

SEVENTY-THIRD DAY

St. Paul, Minnesota, Tuesday, March 20, 1990

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 Senator Donald A. Storm.

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the adoption by the House of the following House Concurrent Resolution, herewith transmitted:

House Concurrent Resolution No. 5: A House concurrent resolution congratulating the 1990 International Trans-Antarctica Expedition Team on its successful continental crossing.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 19, 1990

Mr. Moe, R.D. moved that House Concurrent Resolution No. 5 be laid

on the table. The motion prevailed.

Mr. President:

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

S.F. No. 956: A bill for an act relating to waste management; requiring a county that enters a contract with the state for the siting and development of a stabilization and containment facility to hold a binding referendum on implementation of the contract; amending Minnesota Statutes 1988, section 115A.191, by adding a subdivision.

Senate File No. 956 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 19, 1990

CONCURRENCE AND REPASSAGE

Mr. Stumpf moved that the Senate concur in the amendments by the House to S.F. No. 956 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 956 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	Decker	Johnson, D.J.	Mehrkens	Purfeerst
Anderson	DeCramer	Knutson	Merriam	Ramstad
Beckman	Dicklich	Kroening	Metzen	Reichgott
Belanger	Diessner	Laidig	Moe, R.D.	Renneke
Benson	Flynn	Langseth	Morse	Samuelson
Berg	Frank	Lantry	Novak	Schmitz
Bernhagen	Frederick	Larson	Olson	Solon
Bertram	Frederickson, D.J.	Lessard	Pariseau	Spear
Brataas	Frederickson, D.R.	Luther	Pehler	Storm
Chmielewski	Freeman	Marty	Piepho	Stumpf
Cohen	Hughes	McGowan	Piper	Vickerman
Davis	Johnson, D.E.	McQuaid	Pogemiller	Waldorf

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 House Files, herewith transmitted: H.F. Nos. 1964, 1968, 1983, 2521, 1841, 1883, 1921, 1952, 1067, 1861, 2204, 2242, 1987, 2012, 2059, 2594, 1730, 1857, 2212, 2103, 2135, 2294, 1981, 1991, 2062 and 2081.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 19, 1990

FIRST READING OF HOUSE BILLS

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

H.F. No. 1964: A bill for an act relating to mining; amending certain provisions relating to operators' bonds; amending Minnesota Statutes 1988, section 93.49.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 1968: A bill for an act relating to commerce; increasing the amount of the department's general civil penalty; amending Minnesota Statutes 1988, section 45.027, subdivision 6.

Referred to the Committee on Commerce.

H.F. No. 1983: A bill for an act relating to insurance; regulating coverages under Medicare supplement plans; requiring insurers to submit claims experience and earned premiums data; amending Minnesota Statutes 1988, 62A.36, by adding a subdivision; Minnesota Statutes 1989 Supplement, 62A.31, subdivision 2; 62A.315; and 62A.316.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2384, now on General Orders.

H.F. No. 2521: A bill for an act relating to health care; increasing the membership of the health care access commission; amending Minnesota Statutes 1989 Supplement, section 62J.02, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2286, now on General Orders.

H.F. No. 1841: A bill for an act relating to consumer protection; regulating membership travel contracts; providing a right to cancel; prescribing penalties; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 325G.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1770, now on General Orders.

H.F. No. 1883: A bill for an act relating to water resources; approving certain permits under certain conditions; amending Minnesota Statutes 1988, section 105.405, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1826.

H.F. No. 1921: A bill for an act relating to waste; prohibiting the placement of certain dry cell batteries in mixed municipal solid waste; requiring labeling of certain batteries by electrode content; establishing maximum content levels of mercury in batteries; requiring that batteries in certain consumer products be easily removable; providing penalties; proposing coding for new law in Minnesota Statutes, chapters 115A and 325E.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1784, now on General Orders.

H.F. No. 1952: A bill for an act relating to crimes; permitting individuals to request that the commissioner of public safety hold certain information on the individual as private; increasing penalties for certain acts of harassment; expanding the crime of terroristic threats to include threats made through an intermediary; authorizing courts to issue orders to restrain acts

of harassment; amending Minnesota Statutes 1988, sections 171.12, by adding a subdivision; and 609.713, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 168 and 609.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1843.

H.F. No. 1067: A bill for an act relating to education; requiring students on all HECB advisory groups; amending Minnesota Statutes 1988, section 136A.02, by adding a subdivision; Minnesota Statutes 1989 Supplement, section 136A.02, subdivision 7.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1551, now on the Calendar.

H.F. No. 1861: A bill for an act relating to game and fish; requiring the commissioner of natural resources to adopt an order regulating the sale and use of blowguns; proposing coding for new law in Minnesota Statutes, chapter 97B.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 2204: A bill for an act relating to insurance; clarifying an insurer's duty to provide loss or claims experience data to an insured; regulating insurance fair information reporting; amending Minnesota Statutes 1989 Supplement, sections 72A.20, subdivision 26; 72A.501, subdivision 1; and 72A.502, subdivision 9, and by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2153, now on the Calendar.

H.F. No. 2242: A bill for an act relating to insurance; no-fault auto; exempting certain antique automobiles and recreational vehicles from rental vehicle coverage; amending Minnesota Statutes 1989 Supplement, section 65A.49, subdivision 5a.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2264, now on the Calendar.

H.F. No. 1987: A bill for an act relating to housing; establishing a procedure for the allocation of low-income housing tax credits; amending Minnesota Statutes 1988, sections 462A.221, by adding subdivisions; 462A.222, subdivisions 2, 3, and by adding subdivisions; and 462A.223, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1850, now on General Orders.

H.F. No. 2012: A bill for an act relating to agriculture; providing for uniformity of certain food rules with federal law; amending Minnesota Statutes 1989 Supplement, section 31.101, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1902, now on General Orders.

H.F. No. 2059: A bill for an act relating to education; permitting special school district No. 1 to remodel the Aviation Training Center with federal funds.

Referred to the Committee on Finance.

H.F. No. 2594: A bill for an act relating to commerce; regulating trade practices; prohibiting contracts from providing an exclusive right to display

free newspapers for distribution in any place of public accommodation; proposing coding for new law in Minnesota Statutes, chapter 325E.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2391.

H.F. No. 1730: A bill for an act relating to commerce; requiring seating furniture in public occupancies to meet flammability and labeling standards; proposing coding for new law in Minnesota Statutes, chapter 299F.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1795.

H.F. No. 1857: A bill for an act relating to transportation; providing greater restrictions on eligibility of debarred persons for certain public contracts; increasing scope of interstate motor carrier registration agreements; amending Minnesota Statutes 1988, section 161.315, subdivisions 2 and 3; Minnesota Statutes 1989 Supplement, section 221.601, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2356, now on General Orders.

H.F. No. 2212: A bill for an act relating to education; revising, updating, and making substantive changes in the laws on the county extension service; amending Minnesota Statutes 1988, sections 38.33; 38.34; 38.35; 38.36; 38.37; and 38.38; proposing coding for new law in Minnesota Statutes, chapter 38.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2310, now on General Orders.

H.F. No. 2103: A bill for an act relating to public employee retirement plans; requiring the regular reporting of investment performance results calculated on a time-weighted total rate of return basis; proposing coding for new law in Minnesota Statutes, chapter 356.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2105.

H.F. No. 2135: A bill for an act relating to Anoka county; authorizing the sale or exchange of certain land.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2024, now on the Calendar.

H.F. No. 2294: A bill for an act relating to drivers' licenses; providing for electronically produced images on drivers' licenses; providing for living will designation on driver's licenses; allowing commissioner to suspend a driver's license for failure to report certain medical conditions; amending Minnesota Statutes 1988, sections 171.07, subdivisions 1a and 6, and by adding a subdivision; and 171.071; Minnesota Statutes 1989 Supplement, sections 171.06, subdivision 3; 171.07, subdivisions 1 and 3; and 171.18.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2212, now on General Orders.

H.F. No. 1981: A bill for an act relating to motor vehicles; providing for temporary permit while awaiting delivery of special vehicle license plates; requiring registered owner of motor vehicle to list address or mailing address of primary residence on application for registration; permitting motor vehicle owners to classify residence addresses as private data and to use mailing

addresses on motor vehicle registration forms; clarifying when inspection fee must be paid to receive certificate of inspection for salvage vehicle; clarifying disclosure requirements for motor vehicle pollution control system; amending Minnesota Statutes 1988, sections 168.09, by adding a subdivision; 168.10, subdivision 1; and 325E.0951, subdivision 3a; Minnesota Statutes 1989 Supplement, section 168A.152, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 168.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2084, now on General Orders.

H.F. No. 1991: A bill for an act relating to natural resources; repealing certain pipeline review authority of the commissioner of natural resources; repealing Minnesota Statutes 1988, section 117.49.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 2062: A bill for an act relating to public employment; repealing the exclusion of graduate assistants from coverage under the public employment labor relations act; amending Minnesota Statutes 1988, section 179A.03, subdivision 14.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1936, now on General Orders.

H.F. No. 2081: A bill for an act relating to state government; regulating certain employment practices; permitting the transfer of vacation and sick leave for certain gubernatorial appointees; permitting employees on permanent layoff to test into new state positions; authorizing the donation of the value accrued vacation leave to other state employees under certain circumstances; making technical changes in the public employees insurance program; eliminating the authority of the board of medical examiners and the board of dentistry to set the salaries of their executive directors; designating certain positions in the unclassified service; eliminating obsolete language; appropriating money; amending Minnesota Statutes 1988, sections 15A.081, subdivision 7b, and by adding a subdivision; 15A.083, subdivisions 5 and 7; 43A.04, subdivisions 1 and 3, and by adding a subdivision; 43A.10, subdivisions 7 and 8; 43A.12, subdivision 5; 43A.13, subdivisions 2, 3, 4, 5, 6, and 7; 43A.15, subdivision 10; 43A.17, subdivisions 1 and 8; 43.18, subdivisions 4 and 5; 43A.191, subdivisions 2 and 3; 43A.23, subdivision 1; 43A.27, subdivision 4; 43A.316, subdivisions 2, 3, 5, 7, and 8; 43A.37, subdivision 1; 176.421, by adding a subdivision; 176B.02; 237.51, subdivision 5; 473.405, subdivision 12; Minnesota Statutes 1989 Supplement, section 43A.08, subdivision 1; 43A.316, subdivisions 9 and 10; 214.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 43A; repealing Minnesota Statutes 1988, section 43A.081, subdivisions 1, 2, and 5.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 2332, 1910 and 2282. The motion prevailed.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 2332: A bill for an act relating to education; establishing the Minnesota education in agriculture council; proposing coding for new law in Minnesota Statutes, chapter 126.

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

Page 1, line 9, delete "*and preserve*" and insert "*education about*"

Page 1, line 10, delete "*educational systems and programs concerned with*"

Page 1, line 15, delete "*, compensation,*"

Page 1, line 16, after the period, insert "*Board members shall not receive compensation or expenses, notwithstanding section 15.0575, subdivision 3, or 15.059, subdivision 3.*"

Page 1, delete lines 19 and 20

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was re-referred to the Committee on Rules and Administration.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 2517: A bill for an act relating to counties; regulating performance bonds; amending Minnesota Statutes 1988, section 375.21, subdivision 1.

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

Page 2, lines 4 to 6, reinstate the stricken language

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

Mr. Solon from the Committee on Commerce, to which was referred

S.F. No. 2068: A bill for an act relating to insurance; no-fault auto; clarifying eligibility for economic loss benefits; amending Minnesota Statutes 1988, sections 65B.48, subdivision 1; and 65B.64, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 65B.64, subdivision 1, is amended to read:

Subdivision 1. A person entitled to basic economic loss benefits because of injury covered by sections 65B.41 to 65B.71 may obtain basic economic loss benefits through the assigned claims plan or bureau established pursuant to section 65B.63 and in accordance with the provisions for making assigned claims provided in sections 65B.41 to 65B.71, if:

(a) The person is 14 years old or younger and basic economic loss benefits are not applicable to the injury because of section 65B.58;

(b) Basic economic loss benefits are not applicable to the injury for some reason other than those specified in section 65B.58, 65B.59, or 65B.60;

(c) The plan of reparation security applicable to the injury cannot be identified; or

(d) A claim for basic economic loss benefits is rejected by a reparation obligor on some ground other than the person is not entitled to basic economic loss benefits under sections 65B.41 to 65B.71.

In addition to the requirements for eligibility contained in section 65B.48, a nonresident is not entitled to basic economic loss benefits if the nonresident is the owner of a motor vehicle and does not carry the minimum automobile insurance coverage required by the state in which the vehicle is registered.

Sec. 2. Minnesota Statutes 1989 Supplement, section 65B.64, subdivision 3, is amended to read:

Subd. 3. A person shall not be entitled to basic economic loss benefits through the assigned claims plan with respect to injury which was sustained if at the time of such injury the injured person was the owner of a private passenger motor vehicle for which security is required under sections 65B.41 to 65B.71 and that person failed to have such security in effect. Persons, whether or not related by blood or marriage, who dwell and function together with the owner as a family, other than adults who have been adjudicated as incompetent and minor children, shall also be disqualified from benefits through the assigned claims plan.

For purposes of determining whether security is required under section 65B.48, an owner of any vehicle is deemed to have contemplated the operation or use of the vehicle at all times unless the owner demonstrates to the contrary."

Amend the title as follows:

Page 1, line 4, delete everything after "1988,"

Page 1, delete line 5 and insert "section 65B.64, subdivision 1; and Minnesota Statutes 1989 Supplement, section 65B.64, subdivision 3."

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

Mr. Solon from the Committee on Commerce, to which was referred

S.F. No. 2571: A bill for an act relating to commerce; clarifying exceptions to the licensing requirements for real estate brokers; amending Minnesota Statutes 1989 Supplement, section 82.18.

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

Page 2, line 24, strike "when" and insert "provided that the person is licensed as a securities agent pursuant to section 80A.04, the person acknowledges that any violation of chapter 82A or the rules adopted under chapter 82A will be a violation of chapter 80A, and the person is"

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

Mr. Solon from the Committee on Commerce, to which was referred

S.F. No. 2493: A bill for an act relating to insurance; promoting availability of automobile insurance for home day care providers; amending Minnesota Statutes 1988, sections 65B.13; 65B.47, subdivision 1; and 65B.49, by adding a subdivision.

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

Pages 1 and 2, delete section 1

Page 2, lines 17 and 31, delete "home" and insert "family or group family"

Page 2, line 29, delete "HOME" and insert "FAMILY OR GROUP FAMILY"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "home" and insert "family or group family"

Page 1, line 4, delete "65B.13;"

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

Mr. Solon from the Committee on Commerce, to which was referred

S.F. No. 2391: A bill for an act relating to commerce; regulating trade practices; prohibiting contracts from providing an exclusive right to display free newspapers for distribution in any place of public accommodation; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Mr. Solon from the Committee on Commerce, to which was referred

S.F. No. 2514: A bill for an act relating to insurance; clarifying the law prohibiting insurers from maintaining subrogation actions against insureds; amending Minnesota Statutes 1989 Supplement, section 60A.41.

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

Mr. Solon from the Committee on Commerce, to which was referred

H.F. No. 2321: A bill for an act relating to consumer protection; requiring an itemized statement for certain automobile purchase price refunds; amending Minnesota Statutes 1988, sections 325F.662, subdivision 8; and 325F.665, subdivisions 3 and 6.

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1826: A bill for an act relating to the environment; approving permits for the consumptive use of groundwater at the Seneca wastewater treatment plant.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 105.405, subdivision 3, is amended to read:

Subd. 3. [REQUIREMENTS FOR CONSUMPTIVE USE.] (a) Except as provided in paragraph (b), a permit authorized by sections 105.37 to 105.55 or a plan that requires a permit or the commissioner's approval, involving a consumptive use of more than 2,000,000 gallons per day average in a 30-day period, may not be granted or approved until after: (1) a determination by the commissioner that the water remaining in the basin of origin will be adequate to meet the basin's water resources needs during the specified life of the consumptive use; and (2) approval by the legislature.

(b) Legislative approval under paragraph (a), clause (2), is not required for a consumptive use in excess of 2,000,000 gallons per day average in a 30-day period for:

(1) a domestic water supply, excluding industrial and commercial uses of a municipal water supply; ~~and~~

(2) agricultural irrigation and processing of agricultural products;

(3) *construction dewatering; and*

(4) *pollution abatement or remediation.*

Sec. 2. [LEGISLATIVE APPROVAL OF CONSUMPTIVE USES OF WATER.]

Subdivision 1. [LEGISLATIVE APPROVAL.] Pursuant to Minnesota Statutes, section 105.405, subdivision 3, the legislature approves each of the following projects requiring a consumptive use of more than 2,000,000 gallons per day average in a 30-day period subject to the commissioner of natural resources making a determination for each project that the water remaining in the basin of origin will be adequate to meet the basin's need for water:

(1) construction of the Blue Lake Wastewater Treatment Facility;

(2) construction of the Empire Wastewater Treatment Facility;

(3) construction of the Minneapolis East Interceptor Project;

(4) construction of the Seneca Wastewater Treatment Facility;

(5) construction of the Stillwater Wastewater Treatment Facility;

(6) Minnesota Pollution Control Agency Superfund Site at LeHillier, Minnesota;

(7) Anoka Municipal Sanitary Landfill in Ramsey, Minnesota;

(8) United States Army Twin City Army Ammunition Plant (TCAAP);

(9) *Flying Cloud Landfill in Eden Prairie, Minnesota;*

(10) *United States Army Corps of Engineers, Goose Lake-Vermillion River Bottoms Habitat Rehabilitation Enhancement Project in Dakota and Goodhue counties; and*

(11) *Minneapolis Chain of Lakes Water Level Augmentation.*

Subd. 2. [EXISTING RIGHTS AND RESPONSIBILITIES.] Legislative approval under subdivision 1 does not affect:

(1) *existing rights of parties to challenge a permit under Minnesota Statutes, section 105.44; and*

(2) *any liability of project sponsors that exists elsewhere in statute.*

Subd. 3. [PROTECTION OF FENS.] (a) The granting of a permit for a project under this section, regardless of the volume appropriated, is subject to the following conditions:

(1) *dewatering will not be permitted to continue if it is determined to, in any way, adversely affect the health or natural status of a calcareous fen; and*

(2) *at a minimum, the groundwater source for the fen must be maintained at its natural level and its appropriate chemical and temperature characteristics.*

(b) *The adverse effects will be determined by the commissioner of natural resources.*

If the adverse effects occur, the metropolitan waste control commission must have in place an emergency contingency plan to provide for the safety of the affected fens.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to natural resources; providing legislative approval of certain consumptive uses of water over 2,000,000 gallons per day; exempting legislative approval for consumptive uses over 2,000,000 gallons per day for construction dewatering and pollution abatement or remediation; amending Minnesota Statutes 1988, section 105.405, subdivision 3."

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2347: A bill for an act relating to environmental protection; approving state membership in the Great Lakes Protection Fund.

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

Delete everything after the enacting clause and insert:

"Section 1. [116Q.01] [GREAT LAKES PROTECTION FUND.]

The Great Lakes protection fund has been created by the governors of the eight Great Lakes states as a nonprofit corporation under the laws of the state of Illinois. The fund is a permanent endowment whose purpose is to advance the principles, goals, and objectives of the Great Lakes toxic substances control agreement executed by the governors of the eight Great Lakes states in May 1986, and to ensure the continuous development of needed scientific information, new cleanup technologies, and innovative methods of managing pollution problems as a cooperative effort in the Great Lakes region. The governor may enter this state as a member of the Great Lakes protection fund and do all things necessary or incidental to participate in the fund, as spelled out in its articles of incorporation, filed with the Illinois secretary of state on or about September 26, 1989, and its bylaws, as amended through September 26, 1989. If congressional consent to the Great Lakes protection fund carries with it conditions that materially change the provisions agreed to by the party states, this state reserves the option to terminate further participation in the fund.

Sec. 2. [116Q.02] [STATE RECEIPTS FROM THE FUND.]

Subdivision 1. [GREAT LAKES PROTECTION ACCOUNT.] Any money received by the state from the Great Lakes protection fund, whether in the form of annual earnings or otherwise, must be deposited in the state treasury and credited to a special Great Lakes protection account. Money in the account must be spent only as specifically appropriated by law for protecting water quality in the Great Lakes. Approved purposes include, but are not limited to, supplementing in a stable and predictable manner state and federal commitments to Great Lakes water quality programs by providing grants to finance projects that advance the goals of the regional Great Lakes toxic substances control agreement and the binational Great Lakes water quality agreement.

Subd. 2. [LCMR REVIEW.] The legislature intends not to appropriate money from the Great Lakes protection account until projects have been reviewed and recommended by the legislative commission on Minnesota resources. A work plan must be prepared for each project for review by the commission. The commission must recommend specific projects to the legislature.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, before the period, insert “; proposing coding for new law as Minnesota Statutes, chapter 116Q”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1945: A bill for an act relating to controlled substances; increasing the excise tax on cigarettes, beer, wine, and alcoholic beverages; creating the local government drug council; providing for grants to local governments for drug treatment and criminal justice; amending Minnesota Statutes 1988, sections 297.02, subdivision 1; and 297C.02, subdivisions 1, 2, and 3; Minnesota Statutes 1989 Supplement, sections 299A.29, subdivision 3, and by adding a subdivision; 299A.30; 299A.32, subdivisions

1 and 2; 299A.34; 299A.35, subdivision 1; 299A.36; and 299A.40, subdivisions 3 and 4; proposing coding for new law in Minnesota Statutes, chapter 299A; repealing Minnesota Statutes 1989 Supplement, section 299A.35, subdivision 2.

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

Pages 4 to 12, delete sections 5 to 19 and insert:

"Sec. 5. Minnesota Statutes 1989 Supplement, section 299A.29, is amended by adding a subdivision to read:

Subd. 1a. [ALCOHOL.] "Alcohol" means alcoholic beverages as defined in section 340A.101, subdivision 2.

Sec. 6. Minnesota Statutes 1989 Supplement, section 299A.30, is amended to read:

299A.30 [OFFICE OF DRUG AND ALCOHOL POLICY.]

Subdivision 1. [OFFICE; ASSISTANT COMMISSIONER.] The office of drug *and alcohol* policy is an office in the department of public safety headed by an assistant commissioner appointed by the commissioner to serve in the unclassified service. The assistant commissioner may appoint other employees in the unclassified service. The assistant commissioner shall coordinate the activities of drug *and alcohol* program agencies and serve as staff to the drug *and alcohol* abuse prevention resource council.

Subd. 2. [DUTIES.] (a) The assistant commissioner shall gather and make available information on demand reduction and supply reduction throughout the state, foster cooperation among drug *and alcohol* program agencies, and assist agencies and public officials in training and other programs designed to improve the effectiveness of demand reduction and supply reduction.

(b) The assistant commissioner shall coordinate the distribution of funds received by the state of Minnesota through the federal Anti-Drug Abuse Act. ~~The assistant commissioner may obtain technical assistance from the state planning agency to perform this function.~~ The assistant commissioner shall recommend to the commissioner recipients of grants under sections 299A.33 and 299A.34, after consultation with the drug *and alcohol* abuse prevention resource council.

(c) The assistant commissioner shall:

(1) after consultation with all ~~drug program~~ *appropriate* agencies operating in the state, develop a state drug *and alcohol abuse prevention* strategy encompassing the efforts of those agencies and taking into account all money available for demand reduction and supply reduction, from any source;

(2) submit the strategy to the governor and the legislature by January 15 of each year, along with a summary of demand reduction and supply reduction during the preceding calendar year;

(3) assist appropriate professional and occupational organizations, including organizations of law enforcement officers, prosecutors, and educators, in developing and operating informational and training programs to *reduce and prevent alcohol abuse and to improve the effectiveness of drug demand reduction and supply reduction*; and

(4) provide information and assistance to drug *and alcohol* program agencies, both directly and by functioning as a clearinghouse for information from other drug *and alcohol* program agencies.

Sec. 7. Minnesota Statutes 1989 Supplement, section 299A.31, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT; MEMBERSHIP] A drug *and alcohol* abuse prevention resource council consisting of 18 to 25 members is established. The commissioners of public safety, education, health, human services, and the state planning agency, and the attorney general shall each appoint one member from among their employees. ~~The speaker of the house of representatives and the subcommittee on committees of the senate shall each appoint a legislative member.~~ The governor shall appoint an additional ten members who shall demonstrate knowledge in the area of drug *and alcohol* abuse prevention *or treatment*, shall represent the demographic and geographic composition of the state and, to the extent possible, shall represent the following groups: parents, educators, clergy, local government, racial and ethnic minority communities, professional providers of drug *and alcohol* abuse prevention services, volunteers in private, nonprofit drug prevention programs, *the nonprofit foundation community*, and the business community. *In addition, the governor shall appoint nine representatives of the law enforcement and criminal justice community and the judiciary from among recommendations of the Minnesota county attorneys association, Minnesota sheriffs association, Minnesota public defenders association, Minnesota chiefs of police, Minnesota association of district court judges, and the Minnesota police and peace officers association.* The members shall designate one of the governor's appointees as chair of the council. Compensation and removal of members are governed by section 15.059.

Sec. 8. Minnesota Statutes 1989 Supplement, section 299A.32, subdivision 1, is amended to read:

299A.32 [RESPONSIBILITIES OF THE DRUG AND ALCOHOL ABUSE PREVENTION RESOURCE COUNCIL.]

Subdivision 1. [PURPOSE OF THE COUNCIL.] The general purpose of the drug *and alcohol* abuse prevention resource council is to foster the coordination and development of a statewide drug *and alcohol* abuse prevention policy *designed to eliminate the use of illicit drugs, eliminate the use of alcohol by persons under the age of 21, eliminate the abuse of prescription drugs, and eliminate the abuse of alcohol by persons age 21 and over.*

Sec. 9. Minnesota Statutes 1989 Supplement, section 299A.32, subdivision 2, is amended to read:

Subd. 2. [SPECIFIC DUTIES AND RESPONSIBILITIES.] In furtherance of the general purpose specified in subdivision 1, the council has the following duties and responsibilities:

(1) it shall develop a coordinated, statewide drug *and alcohol* abuse prevention policy *with particular attention to programs that are geared to reducing the demand for drugs and the abuse of alcohol;*

(2) it shall develop a mission statement that defines the roles and relationships of agencies operating within the continuum of chemical health care;

(3) it shall develop guidelines for drug *and alcohol* abuse prevention

program development and operation based on its research and program evaluation activities;

(4) it shall assist local governments and groups in planning, organizing, and establishing comprehensive, community-based drug and alcohol abuse prevention programs and services;

(5) it shall coordinate and provide technical assistance to organizations and individuals seeking public or private funding for drug and alcohol abuse prevention programs, and to government and private agencies seeking to grant funds for these purposes;

(6) it shall assist providers of drug and alcohol abuse prevention services in implementing, monitoring, and evaluating new and existing programs and services;

(7) it shall provide information on and analysis of the relative public and private costs of drug and alcohol abuse prevention, enforcement, intervention, and treatment efforts; and

(8) it shall advise the assistant commissioner of the office of drug policy in awarding grants for programs including those created by sections 299A.33, 299A.332, 299A.34, 299A.35, and 299A.40, and in other duties.

Sec. 10. [299A.321] [DRUG AND ALCOHOL ABUSE PROGRAMS; GRANTS.]

Subdivision 1. [DISBURSEMENT.] The commissioner, with the assistance and advice of the drug and alcohol abuse prevention resource council, may award grants under sections 299A.33, 299A.332, 299A.34, 299A.35, and 299A.40. Of funds appropriated in each year for grant programs under these sections, no less than 20 percent shall be disbursed for grants under section 299A.34. The commissioner may spend up to five percent of the total funds appropriated in each year to administer the grants.

Subd. 2. [GRANTS.] A grant awarded under this section may require a match not to exceed 25 percent. Grants may be awarded for periods of up to five years. Money received under this section may not be used to compensate for a decrease in previously existing funding levels.

Subd. 3. [GRANT PROCEDURE.] An applicant may apply for a grant by submitting an application with the commissioner. The applicant shall specify the following in its application:

- (1) a description of each program for which funding is sought;*
- (2) the amount of funding to be provided to the program;*
- (3) the geographical area to be served by the program; and*
- (4) for criminal justice grants, statistical information about the number of arrests in the geographical area for alcohol-related crimes under chapter 169, violent crimes, and for crimes involving schedule I and II controlled substances. "Violent crime" includes a violation of or an attempt or conspiracy to violate any of the following laws: sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.25; 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582, subdivision 1; 609.687; and any provision of chapter 152 that is punishable by a maximum term of imprisonment greater than ten years.*

For criminal justice grants, the commissioner shall give priority to funding programs in the geographical areas that have the highest crime rates, as measured by the data supplied under clause (4), and that demonstrate substantial involvement by members of the community served by the program.

Sec. 11. [299A.332] [DRUG AND ALCOHOL TREATMENT GRANTS.]

(a) The commissioner shall develop grant programs to provide funds to drug or alcohol treatment facilities, programs, and services that:

(1) provide court-ordered treatment services to persons who are convicted of a crime and are determined through a chemical use assessment under section 169.126 or a similar procedure to be in need of drug or alcohol treatment services; and

(2) provide drug or alcohol treatment services to persons ordered to receive it as an outcome of a criminal justice diversion program, civil proceeding, or child protection order, but who are indigent or otherwise unable to afford the treatment.

(b) The commissioner shall establish eligibility criteria and reporting requirements for grant recipients.

Sec. 12. Minnesota Statutes 1989 Supplement, section 299A.34, subdivision 1, is amended to read:

299A.34 [LAW ENFORCEMENT AND COMMUNITY CRIMINAL JUSTICE GRANTS.]

Subdivision 1. [GRANT PROGRAMS.] (a) The commissioner shall develop grant programs to:

~~(1) assist law enforcement criminal justice agencies in purchasing equipment, provide undercover buy money, and pay other personnel and non-personnel costs; and~~

~~(2) assist community and neighborhood organizations in efforts to prevent or reduce criminal activities in their areas, particularly activities involving youth and the use and sale of drugs. Eligible criminal justice agencies include prosecutors, county sheriffs, police departments, public defender offices, district courts, and community corrections agencies.~~

~~(b) The commissioner shall by rule prescribe criteria for eligibility and the award of grants and reporting requirements for recipients establish eligibility criteria and reporting requirements for grant recipients.~~

Sec. 13. Minnesota Statutes 1989 Supplement, section 299A.35, subdivision 1, is amended to read:

Subdivision 1. [PROGRAMS.] The commissioner shall, in consultation with the drug and alcohol abuse prevention resource council, administer a grant program to fund community-based programs that are designed to enhance the community's sense of personal security and to assist the community in its crime control efforts. Examples of qualifying programs include, but are not limited to, the following:

(1) programs to provide security systems for residential buildings serving low-income persons, elderly persons, and persons who have physical or mental disabilities;

(2) community-based programs designed to discourage young people from involvement in unlawful drug or street gang activities;

(3) neighborhood block clubs and innovative community-based crime watch programs; ~~and~~

(4) other community-based crime prevention programs that are innovative and encourage substantial involvement by members of the community served by the program; *and*

(5) *programs designed to alleviate the impact of alcohol and drug abuse on the community.*

Sec. 14. Minnesota Statutes 1989 Supplement, section 299A.36, is amended to read:

299A.36 [OTHER DUTIES.]

The assistant commissioner assigned to the office of drug *and alcohol* policy, in consultation with the drug *and alcohol* abuse prevention resource council, shall:

(1) provide information and assistance upon request to school pre-assessment teams established under section 126.034 and school and community advisory teams established under section 126.035;

(2) provide information and assistance upon request to the state board of pharmacy with respect to the board's enforcement of chapter 152;

(3) cooperate with and provide information and assistance upon request to the alcohol and other drug abuse section in the department of human services;

(4) assist in coordinating the policy of the office with that of the narcotic enforcement unit in the bureau of criminal apprehension; *and*

(5) coordinate the activities of the regional drug task forces, provide assistance and information to them upon request, and assist in the formation of task forces in areas of the state in which no task force operates.

Sec. 15. Minnesota Statutes 1989 Supplement, section 299A.40, subdivision 3, is amended to read:

Subd. 3. [GRANTS FOR DEMONSTRATION PROGRAM.] The assistant commissioner of the office of drug *and alcohol* policy may award a grant to a county, multicounty organization, or city, as described in subdivision 1, for establishing and operating a multidisciplinary chemical abuse prevention team. The assistant commissioner ~~may approve up to five applications for grants under this subdivision shall consult with the drug and alcohol abuse prevention resource council before awarding grants.~~ The grant funds must be used to establish a multidisciplinary chemical abuse prevention team to carry out the duties in subdivision 2.

Sec. 16. Minnesota Statutes 1989 Supplement, section 299A.40, subdivision 4, is amended to read:

Subd. 4. [ASSISTANT COMMISSIONER; ADMINISTRATION OF GRANTS.] The assistant commissioner shall develop a process for administering grants under subdivision 3. The process must be compatible with the community grant program administered by the state planning agency under the Drug Free Schools and Communities Act, Public Law Number 100-690. The process for administering the grants must include establishing criteria the assistant commissioner shall apply in awarding grants. The assistant commissioner shall issue requests for proposals for grants under subdivision 3. The request must be designed to obtain detailed information

about the applicant and other information the assistant commissioner considers necessary to evaluate and select a grant recipient. The applicant shall submit a proposal for a grant on a form and in a manner prescribed by the assistant commissioner. The assistant commissioner shall award grants under this section so that 50 percent of the funds appropriated for the grants go to the metropolitan area comprised of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties, and 50 percent of the funds go to the area outside the metropolitan area are equitably distributed in a manner that gives priority to the areas with the most severe drug or alcohol abuse problems. The process for administering the grants must also include procedures for monitoring the recipients' use of grant funds and reporting requirements for grant recipients.

Sec. 17. [ANTI-DRUG AND ANTI-ALCOHOL ABUSE PROGRAMS.]

The purpose of the increases in excise taxes in sections 1 to 4 is to provide funding for the anti-drug and anti-alcohol abuse programs authorized by Minnesota Statutes, sections 299A.30 to 299A.40.

Sec. 18. [APPROPRIATION.]

§ is appropriated from the general fund to the commissioner of public safety for the anti-drug and anti-alcohol abuse programs authorized by Minnesota Statutes, sections 299A.30 to 299A.40."

Page 12, line 16, delete "20" and insert "19"

Amend the title as follows:

Page 1, line 5, after "drug" insert "and alcohol"

Page 1, line 6, after the semicolon, insert "appropriating money;"

Page 1, line 7, delete "and"

Page 1, line 9, delete "subdivision 3, and"

Page 1, line 10, after the second semicolon, insert "299A.31, subdivision 1,"

Page 1, line 11, after "299A.34" insert ", subdivision 1"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 2064: A bill for an act relating to commercial transactions; adopting an article of the uniform commercial code that governs funds transfers; amending Minnesota Statutes 1989 Supplement, section 336.1-105; proposing coding for new law in Minnesota Statutes, chapter 336.

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

Page 4, line 24, delete "336.1-109" and insert "336.1-209"

Page 34, after line 21, insert:

"Sec. 2. [EFFECTIVE DATE.]

This act is effective January 1, 1991."

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

adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1365: A bill for an act relating to human rights; requiring bias crime curriculum; proposing coding for new law in Minnesota Statutes, chapter 363.

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

Delete everything after the enacting clause and insert:

“Section 1. [8.34] [BIAS-MOTIVATED CRIME PROSECUTION TRAINING.]

Subdivision 1. [DEFINITION.] For the purposes of this section, “prosecuting attorney” means a political subdivision’s elected or appointed county and city attorney and any of that attorney’s assistants who have criminal prosecution responsibility for bias-motivated crimes.

Subd. 2. [BIAS-MOTIVATED CRIMES COURSE.] By December 31, 1990, the attorney general’s office in cooperation with the peace officers standards and training board, the Minnesota county attorneys association, and the department of human rights shall create a course of no less than six hours dealing with the prosecution of bias-motivated crimes. The course shall include training on the devastating impact of these crimes on society and on victims. The attorney general shall present this course at least once a year until December 31, 1993.

Subd. 3. [RECORDS OF ATTENDANCE.] The head of every agency that employs prosecuting attorneys shall maintain records of the number of prosecuting attorneys who have attended the bias-motivated crimes prosecution course and the number of those who have not. The agency head shall report annually to the attorney general on these attendance and nonattendance figures.”

Delete the title and insert:

“A bill for an act relating to crimes; requiring prosecutor training in bias-motivated crimes; proposing coding for new law in Minnesota Statutes, chapter 8.”

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

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1977: A bill for an act relating to prostitution; increasing penalties for certain patrons of prostitutes; providing for driver’s license revocation for repeat violators who use a motor vehicle during the commission of the offense; amending Minnesota Statutes 1988, sections 609.324, subdivisions 2, 3, and by adding a subdivision; and 609.3241.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1988, section 609.324, subdivision 2, is amended to read:

Subd. 2. Whoever solicits or accepts a solicitation to engage for hire in sexual penetration or sexual contact while in a public place may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000 or both. *Except as otherwise provided in subdivision 4, a person who is convicted of violating this subdivision while acting as a patron must, at a minimum, be sentenced to pay a fine of at least \$1,500.*

Sec. 2. Minnesota Statutes 1988, section 609.324, subdivision 3, is amended to read:

Subd. 3. Whoever intentionally does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both:

(1) Engages in prostitution with an individual 18 years of age or above; or

(2) Hires or offers or agrees to hire an individual 18 years of age or above to engage in sexual penetration or sexual contact.

Except as otherwise provided in subdivision 4, a person who is convicted of violating clause (1) or (2) while acting as a patron must, at a minimum, be sentenced to pay a fine of at least \$500.

Whoever violates the provisions of this subdivision within two years of a previous conviction may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. *Except as otherwise provided in subdivision 4, a person who is convicted of a gross misdemeanor violation of this subdivision while acting as a patron, must, at a minimum, be sentenced to pay a fine of at least \$1,500 and, in those counties where section 609.3241 applies, ordered to pay an assessment of \$500.*

Sec. 3. Minnesota Statutes 1988, section 609.324, is amended by adding a subdivision to read:

Subd. 4. [COMMUNITY SERVICE IN LIEU OF MINIMUM FINE.] The court may order a person convicted of violating subdivision 2 or 3 to perform community work service in lieu of all or a portion of the minimum fine required under those subdivisions if the court makes specific, written findings that the convicted person is indigent or that payment of the fine would create undue hardship for the convicted person or that person's immediate family.

Sec. 4. Minnesota Statutes 1988, section 609.324, is amended by adding a subdivision to read:

Subd. 5. [USE OF MOTOR VEHICLE TO PATRONIZE PROSTITUTES; DRIVING RECORD NOTATION.] When a court sentences a person convicted of violating this section while acting as a patron, the court shall determine whether the person used a motor vehicle during the commission of the offense. If the court finds that the person used a motor vehicle during the commission of the offense, it shall forward its finding to the commissioner of public safety who shall record the finding on the person's driving record.

Sec. 5. Minnesota Statutes 1988, section 609.3241, is amended to read:

609.3241 [PENALTY ASSESSMENT AUTHORIZED.]

In any county that has established a multidisciplinary child protection team pursuant to section 626.558, when a court sentences an adult convicted of violating section 609.322, 609.323, or 609.324, while acting other than as a prostitute, the court shall impose an assessment of ~~\$250~~ \$500 to be used for the purposes described in section 626.558, subdivision 2a. This assessment is in addition to the assessment or surcharge required by section 609.101.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective August 1, 1990, and apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to prostitution; increasing penalties for certain patrons of prostitutes; providing that when a patron uses a motor vehicle during commission of an offense, that fact will be noted on the person's driving record; amending Minnesota Statutes 1988, sections 609.324, subdivisions 2, 3, and by adding subdivisions; and 609.3241."

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

Mr. Spear from the Committee on Judiciary, to which was re-referred

S.F. No. 1853: A bill for an act relating to lawful gambling; expanding definition of contraband; extending deadline for inventory of seized contraband; authorizing seizing authorities to use proceeds from forfeited contraband; prohibiting possession or sale of unregistered video pull-tab devices; prohibiting altered or counterfeit gambling equipment and possession thereof; prohibiting organizations from accepting checks for gambling equipment or chances; requiring posting of penalties for receiving cash on video games of chance; subjecting illegally used gambling equipment to forfeiture; providing penalties; amending Minnesota Statutes 1988, sections 349.2125, subdivision 4; 349.2127, by adding a subdivision; and 609.762, subdivision 1; Minnesota Statutes 1989 Supplement, sections 349.2125, subdivisions 1 and 3; 349.2127, subdivision 2; 349.22, subdivisions 1 and 3; 349.501, subdivision 1; 349.502, subdivision 1; and 609.76, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1989 Supplement, section 349.2125, subdivision 1, is amended to read:

Subdivision 1. [CONTRABAND DEFINED.] The following are contraband:

(1) all pull-tab ~~or~~ and tipboard deals, and video pull-tab devices and memory chips, that do not have stamps affixed to them as provided in section 349.162;

(2) all pull-tab ~~or~~ and tipboard deals, and video pull-tab devices and memory chips, in the possession of any unlicensed person, firm, or organization, whether stamped or unstamped;

(3) any container used for the storage and display of any contraband pull-tab or tipboard deals or video pull-tab devices or memory chips as

defined in clauses (1) and (2);

(4) all currency, checks, and other things of value used for pull-tab or tipboard *or video pull-tab* transactions not expressly permitted under this chapter, and any cash drawer, cash register, or any other container used for illegal pull-tab or tipboard *or video pull-tab* transactions including its contents;

(5) any device including, but not limited to, motor vehicles, trailers, snowmobiles, airplanes, and boats used, with the knowledge of the owner or of a person operating with the consent of the owner, for the storage or transportation of a *video pull-tab device or memory chip* or more than five pull-tab or tipboard deals that are contraband under this subdivision. When pull-tabs ~~and~~, tipboards, *or video pull-tab devices or memory chips* are being transported in the course of interstate commerce, or from one distributor to another, the pull-tab and tipboard deals *and video pull-tab devices or memory chips* are not contraband, notwithstanding the provisions of clause (1);

(6) any unaffixed registration stamps except as provided in section 349.162, subdivision 4;

(7) any prize used or offered in a game utilizing contraband as defined in this subdivision;

(8) any altered, modified, or counterfeit pull-tab or tipboard ticket, *video pull-tab device prize voucher or video pull-tab device or memory chip*;

(9) any unregistered gambling equipment except as permitted by this chapter; ~~and~~

(10) any gambling equipment kept in violation of section 349.18; *and*

(11) *any gambling equipment not in conformity with law or board rule.*

Sec. 2. Minnesota Statutes 1989 Supplement, section 349.2125, subdivision 3, is amended to read:

Subd. 3. [INVENTORY; JUDICIAL DETERMINATION; APPEAL; DISPOSITION OF SEIZED PROPERTY.] Within ~~two~~ *ten* days after the seizure of any alleged contraband, the person making the seizure shall ~~deliver~~ *make available* an inventory of the property seized to the person from whom the property was seized, if known, and file a copy with the commissioner of revenue or the director of gambling enforcement. Within ten days after the date of service of the inventory, the person from whom the property was seized or any person claiming an interest in the property may file with the seizing authority a demand for judicial determination of whether the property was lawfully subject to seizure and forfeiture. Within ~~30~~ *60* days after the date of filing of the demand, the seizing authority must bring an action in the district court of the county where seizure was made to determine the issue of forfeiture. The action must be brought in the name of the state and be prosecuted by the county attorney or by the attorney general. The court shall hear the action without a jury and determine the issues of fact and laws involved. When a judgment of forfeiture is entered, the seizing authority may, unless the judgment is stayed pending an appeal, either (1) cause the forfeited property to be destroyed; or (2) cause it to be sold at a public auction as provided by law.

If demand for judicial determination is made and no action is commenced *by the seizing authority* as provided in this subdivision, the property must

be released by the seizing authority and delivered to the person entitled to it. If no demand is made, the property seized is considered forfeited to the ~~state~~ *seizing authority* by operation of law and may be disposed of by the seizing authority as provided where there has been a judgment of forfeiture. When the seizing authority is satisfied that a person from whom property is seized was acting in good faith and without intent to evade the tax imposed by section 349.2121, subdivision 4, the seizing authority shall release the property seized without further legal proceedings.

Sec. 3. Minnesota Statutes 1988, section 349.2125, subdivision 4, is amended to read:

Subd. 4. [DISPOSAL.] (a) The property described in subdivision 1, clauses (4) and (5), must be confiscated after conviction of the person from whom it was seized, upon compliance with the following procedure: the seizing authority shall file with the court a separate complaint against the property, describing it and charging its use in the specific violation, and specifying substantially the time and place of the unlawful use. A copy of the complaint must be served upon the defendant or person in charge of the property at the time of seizure, if any. If the person arrested is acquitted, the court shall dismiss the complaint against the property and order it returned to the persons legally entitled to it. Upon conviction of the person arrested, the court shall issue an order directed to any person known or believed to have any right, title or interest in, or lien upon, any of the property, and to persons unknown claiming any right, title, interest, or lien in it, describing the property and (1) stating that it was seized and that a complaint against it, charging the specified violation, has been filed with the court, (2) requiring the persons to file with the court administrator their answer to the complaint, setting forth any claim they may have to any right or title to, interest in, or lien upon the property, within 30 days after the service of the order, and (3) notifying them in substance that if they fail to file their answer within the time, the property will be ordered sold by the seizing authority. The court shall cause the order to be served upon any person known or believed to have any right, title, interest, or lien as in the case of a summons in a civil action, and upon unknown persons by publication, as provided for service of summons in a civil action. If no answer is filed within the time prescribed, the court shall, upon affidavit by the court administrator, setting forth the fact, order the property sold by the seizing authority. ~~Seventy percent of the proceeds of the sale, after deducting the expense of keeping the property and fees and costs of sale, must be paid into the state treasury and credited to the general fund of forfeited property, after payment of seizure, storage, forfeiture and sale expenses, must be forwarded to the seizing authority for deposit as a supplement to its operating fund or similar fund for official use, and 20 percent must be forwarded to the county attorney or other prosecuting agency that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes. The remaining ten percent of the proceeds must be forwarded within 60 days after resolution of the forfeiture to the department of human services to fund programs for the treatment of compulsive gamblers.~~ If answer is filed within the time provided, the court shall fix a time for a hearing, which shall be not less than ten nor more than 30 days after the time for filing answer expires. At the time fixed for hearing, unless continued for cause, the matter shall be heard and determined by the court, without a jury, as in other civil actions.

(b) If the court finds that the property, or any part of it, was used in the

violation specified in the complaint, it shall order the property unlawfully used, sold as provided by law, unless the owner shows to the satisfaction of the court that the owner had no notice or knowledge or reason to believe that the property was used or intended to be used in the violation. The officer making a sale, after deducting the expense of keeping the property, the fee for seizure, and the costs of the sale, shall pay all liens according to their priority, which are established at the hearing as being bona fide and as existing without the lienor having any notice or knowledge that the property was being used or was intended to be used for or in connection with the violation specified in the order of the court, and shall pay the balance of the proceeds ~~into the state treasury to be credited to the general fund to the seizing authority for official use and sharing in the manner provided in paragraph (a).~~ A sale under this section shall free the property sold from any and all liens on it. Appeal from the order of the district court will lie as in other civil cases. At any time after seizure of the articles specified in this subdivision, and before the hearing provided for, the property must be returned to the owner or person having a legal right to its possession, upon execution of a good and valid bond to the state, with corporate surety, in the sum of not less than \$100 and not more than double the value of the property seized, to be approved by the court in which the case is triable, or a judge of it, conditioned to abide any order and the judgment of the court, and to pay the full value of the property at the time of the seizure. The seizing authority may dismiss the proceedings outlined in this subdivision when the seizing authority considers it to be in the ~~best interests of the state~~ public interest to do so.

Sec. 4. Minnesota Statutes 1988, section 349.2127, subdivision 1, is amended to read:

Subdivision 1. [COUNTERFEITING.] ~~No~~ (a) A person ~~shall~~ is guilty of a felony who, with intent to defraud the state, ~~make makes, alter alters, forge forges, or counterfeit counterfeits~~ any license or stamp provided for in this chapter, or ~~have~~ has in possession any forged, spurious, or altered stamps, with the intent, or with the result of, depriving the state of the tax imposed by this chapter.

(b) A person is guilty of a felony who alters, modifies, or counterfeits a video pull-tab device or memory chip.

Sec. 5. Minnesota Statutes 1989 Supplement, section 349.2127, subdivision 2, is amended to read:

Subd. 2. [PROHIBITION AGAINST POSSESSION.] (a) ~~No~~ A person, other than a licensed distributor, ~~shall sell, offer is guilty of a crime who sells, offers for sale, or have in possession with intent to sell or offer for sale,~~ possesses a pull-tab or tipboard deal, or a video pull-tab device or memory chip, that is not stamped in accordance with the provisions of this chapter. A violation of this paragraph is a felony if it involves more than ten pull-tab or tipboard deals or any amount of video pull-tab devices or memory chips.

(b) ~~No~~ A person, other than a licensed distributor or ~~licensed or exempt~~ an organization under section 349.214 may possess with the intent to sell or offer licensed or exempt or excluded from licensing under this chapter, is guilty of a crime who sells, offers to sell, or possesses gambling equipment, except (1) equipment exempt from taxation, or (2) equipment put into play by a licensed or exempt organization. A violation of this paragraph is a felony if it involves more than ten pull-tab or tipboard deals or

any amount of video pull-tab devices or memory chips.

(c) ~~No~~ A person, firm, or organization ~~may possess~~ is guilty of a crime who alters, modifies, or counterfeits pull-tabs, tipboards, tipboard tickets, or video pull-tab device prize vouchers, or possesses altered, modified, or counterfeit pull-tabs ~~or, tipboards, tipboard tickets with intent to sell, redeem, or exchange them,~~ or video pull-tab device prize vouchers. A violation of this paragraph is a felony if the total face value for all such pull-tabs, tipboards, tipboard tickets, or video pull-tab prize vouchers exceeds \$200. For purposes of this paragraph, the face value of all pull-tabs, tipboards, tipboard tickets, and video pull-tab prize vouchers altered, modified, or counterfeited within a six-month period may be aggregated and the defendant charged accordingly.

Sec. 6. Minnesota Statutes 1988, section 349.2127, subdivision 3, is amended to read:

Subd. 3. [~~FALSIFICATION OF RECORDS FALSE INFORMATION.~~] ~~No~~ (a) A person is guilty of a gross misdemeanor if the person is required by section 349.2121, subdivision 2, to keep records or to make returns ~~shall falsify or fail and falsifies or fails to keep the records or falsify or fail falsifies or fails to make the returns.~~

(b) A person is guilty of a felony who:

(1) knowingly submits false information in any license application or other document or communication submitted to the board; or

(2) knowingly submits false information in any report, document, or other communication submitted to the commissioner of revenue in connection with lawful gambling or with any provision of this chapter.

Sec. 7. Minnesota Statutes Second 1989 Supplement, section 349.2127, subdivision 4, is amended to read:

Subd. 4. [~~TRANSPORTING UNSTAMPED DEALS.~~] ~~No~~ A person ~~shall transport~~ is guilty of a gross misdemeanor who transports into, or ~~receive~~ receives, ~~carry~~ carries, or ~~move~~ moves from place to place in this state, any deals of pull-tabs or tipboards not stamped in accordance with this chapter or any video pull-tab device or memory chip except in the course of interstate commerce. A person is guilty of a felony who violates this subdivision after a previous conviction under this subdivision, or with respect to more than ten pull-tab or tipboard deals, or a combination of more than ten deals of pull-tabs and tipboards.

Sec. 8. Minnesota Statutes Second 1989 Supplement, section 349.2127, subdivision 5, is amended to read:

Subd. 5. [~~PROVIDING INFORMATION.~~] ~~No~~ An employee of an organization ~~shall provide~~ is guilty of a felony if the employee provides any information to a player that would provide an unfair advantage to the player related to the potential winnings of any lawful gambling activity. For purposes of this subdivision, "employee" includes a volunteer.

Sec. 9. Minnesota Statutes 1988, section 349.2127, is amended by adding a subdivision to read:

Subd. 6. [~~CHECKS FOR GAMBLING PURCHASES.~~] An organization may not accept checks in payment for the purchase of any gambling equipment or for the chance to participate in any form of lawful gambling. A person who violates this subdivision is guilty of a misdemeanor.

Sec. 10. Minnesota Statutes 1989 Supplement, section 349.22, subdivision 1, is amended to read:

Subdivision 1. [GROSS MISDEMEANOR.] *(a) A person who commits any violation of sections 349.11 to 349.23 for which another penalty is not provided is guilty of a gross misdemeanor.*

(b) A person who in any manner violates sections 349.11 to 349.23 to evade a tax imposed by a provision of this chapter, or who aids and abets the evasion of a tax, or hinders or interferes with a seizing authority when a seizure is made as provided by section 349.2125, is guilty of a gross misdemeanor.

Sec. 11. Minnesota Statutes 1989 Supplement, section 349.501, subdivision 1, is amended to read:

Subdivision 1. [TO THE PUBLIC.] An operator must prominently post in the owner's business premises a brief description of the legal consequences of awarding or receiving cash instead of game credits or replays on video games of chance in violation of ~~section~~ sections 349.502 and 609.76, subdivision 1.

The information is prominently posted if it can be readily seen by a player immediately before the player participates in the video game of chance.

Sec. 12. Minnesota Statutes 1989 Supplement, section 349.502, subdivision 1, is amended to read:

Subdivision 1. [MISDEMEANOR.] A person who ~~awards or receives cash instead of game credits or anything of value other than replays on a video game of chance is guilty of a misdemeanor. An owner who directs an employee to violate this section is also considered to have violated this section. For purposes of this subdivision "cash" includes checks.~~

Sec. 13. Minnesota Statutes 1988, section 349.52, is amended by adding a subdivision to read:

Subd. 5. [LOCAL REGULATION.] A statutory or home rule charter city or county has the authority to adopt more stringent regulations concerning video games of chance, including regulations prohibiting video games of chance within its jurisdiction.

Sec. 14. Minnesota Statutes 1988, section 349.59, subdivision 1, is amended to read:

Subdivision 1. [PACKAGES DECLARED TO BE CONTRABAND.] The following are declared to be contraband:

(1) all video games of chance which do not have a licensing stamp affixed to them and all containers that contain contraband video games of chance;

(2) all video games of chance to which the commissioner or designated representatives have been denied access for the inspection of contents. In lieu of seizure, the commissioner or designated representatives may seal the game to prevent its use until inspection of contents is permitted;

(3) all video games of chance at a location at which there is no location agreement in force; ~~and~~

(4) all video games of chance illegally brought into the state; *and*

(5) all video games of chance that do not conform to the game specifications contained in section 349.55.

Sec. 15. Minnesota Statutes 1989 Supplement, section 609.76, subdivision 1, is amended to read:

Subdivision 1. [GROSS MISDEMEANORS.] Whoever does [any of the following may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both:

- (1) maintains or operates a gambling place or operates a bucket shop;
- (2) intentionally participates in the income of a gambling place or bucket shop;
- (3) conducts a lottery, or, with intent to conduct a lottery, possesses facilities for doing so;
- (4) sets up for use for the purpose of gambling, or collects the proceeds of, any gambling device or bucket shop;
- (5) with intent that it shall be so used, manufactures, sells or offers for sale, in whole or any part thereof, any gambling device including those defined in section 349.30, subdivision 2, and any facility for conducting a lottery, except as provided by section 349.40;
- (6) receives, records, or forwards bets or offers to bet or, with intent to receive, record, or forward bets or offers to bet, possesses facilities to do so; or
- (7) pays any compensation for game credits earned on or otherwise rewards, *with anything of value, other than free plays*, players of video games of chance as defined ~~under~~ in section 349.50, subdivision 8, or who directs an employee to pay any such compensation or reward.

Sec. 16. [REPEALER.]

Minnesota Statutes 1989 Supplement, section 349.22, subdivision 3, is repealed.

Sec. 17. [EFFECTIVE DATE; APPLICATION.]

Sections 1 to 13 are effective August 1, 1990. Sections 4 to 9, 10, 12, and 15 apply to violations committed on or after that date."

Delete the title and insert:

"A bill for an act relating to lawful gambling; expanding definition of contraband; extending deadline for inventory of seized contraband; authorizing seizing authorities to use proceeds from forfeited contraband; prohibiting possession or sale of unregistered video pull-tab devices; prohibiting altered or counterfeit gambling equipment and possession thereof; prohibiting organizations from accepting checks for gambling equipment or chances; requiring posting of penalties for receiving cash on video games of chance; providing penalties; amending Minnesota Statutes 1988, sections 349.2125, subdivision 4; 349.2127, subdivisions 1, 3, and by adding a subdivision; 349.52, by adding a subdivision; 349.59, subdivision 1; Minnesota Statutes 1989 Supplement, sections 349.2125, subdivisions 1 and 3; 349.2127, subdivision 2; 349.22, subdivision 1; 349.501, subdivision 1; 349.502, subdivision 1; 609.76, subdivision 1; Minnesota Statutes Second 1989 Supplement, section 349.2127, subdivisions 4 and 5; repealing Minnesota Statutes 1989 Supplement, section 349.22, subdivision 3."

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

Mr. Spear from the Committee on Judiciary, to which was referred

H.F. No. 2481: A bill for an act relating to crimes; making preparation of a written presentence investigation report discretionary with the court when a defendant is convicted of a felony for which the court must impose an executed sentence under the sentencing guidelines; amending Minnesota Statutes 1989 Supplement, section 609.115, subdivision 1.

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

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 2433: A bill for an act relating to metropolitan airport development; authorizing the metropolitan council to review and approve changes in certain land uses; proposing coding for new law in Minnesota Statutes, chapter 473.

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

Page 3, after line 35, insert:

“Sec. 2. Minnesota Statutes 1988, section 473.606, subdivision 3, is amended to read:

Subd. 3. The treasurer shall receive and be responsible for all moneys of the corporation, from whatever source derived, and the same shall be considered public funds. The treasurer shall disburse the moneys of the corporation only on orders made by the executive and operating officer, herein provided for, countersigned by such other officer or such employee of the corporation as may be authorized and directed so to do by the corporation, showing the name of the claimant and the nature of the claim. No disbursement shall be certified by such officers until the same have been approved by said commissioners at a meeting thereof. Whenever the executive director of the corporation shall certify, pursuant to action taken by the commissioners at a meeting thereof, that there are moneys and the amount thereof in the possession of the treasurer not currently needed, then the treasurer may invest said amount or any part thereof in:

(a) Treasury bonds, certificates of indebtedness, bonds or notes of the United States of America, or bonds, notes or certificates of indebtedness of the state of Minnesota, all of which must mature not later than three years from the date of purchase.

(b) Bonds, notes, debentures or other obligations issued by any agency or instrumentality of the United States or any securities guaranteed by the United States government, or for which the credit of the United States is pledged for the payment of the principal and interest thereof, all of which must mature not later than three years from date of purchase.

(c) Commercial paper of prime quality, or rated among the top third of the quality categories, not applicable to defaulted paper, as defined by a nationally recognized organization which rates such securities as eligible

for investment in the state employees retirement fund except that any non-banking issuing corporation, or parent company in the case of paper issued by operating utility or finance subsidiaries, must have total assets exceeding \$500,000,000. Such commercial paper may constitute no more than 30 percent of the book value of the fund at the time of purchase, and the commercial paper of any one corporation shall not constitute more than four percent of the book value of the fund at the time of such investment.

(d) Any securities eligible under the preceding provisions, purchased with simultaneous repurchase agreement under which the securities will be sold to the particular dealer on a specified date at a predetermined price. In such instances, all maturities of United States government securities, or securities issued or guaranteed by the United States government or an agency thereof, may be purchased so long as any such securities which mature later than three years from the date of purchase have a current market value exceeding the purchase price by at least five percent on the date of purchase, and so long as such repurchase agreement involving securities extending beyond three years in maturity be limited to a period not exceeding 45 days.

(e) Certificates of deposit issued by any official depository of the commission. The commission may purchase certificates of deposit from a depository bank in an amount exceeding that insured by federal depository insurance to the extent that those certificates are secured by collateral maintained by the bank in a manner as prescribed for investments of the state board of investment.

(f) Securities approved for investment under section 471.56.

Whenever it shall appear to the commissioners that any invested funds are needed for current purposes before the maturity dates of the securities held, they shall cause the executive director to so certify to the treasurer and it shall then be the duty of the treasurer to order the sale or conversion into cash of the securities in the amount so certified. All interest and profit on said investments shall be credited to and constitute a part of the funds of the commission. The treasurer shall keep an account of all moneys received and disbursed, and at least once a year, at times to be designated by the corporation, file with the secretary a financial statement of the corporation, showing in appropriate and identifiable groupings the receipts and disbursements since the last approved statements; moneys on hand and the purposes for which the same are appropriated; and shall keep an account of all securities purchased as herein provided, the funds from which purchased and the interest and profit which may have accrued thereon, and shall accompany the financial statement aforesaid with a statement setting forth such account. The corporation may pay to the treasurer from time to time compensation in such amount as it may determine to cover clerk hire to enable the treasurer to carry out duties and those required in connection with bonds issued by the corporation as in this act authorized."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "airport development" and insert "government; authorizing certain investments by the metropolitan airports commission"

Page 1, line 4, before the semicolon, insert "relating to metropolitan airport development; amending Minnesota Statutes 1988, section 473.606, subdivision 3"

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2396: A bill for an act relating to the environment; regulating the disposition of property acquired for response action; amending Minnesota Statutes 1988, section 115B.17, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 115B.17, is amended by adding a subdivision to read:

Subd. 16. [DISPOSITION OF PROPERTY ACQUIRED FOR RESPONSE ACTION.] (a) If the commissioner determines property acquired under subdivision 15 is no longer needed for response action purposes, the commissioner may:

(1) transfer the property to the commissioner of administration to be disposed of in the manner required for other surplus property subject to conditions the commissioner determines necessary to protect the public health and welfare or the environment, or to comply with federal law;

(2) transfer the property to another state agency, a political subdivision, or special purpose district as provided in paragraph (b); or

(3) if required by federal law, take actions and dispose of the property as required by federal law.

(b) If the commissioner determines that property acquired under subdivision 15 must be operated, maintained, or monitored after completion of other phases of the response action, the commissioner may transfer ownership of the property to another state agency, a political subdivision, or special purpose district that agrees to accept the property. A state agency, political subdivision, or special purpose district is authorized to accept and implement the terms and conditions of a transfer under this paragraph. The commissioner may set terms and conditions for the transfer that the commissioner considers reasonable and necessary to ensure proper operation, maintenance, and monitoring of response actions, protect the public health and welfare and the environment, and comply with applicable federal and state laws and regulations. The state agency, political subdivision, or special purpose district to which the property is transferred is not liable under chapter 115B solely as a result of acquiring the property or acting in accordance with the terms and conditions of the transfer.

(c) If the agency acquires property under subdivision 15, the commissioner may lease or grant an easement in the property to a person during the implementation of response actions if the lease or easement is compatible with or necessary for response action implementation.

(d) The proceeds of a sale, lease, or other transfer of property under this subdivision by the commissioner or by the commissioner of administration shall be deposited in the fund. Any share of the proceeds that the agency is required by federal law or regulation to reimburse to the federal government is appropriated to the agency from the fund for that purpose.

Except for section 94.16, subdivision 2, the provisions of section 94.16 do not apply to real property sold by the commissioner of administration which was acquired under subdivision 15."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "appropriating money;"

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2408: A bill for an act relating to natural resources; authorizing the commissioner to designate agents to sell state park permits; amending Minnesota Statutes 1988, section 85.053, subdivision 1.

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

Mr. Solon from the Committee on Commerce, to which was referred

S.F. No. 2241: A bill for an act relating to commerce; regulating dividends on claims in liquidation proceedings; industrial loan and thrift companies; regulating lending practices; regulating the lending practices of regulated lenders; specifying the loan fees and charges that may be imposed by regulated lenders; amending Minnesota Statutes 1988, sections 49.24, subdivision 9; 53.04, subdivision 3a; 56.12; 56.131, subdivisions 1, 2, and 6; and 56.14; and Minnesota Statutes 1989 Supplement, section 56.155, subdivision 2.

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

Pages 1 to 5, delete sections 2 and 3

Page 5, line 32, delete "1988" and insert "1989 Supplement"

Page 5, line 35, delete "ten" and insert "15"

Page 5, line 36, delete "contributed" and after "capital" insert "stock" and delete "appropriated"

Page 6, line 1, delete "reserves" and insert "surplus"

Page 6, lines 7 and 8, reinstate the stricken language and delete the new language

Page 9, lines 20 and 21, delete "paragraph (f),"

Page 9, after line 24, insert:

"(8) With respect to a loan secured by an interest in real estate, the monthly installment payment must fully amortize the principal and interest on the loan."

Page 10, line 3, before "clause" insert "paragraph (a),"

Page 10, delete section 6

Page 11, lines 2 and 3, delete "as amended from time to time" and insert "United States Code, title 15, sections 1601 to 1667e, as amended through December 31, 1989"

Page 12, delete section 8 and insert:

"Sec. 5. Minnesota Statutes 1988, section 325G.22, is amended by adding a subdivision to read:

Subd. 1a. [ADJUSTMENT OF DOLLAR AMOUNTS.] The dollar amount in subdivision 1 shall change periodically as provided in section 550.37, subdivision 4a."

Page 12, line 36, delete "8" and insert "5"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

Page 1, line 4, delete everything before the second "regulating"

Page 1, line 8, delete everything after the first semicolon

Page 1, delete line 9 and insert "56.131, subdivision 2; 56.14; 325G.22, by adding a subdivision;"

Page 1, delete line 11 and insert "56.131, subdivision 1."

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

Mr. Solon from the Committee on Commerce, to which was referred

S.F. No. 2498: A bill for an act relating to occupations and professions; increasing minimum insurance coverage required for abstracters; abolishing requirement of seals by impression; repealing an obsolete provision; amending Minnesota Statutes 1988, sections 386.66 and 386.67; repealing Minnesota Statutes 1988, section 386.65, subdivision 3.

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

Page 2, after line 28, insert:

"Sec. 3. Minnesota Statutes 1988, section 386.69, is amended to read:
386.69 [LICENSESES.]

Licenses issued by said board under the provisions hereof shall recite that such bond or insurance policy has been duly filed and approved, and the license shall authorize the official, person, firm or corporation named in it to engage in and carry on the business of an abstracter of real estate titles in the county in which said official, person, firm or corporation is authorized to make abstracts. The license shall be issued for a period as determined by the board, and shall thereafter be renewed upon conditions prescribed by the board. *The board shall place a licensee in inactive status upon request of the licensee. A licensee in inactive status may renew its license but may not engage in and carry on the business of an abstracter of real estate titles. A licensee in inactive status is not required to have the bond or insurance required by section 386.66."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing for inactive license

status;”

Page 1, line 6, delete “and 386.67” and insert “; 386.67; and 386.69”

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

Mr. Solon from the Committee on Commerce, to which was referred

S.F. No. 1795: A bill for an act relating to commerce; requiring seating furniture in public occupancies to meet flammability and labeling standards; proposing coding for new law in Minnesota Statutes, chapter 299F

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

Delete everything after the enacting clause and insert:

“Section 1. [299F840] [CITATION.]

Sections 1 to 9 may be cited as the “furniture fire safety act.”

Sec. 2. [299F841] [DEFINITIONS.]

Subdivision 1. [TERMS.] The terms used in sections 1 to 9 have the meanings given them in this section.

Subd. 2. [SELL.] “Sell” means sell, offer or expose for sale, barter, trade, deliver, give away, rent, consign, lease, or possess with an intent to sell or dispose of in any other commercial manner.

Subd. 3. [SEATING FURNITURE.] “Seating furniture” means movable or stationary furniture, including children’s furniture, that is made of or with loose or attached cushions or pillows or is itself stuffed or filled in whole or in part with filling material, that is or can be stuffed or filled in whole or in part with any substance or material, hidden or concealed by fabric or other covering, including cushions or pillows belonging to or forming a part of the furniture, together with the structural unit, the filling material, and its container and its covering that can be used as a support for the body of a human being or a person’s limbs and feet when sitting or resting in an upright or reclining position.

Subd. 4. [FILLING MATERIAL.] “Filling material” means cotton, wool, kapok, feathers, down, hair, liquid, or other natural or man-made material, substance, or prefabricated form, concealed or not concealed, to be used or that could be used in seating furniture.

Subd. 5. [MANUFACTURER.] “Manufacturer” means a person or the person’s employee or agent who makes an article of seating furniture in whole or in part.

Subd. 6. [PUBLIC OCCUPANCIES.] “Public occupancies” means:

- (1) jails, prisons, and penal institutions;*
- (2) hospitals, mental health facilities, and similar health care facilities;*
- (3) nursing care and convalescent homes;*
- (4) child day-care centers;*
- (5) public auditoriums and stadiums; and*
- (6) public assembly areas of hotels and motels containing more than ten*

articles of seating furniture.

Sec. 3. [299F842] [EXEMPT ARTICLES.]

Articles of upholstered furniture, other than juvenile furniture and furniture used for and in facilities designed for the care or treatment of humans, that meet any of the following criteria are exempt from compliance with sections 1 to 9:

(1) cushions and pads intended solely for outdoor use;

(2) articles that are smooth-surfaced and contain no more than one-half inch of filling material, provided that the article does not have a horizontal surface meeting a vertical surface; and

(3) articles manufactured solely for recreational use or physical fitness purposes, such as weightlifting benches, gymnasium mats or pads, side-horses, and similar articles.

Sec. 4. [299F843] [ENFORCEMENT.]

The state fire marshal shall enforce sections 1 to 9 in accordance with the laws of this state.

Sec. 5. [299F844] [RULES.]

The state fire marshal shall adopt rules necessary for the enforcement of sections 1 to 9 within six months of the effective date of sections 1 to 9. The fire marshal shall adopt the testing and labeling procedures and requirements set forth in Technical Bulletin 133 of the state of California, Appendix A, "Flammability Testing and Labeling Procedures for Use in Public Occupancies," published in April 1988 by the California Bureau of Home Furnishings and Thermal Insulation. The fire marshal shall amend the rules as may from time to time be required to conform with the requirements of California Technical Bulletin 133. An amendment to a rule does not apply to seating furniture manufactured before the effective date of the amendment. Seating furniture sold for use in a public occupancy that meets the test criteria under rules adopted by the fire marshal must conform to the labeling requirements specified under the adopted rules.

Sec. 6. [299F845] [SCOPE.]

Sections 1 to 9 apply to seating furniture that is sold or intended for use in public occupancies in this state regardless of its point of origin. Seating furniture sold or intended for use in public occupancies that fails to conform to the applicable flammability standard and labeling requirement provided under rules of the state fire marshal, adopted under section 5, is prohibited from being sold or used for public occupancies.

Sec. 7. [299F846] [PERFORMANCE STANDARDS; TESTING.]

The applicable flammability requirements of rules adopted under section 5 are to be considered as performance standards. Testing under these standards is at the discretion of the manufacturer. Seating furniture offered for sale in this state must meet applicable flammability requirements as set out by rule adopted under section 5.

Sec. 8. [299F847] [TEST INSPECTIONS, AUDITS.]

The state fire marshal may inspect or audit the testing of seating furniture as may be considered necessary under rules adopted under section 5.

Sec. 9. [299F848] [CIVIL ACTION.]

The state fire marshal may bring a civil action or proceeding to enjoin a person from selling seating furniture that does not meet the requirements of sections 1 to 8, and that is sold or intended for use in public occupancies.

Sec. 10. [APPLICATION.]

Sections 1 to 9 apply to seating furniture manufactured on or after January 1, 1992."

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

Mr. Davis from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2527: A bill for an act relating to agriculture; establishing an agricultural liming material law; appropriating money; prescribing penalties; proposing coding for new law as Minnesota Statutes, chapter 18F

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

Page 4, line 27, after "*agencies*" insert "*as defined in section 18B.01, subdivision 2*"

Page 5, line 6, delete "*next*"

Page 6, line 13, delete "*of*"

Page 6, line 14, delete "*any year*" and delete "*must*" and insert "*may*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Davis from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2345: A bill for an act relating to farm safety; providing for a pilot project of comprehensive farm safety audits; extending the availability of a previous appropriation; appropriating money; amending Laws 1989, chapter 350, article 17, section 1, subdivision 5.

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

Page 1, delete lines 9 to 19

Page 1, line 20, delete "*Subd. 2.*" and insert "*Subdivision 1.*"

Page 1, line 22, before the period, insert "*, to be performed in cooperation with selected farm mutual insurance companies*"

Page 1, line 23, delete "*3*" and insert "*2*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 1910: A bill for an act relating to education; increasing the membership of the board of the Minnesota academic excellence foundation; clarifying the status of in-kind goods and services; increasing the staff of the foundation; appropriating money; amending Minnesota Statutes 1989

Supplement, section 121.612, subdivisions 3 and 5; and Laws 1989, chapter 329, article 11, section 15, subdivision 12.

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

Page 1, lines 18 and 19, strike "various" and insert "*a variety of*"

Page 2, delete section 4 and insert:

"Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 5, delete everything after "services;"

Page 1, line 6, delete "appropriating money;"

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was re-referred to the Committee on Rules and Administration.

Mr. Pehler from the Committee on Education, to which was re-referred

S.F. No. 1896: A bill for an act relating to health; providing exemptions from the infectious waste control act; requiring hospitals to accept certain infectious waste; modifying standards for ambulance drivers; requiring adoption of rules setting new standards for recertification of and upgrading to emergency care course certificates; increasing reimbursement for volunteers; authorizing an emergency medical services advisory committee; exempting ambulances from vehicle license fees, registration, and excise taxes; regulating the provision of special transportation services; providing a tax credit; requiring studies; increasing medical assistance rates for ambulance services; creating a loan forgiveness program for medical students; providing nursing scholarships; creating a loan forgiveness program for advanced practice nurses; providing funding for summer medical interns; encouraging rural medical school applicants; requiring a study of medical assistance reimbursement for physicians; increasing participation in the rural physicians associates program; creating a rural hospital planning and transition grant program; creating a rural hospital subsidy fund; requiring a study of rural health professionals; allowing counties authority to exceed levy limits; appropriating money and increasing the complement; amending Minnesota Statutes 1989 Supplement, sections 116.76, subdivision 9; 116.78, by adding subdivisions; 144.804, subdivisions 1 and 7; 144.809; 144.8091; 168.012, subdivision 1; 168.013, subdivision 1a; and 297B.03; Minnesota Statutes Second 1989 Supplement, section 275.50, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 136A; 144; 147; 174; and 290.

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

Page 16, line 3, after the period, insert "*Scholarships awarded under this section are available to (1) individuals enrolled in a nursing program leading to becoming a licensed practical nurse or registered nurse, and (2) licensed nurses enrolled in a program to further their nursing education which gives credit for prior learning in nursing.*"

Page 22, delete section 9

Page 23, line 23, delete "Sections 3 and 9 are" and insert "Section 3 is"

Renumber the sections of article 2 in sequence

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 1971: A bill for an act relating to education; establishing an automobile safety awareness week; proposing coding for new law in Minnesota Statutes 1988, chapter 126.

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

Delete everything after the enacting clause and insert:

"Section 1. [126.112] [AUTOMOBILE SAFETY AWARENESS WEEK.]

Subdivision 1. [SPECIAL OBSERVANCES.] The third week in March is automobile safety awareness week. During that week there may be special observances throughout the state emphasizing the importance of automobile safety. Public schools are encouraged to devote time to appropriate instruction in the use of seat belts, the hazards of drinking and driving, and safety measures that can make travel by automobile safer.

Subd. 2. [STATE AGENCIES' INVOLVEMENT.] The department of education, with the cooperation of the department of public safety, must assist and encourage the observance of automobile safety awareness week by any public school, group, or association requesting assistance.

Subd. 3. [GOVERNOR'S INVOLVEMENT.] The governor shall in any way considered necessary encourage the observances set forth in this section and shall by proclamation call the public's attention to the importance of automobile safety.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 4, delete "1988"

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

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 394: A bill for an act relating to education; requiring post-secondary education administrators and faculty members to take certain coursework; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 135A.

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

Delete everything after the enacting clause and insert:

"Section 1. [REPORT ON PREPARATION OF POST-SECONDARY

ADMINISTRATION AND FACULTY.]

Each post-secondary governing board shall examine its current programs that provide initial preparation and continuing education for its administrators and faculty to improve their administrative, teaching, and advising skills. The boards shall report to the education committees on their existing programs and their future plans by January 15, 1991."

Delete the title and insert:

"A bill for an act relating to education; requiring a report on preparation of post-secondary education administrators and faculty."

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

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F No. 2431: A bill for an act relating to buildings; changing the definition of public building in the state building code; ratifying the interstate compact on industrialized/modular buildings; amending Minnesota Statutes 1989 Supplement, section 16B.60, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 16B.

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

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 1989 Supplement, section 16B.60, subdivision 6, is amended to read:

Subd. 6. [PUBLIC BUILDING.] "Public building" means a building and its grounds, the cost of which is paid for by the state or a state agency regardless of its cost, and a school district building project the cost of which is \$100,000 or more."

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

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F No. 2246: A bill for an act relating to public employment; expanding coverage of the public employees insurance plan; establishing classes of premiums; amending Minnesota Statutes 1988, section 43A.316, subdivision 8.

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

Page 2, line 1, before the period, insert ", except that a former employee who is over age 65 and is not eligible for Medicare coverage is not eligible to participate in the plan"

Page 2, line 7, delete "must" and insert "shall"

Page 2, line 10, after the semicolon, insert "and"

Page 2, line 12, delete "; and" and insert a period

Page 2, delete lines 13 and 14

Page 2, line 16, before the period, insert “*only when there is a break in coverage between a participant’s coverage under a group insurance plan as an employee and the participant’s coverage under this section*”

Page 3, after line 6, insert:

“Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective January 1, 1991.”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 2160: A bill for an act relating to education; providing for the environmental education act; creating the office of environmental education; proposing coding for new law as Minnesota Statutes, chapter 126A; repealing Minnesota Statutes 1988, sections 116E.01; 116E.02; 116E.03, subdivisions 2, 3, 4, 5, 6, 7, 7a, 8, and 9; and 116E.04; Minnesota Statutes 1989 Supplement, sections 116E.03, subdivision 1; and 116E.035.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 1880: A bill for an act relating to veterans; providing for an executive director appointed by the veterans homes board; amending Minnesota Statutes 1988, section 198.004.

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

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 2181: A bill for an act relating to labor; regulating joint labor-management committees; regulating public employee elections; amending Minnesota Statutes 1988, sections 179.02, by adding a subdivision; 179.84, subdivision 1; 179.85; 179A.04, subdivision 3; and 179A.12, subdivision 7.

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

Page 3, line 3, strike everything after “rules”

Page 3, line 4, strike everything before the semicolon and insert “*relating to the administration of this chapter*”

Pages 3 and 4, delete section 5 and insert:

“Sec. 5. Minnesota Statutes 1988, section 179A.12, subdivision 7, is amended to read:

Subd. 7. [ELECTION ORDER.] The commissioner shall issue an order providing for a secret ballot election by the employees in a designated appropriate unit. The election ~~shall~~ *must* be held ~~in the~~ *on one* premises on one

or more sites where those voting are employed unless the commissioner determines that the election cannot be fairly held, in which case it shall be held at a place or by a mail ballot, as determined by the commissioner. In making this determination, the commissioner shall strive for an election process that provides for maximum participation by the affected employees. The parties affected by this determination may request reconsideration of it by the commissioner under bureau rules.

Sec. 6. Minnesota Statutes 1988, section 179A.12, subdivision 11, is amended to read:

Subd. 11. [UNFAIR LABOR PRACTICES.] If the commissioner finds that an unfair labor practice was committed by an employer or representative candidate or an employee or group of employees, and that the unfair labor practice affected the result of an election, *or that procedural or other irregularities in the conduct of the election may have substantially affected its results*, the commissioner may void the election result and order a new election.

Sec. 7. Minnesota Statutes 1989 Supplement, section 179A.16, subdivision 4, is amended to read:

Subd. 4. [CONSTRUCTION OF ARBITRATION PANEL.] *The parties may select persons who are members of the arbitration roster maintained by the board to act as the arbitration panel in their dispute by mutual agreement. In the event of a mutual agreement on the members of the arbitration panel, the commissioner shall advise the board in writing of the selection of the panel members, and the persons selected shall serve as the arbitration panel. If the parties have not mutually agreed upon the panel members by the time the commissioner certifies the matter to the board, the board shall provide the parties to the interest arbitration a list of seven arbitrators. The parties shall alternately strike names from the list of arbitrators until only a single arbitrator remains, unless the parties request and mutually agree to utilize a panel of three arbitrators. If the parties are unable to agree on who shall strike the first name, the question must be decided by the flip of a coin. The arbitrator or arbitrators remaining after the striking procedure constitute the arbitration panel."*

Amend the title as follows:

Page 1, line 3, after the second semicolon, insert "providing for the selection of arbitrators by mutual agreement;"

Page 1, line 6, delete "and" and delete "subdivision 7" and insert "subdivisions 7 and 11; and Minnesota Statutes 1989 Supplement, section 179A.16, subdivision 4"

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

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 2252: A bill for an act relating to state government; regulating administrative procedures; including a statement of purpose; requiring agencies to send the LCRAR copies of statements of need and reasonableness; requiring an agency to provide notice of the hearing to those who requested it; making various technical changes; amending Minnesota Statutes 1988, sections 14.03; 14.131; 14.23; and 14.25; Minnesota Statutes

1989 Supplement, section 14.02, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 14.

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

Page 1, line 19, delete "*simplify government by assuring*" and insert "*ensure*"

Page 1, line 20, delete everything after "*procedure*" and insert a semicolon

Page 1, delete line 21

Page 3, delete lines 21 to 36

Page 4, delete lines 1 to 4 and insert:

"*Subd. 3. [RULEMAKING PROCEDURES.] The definition of a rule in section 14.02, subdivision 4, does not include:*

(1) rules concerning only the internal management of the agency or other agencies that do not directly affect the rights of or procedures available to the public;

(2) 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 rules adopted under section 609.105 governing the inmates of those institutions;

(3) rules of the division of game and fish published in accordance with section 97A.051;

(4) 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;

(5) opinions of the attorney general;

(6) the systems architecture plan and long-range plan of the state education management information system provided by section 121.931;

(7) the data element dictionary and the annual data acquisition calendar of the department of education to the extent provided by section 121.932; or

(8) the occupational safety and health standards provided in section 182.655."

Page 4, lines 15 and 32, delete "*must*" and insert "*shall*"

Page 5, line 12, strike "*shall*" and insert "*must*"

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

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 1866: A bill for an act relating to Lake Superior; establishing an information and education authority; proposing coding for new law as Minnesota Statutes, chapter 85B.

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

Page 1, line 8, delete "*established as*"

Page 1, delete lines 13 to 25

Page 2, delete lines 1 to 4 and insert:

"Subd. 2. [BOARD OF DIRECTORS.] *The corporation is governed by a board consisting of the commissioner of natural resources and four members appointed by the governor to six-year terms with the advice and consent of the senate. The governor may remove appointed members for malfeasance or nonfeasance in the performance of their duties and shall fill vacancies by appointment subject to the advice and consent of the senate. Members may not be compensated for their services, but may be reimbursed for reasonable expenses incurred in connection with their duties as members. The commissioner of finance shall review members' expense reimbursements at the end of each fiscal year.*"

Page 2, delete lines 29 to 36

Page 3, delete lines 1 and 2 and insert:

"Subd. 10. [PRIVATE GAIN PROHIBITED.] *Except for paying reasonable fees for goods or services in accordance with its bylaws, the corporation may not afford direct or incidental pecuniary gain to a private individual, firm, or corporation other than Lake Superior Center, a Minnesota nonprofit corporation. No part of the net income or net earnings of the corporation may be directly or indirectly distributed to or otherwise inure to the benefit of an individual.*"

Page 3, line 19, before "facility" insert "freshwater educational" and delete "to further the purposes of this act" and insert ", containing appropriate exhibits and other educational features,"

Page 3, line 20, after "board" insert a comma

Page 3, line 21, delete "the provisions"

Page 3, line 22, delete "of" and delete "10" and insert "7" and delete everything after the second comma

Page 3, line 25, delete "and the corporation,"

Page 3, line 35, delete "it" and insert "the corporation"

Page 4, line 1, delete "is" and insert "are"

Page 4, line 7, delete "department" and insert "commissioner"

Page 4, line 8, delete "prescribe" and insert "adopt" and delete "supplemental to" and insert ", consistent with"

Page 4, line 11, delete "them" and insert "the animals"

Page 4, line 12, delete "it" and insert "the commissioner"

Page 4, line 13, delete "shall" and insert "is" and delete "be"

Page 4, line 16, after "transporting" insert "of"

Page 4, line 22, delete "either by its personnel or"

Page 4, line 28, delete "shall" and insert "may"

Page 5, line 3, delete everything after the period

Page 5, delete lines 4 to 7 and insert "The legislative auditor shall audit the books and accounts of the corporation each year. The corporation shall pay the total cost and expenses of the audit, including the salaries paid to

the examiners while actually engaged in making the examination. The legislative auditor may bill the corporation monthly or at the completion of the audit. Collections received for the audits must be deposited in the general fund."

Page 6. after line 10, insert:

"Sec. 8. [INITIAL APPOINTMENTS.]

Notwithstanding section 1, subdivision 2, the governor shall appoint the initial appointed members of the board of directors of the Lake Superior Center Authority as follows:

(1) two to terms of two years; and

(2) two to terms of four years."

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

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 2445: A bill for an act relating to state government; authorizing the commissioner of jobs and training to establish a position in the unclassified service; amending Minnesota Statutes 1988, section 268.0121, subdivision 3.

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

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1989 Supplement, section 43A.08, subdivision 1. is amended to read:

Subdivision 1. [UNCLASSIFIED POSITIONS.] Unclassified positions are held by employees who are:

(a) chosen by election or appointed to fill an elective office;

(b) heads of agencies required by law to be appointed by the governor or other elective officers, and the executive or administrative heads of departments, bureaus, divisions, and institutions specifically established by law in the unclassified service;

(c) deputy and assistant agency heads and one confidential secretary in the agencies listed in subdivision 1a;

(d) the confidential secretary to each of the elective officers of this state and, for the secretary of state, state auditor, and state treasurer, an additional deputy, clerk, or employee;

(e) intermittent help employed by the commissioner of public safety to assist in the issuance of vehicle licenses;

(f) employees in the offices of the governor and of the lieutenant governor and one confidential employee for the governor in the office of the adjutant general;

(g) employees of the Washington, D.C., office of the state of Minnesota;

(h) employees of the legislature and of legislative committees or commissions; provided that employees of the legislative audit commission,

except for the legislative auditor, the deputy legislative auditors, and their confidential secretaries, shall be employees in the classified service;

(i) presidents, vice-presidents, deans, other managers and professionals in academic and academic support programs, administrative or service faculty, teachers, research assistants, and student employees eligible under terms of the federal economic opportunity act work study program in the school and resource center for the arts, state universities and community colleges, but not the custodial, clerical, or maintenance employees, or any professional or managerial employee performing duties in connection with the business administration of these institutions;

(j) officers and enlisted persons in the national guard;

(k) attorneys, legal assistants, examiners, and three confidential employees appointed by the attorney general or employed with the attorney general's authorization;

(l) judges and all employees of the judicial branch, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the department of labor and industry;

(m) members of the state patrol; provided that selection and appointment of state patrol troopers shall be made in accordance with applicable laws governing the classified service;

(n) chaplains employed by the state;

(o) examination monitors and intermittent training instructors employed by the departments of employee relations and commerce and by professional examining boards;

(p) student workers;

(q) one position in the hazardous substance notification and response activity in the department of public safety;

(r) employees unclassified pursuant to other statutory authority; and

(s) intermittent help employed by the commissioner of agriculture to perform duties relating to pesticides, fertilizer, and seed regulation; and

(t) *the administrators and the deputy administrators at the state academies for the deaf and the blind.*"

Page 1, delete line 16

Page 1, line 20, delete "1" and insert "2"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "establishing positions in the unclassified service;"

Page 1, line 6, before the period, insert "; Minnesota Statutes 1989 Supplement, section 43A.08, subdivision 1"

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

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 2282: A bill for an act relating to contracts; providing for enforcement of certain contracts; proposing coding for new law as Minnesota Statutes, chapter 338.

Reports the same back with the recommendation that the bill do pass. Mr. Ramstad questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 409: A bill for an act relating to employment; providing a medical leave of absence and a leave to care for family members; amending Minnesota Statutes 1988, sections 181.940, subdivision 1, and by adding subdivisions; 181.942; 181.943; 181.944; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 181.940, is amended to read:

181.940 [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 181.940 to 181.944, the following terms defined in this section have the meanings given to them in this section.

Subd. 2. [EMPLOYEE.] "Employee" means a person who performs services for hire for an employer from whom a leave is requested under sections 181.940 to 181.944, for at least 12 consecutive months preceding the request, and for an average of 20 or more hours per week during those 12 months, and includes all individuals employed at any site owned or operated by an the employer. Employee does not include an independent contractor.

Subd. 3. [EMPLOYER.] "Employer" means a person or entity that employs 21 or more employees at at least one site and. The term includes an individual, corporation, partnership, association, nonprofit organization, group of persons, state, county, town, city, school district, or other governmental subdivision.

Subd. 4. [CHILD.] "Child" means an individual under 18 years of age or an individual under age 20 who is still attending secondary school.

Sec. 2. Minnesota Statutes 1988, section 181.941, is amended to read:

181.941 [PARENTING LEAVE.]

Subdivision 1. [SIX-WEEK LEAVE; BIRTH OR ADOPTION.] An employer must grant an unpaid leave of absence to an employee who has been employed by the employer for at least 12 months and who is a natural or adoptive parent in conjunction with the birth or adoption of a child. The length of the leave shall be determined by the employee, but may not exceed six weeks, unless agreed to by the employer.

Subd. 2. [START OF LEAVE.] The leave shall begin at a time requested by the employee. The employer may adopt reasonable policies governing the timing of requests for unpaid leave. The leave may begin not more than six weeks after the birth or adoption; *except that, in the case where the child must remain in the hospital longer than the mother, the leave may not begin more than six weeks after the child leaves the hospital.*

Subd. 3. [NO EMPLOYER RETRIBUTION.] An employer ~~shall~~ may not retaliate against an employee for requesting or obtaining a leave of absence as provided by this section.

Subd. 4. [CONTINUED INSURANCE.] The employer ~~shall~~ must continue to make coverage available to the employee, while on leave of absence, under any group insurance policy, group subscriber contract, or health care plan for the employee and any dependents. Nothing in this section requires the employer to pay the costs of the insurance or health care while the employee is on leave of absence.

Sec. 3. [181.9412] [SCHOOL CONFERENCE AND ACTIVITIES LEAVE.]

(a) An employer must grant an employee leave of up to a total of 12 hours during any school year to attend school conferences or classroom activities related to the employee's child, provided the conferences or classroom activities cannot be scheduled during nonwork hours. When the leave cannot be scheduled during nonwork hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the employer.

(b) Nothing in this section requires that the leave be paid; except that, an employee may substitute any accrued paid vacation leave or other appropriate paid leave for any part of the leave under this section.

Sec. 4. [181.9413] [SICK CHILD CARE LEAVE.]

An employee may use personal sick leave benefits provided by the employer for absences due to an illness of the employee's child for such reasonable periods as the employee's attendance with the child may be necessary, subject to the limitation under section 181.943, paragraph (b).

Sec. 5. Minnesota Statutes 1988, section 181.942, is amended to read:

181.942 [REINSTATEMENT AFTER LEAVE.]

Subdivision 1. [COMPARABLE POSITION.] *(a) An employee returning from a leave of absence shall be under section 181.941 is entitled to return to employment in the employee's former position or in a position of comparable duties, number of hours, and pay. An employee returning from a leave of absence longer than one month must notify a supervisor at least two weeks prior to return from leave. An employee returning from a leave under section 181.9412 or 181.9413 is entitled to return to employment in the employee's former position.*

(b) If, during the a leave under sections 181.940 to 181.944, the employer experiences a layoff and the employee would have lost a position had the employee not been on leave, pursuant to the good faith operation of a bona fide layoff and recall system, including a system under a collective bargaining agreement, the employee is not entitled to reinstatement in the former or comparable position. In such circumstances, the employee retains

all rights under the layoff and recall system, including a system under a collective bargaining agreement, as if the employee had not taken the leave.

Subd. 2. [PAY; BENEFITS; ON RETURN.] An employee returning from a leave of absence ~~shall under sections 181.940 to 181.944 is entitled to return to work employment~~ at the same rate of pay the employee had been receiving when the leave commenced, plus any automatic adjustments in the employee's pay scale that occurred during leave period. The employee returning from a leave ~~shall is entitled to~~ retain all accrued preleave benefits of employment and seniority, as if there had been no interruption in service; provided that nothing in sections 181.940 to ~~181.943~~ 181.944 prevents the accrual of benefits or seniority during the leave pursuant to a collective bargaining or other agreement between the employer and employees.

Subd. 3. [PART-TIME RETURN.] An employee, by agreement with the employer, may return to work part time during the leave period without forfeiting the right to return to employment at the end of the leave period, as provided in sections 181.940 to ~~181.943~~ 181.944.

Sec. 6. Minnesota Statutes 1988, section 181.943, is amended to read:

181.943 [RELATIONSHIP TO OTHER LEAVE.]

(a) The length of *parental* leave provided by ~~sections 181.940 to 181.944 under section 181.941~~ may be reduced by any period of paid parental or disability leave, but not accrued sick leave, provided by the employer, so that the total leave does not exceed six weeks, unless agreed to by the employer.

(b) *Sick leave under section 181.9413 is limited to the same terms under which the employee is able to use personal sick leave benefits for the employee's own illnesses.*

(c) Nothing in sections 181.940 to 181.943 prevents any employer from providing ~~parental~~ leave benefits in addition to those provided in sections 181.940 to ~~181.943~~ 181.944 or otherwise affects an employee's rights with respect to any other employment benefit.

Sec. 7. Minnesota Statutes 1988, section 181.944, is amended to read:

181.944 [INDIVIDUAL REMEDIES.]

In addition to any *other* remedies ~~otherwise~~ provided by law, ~~any~~ a person injured by a violation of sections 181.940 to 181.943 may bring a civil action to recover any and all damages recoverable at law, together with costs and disbursements, including reasonable attorney's fees, and may receive injunctive and other equitable relief as determined by a court."

Delete the title and insert:

"A bill for an act relating to employment; providing for certain employee leaves of absences; amending Minnesota Statutes 1988, sections 181.940; 181.941; 181.942; 181.943; and 181.944; proposing coding for new law in Minnesota Statutes, chapter 181."

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1617: A bill for an act relating to human services; requiring a study on methods of providing state assistance for persons with high out-of-pocket expenses for certain prescription drugs; appropriating money.

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

Page 2, line 13, delete "1990" and insert "1991"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 2563: A bill for an act relating to human services; requiring increases in rates for wages of employees of intermediate care facilities for persons with mental retardation, semi-independent living services, home and community-based waived services, developmental achievement centers, and mental health residential programs; requiring a fair wage plan; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 252.

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

Delete everything after the enacting clause and insert:

"Section 1. [252.53] [TASK FORCE ON COMPENSATION.]

The commissioner of human services shall establish a task force on the compensation and training of employees in the developmental disabilities and mental health fields. The purpose of the task force is to address staff turnover, recruitment, and training in order to have a significant number of qualified people working in programs for people with developmental disabilities and mental illness. Programs include intermediate care facilities for persons with mental retardation, semi-independent living services, day training and habilitation, waived services, supported employment, rehabilitation facilities, and mental illness services and programs. Members of the task force shall be appointed by the commissioner. Task force membership shall consist of at least one representative from the department of human services, the department of employee relations, the department of jobs and training, advocates, and the department of health, direct care staff from unionized and nonunionized facilities, providers, collective bargaining representatives, and representatives from institutions of post-secondary education, metro and greater Minnesota counties, and the governor's council on developmental disabilities. The task force shall submit a report to the commissioner by November 1, 1990, that includes recommendations on the following:

(1) entry and promotional level wage ranges for various job classifications which reduce wage and benefit inequities between community and state-operated facilities and services;

(2) implementation of wage and benefit increases over a four-year period to ensure that wages and benefits are brought up to a level competitive within the community marketplace;

(3) mechanisms to link wage increases to initial training, continuing education, and competency;

(4) recruitment and retention of qualified staff; and

(5) the impact of making adjustments pursuant to complying with United States Code, title 29, section 157 (Supp. 1988), and sections 179.16 and 179A.12.

By January 15, 1991, the commissioner shall submit the report and recommended legislation to implement the report to the chairs of the house of representatives and senate health and human services committees."

Delete the title and insert:

"A bill for an act relating to human services; establishing a task force on compensation and training of employees in mental retardation and mental illness programs; proposing coding for new law in Minnesota Statutes, chapter 252."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 2419: A bill for an act relating to human services; clarifying requirements for employment and training programs for recipients of AFDC; allowing county agencies to implement grant diversion programs; clarifying eligibility and payment requirements for general assistance and work readiness; clarifying requirements for child care programs; establishing criteria to certify employment and training service provider; requiring a two-year plan from the local service unit; amending Minnesota Statutes 1988, sections 256.73, subdivision 2; 256.736, subdivisions 1a, 2a, and 3a; 256.7365, subdivision 2; 256D.02, subdivisions 5, 8, and 12; 256D.052, subdivision 5; 256D.06, subdivision 2; 256H.10, subdivisions 1 and 4; 256H.16; 256H.17; 268.673, subdivisions 3 and 5; 268.6751, subdivision 1; 268.676, subdivision 2; 268.677, subdivisions 2 and 3; 268.678; 268.681, subdivisions 1, 2, and 3; 268.86, subdivision 8; 268.871, subdivisions 1, 2, and by adding a subdivision; 268.90, subdivisions 1, 3, and 4; Minnesota Statutes 1989 Supplement, sections 256.73, subdivision 3a; 256.736, subdivisions 3, 3b, 4, 10, 10a, 11, 14, 16, and 18; 256.737, subdivisions 1 and 2; 256D.01, subdivision 1a; 256D.051, subdivisions 1a, 1b, 2, 3, and 8; 256H.01, subdivisions 7, 8, and 12; 256H.03, subdivisions 2, 2a, and 2b; 256H.05, subdivisions 1b, 1c, 2, and 5; 256H.08; 256H.09, subdivision 1; 256H.10, subdivision 3; 256H.11, subdivision 1; 256H.15, subdivisions 1 and 2; 256H.21, subdivision 9; 256H.22, subdivisions 2, 3, and 10; 268.0111, subdivision 4; 268.86, subdivision 2; 268.88; 268.881; Minnesota Statutes Second 1989 Supplement, section 256D.03, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 256; repealing Minnesota Statutes 1988, sections 256.736, subdivisions 1b, 8, and 17; 256.7365, subdivision 8; 256D.06, subdivision 1c; 256H.01, subdivision 14; 256H.05, subdivisions 1, 1a, and 3a; 268.672, subdivision 12; 268.86, subdivision 9; and 268.872, subdivision 3.

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

Page 5, line 7, strike "2a" and insert "16"

Page 5, delete lines 18 to 20 and insert “*subtracting necessary work-related expenses from the family’s gross income, which includes cash assistance, is less than the cash assistance the family was receiving at the time the offer of employment was made. For purposes of this definition, “work expenses” means the amount withheld or paid for: state and federal income taxes; social security withholding taxes; mandatory retirement fund deductions; dependent care costs; transportation costs to and from work at the amount allowed by the Internal Revenue Service for personal car mileage; costs of work uniforms, union dues, and medical insurance premiums; costs of tools and equipment used on the job; \$1 per work day for the costs of meals eaten during employment; public liability insurance required by an employer when an automobile is used in employment and the cost is not reimbursed by the employer; and the amount paid by an employee from personal funds for business costs which are not reimbursed by the employer;*”

Page 5, line 31, after “*race*” insert “, *color, creed, marital status, status with regard to public assistance, disability*”

Page 6, delete section 4

Page 8, line 6, delete “, (c), and (d)” and insert “and (c)”

Page 8, line 22, after “(5)” insert “*caretakers under the age of 22 who have not completed a high school education or a high school equivalency program;*

(6)” and after “*months*” insert a semicolon

Page 8, delete line 23

Page 8, line 24, delete “(6)” and insert “(7)”

Page 8, line 25, before the period, insert “; and

(8) *recipients who participate in the new chance research and demonstration project under contract with the department of human services*”

Page 9, line 3, delete “and who, at”

Page 9, delete line 4

Page 9, line 5, delete the first “*school*” and delete “*in*”

Page 15, line 20, after “*caretaker*” insert “*not exempt from registration under subdivision 3*”

Page 17, line 10, strike “*priority*” and insert “*mandatory and eligible volunteer*”

Page 17, line 15, strike “*all*”

Page 17, line 35, strike everything after “*programs*”

Page 17, line 36, strike everything before the semicolon

Page 18, line 28, strike the comma and delete “*except that the*”

Page 18, delete line 29

Page 18, line 30, delete the new language and strike “*job search*”

Page 20, line 32, before the period, insert “*and who are described in subdivision 3a, paragraph (a). The county agency shall require attendance at orientation of caretakers described in subdivision 3a, paragraphs (b)*

and (c), if they become eligible for participation in employment and training services”

Page 22, line 24, strike everything after “(a)”

Page 22, lines 25 and 26, strike the old language and delete the new language and insert “The county agency may, to the extent of available resources, enroll priority caretakers described in subdivision 16 in case management services and for those enrolled shall:”

Page 23, line 27, before “length” insert “estimated”

Page 26, line 15, after the period, insert “For purposes of this section, “priority caretaker” means a recipient who:

(1) is a custodial parent under the age of 24 who: (i) has not completed a high school education and at the time of application for AFDC is not enrolled in high school or in a high school equivalency program; or (ii) had little or no work experience in the preceding year;

(2) is a member of a family in which the youngest child is within two years of being ineligible for AFDC due to age; or

(3) has received 36 months or more of AFDC over the last 60 months.”

Page 26, line 21, reinstate the stricken “caretakers” and delete “priority cases”

Page 36, after line 13, insert:

“Sec. 19. Minnesota Statutes 1988, section 256D.01, is amended by adding a subdivision to read:

Subd. 1d. [RULES REGARDING EMERGENCY ASSISTANCE.] In order to maximize the use of federal funds, the commissioner shall adopt rules, to the extent permitted by federal law, for eligibility for the emergency assistance program under aid to families with dependent children, and under the terms of sections 256D.01 to 256D.21 for general assistance, to require use of the emergency program under aid to families with dependent children as the primary financial resource when available. The commissioner shall adopt rules for eligibility for general assistance of persons with seasonal income and may attribute seasonal income to other periods not in excess of one year from receipt by an applicant or recipient. General assistance payments may not be made for foster care, child welfare services, or other social services. Vendor payments and vouchers may be issued only as authorized in sections 256D.05, subdivision 6, and 256D.09.”

Page 36, line 25, after “parent” insert “, stepparent,”

Page 40, line 2, after the period, insert “Subsequent assistance must not be issued unless the person completes an application, is determined eligible, and attends an orientation, or demonstrates that the person had good cause for failing to comply with the requirement.”

Page 40, line 36, strike “and” and insert a comma and after “eligible” insert “, and attending an orientation or demonstrating that the person had good cause for failing to comply with the requirement”

Page 45, after line 15, insert:

“Sec. 34. Minnesota Statutes 1988, section 256H.01, is amended by adding a subdivision to read:

Subd. 16. [TRANSITION YEAR FAMILIES.] "Transition year families" means families who lose eligibility for AFDC due to increased hours of employment, increased income from employment, or the loss of income disregards due to time limitations, as provided under Public Law Number 100-485.

Sec. 35. Minnesota Statutes 1988, section 256H.01, is amended by adding a subdivision to read:

Subd. 17. [CHILD CARE FUND.] "Child care fund" means a program providing:

(1) financial assistance for child care to parents engaged in employment or education and training leading to employment; and

(2) grants to develop, expand, and improve the access and availability of child care services statewide."

Page 46, line 12, delete "no" and insert "a county may not accept"

Page 46, line 13, delete "shall be accepted"

Page 46, line 14, before the period, insert "unless the county can demonstrate that its state money expenditures for the basic sliding fee program for this period will not exceed 95 percent of the county's allocation of state money for the fiscal year ending June 30, 1990" and after the period, insert "Eligible families whose benefits were terminated during the fiscal year ending June 30, 1990, for reasons other than loss of eligibility shall be reinstated."

Page 47, line 5, delete "(a)" and after "for" insert "guaranteed"

Page 47, line 19, delete everything after "who" and insert "are members of transition year families under section 256H.01, subdivision 16; and

(4) a family who has completed the transition year until assistance becomes available through the child care fund."

Page 47, delete lines 20 to 32

Page 48, line 23, strike ", as resources permit,"

Page 49, line 15, delete "to pursue educational and" and insert "do not apply to basic or remedial educational programs needed to prepare for post-secondary education or employment."

Page 49, delete lines 16 to 18

Page 49, line 19, before "include" insert "These programs" and after the second comma, insert "and"

Page 49, line 20, delete everything after "language" and insert ". Programs exempt from this time limit must not run concurrently with a post-secondary program."

Page 49, delete line 21

Page 51, line 4, delete "eligible for" and insert "receiving"

Page 51, line 5, before the semicolon, insert ", except that, after July 1, 1991, families receiving aid to families with dependent children are eligible for child care services without regard to their eligibility for services under section 256.736"

Page 51, line 21, strike "If more than 75"

Page 51, strike line 22

Page 51, line 23, strike "groups described in section 256H.03" and strike ", the county board"

Page 51, strike line 24

Page 51, line 25, strike everything before "If"

Page 53, line 14, strike "set by"

Page 53, line 15, strike "the county" and insert "allowed"

Pages 53 and 54, delete section 49

Page 72, after line 20, insert:

"Sec. 77. [METHOD OF EXTENDING ELIGIBILITY FOR CHILD CARE ASSISTANCE TO NONPRIORITY FAMILIES; REPORT.]

The commissioner of human services shall develop a method of randomly selecting AFDC families who have been on AFDC for 24 months or more, but are not classified in a priority group under Minnesota Statutes, section 256.736, subdivision 2a, to receive child care assistance through the child care fund as child care fund money becomes available. The commissioner shall provide a report to the legislature by December 1, 1990, which contains a description of the method, estimates of the numbers of families that could be served, and other relevant information."

Page 72, line 23, after "group" insert a comma and delete "or"

Page 72, delete line 24 and insert "groups," "targeted caretaker," or "targeted caretakers" for the phrases "priority group," "priority groups," "priority caretaker," or "priority caretakers"

Page 72, line 32, after the second comma, insert "2a,"

Page 73, delete lines 4 and 5 and insert "256H.01, subdivision 14, and 256H.16, are repealed. Minnesota Statutes 1989 Supplement, section 256H.05, subdivisions 1, 1a, and 3a, are repealed."

Page 73, line 7, delete "18" and insert "17" and delete "76" and insert "78" and delete "77" and insert "79"

Page 73, line 10, delete "19" and insert "18" and delete "77" and insert "79"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, delete ", 2a,"

Page 1, line 13, after "2;" insert "256D.01, by adding a subdivision;"

Page 1, line 14, after "2;" insert "256H.01, by adding subdivisions;"

Page 1, line 15, delete "256H.16;"

Page 1, line 36, after "1b," insert "2a,"

Page 1, line 38, delete everything before the semicolon and insert "256H.16"

Page 1, line 39, delete "and"

Page 1, line 40, before the period, insert "; and Minnesota Statutes 1989

Supplement, section 256H.05, subdivisions 1, 1a, and 3a”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 2220: A bill for an act relating to the Cambridge regional human services center; permitting the transfer of water and sewer facilities; appropriating money.

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

Delete everything after the enacting clause and insert:

“Section 1. [CAMBRIDGE REGIONAL HUMAN SERVICES CENTER.]

The purpose of this section is to provide authority for the better coordination of property and facilities at the Cambridge regional human services center with the city and community of Cambridge. The department of administration may transfer to the city of Cambridge any property at the Cambridge regional human services center that is appropriate for development or relates to the provision of water or sewer service or other utilities. The department and city may attach to the transfer the conditions that they agree are appropriate, including conditions that relate to water and sewer service at the center and in the city. If the transfer requires the conveyance of any interest in real estate, the attorney general shall prepare appropriate instruments of conveyance. § of the appropriation made by Laws 1989, chapter 300, article 1, section 7, is further appropriated to the commissioner of administration to be disbursed to the city of Cambridge to implement the transfer and its conditions. This appropriation expires upon the accomplishment or abandonment of its purpose.”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Frank from the Committee on Economic Development and Housing, to which was referred

S.F. No. 2360: A bill for an act relating to economic development; clarifying the appointing authority for the board of the Minnesota Project Outreach Corporation; requiring duties of the Minnesota Project Outreach Corporation; requiring notification under the capital access program; removing the requirement that employees of the Greater Minnesota Corporation file statements of economic interest; amending Minnesota Statutes 1989 Supplement, sections 116J.691, subdivisions 2 and 4; 116J.8766 by adding a subdivision; and 116O.03, subdivision 11.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1989 Supplement, section 116J.691, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT; PURPOSE.] The Minnesota Project Outreach Corporation is established as a nonprofit *public* corporation under

chapter 317 and is subject to the provisions of that chapter. *The corporation is not a state agency.* The purpose of the corporation is to (i) facilitate the transfer of technology and scientific advice from the University of Minnesota and other institutions to businesses in the state that may make economic use of the information; and (ii) to assist small and medium-sized businesses in finding technical and financial assistance providers that meet their needs.

Sec. 2. Minnesota Statutes 1989 Supplement, section 116J.691, subdivision 2, is amended to read:

Subd. 2. [BOARD OF DIRECTORS; EMPLOYEES.] The Minnesota Project Outreach Corporation shall be governed by a nine-member board of directors consisting of the president of the University of Minnesota or the president's designee, the ~~deputy~~ commissioner of trade and economic development for ~~community development~~ or the commissioner's designee, the chair of the Greater Minnesota Corporation board of directors or the chair's designee, the president of the Minnesota Project Outreach Corporation, a member of the state senate appointed by the subcommittee on committees of the senate rules and administration committee, a member of the house of representatives appointed by the speaker, a ~~representative~~ *of person who has experience with small manufacturing firms located outside the metropolitan area, a representative of person who has experience with medium-sized manufacturing firms located in the metropolitan area, one of which must be actively engaged in manufacturing, and a private sector person representing the general public.* *The governor shall appoint the representatives of the manufacturing firms and the general public.* Vacancies on the board for the members who are ~~representatives of the manufacturing firms and the general public~~ *appointed by the governor shall be filled by the board until the respective term expires.* The president of the Minnesota Project Outreach Corporation shall be appointed by at least a two-thirds majority of the other members of the board.

The terms of the directors appointed by the governor shall be three years. The directors appointed by the governor shall serve until their successors are appointed and qualify. The board may elect a chair and form committees of the board. *The officers and any employees of the corporation are not state employees.*

Sec. 3. Minnesota Statutes 1989 Supplement, section 116J.691, subdivision 4, is amended to read:

Subd. 4. [DUTIES.] The Minnesota Project Outreach Corporation shall:

(1) establish a technology assistance system to assist business, specifically new and other small and medium-sized businesses across the state, in gaining access to technical information, including but not limited to technologies developed by the University of Minnesota and other higher education systems and their personnel; and in gaining access to technology-related federal programs-;

(2) *establish and maintain a data base or data bases that provide information for the technology assistance system under clause (1) that may include information on (i) science and technology experts, (ii) technical research projects underway at public higher education institutions in the state, (iii) licensable technology available at public higher education institutions in the state, (iv) access to federal technology and technical information, and (v) access to technical and business education;*

(3) provide literature search and document retrieval services through the technology assistance system under clause (1);

(4) establish and continually update a business assistance referral system which includes a data base of economic development related technical assistance and financial assistance providers or programs sponsored by federal agencies, state agencies, educational institutions, chambers of commerce, civic organizations, community development groups, local governments, private industry associations, and other organizations and individuals that provide assistance;

(5) establish and maintain or contract for the establishment of a toll-free telephone number operated by trained staff familiar with the business assistance referral system and data base;

(6) maintain a marketing and outreach program informing persons interested in starting, operating, or expanding small business and assistance providers of the technology assistance system and the business assistance referral system;

(7) establish, where possible, regional bases and referral systems for the business assistance referral system; and

(8) make available the data base of the business assistance referral system to the legislature, the department of trade and economic development, and other state agencies for evaluating the effectiveness and efficiency of the provision of economic development-related technical and financial assistance in the state.

Sec. 4. Minnesota Statutes 1989 Supplement, section 116J.8766, is amended by adding a subdivision to read:

Subd. 4. [TECHNICAL ASSISTANCE.] When a borrower becomes 60 days delinquent in the payments of an enrolled loan or before a lender files a claim with the commissioner, the lender must notify the commissioner of the delinquency. The commissioner, after notification, shall inform the borrower of the technical assistance providers in the borrower's area that may assist in solving any business or management problems experienced by the borrower.

Sec. 5. Minnesota Statutes 1989 Supplement, section 116O.03, subdivision 11, is amended to read:

Subd. 11. [STATEMENTS OF ECONOMIC INTEREST.] Directors, and officers, and employees of the corporation are public officials for the purpose of section 10A.09, and must file statements of economic interest with the ethical practices board.

Sec. 6. Minnesota Statutes 1989 Supplement, section 469.203, subdivision 4, is amended to read:

Subd. 4. [CITY APPROVAL OF PROGRAM.] (a) For the purposes of this subdivision, "city" means the cities of Minneapolis and Duluth.

(b) Before adoption of a revitalization program under paragraph (e) (b), the city must submit a preliminary program to the commissioner, the state planning agency, and the Minnesota housing finance agency for their comments. The city may not adopt the revitalization program until comments have been received from the state agencies or 30 days have elapsed without response after the program was sent to them. Comments received by the city from the state agencies within the 30-day period must be responded

to in writing by the city before adoption of the program by the city.

(e) (b) The city may adopt a revitalization program only after holding a public hearing after the program has been prepared. Notice of the hearing must be provided in a newspaper of general circulation in the city and in the most widely circulated community newspaper in the targeted neighborhoods not less than ten days nor more than 30 days before the date of the hearing.

(d) (c) A certification by the city that a revitalization program has been approved by the city council for the targeted neighborhood must be provided to the commissioner together with a copy of the program. A copy of the program must also be provided to the Minnesota housing finance agency and the state planning agency.

(e) (d) A revitalization program for the city may be modified at any time by the city council after a public hearing, notice of which is published in a newspaper of general circulation in the city and in the targeted neighborhood at least ten days nor more than 30 days before the date of the hearing. If the city council determines that the proposed modification is a significant modification to the program originally certified under paragraph (d) (c), the city council shall implement the revitalization program approval and certification process of this subdivision for the proposed modification.

Sec. 7. [REPEALER.]

Minnesota Statutes 1989 Supplement, section 469.203, subdivision 5, is repealed."

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "changing the procedure for adopting a neighborhood revitalization program;"

Page 1, line 10, delete "2" and insert "1, 2," and after "116J.8766" insert a comma

Page 1, line 11, delete "and" and before the period, insert "; and 469.203, subdivision 4; repealing Minnesota Statutes 1989 Supplement, section 469.203, subdivision 5"

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

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1745: A bill for an act relating to children; regulating child custody and visitation in dissolution and other proceedings; amending Minnesota Statutes 1988, sections 257.025; 257.541, subdivision 2; 518.003, subdivision 3, and by adding a subdivision; 518.156; 518.619; and 518.64, subdivision 2.

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

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1988, section 144.224, is amended to read:

144.224 [REPORTS OF DISSOLUTION AND ANNULMENT OF MARRIAGE.]

Each month the court administrator shall forward to the commissioner of health the statistical report forms collected pursuant to section 518.147 during the preceding month. The report form shall include only the following information:

- (a) name, date of birth, birthplace, residence, race, and educational attainment of the husband and wife;
- (b) county of decree;
- (c) date and type of decree;
- (d) place and date of marriage;
- (e) date of separation;
- (f) number and ages of children of marriage;
- (g) amount and status of maintenance and child support;
- (h) custody of children, *including whether joint legal or physical custody was awarded*;
- (i) income of the parties;
- (j) length of separation and length of marriage; and
- (k) number of previous marriages and reasons for ending the previous marriages (death, dissolution, or annulment).

The commissioner may publish data collected under this section in summary form only. The statistical report form shall contain a statement that neither the report form, nor information contained in the form, shall be admissible in evidence in this or any subsequent proceeding."

Page 1, line 12, before "In" insert "(a)"

Page 1, lines 15 and 16, delete the quotation marks

Page 3, line 7, before the first "The" insert "(b)"

Page 3, line 10, before "The" insert "(c)" and delete "shall" and insert "may"

Page 3, line 13, before "The" insert "(d)"

Page 3, line 15, before the first "A" insert "(e)"

Page 3, line 16, delete "pursuant to" and insert "under"

Page 3, line 17, delete "The provisions of" and insert "(f)" and delete ", shall be applicable" and insert "applies"

Page 3, after line 30, insert:

"Sec. 4. Minnesota Statutes 1989 Supplement, section 357.021, subdivision 2, is amended to read:

Subd. 2. [FEE AMOUNTS.] The fees to be charged and collected by the court administrator shall be as follows:

(1) In every civil action or proceeding in said court, the plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that party in said action, a fee of \$55, except that in an action for marriage dissolution, the fee is ~~\$75~~ \$85.

The defendant or other adverse or intervening party, or any one or more

of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper is filed for that party in said action, a fee of \$55, except that in an action for marriage dissolution, the fee for the respondent is ~~\$75~~ \$85.

The party requesting a trial by jury shall pay \$30.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under sections 106A.005 to 106A.811, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding \$5, plus 25 cents per page after the first page and \$3.50, plus 25 cents per page after the first page for an uncertified copy.

(3) Issuing a subpoena \$3 for each name.

(4) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$5.

(5) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$5.

(6) Filing and entering a satisfaction of judgment, partial satisfaction or assignment of judgment, \$5.

(7) Certificate as to existence or nonexistence of judgments docketed, \$1 for each name certified to and \$3 for each judgment certified to.

(8) Filing and indexing trade name; or recording notary commission; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians or optometrists, \$5.

(9) For the filing of each partial, final, or annual account in all trusteeships, \$10.

(10) All other services required by law for which no fee is provided such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

Sec. 5. Minnesota Statutes 1989 Supplement, section 480.241, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT OF SURCHARGE; COLLECTION BY COURT ADMINISTRATORS.] A plaintiff, petitioner, defendant, respondent, intervenor or moving party in any trial court civil action or civil proceeding in which an initial filing fee is payable by that party, except a marriage dissolution or conciliation court action, shall pay to the court administrator a surcharge of ~~\$25~~ \$30 in addition to the initial filing fee otherwise prescribed. A plaintiff, defendant, or moving party in any conciliation court action in which an initial filing fee is payable shall pay to the court administrator of conciliation court a surcharge of \$3 in addition to the initial filing fee otherwise prescribed. Notwithstanding any other law or rule to the contrary, no surcharge shall be paid by any governmental unit of the state of Minnesota, any local unit of government, or agency thereof."

Page 4, line 22, delete "*child neglect and dependency*" and insert "*proceedings involving children who are in need of protection or services*"

Page 4, line 23, delete "*proceedings*"

Page 4, line 26, delete "'*Mediation*' is" and insert "[MEDIATION.] '*Mediation*' means"

Page 4, after line 28, insert:

"Sec. 8. Minnesota Statutes 1988, section 518.131, subdivision 1, is amended to read:

Subdivision 1. In a proceeding brought for custody, dissolution, or legal separation, or for disposition of property, maintenance, or child support following the dissolution of a marriage, either party may, by motion, request from the court and the court may grant a temporary order pending the final disposition of the proceeding to or for:

(a) Temporary custody and visitation rights of the minor children of the parties;

(b) Temporary maintenance of either spouse;

(c) Temporary child support for the children of the parties;

(d) *Temporary costs or attorney fees*;

(e) Award the temporary use and possession, exclusive or otherwise, of the family home, furniture, household goods, automobiles and other property of the parties;

(f) Restrain one or both parties from transferring, encumbering, concealing or disposing of property except in the usual course of business or for the necessities of life, and to account to the court for all such transfers, encumbrances, dispositions and expenditures made after the order is served or communicated to the party restrained in open court;

(g) Restrain one or both parties from harassing, vilifying, mistreating, molesting, disturbing the peace, or restraining the liberty of the other party or the children of the parties;

(h) Restrain one or both parties from removing any minor child of the parties from the jurisdiction of the court;

(i) Exclude a party from the family home of the parties or from the home of the other party; and

(j) Require one or both of the parties to perform or to not perform such additional acts as will facilitate the just and speedy disposition of the proceeding, or will protect the parties or their children from physical or emotional harm.

Sec. 9. Minnesota Statutes 1988, section 518.131, subdivision 7, is amended to read:

Subd. 7. The court shall be guided by the factors set forth in sections 518.551 (concerning child support), 518.552 (concerning maintenance) and, 518.17 to 518.175 (concerning custody and visitation), and 518.14 (concerning costs and attorney fees) in making temporary orders and restraining orders.

Sec. 10. Minnesota Statutes 1988, section 518.14, is amended to read:

518.14 [COSTS AND DISBURSEMENTS AND ATTORNEY'S FEES.]

In a proceeding brought either for dissolution or legal separation under

this chapter, the court, from time to time, after considering the financial resources of both parties, may require one party to pay a reasonable amount necessary to enable the other spouse to carry on or to contest the proceeding, and to pay attorney's fees, including sums for legal services rendered and costs incurred prior to the commencement or after entry of judgment. The court may adjudge costs and disbursements against either party. *The court shall award attorney fees and costs to a party if the party shows that it will be unable to effectively in good faith pursue relief in family court without assistance and the opposing party has the ability to pay.* The court may authorize the collection of money awarded by execution, or out of property sequestered, or in any other manner within the power of the court. An award of attorney's fees made by the court during the pendency of the proceeding or in the final judgment survives the proceeding and if not paid by the party directed to pay the same may be enforced as above provided or by a separate civil action brought in the attorney's own name. If the proceeding is dismissed or abandoned prior to determination and award of attorney's fees, the court may nevertheless award attorney's fees upon the attorney's motion. The award shall also survive the proceeding and may be enforced in the same manner as last above provided."

Page 5, after line 18, insert:

"Sec. 12. Minnesota Statutes 1988, section 518.167, subdivision 2, is amended to read:

Subd. 2. [PREPARATION.] (a) In preparing a report concerning a child, the investigator may consult any person who may have information about the child and the potential custodial arrangements except for persons involved in mediation efforts between the parties. Mediation personnel may disclose to investigators and evaluators information collected during mediation only if agreed to in writing by all parties. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric, school personnel, or other expert persons who have served the child in the past after obtaining the consent of the parents or the child's custodian or guardian.

(b) *The report submitted by the investigator must consider and evaluate the factors in section 518.17, subdivision 1, and include a detailed analysis of all information considered for each factor. If joint custody is contemplated or sought, the report must consider and evaluate the factors in section 518.17, subdivision 2, state the position of each party and the investigator's recommendation and the reason for the recommendation, and reference established means for dispute resolution between the parties.*

Sec. 13. Minnesota Statutes 1989 Supplement, section 518.17, subdivision 2, is amended to read:

Subd. 2. [FACTORS WHEN JOINT CUSTODY IS SOUGHT.] In addition to the factors listed in subdivision 1, where either joint legal or joint physical custody is contemplated or sought, the court shall consider the following relevant factors:

(a) The ability of parents to cooperate in the rearing of their children;

(b) Methods for resolving disputes regarding any major decision concerning the life of the child, and the parents' willingness to use those methods;

(c) Whether it would be detrimental to the child if one parent were to

have sole authority over the child's upbringing; and

(d) Whether domestic abuse, as defined in section 518B.01, has occurred between the parents.

The court shall use a rebuttable presumption that upon request of either or both parties, joint legal custody is in the best interests of the child. *If the court awards joint legal or physical custody over the objection of a party, the court shall make detailed findings on each of the factors in this subdivision and explain how the factors led to its determination that joint custody would be in the best interests of the child.*

Sec. 14. Minnesota Statutes 1989 Supplement, section 518.175, subdivision 1, is amended to read:

Subdivision 1. In all proceedings for dissolution or legal separation, subsequent to the commencement of the proceeding and continuing thereafter during the minority of the child, the court shall, upon the request of either parent, grant such rights of visitation on behalf of the child and noncustodial parent as will enable the child and the noncustodial parent to maintain a child to parent relationship that will be in the best interests of the child.

If the person seeking visitation rights has been convicted of a crime described in subdivision 8, paragraph (d), the presumptions and standards of subdivision 8, paragraph (c), apply. In addition, if the court finds, after a hearing, that visitation is likely to endanger the child's physical or emotional health or impair the child's emotional development, the court shall restrict visitation by the noncustodial parent as to time, place, duration, or supervision and may deny visitation entirely, as the circumstances warrant. The court shall consider the age of the child and the child's relationship with the noncustodial parent prior to the commencement of the proceeding. A parent's failure to pay support because of the parent's inability to do so shall not be sufficient cause for denial of visitation.

Sec. 15. Minnesota Statutes 1989 Supplement, section 518.175, subdivision 5, is amended to read:

Subd. 5. The court shall modify an order granting or denying visitation rights whenever modification would serve the best interests of the child; ~~but the court shall~~. *Except as provided in subdivision 8, the court may not restrict visitation rights unless it finds that:*

(1) the visitation is likely to endanger the child's physical or emotional health or impair the child's emotional development; or

(2) the noncustodial parent has chronically and unreasonably failed to comply with court-ordered visitation.

If the custodial parent makes specific allegations that visitation places the custodial parent *or child* in danger of harm, the court shall hold a hearing at the earliest possible time to determine the need to modify the order granting visitation rights. The court may require a third party, including the county welfare board, to supervise the visitation or may restrict a parent's visitation rights if necessary to protect the custodial parent *or child* from harm.

Sec. 16. Minnesota Statutes 1988, section 518.175, is amended by adding a subdivision to read:

Subd. 8. [SUSPENSION OF VISITATION.] (a) For purposes of this

subdivision, "person with visitation rights" includes a noncustodial parent or other person with court-ordered visitation rights.

(b) If a person with visitation rights has been convicted of a crime listed in paragraph (d), the custodial parent or any other person who has been granted custody of the child under a court order may file an objection to visitation with the court. The objection must include a certified copy of the conviction. The custodial parent or other person having custody shall give notice to the person with visitation rights of the objection and the person with visitation rights has 20 days from the notice to respond. If the person fails to respond within 20 days, the person's visitation rights are suspended until further order of the court. If the person responds and objects, a hearing must be held within 30 days of the response.

(c) The person with visitation rights has the burden at the hearing to prove that visitation by the person is in the best interests of the child. The court shall suspend the person's visitation rights unless it finds that visitation is in the best interests of the child. If the victim of the crime was a family or household member as defined in section 518B.01, subdivision 2, the standard of proof is clear and convincing evidence.

(d) This subdivision applies to the following crimes or similar crimes under the laws of the United States or any other state:

(1) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

(2) manslaughter in the first degree under section 609.20;

(3) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;

(4) kidnapping under section 609.25;

(5) depriving another of custodial or parental rights under section 609.26;

(6) soliciting, inducing, or promoting prostitution involving a minor under section 609.322;

(7) receiving profit from prostitution involving a minor under section 609.323;

(8) criminal sexual conduct in the first degree under section 609.342;

(9) criminal sexual conduct in the second degree under section 609.343;

(10) criminal sexual conduct in the third degree under section 609.344, subdivision 1, paragraph (c), (f), or (g);

(11) solicitation of a child to engage in sexual conduct under section 609.352;

(12) incest under section 609.365;

(13) malicious punishment of a child under section 609.377; or

(14) neglect of a child under section 609.378.

(e) This subdivision does not prevent a court from restricting or denying visitation rights under this section even if the person has not been convicted of a crime listed in paragraph (d).

Sec. 17. Minnesota Statutes 1988, section 518.18, is amended to read:
518.18 [MODIFICATION OF ORDER.]

(a) Unless agreed to in writing by the parties, no motion to modify a custody order may be made earlier than one year after the date of the entry of a decree of dissolution or legal separation containing a provision dealing with custody, except in accordance with clause (c) or (e).

(b) If a motion for modification has been heard, whether or not it was granted, unless agreed to in writing by the parties no subsequent motion may be filed within two years after disposition of the prior motion on its merits, except in accordance with clause (c) or (e).

(c) The time limitations prescribed in clauses (a) and (b) shall not prohibit a motion to modify a custody order if the court finds that there is persistent and willful denial or interference with visitation, or has reason to believe that the child's present environment may endanger the child's physical or emotional health or impair the child's emotional development.

(d) If the court has jurisdiction to determine child custody matters, the court shall not modify a prior custody order unless it finds, upon the basis of facts that have arisen since the prior order or that were unknown to the court at the time of the prior order, that a change has occurred in the circumstances of the child or the custodian and that the modification is necessary to serve the best interests of the child. In applying these standards the court shall retain the custodian established by the prior order unless:

(i) The custodian agrees to the modification;

(ii) The child has been integrated into the family of the petitioner with the consent of the custodian; or

(iii) The child's present environment endangers the child's physical or emotional health or impairs the child's emotional development and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.

(e) If a person who has custody of a child has been convicted of a crime listed in section 518.175, subdivision 8, paragraph (d), the noncustodial parent or other person seeking custody may file a motion for a change of custody with the court. The motion must include a certified copy of the conviction. The noncustodial parent or person seeking custody must give notice of the motion to the person who has custody and that person has 20 days from the notice to respond. If the person fails to respond within 20 days, the court shall grant custody to the noncustodial parent or other person in accordance with section 518.17. If the person with custody responds and objects, a hearing must be held within 30 days of the response. The person with custody has the burden at the hearing to prove that custody by the person is in the best interests of the child. The court shall grant custody to the noncustodial parent or other person in accordance with section 518.17 unless it finds that the current custodial arrangement is in the best interests of the child. If the victim of the crime was a family or household member as defined in section 518B.01, subdivision 2, the standard of proof for maintaining the current custodial arrangement is clear and convincing evidence."

Page 5, line 26, after the second "custody" insert "or visitation"

Page 5, line 28, after "rights" insert a comma

Page 5, line 29, strike "or" and insert a comma

Page 5, line 34, delete "which" and insert "that"

Page 6, line 1, delete "shall have no" and insert "does not have"

Page 6, line 6, delete "which" and insert "that"

Page 7, line 12, delete "shall" and insert "may"

Pages 7 and 8, delete section 7 and insert:

"Sec. 19. [APPROPRIATION.]

\$ is appropriated from the general fund to the supreme court to be distributed under Minnesota Statutes, section 480.242, to the qualified legal services programs described in section 480.242, subdivision 2, paragraph (a), to improve the access of low-income clients to legal representation in family law matters."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to children; regulating child custody and visitation in dissolution and other proceedings; providing for suspension of visitation rights or change of custody when a parent has been convicted of certain crimes; requiring expedited hearings of visitation motions alleging that a child is in danger of harm and providing for supervised or restricted visitation; modifying dissolution statistical reporting requirements; modifying standards for joint legal custody; requiring specific findings supporting joint custody in certain cases; providing for the award of temporary attorney fees; providing for funding of legal representation in family law matters; increasing marriage dissolution filing fees and civil filing fees surcharge; appropriating money; amending Minnesota Statutes 1988, sections 144.224; 257.025; 257.541, subdivision 2; 518.003, subdivision 3, and by adding a subdivision; 518.131, subdivisions 1 and 7; 518.14; 518.156; 518.167, subdivision 2; 518.175, by adding a subdivision; 518.18; 518.619; Minnesota Statutes 1989 Supplement, sections 357.021, subdivision 2; 480.241, subdivision 1; 518.17, subdivision 2; and 518.175, subdivisions 1 and 5."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

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

H.F. No. 2045 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.
2045	1905				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2045 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2045 and insert the language after the enacting clause of S.F. No. 1905, the first engrossment; further, delete the title of H.F. No. 2045 and insert the title of S.F. No. 1905, the first engrossment.

And when so amended H.F. No. 2045 will be identical to S.F. No. 1905, and further recommends that H.F. No. 2045 be given its second reading

and substituted for S.F. No. 1905, 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. Nos. 2517, 2068, 2571, 2493, 2391, 2514, 1826, 2064, 1365, 1977, 1853, 2433, 2396, 2408, 2241, 2498, 1795, 1971, 394, 2431, 1880, 2181, 2252, 1866, 2445, 409 and 2360 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2321, 2481 and 2045 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Pehler moved that the name of Mr. Brandl be added as a co-author to S.F. No. 1686. The motion prevailed.

Mr. Cohen moved that the name of Mr. Brandl be added as a co-author to S.F. No. 1739. The motion prevailed.

Ms. Reichgott moved that the name of Mr. Pehler be added as a co-author to S.F. No. 2159. The motion prevailed.

Mr. Frank moved that the name of Mr. Frederickson, D.R. be added as a co-author to S.F. No. 2281. The motion prevailed.

Mrs. McQuaid introduced—

Senate Resolution No. 166: A Senate resolution congratulating the St. Louis Park Orioles Girls Basketball team for winning the 1990 Class AA Girls Basketball Tournament.

Referred to the Committee on Rules and Administration.

Mr. Pogemiller moved that S.F. No. 2594 be withdrawn from the Committee on Economic Development and Housing and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Moe, R.D. moved that House Concurrent Resolution No. 5 be taken from the table. The motion prevailed.

House Concurrent Resolution No. 5: A House concurrent resolution congratulating the 1990 International Trans-Antarctica Expedition Team on its successful continental crossing.

WHEREAS, the 1990 International Trans-Antarctica Expedition team consists of: Will Steger, of the United States of America; Dr. Jean-Louis Etienne, of France; Dr. Victor Boyarsky, of the Union of Soviet Socialist Republics; Geoff Somers, of Great Britain; Keizo Funatsu, of Japan; and Qin Dahe, of the People's Republic of China; and

WHEREAS, the international composition of the expedition purposefully reflects the Antarctic Treaty, signed in 1961 and kept by 39 countries, that sets aside Antarctica as an international scientific laboratory; and

WHEREAS, logging nearly 4,000 miles in the harshest conditions

earth, the six men and their sled dogs, 40 polar huskies, traveled for seven months; and

WHEREAS, they began at Seal Nunataks on the Antarctic Peninsula on July 27, 1989, the middle of austral winter; and

WHEREAS, on the first leg of their journey, along the mountainous peninsula never before traversed in winter, the team experienced a 60-day storm with winds up to 100 miles per hour, temperatures as low as minus 45 degrees Fahrenheit, and deep snow that slowed their progress and threatened their lives; and

WHEREAS, in November, on top of the Antarctic Plateau, the team increased its mileage from an average of 8 miles per day to 25 miles per day and made up nearly one month of lost time; and

WHEREAS, the expedition reached the South Pole on December 11, 1989, becoming the first to do so by dogsled since its discovery in 1912 by Roald Amundsen, of Norway; and

WHEREAS, two of the huskies belonging to Will Steger, a native Minnesotan, became the first to travel to both poles; and

WHEREAS, the team next accomplished the first on-foot crossing of the Area of Inaccessibility, a 750-mile stretch named for its remoteness and unilateral distance from all coasts of the continent, and reached the Soviet Vostok station on January 18, 1990; and

WHEREAS, the last 850 miles consisted of 41 days of enduring temperatures as low as minus 54 degrees Fahrenheit, and windchills as low as minus 113 degrees Fahrenheit, before reaching Mirnyy, a Soviet base, on March 3, 1990; and

WHEREAS, the completion of the expedition is the first unmechanized traverse of Antarctica traveling the west to east axis; and

WHEREAS, a public celebration will be held at 12:00 Noon, on Saturday, March 24, 1990, on the State Capitol lawn and will include a banner parade, songs, band music, and proclamations; NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the State of Minnesota, the Senate concurring, that it congratulates the 1990 International Trans-Antarctica Expedition Team on its successful continental crossing.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives is directed to prepare enrolled copies of this resolution, to be authenticated by himself and the Speaker of the House of Representatives and by the Chair of the Senate Rules and Administration Committee and the Secretary of the Senate, and that they be presented to the members of the 1990 International Trans-Antarctica Expedition.

Mr. Johnson, D.J. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Messrs. Moe, R.D. and Benson introduced—

Senate Resolution No. 167: A Senate resolution recognizing Ralph C. Graham for his 25 years of service to the Minnesota Senate.

WHEREAS, Ralph C. Graham was born July 6, 1925, attended John Marshall High School, business college, and is a radiologic technology

school graduate; and

WHEREAS, Ralph worked for the Minneapolis Veterans Hospital from 1946 to 1980, worked as a Senate Sergeant from 1965 until his election by the members of the Senate to the position of Assistant Sergeant at Arms in 1981; and

WHEREAS, from 1981 to the present time, he has been elected to this position every two years; and

WHEREAS, a reception honoring Ralph will be held at the Minnesota Club, Tuesday, March 20, 1990; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that it recognizes Ralph C. Graham for his 25 years of hard work, loyalty, and service to the Senate.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Chairman of the Senate Rules and Administration Committee and the Senate Minority Leader and present it to Ralph C. Graham.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

SUSPENSION OF RULES

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

S.F. No. 1698: A bill for an act relating to health; codifying existing law restricting construction of new hospitals; repealing a sunset; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Laws 1984, chapter 654, article 5, section 57, as amended.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, 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	Flynn	Langseth	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, R.W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 1670: A bill for an act relating to natural resources; prohibiting transportation of Eurasian water milfoil; providing exceptions; providing penalties for not removing Eurasian water milfoil from watercraft; providing penalties; amending Minnesota Statutes 1988, section 361.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 18.

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 67 and nays 0, 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	Flynn	Langseth	Novak	Solon
Berglin	Frank	Lantry	Olson	Speak
Bernhagen	Frederick	Larson	Pariseau	Storm
Bertram	Frederickson, D.J.	Lessard	Pehler	Stumpf
Brandl	Frederickson, D.R.	Luther	Peterson, R.W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

H.F. No. 1895: A bill for an act relating to courts; providing an alternative dispute resolution pilot project in the second judicial district; amending Minnesota Statutes 1989 Supplement, section 484.74, subdivision 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, 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	Flynn	Langseth	Novak	Solon
Berglin	Frank	Lantry	Olson	Speak
Bernhagen	Frederick	Larson	Pariseau	Storm
Bertram	Frederickson, D.J.	Lessard	Pehler	Stumpf
Brandl	Frederickson, D.R.	Luther	Peterson, R.W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

H.F. No. 951: A bill for an act relating to utilities; providing for the establishment of competitive electric utility rates for certain customers subject to effective competition; authorizing public utilities commission to require utility to initiate rate proceeding under limited circumstances; removing repealer of laws providing for establishment of flexible gas utility

rates for certain customers subject to effective competition; amending Minnesota Statutes 1988, sections 216B.045, subdivision 5; and 216B.17, subdivision 6, and by adding a subdivision; Laws 1987, chapter 371, section 4; proposing coding for new law in Minnesota Statutes, chapter 216B; repealing Minnesota Statutes 1988, section 216B.17, subdivisions 2, 3, 4, and 5.

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 67 and nays 0, 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	Flynn	Langseth	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, R.W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 1897: A bill for an act relating to taxation; property; clarifying employment terms of city and town assessors; amending Minnesota Statutes 1988, section 273.05, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, 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	Flynn	Langseth	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, R.W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 1851: A bill for an act relating to the military; authorizing appointment of an executive director of the department of military affairs; amending Minnesota Statutes 1988, section 190.08, by adding a subdivision.

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 67 and nays 0, 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	Flynn	Langseth	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, R.W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 838: A bill for an act relating to motor vehicles; providing for special license plates for disabled persons; setting fee for duplicate personalized license plates; amending Minnesota Statutes 1988, sections 168.012, subdivision 3a; 168.021, as amended; 168.12, subdivision 2a; 168.125, subdivision 2; 168.27, subdivision 2; 168.29; 169.01, subdivision 24a; 169.215; and 169.346; Minnesota Statutes 1989 Supplement, sections 168.011, subdivision 4; 168.012, subdivision 1; and 169.345; repealing Minnesota Statutes 1988, section 168.12, subdivisions 3 and 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, 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	Flynn	Langseth	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, R.W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 2046: A bill for an act relating to crime victims; providing for a notice for victims of sexual assault concerning their risk of developing sexually transmitted diseases; proposing coding for new law in Minnesota Statutes, chapter 611A.

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

So the bill passed and its title was agreed to.

S.F. No. 1879: A bill for an act relating to natural resources; amending a certain requirement relating to the sale of state timber; amending Minnesota Statutes 1988, section 90.101, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, 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	Flynn	Langseth	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, R.W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 1927: A bill for an act relating to education; changing state board of vocational technical education powers; amending Minnesota Statutes 1988, section 136C.04, subdivision 12.

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

So the bill passed and its title was agreed to.

S.F. No. 2092: A bill for an act relating to cities; regulating financial operations of municipal hospitals of statutory cities; changing the method of selection of the hospital board for St. Louis and Koochiching counties from election at large to appointment by the county boards; amending Minnesota Statutes 1988, section 412.221, subdivision 16; and Laws 1988, chapter 645, section 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 67 and nays 0, 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	Flynn	Langseth	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, R.W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 1980: A bill for an act relating to local government; requiring additional notice of various vacation proceedings; amending Minnesota Statutes 1988, section 368.01, subdivision 25; and Minnesota Statutes 1989 Supplement, section 412.851.

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 67 and nays 0, 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	Flynn	Langseth	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, R.W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

H.F. No. 2188: A bill for an act relating to local government; permitting towns to publish collections of town ordinances, resolutions, rules, and laws; amending Minnesota Statutes 1988, sections 415.021 and 599.13.

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 67 and nays 0, 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	Flynn	Langseth	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, R.W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 2090: A bill for an act relating to towns; regulating town meetings; providing for town deputy treasurer; amending Minnesota Statutes 1988, sections 365.51, subdivision 1; and 365.58; proposing coding for new law in Minnesota Statutes, chapter 367.

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 67 and nays 0, 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	Flynn	Langseth	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, R.W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 2172: A bill for an act relating to waters; requiring the commissioner of natural resources to establish a plan for drought emergencies; changing the completion date for the metropolitan council's long-term water supply plan; amending Minnesota Statutes 1989 Supplement, section 473.156, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 105.

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	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	Flynn	Lantry	Olson	Spear
Berglin	Frank	Larson	Pariseau	Storm
Bernhagen	Frederick	Lessard	Pehler	Stumpf
Bertram	Frederickson, D.J.	Luther	Peterson, R. W.	Vickerman
Brandl	Frederickson, D.R.	Marty	Piepho	Waldorf
Brataas	Freeman	McGowan	Piper	
Chmielewski	Gustafson	McQuaid	Pogemiller	
Cohen	Johnson, D.E.	Mehrkens	Purfeerst	
Dahl	Johnson, D.J.	Merriam	Ramstad	

So the bill passed and its title was agreed to.

S.F. No. 2281: A bill for an act relating to port authorities; allowing a port authority to use foreign trade zone powers, if granted, outside its port district; amending Minnesota Statutes 1988, section 469.059, subdivision 14.

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 59 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Benson	Knutson	Merriam	Peterson, R. W.	Spear
Berg				

So the bill passed and its title was agreed to.

S.F. No. 2208: A bill for an act relating to crimes; providing that it is a prima facie case for reference for prosecution as an adult if a child is alleged to have committed a felony offense as part of, or subsequent to, the delinquent act of escape from confinement to a local juvenile correctional facility; making it a crime for an alleged or adjudicated juvenile delinquent who is 18 years old to escape from a local juvenile correctional facility; amending Minnesota Statutes 1988, sections 260.015, subdivision 5; and 609.485, subdivisions 2 and 4; and Minnesota Statutes 1989 Supplement, section 260.125, subdivision 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, 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	Flynn	Langseth	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, R.W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 2127: A bill for an act relating to forestry; implementing a statewide program to encourage maintenance and expansion of community and urban forests; assigning responsibilities to various state agencies and municipalities; proposing coding for new law in Minnesota Statutes, chapter 17.

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:

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

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

So the bill passed and its title was agreed to.

S.F. No. 2039: A bill for an act relating to motor vehicles; exempting certain water well drilling equipment and vehicles from registration and taxation requirements; amending Minnesota Statutes 1988, section 168.012, subdivision 5; Minnesota Statutes 1989 Supplement, section 168.011, subdivision 22.

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 67 and nays 0, 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	Flynn	Langseth	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, R.W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 1983: A bill for an act relating to liquor; authorizing the metropolitan airports commission to issue off-sale liquor licenses for the sale of Minnesota wine; amending Minnesota Statutes 1988, section 340A.405, by adding a subdivision.

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 67 and nays 0, 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	Flynn	Langseth	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, R.W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 1920: A bill for an act relating to elections; making various changes in laws applicable to school district elections; amending Minnesota Statutes 1988, sections 201.071, subdivision 3; 203B.08, subdivision 3; 204B.08, subdivision 3; 204B.14, subdivision 5; 204B.17; 204B.44; 204C.22, subdivisions 9, 10, 15, and by adding a subdivision; 204D.04, subdivision 2; 205A.05, subdivision 1; 205A.07, by adding a subdivision; 205A.09, subdivision 2; 205A.11; 209.02, subdivision 1; 209.03; 209.09, subdivision 1; and 211A.01, subdivision 6; and Minnesota Statutes 1989 Supplement, sections 205A.10, subdivisions 2 and 3; and 209.021, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Dicklich voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2079: A bill for an act relating to state parks; renaming Helmer Myre and Nerstrand Woods state parks; amending Minnesota Statutes 1988, section 85.012, subdivisions 27 and 45.

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:

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

Mr. Pehler voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 772: A bill for an act relating to traffic regulations; providing that signs for handicapped parking spaces state penalty imposed for unlawful use; amending Minnesota Statutes 1988, section 169.346, 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 67 and nays 0, 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	Flynn	Langseth	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, R. W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 1768: A bill for an act relating to financial institutions; regulating electronic fund transfer facilities; providing for access by other transmission facilities; amending Minnesota Statutes 1988, sections 47.61, by adding a subdivision; and 47.65, by adding a subdivision.

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 67 and nays 0, 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	Flynn	Langseth	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, R. W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 1726: A bill for an act relating to child care funding; authorizing the commissioner of human services to promulgate rules directing county boards to establish certain payment policies; amending Minnesota Statutes 1989 Supplement, section 256H.02.

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 67 and nays 0, 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	Flynn	Langseth	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, R.W.	Vickerman
Brutaas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 1739: A bill for an act relating to metropolitan government; clarifying provisions for compensation; amending Minnesota Statutes 1988, sections 473.123, subdivision 5; and 473.141, subdivision 7; Minnesota Statutes 1989 Supplement, sections 473.605, subdivision 2; and 473.704, subdivision 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 67 and nays 0, 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	Flynn	Langseth	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, R.W.	Vickerman
Brutaas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 2179: A bill for an act relating to local government in Ramsey county; eliminating certain performance bonds; permitting fees for inspections by the county surveyor; amending Minnesota Statutes 1988, section 383A.32, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 383A.

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 67 and nays 0, 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	Flynn	Langseth	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, R.W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 2383: A bill for an act relating to cities; permitting the establishment of boundary commissions; proposing coding for new law in Minnesota Statutes, chapter 465.

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 67 and nays 0, 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	Flynn	Langseth	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, R.W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 2119: A bill for an act relating to Blue Earth county; permitting the appointment of the auditor, recorder, and treasurer; authorizing the reorganization of county offices.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 9, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Benson	Flynn	Knutson	Morse	Schmitz
Berg	Frederickson, D.J.	Lessard	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 2373: A bill for an act relating to Olmsted county; permitting the consolidation of the offices of auditor and treasurer.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 13, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Freeman	McGowan	Piper
Anderson	Dahl	Gustafson	McQuaid	Pogemiller
Beckman	Davis	Hughes	Metzen	Purfeerst
Belanger	Decker	Johnson, D.J.	Moe, D.M.	Ramstad
Berg	DeCramer	Knaak	Moe, R. D.	Reichgott
Berglin	Dicklich	Knutson	Novak	Solon
Bernhagen	Diessner	Laidig	Olson	Spear
Bertram	Flynn	Langseth	Pariseau	Storm
Brandl	Frank	Lantry	Pehler	Stumpf
Brataas	Frederick	Luther	Peterson, R. W.	Vickerman
Chmielewski	Frederickson, D.R.	Marty	Piepho	

Those who voted in the negative were:

Benson	Kroening	Mehrkens	Renneke	Waldorf
Frederickson, D.J.	Larson	Merriam	Samuelson	
Johnson, D.E.	Lessard	Morse	Schmitz	

So the bill passed and its title was agreed to.

S.F. No. 2381: A bill for an act relating to highways; substituting new Legislative Route No. 298 in the trunk highway system.

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 67 and nays 0, 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	Flynn	Langseth	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, R. W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 1162: A bill for an act relating to drivers' licenses; setting deadline for court administrators to forward driver's license or permit applications and fees to the department of public safety; amending Minnesota Statutes 1988, section 171.06, subdivision 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, 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	Flynn	Langseth	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, R. W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 2267: A bill for an act relating to law enforcement; barring traffic citation quotas; proposing coding for new law in Minnesota Statutes, chapter 169.

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 4, as follows:

Those who voted in the affirmative were:

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

Ms. Flynn, Messrs. Merriam, Novak and Peterson, R. W. voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2424: A bill for an act relating to insurance; life; regulating policies with accelerated benefits; modifying the application of certain provisions; prescribing a penalty; amending Minnesota Statutes 1989 Supplement, section 61A.072, subdivision 3, and by adding a subdivision.

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

So the bill passed and its title was agreed to.

S.F. No. 2224: A bill for an act relating to health; granting an exception to the nursing home moratorium; amending Minnesota Statutes 1989 Supplement, section 144A.071, subdivision 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, 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	Flynn	Langseth	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, R.W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 2216: A bill for an act relating to occupations and professions; specifying requirements for membership of the board of medical examiners; containing procedural requirements for disciplinary actions; applying reporting requirements to other entities that provide professional liability coverage to physicians; amending Minnesota Statutes 1988, sections 147.01, subdivisions 1, 3, and 4; 147.09; 147.111, subdivision 5; repealing Minnesota Statutes 1988, sections 147.171; 147.24; 147.25; 147.26; 147.27; 147.28; 147.29; 147.30; 147.31; 147.32; 147.33; and Laws 1988, chapter 557, section 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 67 and nays 0, 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	Flynn	Langseth	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, R.W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 2302: A bill for an act relating to telephone services; requiring local location identification data bases for 911 systems; classifying data provided for data bases; amending Minnesota Statutes 1988, sections 403.02, by adding a subdivision; and 403.07, by adding subdivisions; Minnesota Statutes 1989 Supplement, section 403.11, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, 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	Flynn	Langseth	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, R.W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 2229: A bill for an act relating to elections; clarifying language and changing procedures for voter registration, absentee voters, and polling place rosters; defining certain terms; changing certain time limits; providing for certain services to disabled persons at state political party conventions; providing for persons who are permanently ill or disabled to automatically receive absentee ballot applications before each election; modifying election procedures for town supervisors; requiring a report; amending Minnesota Statutes 1988, sections 200.02, by adding a subdivision; 201.022; 201.023; 201.054, subdivision 1; 201.061, subdivision 1; 201.071, subdivisions 3 and 4; 201.081; 201.091; 201.12, subdivision 2; 201.121, subdivisions 1 and 2; 201.171; 201.211; 201.221; 201.27, subdivision 1; 203B.04, by adding a subdivision; 203B.09; 203B.12, subdivisions 2 and 3; 204B.28, subdivision 2; 204B.45, subdivision 2; 204C.10; 204C.12, subdivision 4; 204C.27; 367.03, subdivision 1; 367.33, subdivision 4; Minnesota Statutes 1989 Supplement, sections 202A.13; 203B.13, subdivision 3a; proposing coding for new law in Minnesota Statutes, chapter 201; and repealing Minnesota Statutes 1988, sections 201.061, subdivision

2; 201.071, subdivisions 5 and 6; and 201.091, subdivision 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1150: A bill for an act relating to creditors remedies; regulating executions and garnishments; amending Minnesota Statutes 1988, section 550.142; proposing coding for new law in Minnesota Statutes, chapters 550 and 557; proposing coding for new law as Minnesota Statutes, chapter 551; repealing Minnesota Statutes 1988, sections 550.041; 550.05; 550.14; 550.141; 571.41; 571.42; 571.43; 571.44; 571.45; 571.46; 571.471; 571.495; 571.50; 571.51; 571.52; 571.53; 571.54; 571.55; 571.56; 571.57; 571.58; 571.59; 571.60; 571.61; 571.62; 571.63; 571.64; 571.65; 571.66; 571.67; 571.68; and 571.69.

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 67 and nays 0, 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	Flynn	Langseth	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, R.W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 1968: A bill for an act relating to pet or companion animals; permitting restrictions to be imposed on persons convicted of mistreating animals; amending Minnesota Statutes 1988, section 343.21, by adding a subdivision.

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 67 and nays 0, 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	Flynn	Langseth	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, R.W.	Vickerman
Brataas	Freeman	Marty	Piepho	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrrens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 2354: A bill for an act relating to education; allowing pupils of at least age 16 a greater range of programs to attend under the high school graduation incentives and private alternative school programs; amending Minnesota Statutes 1989 Supplement, section 126.22, subdivision 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 18, as follows:

Those who voted in the affirmative were:

Anderson	Davis	Johnson, D.E.	McGowan	Pogemiller
Belanger	Decker	Johnson, D.J.	McQuaid	Purfeerst
Benson	DeCramer	Knaak	Mehrrens	Ramstad
Berglin	Dicklich	Kroening	Metzen	Renneke
Bernhagen	Frank	Laidig	Moe, D.M.	Samuelson
Bertram	Frederickson, D.J.	Langseth	Moe, R.D.	Schmitz
Brandl	Frederickson, D.R.	Lantry	Olson	Solon
Brataas	Freeman	Larson	Pariseau	Stumpf
Chmielewski	Gustafson	Lessard	Pehler	Waldorf
Cohen	Hughes	Luther	Piepho	

Those who voted in the negative were:

Adkins	Diessner	Marty	Peterson, R.W.	Storm
Beckman	Flynn	Merriam	Piper	Vickerman
Berg	Frederick	Morse	Reichgott	
Dahl	Knutson	Novak	Spear	

So the bill passed and its title was agreed to.

S.F. No. 2159: A bill for an act relating to education; delaying the date by which the regent candidate advisory council must submit recommendations to the legislature; amending Minnesota Statutes 1988, section 137.0245, subdivision 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, 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	Flynn	Langseth	Novak	Spear
Berglin	Frank	Lantry	Olson	Storm
Bernhagen	Frederick	Larson	Pariseau	Stumpf
Bertram	Frederickson, D.J.	Lessard	Pehler	Vickerman
Brandl	Frederickson, D.R.	Luther	Peterson, R. W.	Waldorf
Brataas	Freeman	Marty	Piepho	
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

S.F. No. 1822: A bill for an act relating to housing; providing for the administration of section 8 existing housing and low-rent public housing programs; clarifying and limiting local approval requirements; removing the exemption for special assessments for housing and redevelopment authorities; providing for the transfer of housing and housing development projects to an economic development authority; authorizing the metropolitan council to plan and administer a section 8 program in the metropolitan area without approval of local units of government; amending Minnesota Statutes 1988, sections 469.002, subdivision 10, and by adding a subdivision; 469.004, subdivision 5; 469.005, subdivision 1; 469.012, subdivision 3; 469.016; 469.040, subdivisions 1 and 3; 469.094, subdivisions 1 and 2; and 473.195, subdivision 1; and Minnesota Statutes 1989 Supplement, section 469.012, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2115: A bill for an act relating to peace officers; authorizing licensed peace officers to operate motor vehicles and watercraft without lights under certain circumstances; providing exemption from tort liability; amending Minnesota Statutes 1988, sections 169.48; and 361.15; proposing coding for new law in Minnesota Statutes, chapter 169.

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

So the bill passed and its title was agreed to.

CONSENT CALENDAR

H.F. No. 2650: A bill for an act relating to cemeteries; allowing transfer of certain cemetery property to a religious corporation; amending Minnesota Statutes 1988, section 306.02, by adding a subdivision.

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

So the bill passed and its title was agreed to.

GENERAL ORDERS

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

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

S.F. Nos. 2299, 2370, 1831, 1838, 2207, 1958, 1821, 1952, 2439, 2432, 1848, 1400, 2061, 1940, 2156, 1999, 2136, 1942 and H.F. No. 2407, which the committee recommends to pass.

S.F. No. 2051, which the committee recommends to pass with the following amendment offered by Mrs. Lantry:

Page 2, after line 4, insert:

“Sec. 2. Minnesota Statutes 1988, section 144A.04, is amended by adding a subdivision to read:”

Page 4, line 3, delete "2" and insert "3"

Page 4, line 4, delete "Section 1 is" and insert "Sections 1 and 2 are"

Page 4, line 5, delete "1" and insert "2"

Amend the title as follows:

Page 1, line 5, after "4" insert "; and by adding a subdivision"

The motion prevailed. So the amendment was adopted.

S.F. No. 1827, which the committee recommends to pass with the following amendment offered by Mr. Frederickson, D.J.:

Page 1, after line 30, insert:

"Section 1. Minnesota Statutes 1988, section 38.013, is amended to read:

38.013 [TORT LIABILITY.]

Subdivision 1. [GENERAL.] Except as provided in subdivision 2, the provisions of chapter 466, regarding tort liability, apply to county agricultural societies organized under this chapter.

Subd. 2. [UNPAID BOARD MEMBERS; LIABILITY.] A person who serves without compensation as a member of the board of a county agricultural society created or organized under this chapter is not civilly liable for an act or omission by that person if the act or omission was in good faith, was within the scope of the person's responsibilities as a member of the board, and did not constitute willful or reckless misconduct.

This subdivision does not apply to:

(1) an action or proceeding brought by the attorney general for a breach of a fiduciary duty by a board member;

(2) a cause of action to the extent it is based on federal law; or

(3) a cause of action based on a board member's express contractual obligation.

This subdivision does not limit the liability of a member of the board for physical injury to the person of another or for wrongful death that is personally and directly caused by the board member.

For purposes of this subdivision the term "compensation" means any thing of value received for services rendered, except:

(1) reimbursement for expenses actually incurred;

(2) a per diem in an amount not to exceed the per diem authorized for state advisory councils and committees under section 15.059, subdivision 3; or

(3) payment by the county agricultural society of insurance premiums on behalf of a member of the board."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "providing for immunity from liability for unpaid members of county agricultural society boards;"

Page 1, line 23, after "sections" insert "38.013;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 38 and nays 23, as follows:

Those who voted in the affirmative were:

Adkins	Brandl	Frederickson, D.R.	Lessard	Samuelson
Anderson	Chmielewski	Gustafson	Mehrkens	Schmitz
Beckman	Davis	Hughes	Metzen	Solon
Belanger	Decker	Johnson, D.E.	Morse	Storm
Benson	DeCramer	Kroening	Piepho	Stumpf
Berg	Dicklich	Laidig	Purfeerst	Vickerman
Bernhagen	Frederick	Lantry	Reichgott	
Bertram	Frederickson, D.J.	Larson	Renneke	

Those who voted in the negative were:

Berglin	Frank	Marty	Olson	Ramstad
Brataas	Freeman	McGowan	Pariseau	Spear
Dahl	Knaak	McQuaid	Pehler	Waldorf
Djessner	Knutson	Merriam	Peterson, R. W.	
Flynn	Luther	Novak	Pogemiller	

The motion prevailed. So the amendment was adopted.

S.F. No. 2213, which the committee recommends to pass subject to the following motions offered by Messrs. Langseth, Knaak and Berg:

Mr. Langseth moved to amend S.F. No. 2213 as follows:

Page 2, line 35, after the period, insert "*Violation of this subdivision by a vehicle that is carrying farm produce and that is not exempted by the preceding sentence is a petty misdemeanor.*"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Knaak moved to amend S.F. No. 2213 as follows:

Page 3, line 2, after "(a)" insert "*Except as otherwise provided under section 4,*"

Page 3, after line 26, insert:

"Sec. 4. Minnesota Statutes 1988, section 169.81, is amended by adding a subdivision to read:

Subd. 5c. [SECURING OF LOADS; INTERSTATE HIGHWAYS IN METRO AREA.] The driver of a vehicle transporting sand, gravel, aggregate, dirt, lime rock, silica, or similar material on a federal interstate highway in the metropolitan area, as defined in section 473.121, subdivision 2, shall ensure that the cargo compartment of the vehicle is securely covered.

Sec. 5. [EFFECTIVE DATE.]

Section 4 is effective January 1, 1992."

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Anderson	Flynn	Knutson	Merriam	Spear
Belanger	Frank	Kroening	Olson	Storm
Berglin	Freeman	Luther	Pehler	Waldorf
Brandl	Hughes	McGowan	Peterson, R. W.	
Decker	Knaak	McQuaid	Ramstad	

Those who voted in the negative were:

Adkins	Dahl	Frederickson, D.R.	Mehrrens	Renneke
Beckman	Davis	Johnson, D.E.	Morse	Samuelson
Benson	DeCramer	Laidig	Pariseau	Schmitz
Berg	Dicklich	Langseth	Piepho	Solon
Bernhagen	Diessner	Lantry	Piper	Stumpf
Bertram	Frederick	Larson	Purfeerst	Vickerman
Chmielewski	Frederickson, D.J.	Lessard	Reichgott	

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

Mr. Berg moved to amend S.F. No. 2213 as follows:

Page 2, line 32, reinstate the stricken language and delete the new language

Page 2, lines 33 to 35, delete the new language

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 30, as follows:

Those who voted in the affirmative were:

Adkins	Bernhagen	Frederickson, D.J.	Pariseau	Stumpf
Anderson	Bertram	Frederickson, D.R.	Piepho	Vickerman
Beckman	Chmielewski	Johnson, D.E.	Renneke	
Benson	Decker	Langseth	Samuelson	
Berg	Frederick	Larson	Storm	

Those who voted in the negative were:

Belanger	Diessner	Knutson	McGowan	Pogemiller
Berglin	Flynn	Kroening	McQuaid	Ramstad
Brandl	Frank	Lantry	Merriam	Schmitz
Davis	Freeman	Lessard	Morse	Solon
DeCramer	Hughes	Luther	Olson	Spear
Dicklich	Knaak	Marty	Pehler	Waldorf

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

On motion of Mr. Luther, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Peterson, R. W. introduced —

S.F. No. 2600: A bill for an act relating to education; authorizing school districts to allow school buildings to be used for post-secondary instruction; authorizing aid for transportation for certain post-secondary programs; appropriating money; amending Minnesota Statutes 1988, sections 120.73, subdivision 1; 123.36, subdivision 5; and 123.39, subdivision 1; Minnesota Statutes 1989 Supplement, sections 123.33, subdivision 7; 124.223; and 124.225, subdivision 1.

Referred to the Committee on Education.

Mr. Stumpf introduced—

S.F. No. 2601: A bill for an act relating to education; clarifying the use and distribution of appropriations for curriculum and technology integration; amending Laws 1989, chapter 329, article 11, section 15, subdivision 10.

Referred to the Committee on Education.

Mr. Peterson, R.W. introduced—

S.F. No. 2602: A bill for an act relating to education; requiring the state fire marshal to inspect a public school building every three years; increasing complement; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299F

Referred to the Committee on Education.

Mr. Cohen introduced—

S.F. No. 2603: A bill for an act relating to taxation; providing an exemption from the withholding tax requirement on royalties upon ore; amending Minnesota Statutes 1988, section 290.923, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

MEMBERS EXCUSED

Mr. Knaak was excused from the Session of today from 12:00 to 12:30 p.m. Mr. Metzen was excused from the Session of today from 4:25 to 5:00 p.m.

ADJOURNMENT

Mr. Luther moved that the Senate do now adjourn until 12:00 noon, Wednesday, March 21, 1990. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate