

EIGHTY-EIGHTH DAY

St. Paul, Minnesota, Friday, April 15, 1988

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Martin F. Rath.

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

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

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 communications were received and referred to the committee indicated.

March 28, 1988

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment as Commissioner of the Department of Revenue is hereby respectfully submitted to the Senate for confirmation as required by law:

John James, 4233 Sheridan Ave. S., Minneapolis, Hennepin County, has been appointed by me, effective December 18, 1987, for a term expiring the first Monday in January, 1991.

(Referred to the Committee on Taxes and Tax Laws.)

Sincerely,
Rudy Perpich, Governor

April 12, 1988

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1988 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1988	Date Filed 1988
1622		474	April 7	April 7
	1459	475	April 12	April 12
	1534	476	April 12	April 12
	1589	477	April 12	April 12
	1731	478	April 12	April 12
	1773	479	April 12	April 12
	1877	480	April 12	April 12
	1923	481	April 12	April 12
	1961	482	April 12	April 12
	1983	483	April 12	April 12
	2000	484	April 12	April 12
	2018	485	April 12	April 12
	2029	486	April 12	April 12
	2086	487	April 12	April 12
	2254	488	April 12	April 12
	2317	489	April 12	April 12
	2422	490	April 12	April 12
	2446	491	April 12	April 12
	2489	492	April 12	April 12
	2546	493	April 12	April 12
	2551	494	April 12	April 12
	2559	495	April 12	April 12
1121		496	April 12	April 12
1632		497	April 12	April 12
1717		498	April 12	April 12
1834		499	April 12	April 12
2264		500	April 12	April 12
2286		501	April 12	April 12
2384		502	April 12	April 12
	1493	503	April 12	April 12

Sincerely,
Joan Anderson Growe
Secretary of State

April 14, 1988

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, signed and deposited in the Office of the Secretary of State, S.F. Nos. 1018, 1328, 1561, 1620, 1700, 1795, 1879, 2117 and 2191.

Sincerely,
Rudy Perpich, Governor

REPORTS OF COMMITTEES

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

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

H.F. No. 2407 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.
2407	2426				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2407 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2407 and insert the language after the enacting clause of S.F. No. 2426, the first engrossment; further, delete the title of H.F. No. 2407 and insert the title of S.F. No. 2426, the first engrossment.

And when so amended H.F. No. 2407 will be identical to S.F. No. 2426, and further recommends that H.F. No. 2407 be given its second reading and substituted for S.F. No. 2426, and that the Senate File be indefinitely postponed.

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

SECOND READING OF HOUSE BILLS

H.F. No. 2407 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Laidig introduced—

Senate Resolution No. 145: A Senate resolution congratulating the Mahtomedi High School Girls Gymnastics Team for winning the 1988 State High School Class A Gymnastics Championship.

Referred to the Committee on Rules and Administration.

Messrs. Ramstad and Jude introduced—

Senate Resolution No. 146: A Senate resolution congratulating the Wayzata High School Boys Basketball Team for winning the Lake Blue Conference Championship.

Referred to the Committee on Rules and Administration.

S.F. No. 2214 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON 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.

April 14, 1988

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2214, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 2214 be further amended as follows:

Pages 2 and 3, delete section 2

Page 3, line 24, reinstate the stricken language

Page 3, line 25, reinstate "requirements are met."

Page 3, line 33, before the period insert "(1) there are no reasonable alternatives to obtain access to the property; and (2) the exercise of the easement will not cause significant adverse environmental or natural resource

management impacts"

Page 10, after line 3, insert:

"Sec. 16. Minnesota Statutes 1986, section 94.342, is amended by adding a subdivision to read:

Subd. 6. [REUNITING AND SEVERING OF SURFACE AND MINERAL INTERESTS.] (a) When making a land exchange, a goal of the land exchange board shall be to reunite the surface interest with the mineral interest whenever possible.

(b) If mineral interests are severed in an exchange, the land exchange board must consider the impact of severed mineral interests on minerals management."

Pages 10 and 11, delete section 18

Page 14, line 22, delete "11" and insert "10" and delete "25" and insert "24"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 29, delete "subdivisions 3 and 9" and insert "subdivision 3"

Page 1, line 31, delete "sections 84.0272; and" and insert "section"

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

Senate Conferees: (Signed) Gene Merriam, Randolph W. Peterson, Dennis R. Frederickson

House Conferees: (Signed) Loren G. Jennings, Daniel J. Knuth, Craig H. Shaver

Mr. Merriam moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2214 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.

S.F. No. 2214 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 53 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Jude	Metzen	Ramstad
Anderson	Davis	Knaak	Moe, R.D.	Reichgott
Beckman	Decker	Kroening	Morse	Renneke
Belanger	Diessner	Lantry	Novak	Samuelson
Benson	Frank	Larson	Olson	Schmitz
Berglin	Frederick	Lessard	Pehler	Spear
Bernhagen	Frederickson, D.J.	Luther	Peterson, D.C.	Storm
Bertram	Frederickson, D.R.	Marty	Peterson, R.W.	Stumpf
Brandl	Hughes	McQuaid	Piper	Taylor
Brataas	Johnson, D.E.	Mehrkins	Pogemiller	
Chmielewski	Johnson, D.J.	Merriam	Purfeerst	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that H.F. No. 2253 be withdrawn from the Committee on Rules and Administration and laid on the table. The motion prevailed.

S.F. No. 1885 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 1885

A bill for an act relating to commerce; motor fuel franchises; regulating certain building alterations; providing remedies; amending Minnesota Statutes 1986, section 80C.146, subdivisions 2 and 3; repealing Laws 1984, chapter 444, section 4, as amended by Laws 1986, chapter 343, section 1.

April 14, 1988

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1885, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from the Solberg amendment and that the Senate concur in the Kelly amendment.

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

Senate Conferees: (Signed) Donna C. Peterson, Mel Frederick, Sam G. Solon

House Conferees: (Signed) Loren A. Solberg, John Sarna, Tony Bennett

Ms. Peterson, D.C. moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1885 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.

S.F. No. 1885 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 46 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Decker	Larson	Olson	Schmitz
Anderson	Diessner	Lessard	Pehler	Spear
Beckman	Frank	Luther	Peterson, D.C.	Storm
Benson	Frederickson, D.I.	Marty	Peterson, R.W.	Stumpf
Berg	Frederickson, D.R.	Mehrkens	Piper	Waldorf
Bernhagen	Freeman	Merriam	Pogemiller	Wegscheid
Bertram	Johnson, D.E.	Metzen	Purfeerst	
Brandl	Jude	Moe, R.D.	Ramstad	
Chmielewski	Knaak	Morse	Renneke	
Davis	Lantry	Novak	Samuelson	

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1268 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 1268

A bill for an act relating to energy and economic development; providing for the powers and duties of the commissioner of energy and economic development; clarifying definitions; authorizing certain Indian tribes to create community energy councils; providing the purpose for which an appropriation may be spent; amending Minnesota Statutes 1986, sections 116J.09; 116J.10; 116J.19, subdivision 6; 116J.36, subdivision 2; 116J.381, subdivision 2; and Laws 1981, chapter 334, section 11, subdivision 1.

April 14, 1988

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1268, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment.

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

Senate Conferees: (Signed) John J. Marty, Don Frank, Dean E. Johnson

House Conferees: (Signed) Clair L. Nelson, Andy Dawkins, David T. Bishop

Mr. Marty moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1268 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.

S.F. No. 1268 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 48 and nays 7, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Knaak	Moe, R.D.	Reichgott
Beckman	Decker	Kroening	Morse	Renneke
Berg	Dicklich	Lantry	Novak	Samuelson
Berglin	Diessner	Larson	Olson	Schmitz
Bernhagen	Frank	Lessard	Pehler	Spear
Bertram	Frederickson, D.J.	Luther	Peterson, D.C.	Stumpf
Brandl	Frederickson, D.R.	Marty	Peterson, R.W.	Taylor
Brataas	Freeman	McQuaid	Piper	Waldorf
Chmielewski	Johnson, D.E.	Merriam	Pogemiller	
Dahl	Jude	Metzen	Purfert	

Those who voted in the negative were:

Anderson
BelangerBenson
Frederick

Mehrkens

Ramstad

Storm

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2055 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 2055

A bill for an act relating to human services; defining terms; requiring that court receive annual reviews of people with indeterminate commitments; providing for court-ordered community-based treatment; defining procedures for community-based commitment; requiring procedures for release before commitment and provisional discharge; appropriating money; amending Minnesota Statutes 1986, sections 253B.02, subdivisions 13, 19, and by adding subdivisions; 253B.03, subdivision 5; 253B.09, subdivision 1; 253B.15, subdivisions 1, 3, 5, 6, 7, and by adding a subdivision; and 253B.16, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 253B; repealing Minnesota Statutes 1986, section 253B.09, subdivision 4.

April 14, 1988

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2055, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 2055 be further amended as follows:

Page 4, line 22, delete "*professional judgment, practice, and standards*" and insert "*community standards of professional practice*"

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

Senate Conferees: (Signed) Linda Berglin, Allan H. Spear, Jim Ramstad

House Conferees: (Signed) Kathleen O. Vellenga, Brad G. Stanius, Phil Carruthers

Ms. Berglin moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2055 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.

S.F. No. 2055 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 53 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Orders of Business of Reports of Committees and Second Reading of Senate Bills. The motion prevailed.

REPORTS OF COMMITTEES

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

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

H.F. No. 2468: A bill for an act relating to economic development; authorizing the commissioner to award set-aside procurements to local small businesses; amending Minnesota Statutes 1986, section 16B.19, subdivision 5; Minnesota Statutes 1987 Supplement, sections 16B.19, subdivision 6; and 645.445, subdivision 5.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1892: A bill for an act relating to corporations; making certain corrections to shareholder protection and corporate take-over legislation; eliminating restrictions on certain business combinations with an interested shareholder after five years; amending Minnesota Statutes 1986, section 80B.03, subdivisions 1 and 6; 302A.243; Minnesota Statutes 1987 Supplement, sections 302A.011, subdivisions 37, 41, 42, 46, 49, 50, and 51; 302A.553, subdivision 3; 302A.671, subdivisions 2, 3, 4, and 4a; and 302A.673.

Reports the same back with the recommendation that the report from the Committee on Judiciary, shown in the Journal for March 22, 1988, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2277: A bill for an act relating to education; establishing a records destruction schedule for chemical abuse preassessment teams; requiring law enforcement reports of certain violations to preassessment teams; amending Minnesota Statutes 1987 Supplement, sections 126.034; 126.035; 126.037; and 260.161, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 126; repealing Minnesota Statutes 1987 Supplement, section 126.033, subdivision 4.

Reports the same back with the recommendation that the report from the Committee on Judiciary, shown in the Journal for March 23, 1988, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

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

S.F. No. 762: A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 4; providing for a senate with six-year terms and a house of representatives with staggered four-year terms.

Reports the same back with the recommendation that the bill do pass. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1892, 2277 and 762 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 2468 was read the second time.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 3:00 p.m. The motion prevailed.

The hour of 3:00 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

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

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 that the House refuses to concur in the Senate amendments to House File No. 2041:

H. F. No. 2041: A bill for an act relating to agriculture; limiting ownership of agricultural land by certain corporations and limited partnerships; amending Minnesota Statutes 1986, section 500.24, subdivision 3; Minnesota Statutes 1987 Supplement, section 500.24, subdivision 2.

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

Brown; Olson, E. and Sparby have been appointed as such committee on the part of the House.

House File No. 2041 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 15, 1988

Mr. Davis moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2041, 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 adopted the recommendation and report of the Conference Committee on House File No. 10, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 10 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 15, 1988

CONFERENCE COMMITTEE REPORT ON 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.

April 14, 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. 10, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendment.

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

House Conferees: (Signed) Steve Wenzel, Randy C. Kelly, Phil Carruthers

Senate Conferees: (Signed) Tad Jude, Allan H. Spear, Donna C. Peterson

Mr. Jude moved that the foregoing recommendations and Conference Committee Report on H.F. No. 10 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. 10 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 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	Kroening	Morse	Samuelson
Benson	Diessner	Laidig	Novak	Spear
Bernhagen	Frank	Lantry	Olson	Storm
Bertram	Frederickson, D.J.	Larson	Pehler	Vickerman
Chmielewski	Frederickson, D.R.	Luther	Peterson, R. W.	Waldorf
Cohen	Hughes	Marty	Piper	Wegscheid
Dahl	Johnson, D.E.	McQuaid	Purfeerst	

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. 421, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 421 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 15, 1988

CONFERENCE COMMITTEE REPORT ON 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.

April 13, 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. 421, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 421 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [144.054] [SUBPOENA POWER.]

The commissioner may, as part of an investigation to determine whether a serious health threat exists or to locate persons who may have been exposed to an agent which can seriously affect their health, issue subpoenas to require the attendance and testimony of witnesses and production of books, records, correspondence, and other information relevant to any matter involved in the investigation. The commissioner or the commissioner's designee may administer oaths to witnesses or take their affirmation. The subpoenas may be served upon any person named therein anywhere in the state by any person authorized to serve subpoenas or other processes in civil actions of the district courts. If a person to whom a subpoena is issued does not comply with the subpoena, the commissioner may apply to the district court in any district and the court shall order the person to comply with the subpoena. Failure to obey the order of the court may be punished by the court as contempt of court. No person may be compelled to disclose privileged information as described in section 595.02, subdivision 1. All information pertaining to individual medical records obtained under this section shall be considered health data under section 13.38. The fees for the service of a subpoena must be paid in the same manner as prescribed by law for a service of process issued out of a district court. Witnesses must receive the same fees and mileage as in civil actions.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

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

House Conferees: (Signed) Paul Anders Ogren, David T. Bishop, Terry M. Dempsey

Senate Conferees: (Signed) Florian Chmielewski, Howard A. Knutson, Pat Piper

Mr. Chmielewski moved that the foregoing recommendations and Conference Committee Report on H.F. No. 421 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. 421 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 45 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Hughes	McQuaid	Peterson, R. W.
Anderson	Dahl	Johnson, D.E.	Mehrkens	Piper
Beckman	Davis	Jude	Merriam	Ramstad
Belanger	Decker	Knaak	Metzen	Reichgott
Benson	DeCramer	Kroening	Morse	Renneke
Berg	Frank	Lantry	Novak	Samuelson
Bernhagen	Frederick	Larson	Olson	Storm
Bertram	Frederickson, D.J.	Luther	Pehler	Vickerman
Chmielewski	Frederickson, D.R.	Marty	Peterson, D.C.	Wegscheid

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. 1844, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1844 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 15, 1988

CONFERENCE COMMITTEE REPORT ON H.F. NO. 1844

A bill for an act relating to courts; prescribing when a referee's orders become effective; amending Minnesota Statutes 1986, section 484.70, subdivision 7.

April 12, 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. 1844, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 1844 be further amended as follows:

Page 2, after line 26, insert:

"Sec. 2. [STUDY TASK FORCE.]

The supreme court, in consultation with the association of Minnesota counties, shall appoint a task force to study the relationship between the district court and the counties of the state and to make recommendations regarding the control and financing of the district courts. The task force shall report its findings and recommendations to the legislature by February 1, 1989."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring a study of the

control and financing of the district courts;"

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

House Conferees: (Signed) Kathleen O. Vellenga, Randy C. Kelly, Jean D. Wagenius

Senate Conferees: (Signed) Richard J. Cohen, Howard A. Knutson, Randolph W. Peterson

Mr. Cohen moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1844 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. 1844 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 1, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Jude	Merriam	Reichgott
Anderson	Decker	Knaak	Metzen	Renneke
Beckman	DeCramer	Kroening	Moe, R.D.	Samuelson
Belanger	Diessner	Laidig	Novak	Schmitz
Benson	Frank	Lantry	Olson	Spear
Berg	Frederick	Larson	Peterson, D.C.	Storm
Berglin	Frederickson, D.I.	Luther	Piper	Vickerman
Bernhagen	Frederickson, D.R.	Marty	Pogemiller	Waldorf
Bertram	Hughes	McQuaid	Purfeerst	Wegscheid
Cohen	Johnson, D.E.	Mehrkens	Ramstad	

Mr. Morse voted in the negative.

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2323 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON 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.

April 14, 1988

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2323, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment.

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

Senate Conferees: (Signed) Darril Wegscheid, Sam G. Solon, Jim Gustafson

House Conferees: (Signed) Jeff Bertram, Linda J. Scheid, Gerald Knickerbocker

Mr. Wegscheid moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2323 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.

S.F. No. 2323 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 53 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Jude	Merriam	Reichgott
Anderson	Decker	Knaak	Metzen	Renneke
Beckman	DeCramer	Kroening	Moe, R.D.	Samuelson
Belanger	Frank	Laidig	Morse	Schmitz
Benson	Frederickson, D.I.	Lantry	Novak	Spear
Berg	Frederickson, D.R.	Larson	Olson	Storm
Berglin	Freeman	Lessard	Pehler	Vickerman
Bernhagen	Gustafson	Luther	Peterson, D.C.	Waldorf
Bertram	Hughes	Marty	Piper	Wegscheid
Cohen	Johnson, D.E.	McQuaid	Purfeerst	
Dahl	Johnson, D.J.	Mehrkens	Ramstad	

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1769 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON 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.

April 14, 1988

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1769, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 1769 be further amended as follows:

Page 8, lines 23 and 26, delete "\$15,000" and insert "\$8,500"

Page 11, line 6, delete "(7)" and insert "(6)"

Amend the title as follows:

Page 1, line 4, delete "comparable worth and"

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

Senate Conferees: (Signed) Ember D. Reichgott, Donald A. Storm, Donna C. Peterson

House Conferees: (Signed) Loren A. Solberg, Randy C. Kelly, David T. Bishop

Ms. Reichgott moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1769 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.

S.F. No. 1769 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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2226 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 2226

A bill for an act relating to state government; amending certain provisions governing advisory councils, committees, and task forces; amending Minnesota Statutes 1986, sections 3.922, subdivision 3; 3.9225, subdivision 1; 3.9226, subdivision 1; 6.65; 15.059, subdivision 5; 79.51, subdivision 4; 84B.11, subdivision 1; 85A.02, subdivision 4; 115.54; 116C.59, subdivisions 1, 2, and 4; 116C.839; 121.83; 124.48, subdivision 3; 126.56, subdivision 5; 128A.03, subdivision 3; 135A.05; 136A.02, subdivision 7;

138.97, subdivision 3; 162.02, subdivision 2; 162.09, subdivision 2; 174.031, subdivision 2; 175.008; 182.653, subdivision 4e; 214.141; 248.10, subdivision 2; 254A.035, subdivision 2; 256C.28, subdivision 2; 299F.097; 611A.34, subdivision 1; 611A.71, by adding a subdivision; Minnesota Statutes 1987 Supplement, sections 15.059, subdivision 6; 16B.20, subdivision 2; 43A.316, subdivision 4; 115A.12, subdivision 1; 116J.971, by adding a subdivision; 120.17, subdivision 11a; 121.934, subdivision 1; 123.935, subdivision 7; 126.665; 129C.10, subdivision 3; 136A.02, subdivision 6; 144.672, subdivision 1; 175.007, subdivision 1; 245.697, subdivision 1; 245.97, subdivision 6; 246.56, subdivision 2; 256.482, subdivision 1; 256.73, subdivision 7; 256B.064, subdivision 1a; 256B.27, subdivision 3; 256B.433, subdivisions 1 and 4; 299A.23, subdivision 2; 299J.06, subdivision 4; repealing Minnesota Statutes 1986, sections 116J.04; 160.80, subdivision 6; 177.28, subdivision 2; 326.66; Minnesota Statutes 1987 Supplement, section 115A.12, subdivision 2.

April 14, 1988

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2226, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 2226 be further amended as follows:

Page 1, lines 38 and 39, delete "*and expiration of the council*"

Page 2, line 6, after the period, insert "*The council expires on June 30, 1993.*"

Page 2, after line 6, insert:

"Sec. 2. Minnesota Statutes 1986, section 3.922, subdivision 8, is amended to read:

Subd. 8. [ADVISORY COUNCIL.] An advisory council on urban Indians is created to advise the board on the unique problems and concerns of Minnesota Indians who are residing in urban areas of the state. The council shall be appointed by the board and shall consist of five Indians residing in the vicinity of Minneapolis, St. Paul and Duluth. At least one member of the council shall be a resident of each of the aforementioned cities. The ~~council shall expire~~, and terms, compensation and removal of members shall be as provided in section 15.059. *The council expires on June 30, 1993.*

Sec. 3. Minnesota Statutes 1986, section 3.9223, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP] There is created a state council on affairs of Spanish-speaking people to consist of seven members appointed by the governor. The demographic composition of the council members shall accurately reflect the demographic composition of Minnesota's Spanish-speaking community, including migrant workers, as determined by the state demographer. Membership, terms, ~~compensation~~, removal of members and filling of vacancies shall be as provided in section 15.0575. *Compensation of members is as provided in section 15.059, subdivision*

3. The council shall annually elect from its membership a chair and other officers it deems necessary. The council ~~shall expire~~ *expires* on the date provided by section 15.059, subdivision 5 June 30, 1993."

Page 2, lines 15 and 16, delete ", and expiration of the council"

Page 2, line 22, after the period, insert "*The council expires on June 30, 1993.*"

Page 2, line 30, delete "*and expiration of the council*"

Page 2, line 36, after the period, insert "*The council expires on June 30, 1993.*"

Page 3, after line 13, insert:

"Sec. 7. Minnesota Statutes 1987 Supplement, section 15.059, subdivision 3, is amended to read:

Subd. 3. [COMPENSATION.] Members of the advisory councils and committees shall be compensated at the rate of *at least* \$35 per day spent on council or committee activities, when authorized by the council or committee, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted pursuant to section 43A.18, subdivision 2. *The state agency that provides funding for the advisory council or committee may authorize compensation of up to \$55 per day spent on council or committee activities.* Members who, as a result of time spent attending council or committee meetings, incur child care expenses that would not otherwise have been incurred, may be reimbursed for those expenses upon council or committee authorization. If members who are state employees or employees of political subdivisions receive the ~~\$35 per day daily compensation~~, and if the major part of their activities occur during normal working hours for which they are also compensated by the state or political subdivision, the employer shall deduct the ~~\$35 daily compensation~~ from the employee's compensation for the day. In no other case shall a member who is an employee of the state or a political subdivision suffer a loss in compensation or benefits from the state or political subdivision as a result of service on the council or committee. Members who are full-time state employees or full-time employees of the political subdivisions of the state may receive the expenses provided for in this section unless the expenses are reimbursed by another source. Members who are state employees or employees of political subdivisions of the state may be reimbursed for child care expenses only for time spent on board activities that are outside their normal working hours."

Page 3, line 16, strike "an earlier" and insert "*a different*"

Page 4, after line 14, insert:

"Sec. 10. Minnesota Statutes 1986, section 15.0591, subdivision 1, is amended to read:

Subdivision 1. [ADDITION OF MEMBERS.] The membership of state boards, commissions, advisory councils, task forces, or committees listed in subdivision 2 *that have more than three public members* shall include at least one member, 60 years of age or over. *For purposes of this section, a public member is a person who is not a representative of a specified business, occupation, industry, political subdivision, organization, or other grouping of persons other than geographical regions.* At least one of the

members over 60 shall not be actively engaged in or retired from an occupation, profession, or industry, if any, to be regulated."

Page 4, after line 25, insert:

"Sec. 12. Minnesota Statutes 1986, section 16B.27, subdivision 3, is amended to read:

Subd. 3. [COUNCIL.] The governor's residence council consists of the following 15 members: the commissioner; the spouse, or a designee of the governor; the executive director of the Minnesota state arts board; the director of the Minnesota historical society; a member of the senate appointed pursuant to the rules of the senate; a member of the house of representatives appointed pursuant to the rules of the house of representatives; seven persons appointed by the governor including one in the field of higher education, one member of the American Society of Interior Designers, Minnesota Chapter, one member of the American Institute of Architects, Minnesota chapter, one member of the American Society of Landscape Architects, Minnesota Chapter, one member of the family that donated the governor's residence to the state, if available, and four public members. Members of the council serve without compensation. Membership terms, removal, and filling of vacancies for members appointed by the governor are governed by section 15.0575. The council shall elect a chair and a secretary from among its members. The council shall ~~expire~~ *expires on the date provided by section 15.059, subdivision 5 June 30, 1993.*"

Page 9, line 9, delete "*as provided in section 15.059, subdivision 5*" and insert "*on June 30, 1993*"

Page 9, line 20, delete everything after "[EXPIRATION.]" and insert "*Sections 116J.970 and 116J.971 are repealed June 30, 1993.*"

Page 9, delete line 21

Page 25, lines 17 and 18, delete "*as provided in section 15.059, subdivision 5*" and insert "*on June 30, 1993*"

Page 27, line 2, delete "*as provided in section 15.059, subdivision 5*" and insert "*on June 30, 1993*"

Page 28, lines 15 and 16, strike "*as provided in section 15.059*" and insert "*on June 30, 1993*"

Page 32, lines 18 and 19, delete "*as provided in section 15.059, subdivision 5*" and insert "*on June 30, 1993*"

Page 32, after line 35, insert:

"Sec. 62. [TASK FORCE ON GENETICALLY ENGINEERED ORGANISMS.]

Subdivision 1. [TASK FORCE MEMBERSHIP] The environmental quality board shall appoint a task force on genetically engineered organisms with membership consisting of:

(1) two representatives of the scientific community who have expertise in the techniques and applications of genetic engineering and one representative of the biotechnological industry;

(2) a representative of the department of health whose work involves expertise in environmental health issues;

(3) a representative of the department of agriculture whose work involves

expertise in animal health or pesticide issues;

- (4) a representative of the pollution control agency;*
- (5) a representative of the department of natural resources;*
- (6) a representative of the department of trade and economic development;*
- (7) a member of the environmental quality board;*
- (8) a person who has a background in environmental protection;*
- (9) a representative of a farming organization who has a background in agriculture;*
- (10) a representative of a food organization who has a background in nutrition;*
- (11) a person with demonstrated expertise in microbiology;*
- (12) a person with demonstrated expertise in epidemiology; and*
- (13) a person with demonstrated expertise in biological sciences.*

The members shall serve without compensation.

Subd. 2. [CHAIR.] The environmental quality board shall appoint the chair of the task force, who is responsible for convening meetings of the task force.

Subd. 3. [STAFF] The board must provide administrative and staff assistance to the task force upon request.

Sec. 63. [POWERS AND DUTIES.]

Subdivision 1. [STUDY ISSUES.] The task force shall study:

- (1) existing United States; international, including Canada, Germany, and Japan; other state and Minnesota laws and regulations governing the release of genetically engineered organisms to determine their adequacy in governing the release of genetically engineered organisms;*
- (2) whether additional state laws or local government regulations are necessary to govern the release of genetically engineered organisms; and*
- (3) any additional issues surrounding the release of genetically engineered organisms that the task force believes are necessary to address.*

Subd. 2. [REPORT.] The task force shall issue a report with recommendations, including any recommendations for legislation, to the governor and the legislature by January 1, 1989. Copies of the report must be available to the general public."

Page 33, line 4, after the period, insert "Sections 62 and 63 are repealed July 1, 1989."

Page 33, line 6, delete "57" and insert "61 and 64"; after the period insert "Sections 62 and 63 are effective the day following final enactment."

ReNUMBER all sections in sequence

Amend the title as follows:

Page 1, line 5, delete "subdivision 3" and insert "subdivisions 3 and 8; 3.9223, subdivision 1"

Page 1, line 6, after "5;" insert "15.0591, subdivision 1; 16B.27, subdivision 3;"

Page 1, line 18, before "6" delete "subdivision" and insert "subdivisions 3 and"

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

Senate Conferees: (Signed) Lawrence J. Pogemiller, Michael O. Freeman, Dennis R. Frederickson

House Conferees: (Signed) Daniel J. Knuth, Wayne Simoneau, Gil Gutknecht

Mr. Pogemiller moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2226 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.

S.F. No. 2226 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 57 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Peterson, R.W. voted in the negative.

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1462 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 1462

A bill for an act relating to housing; creating a low-income housing trust account; providing for the uses of the account; placing certain requirements on real estate trust accounts; appropriating money; amending Minnesota Statutes 1986, sections 82.24, by adding a subdivision; and 82.34, subdivisions 6 and 15; Minnesota Statutes 1987 Supplement, section 82.17, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 462A.

April 14, 1988

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1462, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 1462 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1987 Supplement, section 82.17, subdivision 6, is amended to read:

Subd. 6. "Trust account" means, for purposes of this chapter, a savings account, negotiable order of withdrawal account, demand deposit or checking account maintained for the purpose of segregating trust funds from other funds. A trust account ~~shall not~~ *must* be an interest bearing account ~~except by agreement of the parties and subject to rules of the commissioner,~~ *paying the highest current passbook savings account rate of interest and shall not* allow the financial institution a right of set off against money owed it by the licensee.

Sec. 2. Minnesota Statutes 1986, section 82.24, is amended by adding a subdivision to read:

Subd. 8. [ACCRUED INTEREST.] (a) Each broker shall maintain a pooled interest-bearing trust account for deposit of client funds. The interest accruing on the trust account, less reasonable transaction costs, must be paid to the state treasurer for deposit in the housing trust fund account created under section 5 unless otherwise specified pursuant to an expressed written agreement between the parties to a transaction.

(b) For an account created under paragraph (a), each broker shall direct the financial institution to:

(1) pay the interest, less reasonable transaction costs, computed in accordance with the financial institution's standard accounting practice, at least quarterly, to the state treasurer; and

(2) send a statement to the state treasurer showing the name of the broker for whom the payment is made, the rate of interest applied, the amount of service charges deducted, and the account balance for the period in which the report is made.

The state treasurer shall credit the amount collected under this subdivision to the housing trust fund account established in section 5.

Sec. 3. Minnesota Statutes 1986, section 82.34, subdivision 6, is amended to read:

Subd. 6. The commissioner may expend money as appropriated for the following purposes:

(a) To promote the advancement of education and research in the field of real estate for the benefit of those licensed under this chapter;

(b) To underwrite educational seminars and other forms of educational projects for the benefit of real estate licensees;

(c) To establish a real estate chair or courses at Minnesota state institutions of higher learning for the purpose of making such courses available to licensees and the general public;

(d) To contract for a particular educational or research project in the field of real estate to further the purposes of this chapter;

(e) To pay the costs of the real estate advisory council established under section 82.30; ~~and~~

(f) To pay any reasonable costs and disbursements, excluding attorney's fees, incurred in defending actions against the real estate education, research and recovery fund including the cost of mailing or publication of notice pursuant to subdivisions 12 and 14; *and*

(g) To provide information to the public on housing issues, including but not limited to, environmental safety and housing affordability.

Sec. 4. Minnesota Statutes 1986, section 82.34, subdivision 15, is amended to read:

Subd. 15. Any sums received by the commissioner pursuant to any provisions of this section shall be deposited in the state treasury, and credited to the real estate education, research and recovery fund, and said sums shall be allocated exclusively for the purposes provided in this section. All moneys in the fund are appropriated annually to the commissioner for the purposes of this section.

All money credited to the fund under section 5 may only be used for purposes under subdivision 6, clause (g). Beginning in 1990, the commissioner must, on February 1 of each year, review the amount of money spent or allocated for uses under subdivision 6, clause (g), for the previous calendar year. If the amount spent or allocated is less than the amount credited to the fund under section 5 during the same calendar year, the difference must be transferred from the fund to the housing trust fund account established in section 5.

Sec. 5. [462A.201] [HOUSING TRUST FUND ACCOUNT.]

Subdivision 1. [CREATION.] (a) The housing trust fund account is created as a separate account in the housing development fund.

(b) The housing trust fund account consists of:

(1) money appropriated and transferred from other state funds;

(2) interest accrued from real estate trust accounts as provided under section 2;

(3) gifts, grants, and donations received from the United States, private foundations, and other sources; and

(4) money made available to the agency for the purpose of the account from other sources.

Subd. 2. [LOW-INCOME HOUSING.] The agency may, in consultation with the advisory committee, use money from the housing trust fund account to provide loans or grants for projects for the development, construction, acquisition, preservation, and rehabilitation of low-income rental and limited equity cooperative housing units. At least 75 percent of the units must be rented to or cooperatively owned by persons and families whose income at the time the person or family originally occupied the unit was at or

below 30 percent of the median family income for the metropolitan area as defined in section 473.121, subdivision 2. In making the grants, the agency shall determine the terms and conditions of repayment and the appropriate security, if any, should repayment be required. To promote the geographic distribution of grants and loans, the agency may designate a portion of the grant or loan awards to be set aside for projects located in specified congressional districts or other geographical regions specified by the agency. The agency may adopt emergency and permanent rules for awarding grants and loans under this subdivision. The emergency rules are effective for 180 days or until the permanent rules are adopted, whichever occurs first.

Subd. 3. [MATCHING FUNDS.] The agency may use money from the housing trust fund account to match federal, local, or private money to be used for projects authorized under subdivision 2.

Subd. 4. [ADVISORY COMMITTEE.] The agency shall establish an eight member advisory committee under section 15.059 to advise or assist the agency in providing loans or grants from the housing trust fund account. Members of the committee must represent the interests of realtors, lenders, nonprofit developers, apartment owners, low income persons, housing advocates, advocates for the homeless, and single or multifamily builders. Members of the committee shall be reimbursed for expenses but shall not receive any other compensation for services on the committee. Money in the housing trust fund account may be used for the expenses of the advisory committee and the agency related to the development and implementation of the program described in this section.

Subd. 5. [TRANSFERS FOR EDUCATION.] On July 15 and January 15 each year the agency shall transfer from the housing trust account to the real estate education, research, and recovery fund established in section 82.34, subdivision 1, five percent of the money credited to the housing trust fund account under section 2 during the preceding six months. The amount necessary to make the transfers is appropriated from the housing trust account.

Subd. 6. [REPORT.] The agency shall report to the legislature and the governor annually on the use of the housing trust fund account including the number of loans and grants made, the number and types of residential units assisted through the account, and the number of residential units assisted through the account that were rented to or cooperatively owned by persons or families at or below 30 percent of the median family income of the metropolitan area at the time of initial occupancy.

Sec. 6. [EFFECTIVE DATE.]

Section 5 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to housing; creating a low-income housing trust fund account; providing for the uses of the account; placing certain requirements on real estate trust fund accounts; amending Minnesota Statutes 1986, sections 82.24, by adding a subdivision; and 82.34, subdivisions 6 and 15; Minnesota Statutes 1987 Supplement, section 82.17, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 462A."

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

Senate Conferees: (Signed) Gregory L. Dahl, Don Frank, Jim Gustafson

House Conferees: (Signed) Karen Clark, Todd H. Otis, Connie Morrison

Mr. Dahl moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1462 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.

S.F. No. 1462 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 58 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Peterson, R.W. voted in the negative.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that H.F. No. 2253 be taken from the table. The motion prevailed.

H.F. No. 2253: A bill for an act relating to corporations; making certain corrections to shareholder protection and corporate take-over legislation; eliminating restrictions on certain business combinations with an interested shareholder after five years; amending Minnesota Statutes 1986, sections 80B.03, subdivisions 1 and 6; and 302A.243; Minnesota Statutes 1987 Supplement, sections 302A.011, subdivisions 37, 41, 42, 46, 49, 50, and 51; 302A.553, subdivision 3; 302A.671, subdivisions 1, 2, 3, 4, and 4a; and 302A.673.

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. 2253 and that the rules of the Senate be so far suspended as to give H.F. No. 2253 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 2253 was read the second time.

Ms. Reichgott moved to amend H.F. No. 2253 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 2253, and insert the language after the enacting clause, and the title, of S.F. No. 1892, the first engrossment.

The motion prevailed. So the amendment was adopted.

Mr. Luther moved to amend H.F. No. 2253, as amended by the Senate April 15, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 1892.)

Pages 14 and 15, delete section 12 and insert:

"Sec. 12. Minnesota Statutes 1987 Supplement, section 302A.671, subdivision 1, is amended to read:

Subdivision 1. [AUTHORIZATION IN ARTICLES.] (a) Unless otherwise expressly provided in the articles or in bylaws approved by the shareholders of an issuing public corporation, this section applies to a control share acquisition consummated, or a proposed control share acquisition with respect to which an information statement has been received by the issuing public corporation, on or before July 31, ~~1989~~ 1990.

Unless otherwise expressly provided in the articles or in bylaws approved by the shareholders of an issuing public corporation, this section does not apply to a control share acquisition consummated after July 31, ~~1989~~ 1990, with respect to which no information statement has been received by the issuing public corporation, on or before July 31, ~~1989~~ 1990.

(b) The shares of an issuing public corporation acquired by an acquiring person in a control share acquisition that exceed the threshold of voting power of any of the ranges specified in subdivision 2, paragraph (d), shall have only the voting rights as shall be accorded to them pursuant to subdivision 4a."

Page 23, delete lines 7 and 8 and insert "months after the vote of shareholders, or August 1, ~~1989~~ 1990, whichever date is earlier, and provides that, except as provided"

Page 24, after line 3, insert:

"This section applies to any business combination of an issuing public corporation to which it previously did not apply because of provisions in articles or bylaws adopted or approved under paragraph (b), clause (1), (2), or (3), upon an amendment to the articles or bylaws approved by shareholders holding a majority of the outstanding voting power of all shares entitled to vote expressly electing to be subject to this section becoming effective. This section does not apply to any business combination of the corporation with, with respect to, proposed by or on behalf of, or pursuant to any written or oral agreement, arrangement, relationship, understanding, or otherwise with any person that would have been an interested shareholder on the effective date of the amendment if this section had been applicable."

Page 24, line 4, after the stricken "(e)" insert "(d)" and reinstate the stricken "Unless the articles or bylaws approved by the"

Page 24, lines 5 to 10, reinstate the stricken language

Page 24, line 11, reinstate the stricken "acquisition date is on or after August 1," and after the stricken "1989" insert "1990" and reinstate the stricken ", or an affiliate"

Page 24, line 12, reinstate the stricken language

Page 24, delete lines 13 to 26

CALL OF THE SENATE

Mr. Luther imposed a call of the Senate for the balance of the proceedings on H.F. No. 2253. 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 32 and nays 31, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Moe, D.M.	Purfeerst
Beckman	Frank	Kroening	Moe, R.D.	Renneke
Benson	Frederickson, D.J.	Langseth	Morse	Samuelson
Berg	Frederickson, D.R.	Lantry	Pehler	Waldorf
Dahl	Freeman	Larson	Peterson, D.C.	
Decker	Hughes	Luther	Peterson, R.W.	
DeCramer	Jude	McQuaid	Piper	

Those who voted in the negative were:

Anderson	Cohen	Lessard	Pogemiller	Stumpf
Belanger	Davis	Marty	Ramstad	Vickerman
Berglin	Dicklich	Mehrkins	Reichgott	Wegscheid
Bernhagen	Gustafson	Merriam	Schmitz	
Bertram	Johnson, D.E.	Metzen	Solon	
Brandl	Johnson, D.J.	Novak	Spear	
Chmielewski	Laidig	Olson	Storm	

The motion prevailed. So the amendment was adopted.

H.F. No. 2253 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1742 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON 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.

April 14, 1988

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1742, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 1742 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1987 Supplement, section 500.24, subdivision 6, is amended to read:

Subd. 6. [DISPOSAL OF LAND.] (a) A state or federal agency or a corporation, other than a family farm corporation or an authorized farm corporation, may not lease or sell agricultural land or a farm homestead that was acquired by enforcing a debt against the agricultural land or farm homestead, including foreclosure of a mortgage, accepting a deed in lieu of foreclosure, terminating a contract for deed, or accepting a deed in lieu of terminating a contract for deed, before offering or making a good faith effort to offer the land for sale or lease to the immediately preceding former owner at a price no higher than the highest price offered by a third party that is acceptable to the seller or lessor. The offer must be made on the notice to offer form under subdivision 7. Selling or leasing property to a third party at a price is prima facie evidence that the price is acceptable to the seller or lessor. *The seller must provide written notice to the immediately preceding former owner that the agricultural land or farm homestead will be offered for sale at least 14 days before the agricultural land or farm homestead is offered for sale.*

(b) An immediately preceding former owner is the entity with record legal title to the agricultural land or farm homestead before acquisition by the state or federal agency or corporation except: if the immediately preceding former owner is a bankruptcy estate, the debtor in bankruptcy is the immediately preceding former owner; and if the agricultural land or farm homestead was acquired by termination of a contract for deed or deed in lieu of termination of a contract for deed, the immediately preceding former owner is the purchaser under the contract for deed.

(c) An immediately preceding former owner may elect to purchase or lease the entire property or an agreed to portion of the property. If the immediately preceding former owner elects to purchase or lease a portion of the property, the election must be reported in writing to the seller or lessor prior to the time the property is first offered for sale or lease. If election is made to purchase or lease a portion of the property, the portion must be contiguous and compact so that it does not unreasonably reduce access to or the value of the remaining property.

~~(b)~~ (d) For purposes of this subdivision, the term "a price no higher than

the highest price offered by a third party" means the acceptable cash price offered by a third party or the acceptable time-price offer made by a third party. A cash price offer is one that involves simultaneous transfer of title for payment of the entire amount of the offer. If the acceptable offer made by a third party is a time-price offer, the seller or lessor must make the same time-price offer or an equivalent cash offer to the immediately preceding former owner. An equivalent cash offer is equal to the total of the payments made over a period of the time-price offer discounted by yield curve of the United States treasury notes and bonds on the first business day of the month in which the offer is personally delivered or mailed for time periods similar to the time period covered by the time-price offer, plus 2.0 percent. A time-price offer is an offer that ~~defers payment of a portion of the price and does not involve a transfer of fee title until payment of the entire amount of the offer is made~~ *is financed entirely or partially by the seller and includes an offer to purchase under a contract for deed or mortgage. An equivalent cash offer is not required to be made if the state participates in an offer to a third party through the rural finance authority.*

(e) (e) This subdivision applies to a seller when the property is sold and to a lessor each time the property is leased, for five years after the agricultural land is acquired except:

(1) an offer to lease to the immediately preceding former owner is required only until the immediately preceding owner fails to accept an offer to lease the property or the property is sold; and

(2) an offer to sell to the immediately preceding former owner is required until the property is sold; and

(3) *if the immediately preceding former owner elects to lease or purchase a portion of the property, this subdivision does not apply to the seller with regard to the balance of the property after the election is made under paragraph (c).*

(d) (f) The notice of an offer under subdivision 7 that is personally delivered with a signed receipt or sent by certified mail with a receipt of mailing to the immediately preceding former owner's last known address is a good faith offer.

(e) (g) This subdivision does not apply to a sale or lease that occurs after the seller or lessor has held the property for five years or longer.

(f) (h) For purposes of this subdivision, if the immediately preceding former owner is a bankruptcy estate the debtor in the bankruptcy is the immediately preceding owner.

(g) (i) The immediately preceding former owner must exercise the right to lease *all or a portion of the* agricultural land or a homestead located on agricultural land in writing within 15 days after an offer to lease under this subdivision is mailed with a receipt of mailing or personally delivered. *If election is made to lease only the homestead or a portion of the agricultural land, the portion to be leased must be clearly identified in writing.* The immediately preceding former owner must exercise the right to buy the agricultural land, *a portion of the agricultural land,* or a farm homestead located on agricultural land, in writing, within 65 days after an offer to buy under this subdivision is mailed with a receipt of mailing or is personally delivered. Within ten days after exercising the right to lease or buy by accepting the offer, the immediately preceding owner must fully perform

according to the terms of the offer including paying the amounts due. A seller may sell and a lessor may lease the agricultural land or farm homestead subject to this subdivision to the third party in accordance with their lease or purchase agreement if:

(1) the immediately preceding former owner does not accept an offer to lease or buy before the offer terminates; or

(2) the immediately preceding former owner does not perform the obligations of the offer, including paying the amounts due, within ten days after accepting the offer.

(h) (j) A certificate indicating whether or not the property contains agricultural land or a farm homestead that is signed by the county assessor where the property is located and recorded in the office of the county recorder or the registrar of titles where the property is located is prima facie evidence of whether the property is agricultural land or a farm homestead.

(i) (k) As prima facie evidence that an offer to sell or lease agricultural land or a farm homestead has terminated, a receipt of mailing the notice under subdivision 7 and an affidavit, signed by a person authorized to act on behalf of a state, federal agency, or corporation selling or leasing the agricultural land or a farm homestead may be filed in the office of the county recorder or registrar of titles of the county where the agricultural land or farm homestead is located. The affidavit must state that:

(1) notice of an offer to buy or lease the agricultural land or farm homestead was provided to the immediately preceding former owner at a price not higher than the highest price offered by a third party that is acceptable;

(2) the time during which the immediately preceding former owner is required to exercise the right to buy or lease the agricultural land or farm homestead has expired;

(3) the immediately preceding former owner has not exercised the right to buy or lease the agricultural land or farm homestead as provided in this subdivision or has accepted an offer and has not fully performed according to the terms of the offer; and

(4) the offer to the immediately preceding former owner has terminated.

(j) (l) The right of an immediately preceding former owner to receive an offer to lease or purchase agricultural land under this subdivision or to lease or purchase at a price no higher than the highest price offered by a third party that is acceptable to the seller or lessor may be extinguished or limited by an express statement signed by the immediately preceding owner that complies with the plain language requirements of section 325G.31. The right may not be extinguished or limited except by the:

(1) an express statement in a deed in lieu of foreclosure ~~of~~ of the agricultural land;

(2) an express statement in a deed in lieu of a termination of a contract for deed for the agricultural land;

(3) an express statement conveying the right to the state or federal agency or corporation owning the agricultural land that is required to make an offer under this subdivision, however, the preceding former owner may rescind the conveyance by notifying the state or federal agency or corporation in writing within 20 calendar days after signing the express statement;

(4) to cure a title defect, an express statement conveying the right may be made to a person to whom the agricultural land has been transferred by the state or federal agency or corporation; or

(5) an express statement conveying the right to a contract for deed vendee to whom the agricultural land or farm homestead was sold under a contract for deed by the immediately preceding former owner if the express statement and the contract for deed are recorded.

~~(k)~~ (m) The right of an immediately preceding former owner to receive an offer to lease or purchase agricultural land under this subdivision may not be assigned or transferred except as provided in paragraph (l), but may be inherited.

(n) An immediately preceding former owner, except a former owner who is actively engaged in farming as defined in section 500.24, subdivision 2, paragraph (a), and who agrees to remain actively engaged in farming on a portion of the agricultural land or farm homestead for at least one year after accepting an offer under this subdivision, may not sell agricultural land acquired by accepting an offer under this subdivision if the arrangement of the sale was negotiated or agreed to prior to the former owner accepting the offer under this subdivision. A person who sells property in violation of this paragraph is liable for damages plus reasonable attorney fees to a person who is damaged by a sale in violation of this paragraph. There is a rebuttable presumption that a sale by an immediately preceding former owner is in violation of this paragraph if the sale takes place within 180 days of the former owner accepting the offer under this subdivision. This paragraph does not apply to a sale by an immediately preceding former owner to the owner's spouse, the owner's parents, the owner's sisters and brothers, the owner's spouse's sisters and brothers, or the owner's children.

Sec. 2. Minnesota Statutes 1987 Supplement, section 500.24, subdivision 7, is amended to read:

Subd. 7. [NOTICE OF OFFER.] (a) The state, a federal agency, or a corporation subject to subdivision 6 must provide a notice of an offer to sell or lease agricultural land substantially as follows, after inserting the appropriate terms within the parentheses:

"NOTICE OF OFFER TO (LEASE, BUY) AGRICULTURAL LAND

TO: (. Immediately preceding former owner)

FROM: (. The state, federal agency, or corporation
subject to subdivision 6)

DATE: (. date notice is mailed or personally delivered)

(. The state, federal agency, or corporation) HAS ACQUIRED THE AGRICULTURAL LAND DESCRIBED BELOW AND HAS RECEIVED AN ACCEPTABLE OFFER TO (LEASE, SELL) THE AGRICULTURAL LAND FROM ANOTHER PARTY. UNDER MINNESOTA STATUTES, SECTION 500.24, SUBDIVISION 6, AN OFFER FROM (. the state, federal agency, or corporation) MUST BE MADE TO YOU AT A PRICE NO HIGHER THAN THE HIGHEST OFFER MADE BY ANOTHER PARTY.

THE AGRICULTURAL LAND BEING OFFERED CONTAINS APPROXIMATELY (. approximate number of acres) ACRES AND IS INFORMALLY DESCRIBED AS FOLLOWS:

(Informal description of the agricultural land being offered that reasonably describes the land. This description does not need to be a legal description.)

(. The state, federal agency, or corporation) OFFERS TO (SELL, LEASE) THE AGRICULTURAL LAND DESCRIBED ABOVE FOR A CASH PRICE OF \$(. cash price or equivalent cash price for lease and lease period, or cash price or equivalent cash price for sale of land), WHICH IS NOT HIGHER THAN THE PRICE OFFERED BY ANOTHER PARTY. THE PRICE IS OFFERED ON THE FOLLOWING TERMS:

(Terms, if any, of acceptable offer)

IF YOU WANT TO ACCEPT THIS OFFER YOU MUST NOTIFY (. the state, federal agency, or corporation) IN WRITING THAT YOU ACCEPT THE OFFER OR SIGN UNDERNEATH THE FOLLOWING PARAGRAPH AND RETURN A COPY OF THIS NOTICE BY (15 for a lease, 65 for a sale) DAYS AFTER THIS NOTICE IS PERSONALLY DELIVERED OR MAILED TO YOU. THE OFFER IN THIS NOTICE TERMINATES ON (. date of termination - 15 days for lease and 65 days for sale after date of mailing or personal delivery).

ACCEPTANCE OF OFFER

I ACCEPT THE OFFER TO (BUY, LEASE) THE AGRICULTURAL LAND DESCRIBED ABOVE AT THE PRICE OFFERED TO ME IN THIS NOTICE. AS PART OF ACCEPTING THIS OFFER I WILL PERFORM ACCORDING TO THE TERMS OF THE OFFER, INCLUDING MAKING PAYMENTS DUE UNDER THE OFFER, WITHIN TEN DAYS AFTER THE DATE I ACCEPT THIS OFFER. *I UNDERSTAND THAT NEGOTIATING OR AGREEING TO AN ARRANGEMENT TO SELL THE AGRICULTURAL LAND TO ANOTHER PERSON PRIOR TO ACCEPTING THIS OFFER MAY BE A VIOLATION OF LAW AND I MAY BE LIABLE TO A PERSON DAMAGED BY THE SALE.*

.....
Signature of Former Owner Accepting Offer

.....
Date"

(b) For an offer to sell, a copy of the purchase agreement containing the price and terms of the highest offer made by a third party that is acceptable to the seller and a signed affidavit by the seller affirming that the purchase agreement is true, accurate, and made in good faith must be included with the notice under this subdivision. At the seller's discretion, reference to the third party's identity may be deleted from the copy of the purchase agreement.

(c) For an offer to lease, a copy of the lease containing the price and terms of the highest offer made by a third party that is acceptable to the lessor and a signed affidavit by the lessor affirming that the lease is true, accurate, and made in good faith must be included with the notice under this subdivision. At the lessor's discretion, reference to the third party's identity may be deleted from the copy of the lease agreement.

(d) The affidavit under paragraphs (b) and (c) is subject to section 609.48.

Sec. 3. Minnesota Statutes 1987 Supplement, section 583.24, subdivision 4, is amended to read:

Subd. 4. [DEBTS.] (a) The farmer-lender mediation act does not apply to a debt:

(1) for which a proof of claim form has been filed in bankruptcy by a creditor or that was listed as a scheduled debt, of a debtor who has filed a petition in bankruptcy after the effective date of Laws 1987, chapter 292 July 1, 1987, under United States Code, title 11, chapter 7, 11, 12, or 13;

(2) if the debt was in default when the creditor received a mediation proceeding notice under the farmer-lender mediation act and the creditor filed a claim form, the debt was mediated during the mediation period under section 583.26, subdivision 8, and (i) the mediation was unresolved; or (ii) a mediation agreement with respect to that debt was signed;

(3) for which the creditor has served a mediation notice, the debtor has failed to make a timely request for mediation, and within 30 days after the debtor failed to make a timely request the creditor began a proceeding to enforce the debt against the agricultural property of the debtor;

(4) for which a creditor has received a mediation proceeding notice and the creditor and debtor have restructured the debt and have signed a separate mediation agreement with respect to that debt; or

(5) for which there is a lien for rental value of farm machinery under section 514.661 or a lien for rental value relating to a contract for deed subject to the farmer-lender mediation act under section 559.2091.

(b) For purposes of paragraph (a), clause (3), providing a copy of a forbearance policy is considered beginning a proceeding to enforce a debt if the board of an institution has adopted a forbearance policy that provides for deferring or rescheduling payments of principal or interest, renewal or extension of loan terms, reduction in the amount or rate of principal or interest due on a loan, or other similar actions, and requires that the debtor must receive a copy of the policy at least 20 days prior to loan acceleration or debt collection proceedings.

Sec. 4. Laws 1987, chapter 292, section 35, is amended to read:

Sec. 35. [CONTINUING EFFECT OF RULES.]

Emergency farmer-lender mediation rules adopted or amended by the state court administrator's office and published in the State Register on August 18, 1986, in volume 11, pages 302 to 307 the commissioner of agriculture, are effective until June 30, 1989; unless the rules are amended or superseded by rules adopted by the commissioner of agriculture or the rules are inconsistent with this act.

Sec. 5. [223A.02] [DEFINITIONS.]

Subdivision 1. [BUYER.] "Buyer" means a person purchasing farm products.

Subd. 2. [COMMISSION MERCHANT.] "Commission merchant" has the meaning given in United States Code, title 7, section 1631(c)(3).

Subd. 3. [FARM PRODUCTS.] "Farm products" has the meaning given in United States Code, title 7, section 1631(c)(5).

Subd. 4. [FARM PRODUCTS STATUTORY LIEN.] "Farm products statutory lien" means a consensual or nonconsensual lien on farm products but does not include a landlord's lien under section 514.960 or security interest created in a security agreement that is subject to article 9 of the

Uniform Commercial Code, sections 336.9-101 to 336.9-508.

Subd. 5. [LIENHOLDER.] "Lienholder" means a person entitled to a farm products statutory lien.

Subd. 6. [PERFECTED.] "Perfected" means that the conditions have been satisfied to enforce the farm products statutory lien against third parties as provided by the law creating or authorizing the farm products statutory lien.

Subd. 7. [PERSON.] "Person" has the meaning given in United States Code, title 7, section 1631(c)(10), and also includes the federal government and its agencies, the state, political subdivisions, and other governmental entities.

Subd. 8. [RECEIVE.] "Receive" means actual delivery with signed receipt or mailing with signed receipt of the addressee.

Subd. 9. [SELLING AGENT.] "Selling agent" has the meaning given in United States Code, title 7, section 1631(c)(8).

Sec. 6. [223A.03] [BUYERS TAKING FREE OF AND SUBJECT TO FARM PRODUCTS STATUTORY LIEN.]

Subdivision 1. [TAKING FREE OF LIEN.] Except as provided in subdivision 2, and notwithstanding any other law, a buyer who buys farm products from a seller engaged in farming operations shall take free of a farm products statutory lien even though the farm products statutory lien is perfected and the buyer knows the lien exists.

Subd. 2. [TAKING SUBJECT TO LIEN.] A buyer of farm products takes subject to a farm products statutory lien if:

- (1) the lienholder has perfected the farm products statutory lien;
- (2) within one year before the sale of the farm products, the buyer has received a lien notice as provided in section 8 from the lienholder or from the seller; and
- (3) the buyer has failed to perform the payment obligations as provided in the notice under section 8.

Sec. 7. [223A.04] [COMMISSION MERCHANTS AND SELLING AGENTS SUBJECT TO FARM PRODUCTS STATUTORY LIEN.]

Subdivision 1. [SELLING NOT SUBJECT TO LIEN.] Except as provided in subdivision 2, and notwithstanding any other law, a commission merchant or selling agent who sells a farm product for others is not subject to a farm products statutory lien even though the farm product statutory lien is perfected and the commission merchant or selling agent knows the lien exists.

Subd. 2. [SELLING SUBJECT TO LIEN.] A commission merchant or selling agent selling farm products for another person is subject to a farm products statutory lien in the farm products if:

- (1) the lienholder has perfected the farm products statutory lien;
- (2) the commission merchant or selling agent has received a lien notice as provided in section 8 from the lienholder or seller; and
- (3) the commission merchant or selling agent has failed to perform the payment obligations.

Sec. 8. [223A.05] [LIEN NOTICE.]

Subdivision 1. [CONTENTS.] A lien notice must be an original or reproduced copy of a written notice of the farm products statutory lien organized according to farm products containing:

- (1) the name, signature, and address of the lienholder;*
- (2) the name and address of the debtor;*
- (3) the social security number of the debtor, if available; or in the case of a debtor doing business other than as an individual, the Internal Revenue Service taxpayer identification number of the debtor, if available;*
- (4) a description of the farm products subject to the farm products statutory lien, including the amount of the products and, if applicable, the crop year, county where the products are located or growing, and a reasonable description of the real property where the farm products are located or are growing; and*
- (5) any payment obligations imposed on the buyer, commission merchant, or selling agent as a condition for waiver or release of the security interest.*

Subd. 2. [AMENDMENTS.] A lien notice must be amended in writing to reflect material changes and signed and transmitted in the same manner as the lien notice within three months after the material changes occur.

Subd. 3. [EFFECTIVE PERIOD.] (a) A lien notice is effective for a five-year period after the date the lien notice is received by the buyer, commission merchant, or selling agent and may be extended for five years if the buyer, commission merchant, or selling agent is notified within six months of the expiration of the initial five-year period.

(b) A lien notice lapses on the expiration period of the lien notice or the transmission of a notice signed by the lienholder that the lien notice has lapsed, whichever occurs first.

Sec. 9. [223A.06] [PROCEEDS FROM FARM PRODUCTS SUBJECT TO LIEN.]

A lienholder has a claim to the proceeds received from the sale, exchange, or other disposition of farm products subject to a farm products statutory lien, unless otherwise specifically provided by law.

Sec. 10. [223A.07] [FORMS.]

The secretary of state may adopt forms by rule to facilitate the procedures under sections 5 to 8. The forms must be provided to county recorders and made available to the public.

Sec. 11. Minnesota Statutes 1986, section 583.27 is amended by adding a subdivision to read:

Subd. 8. [MARKET VALUE OF REAL PROPERTY; HOW ESTABLISHED IF IN DISPUTE.] In case of a dispute between the debtor and creditors concerning the market value of real property involved in mediation, the true and acceptable market value must be determined by appraisal as provided in this subdivision. The appraisal to determine true market value must be performed by an accredited appraiser and made within 45 days of the date of the dispute. The accredited appraiser shall be selected as follows:

- (1) the mediator shall submit the names of three accredited appraisers*

to the principal creditor and debtor;

(2) the principal creditor and the debtor may each, within a time determined by the mediator, strike the name of one of the appraisers submitted by the mediator;

(3) the accredited appraiser whose name is not stricken by either the principal creditor or the debtor shall perform an appraisal which shall be the true market value accepted by all parties to the dispute.

The cost of the appraisal shall be divided equally between the principal creditor and debtor.

Sec. 12. [REPEALER.]

Laws 1987, chapter 358, section 85, is repealed.

Sec. 13. [EFFECTIVE DATE.]

Section 1 is effective the day after final enactment except that the notice that the agricultural land or the farm homestead will be offered for sale under section 500.24, subdivision 6, paragraph (a), must be provided as follows:

(1) for property that has been offered for sale before the eighth day after final enactment, but not sold, and the immediately preceding former owner has not received written notice that the property will be offered for sale, written notice must be provided to the preceding former owner before the eighth day after final enactment; and

(2) section 500.24, subdivision 6, paragraph (n), does not apply to a sale relating to an offer made to an immediately preceding former owner before final enactment.

Section 2 applies to notices given after the 14th day after final enactment.

Sections 3, 4, and 12 are effective the day after final enactment.

Sections 5 to 10 are effective July 1, 1988, for farm products and apply to statutory liens perfected after June 30, 1988.

Section 11 is effective June 1, 1988, for mediation proceedings for which a mediation notice is issued after May 31, 1988."

Delete the title and insert:

"A bill for an act relating to agriculture; changing the continuing effect of certain farmer-lender mediation rules; regulating certain land transactions and agricultural liens; repealing certain conflicting language relating to food handler license fees; amending Minnesota Statutes 1986, section 583.27, by adding a subdivision; Minnesota Statutes 1987 Supplement, sections 500.24, subdivisions 6 and 7; 583.24, subdivision 4; Laws 1987, chapter 292, section 35; proposing coding for new law as Minnesota Statutes, chapter 223A; repealing Laws 1987, chapter 358, section 85."

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

Senate Conferees: (Signed) Charles A. Berg, Michael O. Freeman, Cal Larson

House Conferees: (Signed) Wally A. Sparby, Andy Steensma, Elton R. Redalen

Mr. Berg moved that the foregoing recommendations and Conference

Committee Report on S.F. No. 1742 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.

S.F. No. 1742 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 48 and nays 8, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Jude	Merriam	Pogemiller
Anderson	Cohen	Knaak	Metzen	Ramstad
Beckman	Dahl	Kroening	Moe, D.M.	Spear
Belanger	Decker	Laidig	Moe, R.D.	Storm
Benson	DeCramer	Lantry	Novak	Stumpf
Berg	Frank	Larson	Olson	Taylor
Berglin	Frederickson, D.R.	Luther	Pehler	Waldorf
Bernhagen	Hughes	Marty	Peterson, D.C.	Wegscheid
Bertram	Johnson, D.E.	McQuaid	Peterson, R.W.	
Brandl	Johnson, D.J.	Mehrken	Piper	

Those who voted in the negative were:

Davis	Frederickson, D.J.	Purfeerst	Schmitz	Vickerman
Diessner	Morse	Renneke		

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 392 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 392

A bill for an act relating to public safety; providing for the mandatory surrender of registration plates and certificates of motor vehicles operated by repeat DWI offenders; providing for administrative review; requiring a report; appropriating money; amending Minnesota Statutes 1986, sections 168.041; 169.123, subdivision 5b; 169.1261; and 171.29, by adding a subdivision; and Minnesota Statutes 1987 Supplement, section 169.121, subdivision 5a.

April 14, 1988

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 392, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 392 be further amended as follows:

Page 3, line 23, delete "*Within three days after*" and insert "*If*"

Page 3, line 25, before the period, insert "*either three days after the*"

order is issued or on the date specified by the court, whichever date is later"

Page 3, line 27, before the period, insert "*after their surrender*"

Page 3, line 29, after "*subdivision*" insert "*4a.*"

Page 4, line 1, after "*request*" insert a comma

Page 9, after line 6, insert:

"Sec. 8. Minnesota Statutes 1986, section 169.121, subdivision 3a, as added by Laws 1988, chapter 408, section 1, is amended to read:

Subd. 3a. [HABITUAL OFFENDER PENALTIES.] (a) If a person has been convicted under this section, section 169.129, an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with either of them, and if the person is then convicted of violating this section or an ordinance in conformity with it (1) once within five years after the first conviction or (2) two or more times within ten years after the first conviction, the person must be sentenced to a minimum of 30 days imprisonment or to eight hours of community work service for each day less than 30 days that the person is ordered to serve in jail. Notwithstanding section 609.135, the above sentence must be executed, unless the court departs from the mandatory minimum sentence under paragraph (b) or (c).

(b) Prior to sentencing the prosecutor ~~files~~ *may file* a motion to have the defendant sentenced without regard to the mandatory minimum sentence established by this subdivision. The motion must be accompanied by a statement on the record of the reasons *for it*. When presented with the prosecutor's motion and if it finds that substantial mitigating factors exist, the court shall sentence the defendant without regard to the mandatory minimum term of imprisonment established by this subdivision.

(c) *The court may, on its own motion, sentence the defendant without regard to the mandatory minimum term of imprisonment established by this subdivision if it finds that substantial mitigating factors exist and if its sentencing departure is accompanied by a statement on the record of the reasons for it.*

(d) When any portion of the sentence required by this subdivision is not executed, the court should impose a sentence that is proportional to the extent of the offender's prior criminal and moving traffic violation record.

Sec. 9. Minnesota Statutes 1986, section 169.91, subdivision 1, is amended to read:

Subdivision 1. [PROCEDURE.] When any person is arrested for any violation of any law or ordinance relating to the operation or registration of vehicles punishable as a petty misdemeanor, misdemeanor, gross misdemeanor, or felony, the arrested person shall be taken into custody and immediately taken before a judge within the county in which the offense charged is alleged to have been committed and who has jurisdiction over the offenses and is nearest or most accessible with reference to the place where the arrest is made, in any of the following cases:

(1) When a person arrested demands an immediate appearance before a judge;

(2) When a person is arrested and charged with an offense under this

chapter causing or contributing to an accident resulting in injury or death to any person;

- (3) When the person is arrested upon a charge of negligent homicide;
- (4) When the person is arrested upon a charge of driving or operating or being in actual physical control of any motor vehicle while under the influence of intoxicating liquor or drugs;
- (5) When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries, or damage to property;
- (6) When there is reasonable cause for believing that the person arrested may leave the state, except as provided in subdivision 4;
- (7) In any other event when the person arrested refused to give a promise in writing to appear in court, as provided in subdivision 3.

Sec. 10. Minnesota Statutes 1986, section 169.91, subdivision 3, is amended to read:

Subd. 3. [NOTICE TO APPEAR.] When a person is arrested for any violation of any law or ordinance relating to motor vehicles, their registration or their operation, or the use of the highways, the arresting officer shall prepare a written notice to appear in court. This place must be before a judge within the county in which the offense charged is alleged to have been committed who has jurisdiction and is nearest or most accessible with reference to the place of arrest.

In order to secure release, if the arrested person is eligible for release, without being taken into custody and immediately taken before a judge, as provided in this section, the arrested person must give a promise in writing to appear in court by signing the written notice prepared by the arresting officer. The officer shall retain the original of the notice and deliver the copy marked "SUMMONS" to the person arrested. The officer shall then release the person arrested from custody.

Sec. 11. Minnesota Statutes 1986, section 169.92, is amended to read:

169.92 [FAILURE TO APPEAR.]

Subdivision 1. Any person willfully violating the person's written promise failing to appear in court, given as provided in required by sections 169.90 to 169.95; is guilty of a misdemeanor, provided the person is found guilty of the charge upon which originally arrested. A written promise to person may appear in court may be complied with by either in person or through an appearance by counsel.

Subd. 2. When a nonresident is released upon a promise in writing fails to appear and has not appeared in court or complied comply with other orders of the court regarding the appearance or proceedings, the court shall notify the commissioner of public safety of the nonappearance upon a form provided by the commissioner.

Subd. 3. Upon receipt of notice from the court that the nonresident did not appear in court following release from custody upon the nonresident's promise in writing to appear, the commissioner of public safety shall forward a copy of the report to the driver licensing authority of the state, district, territory, possession or province of residence of the person.

Subd. 4. (a) Upon receiving a report from the driver licensing authority of a state, district, territory or possession of the United States or a province

of a foreign country which has an agreement in effect with this state pursuant to section 169.91 that a resident of this state or a person licensed as a driver in this state did not appear in court ~~following written promise to appear in compliance with the terms of the citation~~ in the party jurisdiction, the commissioner of public safety shall notify the driver that the driver's license will be suspended unless the commissioner receives notice within 30 days that the driver has appeared in the appropriate court of the other jurisdiction. If the commissioner does not receive notice of the appearance of the Minnesota resident in the appropriate court within 30 days of the date of the commissioner's notice to the driver, the commissioner may suspend the person's driver's license.

(b) The order of suspension shall indicate the reason for the order and shall notify the person that the person's license shall remain suspended until the person has furnished evidence, satisfactory to the commissioner, of compliance with any order entered by the court.

(c) Suspension shall be ordered under this subdivision only when the report from the other jurisdiction clearly identifies the person arrested; describes the violation, specifying the section of the traffic law, ordinance or rule violated; indicates the location and date of the offense; and describes the vehicle involved and its registration number.

Sec. 12. Minnesota Statutes 1986, section 169.99, subdivision 1, is amended to read:

Subdivision 1. Except as provided in subdivision 3, there shall be a uniform ticket issued throughout the state by the police and peace officers or by any other person for violations of this chapter and ordinances in conformity thereto. Such uniform traffic ticket shall be in the form and have the effect of a summons and complaint. ~~There shall also be included on the uniform ticket a receipt in lieu of bail which, when signed by the defendant, shall be a guarantee by the defendant to appear in the court having jurisdiction over the matter. The uniform ticket shall state that if the defendant fails to appear in court in response to the ticket, an arrest warrant may be issued.~~ The uniform traffic ticket shall consist of four parts, on paper sensitized so that copies may be made without the use of carbon paper, as follows:

(1) the complaint, with reverse side for officer's notes for testifying in court, driver's past record, and court's action, printed on white paper;

(2) the abstract of court record for the department of public safety, which shall be a copy of the complaint with the certificate of conviction on the reverse side, printed on yellow paper;

(3) the police record, which shall be a copy of the complaint and of the reverse side of copy (1), printed on pink paper;

(4) the summons, with, on the reverse side, such information as the court may wish to give concerning the traffic violations bureau, and a plea of guilty and waiver, printed on off-white tag stock.

Sec. 13. Minnesota Statutes 1986, section 169.99, subdivision 2, is amended to read:

Subd. 2. The ~~attorney general~~ *commissioner of public safety* shall ~~by rule promulgated in the manner provided by law~~ prescribe the detailed form of the uniform traffic ticket, and shall revise the uniform ticket on such subsequent occasions as the ~~attorney general~~ *commissioner* deems necessary and

proper to keep the uniform ticket in conformity with highway traffic rules. In the manner provided by law the attorney general shall give notice to all interested parties of a hearing to be held prior to the promulgation of the uniform traffic ticket or any changes therein. The uniform traffic ticket shall not be in mandatory use throughout the state until 18 months after the attorney general has first promulgated the uniform traffic ticket and the attorney general shall enforce the uniformity of the promulgated traffic ticket throughout the state and federal law. The rulemaking provisions of chapter 14 do not apply to this subdivision.

Sec. 14. Minnesota Statutes 1986, section 171.01, subdivision 13, is amended to read:

Subd. 13. [CONVICTION.] The term "conviction" means a final conviction either after trial or upon a plea of guilty; also a forfeiture of cash or collateral deposited to guarantee a defendant's appearance in court, which forfeiture has not been vacated, or a breach of a condition of release without bail, including violation of a written promise to appear; is equivalent to a conviction.

Sec. 15. Minnesota Statutes 1986, section 171.08, is amended to read:

171.08 [LICENSEE TO HAVE LICENSE IN POSSESSION.]

Every licensee shall have the license in immediate possession at all times when operating a motor vehicle and shall display it upon demand of a peace officer, an authorized representative of the department, or an officer authorized by law to enforce the laws relating to the operation of motor vehicles on public streets and highways. *Unless the person is the holder of a limited license issued under section 171.30*, no person charged with violating the possession requirement shall be convicted if the person produces in court or the office of the arresting officer a driver's license previously issued to that person for the class of vehicle being driven which was valid at the time of arrest or satisfactory proof that at the time of the arrest the person was validly licensed for the class of vehicle being driven. The licensee shall also, upon request of any officer, write the licensee's name in the presence of the officer to determine the identity of the licensee.

Sec. 16. Minnesota Statutes 1986, section 171.22, is amended to read:

171.22 [UNLAWFUL ACTS.]

Subdivision 1. [ACTS.] It shall be unlawful for any person:

(1) To display, or cause or permit to be displayed, or have in possession, any canceled, revoked, suspended, fictitious, or fraudulently altered driver's license; or

(2) To lend the person's driver's license to any other person or knowingly permit the use thereof by another; or

(3) To display or represent as one's own any driver's license not issued to that person; or

(4) To fail or refuse to surrender to the department, upon its lawful demand, any driver's license which has been suspended, revoked, or canceled; or

(5) To use a false or fictitious name or date of birth to any police officer or in any application for a driver's license, or to knowingly make a false statement, or to knowingly conceal a material fact, or otherwise commit a

fraud in any such application; or

(6) To alter any driver's license, or to counterfeit or make any fictitious license; or

(7) To take any part of the driver's license examination for another or to permit another to take the examination for that person; or

(8) to use the name and date of birth of another person to any police officer for the purpose of falsely identifying oneself to the police officer.

Subd. 2. [PENALTIES.] Any person who violates subdivision 1, clause (8), is guilty of a gross misdemeanor. Any person who violates any other provision of subdivision 1 is guilty of a misdemeanor.

Sec. 17. Minnesota Statutes 1987 Supplement, section 609.506, is amended to read:

609.506 [PROHIBITING GIVING PEACE OFFICER FALSE NAME.]

Subdivision 1. [MISDEMEANOR.] Whoever with intent to obstruct justice gives a false or fictitious name other than a nickname, or gives a false date of birth, or false or fraudulently altered identification card to a peace officer, as defined in section 626.84, subdivision 2, paragraph (c), when that officer makes inquiries incident to a lawful investigatory stop or lawful arrest, or inquiries incident to executing any other duty imposed by law, is guilty of a misdemeanor.

Subd. 2. [GROSS MISDEMEANOR.] Whoever with intent to obstruct justice gives the name and date of birth of another person to a peace officer, as defined in subdivision 1, when the officer makes inquiries incident to a lawful investigatory stop or lawful arrest, or inquiries incident to executing any other duty imposed by law, is guilty of a gross misdemeanor.

Sec. 18. [IGNITION INTERLOCK DEVICES; STUDY AND REPORT REQUIRED.]

Subdivision 1. [DEFINITION.] As used in this section, "ignition interlock device" means breath alcohol ignition equipment designed to prevent the operation of a motor vehicle by a person whose alcohol concentration exceeds a designated level.

Subd. 2. [STUDY AND REPORT BY DEPARTMENT OF PUBLIC SAFETY.] The department of public safety shall study the use of ignition interlock devices in other states and report its findings to the legislature by January 1, 1989. The department's report shall address, but need not be limited to, the following questions:

(a) Does the use of ignition interlock devices have a demonstrated effect on the incidence of repeat drunk driving offenses?

(b) Should the use of ignition interlock devices be mandated for all convicted drunk drivers, or should their use be a discretionary matter for the courts and the department of public safety?

(c) What technical or operational problems do ignition interlock devices present and how can these problems best be resolved?

(d) What process and criteria should the state adopt to certify ignition interlock devices?

(e) Who should bear the responsibility for paying for the installation of ignition interlock devices?"

Renumber the remaining sections in sequence

Page 9, line 13, delete "7" and insert "8 and sections 16 and 17"

Amend the title as follows:

Page 1, line 6, after the first semicolon, insert "making a variety of administrative changes to the traffic laws; increasing penalties for falsely using the identity of another person to a peace officer; requiring the department to study the use in other states of ignition interlock devices;"

Page 1, line 7, after "168.041;" insert "169.121, subdivision 3a, as added;"

Page 1, line 8, after "169.1261;" insert "169.91, subdivisions 1 and 3; 169.92; 169.99, subdivisions 1 and 2; 171.01, subdivision 13; 171.08; 171.22;"

Page 1, line 9, delete "section" and insert "sections"

Page 1, line 10, before the period, insert "; and 609.506"

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

Senate Conferees: (Signed) Allan H. Spear, John J. Marty, Gary W. Laidig

House Conferees: (Signed) Ann H. Rest, Randy C. Kelly, Kathleen A. Blatz

Mr. Spear moved that the foregoing recommendations and Conference Committee Report on S.F. No. 392 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.

S.F. No. 392 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 51 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Laidig	Morse	Spear
Beckman	Diessner	Lantry	Olson	Storm
Belanger	Frank	Larson	Pehler	Stumpf
Benson	Frederickson, D.R.	Lessard	Peterson, D.C.	Taylor
Berglin	Freeman	Luther	Peterson, R.W.	Vickerman
Bernhagen	Gustafson	Marty	Piper	Waldorf
Bertram	Hughes	McQuaid	Pogemiller	Wegscheid
Brandl	Johnson, D.E.	Mehrkens	Purfeerst	
Cohen	Jude	Merriam	Ramstad	
Dahl	Knaak	Metzen	Renneke	
Decker	Kroening	Moe, R.D.	Schmitz	

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1871 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON 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.

April 15, 1988

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1871, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 1871 be further amended as follows:

Page 1, line 14, delete "2" and insert "3"

Page 1, after line 14, insert:

"Sec. 2. Minnesota Statutes 1986, section 609.185, is amended to read:
609.185 [MURDER IN THE FIRST DEGREE.]

Whoever does any of the following is guilty of murder in the first degree and shall be sentenced to imprisonment for life:

(1) Causes the death of a human being with premeditation and with intent to effect the death of the person or of another;

(2) Causes the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting the person or another;

(3) Causes the death of a human being with intent to effect the death of the person or another, while committing or attempting to commit burglary, aggravated robbery, kidnapping, arson in the first or second degree, tampering with a witness in the first degree, or escape from custody; or

(4) Causes the death of a peace officer or a guard employed at a Minnesota state correctional facility, with intent to effect the death of that person or another, while the peace officer or guard is engaged in the performance of official duties; or

(5) *Causes the death of a minor under circumstances other than those described in clause (1) or (2) while committing or attempting to commit child abuse, when the perpetrator has engaged in a past pattern of child abuse upon the child and the death occurs under circumstances manifesting an extreme indifference to human life.*

For purposes of clause (5), "child abuse" means an act committed against a minor victim that constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.342, 609.343, 609.344, 609.345, 609.377, or 609.378."

Page 1, line 15, delete "2" and insert "3"

Page 1, line 18, delete "child" and insert "sexual" and after "abuse" insert ", physical abuse, or neglect of a child, as defined in section 626.556,

subdivision 2"

Page 1, line 20, delete "*child*" and insert "*the*" and after "*abuse*" insert "*or neglect*"

Page 1, after line 22, insert:

"Sec. 4. Minnesota Statutes 1987 Supplement, section 626.556, subdivision 3, is amended to read:

Subd. 3. [PERSONS MANDATED TO REPORT.] (a) A ~~professional or the professional's delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, or law enforcement~~ person who knows or has reason to believe a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years, shall immediately report the information to the local welfare agency, police department, or the county sheriff if the person is:

(1) *a professional or professional's delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, or law enforcement; or*

(2) *employed as a member of the clergy and received the information while engaged in ministerial duties, provided that a member of the clergy is not required by this subdivision to report information that is otherwise privileged under section 595.02, subdivision 1, paragraph (c).*

The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency orally and in writing. The local welfare agency, upon receiving a report, shall immediately notify the local police department or the county sheriff orally and in writing. The county sheriff and the head of every local welfare agency and police department shall each designate a person within their agency, department, or office who is responsible for ensuring that the notification duties of this paragraph and paragraph (b) are carried out. Nothing in this subdivision shall be construed to require more than one report from any institution, facility, school, or agency.

(b) Any person may voluntarily report to the local welfare agency, police department, or the county sheriff if the person knows, has reason to believe, or suspects a child is being or has been neglected or subjected to physical or sexual abuse. The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency orally and in writing. The local welfare agency, upon receiving a report, shall immediately notify the local police department or the county sheriff orally and in writing.

(c) A person mandated to report physical or sexual child abuse or neglect occurring within a licensed facility shall report the information to the agency responsible for licensing the facility. A health or corrections agency receiving a report may request the local welfare agency to provide assistance pursuant to subdivisions 10, 10a, and 10b.

(d) Any person mandated to report shall, upon request to the local welfare agency, receive a summary of the disposition of any report made by that reporter, unless release would be detrimental to the best interests of the child. Any person who is not mandated to report shall, upon request to the local welfare agency, receive a concise summary of the disposition of any

report made by that reporter, unless release would be detrimental to the best interests of the child.

(e) For purposes of this subdivision, "immediately" means as soon as possible but in no event longer than 24 hours."

Amend the title as follows:

Page 1, line 4, after the first semicolon insert "prescribing the penalty of murder in the first degree for the new crime of causing the death of a child while committing child abuse; requiring members of the clergy to report maltreatment of children;"

Page 1, line 4, delete "a penalty" and insert "penalties"

Page 1, line 5, delete "section" and insert "sections"

Page 1, line 6, after the semicolon insert "609.185; Minnesota Statutes 1987 Supplement, section 626.556, subdivision 3;"

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

Senate Conferees: (Signed) Jim Ramstad, Allan H. Spear, Gene Merriam

House Conferees: (Signed) Kathleen A. Blatz, Randy C. Kelly, Jean D. Wagenius

Mr. Ramstad moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1871 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.

S.F. No. 1871 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	Decker	Kroening	Moe, R.D.	Reichgott
Beckman	DeCramer	Laidig	Morse	Renneke
Benson	Dicklich	Langseth	Novak	Schmitz
Berg	Diessner	Lantry	Olson	Solon
Berglin	Frank	Larson	Pehler	Spear
Bernhagen	Frederickson, D.J.	Luther	Peterson, D.C.	Storm
Bertram	Frederickson, D.R.	Marty	Peterson, R.W.	Stumpf
Brandl	Hughes	McQuaid	Piper	Taylor
Cohen	Johnson, D.E.	Mehrkins	Pogemiller	Vickerman
Dahl	Jude	Merriam	Purfeerst	Waldorf
Davis	Knaak	Metzen	Ramstad	Wegscheid

So the bill, as amended by the Conference Committee, was repassed 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 that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1610, and repassed said bill in accordance with the report of the Committee, so adopted.

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.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 1988

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1646, and repassed said bill in accordance with the report of the Committee, so adopted.

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.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 1988

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1661, and repassed said bill in accordance with the report of the Committee, so adopted.

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, subdivision 11; 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 15, 1988

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2150, and repassed said bill in accordance with the report of the Committee, so adopted.

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 15, 1988

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2255, and repassed said bill in accordance with the report of the Committee, so adopted.

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 15, 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. 412: A bill for an act relating to real property; creating a lien against real property where the state has incurred cleanup expenses and the owner is liable for the expenses under Minnesota Statutes, chapter 115B or 115C; providing procedures for implementation and enforcement of the lien; proposing coding for new law in Minnesota Statutes, chapter 514.

There has been appointed as such committee on the part of the House: Long, Wagenius and Pauly.

Senate File No. 412 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 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. 203: A bill for an act relating to financial institutions; permitting interstate banking with additional reciprocating states; amending Minnesota Statutes 1986, section 48.92, subdivision 7.

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

Senate File No. 203 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 1988

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. 2049, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2049 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 15, 1988

CONFERENCE COMMITTEE REPORT ON H.F. NO. 2049

A bill for an act relating to commerce; motor vehicles; clarifying the intent of the legislature regarding certain motor vehicle coverages; regulating motor vehicle franchises; clarifying the intent of the legislature regarding cancellations, terminations, or nonrenewals; specifying unfair practices; prohibiting agreements designed to waive, nullify, or modify statutory regulation; requiring lessors to title and register vehicles; amending Minnesota Statutes 1986, sections 60A.08, by adding a subdivision; 80E.06; 80E.07; 80E.08; 80E.09; 80E.13; Minnesota Statutes 1987 Supplement, sections 65B.49, subdivision 5a; and 72A.125, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 80E.

April 14, 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. 2049, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 2049 be further amended as follows:

Page 2, line 35, before the period, insert "*If the person renting the motor vehicle is also covered by the person's employer's insurance policy or the employer's automobile self-insurance plan, the reparation obligor under the employer's policy or self-insurance plan has primary responsibility to pay claims arising from use of the rented vehicle*"

Page 3, line 8, after the comma, insert "*there must be attached to*" and strike "must"

Page 3, line 9, strike "contain" and insert "*a separate form containing*"

Page 3, after line 28, insert:

"(h) To be compensated for the loss of use of a damaged rented motor vehicle, the car rental company must prove:

(1) that had the vehicle been available, it would have been rented; and

(2) that no other vehicle was available for rental in place of the damaged vehicle.

The standard of proof set forth in this paragraph does not limit the responsibility of a reparation obligor to provide an insured with coverage for any loss of use for which the reparation obligor is otherwise responsible. A car rental company may be compensated for loss of use of a damaged rental motor vehicle only for the period when the damaged car actually would have been rented."

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

House Conferees: (Signed) Wally A. Sparby, Bert McKasy, Wes Skoglund

Senate Conferees: (Signed) Gregory L. Dahl, William V. Belanger, Jr., William P. Luther

Mr. Dahl moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2049 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. 2049 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

SPECIAL ORDER

H.F. No. 2269: A bill for an act relating to health; providing equal access to chiropractic services; providing for renewal of certain health insurance policies; providing for the licensure of doctors of chiropractic; amending Minnesota Statutes 1986, sections 62A.15, subdivisions 1, 2, and 4; Minnesota Statutes 1987 Supplement, sections 62A.48, subdivision 7; 148.06, subdivision 1; and 169.345, subdivisions 2a and 3.

Mr. Wegscheid moved that the amendment made to H.F. No. 2269 by the Committee on Rules and Administration in the report adopted April 12, 1988, pursuant to Rule 49, be stricken.

CALL OF THE SENATE

Mr. Wegscheid imposed a call of the Senate for the balance of the proceedings on H.F. No. 2269. The Sergeant at Arms was instructed to bring in the absent members.

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

Mr. Wegscheid moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 6 and nays 46, as follows:

Those who voted in the affirmative were:

Merriam	Renneke	Schmitz	Vickerman	Wegscheid
Morse				

Those who voted in the negative were:

Adkins	Dahl	Gustafson	McQuaid	Reichgott
Anderson	Decker	Hughes	Mehrkens	Samuelson
Beckman	DeCramer	Jude	Moe, D.M.	Solon
Berg	Dicklich	Knaak	Moe, R.D.	Spear
Berglin	Diessner	Kroening	Olson	Storm
Bernhagen	Frank	Langseth	Peterson, D.C.	Stumpf
Bertram	Frederick	Lantry	Peterson, R.W.	
Brandl	Frederickson, D.J.	Larson	Piper	
Chmielewski	Frederickson, D.R.	Luther	Purfeerst	
Cohen	Freeman	Marty	Ramstad	

The motion did not prevail.

Mr. Dicklich moved to amend H.F. No. 2269, as amended pursuant to

Rule 49, adopted by the Senate April 12, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 2145.)

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1986, section 62A.04, is amended by adding a subdivision to read:

Subd. 8a. [RETURN OF PREMIUM.] A policy of accident and sickness insurance as defined in section 62A.01 may contain or may be amended by rider to provide for a return of premium benefit so long as:

(1) the return of premium benefit is not applicable until the policy has been in force for five years;

(2) the return of premium benefit is not reduced by an amount greater than the aggregate of any claims paid under the policy;

(3) the return of premium benefit is not included in or used with a policy with benefits that are reduced based on an insured's age;

(4) the return of premium benefit is not payable in lieu of benefits at the option of the insurer;

(5) the insurer demonstrates that the reserve basis for such benefit is adequate; and

(6) the cost of the benefit is disclosed to the insured and the insured is given the option of the coverage."

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Wegscheid moved to amend H.F. No. 2269, as amended pursuant to Rule 49, adopted by the Senate April 12, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 2145.)

Page 2, line 20, before the comma, insert "for Minnesotans"

The motion prevailed. So the amendment was adopted.

Mr. Chmielewski moved to amend H.F. No. 2269, as amended pursuant to Rule 49, adopted by the Senate April 12, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 2145.)

Page 2, after line 24, insert:

"Sec. 4. [62A.30] [COVERAGE FOR DIAGNOSTIC PROCEDURES FOR CANCER.]

Subdivision 1. [SCOPE OF COVERAGE.] This section applies to all policies of accident and health insurance, health maintenance contracts regulated under chapter 62D, health benefit certificates offered through a fraternal beneficiary association regulated under chapter 64B, and group subscriber contracts offered by nonprofit health service plan corporations regulated under chapter 62C, but does not apply to policies designed primarily to provide coverage payable on a per diem, fixed indemnity or nonexpense incurred basis, or policies that provide only accident coverage.

Subd. 2. [REQUIRED COVERAGE.] Every policy, plan, certificate, or

contract referred to in subdivision 1 issued or renewed after August 1, 1988, that provides coverage to a Minnesota resident must provide coverage for routine screening procedures for cancer, including mammograms and pap smears, when ordered or provided by a physician in accordance with the standard practice of medicine."

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2269 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Freeman moved that the following members be excused for a Conference Committee on S.F. No. 203 from 5:00 to 5:20 p.m.:

Messrs. Anderson, Luther and Freeman. The motion prevailed.

SPECIAL ORDER

S.F. No. 1645: A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted, and obsolete references and text; eliminating certain redundant, conflicting, and superseded provisions; providing instructions to the revisor; making miscellaneous corrections to statutes and other laws; amending Minnesota Statutes 1986, sections 10A.01, subdivisions 5 and 18; 13.46, subdivision 2; 116.44, subdivision 1; 121.931, subdivision 5; 126.70, subdivision 2; 127.35; 129B.40, subdivision 1; 145.921; 157.03; 176.081, subdivision 1; 176.101, subdivision 3e; 176.421, subdivision 7; 205.065, subdivision 1; 205.18, subdivision 2; 245.77; 256.991; 268.04, subdivision 32; 273.124, subdivision 6; 290.05, subdivision 3; 290.50, subdivision 3; 290.92, subdivision 23; 308.11; 383B.229; 473.605, subdivision 2; 473.845, subdivision 1; 485.018, subdivision 2; 515A.3-115; 548.09, subdivision 2; 611A.53, subdivision 1; Minnesota Statutes 1987 Supplement, sections 16A.26; 16A.661, subdivision 3; 105.81; 120.05, subdivision 2; 124.646, subdivision 1; 129B.39; 136D.71; 144.122; 145A.07, subdivision 1; 176.131, subdivision 1; 214.01, subdivision 2; 256.01, subdivision 2; 256B.69, subdivision 16; 256D.03, subdivision 4;

256G.02, subdivision 4; 256G.06; 257.354, subdivision 4; 268.91, subdivision 3e; 297.07, subdivision 3; 297.35, subdivision 3; 298.2211, subdivision 1; 352.01, subdivision 2b; 353.01, subdivision 2a; 383B.77; 469.121, subdivision 1; 469.129, subdivision 1; 469.170, subdivisions 1, 3, 7, and 8; 471.562, subdivision 4; 471.563; 474A.02, subdivision 18; 525.94, subdivision 3; 582.041, subdivision 2; reenacting Minnesota Statutes 1987 Supplement, section 80A.14, subdivision 18; repealing Minnesota Statutes 1986, sections 226.01; 226.02; 226.03; 226.04; 226.05; 226.06; 260.125, subdivision 6; 326.01, subdivision 21; 362A.08; repealing Laws 1965, chapter 267, section 1; Laws 1971, chapter 830, section 7; Laws 1976, chapters 134, sections 2 and 30; 163, section 10; Laws 1977, chapter 35, section 8; Laws 1978, chapters 496, section 1; 706, section 31; Laws 1979, chapters 48, section 2; 184, section 3; Laws 1981, chapter 271, section 1; Laws 1982, chapter 514, section 15; Laws 1983, chapters 242, section 1; 247, sections 38 and 130; 289, section 4; 290, sections 2 and 3; 299, section 26; 303, sections 21 and 22; Laws 1985, First Special Session chapter 9, article 2, sections 81, 82, and 88; Laws 1986, chapters 312, section 1; 400, section 43; 452, section 17; Laws 1986, First Special Session chapter 3, article 1, sections 74 and 79; and Laws 1987, chapters 268, article 5, section 5; 384, article 2, section 25; 385, section 7; 403, article 5, section 1; 404, section 138.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2119 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON 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.

April 14, 1988

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2119, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 2119 be further amended as follows:

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 1986, section 13.82, is amended by adding a subdivision to read:

Subd. 5a. [CHILD ABUSE IDENTITY DATA.] Active or inactive investigative data that identify a victim of child abuse or neglect reported under section 626.556 are private data on individuals. Active or inactive investigative data that identify a reporter of child abuse or neglect under section 626.556 are confidential data on individuals, unless the subject of the report compels disclosure under section 626.556, subdivision 11."

Page 4, line 10, delete "6" and insert "8"

Page 4, line 16, before "All" insert "Except as provided in subdivisions 10b, 10d, and 11b,"

Page 4, line 21, strike everything after "sheriff"

Page 4, line 22, strike everything before the period

Page 6, after line 11, insert:

"Sec. 7. Minnesota Statutes 1986, section 626.556, is amended by adding a subdivision to read:

Subd. 11b. [DATA RECEIVED FROM LAW ENFORCEMENT.] Active law enforcement investigative data received by a local welfare agency under this section are confidential data on individuals. When this data become inactive in the law enforcement agency, the data are private data on individuals."

Page 6, line 14, delete "11b" and insert "11c"

Page 6, line 18, before the period insert "by the responsible authority"

Page 6, line 20, delete "either"

Page 6, line 22, delete "Upon notification to" and insert "After"

Page 6, line 23, after "child" insert "is notified" and delete "4 as to" and insert "5 of"

Page 6, line 24, delete "and"

Page 6, line 25, delete "10" and insert "30"

Page 7, after line 2, insert:

"Sec. 9. [REPEALER.]

Minnesota Statutes 1986, section 626.556, subdivision 13, is repealed."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon insert "classifying child abuse investigative data;"

Page 1, line 6, delete "section" and insert "sections 13.82, by adding a subdivision; and"

Page 1, line 8, before the period insert "; repealing Minnesota Statutes 1986, section 626.556, subdivision 13"

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

Senate Conferees: (Signed) Allan H. Spear, Gene Merriam, Randolph W. Peterson

House Conferees: (Signed) Kathleen A. Blatz, Kathleen O. Vellenga

Mr. Spear moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2119 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.

S.F. No. 2119 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 53 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dicklich	Kroening	Metzen	Reichgott
Beckman	Diessner	Laidig	Moe, D.M.	Renneke
Belanger	Frank	Langseth	Moe, R.D.	Samuelson
Bernhagen	Frederick	Lantry	Morse	Solon
Bertram	Frederickson, D.J.	Larson	Olson	Spear
Brandl	Frederickson, D.R.	Lessard	Pehler	Storm
Chmielewski	Gustafson	Luther	Peterson, D.C.	Stumpf
Cohen	Hughes	Marty	Piper	Taylor
Dahl	Johnson, D.E.	McQuaid	Pogemiller	Vickerman
Decker	Jude	Mehrkens	Purfeerst	
DeCramer	Knaak	Merriam	Ramstad	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that H.F. No. 2228 be withdrawn from the Committee on Rules and Administration and laid on the table. The motion prevailed.

Mr. Stumpf moved that the names of Messrs. Langseth, Chmielewski, Berg and Benson be added as co-authors to S.F. No. 2235. The motion prevailed.

Ms. Reichgott moved that S.F. No. 1892, on Special Orders, be stricken and laid on the table. The motion prevailed.

Mr. Luther moved that Senate Concurrent Resolution No. 14 be taken from the table. The motion prevailed.

Senate Concurrent Resolution No. 14: A Senate concurrent resolution deploring acts of violence, threats of violence, and other criminal acts against reproductive health care facilities, and exhorting law enforcement

agencies to investigate such acts and apprehend and prosecute those responsible for their perpetration.

RECONSIDERATION

Mr. Gustafson moved that the vote whereby the Jude amendment to Senate Concurrent Resolution No. 14 was adopted by the Senate on April 13, 1988, be now reconsidered.

CALL OF THE SENATE

Mr. Bertram imposed a call of the Senate for the balance of the proceedings on Senate Concurrent Resolution No. 14. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 34 and nays 25, as follows:

Those who voted in the affirmative were:

Belanger	Decker	Gustafson	Morse	Ramstad
Benson	DeCramer	Knaak	Novak	Reichgott
Berglin	Dicklich	Luther	Peterson, D.C.	Solon
Brandl	Diessner	Marty	Peterson, R.W.	Spear
Brataas	Frederick	Mehrkens	Piper	Storm
Cohen	Frederickson, D.J.	Moe, D.M.	Pogemiller	Stumpf
Dahl	Freeman	Moe, R.D.	Purfeerst	

Those who voted in the negative were:

Adkins	Chmielewski	Kroening	Lessard	Renneke
Anderson	Frank	Laidig	McQuaid	Samuelson
Beckman	Frederickson, D.R.	Langseth	Metzen	Schmitz
Bernhagen	Johnson, D.E.	Lantry	Olson	Vickerman
Bertram	Jude	Larson	Pehler	Waldorf

The motion prevailed. So the vote was reconsidered.

The question recurred on the Jude amendment.

Mr. Ramstad questioned whether the amendment was germane.

The President ruled that the amendment was germane.

Mr. Laidig moved that Senate Concurrent Resolution No. 14 be re-referred to the Committee on Rules and Administration.

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

Mr. Luther moved that those not voting be excused from voting.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 34 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	DeCramer	Lantry	Morse	Ramstad
Berg	Dicklich	Luther	Pehler	Reichgott
Berglin	Diessner	Marty	Peterson, D.C.	Schmitz
Brandl	Frederick	Mehrkens	Peterson, R.W.	Solon
Brataas	Frederickson, D.J.	Merriam	Piper	Spear
Cohen	Freeman	Moe, D.M.	Pogemiller	Storm
Decker	Knaak	Moe, R.D.	Purfeerst	

Those who voted in the negative were:

Adkins	Chmielewski	Johnson, D.E.	Larson	Renneke
Beckman	Dahl	Jude	Lessard	Taylor
Belanger	Frank	Kroening	McQuaid	Vickerman
Bernhagen	Frederickson, D.R.	Laidig	Metzen	Waldorf
Bertram	Gustafson	Langseth	Olson	

The motion prevailed.

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

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.J.	Lessard	Renneke
Anderson	Decker	Jude	McQuaid	Schmitz
Beckman	Frank	Kroening	Merriam	Stumpf
Bernhagen	Frederickson, D.R.	Laidig	Metzen	Taylor
Bertram	Gustafson	Langseth	Olson	Vickerman
Chmielewski	Johnson, D.E.	Larson	Pehler	Waldorf

Those who voted in the negative were:

Belanger	Dicklich	Lantry	Morse	Purfeerst
Berglin	Diessner	Luther	Novak	Ramstad
Brandl	Frederick	Marty	Peterson, D.C.	Reichgott
Brataas	Frederickson, D.J.	Mehrkens	Peterson, R.W.	Solon
Cohen	Freeman	Moe, D.M.	Piper	Spear
DeCramer	Knaak	Moe, R.D.	Pogemiller	Storm

The motion did not prevail.

Mr. Spear raised a point of order pursuant to Rule 18 as to the time spent by Mr. Jude in discussing Senate Concurrent Resolution No. 14.

The President ruled that the point of order was well taken.

The question recurred on the adoption of the Jude amendment.

The roll was called, and there were yeas 28 and nays 32, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Kroening	McQuaid	Schmitz
Anderson	Frank	Laidig	Merriam	Taylor
Beckman	Frederickson, D.R.	Langseth	Metzen	Vickerman
Bernhagen	Johnson, D.E.	Lantry	Olson	Waldorf
Bertram	Johnson, D.J.	Larson	Pehler	
Chmielewski	Jude	Lessard	Renneke	

Those who voted in the negative were:

Belanger	DeCramer	Knaak	Novak	Reichgott
Berg	Dicklich	Luther	Peterson, D.C.	Solon
Berglin	Diessner	Marty	Peterson, R.W.	Spear
Brandl	Frederick	Mehrkens	Piper	Storm
Brataas	Frederickson, D.J.	Moe, D.M.	Pogemiller	
Cohen	Freeman	Moe, R.D.	Purfeerst	
Decker	Gustafson	Morse	Ramstad	

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

Mr. Jude then moved to amend Senate Concurrent Resolution No. 14 as follows:

Page 2, after line 13, insert:

"BE IT FURTHER RESOLVED that it also deplores intimidation of agencies that offer women alternatives to abortion through lawsuits or legislation that would impinge on their freedom of speech and curtail their efforts to offer women a truly informed and free choice when making the abortion decision."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 34 and nays 22, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Kroening	Mehrrens	Schmitz
Anderson	DeCramer	Laidig	Merriam	Storm
Beckman	Frank	Langseth	Metzen	Stumpf
Bernhagen	Frederickson, D.R.	Lantry	Olson	Taylor
Bertram	Johnson, D.E.	Larson	Pehler	Vickerman
Brandl	Jude	Lessard	Ramstad	Waldorf
Chmielewski	Knaak	McQuaid	Renneke	

Those who voted in the negative were:

Berglin	Frederick	Marty	Peterson, D.C.	Solon
Brataas	Frederickson, D.J.	Moe, D.M.	Peterson, R.W.	Spear
Cohen	Freeman	Moe, R.D.	Piper	
Decker	Gustafson	Morse	Purfeerst	
Dicklich	Luther	Novak	Reichgott	

The motion prevailed. So the amendment was adopted.

Mr. Bertram moved to amend Senate Concurrent Resolution No. 14 as follows:

Page 2, line 2, before "NOW" insert "and

WHEREAS, claims of violence against abortion clinics have not in the past been substantiated; and

WHEREAS, pro-life groups have repeatedly and historically denounced alleged acts of violence against *all* groups of people;"

Page 2, after line 13, insert:

"BE IT FURTHER RESOLVED that it would encourage full documentation of alleged claims of violence against abortion clinics before acceptance by any public agency."

Mrs. Lantry requested division of the amendment as follows:

First portion:

Page 2, line 2, before "NOW" insert "and

WHEREAS, pro-life groups have repeatedly and historically denounced alleged acts of violence against *all* groups of people;"

Second portion:

Page 2, line 2, before "NOW" insert "and

WHEREAS, claims of violence against abortion clinics have not in the past been substantiated;"

Page 2, after line 13, insert:

"BE IT FURTHER RESOLVED that it would encourage full documentation of alleged claims of violence against abortion clinics before acceptance by any public agency."

Mr. Frederick moved to amend the first portion of the Bertram amendment to Senate Concurrent Resolution No. 14 as follows:

Page 1, line 6, delete "pro-life groups have" and insert "the Minnesota Legislature has"

Page 1, line 7, delete "alleged"

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

The roll was called, and there were yeas 43 and nays 15, as follows:

Those who voted in the affirmative were:

Belanger	Decker	Knaak	Morse	Ramstad
Benson	DeCramer	Lantry	Novak	Schmitz
Berglin	Dicklich	Larson	Olson	Solon
Bernhagen	Diessner	Lessard	Pehler	Spear
Brandl	Frederick	Luther	Peterson, D.C.	Storm
Brataas	Frederickson, D.J.	Marty	Peterson, R.W.	Stumpf
Cohen	Freeman	Mehrkins	Piper	Taylor
Dahl	Johnson, D.E.	Merriam	Pogemiller	
Davis	Johnson, D.J.	Moe, R.D.	Purfeerst	

Those who voted in the negative were:

Adkins	Bertram	Frederickson, D.R.	McQuaid	Samuelson
Anderson	Chmielewski	Jude	Metzen	Vickerman
Beckman	Frank	Laidig	Renneke	Waldorf

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

The question recurred on the first portion of the Bertram amendment, as amended.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the first portion of the Bertram amendment, as amended, was adopted.

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

The roll was called, and there were yeas 25 and nays 35, as follows:

Those who voted in the affirmative were:

Adkins	Bertram	Johnson, D.E.	Larson	Samuelson
Anderson	Chmielewski	Johnson, D.J.	Lessard	Schmitz
Beckman	Frank	Jude	McQuaid	Taylor
Belanger	Frederickson, D.R.	Kroening	Metzen	Vickerman
Bernhagen	Hughes	Laidig	Renneke	Waldorf

Those who voted in the negative were:

Benson	Decker	Gustafson	Merriam	Pogemiller
Berg	DeCramer	Knaak	Moe, R.D.	Purfeerst
Berglin	Dicklich	Langseth	Morse	Ramstad
Brandl	Diessner	Lantry	Novak	Solon
Brataas	Frederick	Luther	Peterson, D.C.	Spear
Cohen	Frederickson, D.J.	Marty	Peterson, R.W.	Storm
Dahl	Freeman	Mehrkens	Piper	Stumpf

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

The question was taken on the adoption of the resolution, as amended.

The roll was called, and there were yeas 37 and nays 23, as follows:

Those who voted in the affirmative were:

Benson	DeCramer	Langseth	Morse	Ramstad
Berg	Dicklich	Lantry	Novak	Reichgott
Berglin	Diessner	Luther	Pehler	Schmitz
Brandl	Frederick	Marty	Peterson, D.C.	Spear
Brataas	Frederickson, D.J.	Mehrkens	Peterson, R.W.	Storm
Cohen	Freeman	Merriam	Piper	
Dahl	Gustafson	Moe, D.M.	Pogemiller	
Decker	Knaak	Moe, R.D.	Purfeerst	

Those who voted in the negative were:

Adkins	Bertram	Johnson, D.E.	Larson	Stumpf
Anderson	Chmielewski	Johnson, D.J.	Lessard	Taylor
Beckman	Frank	Jude	Metzen	Vickerman
Belanger	Frederickson, D.R.	Kroening	Renneke	
Bernhagen	Hughes	Laidig	Samuelson	

The motion prevailed. So the resolution, as amended, was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 2473.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 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. 1228: A bill for an act relating to education; allowing the student council member of the higher education coordinating board to vote; amending Minnesota Statutes 1986, section 136A.02, subdivisions 1, 1a, and 7.

Senate File No. 1228 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 1988

CONCURRENCE AND REPASSAGE

Mr. Morse moved that the Senate concur in the amendments by the House to S.F. No. 1228 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1228: A bill for an act relating to education; appointing a voting student member to the higher education coordinating board; amending Minnesota Statutes 1986, section 136A.02, subdivisions 1, 1a, and 7.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 2235: A bill for an act relating to workers' compensation; regulating the location of certain medical examinations; amending Minnesota Statutes 1987 Supplement, section 176.155, subdivision 1.

Senate File No. 2235 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 1988

CONCURRENCE AND REPASSAGE

Mr. Stumpf moved that the Senate concur in the amendments by the House to S.F. No. 2235 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2235: A bill for an act relating to workers' compensation; regulating workers' compensation benefits and administration; regulating workers' compensation insurance; providing for the appointment of actuaries; abolishing the workers' compensation court of appeals and transferring its jurisdiction to the court of appeals; requiring certain reports relating to workers' compensation; appropriating money; amending Minnesota Statutes 1986, sections 79.095; 79.55, subdivision 2; 79.56, by adding a subdivision; 79.61, subdivision 1; 176.011, subdivisions 11a, 18, and by adding a subdivision; 176.021, subdivision 3; 176.061, subdivision 10; 176.081, subdivisions 1 and 3; 176.101, subdivisions 1, 2, 4, 5, and by adding subdivisions; 176.102, subdivisions 1, 7, and 11; 176.105, subdivision 1; 176.111, subdivisions 6, 7, 8, 12, 14, and 20; 176.131, subdivisions 1a, 2, and by adding a subdivision; 176.132, subdivisions 1, 2, and 3; 176.136, subdivision 1, and by adding a subdivision; 176.421, subdivisions 1 and 6; 176.645, subdivisions 1 and 2; 176.66, subdivision 11; 176A.03, by adding a subdivision; and 480A.06, subdivisions 3 and 4; Minnesota Statutes 1987 Supplement, sections 176.041, subdivision 4; 176.081, subdivision 2; 176.102, subdivisions 2, 3, 3a, 4, and 6; 176.111, subdivisions 15 and 21; 176.131, subdivisions 1 and 8; 176.155, subdivision 1; 176.221, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 79 and 176; repealing Minnesota Statutes 1986, sections 79.54; 79.57; 79.58; 175A.01; 175A.02; 175A.03; 175A.04; 175A.05; 175A.06; 175A.07, subdivisions 1, 3, and 4; 175A.08; 175A.09; 175A.10; 176.011, subdivision 26; 176.101, subdivisions 3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h, 3i, 3j, 3k, 3l, 3m, 3n, 3o, 3p, 3q, 3r, 3s, 3t, 3u, and 6; and Minnesota Statutes 1987 Supplement, section 175A.07, 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 41 and nays 23, as follows:

Those who voted in the affirmative were:

Adkins	Brataas	Hughes	Mehrkens	Schmitz
Anderson	Chmielewski	Johnson, D.E.	Moe, R.D.	Storm
Beckman	Davis	Jude	Morse	Stumpf
Belanger	Decker	Knaak	Olson	Taylor
Benson	DeCramer	Laidig	Pehler	Vickerman
Berg	Frederick	Langseth	Peterson, R.W.	
Bernhagen	Frederickson, D.J.	Larson	Purfeerst	
Bertram	Frederickson, D.R.	Lessard	Ramstad	
Brandl	Gustafson	McQuaid	Renneke	

Those who voted in the negative were:

Berglin	Frank	Luther	Peterson, D.C.	Solon
Cohen	Freeman	Marty	Piper	Spear
Dahl	Johnson, D.J.	Merriam	Pogemiller	Waldorf
Dicklich	Kroening	Metzen	Reichgott	
Diessner	Lantry	Novak	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. 1809: A bill for an act relating to communication-impaired persons; requiring the commissioner of human services to provide assistance in implementing the program that provides telephones to communication-impaired persons; making other technical changes in the program; appropriating money; amending Minnesota Statutes 1987 Supplement, sections 237.50, subdivision 4; 237.51, subdivision 5; 237.52, subdivisions 3 and 5; and 237.53, subdivisions 3, 4, 6, and 7; repealing Minnesota Statutes 1987 Supplement, sections 237.50, subdivision 6; 237.52, subdivisions 1 and 4; and 237.53, subdivision 8.

Senate File No. 1809 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 1988

CONCURRENCE AND REPASSAGE

Mr. Marty moved that the Senate concur in the amendments by the House to S.F. No. 1809 and that the bill be placed on its repassage as amended.

Mr. Pehler moved that the Senate do not concur in the amendments by the House to S.F. No. 1809, 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. Marty. The motion prevailed.

S.F. No. 1809: A bill for an act relating to telephones; combining local telephone service surcharges for emergency telephone service, telephone access for hearing impaired, and the telephone assistance plan into one surcharge at the option of each company; requiring the department of human services to administer the telecommunications assistance for communication impaired persons program; making other technical changes in the program; requiring the department of administration to separate the surcharges into three separate accounts; adding low-income disabled persons to those eligible for the telephone assistance plan; clarifying eligibility for telephone assistance; clarifying administrative functions of and reimbursements to state agencies and telephone companies; amending Minnesota Statutes 1987 Supplement, sections 237.50, subdivision 4; 237.51, subdivision 5; 237.52, subdivision 5; 237.53, subdivisions 3, 4, 6, and 7; 237.69, subdivision 6, and by adding subdivisions; and 237.70, subdivisions 3, 6, 7, and by adding a subdivision; Laws 1987, chapter 340, section 17; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Statutes 1987 Supplement, sections 237.53, subdivision 8; 237.70, subdivision 4; and 237.72.

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 9, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Jude	Merriam	Ramstad
Anderson	Diessner	Knaak	Moe, D.M.	Reichgott
Benson	Frederick	Kroening	Morse	Schmitz
Berglin	Frederickson, D.J.	Langseth	Olson	Solon
Bernhagen	Frederickson, D.R.	Lantry	Pehler	Spear
Chmielewski	Freeman	Lessard	Peterson, D.C.	Storm
Cohen	Gustafson	Luther	Peterson, R.W.	Stumpf
Decker	Hughes	Marty	Piper	
DeCramer	Johnson, D.E.	McQuaid	Purfeerst	

Those who voted in the negative were:

Beckman	Berg	Frank	Larson	Vickerman
Belanger	Bertram	Laidig	Renneke	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Bertram introduced—

Senate Resolution No. 147: A Senate resolution commending the Minnesota Strikers Soccer Team for its promotional efforts on behalf of the Minnesota Won't Forget/POW-MIA organization.

Referred to the Committee on Rules and Administration.

Mr. Bertram introduced—

Senate Resolution No. 148: A Senate resolution honoring Captain Trent Powers, United States Navy, and joining with the families of our Missing In Action in the hope that their long vigil will soon be over.

Referred to the Committee on Rules and Administration.

Mr. Dicklich moved that S.F. No. 1840, No. 18 on Special Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Mr. Dicklich moved that S.F. No. 2136, No. 14 on Special Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

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

Messrs. Pogemiller and Freeman introduced—

S.F. No. 2579: A bill for an act relating to education; permitting the sale of college education bonds; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 16A.

Referred to the Committee on Education.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Johnson, D.J. moved that the following members be excused for a Conference Committee on H.F. No. 2590 at 9:20 p.m.:

Messrs. Bernhagen, Brandl, Novak, Pogemiller and Johnson, D.J. 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 9:30 p.m.:

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

RECESS

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

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

APPOINTMENTS

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

H.F. No. 2477: Messrs. Wegscheid, Renneke and Moe, D.M.

H.F. No. 2041: Messrs. Davis, Morse and Frederickson, D.J.

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

MEMBERS EXCUSED

Mr. Knutson was excused from the Session of today. Messrs. DeCramer, Langseth and Vickerman were excused from the Session of today from 1:00 to 2:00 p.m. Mr. Solon was excused from the Session of today from 1:00 to 3:00 p.m. Mr. Lessard was excused from the Session of today from 3:15 to 4:00 p.m. Mr. Brandl was excused from the Session of today from 3:20 to 4:15 p.m. Mr. Benson was excused from the Session of today from 5:30 to 6:45 p.m. Ms. Reichgott was excused from the Session of today from 5:30 to 7:00 p.m. Mr. Lessard was excused from the Session of today from 6:10 to 6:55 p.m. Mr. Wegscheid was excused from the Session of today at 6:15 p.m. Mr. Hughes was excused from the Session of today from 1:30 to 2:00 and 7:00 to 8:30 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Saturday, April 16, 1988. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate