

## FIFTY-FIRST DAY

St. Paul, Minnesota, Friday, May 12, 1989

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

### CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. James D. Gorman.

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

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

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.

May 10, 1989

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 1989 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.	Time and Date Approved 1989	Date Filed 1989
	989	76	1330 hours May 9	May 9
	1517	80	1333 hours May 9	May 9
628		83	1334 hours May 9	May 9
1082		87	1332 hours May 9	May 9
	1440	90	1800 hours May 9	May 9
	438	94	1334 hours May 9	May 9
695		97	1810 hours May 9	May 9
	1069	98	1812 hours May 9	May 9
	770	99	1814 hours May 9	May 9
	655	100	1816 hours May 9	May 9
	930	101	1806 hours May 9	May 9
	1389	102	1817 hours May 9	May 9
	1131	103	1801 hours May 9	May 9
	1405	104	1818 hours May 9	May 9
	1352	105	1820 hours May 9	May 9
	1048	106	1802 hours May 9	May 9
	1416	107	1821 hours May 9	May 9
	1459	108	1822 hours May 9	May 9
	765	109	1823 hours May 9	May 9
	1357	110	1824 hours May 9	May 9
	1498	111	1814 hours May 9	May 9

Sincerely,  
Joan Anderson Growe  
Secretary of State

May 10, 1989

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 1989 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.	Time and Date Approved 1989	Date Filed 1989
321		112	1030 hours May 10	May 10
493		113	1031 hours May 10	May 10
	1387	114	1034 hours May 10	May 10
	1589	115	1033 hours May 10	May 10

Sincerely,  
Joan Anderson Growe  
Secretary of State

**MESSAGES FROM THE HOUSE**

Mr. President:

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

S.F. No. 1020: A bill for an act relating to education; authorizing and establishing procedures for the sale of all or part of the Minnesota Educational Computing Corporation; amending Minnesota Statutes 1988, sections 119.04, subdivision 2, and by adding subdivisions; 119.06, subdivision 3; and 119.09.

Senate File No. 1020 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1989

**CONCURRENCE AND REPASSAGE**

Mr. Pehler moved that the Senate concur in the amendments by the House to S.F. No. 1020 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1020 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 57 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Johnson, D.E.	McQuaid	Ramstad
Anderson	Davis	Johnson, D.J.	Mehrkens	Renneke
Beckman	Decker	Knaak	Metzen	Samuelson
Belanger	DeCramer	Knutson	Moe, R.D.	Schmitz
Benson	Diessner	Kroening	Morse	Storm
Berg	Frank	Ladig	Olson	Stumpf
Berglin	Frederick	Lantry	Pariseau	Taylor
Bernhagen	Frederickson, D.I.	Larson	Pehler	Vickerman
Bertram	Frederickson, D.R.	Lessard	Peterson, D.C.	Waldorf
Brandl	Freeman	Luther	Peterson, R.W.	
Brataas	Gustafson	Marty	Piper	
Chmielewski	Hughes	McGowan	Purfeerst	

Mr. Merriam voted in the negative.

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

**MESSAGES FROM THE HOUSE - CONTINUED**

Mr. President:

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

S.F. No. 1039: A bill for an act relating to charitable gambling; permitting organizations to treat legal expenses as an allowable expense; amending Minnesota Statutes 1988, section 349.15.

Senate File No. 1039 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1989

### CONCURRENCE AND REPASSAGE

Mr. Merriam moved that the Senate concur in the amendments by the House to S.F. No. 1039 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1039: A bill for an act relating to charitable gambling; permitting organizations to treat legal expenses as an allowable expense; defining lawful purpose; amending Minnesota Statutes 1988, sections 349.12; and 349.15.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 1358: A bill for an act relating to metropolitan airport planning; requiring various actions, plans, and reports by the metropolitan council and the metropolitan airports commission; establishing a state advisory council on metropolitan airport planning; providing for a study on the effects of a runway expansion at Airlake airport and the use of certain airports to relieve congestion at Minneapolis-St. Paul international airport; amending Minnesota Statutes 1988, sections 473.604, subdivision 1; 473.608, subdivision 1; and 473.621, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 473.

Senate File No. 1358 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1989

Mr. Moe, R.D. moved that the Senate do not concur in the amendments by the House to S.F. No. 1358, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

### REPORTS OF COMMITTEES

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

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

S.F. No. 328: A bill for an act relating to agriculturally derived ethyl alcohol; clarifying eligibility for producer payments; defining terms; amending Minnesota Statutes 1988, section 41A.09, subdivisions 2 and 3.

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

Page 2, line 2, after the period, insert "*These payments shall apply only to ethanol or wet alcohol fermented in the state.*"

Page 2, line 17, before the period, insert ", *but not less than 11 cents per gallon*"

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

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

S.F. No. 659: A bill for an act relating to motor vehicles; increasing and allocating fees and motor vehicle excise tax for dealer plates; restricting use of dealer plates; amending Minnesota Statutes 1988, section 168.27, subdivision 16.

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

Page 1, line 17, delete "\$25" and insert "\$60" and delete "\$50" and insert "\$15"

Page 1, line 20, delete "\$15" and insert "\$25" and reinstate the stricken "\$15" and delete "\$25"

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

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

S.F. No. 1377: A bill for an act relating to wild rice; clarifying requirements on packaging and labeling; requiring disclosure of origin; authorizing the construction of a greenhouse facility for the study of wild rice; providing technical assistance for marketing; appropriating money; amending Minnesota Statutes 1988, section 30.49; proposing coding for new law in Minnesota Statutes, chapter 30; repealing Minnesota Statutes 1988, section 84.152, subdivision 5.

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

as follows:

Delete everything after the enacting clause and insert:

"Section 1. [CITATION.]

*This act may be cited as the "Minnesota wild rice preservation act of 1989" or "manomin act."*

Sec. 2. Minnesota Statutes 1988, section 30.49, is amended to read:

30.49 [~~PADDY GROWN~~ WILD RICE LABELING.]

*Subdivision 1. [CULTIVATED WILD RICE.] All (a) Except as provided in paragraph (b), wild rice ~~which~~ containing a portion of wild rice that is ~~planted or~~ cultivated and ~~which~~ is offered for wholesale or retail sale in this state ~~shall~~ must be plainly and conspicuously labeled as either "paddy grown" or as "cultivated" in letters of a size and form prescribed by the commissioner.*

*(b) Cultivated wild rice sold for international commerce is exempt from this subdivision.*

*Subd. 2. [NATURAL LAKE OR RIVER WILD RICE.] (a) A package containing only 100 percent natural lake or river wild rice that is offered for sale at wholesale or retail sale in this state may be plainly and conspicuously labeled as "100 percent naturally grown, lake and river harvested" in letters of a size and form prescribed by the commissioner. A package of wild rice labeled "100 percent naturally grown, lake and river harvested" must also contain the license number issued under section 84.152 of the last licensed dealer, if any, who handled the wild rice.*

*(b) A package that does not contain 100 percent natural lake or river wild rice may not contain a label authorized under paragraph (a).*

*Subd. 3. [RECORDS.] (a) A person who buys, sells, processes, or markets wild rice not for use in packaged blended rice and ready-to-eat rice must maintain the following records and shall submit annual reports on or before December 31 of each year to the commissioners of agriculture and natural resources. A person who buys, sells, processes, or markets wild rice not for use in packaged blended rice and ready-to-eat rice shall provide the department, on demand, relevant information from the records required under this section.*

*(b) The report must contain:*

*(1) the date of each transaction;*

*(2) the quantity of wild rice bought or sold;*

*(3) an identification of whether the wild rice is cultivated or paddy grown, or whether it is naturally grown lake and river-harvested wild rice;*

*(4) the names and addresses of the parties of the transaction and the department of natural resources license or permit numbers;*

*(5) the lot numbers of all the wild rice bought or sold in each transaction; and*

*(6) documents that track the rice, by lot number, through processing and the assignment of a final lot number on the finished product offered for distribution or sale in Minnesota.*

*Subd. 4. [FAIR PACKAGING AND LABELING.] Natural lake and river-harvested wild rice from public waters and cultivated or paddy grown wild rice are separate and distinct ingredients under the fair packaging and labeling provisions of section 31.103.*

*Subd. 5. [MISBRANDING RELATING TO INDIAN HARVESTED OR PROCESSED.] A wild rice label that implies the wild rice is harvested or processed by Indians is misbranded unless the package contains only 100 percent natural lake or river wild rice.*

*Subd. 6. [PACKAGED BLENDED RICE AND READY-TO-EAT RICE.] A package containing a blend of wild rice and at least 40 percent other grains or food products, and puffed or ready-to-eat wild rice, are exempt from this section, except subdivisions 3 and 5.*

*Subd. 7. [PENALTY.] Any person who sells wild rice at wholesale or retail which is not labeled as required by this section is guilty of a misdemeanor."*

Delete the title and insert:

"A bill for an act relating to wild rice; clarifying requirements on packaging and labeling; requiring disclosure of origin; amending Minnesota Statutes 1988, section 30.49."

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

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

S.F. No. 594: A bill for an act relating to agriculture; maintaining uniformity with certain federal food law provisions; amending Minnesota Statutes 1988, sections 18B.06, by adding a subdivision; 28A.04, subdivision 1; 31.101; 31.102, subdivision 1; 31.103, subdivision 1; 31.104; and 31.11.

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

Page 2, line 15, delete "(a)"

Page 2, delete lines 19 to 25

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

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

S.F. No. 1200: A bill for an act relating to traffic regulations; defining terms; subjecting driver of commercial motor vehicle to stricter federal standard on alcohol-related driving; providing for and regulating category of commercial driver's license and commercial motor vehicle drivers; authorizing Minnesota to join driver license compact; allowing exchange of driver license information with other states; promoting consolidated, complete driver record; imposing penalties; appropriating money; amending Minnesota Statutes 1988, sections 168.011, subdivision 9; 169.01, subdivision 50, and by adding a subdivision; 169.123, subdivisions 1, 2, 4, 5, 5a, 5b, 5c, and 6; 171.01, subdivision 19, and by adding subdivisions; 171.02, subdivision 2; 171.03; 171.04; 171.06, subdivisions 2 and 3; 171.07, by adding a subdivision; 171.10, subdivision 2; 171.12, subdivision 2; 171.13, subdivision 5; 171.14; 171.16, subdivision 1; 171.18; 171.20; 171.22,

subdivision 1; 171.24; and 171.30, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 169 and 171.

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

Page 35, line 1, delete "\$ . . . . ." and insert "\$480,000"

Page 35, line 3, delete ", and is"

Page 35, line 4, delete "available until June 30, 1991" and after the period, insert "\$252,000 is for fiscal year 1990 and \$228,000 is for fiscal year 1991."

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

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

S.F. No. 1404: A bill for an act relating to rural development; providing for a rural community needs assessment model; providing for research and development; providing mechanisms for agriculture diversification; providing a native grass and wildflower seed loan program; reactivating the agricultural data collection task force; providing coordination of aquiculture programs; requiring reporting to the commissioner of agriculture on aquiculture projects with state funding; defining aquiculture; declaring aquiculture an agricultural pursuit; changing the dairy industry checkoff rate; extending the Minnesota dairy task force; providing conditions to accept certain land transfers from the federal government; establishing the board of directors of the agricultural utilization research institute and an advisory board; directing a study and report on community and urban reforestation; providing a policy of preserving basic resource industries; appropriating money; amending Minnesota Statutes 1988, sections 17.49; 17.59, by adding a subdivision; 116O.09, subdivisions 1, 2, and by adding a subdivision; Laws 1985, chapter 19, section 2, subdivision 2, as amended, and section 6, subdivision 6, as amended; and Laws 1988, chapter 688, article 3, sections 1, subdivision 3; 2; and 3; proposing coding for new law in Minnesota Statutes, chapters 17; 17B; and 84.

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

Page 2, line 4, after the period, insert "At least one of the rural communities selected in 1990 must have a population of 1,000 or less."

Pages 11 to 16, delete article 10 and insert:

#### "ARTICLE 10

#### GRASSHOPPER CONTROL PROGRAM

Section 1. Minnesota Statutes 1988, section 18.022, subdivision 2, is amended to read:

Subd. 2. [COST.] (a) ~~In order~~ To defray the cost of ~~such the~~ activities under subdivision 1, the governing body of ~~any such the~~ political subdivision may levy a ~~special~~ tax which, except when levied by a county, ~~shall~~ must not exceed ~~two-thirds mill~~ a gross tax capacity rate of .55 percent or a net tax capacity rate of .68 percent in any year in excess of charter or statutory millage tax capacity rate limitations, but not in any event more than 50 cents per capita, ~~and any such~~ except that the levy for the grasshopper control program under sections 23 to 26 is not subject to the 50



*cents per capita limitation. The political subdivision may make such a the levy, where necessary, separate from the general levy and at any time of the year. (b) If, because of the prevalence of Dutch elm disease, the governing body of such a political subdivision is unable to defray the cost of control activities authorized by this section within the limits set by this subdivision, the limits set by this subdivision are increased to ~~1-1/3~~ mills a gross tax capacity rate of 1.1 percent or a net tax capacity rate of 1.36 percent, but not in any event more than one dollar per capita.*

#### NOXIOUS WEED AND PLANT PEST CONTROL

Sec. 2. [18.801] [CITATION.]

*Sections 2 to 22 may be cited as the "noxious weed and plant pest control law."*

Sec. 3. [18.805] [DEFINITIONS.]

*Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 2 to 22. [18.171 s. 1]*

*Subd. 2. [ERADICATE.] "Eradicate" means complete killing of weeds and plant pest habitat by use of cutting, chemicals, tillage, cropping system, pasturing, livestock, or crops, or all of these in effective combination. [18.171 s. 6]*

*Subd. 3. [LAND.] "Land" includes wetlands and public waters. [18.171 s. 8]*

*Subd. 4. [MUNICIPALITY.] "Municipality" means a statutory or home rule charter city or township. [18.171 s. 2]*

*Subd. 5. [NONRESIDENT PROPERTY.] "Nonresident property" means property that is unoccupied, the owner of which does not reside within the county. [18.171 s. 3]*

*Subd. 6. [NOXIOUS WEEDS.] "Noxious weeds" means the annual, biennial, and perennial plants that are declared noxious weeds by law, or by the commissioner by order after determining the plants to be injurious to public health or welfare, public roads, crops, livestock, and other property. Wild sunflowers are a noxious weed. [18.171 s. 5]*

*Subd. 7. [OTHERWISE DESTROY.] "Otherwise destroy" means killing plant pests, noxious weeds, or plant pest habitat above the surface of the ground. [18.171 s. 6]*

*Subd. 8. [PERMANENT PASTURE AND MEADOW.] "Permanent pasture and meadow" means an area of native or seeded perennial grasses and other perennial plants used for hay or grazing that has been seeded for more than two years and does not include annuals or biennials planted for or to be used for hay or pasture not more than one or two years. [18.171 s. 7]*

*Subd. 9. [PLANT PESTS.] "Plant pests" means insects and other animals declared to be plant pests by law, or by the commissioner by order after determining the plant pests are injurious to the public health or welfare and damaging to plants.*

*Subd. 10. [RESIDENT PROPERTY.] "Resident property" means property occupied or owned by persons residing within the county. [18.171 s. 4]*

*Subd. 11. [ROAD.] "Road" means trunk highways, county state-aid highways, county highways, minimum maintenance roads, and cartways.*

*Subd. 12. [ROAD AUTHORITY.] "Road authority" means the commissioner for trunk highways, the county board for county state-aid highways and county highways, the town board for town roads, and the governing bodies of cities if the governing bodies or city streets are specifically mentioned.*

*Subd. 13. [WEED AND PLANT PEST LAW.] "Weed and plant pest law" means the provisions of sections 2 to 22 and other provisions of law relating to weed and plant pest control.*

#### RESPONSIBILITY FOR WEED AND PLANT PEST CONTROL

##### Sec. 4. [18.811] [LANDOWNER'S RESPONSIBILITY FOR NOXIOUS WEED AND PLANT PEST CONTROL.]

*Subdivision 1. [GENERAL DUTY.] (a) Except as otherwise specifically provided in sections 2 to 22, a person occupying property or, if the property is unoccupied, the owner of the property, the owner's agent, or the public official in charge of the property must:*

*(1) eradicate or otherwise destroy noxious weeds standing, existing, or growing on the land in a manner and at times directed or ordered by the commissioner, the commissioner's authorized agents, the county agricultural inspector, or a local weed and plant pest inspector having jurisdiction over the land; and*

*(2) eradicate or otherwise destroy plant pests and plant pest habitat in a manner and at times directed or ordered by the commissioner, the commissioner's authorized agents, the county agricultural inspector, or a local weed and plant pest inspector having jurisdiction over the land. [18.191]*

*(b) For property that is subject to a public utility easement as defined in section 115B.02, subdivision 14, the person controlling the surface of the land other than the holder of the public utility easement is the person responsible for control of noxious weeds and plant pests under this chapter.*

*Subd. 2. [RESPONSIBILITY FOR PURPLE LOOSESTRIPE ON PUBLIC WATERS.] (a) Except as provided in paragraph (b), an owner of nonfederal lands underlying public waters or wetlands designated under section 105.391 is not required to control or eradicate purple loosestrife (*Lythrum salicaria*) below the ordinary high water level of the public water or wetland. The commissioner of natural resources is responsible for control and eradication of purple loosestrife on public waters and wetlands designated under section 105.391, except purple loosestrife on lands owned in fee title or managed by the United States. The officers, employees, agents, and contractors of the commissioner may enter public waters and wetlands designated under section 105.391 and may cross adjacent lands as necessary for the purpose of investigating purple loosestrife infestations, formulating methods of eradication, and implementing control and eradication of purple loosestrife.*

*(b) The responsibility of the commissioner to control and eradicate purple loosestrife on public waters and wetlands located on private lands and the authority to enter private lands ends ten days after receipt by the commissioner of a written statement from the landowner that the landowner assumes responsibility for control and eradication of purple loosestrife under sections 2 to 22.*

*(c) State officers, employees, agents, and contractors are not liable in a civil action for trespass committed in the discharge of their duties under this section and are not liable to anyone for damages, except for damages arising from gross negligence. [18.191]*

**Sec. 5. [18.815] [RAILWAY COMPANIES MUST DESTROY NOXIOUS WEEDS AND PLANT PESTS.]**

*Subdivision 1. [DUTY TO ERADICATE.] Railway companies including suburban railway companies must:*

*(1) cause all noxious weeds standing, existing, or growing on the right-of-way or on property of the company adjoining the right-of-way, to be eradicated or otherwise destroyed in a manner and at times directed or ordered by the commissioner, the local weed and plant pest inspector, or the county agricultural inspector after consultation with the local weed and plant pest inspector; and*

*(2) eradicate or otherwise destroy plant pests and plant pest habitat in a manner and at times directed or ordered by the commissioner, the local weed and plant pest inspector, or the county agricultural inspector after consultation with the local weed and plant pest inspector. [18.201]*

*Subd. 2. [FAILURE TO ERADICATE.] (a) If a company fails to perform its duty, the local weed and plant pest inspector, or the county agricultural inspector after consultation with the local weed and plant pest inspector, shall give the notice provided in section 14, subdivision 2. The notice must be served in the manner for serving a summons in a civil action in the district court.*

*(b) If the weeds, plant pests, or plant pest habitat are not eradicated or otherwise destroyed within the time directed in the notice, the local weed and plant pest inspector, the county agricultural inspector after consultation with the local weed and plant pest inspector, or the commissioner shall cause the weeds, plant pests, or plant pest habitat to be eradicated and otherwise destroyed and furnish the owner of the land where the weeds or plants grew or where the plant pests were located with an itemized statement showing the reasonable cost of eradication and destroying the weeds or the plant pests or plant pest habitat. The owner of the land must pay the reasonable cost to the municipality that caused the eradication or destruction of the weeds, plant pests, or plant pest habitat. If the owner fails to pay the reasonable cost within 20 days after the statement is furnished, the reasonable cost of eradication and destruction of the weeds or plant pests or plant pest habitat may be recovered by the municipality or by the commissioner in a civil action. [18.201]*

**Sec. 6. [18.821] [ROAD AUTHORITY RESPONSIBILITY FOR NOXIOUS WEEDS AND PLANT PESTS.]**

*Subdivision 1. [RESPONSIBILITY FOR ERADICATION.] Road authorities must:*

*(1) annually eradicate or otherwise destroy noxious weeds standing, located, or growing on roads and their right-of-ways, as often as necessary to prevent the ripening or scattering of seed and other propagating parts of the weeds, in the manner directed or ordered by the commissioner or the county agricultural inspector or local weed and plant pest inspector having jurisdiction; and*

*(2) eradicate or otherwise destroy plant pests and plant pest habitat in*

*a manner and at times directed by the commissioner or the county agricultural inspector or local weed and plant pest inspector having jurisdiction. [18.211]*

*Subd. 2. [ACCOUNTING FOR EXPENSE.] The expense incurred must be charged against maintenance funds of the road authority provided for this purpose. [18.211]*

**Sec. 7. [18.825] [TAX-FORFEIT, TAX-EXEMPT, AND INDIAN RESERVATION LAND.]**

*If the officials or persons in charge of tax-exempt or tax-forfeited lands or Indian reservation lands fail to eradicate or otherwise destroy noxious weeds, plant pests, or plant pest habitat in the manner prescribed in sections 2 to 22, or as provided in a served notice within the required number of days after service, the commissioner shall proceed to cause the noxious weeds, plant pest habitat, or plant pests to be eradicated or otherwise destroyed. The expense incurred is a charge against funds provided for this purpose and, on presentation of an itemized account of the charges, payment must be made by the public officials in charge of the funds. [18.241 s. 3]*

**Sec. 8. [18.831] [CONTROL ON STATE LANDS.]**

*Subdivision 1. [LOCAL CONTROL IF STATE FAILS.] A town or municipality may eradicate or otherwise destroy or act to control noxious weeds or plant pests or plant pest habitat on state-owned property that is located within the boundary of the town or city if the state agency responsible for supervision and maintenance of the land fails to take steps to control the noxious weeds or plant pests or plant pest habitat within 14 days of receiving a notice to control the noxious weeds, plant pests, or plant pest habitat from the town board or city council. [18.315]*

*Subd. 2. [EXPENSES.] A town or city that eradicates or otherwise destroys or acts to control noxious weeds, plant pests, or plant pest habitat under this section must be reimbursed from the operating budget of the state agency responsible for the land and the amount is appropriated from that fund on presentation of documented proof of reasonable and necessary expenses incurred to prevent the spread of noxious weeds or plant pests from the state-owned land. Each request for reimbursement must first be approved by the commissioner of agriculture. [18.315]*

**Sec. 9. [18.835] [THRESHING EQUIPMENT CLEANED BEFORE MOVING.]**

*Subdivision 1. [CLEANING OF THRESHING MACHINES REQUIRED.] A person owning or operating a threshing machine, combine, seed huller, hay baler, or other equipment used in the harvesting of crops, must immediately after completing the threshing of grain or seed at each and every point of threshing or before interstate or intrastate transit, clean or cause the machine to be cleaned, along with wagons and other outfits used in connection with the threshing, so that seeds of noxious weeds are not carried to, or on the way to, the next place of threshing by the threshing outfit. [18.221]*

*Subd. 2. [NOTICE.] A printed copy of this section, in a form provided by the commissioner, must be affixed by the owner and remain affixed to every threshing machine, combine, seed huller, hay baler and other equipment used in the harvesting of crops whenever that equipment is operated*

*in the state.* [18.221]

*Subd. 3. [FINE.] A person violating this section is subject to a fine of not less than \$10 nor more than \$25 for each violation.* [18.221]

**Sec. 10. [18.841] [TRANSPORTATION OF NOXIOUS WEED MATERIAL.]**

*(a) Except as provided in section 21.74, a person may not transport on a public highway materials containing seeds or other propagating parts of leafy spurge, horse nettle, Austrian field cress, field bindweed, perennial pepper grass, wild radish, sow thistle, Canada thistle, hoary alyssum, purple loosestrife, or any other noxious weed designated by the commissioner, unless the person obtains a written permit for the transportation of the material from a local or state weed and plant inspector or a county agricultural inspector.*

*(b) Inspectors may issue permits to persons residing or operating within their respective jurisdictions to regulate the transportation of the material and to require proper treatment, cleaning, sterilization, or destruction of material that has been or is about to be transported or deposited to prevent the growing or scattering of any weed seeds or other propagating parts contained in the material.*

*(c) Copies of permits issued under this section must be immediately sent to the commissioner.* [18.241 s. 2]

**Sec. 11. [18.845] [PACKAGING OF TRANSPORTED NOXIOUS WEED MATERIAL.]**

*Except as provided in section 21.74, a person may not transport on a public highway grain seed, screenings, hay forage, straw, soil, gravel, sand, or refuse and other materials containing seeds and other propagating parts of leafy spurge, horse nettle, Austrian field cress, field bindweed, perennial pepper grass, wild radish, sow thistle, Canada thistle, hoary alyssum, purple loosestrife, or any other noxious weeds designated by the commissioner, unless it is in sacks, bales, boxes, or other containers sufficiently tight and closed or covered with canvas or other material to prevent seeds and other propagating parts of the weeds from blowing or scattering along the highway or on other lands or water.* [18.241 s. 2]

**Sec. 12. [18.851] [SCATTERING OR DUMPING NOXIOUS WEED MATERIAL PROHIBITED.]**

*Subdivision 1. [SCATTERING OR DUMPING PROHIBITED.] Except as provided in subdivision 2, a person may not scatter or dump on land or in water:*

*(1) grain, seed, and screenings containing seeds and other propagating parts of noxious weeds in excess of legal limits of weed seeds per pound in agricultural seed; or*

*(2) soil, gravel, rubbish, trash, and other materials containing seeds or other propagating parts of noxious weeds in harmful amounts as determined by rule of the commissioner.* [18.241 s. 2]

*Subd. 2. [EXCEPTION.] The material described in subdivision 1 may be scattered or dumped if it is processed, treated, or buried sufficiently deep to destroy viable seeds and other propagating parts contained by the material so that the legal limit of viable weed seeds per pound in agricultural seed is not exceeded.* [18.241 s. 2]

## INSPECTION AND WEED CONTROL

## Sec. 13. [18.855] [INSPECTORS.]

*Subdivision 1. [COUNTY AGRICULTURAL INSPECTORS.] (a) The board of county commissioners, when requested by the commissioner, shall appoint one or more county agricultural inspectors who meet qualifications prescribed by the commissioner.*

*(b) Agricultural inspectors shall:*

*(1) enforce the provisions of laws and rules relating to weed control and seed inspection;*

*(2) enforce laws and rules relating to plant pests and plant pest control;*

*(3) participate in insect and plant disease, poison, feed, and fertilizer programs; and*

*(4) participate in other agricultural programs by request of the commissioner that are under the commissioner's control, unless the board of county commissioners vetoes participation in the programs.*

*(c) The appointment of agricultural inspectors is for full-time employment, or for a period of time mutually agreeable to the board of county commissioners and the commissioner. The resolution appointing agricultural inspectors must set the compensation to be paid to the persons appointed and in addition provide for reimbursement of necessary traveling expenses. [18.231 s. 1]*

*Subd. 2. [TOWN BOARD MEMBERS AS LOCAL WEED AND PLANT PEST INSPECTORS.] (a) The members of town boards are local weed and plant pest inspectors within their respective towns.*

*(b) A town board may appoint persons as assistant weed and plant pest inspectors. An assistant weed and plant pest inspector has the powers and authority of a town board member as a weed and plant pest inspector. An appointment may be for full time or part time. Notice of an appointment, with a statement of the time for which appointment is made, must be delivered to the commissioner within ten days after the date the appointment was made.*

*(c) The town board shall compensate the local weed and plant pest inspectors and assistant inspectors at a rate of at least \$1 per hour plus necessary traveling expenses. The hourly compensation must be an amount determined by the town board that is consistent with the hourly wage rate prevailing in the community or area for similar work and sufficient to obtain competent inspectors. The compensation is to be in addition to the amount allowed by law for other supervisory duties, if any, performed by the local weed and plant pest inspectors or assistant inspectors. [18.231 s. 2]*

*Subd. 3. [MAYOR OF MUNICIPALITY IS LOCAL WEED AND PLANT PEST INSPECTOR.] (a) Except as provided in subdivision 4, the mayor of a municipality is the local weed and plant pest inspector in the municipality.*

*(b) A mayor of a municipality may appoint persons as assistant weed and plant pest inspectors in the municipality. An assistant local weed and plant pest inspector has the powers and authority of a local weed and plant pest inspector.*

*(c) Notice of an appointment must be sent to the commissioner within*

ten days from the date of the appointment.

(d) *The compensation of the local weed and plant pest inspectors and assistant inspectors must be at least \$1 per hour plus necessary expenses. The hourly compensation must be determined by the municipal council in an amount consistent with the hourly wage rate prevailing in their community or area for similar work and sufficient to obtain competent inspectors. The compensation must be paid from the general revenue fund or other fund of the municipality designated by the council and is in addition to compensation and expenses paid to the local weed and plant pest inspectors or assistant inspectors for other duties as an official or employee of the municipality.* [18.231 s. 3]

**Subd. 4. [MINNEAPOLIS WEED AND PLANT PEST INSPECTOR.]**

(a) *Notwithstanding the provisions of subdivision 3, the governing body of the city of Minneapolis shall appoint or designate an employee of the city as local weed and plant pest inspector and set an amount for compensation.*

(b) *The commissioner must be sent notice within ten days of the appointment or designation.* [18.231 s. 3a]

**Subd. 5. [PAYMENT OF EXPENSES.]** (a) *Failure on the part of a municipality or town to include the item of weed inspection in the annual budget is not an excuse and does not justify the nonpayment of charges or expenses incurred by inspectors under sections 2 to 22. The charges or expenses must be audited and paid as other obligations of the municipality or town are paid.*

(b) *If the commissioner determines that weed inspection has not been done commensurate with the bill presented, the commissioner may recommend to the county board, town board, or municipal council that the bill not be paid.* [18.231 s. 4]

**Subd. 6. [PAYMENT BY COUNTY.]** *If a municipality or town neglects or refuses, for a period of 60 days, to make payments of charges or expenses incurred by local weed and plant pest inspectors, the inspectors must be paid by the county auditor on the recommendation of the commissioner, and the total of the amounts paid by the county must be included by the county auditor as a part of the next annual tax levy in the municipality or town and withheld from that municipality or town in making the next apportionment to the municipality or town.* [18.231 s. 5]

**Sec. 14. [18.861] [DUTIES OF LOCAL WEED AND PLANT PEST INSPECTORS.]**

**Subdivision 1. [EXAMINATION OF LAND.]** *A local weed and plant pest inspector shall examine all lands, roads, alleys, and public ground in the inspector's jurisdiction to determine if the property is in compliance with the weed and plant pest law and the rules of the commissioner.* [18.241 s. 1]

**Subd. 2. [NOTICE.]** (a) *If a local weed and plant pest inspector finds that property is not in compliance, the inspector shall cause a notice, in writing, on a form to be prescribed by the commissioner, to be given to the proper public official or to the owner or occupant, or to the agent of an owner of nonresident lands where noxious weeds are standing or growing and in danger of going to seed or otherwise spreading, or plant pests are located or plants harboring the eggs or offspring of plant pests are located.*

(b) *The notice must require:*

(1) *the noxious weeds to be cut down, otherwise destroyed, or eradicated on the land in a specified time and manner; or*

(2) *plant pests eradicated or the plant pests or pest-harboring plants eradicated or otherwise destroyed.* [18.241 s. 1]

*Subd. 3. [INSPECTOR ATTENDANCE AT CONFERENCES.] The inspector shall also attend, when required, conferences called by the commissioner to receive instructions and for a discussion of the weed and plant pest law and its administration. The commissioner must inform inspectors on control methods that minimize adverse environmental impact.* [18.241 s. 1]

**Sec. 15. [18.865] [NOTICE AND DESTRUCTION OF WEEDS BY INSPECTORS.]**

*Subdivision 1. [WEED AND PLANT PEST CONTROL NOTICES.] Weed and plant pest control notices may be general notices or individual notices. The notices must be of a form prescribed by the commissioner.* [18.271 s. 1]

*Subd. 2. [GENERAL NOTICE.] A general notice must be published by the local weed and plant pest inspector of a township, municipality, or county, in one or more legal newspapers of general circulation throughout the area over which the inspector has jurisdiction, on or before June 15 of each year, and at other times as directed by the commissioner or determined by the local weed and plant pest inspectors.* [18.271 s. 1]

*Subd. 3. [LACK OF NOTICE DOES NOT RELIEVE LANDOWNER.] Failure of an inspector to publish general notices or to serve individual notices does not relieve a person from the duty of compliance with the weed and plant pest law. Published general notice is legal and sufficient notice.* [18.271 s. 1]

*Subd. 4. [INDIVIDUAL NOTICES.] (a) An inspector may cause individual notices to be served on landowners and occupants if more prompt or definite control or eradication of noxious weeds or plant pests in certain special or individual instances involving one or a limited number of persons is needed than is accomplished by the general published notices. Individual notices must be in writing and served on the owner and the occupant, if the occupant is not the owner, giving specific instructions and methods of when and how certain named weeds and plant pests are to be controlled or eradicated.*

(b) *The methods of control may include definite systems of tillage, cropping, management, and use of livestock and must be designed to minimize adverse environmental impact.*

(c) *Individual notices must be served in the same manner as a summons in a civil action in the district court or by certified mail. Service on persons living temporarily or permanently outside of the inspectors' jurisdiction whose property is vacant or unoccupied may be made by sending the notice by certified mail to the last known address of the person, to be ascertained, if necessary, from the last tax list in the county treasurer's office.* [18.271 s. 2]

*Subd. 5. [DESTRUCTION BY INSPECTOR.] (a) If a person is served a notice but fails to eradicate or otherwise destroy noxious weeds or plant*



*pests or a crop where the weeds or plant pests are intermingled or growing, within the time and manner designated by the inspector, the local weed and plant pest inspector having jurisdiction, or if there is no local weed and plant pest inspector, the county agricultural inspector or the commissioner, shall cause the weeds or plant pest habitat to be eradicated or otherwise destroyed at the expense of the county where the land is located.*

*(b) The claim for the expense of serving notices and the cost of eradicating or otherwise destroying the noxious weeds or plant pests is a legal charge against the county where the land is located. After eradicating or otherwise destroying noxious weeds or plant pests, the inspector or the commissioner directing the control shall file verified and itemized statements of the costs of the services rendered in connection with serving of notices and eradicating or otherwise destroying the noxious weeds or plant pests on each separate tract or lot of land, with the county auditor where the land is located. The county auditor shall immediately issue proper warrants to pay the persons owed for the amounts specified.*

*(c) The amount of the expenses is a lien in favor of the county against the land where the weed or plant pest control occurred and must be certified by the county auditor and entered on the auditor's tax books as a tax on the land. The amount must be collected as other real estate taxes are collected. The amount of the expenses when collected must be used to reimburse the county for its weed and plant pest control expenditure. [18.271 s. 3]*

*Subd. 6. [CANNABIS SATIVA L.] Notwithstanding the provisions of subdivision 5 relating to procedures for payment of costs and expenses incurred, a county agricultural inspector may provide for the destruction of the plant Cannabis sativa L. at the expense of the county if strict compliance with subdivision 5 is considered impractical. [18.271 s. 3a]*

*Subd. 7. [COSTS AND EXPENSES.] (a) Notwithstanding the provisions of subdivision 5 relating to procedures for payment of costs and expenses incurred, if the local weed and plant pest inspector or the assistant weed and plant pest inspector of a city causes noxious weeds or plant pests to be eradicated or otherwise destroyed on property within the municipality under the authority of this section, the procedures in paragraphs (b) and (c) apply for costs and expenses thus incurred.*

*(b) Notice in writing of the work done and the costs and expenses involved must be served on the owner or occupant of the property in accordance with the individual notice provisions of subdivision 4. The notice must provide a tabulation of the total costs and expenses involved and indicate that if the total amount is not paid to the city within 30 days or before the following October 1, whichever is later, the costs and expenses become a lien in favor of the municipality and a penalty of eight percent must be added to the amount due as of that date, with the total costs, expenses, and penalty to be certified to the county auditor and entered on the auditor's tax books as a tax on the land.*

*(c) Amounts collected by the county auditor under this subdivision must be paid to the city to reimburse the municipality for the municipality's weed and plant pest control expenditures. [18.271 s. 4]*

#### **Sec. 16. [18.871] [DESTRUCTION OF GROWING CROPS.]**

*Subdivision 1. [INSPECTION AND NOTICE BY INSPECTOR.] (a) Notwithstanding subdivisions 1 to 3, the local weed and plant pest inspector*

*or county agricultural inspector may eradicate or otherwise destroy the weeds or pests, and the crop on areas not exceeding three acres in the aggregate in any one field or crop of 40 acres or less, other than permanent pasture or meadow, without a notification or application to the mayor or a county commissioner.*

*(b) Except as provided in paragraph (a), if a local weed and plant pest inspector or county agricultural inspector determines it is necessary to eradicate or otherwise destroy a growing crop or a part of the crop to prevent the spread of noxious weeds or plant pests within the inspector's jurisdiction, the inspector shall notify the mayor of the municipality or a county commissioner to inspect the crop. The notice must be in writing on a form prescribed by the commissioner. [18.251]*

*Subd. 2. [INSPECTION AND DETERMINATION BY MAYOR OR COUNTY COMMISSIONER.] (a) If, after an inspection, the mayor or county commissioner determines that the weeds or plant pests and the crop or portion of the crop should be eradicated or otherwise destroyed, the eradicating or destroying must be performed immediately under the direction or by the authority of the local weed and plant pest inspector or under the direction of the county agricultural inspector.*

*(b) If the mayor or county commissioner determines after the inspection that the weeds or plant pests and the crop or a portion of the crop should not be eradicated or otherwise destroyed, the mayor or county commissioner shall report that determination to the commissioner.*

*(c) If, after being notified by the local weed and plant pest inspector or the county agricultural inspector to inspect a crop, the mayor or county commissioner fails to make the inspection and to report to the local weed and plant pest inspector or agricultural inspector within seven days after receiving a notice to inspect the crop, the local weed and plant pest inspector or county agricultural inspector may proceed to eradicate or otherwise destroy the weeds or plant pests and crop in the same manner as if the mayor or county commissioner notified had made an inspection and determined that the weeds or plant pests and crops should be eradicated or otherwise destroyed. [18.251]*

*Subd. 3. [DETERMINATION BY THE COMMISSIONER.] The commissioner shall make a final determination of whether the weeds or plant pests and the crop or portion of the crop should be eradicated or otherwise destroyed. If the commissioner determines that the weeds or plant pests and the crop or a portion of the crop should be eradicated or otherwise destroyed, the local weed and plant pest inspector or county agricultural inspector shall immediately cause the weeds or plant pests and the crop or portion of the crop to be eradicated or otherwise destroyed. [18.251]*

*Subd. 4. [ACTION FOR DAMAGES BARRED.] An action or claim for damages is not allowed or sustainable against anyone in respect to destruction or eradication of crops under this section. [18.251]*

**Sec. 17. [18.875] [REPORTS BY INSPECTORS.]**

*Local weed and plant pest inspectors and agricultural inspectors shall make reports as required by the commissioner. [18.261]*

**Sec. 18. [18.881] [INSPECTOR ENTRANCE UPON LAND NOT TRESPASS.]**

*A local weed and plant pest inspector, county agricultural inspector, the*

*commissioner, or the commissioner's agents may enter any property without consent of the owner and without being subject to an action for trespass or damages in performance of duties under the weed and plant pest law. [18.241 s. 4]*

## FUNDING

### Sec. 19. [18.885] [LOCAL FUNDING.]

*Subdivision 1. [COUNTY FUNDING OF WEED AND PLANT PEST CONTROL.] (a) County boards shall provide funds and adequate equipment, materials, and labor for control, eradication, and other destruction of weeds and plant pests on county highways and property, and for assistance of county agricultural inspectors and local weed and plant pest inspectors in the county to inspect weed and plant pests and control and enforce the weed and plant pest law.*

*(b) Counties may cooperate with the state, towns, municipalities, and private property owners and provide county funds, equipment, materials, labor, and facilities for weed and plant pest inspection, control, and eradication with or without reimbursement from the public agency or private property benefited. [18.241 s. 3]*

*Subd. 2. [TOWN AND MUNICIPALITY FUNDING.] Towns and municipalities may by vote of their electors or governing boards provide funds, equipment, materials, and labor for weed and plant pest control and arrange for their use on public or private property within their jurisdiction with or without reimbursement from the public agency or property benefited. [18.241 s. 3]*

## ENFORCEMENT

### Sec. 20. [18.891] [COMMISSIONER'S DUTIES.]

*Subdivision 1. [IMPLEMENTATION AND ENFORCEMENT.] The commissioner shall implement and enforce the weed and plant pest control law. [18.181]*

*Subd. 2. [RULES.] The commissioner may adopt rules to implement the weed and plant pest control law. [18.181]*

*Subd. 3. [INVESTIGATION AND INSPECTION.] (a) The commissioner shall investigate noxious weeds and plant pests, and may require information from a county agricultural inspector, local weed and plant pest inspector, mayor, county commissioner, or county agent relative to the presence of noxious weeds or plant pests or other information about noxious weeds or plant pests and their control in the localities where the person resides or has jurisdiction. [18.181]*

*(b) The commissioner may enter or designate a person to enter property to take samples of weeds, weed seeds, grains, plants, plant pests, or other material needed for investigation of noxious weeds or plant pests. [18.181]*

*Subd. 4. [ERADICATION AND CONTROL INFORMATION.] (a) The commissioner shall suggest and formulate methods for the eradication and destruction of noxious weeds and plant pests from agricultural and other land in this state, including promotion of methods that minimize adverse environmental impact.*

*(b) The commissioner may publish and circulate bulletins, call and*

*attend meetings and conventions, and conduct educational programs relating to noxious weeds and plant pests. [18.181]*

**Sec. 21. [18.895] [NOXIOUS WEED QUARANTINES.]**

*Subdivision 1. [COOPERATION WITH UNIVERSITY.] The commissioner shall cooperate with the dean of the institute of agriculture of the University of Minnesota in the study of life habits and eradication methods of noxious weeds and plant pests, including research and methods that minimize adverse environmental impact. [18.281]*

*Subd. 2. [PUBLICATION OF WEED AND PLANT PEST INFORMATION.] The commissioner shall publish information on life habits and eradication of noxious weeds and plant pests that minimize adverse environmental impact which will be in the public interest and of value to the agricultural communities of the state. [18.281]*

*Subd. 3. [QUARANTINE PERSONNEL AND EQUIPMENT.] The commissioner may employ personnel and purchase equipment and supplies necessary to implement this section. [18.281]*

*Subd. 4. [QUARANTINE OF WEED AND PLANT PEST INFESTED AREAS.] If the commissioner determines there is an infestation of noxious weeds or plant pests on a tract of land beyond the ability of the land occupant or owner to control, upon request of the owner or on the commissioner's own motion, the commissioner shall take action to prevent further spread of the weeds or plant pests. The commissioner may quarantine the portion of each infested tract of land and immediately take action to control the weeds and plant pests. [18.291]*

*Subd. 5. [MUST GIVE WRITTEN NOTICE.] The commissioner, on entering a tract of land for weed or plant pest control or quarantine under subdivision 4, shall give written notice to the owner of the entry and quarantine, and shall also give the owner written notice of the completion of the control action. [18.301]*

*Subd. 6. [GENERAL ALLOCATION OF EXPENSES.] The expenses of a noxious weed quarantine and control action, including cost of chemicals and other materials used, except machinery and other equipment, must be paid from the fund provided for this purpose. The fund must be reimbursed for the expenses by January 1 of each year in the following amounts:*

- (1) 20 percent of the expenses by the county;*
- (2) 10 percent of the amount by the town where the land is quarantined and on which control actions are taken; and*
- (3) 10 percent of the expenses by the landowner. [18.311]*

*Subd. 7. [ALLOCATION OF EXPENSES FOR HIGHWAY CONTROL.] If the quarantine and control actions of the commissioner are located on the sides of public highways, 50 percent of the expenses of the control actions must be paid by the state from the fund provided for this purpose, and:*

- (1) 50 percent from the funds provided for the maintenance of the state transportation department, if the infestation is on a state highway;*
- (2) 50 percent by the county, if the infestation is on a county or state aid road; and*
- (3) 50 percent by the town, if the infestation is on a town road or cartway.*

[18.311]

*Subd. 8. [ALLOCATION OF EXPENSES IN A MUNICIPALITY.] If the control actions of the commissioner are taken within the corporate limits of a municipality or on property used by a municipality, 50 percent of the expense of the control action must be paid by the state from the funds provided for this purpose and 50 percent by the municipality from its general revenue fund. [18.311]*

#### PENALTIES

##### Sec. 22. [18.898] [CRIMINAL PENALTIES.]

*Subdivision 1. [MISDEMEANOR.] A person is guilty of a misdemeanor who:*

- (1) violates sections 2 to 21 or a rule of the commissioner;*
- (2) fails, refuses, or neglects to comply with a notice served on the person and issued by the commissioner or a local weed and plant pest inspector;*
- (3) fails, refuses, or neglects to perform a duty imposed by the noxious weed and plant pest law; [18.272]*
- (4) enters property placed under quarantine by direction of the commissioner;*
- (5) interferes with the operation of machinery or other equipment used by the commissioner or authorized agents implementing section 21, subdivision 4; or [18.312]*
- (6) sells purple loosestrife, *Lythrum salicaria*. [18.182]*

*Subd. 2. [EXCLUSION FOR TOWN BOARD MEMBERS.] The penalty under subdivision 1 for failure, refusal, or neglect to perform a duty imposed by the noxious weed and plant pest law does not apply to a member of a town board for failure, refusal, or neglect to perform a duty imposed on a member of a town board as an inspector. [18.272]*

#### GRASSHOPPER CONTROL PROJECT

##### Sec. 23. [GRASSHOPPER CONTROL ZONES.]

*The commissioner of agriculture shall designate townships of counties that have had grasshopper surveys showing economic damage or potential economic damage as a grasshopper control zone where grasshoppers are a plant pest and control programs under sections 23 to 26 will be undertaken.*

##### Sec. 24. [GRASSHOPPER CONTROL PROGRAM.]

*(a) The commissioner of agriculture shall develop and implement a grasshopper control program to prevent crop damage in the grasshopper control zone. After consultation and cooperation with the state entomologist, the program must be developed to minimize adverse environmental impact, including the selection of pesticides and prescription of application rates.*

*(b) The grasshopper control program must utilize proven methods of grasshopper control and the commissioner may make grants for experimental methods of control in selected areas.*

##### Sec. 25. [COST-SHARE.]

*Subdivision 1. [ELIGIBILITY.] Private landowners are eligible for a 50 percent cost-share reimbursement for grasshopper control methods approved by the commissioner that are used on areas within the grasshopper control zone.*

*Subd. 2. [INSPECTION.] A county agricultural inspector or a local weed and plant pest inspector shall inspect the property where the grasshopper control is to occur and approve the control method to be used.*

*Subd. 3. [REIMBURSEMENT.] (a) An eligible private landowner may receive reimbursement for grasshopper control costs by presenting to the local weed and plant pest inspector:*

*(1) an inspection statement that the property was inspected prior to the control method being used; and*

*(2) approval by the local weed and plant pest inspector that an approved method was used.*

*(b) The local weed and plant pest inspector shall forward the reimbursement request to the county treasurer for payment.*

*(c) The county treasurer shall pay the reimbursement requests received from the local weed and plant pest inspectors.*

*Subd. 4. [PAYMENTS TO COUNTIES FOR COST-SHARE.] The commissioner of agriculture shall make payments to counties to pay for the cost-share payments under subdivision 3. The commissioner shall make funds available in advance based on anticipated need to allow reimbursement payments to be made as quickly as possible.*

*Subd. 5. [ADMINISTRATION.] (a) The commissioner of agriculture shall adopt procedures, guidelines, and forms to implement the grasshopper control cost-share program under this section.*

*(b) The commissioner of agriculture may require accounting procedures and reports to implement the program.*

#### **Sec. 26. [EXPERIMENTAL GRASSHOPPER CONTROL.]**

*Subdivision 1. [AUTHORIZATION.] The commissioner of agriculture may designate certain areas or types of controls for an experimental control program for methods that are not commonly used in the state or have not been proven to be effective.*

*Subd. 2. [ELIGIBLE PARTICIPANTS.] Public and private entities willing to participate in the experimental grasshopper control program may not be required to pay more than 20 percent of the cost of the experimental control methods on property they are responsible for controlling.*

*Subd. 3. [ADMINISTRATION.] The commissioner shall develop the experimental grasshopper control program and may adopt rules under chapter 14.*

**Sec. 27.** Minnesota Statutes 1988, section 84.0895, subdivision 2, is amended to read:

**Subd. 2. [APPLICATION.]** (a) Subdivision 1 does not apply to:

(1) plants on land classified for property tax purposes as class 2a or 2c agricultural land under section 273.13, or on ditches and roadways; and

(2) noxious weeds designated pursuant to ~~sections 18.171 to 18.315~~

section 3, subdivision 6, or to weeds otherwise designated as troublesome by the department of agriculture.

(b) If control of noxious weeds is necessary, it takes priority over the protection of endangered plant species, as long as a reasonable effort is taken to preserve the endangered plant species first.

(c) The taking or killing of an endangered plant species on land adjacent to class 3 or 3b agricultural land as a result of the application of pesticides or other agricultural chemical on the class 3 or 3b land is not a violation of subdivision 1, if reasonable care is taken in the application of the pesticide or other chemical to avoid impact on adjacent lands. For the purpose of this paragraph, class 3 or 3b agricultural land does not include timber land, waste land, or other land for which the owner receives a state paid wetlands or native prairie tax credit.

(d) The accidental taking of an endangered plant, where the existence of the plant is not known at the time of the taking, is not a violation of subdivision 1.

Sec. 28. Minnesota Statutes 1988, section 160.02, subdivision 14, is amended to read:

Subd. 14. [NOXIOUS WEEDS.] "Noxious weeds" has the meaning given in section ~~18.171~~ 3, subdivision ~~5~~ 6.

Sec. 29. [REPEALER.]

*Subdivision 1. [GRASSHOPPER CONTROL PROGRAM.] Sections 23 to 26 are repealed June 30, 1991.*

*Subd. 2. [1905 GRASSHOPPER PROVISIONS.] Revised Laws of Minnesota 1905, sections 2385, 2386, 2387, 2388, 2389, and 2390, are repealed.*

*Subd. 3. [WEED LAWS.] Minnesota Statutes 1988, sections 18.171; 18.182; 18.191; 18.201; 18.211; 18.221; 18.231; 18.241; 18.251; 18.261; 18.271; 18.272; 18.281; 18.291; 18.301; 18.311; 18.312; and 18.315, are repealed.*

*Subd. 4. [MINNESOTA RULES.] Minnesota Rules, parts 1505.0740 and 1505.0750, are repealed.*

Sec. 30. [EFFECTIVE DATE.]

*This article is effective the day following final enactment.*

## ARTICLE 11

### MEDIATION AND RIGHT OF FIRST REFUSAL

Section 1. Minnesota Statutes 1988, section 500.24, subdivision 6, is amended to read:

Subd. 6. [DISPOSAL OF LAND.] (a) A state or federal agency, limited partnership, 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.

(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 of *similar maturity* 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 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) 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;

- (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).



(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.

(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.

(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.

(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.

(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.

(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.

(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:

(1) an express statement in a deed in lieu of foreclosure 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.

(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 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~~ *one year* 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 1988, section 550.37, subdivision 4a, is amended to read:

Subd. 4a. [ADJUSTMENT OF DOLLAR AMOUNTS.] (a) *Except for*

*subdivisions 5 and 7*, the dollar amounts in this section shall change periodically as provided in this subdivision to the extent of changes in the implicit price deflator for the gross national product, 1972 = 100, compiled by the United States Department of Commerce, and hereafter referred to as the index. The index for December, 1980, is the reference base index.

(b) The designated dollar amounts shall change on July 1 of each even-numbered year if the percentage of change, calculated to the nearest whole percentage point, between the index for December of the preceding year and the reference base index is ten percent or more. The portion of the percentage change in the index in excess of a multiple of ten percent shall be disregarded and the dollar amounts shall change only in multiples of ten percent of the amounts stated in this section.

(c) If the index is revised, the percentage of change pursuant to this section shall be calculated on the basis of the revised index. If a revision of the index changes the reference base index, a revised reference base index shall be determined by multiplying the reference base index then applicable by the rebasing factor furnished by the department of commerce. If the index is superseded, the index referred to in this section is the one represented by the department of commerce as reflecting most accurately changes in the purchasing power of the dollar for consumers.

(d) The commissioner of commerce shall announce and publish:

(1) on or before April 30 of each year in which dollar amounts are to change, the changes in dollar amounts required by paragraph (b); and

(2) promptly after the changes occur, changes in the index required by paragraph (c) including, if applicable, the numerical equivalent of the reference base index under a revised reference base index and the designation or title of any index superseding the index.

(e) A person does not violate this chapter with respect to a transaction otherwise complying with this chapter if the person relies on dollar amounts either determined according to paragraph (b) or appearing in the last publication of the commissioner announcing the then current dollar amounts.

Sec. 3. Minnesota Statutes 1988, section 550.37, subdivision 5, is amended to read:

Subd. 5. Farm machines and implements used in farming operations by a debtor engaged principally in farming, livestock, farm produce, and standing crops, not exceeding ~~\$10,000~~ \$13,000 in value. When a debtor is a partnership of spouses or a partnership of natural persons related to each other within the third degree of kindred according to the rules of the civil law, for the purposes of the exemption in this subdivision, the partners may elect to treat the assets of the partnership as assets of the individual partners.

Sec. 4. Minnesota Statutes 1988, section 550.37, subdivision 7, is amended to read:

Subd. 7. The total value of property selected by a debtor pursuant to subdivisions 5 and 6 shall not exceed ~~\$10,000~~ \$13,000, if the exemptions under subdivisions 5 and 6 are combined.

Sec. 5. Minnesota Statutes 1988, 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 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 45 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. 6. Minnesota Statutes 1988, section 583.26, subdivision 1, is amended to read:

Subdivision 1. [MEDIATION NOTICE.] (a) A creditor desiring to start a proceeding to enforce a debt against agricultural property under chapter 580 or 581 or sections 336.9-501 to 336.9-508, to terminate a contract for deed to purchase agricultural property under section 559.21, or to garnish, levy on, execute on, seize, or attach agricultural property, must serve an applicable mediation notice under sections 336.9-501, 550.365, 559.209, and 582.039 on the debtor and the director. The creditor must also file with the director proof of the date the mediation notice was served on the debtor. The creditor may not begin the proceeding until the stay of the creditor's remedies is lifted under subdivision 5, or as allowed under sections 583.20 to 583.32.

*(b) For purposes of the farmer-lender mediation act, starting a proceeding to enforce a debt means initiating a proceeding under chapter 550, 580, or 581; sections 336.9-501 to 336.9-508; or section 559.21.*

*(c) The director shall combine all mediation notices for the same debtor that are received prior to the initial mediation meeting into one mediation proceeding.*

Sec. 7. Laws 1983, chapter 215, section 16, as amended by Laws 1984, chapter 474, section 7, as amended by Laws 1985, chapter 306, section 26, as amended by Laws 1987, chapter 292, section 36, is amended to read:

## Sec. 16. [REPEALER.]

Sections 1 to 15 are repealed effective July 1, ~~1989~~ 1991, but any postponement or other relief ordered by a court continues to be valid for the period ordered by the court.

Sec. 8. Laws 1986, chapter 398, article 1, section 18, as amended by Laws 1987, chapter 292, section 37, is amended to read:

## Sec. 18. [REPEALER.]

Sections 1 to 17 and Minnesota Statutes, section 336.9-501, subsections (6) and (7), and sections 583.284, 583.285, and 583.305, are repealed on July 1, ~~1989~~ 1991.

## ARTICLE 12

## APPROPRIATIONS

## Section 1. [17B.33] [INSPECTION COSTS; DULUTH.]

*\$35,000 is appropriated annually from the general fund to the commissioner of agriculture to be applied to the mandated cost of state grain inspection of bagged grain at the Seaway Port Authority of Duluth.*

## Sec. 2. [APPROPRIATIONS.]

*Subdivision 1. [MARKET OPPORTUNITY RESEARCH.] \$50,000 is appropriated from the general fund to the commissioner of agriculture to be available until June 30, 1991, to expand the amount of information on the availability of foreign and domestic markets to producers and processors in the state including feasibility of markets for existing products, research for markets for new potential crops in the state, and analysis of existing market structure for state products.*

*The complement of the department of agriculture is increased by one position.*

*Subd. 2. [MARKETING INFORMATION AND DIRECT MARKETING ASSISTANCE FOR AGRICULTURAL PRODUCTS.] \$150,000 is appropriated from the general fund to the commissioner of agriculture to be available until June 30, 1991. The commissioner must use the appropriation to assist producers in overcoming obstacles to direct marketing to both domestic and foreign markets, and to assist producers in organizing and marketing through producer organizations, such as producer and marketing cooperatives.*

*The complement of the department of agriculture is increased by two positions.*

*Subd. 3. [NATIVE GRASSES AND WILDFLOWER SEED PRODUCTION INCENTIVE LOAN PROGRAM.] \$100,000 is appropriated from the general fund to the seed loan account to be available until June 30, 1991, to be administered by the commissioner of agriculture for the seed production incentive loan program.*

*Subd. 4. [TECHNICAL INFORMATION ON NATIVE SEED PRODUCTION.] \$32,000 is appropriated from the general fund to the commissioner of agriculture to be available until June 30, 1991, for development of technical information on native seed development.*

*Subd. 5. [AGRICULTURAL CONTRACT TASK FORCE.] \$50,000 is appropriated from the general fund to the commissioner of agriculture to*

be available until June 30, 1990, to provide support services for the agricultural contract task force under Laws 1988, chapter 688, article 13, section 1, to compile and analyze the laws of other states relating to agricultural contracting issues, coordinate production of a brochure for producers with information about agricultural contracting, and to prepare and submit a final report and recommendations to the legislature by January 1, 1991.

Subd. 6. [ORGANIC CERTIFICATION.] \$200,000 is appropriated from the general fund to the commissioner of agriculture to be available until June 30, 1991, for a grant to an organic certification organization to continue the certification program for organically grown seeds, products, and food as authorized in Minnesota Statutes, section 31.95.

Subd. 7. [AQUICULTURE.] \$150,000 is appropriated from the general fund to the commissioner of agriculture to be available until June 30, 1991, for aquiculture research, demonstration, and promotion.

Subd. 8. [SHADE TREE ADVISORY COMMITTEE.] \$25,000 is appropriated from the general fund to the commissioner of agriculture for disbursement to the shade tree advisory committee for the costs of the committee and consulting services in connection with the study directed by article 8, section 1.

Subd. 9. [AGRICULTURE INFORMATION CENTERS.] \$100,000 is appropriated from the general fund to the commissioner of agriculture for agriculture information centers. The appropriation is available until June 30, 1991.

Subd. 10. [BARLEY REFERENDUM.] \$20,000 is appropriated from the general fund to the commissioner of agriculture for the biennium ending June 30, 1991, to conduct a referendum for barley under Minnesota Statutes, section 17.54.

Subd. 11. [BY-PRODUCT SOIL BUFFERING.] \$140,000 is appropriated from the general fund to the commissioner of agriculture for purposes of the demonstration project and study of industry by-product soil buffering materials, to be available until June 30, 1991. The complement of the department of agriculture is increased by one position.

Subd. 12. [AGRICULTURE LAND PRESERVATION AND CONSERVATION.] \$200,000 is appropriated from the general fund to the commissioner of agriculture to administer the agricultural land preservation and conservation responsibilities contained in Minnesota Statutes, chapter 40A, to be available until June 30, 1991. The approved complement of the department of agriculture is increased by one position.

Subd. 13. [FARM ADVOCATES.] \$50,000 is appropriated from the general fund to the commissioner of agriculture to employ farm advocates, to be available until June 30, 1991.

Subd. 14. [GRASSHOPPER CONTROL.] \$100,000 is appropriated from the general fund to the commissioner of agriculture for the grasshopper control program established in article 10, to be available until June 30, 1991.

Subd. 15. [AGRICULTURAL DATA COLLECTION TASK FORCE.] \$30,000 is appropriated from the general fund to the commissioner of agriculture to be available until June 30, 1991, to fund the activities of the agricultural data collection task force. This appropriation is available

only with the approval of the governor after consultation with the legislative advisory commission under Minnesota Statutes, section 3.30.

*Subd. 16. [COUNTY AND DISTRICT AGRICULTURAL SOCIETIES.] \$125,000 is appropriated from the general fund to the commissioner of agriculture to provide full statutory levels of state aid to county and district agricultural societies under Minnesota Statutes, section 38.02, during the biennium ending June 30, 1991.*

*Subd. 17. [COMMUNITY NEEDS ASSESSMENT.] \$150,000 is appropriated from the general fund to the commissioner of trade and economic development for the community needs assessment model project as provided in article 1, section 1, to be available until June 30, 1991.*

*Subd. 18. [AEROSPACE EXPLORATORIUM.] \$10,000 is appropriated from the general fund to the commissioner of trade and economic development to study the feasibility of an aerospace exploratorium at Sherburn, Minnesota, to be available until June 30, 1991.*

*Subd. 19. [ON-FARM COMPUTERIZED FERTILIZER RATE APPLICATION.] \$75,000 is appropriated from the general fund to the University of Minnesota to be available until June 30, 1991, for a project by the department of soil science to design, develop, and demonstrate a portable computerized system automatically adapting fertilization rates to soil characteristics using existing on-farm applicators.*

*Subd. 20. [BLUEGRASS RESEARCH AND EVALUATION.] \$70,000 is appropriated from the general fund to the University of Minnesota to be available until June 30, 1991, for bluegrass seed production research and seed and turf evaluation.*

*Subd. 21. [VOCATIONAL PROGRAMS.] \$52,000 in fiscal year 1990 and \$51,000 in fiscal year 1991 are appropriated from the general fund to the state board of vocational technical education for:*

*(1) reduced tuition costs for existing farm business management and small business management programs;*

*(2) support staff and workshops to assist farm business management instructors in providing farmers' assistance with processing FmHA emergency drought loans and farm mediation;*

*(3) new staff for farm, small business management, beginning farmer programs, and enterprise classes specific to community needs; and*

*(4) evaluation of computerized farm business analysis system options.*

*Subd. 22. [MINNESOTA DAIRY TASK FORCE.] \$30,000 is appropriated from the dairy unfair trade practices account to the commissioner of agriculture to be available until June 30, 1991, to be matched on a one-to-one basis by money from private sources to pay for the expenses of the Minnesota dairy task force and pilot projects under Laws 1988, chapter 688, article 3, section 1.*

*Subd. 23. [NONRECURRING APPROPRIATIONS.] The appropriations in subdivisions 6, 17, 19, and 20 are intended to be nonrecurring appropriations. In preparing the 1991 biennial budget document, the commissioner of finance shall not include these amounts in the budget base."*

Amend the title as follows:

Page 1, line 19, after the semicolon, insert "authorizing a grasshopper

control program; providing inspection and control of plant pests in the same manner as noxious weeds; providing for inspection, control, and enforcement of noxious weeds and plant pests; providing penalties; extending the farmer-lender mediation act; extending mortgage foreclosure relief provisions; amending provisions relating to the time period under which there is a rebuttable presumption that a sale is a violation of the right to receive an offer to buy agricultural land; limiting certain exemptions relating to farm machinery subject to execution; amending certain provisions of the farmer-lender mediation act;"

Page 1, line 21, after the second semicolon, insert "18.022, subdivision 2; 84.0895, subdivision 2;"

Page 1, line 23, after the semicolon, insert "160.02, subdivision 14; 500.24, subdivision 6; 550.37, subdivisions 4a, 5, and 7; 583.24, subdivision 4; and 583.26, subdivision 1; Laws 1983, chapter 215, section 16, as amended;"

Page 1, line 25, after the semicolon, insert "Laws 1986, chapter 398, article 1, section 18, as amended;"

Page 1, line 27, after the second semicolon, insert "18;"

Page 1, line 28, before the period, insert "; repealing Minnesota Statutes 1988, sections 18.171; 18.182 to 18.315; Revised Laws of Minnesota 1905, sections 2385, 2386, 2387, 2388, 2389, and 2390; and Minnesota Rules, parts 1505.0740 and 1505.0750"

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

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

S.F. No. 1433: A bill for an act relating to utilities; low-income energy needs; designating the department of public service as the agency responsible for coordinating energy policy for low-income Minnesotans; requiring the department to gather certain information on low-income energy programs; prescribing certain uses for oil overcharge money; appropriating money; amending Minnesota Statutes 1988, sections 216B.241, subdivisions 1 and 2; 216C.02, subdivision 1; 216C.10; 216C.11; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

Page 1, after line 12, insert:

"Section 1. Minnesota Statutes 1988, section 4.071, is amended to read:  
4.071 [OIL OVERCHARGE MONEY.]

Money received by the state as a result of litigation or settlements of alleged violations of federal petroleum pricing regulations may not be spent until the legislative commission on Minnesota resources has reviewed the proposed projects and the money is specifically appropriated by law. A work plan must be prepared for each proposed project for review by the commission. The commission must recommend specific projects to the legislature."

Page 9, delete section 7



Page 10, line 7, delete "3" and insert "4"

Page 10, delete sections 10 and 11 and insert:

"Sec. 10. Laws 1988, chapter 686, article 1, section 37, subdivision 10, is amended to read:

Subd. 10. (a) ~~The remainder of the money received under subdivision 1, any further money received by the state as a result of the settlement referred to in subdivision 1 and any investment earnings of this money that is not appropriated by subdivisions 2 to 9~~ \$2,200,000 is appropriated to the commissioner of administration to be used for grants to local units of government, school districts, post-secondary institutions, nonprofit organizations, and other individuals and business entities for research resulting in decreased dependence on fossil fuels and for technology transfer projects with the same purpose.

(b) Money available under this subdivision may not be spent until the ~~legislative commission on Minnesota future resources~~ commission has reviewed the proposed projects. A work plan must be prepared for proposed projects for review by the commission. The commission must recommend specific projects to the commissioner.

Sec. 11. [OIL OVERCHARGE MONEY; APPROPRIATION.]

*Money received by the state as a result of litigation or settlements of alleged violations of federal petroleum pricing regulations that is not otherwise appropriated by law or dedicated by court order is appropriated as follows:*

*(1) half to the commissioner of jobs and training for energy conservation projects that directly serve low-income Minnesotans;*

*(2) \$3,100,000 for transfer to the housing development fund for home energy loans; and*

*(3) the remainder to the commissioner of administration to establish a fund, of which the total interest and 20 percent of the principal must be used to finance research and technology transfer projects related to energy conservation and other energy-related issues until the fund is depleted.*

*The transfer under clause (2) must be made immediately, notwithstanding that it may constitute more than one-half of the balance currently available. The difference, if any, must be restored to the appropriation in clause (1) from money received later.*

*Money made available to the commissioner of administration under clause (3) may not be spent until the Minnesota future resources commission has reviewed the proposed projects. A work plan must be prepared for proposed projects for review by the commission. The commission must recommend specific projects to the commissioner.*

Sec. 12. [APPROPRIATION.]

*\$240,000 is appropriated from the general fund to the commissioner of public service for the purposes of this act. \$135,000 is for fiscal year 1990 and \$105,000 is for fiscal year 1991. The approved complement of the department of public service is increased by two positions.*

Sec. 13. [EFFECTIVE DATE.]

*This act is effective July 1, 1989, except that sections 1, 10, and 11 are*

*effective the day following final enactment."*

Amend the title as follows:

Page 1, line 9, after "sections" insert "4.071;"

Page 1, line 10, after the fourth semicolon, insert "Laws 1988, chapter 686, article 1, section 37, subdivision 10;"

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

## **SECOND READING OF SENATE BILLS**

S.F. Nos. 328, 659, 1377, 594, 1200, 1404 and 1433 were read the second time.

## **MOTIONS AND RESOLUTIONS**

Mr. Frank moved that S.F. No. 1636 be withdrawn from the Committee on General Legislation and Public Gaming and re-referred to the Committee on Rules and Administration. The motion prevailed.

Mr. Frank moved that S.F. No. 163 be taken from the table. The motion prevailed.

S.F. No. 163: A bill for an act relating to traffic regulations; regulating U-turns; providing for color and equipment requirements on school buses carrying ten or more persons; establishing conditions under which school bus drivers must activate flashing amber lights; providing for bumper requirements on private passenger vehicles; amending Minnesota Statutes 1988, sections 169.19, subdivision 2; 169.44, subdivisions 1a and 2; and 169.73.

## **CONCURRENCE AND REPASSAGE**

Mr. Frank moved that the Senate concur in the amendments by the House to S.F. No. 163 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 163: A bill for an act relating to traffic regulations; regulating U-turns; providing for color and equipment requirements on school buses carrying ten or more persons; establishing conditions under which school bus drivers must activate flashing amber lights; providing for bumper requirements on private passenger vehicles and rear-end protection for other vehicles; providing for strength requirements of wheelchair securement devices; amending Minnesota Statutes 1988, sections 169.19, subdivision 2; 169.44, subdivisions 1a and 2; 169.73; 299A.12; and 299A.13, subdivision 1.

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

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Lessard moved that H.F. No. 1454 be taken from the table. The motion prevailed.

H.F. No. 1454: A bill for an act relating to Itasca county; authorizing a petition to annex unorganized territory to the town of Spang to be signed by residents of the town.

Mr. Lessard moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1454, 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.

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 that the House has adopted the recommendation and report of the Conference Committee on House File No. 527, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 527 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 11, 1989

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 527

A bill for an act relating to state parks; requiring collection facilities for recycling containers in state parks; proposing coding for new law in Minnesota Statutes, chapter 85.

May 8, 1989

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. 527, 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. 527 be further amended as follows:

Page 1, line 17, after "*must*" insert "*where practicable*"

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

House Conferees: (Signed) Wesley J. Skoglund, Steve Trimble, Teresa Lynch

Senate Conferees: (Signed) Tracy L. Beckman, Pat Piper, David J. Frederickson

Mr. Beckman moved that the foregoing recommendations and Conference Committee Report on H.F. No. 527 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. 527 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

## MOTIONS AND RESOLUTIONS - CONTINUED

### SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

### CALENDAR

H.F. No. 146: A bill for an act relating to the education code; revising the text of certain chapters of the code without changing their meaning; amending Minnesota Statutes 1988, chapters 128; 128A; 128B; and 129; repealing Minnesota Statutes 1988, sections 128.04; 128.06; 128.069; 128A.04; 129.02; and 129.05 to 129.10.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1432: A bill for an act relating to transportation; requiring nonrailroad lessors to comply with certain procedures before sale of property interests; amending Minnesota Statutes 1988, sections 222.631, by adding a subdivision; 222.632; and 222.633.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1160: A bill for an act relating to education; authorizing school district participation in certain energy efficiency projects; proposing coding for new law in Minnesota Statutes, chapter 124.

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 60 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Knutson	Larson	Merriam	Olson	Taylor
---------	--------	---------	-------	--------

So the bill passed and its title was agreed to.

S.F. No. 1323: A bill for an act relating to deprivation of parental rights; increasing penalties for parental kidnapping where weapon is used, child is abused, or ransom is demanded; prohibiting concealing a child abducted in another state; amending Minnesota Statutes 1988, section 609.26, subdivisions 1 and 6.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 162: A bill for an act relating to insurance; regulating insurance information collection, use, disclosure, access, and correction practices; requiring reasons for adverse underwriting decisions; amending Minnesota Statutes 1988, section 72A.20, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 72A.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 260: A bill for an act relating to employment; providing for review of an employee's personnel record; providing for removal or revision of disputed information contained in an employee's personnel record; regulating use of omitted information; proposing coding for new law in Minnesota Statutes, chapter 181.

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 60 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Frederick	Knaak	Knutson	Larson	McQuaid
-----------	-------	---------	--------	---------

So the bill passed and its title was agreed to.

H.F. No. 1287: A bill for an act relating to commerce; securities; exempting nonissuer sales of securities issued by the state, its subdivisions, or instrumentalities from regulation; amending Minnesota Statutes 1988, section 80A.15, subdivision 2.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 166: A bill for an act relating to state agencies; providing that certain information submitted to department of transportation is public data; providing for development of internal auditing standards; classifying certain internal auditing data as other than public; defining terms; providing for limousine registration; exempting certain special transportation service providers holding current certificate of compliance from motor carrier regulations; delineating requirements of carriers to display certain information; providing for permits of special passenger carriers and household goods carriers; providing for operation under motor carrier permit on death of holder; providing for amount of insurance, bond, or other security required of motor carriers; giving commissioner of transportation subpoena power for certain enforcement purposes; providing for suspension of registration of interstate authority for failure to maintain insurance; amending Minnesota Statutes 1988, sections 13.72, by adding subdivisions; 16A.055, subdivision 1; 168.011, subdivision 35; 168.128, subdivision 2; 174.30, subdivision 6; 221.011, subdivisions 16, 20, and by adding a subdivision; 221.031, subdivision 6; 221.111; 221.121, subdivision 6a; 221.141, subdivision 1b, and by adding a subdivision; and 221.60, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 13; 65B; and 221.

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 63 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Larson voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1101: A bill for an act relating to St. Louis county; regulating budget procedures; providing for certain recorder's fees; allowing the county



to assess the cost of maintenance of television relay service; proposing coding for new law in Minnesota Statutes, chapter 383C; repealing Minnesota Statutes 1988, sections 383C.01, 383C.011, 383C.012, 383C.013, 383C.014, 383C.015, 383C.016, 383C.017, 383C.018, and 383C.019.

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 64 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Chmielewski voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1541: A bill for an act relating to local government; providing for a chief administrative deputy sheriff in the unclassified service in Hennepin county; authorizing certain county sheriffs to appoint a chief deputy or first assistant; amending Minnesota Statutes 1988, sections 383B.32, subdivision 2; and 387.145.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1502: A bill for an act relating to education; extending the authority of Pine Point experimental school; amending Minnesota Statutes 1988, sections 128B.09 and 128B.10.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 262: A bill for an act relating to protection of groundwater; protecting sensitive areas; promoting and requiring certain best management practices; providing financial assistance for certain groundwater protection activities; authorizing local government groundwater and resource protection programs; establishing a joint legislative committee on water; providing for determination of water research needs; developing a water education curriculum; regulating wells, borings, and underground drillings and uses; regulating water conservation, water appropriations, and setting fees; establishing regulations, enforcing violations, and establishing civil and criminal penalties for violations relating to pesticide, fertilizer, soil amendment, and plant amendment manufacture, storage, sale, use, and misuse; providing a mechanism to aid cleanup and response to incidents relating to agricultural chemicals; providing a task force relating to sustainable agriculture; providing penalties; appropriating money; amending Minnesota Statutes 1988, sections 18B.01, subdivisions 5, 12, 15, 19, 21, 26, 30, and by adding subdivisions; 18B.04; 18B.07, subdivisions 2, 3, 4, and 6; 18B.08, subdivisions 1, 3, and 4; 18B.26, subdivisions 1, 3, 5, and by adding a subdivision; 18B.31, subdivisions 3 and 5; 18B.32, subdivision 2; 18B.33, subdivisions 1, 3 and 7; 18B.34, subdivisions 1, 2 and 5; 18B.36, subdivisions 1 and 2; 18B.37, subdivisions 1, 2, 3, and 4; 40.42, by adding a subdivision; 40.43, subdivisions 2 and 6; 43A.08, subdivision 1; 105.41, subdivisions 1, 1a, 1b, 5, and by adding a subdivision; 105.418; 110B.04, subdivision 6; 115B.20; 116C.41, subdivision 1; 144.381; 144.382, subdivision 1, and by adding a subdivision; and 473.877, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 3; 17; 18B; and 144; proposing coding for new law as Minnesota Statutes, chapters 18C; 18D; 18E; 103A; 103B; 103H; and 103I; repealing Minnesota Statutes 1988, sections 17.711 to 17.73; 18A.49; 18B.15; 18B.16; 18B.18; 18B.19; 18B.20; 18B.21; 18B.22; 18B.23; 18B.25; 84.57 to 84.621; 105.51, subdivision 3; and 156A.01 to 156A.11.

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 65 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Berg and Renneke voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 522: A bill for an act relating to housing; authorizing the establishment of affordable housing programs under the administration of the Minnesota housing finance agency; establishing a neighborhood preservation program; revising certain tenant damage provisions in landlord-tenant actions; regulating tenant screening services; establishing a rent escrow system; providing mandatory building repair fines; authorizing a housing calendar consolidation pilot project in Hennepin and Ramsey counties; requiring housing impact statements; revising certain housing receivership provisions; providing a limited right of entry to secure vacant or unoccupied buildings; providing for city housing rehabilitation loan programs; establishing the community and neighborhood development organization program; establishing a child development program; authorizing a neighborhood revitalization program; imposing penalties; appropriating money; amending Minnesota Statutes 1988, sections 4.071; 282.01, subdivision 1; 462A.03, by adding a subdivision; 462A.05, subdivision 27, and by adding subdivisions; 462A.21, subdivisions 4k, 12, and by adding subdivisions; 462C.02, by adding subdivisions; 462C.05, by adding a subdivision; 463.15, subdivisions 3 and 4; 463.16; 463.161; 463.17; 463.20; 463.21; 463.22; 469.012, subdivision 1; 504.255; 504.26; 566.175, subdivision 1; 566.29, subdivisions 1, 4, and by adding subdivisions; 582.03; Laws 1971, chapter 333, as amended, by adding a section; Laws 1974, chapters 285, sections 2, 3, 4, and by adding a section; and 475, by adding a section; proposing coding for new law in Minnesota Statutes, chapters 116J; 129A; 145; 268; 363; 462A; 469; 471; 504; 566; and 582; repealing Laws 1974, chapter 351, sections 1 to 4, as amended; Laws 1975, chapter 260, sections 1 to 5; and Laws 1987, chapters 384, article 3, section 22; and 386, article 6, sections 4 to 11.

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 66 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mrs. Adkins voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 536: A bill for an act relating to consumer protection; providing for enhanced civil penalties for deceptive acts targeted at senior citizens or handicapped persons; providing factors a court may consider in determining to impose an enhanced civil penalty; providing that sums collected must be credited to the account of the state board on aging; amending Minnesota Statutes 1988, section 256.975, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 325F

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Kroening moved that the following members be excused for a Conference Committee on H.F. No. 372 at 3:00 p.m.:

Messrs. Kroening; Luther; Solon; Frederickson, D.R. and Merriam. 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.

### MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 141 a Special Order to be heard immediately.

### SPECIAL ORDER

H.F. No. 141: A bill for an act relating to education; correcting, clarifying, and changing certain education statutes; amending Minnesota Statutes 1988, sections 120.062, subdivisions 1 and 12; 120.075, subdivision 5; 120.0751, subdivision 6; 120.0752, subdivision 4; 121.88, subdivision 10; 121.904,

subdivision 4a; 121.912, subdivision 1; 123.3515, subdivision 9; 123.36, subdivision 13; 123.705, subdivision 1; 124.155, subdivision 2; 124.214, subdivisions 2 and 3; 124.225, subdivisions 1, 4b, 7a, 7b, 8a, 8b, 8i, 8j, 8k, 8l, 10, and by adding a subdivision; 124.2445; 124.245, subdivision 6; 124.575, subdivision 1; 124A.24; 126.22, subdivisions 2 and 3; and 275.125, subdivisions 5b, 5c, 5e, 9, and 11d; Laws 1987, chapter 398, article 6, section 19, subdivision 9.

Mr. Peterson, R. W. moved to amend H.F. No. 141, the unofficial engrossment, as follows:

Pages 2 and 3, delete section 6

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 141 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Anderson	Decker	Johnson, D.E.	McQuaid	Peterson, R.W.
Beckman	DeCramer	Johnson, D.J.	Mehrkens	Piper
Belanger	Dicklich	Knaak	Merriam	Pogemiller
Benson	Diessner	Kroening	Metzen	Purfeerst
Berg	Frank	Laidig	Moe, D.M.	Ramstad
Bernhagen	Frederick	Langseth	Moe, R.D.	Renneke
Bertram	Frederickson, D.J.	Lantry	Morse	Schmitz
Brataas	Frederickson, D.R.	Lessard	Novak	Solon
Cohen	Freeman	Luther	Olson	Taylor
Dahl	Gustafson	Marty	Pariseau	Vickerman
Davis	Hughes	McGowan	Peterson, D.C.	Waldorf

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

### CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate for the proceedings on S.F. No. 150. The Sergeant at Arms was instructed to bring in the absent members.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 150 a Special Order to be heard immediately.

### SPECIAL ORDER

S.F. No. 150: A bill for an act relating to gambling; creating a division of gambling enforcement within the department of public safety; providing for its powers and duties; changing size and membership of charitable gambling control board; making changes in the manner in which charitable gambling is conducted; requiring audits; increasing license fees; changing the requirement relating to distributors and manufacturers of gambling equipment; increasing the penalty for paying off on video games of chance; authorizing the sale of lottery tickets; establishing a state lottery agency; providing for its powers and duties; authorizing transmission of races to

sites on Indian lands and commingling of certain betting pools; providing penalties; appropriating money; amending Minnesota Statutes 1988, sections 10A.01, subdivision 18; 15.06, subdivision 1; 15A.081, subdivision 1; 16B.54, subdivision 2; 43A.08, subdivision 1a; 240.02, subdivision 1; 240.06, subdivision 3; 240.07, subdivision 2; 240.08, subdivision 3; 240.13, by adding a subdivision; 240.21; 260.015, subdivisions 5 and 21; 290.92, by adding a subdivision; 297A.25, by adding a subdivision; 340A.410, subdivision 5; 349.11; 349.12, subdivisions 3, 11, 12, 13, 15, 17, 20, and by adding subdivisions; 349.15; 349.151; 349.16, subdivisions 3 and 4; 349.161; 349.162; 349.163; 349.164; 349.17, subdivision 2a; 349.18, subdivision 1, and by adding a subdivision; 349.19, subdivisions 2, 3, 6, and by adding subdivisions; 349.20; 349.21; 349.212, subdivision 1, and by adding subdivisions; 349.2121, subdivisions 2 and 3; 349.2122; 349.2125, subdivisions 1, 2, and 3; 349.2127, subdivision 2; 349.213, subdivision 2; 349.214, subdivision 2; 349.22, subdivisions 1 and 3; 541.20; 541.21; 609.75, subdivision 3; 609.76, subdivision 1; and 609.761; proposing coding for new law in Minnesota Statutes, chapters 349 and 609; proposing coding for new law as Minnesota Statutes, chapters 299K and 349A; repealing Minnesota Statutes 1988, sections 349.151, subdivisions 3 and 5; 349.212, subdivisions 2 and 4; and 349.2121, subdivision 4; and Minnesota Rules, part 7860.0030.

Mr. Waldorf moved to amend S.F. No. 150 as follows:

Page 50, delete lines 10 and 11 and insert:

*"Subd. 2. [CONTENT OF ADVERTISING.] (a) Advertising and promotional materials for the lottery adopted or published by the director may only present factual information on how lottery games are played, the prizes offered, where and how tickets may be purchased, the odds of winning a prize, and the winning numbers in a drawing or the identity of winners of lottery prizes.*

*(b) The director may not adopt or publish any advertising for the lottery which:*

*(1) presents directly or indirectly a lottery game as a potential means of relieving a person's financial or economic difficulties or improving a person's financial status;*

*(2) present the purchase of a lottery ticket as a financial investment or a way to achieve financial security; or*

*(3) is specifically targeted with the intent to exploit a person, a specific group, or an economic class of people."*

Page 50, after line 36, insert:

*"(c) The commissioner may not expend more than one percent of gross revenues in a biennium for advertising.*

*(d) Prior to using or publishing any advertisement, the commissioner must submit the advertisement to the Minnesota news council for its review and comment."*

Mr. Marty moved to amend the Waldorf amendment to S.F. No. 150 as follows:

Page 1, line 16, delete the second "or"

Page 1, line 18, before the period, insert "; or

*(4) present the lottery as a form of entertainment or recreation"*

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

Mr. Marty then moved to amend the Waldorf amendment to S.F. No. 150 as follows:

Page 1, line 16, delete the second "or"

Page 1, line 18, before the period, insert "; or

*(4) induces or encourages a person to purchase a lottery ticket"*

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

The roll was called, and there were yeas 19 and nays 47, as follows:

Those who voted in the affirmative were:

Belanger	Brandl	Johnson, D.E.	Marty	Spear
Berg	Decker	Laidig	Piper	Storm
Berglin	Frank	Larson	Reichgott	Taylor
Bernhagen	Frederick	Luther	Renneke	

Those who voted in the negative were:

Adkins	DeCramer	Knutson	Moe, R.D.	Ramstad
Anderson	Dicklich	Kroening	Morse	Samuelson
Beckman	Diessner	Langseth	Novak	Schmitz
Benson	Frederickson, D.J.	Lantry	Olson	Solon
Bertram	Frederickson, D.R.	Lessard	Pariseau	Stumpf
Brataas	Freeman	McGowan	Pehler	Vickerman
Chmielewski	Gustafson	McQuaid	Peterson, D.C.	Waldorf
Cohen	Hughes	Mehrkens	Peterson, R.W.	
Dahl	Johnson, D.J.	Merriam	Pogemiller	
Davis	Knaak	Metzen	Purfeerst	

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

The question recurred on the adoption of the Waldorf amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Mr. Frederickson, D.R. moved to amend S.F. No. 150 as follows:

Page 11, line 28, after the period, insert "*No more than three members of the board may belong to the same political party.*"

Page 39, line 30, after the period, insert "*No more than four members of the board may belong to the same political party.*"

The motion prevailed. So the amendment was adopted.

Mr. Solon moved to amend S.F. No. 150 as follows:

Page 40, line 9, delete "(a)"

Page 40, delete lines 19 to 21

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 35 and nays 32, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, D.J.	Merriam	Pogemiller
Anderson	DeCramer	Knaak	Metzen	Purfeerst
Beckman	Dicklich	Kroening	Moe, R.D.	Samuelson
Bertram	Diessner	Langseth	Morse	Schmitz
Chmielewski	Frederickson, D.J.	Lantry	Novak	Solon
Cohen	Frederickson, D.R.	Lessard	Pariseau	Stumpf
Dahl	Hughes	Mehrkins	Pehler	Vickerman

Those who voted in the negative were:

Belanger	Decker	Laidig	Olson	Spear
Benson	Frank	Larson	Peterson, D.C.	Storm
Berg	Frederick	Luther	Peterson, R.W.	Taylor
Berglin	Freeman	Marty	Piper	Waldorf
Bernhagen	Gustafson	McGowan	Ramstad	
Brandl	Johnson, D.E.	McQuaid	Reichgott	
Brataas	Knutson	Moe, D.M.	Renneke	

The motion prevailed. So the amendment was adopted.

Mr. Cohen moved to amend S.F. No. 150 as follows:

Page 49, delete lines 11 and 12

Renumber the subdivisions in sequence

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 34 and nays 31, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Metzen	Purfeerst
Beckman	Diessner	Kroening	Moe, R.D.	Samuelson
Bertram	Frederickson, D.J.	Langseth	Morse	Schmitz
Brataas	Freeman	Lantry	Novak	Solon
Cohen	Hughes	Lessard	Pehler	Stumpf
Dahl	Johnson, D.J.	McGowan	Peterson, D.C.	Vickerman
DeCramer	Knaak	Mehrkins	Pogemiller	

Those who voted in the negative were:

Anderson	Chmielewski	Johnson, D.E.	Moe, D.M.	Storm
Belanger	Davis	Laidig	Peterson, R.W.	Taylor
Benson	Decker	Larson	Piper	Waldorf
Berg	Frank	Luther	Ramstad	
Berglin	Frederick	Marty	Reichgott	
Bernhagen	Frederickson, D.R.	McQuaid	Renneke	
Brandl	Gustafson	Merriam	Spear	

The motion prevailed. So the amendment was adopted.

Mr. Marty moved to amend S.F. No. 150 as follows:

Page 40, after line 21, insert:

*"(c) The board may not approve a procedure for any game that would allow a person to win a prize greater than \$10,000,000."*

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 36 and nays 29, as follows:

Those who voted in the affirmative were:



Anderson	Brataas	Knutson	Moe, D.M.	Spear
Beckman	Decker	Laidig	Olson	Storm
Belanger	Frank	Larson	Peterson, R. W.	Taylor
Benson	Frederick	Luther	Piper	Waldorf
Berg	Frederickson, D.R.	Marty	Ramstad	
Berglin	Freeman	McGowan	Reichgott	
Bernhagen	Gustafson	McQuaid	Renneke	
Brandl	Johnson, D.E.	Merriam	Schmitz	

Those who voted in the negative were:

Adkins	DeCramer	Knaak	Moe, R.D.	Purfeerst
Bertram	Dicklich	Kroening	Morse	Samuelson
Chmielewski	Diessner	Langseth	Novak	Solon
Cohen	Frederickson, D.J.	Lantry	Pehler	Stumpf
Dahl	Hughes	Lessard	Peterson, D.C.	Vickerman
Davis	Johnson, D.J.	Mehrkens	Pogemiller	

The motion prevailed. So the amendment was adopted.

Mr. Waldorf moved to amend S.F. No. 150 as follows:

Page 2, line 33, delete "CHARITABLE"

Page 3, lines 1 and 22, delete "*charitable*"

Page 4, line 27, delete "*charitable*"

Page 6, line 17, delete "CHARITABLE"

Page 6, line 33, delete "*charitable*"

Page 7, line 13, delete "CHARITABLE"

Page 9, after line 10, insert:

"Sec. 8. Minnesota Statutes 1988, section 349.12, subdivision 16, is amended to read:

Subd. 16. "Board" is the ~~charitable~~ gambling control board."

Page 9, line 33, delete "*charitable*"

Page 11, line 6, strike "CHARITABLE"

Page 11, line 7, strike "*charitable*"

Page 12, line 20, strike "*charitable*"

Page 14, line 6, delete "*charitable*"

Page 26, line 19, delete "*charitable*"

Page 30, line 2, strike "*charitable*"

Page 30, line 14, strike "*charitable*"

Page 31, after line 10, insert:

"Sec. 41. Minnesota Statutes 1988, section 349.2121, subdivision 10, is amended to read:

Subd. 10. [UNTAXED PULL-TABS OR TIPBOARDS.] It is a gross misdemeanor for any person to possess pull-tabs or tipboards for resale in this state that have not been registered with the board, for which a registration stamp has not been affixed to the flare, and upon which the taxes imposed by section 349.212, subdivision 4, or chapter 297A have not been paid. The executive secretary of the ~~charitable~~ gambling control board or the commissioner of revenue or their designated inspectors and employees

may seize in the name of the state of Minnesota any unregistered or untaxed pull-tabs or tipboards."

Page 36, line 20, delete "CHARITABLE"

Page 36, lines 21 and 31, delete "*charitable*"

Page 37, line 16, delete "*charitable*"

Renumber the sections of article 2 in sequence and correct the internal references

Page 67, line 7, strike "*charitable*"

Amend the title as follows:

Page 1, lines 5 and 6, delete "*charitable*"

Page 1, line 25, after "15," insert "16,"

Page 1, line 32, delete "and 3" and insert ", 3, and 10"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 43 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Decker	Hughes	Mehrkens	Reichgott
Beckman	DeCramer	Johnson, D.E.	Moe, D.M.	Renneke
Belanger	Dicklich	Johnson, D.J.	Moe, R.D.	Spear
Benson	Frank	Knutson	Morse	Storm
Berg	Frederick	Kroening	Olson	Taylor
Berglin	Frederickson, D.J.	Laidig	Peterson, D.C.	Vickerman
Bernhagen	Frederickson, D.R.	Larson	Peterson, R.W.	Waldorf
Brandl	Freeman	Luther	Piper	
Brataas	Gustafson	Marty	Pogemiller	

Those who voted in the negative were:

Adkins	Davis	Lessard	Novak	Samuelson
Bertram	Diessner	McGowan	Pariseau	Schmitz
Chmielewski	Knaak	McQuaid	Pehler	Solon
Cohen	Langseth	Merriam	Purfeerst	Stumpf
Dahl	Lantry	Metzen	Ramstad	

The motion prevailed. So the amendment was adopted.

Mr. Benson moved to amend S.F. No. 150 as follows:

Page 61, after line 20, insert:

"Sec. 6. Minnesota Statutes 1988, section 116O.12, is amended to read:  
116O.12 [GREATER MINNESOTA FUND.]

(a) The Greater Minnesota fund is created in the state treasury. The board may require the commissioner of finance to create separate accounts within the fund for use in accordance with the fund's purposes. Money in the fund not needed for the immediate purposes of the corporation may be invested by the corporation in any way authorized by section 11A.24. Money in the fund is appropriated to the corporation to be used as provided in this chapter.

(b) The fund consists of:

- (1) money appropriated and transferred from other state funds;
- (2) fees and charges collected by the corporation;
- (3) income from investments and purchases;

(4) revenue from loans, rentals, royalties, dividends, and other proceeds collected in connection with lawful corporate purposes; and

(5) gifts, donations, and bequests made to the corporation; and

(6) ~~through the first five full fiscal years, during which proceeds from the lottery are received, one-half of the net proceeds of the state-operated lottery must be credited to the greater Minnesota corporation fund. Thereafter, up to one-half, as determined by law each biennium, of the net proceeds from the state-operated lottery must be credited to the greater Minnesota corporation fund.~~

Sec. 7. [129B.81] [CITATION.]

*Sections 129B.81 to 129B.85 may be cited as the "education initiatives grant act."*

Sec. 8. [129B.82] [APPROVAL AUTHORITY; APPLICATION FORMS.]

*Subdivision 1. [APPROVAL BY BOARD.] The state board of education may approve or disapprove applications under section 9 that provide for creation of an innovative program, instructional model, or process to improve education in a school district or group of school districts.*

*Subd. 2. [APPLICATION FORMS.] The state board of education must prepare application forms and adopt rules under chapter 14 to govern the application process.*

Sec. 9. [129B.83] [GRANT APPLICATION PROCESS.]

*Subdivision 1. [CRITERIA.] The state board of education shall adopt rules to establish the criteria to be used to qualify for a grant under this section. The rules must require that the district describe its goals for the grant, how the grant will be used to achieve those goals, and measures to assess the success of the program. The board shall consider the following goals in establishing criteria for awarding grants:*

- (1) teacher mentorship;*
- (2) incorporating alternative learning models that use technology in instruction and administration, including instruction and administration, including personalized, individualized learning;*
- (3) incorporating alternative patterns of staff assignments and roles, including a career teacher program, teacher monitoring, and teacher sharing of instructional areas;*
- (4) developing multiple measures to assess whether pupils have met or exceeded levels of attainment of state and district learner outcomes; and*
- (5) enhancing community involvement.*

*Subd. 2. [AWARD OF GRANTS.] The state board of education shall examine all applications, and if a school district or group of school districts is found not qualified under the criteria established under subdivision 1, the state board must promptly notify the school board or boards that applied for the grant. The board shall award grants with the funds available under section 10 and may not prorate available money among qualified applicants. The state board of education shall promptly notify each district of the amount, if any, of the grant awarded to it.*

*Subd. 3. [REDUCTION OF OTHER REVENUE.] Any amount received by a school district under this section may not be used to reduce any other*

money to be received by the district.

*Subd. 4. [MAXIMUM AMOUNT OF GRANTS.] A grant awarded under this section may not exceed \$1,000,000. A school district may not receive more than \$2,500,000 under this section in a fiscal year.*

*Subd. 5. [SCHOOL DISTRICT REPORT.] A school district that receives a grant under this subdivision must file a report with the state board of education 24 months after receipt of the grant on the success of the district in meeting the goals described in subdivision 1 and identify the areas where the goals were not achieved, along with an explanation of the reasons for not meeting the goals.*

*Subd. 6. [USE OF STAFF] The state board of education may use staff of the department of education to implement this section.*

**Sec. 10. [129B.84] [EDUCATION INITIATIVES FUND.]**

*Subdivision 1. [ESTABLISHMENT OF ACCOUNT.] An education initiatives fund is established as an account in the state treasury. The commissioner of finance shall credit to the fund the amounts authorized under this section. All money earned from money in the education initiatives fund must be credited to the education initiatives fund.*

*Subd. 2. [LOTTERY PROCEEDS.] The commissioner of finance shall credit one-half of the net lottery proceeds from the state-operated lottery to the education initiatives fund.*

*Subd. 3. [USE OF FUNDS.] Money in the education initiatives fund may only be used for grants under section 9.*

**Sec. 11. [129B.85] [REPORT.]**

*The state board of education must report to the education committees of the legislature every two years beginning January 15, 1992, on the implementation of sections 7 to 10."*

Page 68, line 7, delete "20" and insert "26"

Page 68, line 23, delete "9 and 11 to 22" and insert "15 and 17 to 28"

Page 68, line 24, delete "10" and insert "16"

Renumber the sections of article 4 in sequence

Amend the title as follows:

Page 1, line 15, after the first semicolon, insert "eliminating lottery appropriation to the greater Minnesota corporation; appropriating lottery profits for education; establishing an education initiatives grant program;"

Page 1, line 19, after the first semicolon, insert "116O.12;"

Page 1, line 38, after "chapters" insert "129B," and after "349" insert a comma

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 46, as follows:

Those who voted in the affirmative were:

Anderson	Decker	Knutson	McQuaid	Ramstad
Belanger	Frederick	Laidig	Mehrkins	Storm
Benson	Gustafson	Larson	Olson	Taylor
Bernhagen	Johnson, D.E.	McGowan	Pariseau	

Those who voted in the negative were:

Adkins	Davis	Knaak	Moe, R. D.	Samuelson
Beckman	DeCramer	Kroening	Morse	Schmitz
Berg	Dicklich	Langseth	Novak	Solon
Berglin	Diessner	Lantry	Pehler	Stumpf
Bertram	Frank	Lessard	Peterson, D.C.	Vickerman
Brandl	Frederickson, D.J.	Luther	Peterson, R. W.	Waldorf
Brataas	Frederickson, D.R.	Marty	Piper	
Chmielewski	Freeman	Merriam	Pogemiller	
Cohen	Hughes	Metzen	Purfeerst	
Dahl	Johnson, D.J.	Moe, D.M.	Reichgott	

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

S.F. No. 150 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 40 and nays 27, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Johnson, D.J.	Mehrkens	Peterson, D.C.
Berglin	Dicklich	Knaak	Merriam	Piper
Bertram	Diessner	Kroening	Metzen	Pogemiller
Brataas	Frederick	Langseth	Moe, R. D.	Purfeerst
Cohen	Frederickson, D.J.	Lantry	Morse	Reichgott
Dahl	Freeman	Lessard	Novak	Samuelson
Davis	Gustafson	McGowan	Pariseau	Solon
Decker	Hughes	McQuaid	Pehler	Stumpf

Those who voted in the negative were:

Anderson	Brandl	Laidig	Peterson, R. W.	Taylor
Beckman	Chmielewski	Larson	Ramstad	Vickerman
Belanger	Frank	Luther	Renneke	Waldorf
Benson	Frederickson, D.R.	Marty	Schmitz	
Berg	Johnson, D.E.	Moe, D.M.	Spear	
Bernhagen	Knutson	Olson	Storm	

So the bill, as amended, was 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 H.F. No. 46 at 4:45 p.m.:

Messrs. Freeman; Waldorf; Samuelson; Johnson, D.E. and Morse. The motion prevailed.

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Johnson, D.J. moved that the following members be excused for a Conference Committee on H.F. No. 1734 at 5:00 p.m.:

Messrs. Brandl, Novak, Pogemiller, Stumpf and Johnson, D.J. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 277 a Special Order to be heard immediately.

**SPECIAL ORDER**

S.F. No. 277: A bill for an act relating to health; establishing a treatment program for compulsive gamblers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 245.

Mr. Purfeerst moved to amend S.F. No. 277 as follows:

Page 2, delete section 2 and insert:

"Sec. 2. [APPROPRIATION.]

*\$600,000 is appropriated to the commissioner of human services for fiscal years 1990 and 1991 to operate the compulsive gamblers program required by section 1. Money not expended in one fiscal year may be used in the other fiscal year. Of the \$300,000 appropriated each year:*

*(1) \$100,000 is from the state lottery fund;*

*(2) \$100,000 is from the general fund from the tax collected from charitable gambling under Minnesota Statutes, section 349.212; and*

*(3) \$100,000 is from the general fund from the amount recovered by the state from unredeemed pari-mutuel tickets under Minnesota Statutes, section 240.15, subdivision 5."*

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

S.F. No. 277 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Knutson	Metzen	Reichgott
Anderson	Decker	Kroening	Moe, D.M.	Renneke
Beckman	DeCramer	Laidig	Moe, R.D.	Schmitz
Belanger	Dicklich	Langseth	Olson	Solon
Benson	Diessner	Lantry	Pariseau	Spear
Berg	Frank	Larson	Pehler	Storm
Berglin	Frederick	Lessard	Peterson, D.C.	Taylor
Bernhagen	Frederickson, D.I.	Luther	Peterson, R.W.	Vickerman
Bertram	Frederickson, D.R.	Marty	Piper	
Chmielewski	Gustafson	McGowan	Pogemiller	
Cohen	Hughes	McQuaid	Purfeerst	
Dahl	Knaak	Merriam	Ramstad	

So the bill passed 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 take up the General Orders Calendar. The motion prevailed.

**GENERAL ORDERS**

The Senate resolved itself into a Committee of the Whole, with Mr. Chmielewski in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. No. 95, which the committee reports progress, after the following

motions:

Ms. Peterson, D.C. moved to amend S.F. No. 95 as follows:

Page 30, delete section 19

Renumber the sections of article 3 in sequence and correct the internal references

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 35, as follows:

Those who voted in the affirmative were:

Beckman	Frederickson, D.J.	Marty	Peterson, D.C.	Spear
Berglin	Freeman	Merriam	Peterson, R.W.	Taylor
Brandl	Johnson, D.J.	Moe, D.M.	Piper	Waldorf
Cohen	Knaak	Moe, R.D.	Pogemiller	
Davis	Kroening	Morse	Purfeerst	
DeCramer	Lantry	Novak	Reichgott	
Dicklich	Luther	Pehler	Samuelson	

Those who voted in the negative were:

Adkins	Brataas	Frederickson, D.R.	Larson	Pariseau
Anderson	Chmielewski	Gustafson	Lessard	Ramstad
Belanger	Dahl	Hughes	McGowan	Renneke
Benson	Decker	Johnson, D.E.	McQuaid	Schmitz
Berg	Diessner	Knutson	Mehrkins	Storm
Bernhagen	Frank	Laidig	Metzen	Stumpf
Bertram	Frederick	Langseth	Olson	Vickerman

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

Mr. Knaak moved to amend S.F. No. 95 as follows:

Page 37, after line 15, insert:

"Sec. 29. [REPEALER.]

*Section 19 is repealed effective June 30, 1990."*

Mr. Stumpf moved to amend the Knaak amendment to S.F. No. 95 as follows:

Page 1, line 4, delete "*June 30, 1990*" and insert "*December 30, 1992*"

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

The roll was called, and there were yeas 23 and nays 35, as follows:

Those who voted in the affirmative were:

Adkins	Bertram	Frank	Lessard	Schmitz
Anderson	Brataas	Frederickson, D.R.	Olson	Storm
Benson	Chmielewski	Gustafson	Ramstad	Stumpf
Berg	Dahl	Laidig	Renneke	
Bernhagen	Diessner	Larson	Samuelson	

Those who voted in the negative were:

Beckman	Frederick	Lantry	Metzen	Peterson, R.W.
Belanger	Frederickson, D.J.	Luther	Moe, D.M.	Piper
Berglin	Hughes	Marty	Moe, R.D.	Purfeerst
Brandl	Johnson, D.E.	McGowan	Morse	Reichgott
Cohen	Knaak	McQuaid	Novak	Spear
Davis	Kroening	Mehrkins	Pehler	Taylor
Decker	Langseth	Merriam	Peterson, D.C.	Vickerman

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

The question recurred on the adoption of the Knaak amendment.

The roll was called, and there were yeas 39 and nays 21, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Luther	Moe, R.D.	Purfeerst
Beckman	Frederickson, D.J.	Marty	Morse	Ramstad
Berglin	Hughes	McGowan	Novak	Reichgott
Brandl	Johnson, D.E.	McQuaid	Olson	Schmitz
Cohen	Knaak	Mehrkens	Pehler	Spear
Dahl	Kroening	Merriam	Peterson, D.C.	Taylor
Davis	Langseth	Metzen	Peterson, R.W.	Vickerman
Decker	Lantry	Moe, D.M.	Piper	

Those who voted in the negative were:

Anderson	Bertram	Frederick	Lessard	Stumpf
Belanger	Brataas	Frederickson, D.R.	Pariseau	
Benson	Chmielewski	Gustafson	Renneke	
Berg	Dicklich	Laidig	Samuelson	
Bernhagen	Diessner	Larson	Storm	

The motion prevailed. So the amendment was adopted.

Mr. Pehler moved to amend S.F. No. 95 as follows:

Page 11, line 27, delete "*board*" and insert "*department of revenue*"

Page 42, delete lines 1 to 30 and insert:

<i>“(a) To the waste management board for solid waste reduction, recycling, market development, grants for litter prevention control and abatement, public education, and for problem materials collection and disposal</i>			<i>\$2,000,000</i>	<i>\$2,500,000</i>
<i>(b) To the pollution control agency for programs to identify and manage problem materials and for recycling programs</i>			<i>820,000</i>	<i>859,000</i>
<i>(c) To the department of administration for waste reduction, procurement, and recycling</i>			<i>100,000</i>	<i>100,000</i>
<i>(d) To the department of revenue:</i>				
<i>(1) to administer the taxes</i>			<i>37,000</i>	<i>-0-</i>
<i>(2) for distribution to the counties directly for solid waste reduction and recycling</i>			<i>13,140,000</i>	<i>15,220,000”</i>

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 38 and nays 16, as follows:

Those who voted in the affirmative were:



Adkins	Decker	Kroening	Metzen	Reichgott
Beckman	Diessner	Laidig	Moe, D.M.	Renneke
Belanger	Frank	Lantry	Olson	Schmitz
Benson	Frederickson, D.J.	Larson	Pariseau	Spear
Berglin	Frederickson, D.R.	Luther	Pehler	Storm
Bertram	Hughes	McGowan	Peterson, D.C.	Vickerman
Brataas	Johnson, D.E.	McQuaid	Purfeerst	
Cohen	Knaak	Mehrkins	Ramstad	

Those who voted in the negative were:

Anderson	Davis	Lessard	Moe, R.D.	Piper
Bernhagen	Gustafson	Marty	Morse	Solon
Chmielewski	Langseth	Merriam	Peterson, R.W.	Stumpf
Dahl				

The motion prevailed. So the amendment was adopted.

S.F. No. 95 was then progressed.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, 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 Orders of Business of Messages From the House, First Reading of House Bills, Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills. The motion prevailed.

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce 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. 486: A bill for an act relating to juvenile justice; requiring reasonable efforts to prevent placement of children in need of protection or services proceedings; amending duty of juvenile court to ensure placement prevention and family reunification; defining reasonable efforts; clarifying definitions, jurisdiction, and services for Indian children; requiring preference for racial or ethnic heritage for appointment of guardian ad litem; requiring consideration of reasonable efforts in factors determining neglect; requiring that a child be in imminent danger for detention; permitting social services to release for detention; requiring finding of reasonable efforts at detention; and imposing requirements for disposition case plans; amending Minnesota Statutes 1988, sections 260.012; 260.015, subdivisions 11, 13, 14, and by adding subdivisions; 260.111, by adding a subdivision; 260.135, subdivision 2; 260.141; 260.155, subdivisions 4 and 7; 260.165, subdivision 1; 260.171, subdivision 1; 260.172, subdivisions 1 and 4; 260.173, subdivision 2; 260.181, subdivision 2; and 260.191, subdivisions 1a and 1e.

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

Senate File No. 486 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1989

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 333:

H.F. No. 333: A bill for an act relating to recreational vehicles; regulating all-terrain vehicles; setting fees; revising liability provisions regarding county administered lands, recreational areas and the Minnesota zoological garden; imposing a penalty; amending Minnesota Statutes 1988, sections 3.736, subdivision 3; 84.92, subdivision 1, and by adding subdivisions; 84.922, subdivisions 1 and 5, and by adding subdivisions; 84.924, subdivision 3; 84.9256, subdivisions 1, 2, and 3; 84.928, subdivisions 1, 2, and 6; 84.929; 169.02, subdivision 1; and 171.03; repealing Minnesota Statutes 1988, sections 84.922, subdivision 8; 84.925, subdivision 2; 84.928, subdivision 7; and 466.03, by adding a subdivision.

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

Begich, Pugh and Schafer have been appointed as such committee on the part of the House.

House File No. 333 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 12, 1989

Mr. Vickerman moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 333, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1764.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 12, 1989

### FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 1764: A bill for an act relating to transportation; changing distribution of highway user taxes; authorizing use of state park road account to improve and maintain city streets and town roads that provide immediate access to state parks and campgrounds; increasing motor vehicle license tax on older vehicles; appropriating money; amending Minnesota Statutes

1988, sections 161.081; 161.082, subdivision 2a; 162.06, subdivision 5; 162.081, subdivision 1; 168.013, subdivision 1a; and 297B.09, subdivision 1.

Mr. Moe, R.D. moved that H.F. No. 1764 be laid on the table. 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. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 895: A bill for an act relating to natural resources; amending provisions relating to the conservation reserve program; changing authority over the conservation reserve program from the commissioner of agriculture to the board of water and soil resources; defining certain terms; changing criteria for eligible land; prohibiting grazing of land under future agreements; providing conditions and payment for wetland restoration; providing for enforcement and liability for damages for violation of the terms of a conservation easement or agreement; authorizing the board to adopt rules; authorizing the commissioner of agriculture to allow town boards to suspend the duty of owners and occupants to control noxious weeds under certain conditions; withdrawing certain marginal land and wetlands from sale by the state unless restricted by a conservation easement under certain conditions; requiring certain acquisition procedures before the commissioner of natural resources accepts agricultural land or farm homesteads in fee from the federal government; authorizing aliens and non-Americans to own certain agricultural land to comply with pollution control laws or rules; authorizing sale of certain bonds; appropriating money; amending Minnesota Statutes 1988, sections 40.42; 40.43; 40.44; 40.45; 84.95, subdivision 2; 282.018; 500.221, subdivision 2; Laws 1986, chapter 383, section 17, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 18; 40; 84; and 92.

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

Page 10, lines 32 and 33, delete "*is appropriated from the general fund*" and insert "*must be paid from appropriations to acquire conservation easements*"

Pages 17 to 19, delete sections 13 and 14

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 24, delete from "authorizing" through page 1, line 25, to the semicolon

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

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

H.F. No. 1448 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1448	937				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1448 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1448 and insert the language after the enacting clause of S.F. No. 937, the first engrossment; further, delete the title of H.F. No. 1448 and insert the title of S.F. No. 937, the first engrossment.

And when so amended H.F. No. 1448 will be identical to S.F. No. 937, and further recommends that H.F. No. 1448 be given its second reading and substituted for S.F. No. 937, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 341 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
341	1099				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 341 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 341 and insert the language after the enacting clause of S.F. No. 1099, the fourth engrossment; further, delete the title of H.F. No. 341 and insert the title of S.F. No. 1099, the fourth engrossment.

And when so amended H.F. No. 341 will be identical to S.F. No. 1099, and further recommends that H.F. No. 341 be given its second reading and substituted for S.F. No. 1099, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1143 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File

as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1143	920				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1143 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1143 and insert the language after the enacting clause of S.F. No. 920, the first engrossment; further, delete the title of H.F. No. 1143 and insert the title of S.F. No. 920, the first engrossment.

And when so amended H.F. No. 1143 will be identical to S.F. No. 920, and further recommends that H.F. No. 1143 be given its second reading and substituted for S.F. No. 920, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 257 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
257	257				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 257 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 257 and insert the language after the enacting clause of S.F. No. 257, the first engrossment; further, delete the title of H.F. No. 257 and insert the title of S.F. No. 257, the first engrossment.

And when so amended H.F. No. 257 will be identical to S.F. No. 257, and further recommends that H.F. No. 257 be given its second reading and substituted for S.F. No. 257, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1137 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				1137	1253

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1137 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1137 and insert the language after the enacting clause of S.F. No. 1253, the first engrossment; further, delete the title of H.F. No. 1137 and insert the title of S.F. No. 1253, the first engrossment.

And when so amended H.F. No. 1137 will be identical to S.F. No. 1253, and further recommends that H.F. No. 1137 be given its second reading and substituted for S.F. No. 1253, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1046 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1046	1198				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1046 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1046 and insert the language after the enacting clause of S.F. No. 1198, the second engrossment; further, delete the title of H.F. No. 1046 and insert the title of S.F. No. 1198, the second engrossment.

And when so amended H.F. No. 1046 will be identical to S.F. No. 1198, and further recommends that H.F. No. 1046 be given its second reading and substituted for S.F. No. 1198, and that the Senate File be indefinitely postponed.

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

## SECOND READING OF SENATE BILLS

S.F. No. 895 was read the second time.

## SECOND READING OF HOUSE BILLS

H.F. Nos. 1448, 341, 1143, 257, 1137 and 1046 were read the second time.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 59 a Special Order to be heard immediately.

**SPECIAL ORDER**

H.F. No. 59: A bill for an act relating to public safety; authorizing bonding for capital improvements; appropriating money to convert a regional treatment center for use as an adult correctional facility and to operate the facility; appropriating money for a variety of correctional and treatment programs; revising and increasing penalties for controlled substance crimes; authorizing increased sentences and juvenile court reference for controlled substance crimes committed within a drug free school or park zone; increasing penalties for a variety of other crimes; providing for life imprisonment without supervised release for persons convicted of first degree murder or a third criminal sexual conduct offense; providing for sex offender treatment programs; providing that an inmate who completes a sex offender treatment program is eligible for an adjustment to the supervised release date; providing for the collection and admissibility of DNA evidence; modifying certain forfeiture provisions; permitting a school-sponsored alcohol awareness program; requiring reporting of newborns with signs of controlled substance exposure and reporting of certain controlled substance use by pregnant women; providing for toxicology testing; requiring an education program to protect unborn children from such prenatal exposure; providing for civil commitment of pregnant women for certain controlled substance use; establishing a community crime prevention grant program; providing a soft body armor reimbursement program; creating a drug abuse prevention resource council; establishing a child protection system study commission; providing for a community resources program for cities of the first class; appropriating money; amending Minnesota Statutes 1988, sections 152.01, subdivision 7, and by adding subdivisions; 152.096, subdivision 1; 152.097, by adding a subdivision; 152.15, subdivision 4a; 152.151; 152.18, subdivision 1; 152.20; 152.21, subdivision 6; 169.09, subdivision 14; 243.05, subdivision 1; 244.05, subdivisions 1, 4, 5, and by adding a subdivision; 244.09, subdivision 5; 253B.02, subdivisions 2 and 10; 256.01, by adding a subdivision; 260.125, subdivision 3; 260.161, subdivision 1; 260.185, subdivision 1; 297D.09, subdivision 1a; 299F.80, subdivision 1; 325D.56, subdivision 2; 340A.701; 340A.702; 526.10; 609.11, subdivisions 7 and 9; 609.185; 609.19; 609.195; 609.205; 609.221; 609.222; 609.223; 609.2231, subdivision 1; 609.255, subdivision 3; 609.2665; 609.267; 609.323, subdivision 1; 609.342, subdivision 2; 609.343, subdivision 2; 609.344, subdivision 2; 609.345, subdivision 2; 609.346; 609.377; 609.445; 609.48, subdivision 4; 609.487, subdivision 4; 609.52; 609.53, subdivisions 1 and 4; 609.5311, subdivision 3; 609.5314, subdivision 1; 609.5315, subdivision 1; 609.576; 609.62, subdivision 2; 609.631, subdivision 2; 609.86, subdivision 3; 611A.038; 624.701; 624.712, subdivision 5; and 626.556, subdivisions 2, 3, and 10; proposing coding for new law in Minnesota Statutes, chapters 116K; 121; 144; 152; 241; 242; 244; 299A; 299C; 466A; 609; 626; 634; and 638; repealing Minnesota Statutes 1988, sections 152.09; 152.15, subdivisions 1, 2, 2a, 2b, 3, and 5; 609.53, subdivisions 1a, 3, and 3a; and 609.55.

Mr. Spear moved to amend H.F. No. 59, the unofficial engrossment, as follows:

Page 55, after line 22, insert:

"Section 1. Minnesota Statutes 1988, section 14.02, subdivision 4, is amended to read:

Subd. 4. [RULE.] "Rule" means every agency statement of general applicability and future effect, including amendments, suspensions, and repeals of rules, adopted to implement or make specific the law enforced or administered by it or to govern its organization or procedure. It does not include (a) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public; (b) rules of the commissioner of corrections relating to the placement and supervision of inmates serving a supervised release term, the internal management of institutions under the commissioner's control and those rules governing the inmates thereof prescribed pursuant to section 609.105; (c) rules of the division of game and fish published in accordance with section 97A.051; (d) rules relating to weight limitations on the use of highways when the substance of the rules is indicated to the public by means of signs; (e) opinions of the attorney general; (f) the systems architecture plan and long-range plan of the state education management information system provided by section 121.931; (g) the data element dictionary and the annual data acquisition calendar of the department of education to the extent provided by section 121.932; (h) the occupational safety and health standards provided in section 182.655."

Page 56, after line 7, insert:

"Sec. 3. Minnesota Statutes 1988, section 244.05, subdivision 2, is amended to read:

Subd. 2. [RULES.] The commissioner of corrections shall promulgate rules for the placement and supervision of inmates serving a supervised release term. The rules shall also provide adopt by rule standards and procedures for the revocation of supervised release, and shall specify the period of revocation for each violation of supervised release. Procedures for the revocation of supervised release shall provide due process of law for the inmate."

Page 59, line 22, delete "2 and 4" and insert "4 and 6"

Page 59, line 23, delete everything after the period and insert "*Sections 1 and 3 are effective the day following final enactment. Section 7 is effective*"

Renumber the sections of article 5 in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

### CALL OF THE SENATE

Mr. Knaak imposed a call of the Senate for the balance of the proceedings on H.F. No. 59. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Merriam moved to amend H.F. No. 59, the unofficial engrossment, as follows:

Page 82, line 2, delete "\$250,000" and insert "\$150,000"

Page 82, line 12, delete "\$200,000" and insert "\$400,000"



Page 82, line 16, delete "\$125,000" and insert "\$250,000"

Page 82, line 17, delete "\$75,000" and insert "\$150,000"

The motion prevailed. So the amendment was adopted.

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Samuelson moved that the following members be excused for a Conference Committee on H.F. No. 1759 at 7:30 p.m.:

Mrs. Lantry, Ms. Berglin, Piper and Mr. Samuelson. 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. 1625 at 6:30 p.m.:

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

Mr. Frederick moved to amend H.F. No. 59, the unofficial engrossment, as follows:

Page 33, delete lines 20 to 32 and insert "*employee that provides reimbursement for purchase of a vest under this section is not liable to a peace officer or the peace officer's heirs for negligence in the death of or injury to the peace officer because the vest was defective or deficient.*"

*Subd. 6. [RIGHT TO BENEFITS UNAFFECTED.] A peace officer who is reimbursed for the purchase of a vest under this section and who suffers injury or death because the officer failed to wear the vest, or because the officer wore a vest that was defective or deficient, may not lose or be denied a benefit or right, including a benefit under section 176B.04, to which the officer, or the officer's heirs, is otherwise entitled."*

The motion prevailed. So the amendment was adopted.

Mr. Ramstad moved to amend H.F. No. 59, the unofficial engrossment, as follows:

Pages 56 and 57, delete section 3 and insert:

"Sec. 3. [244.091] [ABOLITION OF SENTENCING GUIDELINES.]

*The Minnesota sentencing guidelines adopted under section 244.09 are abolished."*

Page 59, after line 20, insert:

"Sec. 6. [REPEALER.]

*Minnesota Statutes 1988, sections 244.08, 244.09, and 244.10, are repealed."*

Page 59, line 23, after the period, insert "*Sections 3 and 6 are effective on adoption by the Minnesota legislature of a system of mandatory minimum sentences for all felony offenses under Minnesota law."*

Renumber the sections of article 5 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

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

Those who voted in the affirmative were:

Anderson	Brataas	Frederickson, D.R.	Metzen	Stumpf
Beckman	Chmielewski	Gustafson	Olson	Taylor
Belanger	Dahl	Johnson, D.E.	Pariseau	Vickerman
Benson	Davis	Knaak	Ramstad	
Berg	Decker	Laidig	Renneke	
Bernhagen	Frank	McGowan	Schmitz	
Bertram	Frederick	McQuaid	Storm	

Those who voted in the negative were:

Adkins	Frederickson, D.J.	Luther	Pehler	Samuelson
Berglin	Freeman	Marty	Peterson, D.C.	Spear
Brandl	Hughes	Merriam	Peterson, R.W.	Waldorf
Cohen	Johnson, D.J.	Moe, D.M.	Piper	
DeCramer	Kroening	Moe, R.D.	Pogemiller	
Dicklich	Langseth	Morse	Purfeerst	
Diessner	Lantry	Novak	Reichgott	

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

Mr. Knaak moved to amend H.F. No. 59, the unofficial engrossment, as follows:

Page 59, after line 16, insert:

*"Subd. 3. [DISAPPROVAL OF DECREASED CRIMINAL HISTORY POINTS FOR CERTAIN PROPERTY AND NONVIOLENT OFFENSES.] The modifications in the weight assigned for each prior felony conviction in the severity levels I and II for purposes of computing a defendant's criminal history score, adopted by the commission on December 15, 1988, shall not take effect."*

Page 59, line 17, delete "3" and insert "4" and after "All" insert "other"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Dahl	Knaak	Novak	Taylor
Belanger	Decker	Kroening	Olson	Vickerman
Benson	Frank	Laidig	Pariseau	Waldorf
Berg	Frederick	Larson	Pehler	
Bernhagen	Frederickson, D.R.	McGowan	Ramstad	
Bertram	Gustafson	McQuaid	Renneke	
Brataas	Johnson, D.E.	Metzen	Storm	

Those who voted in the negative were:

Adkins	DeCramer	Langseth	Morse	Samuelson
Beckman	Dicklich	Lantry	Peterson, D.C.	Schmitz
Berglin	Diessner	Luther	Peterson, R.W.	Spear
Brandl	Frederickson, D.J.	Marty	Piper	Stumpf
Chmielewski	Freeman	Merriam	Pogemiller	
Cohen	Hughes	Moe, D.M.	Purfeerst	
Davis	Johnson, D.J.	Moe, R.D.	Reichgott	

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

Mr. Ramstad moved to amend H.F. No. 59, the unofficial engrossment,

as follows:

Page 5, delete lines 12 to 20 and insert:

*"Subd. 3. [PENALTY.] (a) A person convicted under subdivision 1 or 2 shall be sentenced to imprisonment for not less than five years nor more than 30 years or to payment of a fine of not more than \$1,000,000, or both.*

*(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 or 2 shall be sentenced to imprisonment for not less than ten years nor more than 40 years or to a fine of not more than \$1,000,000, or both."*

Page 6, delete lines 19 to 27 and insert:

*"Subd. 3. [PENALTY.] (a) A person convicted under subdivision 1 or 2 shall be sentenced to imprisonment for not less than four years nor more than 25 years or to payment of a fine of not more than \$500,000, or both.*

*(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 or 2 shall be sentenced to imprisonment for not less than eight years nor more than 40 years or to a fine of not more than \$500,000, or both."*

Page 7, delete lines 23 to 31 and insert:

*"Subd. 3. [PENALTY.] (a) A person convicted under subdivision 1 or 2 shall be sentenced to imprisonment for not less than three years nor more than 20 years or to payment of a fine of not more than \$250,000, or both.*

*(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 or 2 shall be sentenced to imprisonment for not less than six years nor more than 30 years or to a fine of not more than \$250,000, or both."*

Page 8, delete lines 24 to 32 and insert:

*"Subd. 3. [PENALTY.] (a) A person convicted under subdivision 1 or 2 shall be sentenced to imprisonment for not less than two years nor more than 15 years or to payment of a fine of not more than \$100,000, or both.*

*(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 or 2 shall be sentenced to imprisonment for not less than four years nor more than 30 years or to a fine of not more than \$100,000, or both."*

Page 9, delete lines 21 to 29 and insert:

*"Subd. 3. [PENALTY.] (a) A person convicted under subdivision 1 or 2 shall be sentenced to imprisonment for not less than one year nor more than ten years or to payment of a fine of not more than \$10,000, or both.*

*(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 or 2 shall be sentenced to imprisonment for not less than two years nor more than ten years or to payment of a fine of not more than \$20,000, or both."*

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "imposing mandatory minimum sentences for controlled substance offenses;"

The question was taken on the adoption of the amendment.

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

The roll was called, and there were yeas 30 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Bernhagen	Frederick	Larson	Ramstad
Beckman	Bertram	Frederickson, D.R.	McGowan	Reichgott
Belanger	Brataas	Gustafson	McQuaid	Renneke
Benson	Dahl	Johnson, D.E.	Olson	Storm
Berg	Decker	Knaak	Pariseau	Taylor
Berglin	Frank	Laidig	Pehler	Vickerman

Those who voted in the negative were:

Adkins	Diessner	Luther	Peterson, D.C.	Solon
Brandl	Frederickson, D.J.	Marty	Peterson, R.W.	Spear
Chmielewski	Freeman	Merriam	Piper	Stumpf
Cohen	Johnson, D.J.	Moe, D.M.	Pogemiller	Waldorf
Davis	Kroening	Moe, R.D.	Purfeerst	
DeCramer	Langseth	Morse	Samuelson	
Dicklich	Lantry	Novak	Schmitz	

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

Mr. Laidig moved to amend H.F. No. 59, the unofficial engrossment, as follows:

Page 57, after line 18, insert:

"Sec. 4. Minnesota Statutes 1988, section 244.09, subdivision 11, is amended to read:

Subd. 11. [MODIFICATION.] The commission shall meet as necessary for the purpose of modifying and improving the guidelines. Any modification which amends the sentencing guidelines grid, including severity levels and criminal history scores, or which would result in the reduction of any sentence or in the early release of any inmate, with the exception of a modification mandated or authorized by the legislature or relating to a crime created or amended by the legislature in the preceding session, shall be submitted to the legislature by January 1 of any year in which the commission wishes to make the change ~~and shall be effective on August 1 of that year, unless the legislature by law provides otherwise. The proposed change is effective on August 1 of that year if it has been specifically ratified by the legislature.~~ All other modifications shall take effect according to the procedural rules of the commission. On or before January 1 of each year, the commission shall submit a written report to the judiciary committees of the senate and the house of representatives that identifies and explains all modifications made during the preceding 12 months and all proposed modifications that are being submitted to the legislature that year."

Renumber the sections of article 5 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

The roll was called, and there were yeas 24 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Dahl	Gustafson	McGowan	Renneke
Belanger	Decker	Johnson, D.E.	McQuaid	Storm
Benson	Frank	Knaak	Olson	Taylor
Bernhagen	Frederick	Laidig	Pariseau	Waldorf
Brataas	Frederickson, D.R.	Larson	Ramstad	

Those who voted in the negative were:

Adkins	Davis	Johnson, D.J.	Moe, R.D.	Purfeerst
Beckman	DeCramer	Kroening	Morse	Reichgott
Berg	Dicklich	Langseth	Novak	Schmitz
Bertram	Diessner	Luther	Pehler	Solon
Brandl	Frederickson, D.J.	Marty	Peterson, D.C.	Spear
Chmielewski	Freeman	Merriam	Peterson, R.W.	Stumpf
Cohen	Hughes	Moe, D.M.	Pogemiller	Vickerman

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

Mrs. Pariseau moved to amend H.F. No. 59, the unofficial engrossment, as follows:

Page 56, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 1988, section 244.05, subdivision 4, is amended to read:

Subd. 4. [MINIMUM IMPRISONMENT, LIFE SENTENCE.] An inmate serving a mandatory life sentence ~~shall~~ *for conviction of murder in the first degree under section 609.185 or treason under section 609.385 must not* be given supervised release under this section ~~without having served a minimum term of imprisonment of 17 years.~~

Page 59, after line 20, insert:

"Sec. 6. [REPEALER.]

*Minnesota Statutes 1988, section 244.05, subdivision 5, is repealed.*"

Renumber the sections of article 5 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Frederick	McQuaid	Taylor
Beckman	Chmielewski	Frederickson, D.R.	Olson	Vickerman
Belanger	Dahl	Johnson, D.E.	Pariseau	
Benson	Davis	Knaak	Ramstad	
Bernhagen	Decker	Larson	Renneke	
Bertram	Frank	McGowan	Storm	

Those who voted in the negative were:

Adkins	Frederickson, D.J.	Luther	Pehler	Samuelson
Berglin	Freeman	Marty	Peterson, D.C.	Schmitz
Brandl	Gustafson	Merriam	Peterson, R.W.	Solon
Cohen	Johnson, D.J.	Moe, D.M.	Piper	Spear
DeCramer	Kroening	Moe, R.D.	Pogemiller	Stumpf
Dicklich	Langseth	Morse	Purfeerst	Waldorf
Diessner	Lantry	Novak	Reichgott	

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

Mr. Belanger moved to amend H.F. No. 59, the unofficial engrossment, as follows:

Page 56, line 6, delete the first comma and insert "or" and delete everything after "disability" and insert a period

Page 56, delete line 7

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Frederickson, D.R.	Larson	Renneke
Beckman	Dahl	Gustafson	McGowan	Storm
Belanger	Davis	Johnson, D.E.	McQuaid	Taylor
Benson	Decker	Knaak	Olson	Vickerman
Bernhagen	Frederick	Kroening	Pariseau	Waldorf
Brataas	Frederickson, D.J.	Laidig	Ramstad	

Those who voted in the negative were:

Adkins	Diessner	Luther	Peterson, D.C.	Schmitz
Berglin	Frank	Marty	Peterson, R.W.	Solon
Bertram	Freeman	Merriam	Piper	Speare
Brandl	Hughes	Moe, R.D.	Pogemiller	
Cohen	Johnson, D.J.	Morse	Purfeerst	
DeCramer	Langseth	Novak	Reichgott	
Dicklich	Lantry	Pehler	Samuelson	

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

Ms. Reichgott moved to amend H.F. No. 59, the unofficial engrossment, as follows:

Page 25, delete lines 8 and 9

Page 25, after line 33, insert:

*"Subd. 4. [CONTROLLED SUBSTANCES.] For purposes of this section and section 5, "controlled substance" means a controlled substance classified in schedule I or II under chapter 152."*

The motion prevailed. So the amendment was adopted.

Ms. Peterson, D.C. moved to amend H.F. No. 59, the unofficial engrossment, as follows:

Page 68, after line 25, insert:

"Section 1. Minnesota Statutes 1988, section 609.26, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITED ACTS.] Whoever intentionally does any of the following acts may be charged with a felony and, upon conviction, may be sentenced as provided in subdivision 6:

(1) conceals a minor child from the child's parent where the action manifests an intent substantially to deprive that parent of parental rights or conceals a minor child from another person having the right to visitation or custody where the action manifests an intent to substantially deprive that person of rights to visitation or custody;

(2) takes, obtains, retains, or fails to return a minor child in violation of a court order which has transferred legal custody under chapter 260 to the commissioner of human services, a child placing agency, or the county

welfare board;

(3) takes, obtains, retains, or fails to return a minor child from or to the parent in violation of a court order, where the action manifests an intent substantially to deprive that parent of rights to visitation or custody; or

(4) takes, obtains, retains, or fails to return a minor child from or to a parent after commencement of an action relating to child visitation or custody but prior to the issuance of an order determining custody or visitation rights, where the action manifests an intent substantially to deprive that parent of parental rights; or

(5) retains a child in this state with the knowledge that the child was removed from another state in violation of any of the above provisions, whether or not the act is a crime under the law of the other state.

Sec. 2. Minnesota Statutes 1988, section 609.26, subdivision 6, is amended to read:

Subd. 6. [PENALTY.] Except as otherwise provided in subdivision 5, whoever violates this section may be sentenced to imprisonment for not more than two years or to payment of a fine of \$4,000, or both, as follows:

(1) to imprisonment for not more than two years or to payment of a fine of not more than \$4,000, or both; or

(2) to imprisonment for not more than four years or to payment of a fine of not more than \$8,000, or both, if the court finds that:

(i) the defendant committed the violation while armed with a dangerous weapon or caused substantial bodily harm to effect the taking;

(ii) the defendant abused or neglected the child during the concealment, detention, or removal of the child;

(iii) the defendant inflicted or threatened to inflict physical harm on a parent or lawful custodian of the child or on the child with intent to cause the parent or lawful custodian to discontinue criminal prosecution;

(iv) the defendant demanded payment in exchange for return of the child or demanded to be relieved of the financial or legal obligation to support the child in exchange for return of the child; or

(v) the defendant has previously been convicted under this section or a similar statute of another jurisdiction."

Page 79, line 11, delete "9" and insert "11"

Renumber the sections of article 7 in sequence and correct the internal references

Amend the title as follows:

Page 2, line 8, after the first semicolon, insert "609.26, subdivisions 1 and 6;"

The motion prevailed. So the amendment was adopted.

Mr. Benson moved to amend H.F. No. 59, the unofficial engrossment, as follows:

Page 57, line 4, after "the" insert "*primary consideration of the*" and strike "take into substantial consideration" and insert "be"

Page 57, line 5, delete the first comma and insert ". *The commission*

*may also consider*" and delete the second comma

The motion prevailed. So the amendment was adopted.

Mr. Cohen moved to amend H.F. No. 59, the unofficial engrossment, as follows:

Page 83, after line 28, insert:

**"ARTICLE 9  
FIRE DEPARTMENT ACCESS  
TO CRIMINAL HISTORY DATA**

**Section 1. [299F035] [FIRE DEPARTMENT ACCESS TO AND USE OF CRIMINAL HISTORY DATA.]**

*Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.*

*(b) "Criminal history data" has the meaning given in section 13.87.*

*(c) "Criminal justice agency" has the meaning given in section 299C.46, subdivision 2.*

*(d) "Fire department" has the meaning given in section 299F092, subdivision 6.*

*(e) "Private data" has the meaning given in section 13.02, subdivision 12.*

*Subd. 2. [ACCESS TO DATA.] The superintendent of the bureau of criminal apprehension, in consultation with the state fire marshal, shall develop and implement a plan for fire departments to have access to criminal history data. The plan must include:*

*(1) security procedures to prevent unauthorized use or disclosure of private data; and*

*(2) a procedure for the hiring authority in each fire protection agency to fingerprint job applicants, submit requests to the bureau of criminal apprehension, and obtain state and federal criminal history data reports for a nominal fee.*

*Subd. 3. [RELATION OF CONVICTION TO FIRE PROTECTION.] Criminal history data may be used in assessing fire protection agency job applicants only if the criminal history data are directly related to the position of employment sought.*

*Subd. 4. [DETERMINATION OF RELATIONSHIP] In determining if criminal history data are directly related to the position of employment sought, the hiring authority may consider:*

*(1) the nature and seriousness of the criminal history data on the job applicant;*

*(2) the relationship of the criminal history data to the purposes of regulating the position of employment sought; and*

*(3) the relationship of the criminal history data to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the position of employment sought.*

**Sec. 2. Minnesota Statutes 1988, section 364.09, is amended to read:  
364.09 [EXCEPTIONS.]**



This chapter shall not apply to the practice of law enforcement, *to fire protection agencies*, to eligibility for a family day care license, a family foster care license, a home care provider license, or to eligibility for school bus driver endorsements. Nothing in this section shall be construed to preclude the Minnesota police and peace officers training board *or the state fire marshal* from recommending policies set forth in this chapter to the attorney general for adoption in the attorney general's discretion to apply to law enforcement *or fire protection agencies*.

Sec. 3. Minnesota Statutes 1988, section 626.52, subdivision 3, is amended to read:

Subd. 3. [REPORTING BURNS.] A health professional shall ~~immediately file a written report with the state fire marshal within 72 hours after being notified of a burn injury or wound that the professional is called upon to treat, dress, or bandage, if the victim has sustained second- or third-degree burns to five percent or more of the body, the victim has sustained burns to the upper respiratory tract or sustained laryngeal edema from inhaling superheated air, or the victim has sustained a burn injury or wound that may result in the victim's death. The health professional shall make the initial report by telephoning the burn hotline in order to allow the proper law enforcement or other investigatory authority to be notified. Within 72 hours, the professional shall also file a written report with The state fire marshal; on a shall provide the form provided by the fire marshal for the report.~~

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. McGowan moved to amend H.F. No. 59, the unofficial engrossment, as follows:

Page 59, line 1, delete "six" and insert "four"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 47 and nays 13, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Gustafson	Morse	Schmitz
Anderson	Decker	Johnson, D.E.	Novak	Solon
Beckman	DeCramer	Johnson, D.J.	Olson	Storm
Belanger	Dicklich	Knaak	Pariseau	Stumpf
Benson	Diessner	Kroening	Pehler	Taylor
Berglin	Frank	Laidig	Purfeerst	Vickerman
Bernhagen	Frederick	Langseth	Ramstad	Waldorf
Bertram	Frederickson, D.J.	Lantry	Reichgott	
Brataas	Frederickson, D.R.	Larson	Renneke	
Dahl	Freeman	McQuaid	Samuelson	

Those who voted in the negative were:

Brandl	Hughes	McGowan	Peterson, D.C.	Spear
Chmielewski	Luther	Merriam	Peterson, R.W.	
Cohen	Marty	Moe, R.D.	Piper	

The motion prevailed. So the amendment was adopted.

Mrs. McQuaid moved to amend H.F. No. 59, the unofficial engrossment, as follows:

Page 59, after line 1, insert:

**"Sec. 5. [609.154] [ADDITIONAL SENTENCE FOR CRIME AGAINST ELDERLY AND HANDICAPPED.]**

*If a person is convicted of violating or attempting to violate section 609.185, clause (2); 609.342; 609.343; 609.344; or 609.345, against a person who is 65 years or older, is handicapped, as defined in section 297A.01, subdivision 14, or is a vulnerable adult as defined in section 626.557, the court shall impose an additional mandatory one-year sentence, notwithstanding sections 242.19, 243.05, 609.11, 609.12, and 609.135. The two sentences must be imposed to run consecutively."*

Renumber the sections of article 5 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Johnson, D.E.	McGowan	Ramstad
Belanger	Decker	Knaak	McQuaid	Renneke
Benson	Frederick	Laidig	Olson	Storm
Bernhagen	Frederickson, D.R.	Larson	Pariseau	Taylor

Those who voted in the negative were:

Adkins	Dicklich	Kroening	Morse	Schmitz
Beckman	Diessner	Langseth	Novak	Solon
Bertram	Frank	Luther	Pehler	Spear
Brandl	Frederickson, D.J.	Marty	Peterson, D.C.	Stumpf
Cohen	Freeman	Merriam	Peterson, R.W.	Vickerman
Dahl	Hughes	Moe, D.M.	Pogemiller	Waldorf
Davis	Johnson, D.J.	Moe, R.D.	Reichgott	

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

Mr. Ramstad moved to amend H.F. No. 59, the unofficial engrossment, as follows:

Page 56, after line 7, insert:

"Sec. 2. Minnesota Statutes 1988, section 243.53, is amended to read: 243.53 [SEPARATE CELLS.]

*When there are cells sufficient, each convict shall be confined in a separate cell. However, the commissioner shall incarcerate two persons per cell whenever necessary to accommodate correctional facility population."*

Renumber the sections of article 5 in sequence and correct the internal references

Page 79, line 29, delete "\$17,800,000" and insert "\$14,800,000"

Page 79, line 33, delete everything after "1991" and insert a period

Page 79, delete lines 34 to 36

Page 80, delete lines 1 and 2

Page 80, after line 5, insert:

*"(c) \$3,000,000 is appropriated from the general fund to the commissioner of corrections to convert the correctional facilities at Stillwater,*

*Oak Park Heights, and St. Cloud to accommodate two persons per cell. This appropriation is available for the fiscal year ending June 30, 1990, and any unencumbered balance does not cancel and is available for the fiscal year ending June 30, 1991."*

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Brandl	Frederickson, D.R.	McGowan	Renneke
Beckman	Brataas	Gustafson	McQuaid	Schmitz
Belanger	Dahl	Johnson, D.E.	Olson	Storm
Benson	Decker	Knaak	Pariseau	Taylor
Bernhagen	Frederick	Larson	Ramstad	

Those who voted in the negative were:

Adkins	Diessner	Langseth	Novak	Samuelson
Berglin	Frank	Lantry	Pehler	Solon
Bertram	Frederickson, D.J.	Luther	Peterson, D.C.	Spear
Chmielewski	Freeman	Marty	Peterson, R.W.	Stumpf
Cohen	Hughes	Merriam	Piper	Vickerman
Davis	Johnson, D.J.	Moe, D.M.	Pogemiller	Waldorf
DeCramer	Kroening	Moe, R.D.	Purfeerst	
Dicklich	Laidig	Morse	Reichgott	

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

Mr. Diessner moved to amend H.F. No. 59, the unofficial engrossment, as follows:

Page 55, after line 8, insert:

"Sec. 27. [CORRECTIONS SYSTEM DATA PLAN.]

*Subdivision 1. [GENERAL.] The commissioner of corrections shall prepare a plan for establishing a centralized statewide system for the collection and analysis of data on felony offenders in the corrections system, including data maintained by the department of corrections, community corrections programs, the bureau of criminal apprehension, and court systems. The plan must include procedures for reporting consistent and accurate data on offenders, including reporting responsibilities, methods and frequency of reporting data, maintenance and access to data, analysis of data, and staff and resources required for implementing the system. The plan must include at least the following data analysis on offenders: monitoring of offenders in the corrections system for three years after release from prison, relationship of length of sentence and type of rehabilitation with rate of recidivism, and relationship of type of rehabilitation with lifestyle, such as employment and chemical abuse. The plan must include short-term and long-term objectives. The commissioner shall coordinate preparation of the plan with the activities of the sentencing guidelines commission under section 6. The commissioner shall consult with the task force established under subdivision 2 in preparing the plan.*

*Subd. 2. [TASK FORCE.] A task force is created to advise the commissioner of corrections in developing the plan under subdivision 1. The task force consists of seven members appointed by the governor. The members must include representatives of the department of corrections, a community corrections program, the supreme court information system, the sentencing*

*guidelines commission, the bureau of criminal apprehension, the information policy office in the department of administration, and the state planning agency. The commissioner may invite legislators to attend and participate in the task force. Upon receiving the commissioner's invitation, the majority leader of the senate may appoint three senators and the speaker of the house of representatives may appoint three representatives to attend and participate in the task force.*

*Subd. 3. [REPORT.] The commissioner of corrections shall submit the plan prepared under subdivision 1, including recommendations for legislative action, to the legislature by January 15, 1990."*

Renumber the sections of article 4 in sequence and correct the internal references

Amend the title accordingly

Mr. Knaak questioned whether the amendment was germane.

The President ruled that the amendment was germane.

The question recurred on the motion of Mr. Diessner.

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

Mr. Merriam moved to amend H.F. No. 59, the unofficial engrossment, as follows:

Page 23, line 2, delete the new language and insert ". *Chemically dependent person*" also means a pregnant woman who has engaged during the pregnancy in habitual and excessive use, for a nonmedical purpose, of any schedule I or II narcotic as defined in section 152.01, subdivision 10"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 45 and nays 12, as follows:

Those who voted in the affirmative were:

Adkins	Decker	Johnson, D.E.	McQuaid	Ramstad
Anderson	Dicklich	Johnson, D.J.	Merriam	Renneke
Beckman	Frank	Knaak	Novak	Schmitz
Belanger	Frederick	Kroening	Olson	Solon
Benson	Frederickson, D.J.	Langseth	Pariseau	Storm
Bernhagen	Frederickson, D.R.	Larson	Pehler	Stumpf
Bertram	Freeman	Luther	Peterson, D.C.	Taylor
Brandl	Gustafson	Marty	Peterson, R.W.	Vickerman
Brataas	Hughes	McGowan	Purfierst	Waldorf

Those who voted in the negative were:

Chmielewski	DeCramer	Moe, D.M.	Morse	Reichgott
Cohen	Diessner	Moe, R.D.	Pogemiller	Spear
Davis	Laidig			

The motion prevailed. So the amendment was adopted.

Mr. McGowan moved to amend H.F. No. 59, the unofficial engrossment, as follows:

Page 40, after line 11, insert:

"Sec. 3. [243.161] [NOTICE OF SEX OFFENDER'S ADDRESS.]

*Subdivision 1. [TERMS.] (a) For purposes of this section, the following terms have the meanings given.*

*(b) "Law enforcement authority" means with respect to a home rule charter or statutory city, the chief of police, and with respect to an unincorporated area, the sheriff of the county.*

(c) "Sex offender" means a person who has been convicted and sentenced under section 12, section 609.185, clause (2); 609.342; 609.343; 609.344; or 609.345 and is serving or is being released to serve the supervised release portion of the sentence imposed for that conviction.

Subd. 2. [LOCATION REPORT REQUIRED.] A probation officer shall report to the appropriate law enforcement authority the address of a sex offender who is assigned to that probation officer:

(1) when the sex offender is released from a correctional institution to serve the supervised release term; and

(2) when the sex offender changes addresses. A sex offender is deemed to change addresses when the sex offender remains at a new address for longer than two weeks and evinces an intent to take up residence there."

Renumber the sections of article 4 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mrs. Brataas moved to amend H.F. No. 59, the unofficial engrossment, as follows:

Pages 49 and 50, delete sections 13 to 16 and insert:

"Sec. 13. Minnesota Statutes 1988, section 609.342, subdivision 2, is amended to read:

Subd. 2. [PENALTY.] A person convicted under subdivision 1 ~~may be sentenced to imprisonment for not more than 20 years or shall be committed to the commissioner of corrections for a term of imprisonment of not less than 20 years nor more than 40 years, and may be sentenced to a payment of a fine of not more than \$35,000, or both \$75,000.~~

Sec. 14. Minnesota Statutes 1988, section 609.343, subdivision 2, is amended to read:

Subd. 2. [PENALTY.] A person convicted under subdivision 1 ~~may be sentenced to imprisonment for not more than 15 years or shall be committed to the commissioner of corrections for a term of imprisonment of not less than 15 years nor more than 30 years, and may be sentenced to a payment of a fine of not more than \$30,000, or both \$60,000.~~

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "imposing mandatory minimum sentences for criminal sexual conduct;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Johnson, D.E.	Olson	Taylor
Beckman	Decker	Knaak	Pariseau	Vickerman
Belanger	Frederick	Laidig	Purfeerst	
Benson	Frederickson, D.J.	Larson	Ramstad	
Bernhagen	Frederickson, D.R.	McGowan	Renneke	
Bertram	Gustafson	McQuaid	Storm	

Those who voted in the negative were:

Adkins	Diessner	Luther	Pehler	Spear
Brandl	Frank	Marty	Peterson, D.C.	Stumpf
Chmielewski	Freeman	Merriam	Peterson, R.W.	Waldorf
Cohen	Hughes	Moe, D.M.	Pogemiller	
Davis	Johnson, D.J.	Moe, R.D.	Reichgott	
DeCramer	Kroening	Morse	Schmitz	
Dicklich	Langseth	Novak	Solon	

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

Mr. Knaak moved to amend H.F. No. 59, the unofficial engrossment, as follows:

Page 52, after line 7, insert:

"Sec. 21. [609.3485] [CRIMINAL SEXUAL CONDUCT CRIMES; MANDATORY TESTING FOR HIV ANTIBODY.]

*Subdivision 1. [TEST REQUIRED.] A person convicted of violating sections 609.342 to 609.345 must undergo a blood test to determine the presence of human immunodeficiency virus (HIV) antibody. The test results shall be forwarded to the department of health. The department of health shall make reasonable and good faith efforts to contact identified victims of criminal sexual conduct crimes and provide those victims with information relating to results of HIV blood tests.*

*Subd. 2. [CLASSIFICATION OF TEST RESULTS.] The results of the test required by subdivision 1 are classified as private data under chapter 13, except that the results are available to the department of health, the sentencing court, the commissioner of corrections, victims of the offender's criminal sexual conduct, and to a treatment program if treatment is made a condition of probation or supervised release."*

Renumber the sections of article 4 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 22, as follows:

Those who voted in the affirmative were:

Adkins	Brataas	Frederickson, D.J.	McGowan	Schmitz
Anderson	Chmielewski	Frederickson, D.R.	McQuaid	Storm
Beckman	Decker	Gustafson	Novak	Taylor
Belanger	Dicklich	Johnson, D.J.	Olson	Vickerman
Benson	Diessner	Knaak	Pariseau	Waldorf
Bernhagen	Frank	Laidig	Ramstad	
Bertram	Frederick	Larson	Renneke	

Those who voted in the negative were:

Brandl	Hughes	Merriam	Peterson, D.C.	Spear
Cohen	Kroening	Moe, D.M.	Peterson, R.W.	Stumpf
Davis	Langseth	Moe, R.D.	Pogemiller	
DeCramer	Luther	Morse	Reichgott	
Freeman	Marty	Pehler	Solon	

The motion prevailed. So the amendment was adopted.

Mr. Chmielewski moved to amend H.F. No. 59, the unofficial engrossment, as follows:

Page 79, after line 12, insert:

"ARTICLE 8

Section 1. [144.4235] [PROTECTION OF VIABLE FETUS.]

*Subdivision 1. [LEGISLATIVE PURPOSE AND FINDINGS.] The legislature finds that there exists an important and compelling state interest in the life of a viable fetus.*

*The legislature finds that abortions are performed when the fetus may be viable; that some fetuses are born alive as a result of abortion; that some fetuses do survive the abortion procedure; and that the state has a compelling interest in protecting the life of the child born alive as a result of abortion.*

*Subd. 2. [DEFINITIONS.] For the purposes of this section, the following definitions apply:*

*(a) "Abortion" means the use of any instrument, medicine, drug, or any other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.*

*(b) "Born alive" means the complete expulsion or extraction from its mother of a fetus, irrespective of the duration of pregnancy, which after the separation, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.*

*(c) "Fetus" or "unborn child" means an individual organism of the species homo sapiens from fertilization until birth.*

*(d) "Physician" means any person licensed to practice medicine under the medical practice act of this state.*

*(e) "Viability" or "viable" means that stage of fetal development when, in the medical judgment of the attending physician based on the particular facts of the case before the physician, there is a reasonable likelihood of sustained survival of the fetus outside the womb, with or without artificial support.*

*Subd. 3. [DUTY OF PHYSICIAN TO DETERMINE VIABILITY.] Before a physician performs an abortion on a woman whom the physician has reason to believe is carrying a fetus of 20 or more weeks gestational age, the physician shall first determine whether the fetus is viable by using and exercising that degree of care, skill, and proficiency commonly exercised by the ordinarily skillful, careful, and prudent physician.*

*Subd. 4. [POST-VIABILITY ABORTIONS NECESSARY TO PRESERVE THE LIFE OR HEALTH OF THE MOTHER.] No abortion of a viable fetus shall be performed unless, in the medical judgment of the attending or referring physician, based on the particular facts of the case before the physician, it is necessary to preserve the life or health of the woman. The physician shall certify in writing that the abortion is necessary to preserve the life or health of the woman and shall further certify in writing the medical indications for the abortion.*

*Subd. 5. [METHOD OF POST-VIABLE ABORTION.] Any physician who intentionally performs an abortion upon a woman carrying a viable fetus must use the available method of abortion that, in the physician's medical judgment, is most likely to preserve the life and health of the fetus.*

*Nothing in this section requires a physician to employ a method of abortion that, in the medical judgment of the physician performing the abortion, based on the particular facts of the case before the physician, would increase the medical risk to the mother. In all cases where the physician performs an abortion upon a viable fetus, the physician shall certify in writing the available methods of abortion considered and the reasons for choosing the method used.*

*Subd. 6. [SECOND PHYSICIAN REQUIRED.] An abortion of a viable fetus shall be performed only when there is in attendance a physician other than the physician performing the abortion. The second physician shall take control of and provide immediate medical care for any child born alive as a result of the abortion. This requirement shall not apply when, in the medical judgment of the physician performing the abortion, based on the particular facts of the case before the physician, there exists a medical emergency which would prevent the physician from securing a second physician.*

*Subd. 7. [STANDARD OF CARE.] During the performance of the abortion, the physician performing it, and after the abortion, the second physician required by subdivision 6 to be in attendance, shall take all reasonable steps in keeping with good medical practice, consistent with the procedure used, to preserve the life and health of the viable fetus.*

*Subd. 8. [PROTECTION OF CHILD BORN ALIVE.] A child born alive as a result of abortion shall be fully recognized as a human person and given immediate protection under the law. All reasonable measures consistent with good medical practice shall be taken to preserve the life and health of the child born alive as a result of abortion.*

*Subd. 9. [EXCEPTIONS.] Nothing in this section requires a physician to take any action which, in the medical judgment of the physician performing the abortion, based on the particular facts before the physician, would increase the medical risk to the mother.*

*Subd. 10. [SEVERABILITY.] If any provision, word, phrase, or clause of this section or its application to any person or circumstance is held invalid, the invalidity shall not affect the provisions, words, phrases, clauses, or application of this section that can be given effect without the invalid provision, word, phrase, clause, or application. The provisions, words, phrases, and clauses of this section are declared to be severable.*

*Subd. 11. [PENALTY.] A physician who intentionally, knowingly, or recklessly violates this section is subject to license revocation or suspension under section 147.141."*

Renumber the articles in sequence and correct the internal references  
Amend the title accordingly

Ms. Peterson, D.C. questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

H.F. No. 59 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	Knaak	Morse	Samuelson
Anderson	DeCramer	Kroening	Novak	Schmitz
Beckman	Dicklich	Laidig	Olson	Solon
Belanger	Diessner	Langseth	Pariseau	Spear
Benson	Frank	Lantry	Pehler	Storm
Berglin	Frederick	Larson	Peterson, D.C.	Stumpf
Bernhagen	Frederickson, D.J.	Luther	Peterson, R.W.	Taylor
Bertram	Frederickson, D.R.	Marty	Piper	Vickerman
Brandl	Freeman	McGowan	Pogemiller	Waldorf
Brataas	Gustafson	McQuaid	Purfeerst	
Chmielewski	Hughes	Merriam	Ramstad	
Cohen	Johnson, D.E.	Moe, D.M.	Reichgott	
Davis	Johnson, D.J.	Moe, R.D.	Renneke	

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

### RECESS

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

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

### APPOINTMENTS

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

S.F. No. 1358: Messrs. Moe, R.D.; Knutson and Brandl.

H.F. No. 1454: Messrs. Lessard, Schmitz and Ms. Olson.

H.F. No. 333: Messrs. Vickerman; Peterson, R.W. and Knaak.

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

### MEMBERS EXCUSED

Mr. Pogemiller was excused from the Session of today from 12:00 noon to 1:20 p.m. Ms. Reichgott was excused from the Session of today from 12:00 noon to 12:45 p.m. Mr. Dahl was excused from the Session of today from 12:00 noon to 12:40 and at 11:30 p.m. Mr. Freeman was excused from the Session of today from 6:15 to 7:45 p.m. Mr. Solon was excused from the Session of today from 5:30 to 9:45 p.m. Mr. Lessard was excused from the Session of today at 7:00 p.m. Mr. Metzen was excused from the Session of today at 9:30 p.m. Mr. Knutson was excused from the Session of today at 7:00 p.m. Mr. Berg was excused from the Session of today at 10:00 p.m. Mr. Mehrkens was excused from the Session of today at 7:30 p.m.

### ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Monday, May 15, 1989. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate