increased by one position."*

Renumber the articles in sequence

Amend the title accordingly

Mrs. Lantry questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Mr. Berg moved to amend H.F. No. 1000, as amended pursuant to Rule 49, adopted by the Senate April 8, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 1837.)

Page 16, line 23, after the period, insert "A seller-sponsored loan may not be made to a person who has previously defaulted on a state loan or state guarantee of a loan."

The motion prevailed. So the amendment was adopted.

Mr. Mehrkens moved to amend H.F. No. 1000, as amended pursuant to Rule 49, adopted by the Senate April 8, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 1837.)

Page 26, delete line 31

Page 26, delete line 36

Page 27, delete lines 1 to 3

The motion prevailed. So the amendment was adopted.

H.F. No. 1000 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 6, as follows:

Those who voted in the affirmative were:

Adkins	Decker	Johnson, D.J.	Morse	Schmitz
Anderson	DeCramer	Jude	Olson	Spear
Beckman	Diessner	Knaak	Pehler	Storm
Benson	Frank	Laidig	Peterson, D.C.	Stumpf
Berg	Frederick	Langseth	Peterson, R.W.	Vickerman
Bernhagen	Frederickson, D.J.	Larson	Piper	Wegscheid
Bertram	Frederickson, D.R.	Luther	Pogemiller	
Brandl	Freeman	Marty	Purfeirst	
Cohen	Gustafson	Mehrkens	Reichgott	
Davis	Johnson, D.E.	Metzen	Renneke	

Those who voted in the negative were:

Belanger	Lantry	McQuaid	Merriam	Ramstad
Knutson				

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

#### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

#### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 449.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 8, 1988

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. 1595: A bill for an act relating to state agencies; returning the control of the Minnesota veterans home to the department of veterans affairs; creating the veterans home board of directors and providing for its powers and duties; providing for the appointment of deputy commissioners and providing for their powers and duties; appropriating money; amending Minnesota Statutes 1986, sections 196.03; 196.05; 198.001; 198.01; 198.022; 198.03; 198.05; 198.065; 198.075; 198.16; 198.161; 198.23; 198.231; 198.261; 198.265; 198.266; 198.31; 198.32; 198.33; and 198.34; proposing coding for new law in Minnesota Statutes, chapters 196 and 198; repealing Minnesota Statutes 1986, sections 196.02, subdivision 3; and 198.06.

Senate File No. 1595 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 8, 1988

#### CONCURRENCE AND REPASSAGE

Mr. Bertram moved that the Senate concur in the amendments by the House to S.F. No. 1595 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1595 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 45 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Decker	Johnson, D.J.	McQuaid	Pogemiller
Belanger	DeCramer	Jude	Mehrkins	Purfeerst
Benson	Diessner	Knaak	Merriam	Ramstad
Berg	Frank	Knutson	Metzen	Renneke
Bernhagen	Frederick	Laidig	Olson	Schmitz
Bertram	Frederickson, D.R.	Langseth	Pehler	Storm
Brandl	Freeman	Lantry	Peterson, D.C.	Stumpf
Cohen	Gustafson	Larson	Peterson, R.W.	Vickerman
Davis	Johnson, D.E.	Luther	Piper	Wegscheid

Messrs. Marty and Spear voted in the negative.

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

#### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 1673: A bill for an act relating to intoxicating liquor; authorizing the dispensing of intoxicating liquor at the St. Cloud Civic Center.

Senate File No. 1673 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 8, 1988

### CONCURRENCE AND REPASSAGE

Mr. Pehler moved that the Senate concur in the amendments by the House to S.F. No. 1673 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1673 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 50 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Decker	Johnson, D.J.	McQuaid	Pogemiller
Beckman	DeCramer	Jude	Mehrkens	Purfeirst
Belanger	Diessner	Knaak	Merriam	Ramstad
Benson	Frank	Knutson	Metzen	Renneke
Berg	Frederick	Laidig	Morse	Schmitz
Bernhagen	Frederickson, D.J.	Langseth	Olson	Spear
Bertram	Frederickson, D.R.	Lantry	Pehler	Storm
Brandl	Freeman	Larson	Peterson, D.C.	Stumpf
Cohen	Gustafson	Luther	Peterson, R. W.	Vickerman
Davis	Johnson, D.E.	Marty	Piper	Wegscheid

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 House File No. 2536:

H.F. No. 2536: A bill for an act relating to elections; providing that statewide computerized voter registration system satisfy requirements for duplicate registration file; establishing voter registration account and appropriating money; changing certain procedures related to registration cards, files, and records; changing certain procedures for voting, arranging names on ballots, and completing summary statements; permitting cities or counties to use their present voting systems for general elections; amending Minnesota Statutes 1986, sections 201.091, subdivisions 2 and 5; 204D.08, subdivision 5; Minnesota Statutes 1987 Supplement, sections 201.022, subdivision 1; 201.071, subdivision 4; 204C.24, subdivision 1; 204D.08, subdivision 4; and 206.80; proposing coding for new law in Minnesota Statutes, chapter 201.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Orenstein, Osthoff and Knickerbocker have been appointed as such committee on the part of the House.

House File No. 2536 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 April 8, 1988

Mr. Luther moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2536, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 10:

H.F. No. 10: A bill for an act relating to crimes; raising the minimum term of imprisonment from 17 to 20 years for persons convicted of first degree murder; clarifying that the crying of a child does not constitute provocation under first degree manslaughter; amending Minnesota Statutes 1986, section 244.05, subdivision 4; and Minnesota Statutes 1987 Supplement, section 609.20.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Wenzel, Kelly and Carruthers have been appointed as such committee on the part of the House.

House File No. 10 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 April 8, 1988

Mr. Jude moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 10, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2031:

H.F. No. 2031: A bill for an act relating to waste management; requiring certain buildings to provide space for recycling; changing the definition of recyclable materials; specifying the responsibilities of the legislative commission on waste management; adding containment of hazardous waste as an item for which the waste management board may make grants; making industrial waste facilities eligible for processing facility loans; creating additional loan and grant programs for waste tire management; banning used oil from placement on the land; removing the county fee cap for waste disposal in the metropolitan area; adding the chair of the waste management board to the environmental quality board; repealing the expiration date of the legislative commission on waste management; appropriating money; amending Minnesota Statutes 1986, sections 16B.24, subdivision 6; 16B.61,

by adding a subdivision; 115A.03, subdivisions 25a and 25b; 115A.14, subdivision 4; 115A.156, subdivision 3; 115A.165; 115A.912; 115A.914; 115A.919; 115B.17, by adding a subdivision; 473.803, subdivision 4; and 609.68; Minnesota Statutes 1987 Supplement, sections 115A.156, subdivisions 1 and 2; 115A.162; 115A.48; 115A.916; 115A.95; and 116C.03, subdivision 2; Laws 1980, chapter 564, article XII, section 1, subdivision 3, as amended; Laws 1987, chapters 348, section 51, subdivision 1; and 404, section 24, subdivisions 4 and 6; proposing coding for new law in Minnesota Statutes, chapters 115A and 325E; repealing Minnesota Statutes 1986, sections 115A.14, subdivision 6; and 115A.90, subdivision 4; Minnesota Statutes 1987 Supplement, sections 115A.14, subdivision 5; 115A.41; 116.55; and 116M.07, subdivision 14.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Nelson, D.; Long; Anderson, R.; Larsen and Wagenius have been appointed as such committee on the part of the House.

House File No. 2031 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 April 8, 1988

Mr. Merriam moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2031, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2596:

H.F. No. 2596: A bill for an act relating to metropolitan government; creating a legislative task force to monitor performance of metropolitan agencies in complying with certain laws; prescribing the contents of affirmative action plans for metropolitan agencies and a process for approval and reporting of those plans; requiring purchases from businesses owned by socially or economically disadvantaged persons; amending Minnesota Statutes 1986, sections 473.141, subdivision 9; and 473.406, subdivisions 2, 5, 6, and 7; proposing coding for new law in Minnesota Statutes, chapters 3 and 473.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

McLaughlin, Jefferson and Pauly have been appointed as such committee on the part of the House.

House File No. 2596 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 April 8, 1988

Mr. Marty moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2596, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1608: A bill for an act relating to the city of Minneapolis; updating references in its development laws; amending Laws 1980, chapter 595, section 3, subdivisions 1, as amended, 3, 6, and 7; and section 4.

There has been appointed as such committee on the part of the House: Otis, Knuth and Knickerbocker.

Senate File No. 1608 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 8, 1988

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1610: A bill for an act relating to advertising devices; providing for specific service signs relating to rural agricultural businesses and places of worship to be displayed along highways; amending Minnesota Statutes 1986, sections 160.292, subdivisions 2 and 10; 160.293, subdivisions 1 and 3; and 160.295, by adding a subdivision.

There has been appointed as such committee on the part of the House: Lasley, Carruthers and Johnson, V.

Senate File No. 1610 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 8, 1988

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1646: A bill for an act relating to insurance; accident and health;

clarifying certain coverages for newborn infants; amending Minnesota Statutes 1986, section 62A.042.

There has been appointed as such committee on the part of the House: DeBlieck, Skoglund, Orenstein, Quinn and Bishop.

Senate File No. 1646 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 8, 1988

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1955: A bill for an act relating to Ramsey county; authorizing the county to use certain land dedicated as open space for highway purposes; authorizing the sale of certain land.

There has been appointed as such committee on the part of the House: Knuth, Stanius and Trimble.

Senate File No. 1955 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 8, 1988

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2165: A bill for an act relating to environment; requiring persons to notify the pollution control agency of and take steps to avoid air pollution; proposing coding for new law in Minnesota Statutes, chapter 116.

There has been appointed as such committee on the part of the House: Ozment, Milbert and Seaberg.

Senate File No. 2165 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 8, 1988

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to

the following Senate File:

S.F No. 2122: A bill for an act relating to the collection and dissemination of data; proposing classifications of data as private and nonpublic; providing for patient access to medical records; requiring outpatient diagnostic and test results to be retained as part of an individual permanent medical record; amending Minnesota Statutes 1986, sections 13.04, subdivision 4; 13.67; 13.791, subdivision 1; 144.335, subdivision 2; 145.32, subdivision 2; 171.12, by adding a subdivision; and 363.061, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 13 and 221; repealing Minnesota Statutes 1986, section 13.72, subdivision 3.

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

Nelson, D.; Swenson and Orenstein.

Senate File No. 2122 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 8, 1988

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F No. 2214: A bill for an act relating to natural resources; authorizing the commissioner to sell certain surplus lands to local governments for local recreation or natural resource purposes; authorizing the commissioner of natural resources to convey road and flowage easements in certain circumstances; transferring duties and powers of county auditors and treasurers relating to sales of certain classes of state land to the commissioner; transferring the authority to issue state land patents from the governor to the commissioner; specifying the amount above appraised value that the commissioner may pay when acquiring land; authorizing long-term leases of state land for certain purposes; modifying certain provisions of land exchange laws relating to appraisals and fees; implementing exchanges of public land authorized by the constitution; authorizing exchange of school trust land located within a state park; appointing an independent trustee and legal counsel for land exchanges involving school trust land; providing a procedure for exchange of Class B land with Class A or Class C land; authorizing governmental units to exchange land in the same manner as private persons; amending Minnesota Statutes 1986, sections 84.027, by adding a subdivision; 84.631; 85.015, subdivision 1; 92.16, subdivision 1; 92.23; 92.24; 92.26; 92.27; 92.29; 92.50, subdivision 1; 94.342, subdivision 3, and by adding subdivisions; 94.343, subdivisions 3 and 9; 94.344, subdivisions 1, 3, 7, and 10; 94.348; Minnesota Statutes 1987 Supplement, sections 84.0272; and 105.392, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 84 and 92; repealing Minnesota Statutes 1986, section 92.25.

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

Jennings, Knuth and Shaver.

Senate File No. 2214 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 8, 1988

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Mr. Pogemiller moved that S.F. No. 1749 be taken from the table. The motion prevailed.

S.F. No. 1749: A bill for an act relating to the city of Minneapolis; providing conditions for contractors bonds; amending Laws 1980, chapter 595, section 3, by adding a subdivision.

### **CONCURRENCE AND REPASSAGE**

Mr. Pogemiller moved that the Senate concur in the amendments by the House to S.F. No. 1749 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1749: A bill for an act relating to the city of Minneapolis; providing conditions for contractors bonds; providing for postretirement payments for Minneapolis police officers and Minneapolis firefighters, their surviving spouses and dependents; amending Laws 1949, chapter 406, section 5, by adding a subdivision; and Laws 1980, chapter 595, section 3, by adding a subdivision.

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

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

The roll was called, and there were yeas 47 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	DeCramer	Jude	Merriam	Renneke
Beckman	Diessner	Knaak	Metzen	Schmitz
Belanger	Frank	Knutson	Morse	Spear
Benson	Frederick	Laidig	Olson	Storm
Berg	Frederickson, D.J.	Langseth	Pehler	Stumpf
Bernhagen	Frederickson, D.R.	Lantry	Peterson, D.C.	Vickerman
Bertram	Freeman	Larson	Piper	Wegscheid
Brandt	Gustafson	Luther	Pogemiller	
Davis	Johnson, D.E.	McQuaid	Purfeerst	
Decker	Johnson, D.J.	Mehrkens	Ramstad	

Messrs. Marty and Peterson, R.W. voted in the negative.

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

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Ms. Peterson, D.C. moved that S.F. No. 1018 be taken from the table. The motion prevailed.

S.F. No. 1018: A bill for an act relating to crimes; criminal sexual conduct; creating a crime of fifth degree criminal sexual conduct; amending Minnesota Statutes 1986, section 388.051, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609.

**CONCURRENCE AND REPASSAGE**

Ms. Peterson, D.C. moved that the Senate concur in the amendments by the House to S.F. No. 1018 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1018 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:

Anderson	DeCramer	Jude	Mehrken	Purfeirst
Beckman	Diessner	Knaak	Merriam	Ramstad
Belanger	Frank	Knutson	Metzen	Renneke
Benson	Frederick	Laidig	Morse	Schmitz
Berg	Frederickson, D.J.	Langseth	Olson	Spear
Bernhagen	Frederickson, D.R.	Lantry	Pehler	Storm
Bertram	Freeman	Larson	Peterson, D.C.	Stumpf
Brandl	Gustafson	Luther	Peterson, R.W.	Vickerman
Davis	Johnson, D.E.	Marty	Piper	Wegscheid
Decker	Johnson, D.J.	McQuaid	Pogemiller	

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

Mr. Wegscheid moved that S.F. No. 2323 be taken from the table. The motion prevailed.

S.F. No. 2323: A bill for an act relating to financial institutions; authorizing certain investments for banks; amending Minnesota Statutes 1986, sections 48.152, subdivision 10; 48.24, subdivision 5; and 48.61, by adding a subdivision.

Mr. Wegscheid moved that the Senate do not concur in the amendments by the House to S.F. No. 2323, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. Merriam withdrew his notice of reconsideration on S.F. No. 2191.

Mr. Merriam moved that S.F. No. 2572, on Special Orders, be stricken and laid on the table. The motion prevailed.

Mr. Frederickson, D.J. moved that his name be stricken as chief author and the name of Mr. Chmielewski be added as chief author to S.F. No. 1686. The motion prevailed.

Mr. Davis moved that his name be stricken as a co-author to S.F. No. 1686. The motion prevailed.

Mr. Berg moved that his name be stricken as a co-author to S.F. No. 1686. The motion prevailed.

**RECESS**

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

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

**APPOINTMENTS**

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

S.F. No. 2323: Messrs. Wegscheid, Solon and Gustafson.

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

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

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

Mr. Benson introduced—

S.F. No. 2573: A bill for an act relating to traffic regulations; providing for alternative slow-moving vehicle emblem for persons with sincerely held religious beliefs; amending Minnesota Statutes 1987 Supplement, section 169.522, subdivision 1.

Referred to the Committee on Transportation.

Mr. Peterson, R.W. introduced—

S.F. No. 2574: A bill for an act relating to statutory liens; providing for lien statements, attachment, perfection, and priority of statutory liens where it is not otherwise specifically provided; proposing coding for new law in Minnesota Statutes, chapter 514.

Referred to the Committee on Judiciary.

**MEMBERS EXCUSED**

Mr. Wegscheid was excused from the Session of today from 1:00 to 5:00 p.m. Mrs. Adkins was excused from the Session of today from 2:50 to 3:20 p.m. Mr. Solon was excused from the Session of today at 4:20 p.m. Mr. Knaak was excused from the Session of today from 4:45 to 6:00 p.m. Mr. Novak was excused from the Session of today at 6:15 p.m. Mr. Hughes was excused from the Session of today at 6:45 p.m. Mr. Lessard was excused from the Session of today at 6:45 p.m. Mr. Chmielewski was excused from the Session of today at 7:15 p.m. Ms. Berglin was excused from the Session of today at 7:40 p.m. Mr. Moe, R.D. was excused from the Session of today from 7:00 to 8:00 p.m.

**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Monday, April 11, 1988. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate