

FORTY-SECOND DAY

St. Paul, Minnesota, Monday, April 29, 1991

The Senate met at 8:30 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by Senator Pat Piper.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

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

Adkins	Day	Johnston	Moe, R.D.	Riveness
Beckman	DeCramer	Kelly	Mondale	Sams
Belanger	Dicklich	Knaak	Morse	Samuelson
Benson, D.D.	Finn	Kroening	Neuville	Solon
Benson, J.E.	Flynn	Laidig	Novak	Spear
Berg	Frank	Langseth	Olson	Storm
Berglin	Frederickson, D.J.	Larson	Pappas	Stumpf
Bernhagen	Frederickson, D.R.	Lessard	Pariseau	Traub
Bertram	Gustafson	Luther	Piper	Vickerman
Brataas	Halberg	Marty	Pogemiller	Waldorf
Chmielewski	Hottinger	McGowan	Price	
Cohen	Johnson, D.E.	Mehrkens	Ranum	
Dahl	Johnson, D.J.	Merriam	Reichgott	
Davis	Johnson, J.B.	Metzen	Renneke	

The President declared a quorum present.

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

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. 972 and 480. The motion prevailed.

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

S.F. No. 972: A bill for an act relating to agriculture; protecting aquaculture waters from irreversible degradation; requiring certain aquatic farms to have aquaculture use permits; regulating aquatic farm operations; requiring financial assurance to restore aquaculture waters; providing a procedure

to prevent and minimize impacts from aquatic farms; prescribing best management practices and, if ineffective, permit modifications; defining aquaculture therapeutics as pesticides; defining aquaculture feed as commercial feed; amending Minnesota Statutes 1990, sections 18B.01, subdivision 18; and 25.33, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 17.

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

Page 4, line 6, before the semicolon, insert "*and impacts on local drinking water*"

Page 4, line 26, after the period, insert "*If drinking water supplies are impacted, the commissioner, with the commissioners of natural resources and the pollution control agency, must examine the adverse human health concerns.*"

Page 10, line 9, delete "*but*" and insert "*to other authority granted to the agencies. To the greatest extent possible,*"

Page 10, line 12, delete "*to the greatest extent*"

Page 11, after line 25, insert:

"Sec. 11. Minnesota Statutes 1990, section 297A.01, is amended by adding a subdivision to read:

Subd. 19. [AQUACULTURE PRODUCTION EQUIPMENT.] "Aquaculture production equipment" means new or used machinery, equipment, implements, accessories, and contrivances used directly and principally in aquaculture production. Aquaculture production equipment includes: augers and blowers, automatic feed systems, manual feeding equipment, shockers, gill nets, trap nets, seines, box traps, round nets and traps, net pens, dip nets, net washers, floating net supports, floating access walkways, net supports and walkways, growing tanks, holding tanks, troughs, raceways, transport tanks, egg taking equipment, egg hatcheries, egg incubators, egg baskets and troughs, egg graders, egg counting equipment, fish counting equipment, fish graders, fish pumps and loaders, fish elevators, air blowers, air compressors, oxygen generators, oxygen regulators, diffusers and injectors, air supply equipment, oxygenation columns, water coolers and heaters, heat exchangers, water filter systems, water purification systems, waste collection equipment, feed mills, portable scales, feed grinders, feed mixers, feed carts and trucks, power feed wagons, fertilizer spreaders, fertilizer tanks, forage collection equipment, land levelers, loaders, post hole diggers, disc, harrow, plow, and water diversion devices.

Sec. 12. Minnesota Statutes 1990, section 297A.02, subdivision 2, is amended to read:

Subd. 2. [MACHINERY AND EQUIPMENT.] Notwithstanding the provisions of subdivision 1, the rate of the excise tax imposed upon sales of special tooling is four percent and upon sales of farm machinery and aquaculture production equipment is two percent."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, after the semicolon, insert "*establishing a two percent sales tax on aquaculture production equipment;*"

Page 1, line 13, delete "and" and after "5;" insert "297A.01, by adding a subdivision; and 297A.02, subdivision 2;"

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

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

Mr. DeCramer from the Committee on Transportation, to which was re-referred

S.F. No. 891: A bill for an act relating to the environment; prescribing who must prevent, prepare for, and respond to worst case discharges of oil and hazardous substances; describing response plans; authorizing the commissioners of the pollution control agency and departments of agriculture and public safety to order compliance; providing for good samaritan assistance; authorizing cooperation between public and private responders; requiring the establishment of a single answering point system; providing penalties; proposing coding for new law as Minnesota Statutes, chapter 115E.

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

Delete everything after the enacting clause and insert:

"Section 1. [115E.01] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The definitions in this section apply to this chapter. Terms that are not defined have the meanings given in the Oil Pollution Act of 1990.

Subd. 2. [AGRICULTURAL CHEMICAL.] "Agricultural chemical" has the meaning given in section 18D.01, subdivision 3.

Subd. 3. [COMMISSIONERS.] "Commissioners" means the commissioner of public safety and

(1) the commissioner of agriculture, with respect to agricultural chemicals; or

(2) the commissioner of the pollution control agency, with respect to other hazardous substances and oil.

Subd. 4. [DISCHARGE.] "Discharge" means an intentional or unintentional emission, other than natural seepage, and includes, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying, or dumping; and also includes release as defined in section 115B.02, subdivision 15.

Subd. 5. [FACILITY.] "Facility" means a structure, group of structures, equipment, or device, other than a vessel, that is used for one or more of the following purposes: exploring for, drilling for, producing, storing, handling, transferring, processing, or transporting oil or a hazardous substance. Facility includes a motor vehicle, rolling stock, or pipeline used for one or more of these purposes. A facility may be in, on, or under land, or in, on, or under waters of the state as defined in section 115.01, subdivision 9.

Subd. 6. [HAZARDOUS SUBSTANCE.] "Hazardous substance" has the meaning given in section 115B.02, subdivision 8.

Subd. 7. [LEAD AGENCY.] "Lead agency" means:

(1) the department of agriculture, with respect to agricultural chemicals; or

(2) the pollution control agency, for other hazardous substances or oil.

Subd. 8. [OIL.] "Oil" means oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoils; and also includes petroleum as defined in section 115C.02, subdivision 10.

Subd. 9. [OIL POLLUTION ACT OF 1990.] "Oil Pollution Act of 1990" means the Oil Pollution Act of 1990, Statutes at Large, volume 104, pages 484 to 575.

Subd. 10. [PERSON.] "Person" has the meaning given in section 115B.02, subdivision 12.

Subd. 11. [RESPONSE.] "Response" has the meaning given in section 115B.02, subdivision 18, and the meaning of corrective action given in section 115C.02, subdivision 4. Response includes restoration, rehabilitation, replacement, or acquisition of the equivalent of the natural resources affected by the discharge of hazardous substances or oil.

Subd. 12. [VESSEL.] "Vessel" means a watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water. It includes a vessel that is constructed or adapted to carry, or that carried, oil or hazardous substances in bulk as cargo or cargo residue.

Subd. 13. [WORST CASE DISCHARGE.] "Worst case discharge" means:

(1) in the case of a vessel, sudden loss of the entire contents of the vessel in weather conditions that impede cleanup;

(2) for each tank of a storage tank facility, sudden loss of the entire contents of the tank in weather conditions that impede cleanup;

(3) in the case of railroad rolling stock facilities, sudden loss of the contents of the maximum expected number of the rail cars containing oil or hazardous substance of a train onto land or into water in weather conditions that impede cleanup;

(4) in the case of truck and trailer rolling stock facilities, sudden loss of the entire contents of the truck or trailer onto land or into water in weather conditions that impede cleanup;

(5) in the case of a pipeline facility, sudden loss of the contents of the pipeline which would be expected from complete failure of the pipeline onto land or into water in weather conditions that impede cleanup;

(6) in the case of oil or hazardous substance transfer facilities, sudden loss of the largest volume which could occur during transfer into or out of a facility; or

(7) the worst case discharge for the facility as described by regulations under the Oil Pollution Act of 1990 if the regulations, when adopted, describe a discharge worse than one described in clauses (1) to (6).

Sec. 2. [115E.02] [DUTY TO PREVENT DISCHARGES.]

A person who owns or operates a vessel or facility transporting, storing,

or otherwise handling hazardous substances or oil or who is otherwise in control of hazardous substances or oil shall take reasonable steps to prevent the discharge of those materials in a place or manner that might cause pollution of the land, waters, or air of the state or that might threaten the public's safety or health.

Sec. 3. [115E.03] [DUTY TO PREPARE FOR RESPONSE TO DISCHARGES.]

Subdivision 1. [GENERAL PREPAREDNESS.] A person who owns or operates a vessel or facility transporting, storing, or otherwise handling hazardous substances or oil or who is otherwise in control of hazardous substances or oil shall be prepared at all times to rapidly and thoroughly recover discharged hazardous substances or oil that were under that person's control and to take all other actions necessary to minimize or abate pollution of land, waters, and air of the state and to protect the public's safety and health.

Subd. 2. [SPECIFIC PREPAREDNESS.] The following persons shall comply with the specific requirements of subdivisions 3 and 4 and section 4:

(1) persons who own or operate a vessel that is constructed or adapted to carry, or that carried, oil or hazardous substances in bulk as cargo or cargo residue;

(2) persons who own or operate trucks or cargo trailer rolling stock transporting an average monthly aggregate total of more than 100,000 gallons of oil or hazardous substance as cargo in Minnesota;

(3) persons who own or operate railroad car rolling stock transporting an aggregate total of more than 100,000 gallons of oil or hazardous substance as cargo in Minnesota in any calendar month;

(4) persons who own or operate facilities containing 100,000 gallons or more of oil or hazardous substance in tank storage at any time;

(5) persons who own or operate facilities where there is transfer of an average monthly aggregate total of more than 100,000 gallons of oil or hazardous substances to or from vessels, tanks, rolling stock, or pipelines, except for facilities where the primary transfer activity is the retail sales of motor fuels;

(6) persons who own or operate hazardous liquid pipeline facilities through which more than 100,000 gallons of oil or hazardous substance is transported in any calendar month; and

(7) persons required to demonstrate preparedness under section 5.

Subd. 3. [LEVEL OF PREPAREDNESS.] A person described in subdivision 2 shall maintain a level of preparedness that ensures that effective response can reliably be made to worst case discharges.

Subd. 4. [DEMONSTRATION OF SATISFACTORY PREPAREDNESS.] A person required to maintain preparedness under subdivision 2 may demonstrate satisfactory preparedness to the commissioner of the lead agency through one or a combination of the following means:

(1) adequate response personnel and equipment in the usual employ of the person;

(2) adequate response personnel and equipment available from for-hire

cleanup contractors with arrangements made for their deployment;

(3) adequate response personnel and equipment from a response cooperative or community awareness and emergency response organization meeting guidelines prepared by the lead agency with arrangements made for their deployment; or

(4) adequate response personnel and equipment of local, state, or federal public sector response organizations with arrangements made for their deployment.

Subd. 5. [DEPARTMENT OF TRANSPORTATION.] The commissioner of transportation may examine the evidence of financial responsibility required under section 1016 of the Oil Pollution Act of 1990 for a vessel and may apply the sanctions in that section.

Sec. 4. [115E.04] [PREVENTION AND RESPONSE PLANS.]

Subdivision 1. [PLAN CONTENTS.] Persons required to show specific preparedness under section 3, subdivision 2, shall prepare and maintain a prevention and response plan for a worst case discharge. The plan must:

(1) describe how it is consistent with the requirements of the national or area contingency plans developed under the Oil Pollution Act of 1990;

(2) describe the measures taken to prevent discharges from occurring, including prevention of a worst case discharge, prevention of discharges of lesser magnitude, and prevention of discharges similar to those that have occurred from the vessel or facility during its history of operation;

(3) identify the individual or individuals having full authority to implement response actions, and those individuals' qualifications and titles;

(4) identify how communication and incident command relationships will be established between the individuals in command of a vessel or facility response and the following persons:

(i) individuals in the employ of the owner or operator of the vessel or facility who are responding to the discharge;

(ii) appropriate federal, state, and local officials; and

(iii) other persons providing emergency response equipment and personnel;

(5) describe the facility or vessel and identify the locations and characteristics of potential worst case discharges from the vessel or facility;

(6) identify the means under section 3, subdivision 4, that will be used to satisfy the requirement to have adequate equipment and personnel to respond to a worst case discharge;

(7) contain copies of contracts, correspondence, or other documents showing that adequate personnel and equipment as described in section 3, subdivision 4, will be available to respond to a worst case discharge;

(8) describe the actions that will be taken by the persons described in section 3, subdivision 4, in the event of a worst case discharge; and

(9) describe the training, equipment testing, periodic drills, and unannounced drills that will be used to ensure that the persons and equipment described in section 3, subdivision 4, are ready for response.

A plan submitted to the federal government under the Oil Pollution Act

of 1990 or prepared under other law may be used to satisfy the requirements in clauses (1) to (9) provided that the information required by clauses (1) to (9) is included in the plan.

Subd. 2. [TIMING.] A person required to be prepared under section 3 shall complete the response plan required by this section by March 1, 1993, unless one of the commissioners orders the person to demonstrate preparedness at an earlier date under section 5. Plans must be updated every three years. Plans must be updated before three years following a significant discharge, upon significant change in vessel or facility operation or ownership, upon significant change in the national or area contingency plans under the Oil Pollution Act of 1990, or upon change in the capabilities or role of a person named in a plan who has an important response role.

Subd. 3. [NOTIFICATION.] (a) The commissioner of public safety must be notified when any of the following takes place:

- (1) submission of the plan to the federal government;*
- (2) granting of exemptions or extensions of time by the federal government for submission of the plan; or*
- (3) completion of the plan if submission to the federal government is not required.*

(b) Notification under this subdivision must be on a form prescribed by the commissioner of public safety and must include:

- (1) a description of the facility or vessel;*
- (2) a description of the activities involving oil or hazardous substances;*
- (3) a description of the types of materials being handled, including whether agricultural chemicals are involved; and*
- (4) other information required by the commissioner.*

(c) The commissioner of public safety shall transmit a copy of the notification to the other commissioners as appropriate, depending on the types of materials involved.

Subd. 4. [REVIEW OF PREVENTION AND RESPONSE PLAN.] (a) A copy of the prevention and response plan must be submitted to any of the commissioners who request it and to an official of a political subdivision with appropriate jurisdiction upon the official's request, or the plan and equipment and material named in the plan may be examined upon the request of an authorized agent of a commissioner or official.

(b) Upon the request of one or more of the commissioners, a person shall demonstrate the adequacy of prevention and response plans and preparedness measures by conducting announced or unannounced drills, calling persons and organizations named in a prevention and response plan and verifying roles and capabilities, locating and testing response equipment, questioning response personnel, or other means that in the judgment of the requesting commissioner demonstrate preparedness. Before requesting an unannounced drill, the requesting commissioner shall notify the other commissioners that a drill will be requested and invite them to participate in or witness the drill. If an unannounced drill is conducted to the satisfaction of the commissioners, the person conducting the drill may not be required to conduct an additional unannounced drill in the same calendar year.

Sec. 5. [115E.05] [ORDERS AND INJUNCTIONS; ENFORCEMENT.]

Subdivision 1. [AMENDMENT TO PLAN.] If one or more of the commissioners finds the prevention and response plans or preparedness measures of a person do not meet the requirements of this chapter, the commissioner or commissioners making the finding may by order require that reasonable amendments to the plan or reasonable additional preventive or preparedness measures be implemented in a timely fashion. If more than one commissioner makes the finding, the order must be a joint order.

Subd. 2. [COMPLIANCE.] If oil or a hazardous substance is discharged while it is under the control of a person identified in section 3, subdivision 2, any one of the commissioners may by order require the person to comply with the prevention and response plan requirements of sections 3 and 4 in a timely manner if:

- (1) land, water, or air of the state is polluted or threatened; or*
- (2) human life, safety, health, natural resources, or property is damaged or threatened.*

Subd. 3. [ADMINISTRATIVE PENALTY ORDER.] In addition to the authority of the commissioner of the pollution control agency under other law, the commissioner may issue an order that requires violations to be corrected and that administratively assesses monetary penalties for violations under this chapter or section 115.061 and violations of rules adopted by the pollution control agency under sections 115.03, subdivision 1, paragraph (e), clause (3), and 116.49. The order must be issued as provided in section 116.072, subdivisions 2 to 11.

Subd. 4. [FINANCIAL ASSURANCE FOR RESPONSE.] The commissioner of the pollution control agency, the department of natural resources, or the department of agriculture may issue an order under this subdivision if the commissioner determines that adequate response is not being made or that other circumstances exist which indicate adequate response will not continue. When ordered by the commissioner of the pollution control agency, the commissioner of natural resources, or the commissioner of agriculture, the owner or operator of a vessel or facility responsible for the discharge of a hazardous substance or oil shall provide financial assurance acceptable to the ordering commissioner. The financial assurance must be in the amount necessary to cover the reasonable response costs, as determined within one year after discharge by the ordering commissioner, of any additional response that is determined to be reasonable and necessary under applicable laws and regulations. This subdivision may be enforced by the ordering commissioner under section 115.071. An order issued under this subdivision shall cease to be effective upon completion of a response in accordance with applicable laws and regulations.

Subd. 5. [OTHER ENFORCEMENT POWERS.] For the purposes of enforcing this chapter, the commissioner of the pollution control agency may exercise the regulatory and enforcement powers in chapters 115 and 116 and the commissioner of the department of agriculture may exercise the regulatory and enforcement powers in chapters 18B, 18C, and 18D.

Sec. 6. [115E.06] [GOOD SAMARITAN.]

(a) A person listed in this paragraph who is rendering assistance in response to a discharge of a hazardous substance or oil is not liable for response costs that result from actions taken or failed to be taken in the course of the assistance unless the person is grossly negligent or engages in willful misconduct:

(1) a member of a cooperative or community awareness and emergency response group in compliance with standards in rules adopted by the pollution control agency;

(2) an employee or official of the political subdivision where the response takes place, or a political subdivision that has a mutual aid agreement with that subdivision;

(3) a member or political subdivision sponsor of a hazardous materials incident response team or special chemical assessment team designated by the commissioner of the department of public safety;

(4) a person carrying out the directions of: (i) the commissioner of the pollution control agency, the commissioner of agriculture, the commissioner of natural resources, or the commissioner of public safety; or (ii) the United States Coast Guard or Environmental Protection Agency on-scene coordinator consistent with a national contingency plan under the Oil Pollution Act of 1990; and

(5) a for-hire response contractor.

(b) This section does not exempt from liability responsible persons with respect to the discharge under chapter 115B or 115C or responsible parties with respect to the discharge under chapter 18B or 18D.

Sec. 7. [115E.07] [COOPERATION BETWEEN PRIVATE AND PUBLIC RESPONDERS.]

Political subdivisions and state agencies may arrange with persons to provide resources of state and local government so that the persons may comply with section 3, subdivision 4.

Sec. 8. [115E.08] [COORDINATION.]

Subdivision 1. [APPOINTMENT.] The commissioner of public safety shall coordinate state agency preparedness for response to discharges of oil or hazardous substances.

Subd. 2. [DUTIES.] The commissioner of public safety shall at least annually assess the preparedness of each state agency for carrying out its responsibilities under sections 1 to 10 and shall chair regular meetings of representatives of each agency to prepare for coordinated response. The commissioner shall develop an incident command system for use by state agency responders in consultation with the affected state agencies. Following each major incident, the commissioner shall review the performance of each responding agency and the adequacy of the overall response and shall report to the agencies involved and the governor. The commissioner shall also identify opportunities for state agencies to coordinate with federal departments and agencies and political subdivisions of the state for preparedness and response actions.

Subd. 3. [JURISDICTION.] Except as otherwise provided, the following agencies have primary responsibility for the specified areas in carrying out the duties and authorities of this chapter:

(1) the department of agriculture, for agricultural chemicals;

(2) the department of public safety, for public safety and protection of property;

(3) the department of natural resources, for assessment and rehabilitation of water resources; and

(4) the pollution control agency, for all other matters subject to this chapter.

Subd. 4. [ANNUAL REPORT.] The commissioner shall annually report to the appropriate committees of the legislature on the readiness of state government to respond appropriately to discharges of oil or hazardous substances.

Sec. 9. [115E.09] [SINGLE ANSWERING POINT SYSTEM.]

The commissioner of public safety shall establish a single answering point system for use by persons responsible for reporting emergency incidents and conditions involving hazardous substances or oil to agencies of the state. The single answering point system must include personnel on duty 24 hours a day and equipment adequate to support communication to and from the parties responsible for an incident and all state agencies responsible for state response to the incident. The persons at the answering point must be trained in the jurisdictions, responsibilities, and capabilities of each state agency and basic hazardous substance hazard recognition and response procedures. All state agencies shall cooperate with the commissioner by including the single answering point system telephone number in files, permits, correspondence, and similar written material, and by appointing staff to coordinate the receipt of reports with the staff of the single answering point system.

Sec. 10. [REPORTS.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the terms in this subdivision have the meanings given them.

(b) "Discharge" has the meaning given in section 1, subdivision 4.

(c) "Response" has the meaning given in section 1, subdivision 11.

Subd. 2. [COMMUNICATION REVIEW; REPORT.] The commissioners of public safety, transportation, natural resources, agriculture, military affairs, the pollution control agency, and other state agencies shall review the adequacy of existing radio, telephone, and other communications between local, state, federal, private, and other responders to discharges of oil or hazardous substances. The commissioners shall consult with representatives of the emergency management and public safety agencies of political subdivisions. The commissioners shall jointly report to the legislature by January 1, 1992, on the current abilities of public safety, environmental, health, and cleanup personnel to communicate, and may prepare recommendations for improving communications including designation of statewide radio frequencies for emergency use.

Subd. 3. [RESPONSE REVIEW; REPORT.] The commissioner of the pollution control agency, in consultation with public and private responders, shall review state practices for response and follow-up to discharges and shall report to the legislature by January 1, 1992. The report must include:

(1) recommendations on preparing, training, and directing state, local, and private responders;

(2) evaluation of and recommendations on procedures for oversight of responses to pipeline and tank discharges, including discharges occurring before the effective date of this section;

(3) evaluation of the adequacy of resources and authorities for response oversight;

(4) review of procedures and policies for ordering financial assurance under section 5, subdivision 4; and

(5) recommendations on the need for amendments to liability provisions in existing law relating to discharges.

Sec. 11. [FUNDS; TRAINING.]

The commissioners of public safety, the pollution control agency, natural resources, agriculture, and transportation shall seek federal funding for activities undertaken under this act. A portion of any funds received under this section must be used by the agencies to train state agency and political subdivision personnel in proper recognition of and response to discharges and releases.

The commissioner of public safety may accept gifts for the purpose of ensuring adequate training of state agency and political subdivision personnel.

Sec. 12. [EFFECTIVE DATE.]

Section 5, subdivision 4, is effective the day following final enactment and applies to discharges of hazardous substances or oil on or after March 1, 1991."

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 re-referred

S.F. No. 917: A bill for an act relating to human services; providing for clarification and changes in law relating to child support enforcement; amending Minnesota Statutes 1990, sections 256B.031, subdivision 5; 518.131, subdivision 7; 518.17, subdivision 6; 518.551, subdivisions 5, 5a, and 6; 518.57, subdivision 1; and 518.64; proposing coding for new law in Minnesota Statutes, chapter 518.

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

Delete everything after the enacting clause and insert:

"ARTICLE I

REVISED CHILD SUPPORT GUIDELINES

Section 1. Minnesota Statutes 1990, section 518.551, subdivision 5, is amended to read:

Subd. 5. [NOTICE TO PUBLIC AUTHORITY; GUIDELINES.] (a) The petitioner shall notify the public authority of all proceedings for dissolution, legal separation, determination of parentage or for the custody of a child, if either party is receiving aid to families with dependent children or applies for it subsequent to the commencement of the proceeding. After receipt of the notice, the court shall set child support as provided in this subdivision. The court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for the child's support, without regard to marital misconduct. The court shall approve a child support ~~agreement~~ stipulation of the parties if each party is represented by independent counsel, unless the ~~agreement is not in the~~ interest of justice stipulation does not meet the conditions of paragraph (h).

In other cases the court shall determine and order child support in a specific dollar amount in accordance with the guidelines and the other factors set forth in paragraph (b) and any departure therefrom.

The court shall derive a specific dollar amount by multiplying the obligor's net income by the percentage indicated by the following guidelines:

Net Income Per Month of Obligor	Number of Children						
	1	2	3	4	5	6	7 or more
\$400 and Below	Order based on the ability of the obligor to provide support at these income levels, or at higher levels, if the obligor has the earning ability.						
\$401 - 500	14%	17%	20%	22%	24%	26%	28%
\$501 - 550	15%	18%	21%	24%	26%	28%	30%
\$551 - 600	16%	19%	22%	25%	28%	30%	32%
\$601 - 650	17%	21%	24%	27%	29%	32%	34%
\$651 - 700	18%	22%	25%	28%	31%	34%	36%
\$701 - 750	19%	23%	27%	30%	33%	36%	38%
\$751 - 800	20%	24%	28%	31%	35%	38%	40%
\$801 - 850	21%	25%	29%	33%	36%	40%	42%
\$851 - 900	22%	27%	31%	34%	38%	41%	44%
\$901 - 950	23%	28%	32%	36%	40%	43%	46%
\$951 - 1000	24%	29%	34%	38%	41%	45%	48%
\$1001 - 4000	25%	30%	35%	39%	43%	47%	50%

Guidelines for support for an obligor with a monthly income of \$4,001 or more shall be the same dollar amounts as provided for in the guidelines for an obligor with a monthly income of \$4,000.

Net Income defined as:

Total monthly
income less

- *(i) Federal Income Tax
- *(ii) State Income Tax
- (iii) Social Security
Deductions
- (iv) Reasonable
Pension Deductions

*Standard
Deductions apply-
use of tax tables
recommended

- (v) Union Dues
- (vi) Cost of Dependent Health
Insurance Coverage
- (vii) Cost of Individual or Group
Health/Hospitalization
Coverage or an
Amount for Actual
Medical Expenses
- (viii) A Child Support or
Maintenance Order that is
Currently Being Paid.

"Net income" does not include:

(1) the income of the obligor's spouse, but does include in-kind payments received by the obligor in the course of employment, self-employment, or operation of a business if the payments reduce the obligor's living expenses;

or

(2) compensation received by a party for employment in excess of a 40-hour work week, provided that:

~~(a)~~ (i) support is nonetheless ordered in an amount at least equal to the guidelines amount based on income not excluded under this clause; and

~~(b)~~ (ii) the party demonstrates, and the court finds, that:

~~(i)~~ (A) the excess employment began after the filing of the petition for dissolution;

~~(ii)~~ (B) the excess employment reflects an increase in the work schedule or hours worked over that of the two years immediately preceding the filing of the petition;

~~(iii)~~ (C) the excess employment is voluntary and not a condition of employment;

~~(iv)~~ (D) the excess employment is in the nature of additional, part-time or overtime employment compensable by the hour or fraction of an hour; and

~~(v)~~ (E) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation.

(b) In addition to the child support guidelines, the court shall take into consideration the following factors in setting or modifying child support:

(1) all earnings, income, and resources of the parents, including real and personal property, but excluding income from excess employment of the obligor or obligee that meets the criteria of paragraph (a), clause (2)~~(b)~~ (ii);

(2) the financial needs and resources, physical and emotional condition, and educational needs of the child or children to be supported;

(3) the standards of living the child would have enjoyed had the marriage not been dissolved, but recognizing that the parents now have separate households;

(4) the amount of the aid to families with dependent children grant for the child or children;

(5) which parent receives the income taxation dependency exemption and what financial benefit the parent receives from it; and

(6) the parents' debts as provided in paragraph (c).

(c) In establishing or modifying a support obligation, the court may consider debts owed to private creditors, but only if:

(1) the right to support has not been assigned under section 256.74;

(2) the court determines that the debt was reasonably incurred for necessary support of the child or parent or for the necessary generation of income. If the debt was incurred for the necessary generation of income, the court shall consider only the amount of debt that is essential to the continuing generation of income; and

(3) the party requesting a departure produces a sworn schedule of the debts, with supporting documentation, showing goods or services purchased, the recipient of them, the amount of the original debt, the outstanding balance, the monthly payment, and the number of months until

the debt will be fully paid.

(d) Any schedule prepared under paragraph (c), clause (3), shall contain a statement that the debt will be fully paid after the number of months shown in the schedule, barring emergencies beyond the party's control.

(e) Any further departure below the guidelines that is based on a consideration of debts owed to private creditors shall not exceed 18 months in duration, after which the support shall increase automatically to the level ordered by the court. Nothing in this section shall be construed to prohibit one or more step increases in support to reflect debt retirement during the 18-month period.

(f) Where payment of debt is ordered pursuant to this section, the payment shall be ordered to be in the nature of child support.

~~(d)~~ (g) Nothing shall preclude the court from receiving evidence on the above factors to determine if the guidelines should be exceeded or modified in a particular case.

~~(e) The above guidelines are binding in each case unless the court makes express findings of fact as to the reason for departure below or above the guidelines. (h) The guidelines in this subdivision are a rebuttable presumption and shall be used in all cases when establishing or modifying child support. If the court does not deviate from the guidelines, the court shall make written findings concerning the amount of the obligor's income used as the basis for the guidelines calculation and any other significant evidentiary factors affecting the determination of child support. If the court deviates from the guidelines, the court shall make written findings giving the reasons for the deviation and shall specifically address the criteria in paragraph (b) and how the deviation serves the best interest of the child. The provisions of this paragraph apply whether or not the parties are each represented by independent counsel and have entered into a written agreement. The court shall review stipulations presented to it for conformity to the guidelines and the court is not required to conduct a hearing, but the parties shall provide the documentation of earnings required under subdivision 5b.~~

Sec. 2. Minnesota Statutes 1990, section 518.551, is amended by adding a subdivision to read:

Subd. 5b. [DETERMINATION OF INCOME.] (a) The parties shall timely serve and file documentation of income. When there is a prehearing conference, the court must receive the documentation of income at least ten days prior to the prehearing conference. Documentation of income includes, but is not limited to, pay stubs for the most recent three months, employer statements, or statement of receipts and expenses if self-employed. Documentation of income also includes copies of each parent's most recent federal tax returns, including W-2 forms, 1099 forms, unemployment compensation statements, workers' compensation statements, and all other documents evidencing income as received that provide verification of income over a longer period.

(b) If a parent under the jurisdiction of the court does not appear at a court hearing after proper notice of the time and place of the hearing, the court shall set income for that parent based on credible evidence before the court or in accordance with paragraph (c). Credible evidence may include documentation of current or recent income, testimony of the other parent concerning recent income levels, and the parent's wage reports filed with

the Minnesota department of jobs and training under section 268.121.

(c) If the court finds that a parent is voluntarily unemployed or underemployed, child support shall be calculated based on a determination of imputed income. A parent is not considered voluntarily unemployed or underemployed upon a showing by the parent that the parent has made a good faith effort to seek suitable employment or that the unemployment or underemployment is: (1) temporary and will ultimately lead to an increase in income; or (2) represents a bona fide career change that outweighs the adverse effect of that parent's diminished income on the child. Imputed income means the estimated earning ability of a parent based on the parent's prior earnings history, education, and job skills, and on availability of jobs within the community for an individual with the parent's qualifications. If the court is unable to determine or estimate the earning ability of a parent, the court may calculate child support based on full-time employment of 40 hours per week at the federal minimum wage or the Minnesota minimum wage, whichever is higher. If a parent is physically or mentally incapacitated, it shall be presumed that the parent is not voluntarily unemployed or underemployed.

Sec. 3. Minnesota Statutes 1990, section 518.551, is amended by adding a subdivision to read:

Subd. 5c. [CHILD SUPPORT GUIDELINES TO BE REVIEWED EVERY FOUR YEARS.] No later than 1994 and every four years after that, the department of human services shall conduct a review of the child support guidelines.

Sec. 4. Minnesota Statutes 1990, section 518.64, is amended to read:

518.64 [MODIFICATION OF ORDERS OR DECREES.]

Subdivision 1. After an order for maintenance or support money, temporary or permanent, or for the appointment of trustees to receive property awarded as maintenance or support money, the court may from time to time, on ~~petition~~ motion of either of the parties, a copy of which is served on the public authority responsible for child support enforcement if payments are made through it, or on ~~petition~~ motion of the public authority responsible for support enforcement, modify the order respecting the amount of maintenance or support money, and the payment of it, and also respecting the appropriation and payment of the principal and income of property held in trust, and may make an order respecting these matters which it might have made in the original proceeding, except as herein otherwise provided.

Subd. 2. [MODIFICATION.] (a) The terms of a ~~decree~~ an order respecting maintenance or support may be modified upon a showing of one or more of the following: (1) substantially increased or decreased earnings of a party; (2) substantially increased or decreased need of a party or the child or children that are the subject of these proceedings; (3) receipt of assistance under sections 256.72 to 256.87; or (4) a change in the cost of living for either party as measured by the federal bureau of statistics, any of which makes the terms unreasonable and unfair.

The terms of a current support order shall be rebuttably presumed to be unreasonable and unfair if the application of the child support guidelines in section 518.551, subdivision 5, to the current circumstances of the parties results in a calculated court order that is at least 20 percent and at least \$50 per month higher or lower than the current support order. If the current support order represents a deviation from the guidelines which is supported

by written findings giving the reasons for the deviation, and the reasons given continue to apply to the current circumstances of the parties, then the current support order will only be presumed to be unreasonable and unfair if the application of the guidelines to the current circumstances of the parties results in a calculation that is at least 20 percent and at least \$50 per month higher or lower than the amount that would have been calculated had guidelines been applied at the time the current support order was established.

(b) On a motion for modification of maintenance, the court shall apply, in addition to all other relevant factors, the factors for an award of maintenance under section 518.552 that exist at the time of the motion. On a motion for modification of support, the court:

~~(4) shall take into consideration the needs of the children apply section 518.551, subdivision 5, and shall not consider the financial circumstances of each party's spouse, if any; and~~

(2) shall not consider compensation received by a party for employment in excess of a 40-hour work week, provided that the party demonstrates, and the court finds, that:

(i) the excess employment began after entry of the existing support order;

(ii) the excess employment is voluntary and not a condition of employment;

(iii) the excess employment is in the nature of additional, part-time employment, or overtime employment compensable by the hour or fractions of an hour;

(iv) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation;

(v) in the case of an obligor, current child support payments are at least equal to the guidelines amount based on income not excluded under this clause; and

(vi) in the case of an obligor who is in arrears in child support payments to the obligee, any net income from excess employment must be used to pay the arrearages until the arrearages are paid in full.

(c) A modification of support or maintenance may be made retroactive only with respect to any period during which the petitioning party has pending a motion for modification but only from the date of service of notice of the motion on the responding party. However, modification may be applied to an earlier period if the court makes express findings that the party seeking modification was precluded from serving a motion by reason of a significant physical or mental disability ~~or~~, a material misrepresentation of another party, *or fraud upon the court* and that the party seeking modification, when no longer precluded, promptly served a motion.

(d) Except for an award of the right of occupancy of the homestead, provided in section 518.63, all divisions of real and personal property provided by section 518.58 shall be final, and may be revoked or modified only where the court finds the existence of conditions that justify reopening a judgment under the laws of this state, including motions under section 518.145, subdivision 2. The court may impose a lien or charge on the divided property at any time while the property, or subsequently acquired property, is owned by the parties or either of them, for the payment of maintenance or support money, or may sequester the property as is provided by section 518.24.

Subd. 3. Unless otherwise agreed in writing or expressly provided in the decree, the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

Subd. 4. Unless otherwise agreed in writing or expressly provided in the ~~decree~~ order, provisions for the support of a child are terminated by emancipation of the child but not by the death of a parent obligated to support the child. When a parent obligated to pay support dies, the amount of support may be modified, revoked, or commuted to a lump sum payment, to the extent just and appropriate in the circumstances.

Subd. 5. [FORM.] The department of human services shall prepare and make available to courts, obligors and persons to whom child support is owed a form to be submitted by the obligor or the person to whom child support is owed in support of a motion for a modification of an order ~~pursuant to this section or section 256.87 for support or maintenance~~. The rulemaking provisions of chapter 14 shall not apply to the preparation of the form.

Subd. 6. [EXPEDITED PROCEDURE.] (a) *The public authority may seek a modification of the child support order in accordance with the rules of civil procedure or under the expedited procedures in this subdivision.*

(b) *The public authority may serve the following documents upon the obligor either by certified mail or in the manner provided for service of a summons under the rules of civil procedure:*

(i) *a notice of its application for modification of the obligor's support order stating the amount and effective date of the proposed modification which date shall be no sooner than 30 days from the date of service;*

(ii) *an affidavit setting out the basis for the modification under subdivision 2, including evidence of the current income of the parties;*

(iii) *any other documents the public authority intends to file with the court in support of the modification;*

(iv) *the proposed order;*

(v) *notice to the obligor that if the obligor fails to move the court and request a hearing on the issue of modification of the support order within 30 days of service of the notice of application for modification, the public authority will likely obtain an order, ex parte, modifying the support order; and*

(vi) *an explanation to the obligor of how a hearing can be requested, together with a motion for review form that the obligor can complete and file with the court to request a hearing.*

(c) *If the obligor moves the court for a hearing, any modification must be stayed until the court has had the opportunity to determine the issue. Any modification ordered by the court is effective on the date set out in the notice of application for modification, but no earlier than 30 days following the date the obligor was served.*

(d) *If the obligor fails to move the court for hearing within 30 days of service of the notice, the public authority shall file with the court a copy of the notice served on the obligor as well as all documents served on the obligor, proof of service, and a proposed order modifying support.*

(e) *If, following judicial review, the court determines that the procedures*

provided for in this subdivision have been followed and the requested modification is appropriate, the order shall be signed ex parte and entered.

(f) Failure of the court to enter an order under this subdivision does not prejudice the right of the public authority or either party to seek modification in accordance with the rules of civil procedure.

(g) The supreme court shall develop standard forms for the notice of application of modification of the support order, the supporting affidavit, the obligor's responsive motion, and proposed order granting the modification.

ARTICLE 2

CHILD SUPPORT ENFORCEMENT

Section 1. [214.101] [CHILD SUPPORT; SUSPENSION OF LICENSE.]

Subdivision 1. [COURT ORDER; HEARING ON SUSPENSION.] If a licensing board receives an order from a court under section 518.551, subdivision 12, dealing with suspension of a license of a person found by the court to be in arrears in child support payments, the board shall, within 30 days of receipt of the court order, provide notice to the licensee and hold a hearing. If the board finds that the person is licensed by the board and evidence of full payment of arrearages found to be due by the court is not presented at the hearing, the board shall suspend the license unless it determines that probation is appropriate under subdivision 2. The only issues to be determined by the board are whether the person named in the court order is a licensee, whether the arrearages have been paid, and whether suspension or probation is appropriate. The board may not consider evidence with respect to the appropriateness of the court order or the ability of the person to comply with the order. The board may not lift the suspension until the licensee files with the board proof showing that the licensee is current in child support payments.

Subd. 2. [PROBATION.] If the board determines that the suspension of the license would create an extreme hardship to either the licensee or to persons whom the licensee serves, the board may, in lieu of suspension, allow the licensee to continue to practice the occupation on probation. Probation must be conditioned upon full compliance with the court order that referred the matter to the board. The probation period may not exceed two years, and the terms of probation must provide for automatic suspension of the license if the licensee does not provide monthly proof to the board of full compliance with the court order that referred the matter to the board or a further court order if the original order is modified by the court.

Subd. 3. [REVOCATION OR REINSTATEMENT OF PROBATION.] If the licensee has a modification petition pending before the court, the board may, without a hearing, defer a revocation of probation and institution of suspension until receipt of the court's ruling on the modification order. A licensee who was placed on probation and then automatically suspended may be automatically reinstated upon providing proof to the board that the licensee is currently in compliance with the court order.

Subd. 4. [VERIFICATION OF PAYMENTS.] Before a board may terminate probation, remove a suspension, issue, or renew a license of a person who has been suspended or placed on probation under this section, it shall contact the court that referred the matter to the board to determine that the applicant is not in arrears for child support. The board may not issue or

renew a license until the applicant proves to the board's satisfaction that the applicant is current in support payments.

Subd. 5. [APPLICATION.] This section applies to support obligations ordered by any state, territory, or district of the United States.

Sec. 2. Minnesota Statutes 1990, section 518.551, is amended by adding a subdivision to read:

Subd. 12. [OCCUPATIONAL LICENSE SUSPENSION.] Upon petition of an obligee or public agency responsible for child support enforcement, if the court finds that the obligor is or may be licensed by a licensing board listed in section 214.01 and the obligor is in arrears in court-ordered child support payments, the court may direct the licensing board to conduct a hearing under section 1 concerning suspension of the obligor's license. If the obligor is a licensed attorney, the court may report the matter to the lawyers professional responsibility board for appropriate action in accordance with the rules of professional conduct. The remedy under this subdivision is in addition to any other enforcement remedy available to the court.

Sec. 3. [EFFECTIVE DATE.]

This article is effective May 1, 1992.

ARTICLE 3

DETERMINATION OF PATERNITY AMENDMENTS

Section 1. Minnesota Statutes 1990, section 257.57, subdivision 2, is amended to read:

Subd. 2. The child, the mother, or personal representative of the child, the public authority chargeable by law with the support of the child, the personal representative or a parent of the mother if the mother has died or is a minor, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor may bring an action:

(1) at any time for the purpose of declaring the existence of the father and child relationship presumed under section 257.55, subdivision 1, clause (d) ~~or~~, (e), or (f), or the nonexistence of the father and child relationship presumed under clause (d) of that subdivision; ~~or~~

(2) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, clause (e) only if the action is brought within three years after the date of the execution of the declaration; or

(3) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, paragraph (f), only if the action is brought within three years after the party bringing the action, or the party's attorney of record, has been provided the blood test results.

ARTICLE 4

REVENUE RECAPTURE AMENDMENTS

Section 1. Minnesota Statutes 1990, section 270A.04, subdivision 2, is amended to read:

Subd. 2. Any debt owed to a claimant agency shall be submitted by the

agency for collection under the procedure established by sections 270A.01 to 270A.12 unless (a) an alternative means of collection is pending and the debtor is complying with the terms of alternative means of collection, *except that this limitation does not apply to debts owed resulting from a default in payment of child support or maintenance*, (b) the collection attempt would result in a loss of federal funds, or (c) the agency is unable to supply the department with the necessary identifying information required by subdivision 3 or rules promulgated by the commissioner, or (d) the debt is barred by section 541.05.

Sec. 2. Minnesota Statutes 1990, section 270A.08, subdivision 2, is amended to read:

Subd. 2. (a) This written notice shall clearly and with specificity set forth the basis for the claim to the refund including the name of the benefit program involved if the debt arises from a public assistance grant and the dates on which the debt was incurred and, further, shall advise the debtor of the claimant agency's intention to request setoff of the refund against the debt.

(b) The notice will also advise the debtor that any debt incurred more than six years from the date of the notice to the commissioner under section 270A.07, *except for debts owed resulting from a default in payment of child support or maintenance*, must not be setoff against a refund and will advise the debtor of the right to contest the validity of the claim at a hearing. The debtor must assert this right by written request to the claimant agency, which request the agency must receive within 45 days of the mailing date of the original notice or of the corrected notice, as required by subdivision 1. If the debtor has not received the notice, the 45 days shall not commence until the debtor has received actual notice. The debtor shall have the burden of showing no notice and shall be entitled to a hearing on the issue of notice as well as on the merits."

Delete the title and insert:

"A bill for an act relating to human services; providing for clarification and changes in law relating to child support enforcement; authorizing suspension of an occupational license; amending Minnesota Statutes 1990, sections 257.57, subdivision 2; 270A.04, subdivision 2; 270A.08, subdivision 2; 518.551, subdivision 5, and by adding subdivisions; and 518.64; proposing coding for new law in Minnesota Statutes, chapter 214."

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 re-referred

S.F. No. 2: A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; requiring the commissioner of health to set overall limits on health care spending and make recommendations regarding health care system reform; creating a technology and benefits advisory committee; creating a health care expenditures advisory committee; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; proposing coding for new law in Minnesota

Statutes, chapters 16B; 62A; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

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

Page 6, line 25, delete the second "and"

Page 7, line 1, before the period, insert " ; and

(10) incorporate practice standards developed by the health care analysis unit under article 4, section 1, into the administration of the Minnesotans' health care plan and specifications for contracts with health plans and providers for coverage and services to enrollees"

Page 12, line 19, after the period, insert *"The transfers must not limit the scope of collective bargaining concerning health benefits, or require community rating of employee health benefits except as specified in article 6 for employers of a certain size."*

Page 12, line 31, before "If" insert *"The commissioner shall submit proposed legislation to the legislature by January 1, 1994, concerning the transfer of responsibilities and functions of state employee health benefits programs. In preparing this legislation the commissioner shall consult with, and obtain the agreement of, the commissioner of employee relations and the joint labor-management committee on health plans."*

Page 13, line 14, delete "state and"

Page 41, line 18, delete "and"

Page 41, line 20, before the period, insert " ; and

(10) develop outcome-based practice standards as required under section 6"

Page 42, line 31, after "patients" insert *"who have consented to the data request"*

Page 42, line 34, before "The" insert *"For purposes of this section,"* and delete "may" and insert "shall"

Page 43, delete lines 2 to 10 and insert:

"Subd. 6. [DATA CLASSIFICATION.] (a) Data collected through the large-scale data base initiatives of the health care analysis unit required by section 62J.45 that identify individuals are private data on individuals. Data not on individuals are nonpublic data, but the commissioner may release the data to researchers affiliated with university research centers or departments who are conducting research on health outcomes, practice parameters, and medical practice style; researchers working under contract with the bureau of health care access; and individuals purchasing health care services for health plan companies and groups. Prior to releasing any nonpublic data under this paragraph that identify or relate to a specific health plan, medical provider, or health care facility, the commissioner shall provide at least 30 days' notice to the subject of the data, including a copy of the relevant data, and allow the subject of the data to provide a brief explanation or comment on the data which must be released with the data.

(b) Data collected through the survey research initiatives of the health care analysis unit required by section 62J.47 are public data under section 13.03, except that any patient or enrollee identifying information is private

data.

(c) Summary data derived from data collected through the large-scale data base and survey research initiatives of the health care analysis unit may be provided under section 13.05, subdivision 7, and may be released in studies produced by the bureau of health care access."

Page 44, after line 5, insert:

"Sec. 3. [62J.451] [ANALYSIS AND USE OF DATA COLLECTED THROUGH THE LARGE-SCALE DATA BASE.]

Subdivision 1. [DATA ANALYSIS.] The health care analysis unit shall analyze the data collected on specific health conditions using existing medical practice parameters and newly researched medical practice parameters, including those established through the medical effectiveness studies of the federal government. The unit may also use the data collected to develop new practice parameters or refine existing practice parameters, in cooperation with the affected provider groups, and may encourage or coordinate private sector research efforts designed to develop or refine practice parameters.

Subd. 2. [EDUCATIONAL EFFORTS.] The health care analysis unit shall maintain and improve the quality of health care in Minnesota by providing medical practitioners in the state with information about practice parameters and medical practice style. The unit shall disseminate medical parameters for specific medical conditions, and the research findings on which these parameters are based, to all medical practitioners in the state who diagnose or treat the medical condition.

Subd. 3. [PEER REVIEWS.] The unit may require peer reviews for specific medical conditions for which medical practice in all or part of the state deviates from practice parameters. The unit may also require peer reviews for specific medical conditions for which there are large variations in treatment method or frequency of treatment in all or part of the state. Peer reviews may be required for all medical practitioners statewide, or limited to medical practitioners in specific areas of the state. The peer reviews shall determine if the procedures conducted by medical practitioners are medically necessary and appropriate."

Page 45, after line 7, insert:

"Sec. 6. [62J.481] [OUTCOME-BASED PRACTICE STANDARDS.]

The health care analysis unit shall develop, revise, and disseminate practice guidelines and standards that are supported by medical literature and appropriately controlled studies to minimize unnecessary, unproven, or ineffective care. Among other appropriate activities relating to the development of practice guidelines, the health care analysis unit shall:

(1) determine uniform specifications for the collection, transmission, and maintenance of health outcomes data; and

(2) conduct studies and research on the following subjects:

(i) new and revised practice guidelines to be used in connection with the Minnesotans' health care plan and other settings;

(ii) the comparative effectiveness of alternative modes of treatment, medical equipment, and drugs;

(iii) the relative satisfaction of participants with their care, determined

with reference to both provider and mode of treatment;

(iv) the cost versus the effectiveness of health care treatments; and

(v) the impact on cost and effectiveness of health care of the management techniques and administrative interventions used in the Minnesotans' health care plan and other settings."

Page 45, line 20, delete "6" and insert "8"

Renumber the sections of article 4 in sequence

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. 464: A bill for an act relating to crimes; providing that a claimant in a forfeiture proceeding does not have to pay a filing fee; providing for appointment of qualified interpreters in forfeiture proceedings; amending Minnesota Statutes 1990, sections 609.5314, subdivision 3; and 611.32.

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

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1990, section 609.531, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purpose of sections 609.531 to 609.5317, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Weapon used" means a weapon used in the furtherance of a crime and defined as a dangerous weapon under section 609.02, subdivision 6.

(c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the bureau of criminal apprehension, the Minnesota state patrol, a county sheriff's department, the suburban Hennepin regional park district park rangers, *the department of natural resources division of enforcement, the University of Minnesota police department*, or a city or airport police department.

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter;

(2) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to

(j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.631; 609.671, subdivisions 3, 4, and 5; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 237.73; 617.246; or a gross misdemeanor or felony violation of section 609.891.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

Sec. 2. Minnesota Statutes 1990, section 609.5314, subdivision 2, is amended to read:

Subd. 2. [ADMINISTRATIVE FORFEITURE PROCEDURE.] (a) Forfeiture of property described in subdivision 1 is governed by this subdivision. When seizure occurs, or within a reasonable time after that, all persons known to have an ownership or possessory interest in seized property must be notified of the seizure and the intent to forfeit the property. In the case of a motor vehicle required to be registered under chapter 168, notice mailed by certified mail to the address shown in department of public safety records is deemed sufficient notice to the registered owner.

(b) Notice may otherwise be given in the manner provided by law for service of a summons in a civil action. The notice must be in writing and contain:

(1) a description of the property seized;

(2) the date of seizure;

(3) notice of the right to obtain judicial review of the forfeiture; and

(4) ~~notice~~ of the procedure for obtaining *that* judicial review ~~of the forfeiture, printed in English, Hmong, and Spanish~~. Substantially the following language must appear conspicuously: "IF YOU DO NOT DEMAND JUDICIAL REVIEW EXACTLY AS PRESCRIBED IN MINNESOTA STATUTES, SECTION 609.5314, SUBDIVISION 3, YOU LOSE THE RIGHT TO A JUDICIAL DETERMINATION OF THIS FORFEITURE AND YOU LOSE ANY RIGHT YOU MAY HAVE TO THE ABOVE DESCRIBED PROPERTY.""

Page 1, line 20, before the period, insert "*if the value of the seized property is less than \$500*"

Page 2, after line 11, insert:

"(d) If a demand for judicial determination of an administrative forfeiture is filed under this subdivision and the court orders the return of the seized property, the court shall order that filing fees be reimbursed to the person who filed the demand. In addition, the court may order the payment of reasonable costs, expenses, and attorney fees under section 549.21, subdivision 2. If the court orders a payment of these costs, they must be paid from forfeited money or proceeds from the sale of forfeited property from the appropriate law enforcement and prosecuting agencies in the same proportion as they would be distributed under section 609.5315, subdivision 5.

Sec. 4. Minnesota Statutes 1990, section 611.31, is amended to read:

611.31 [HANDICAPPED PERSON.]

For the purposes of sections 611.30 to 611.34, "person handicapped in

communication” means a person who: (a) because of a hearing, speech or other communication disorder, or (b) because of difficulty in speaking or comprehending the English language, cannot fully understand the proceedings or any charges made against the person, *or the seizure of the person's property*, or is incapable of presenting or assisting in the presentation of a defense.”

Page 2, line 36, delete “*arresting*” and insert “*seizing*”

Page 3, line 1, after “*shall*” insert “*, upon request,*”

Page 3, line 5, after the period, insert “*If the seizure is governed by section 609.5314, subdivision 2, a request for an interpreter must be made within 15 days after service of the notice of seizure and forfeiture.*” and delete “*entitled to*” and insert “*who requests*”

Page 3, line 6, before the comma, insert “*under section 609.5314*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after “sections” insert “609.531, subdivision 1;”

Page 1, line 7, delete “subdivision 3” and insert “subdivisions 2 and 3” and after the semicolon, insert “611.31;”

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. 502: A bill for an act relating to court fees; waiving filing fees for a person or person's spouse or children seeking protection under the Soldiers' and Sailors' Civil Relief Act of 1940; amending Minnesota Statutes 1990, section 357.021, subdivision 1a.

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

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

S.F. No. 294: A bill for an act relating to housing; authorizing community land trusts; providing for homestead property tax status; designating sources of funding; authorizing state housing expenditures through community land trusts; appropriating money; amending Minnesota Statutes 1990, sections 116J.984, subdivisions 1 and 5; 273.124, by adding a subdivision; 462A.02, by adding a subdivision; 462A.03, by adding a subdivision; 462A.201, subdivision 2; and 469.205, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 462A.

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

Page 2, line 33, before “BYLAWS” insert “ARTICLES OR” and before “*bylaws*” insert “*articles or*”

Page 3, line 1, before the semicolon, insert “*, subject to clause (2)*”

Page 3, line 4, delete “*, as specified in the bylaws*”

Page 3, line 7, before the semicolon, insert “*and remaining members of the board, if any, may be elected or appointed by the board*”

Page 3, line 11, delete "*membership*" and insert "*members*" and after the semicolon, insert "*and*"

Page 3, delete lines 12 to 14

Page 3, line 15, delete "(6)" and insert "(5)"

Page 3, line 16, after "*a*" insert "*specified*" and delete "*specified in the bylaws*"

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. 494: A bill for an act relating to crimes; driving while intoxicated; authorizing counties to create pilot programs to provide intensive probation for repeat violators of the driving while intoxicated laws; increasing the chemical dependency assessment charge for repeat violators of the driving while intoxicated laws; appropriating money; amending Minnesota Statutes 1990, section 169.121, subdivision 5a.

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

Page 1, line 14, strike everything after "of" and insert "*a violation of this*"

Page 1, line 15, strike "169.126, subdivision 1"

Page 1, line 16, strike "\$75" and insert "\$76" and delete "*For*"

Page 1, line 19, delete "*it*" and delete "*impose a chemical dependency*" and insert "*pay an additional surcharge of \$5*"

Page 1, line 20, delete everything before the period

Page 3, line 18, before "\$" insert "(a)"

Page 3, after line 20, insert:

"(b) \$ is appropriated to the University of Minnesota law school to fund an interdisciplinary criminal justice system DWI task force. The task force shall evaluate DWI laws, enforcement procedures, and court practices and shall advise the legislature, the courts, law enforcement agencies, and prosecutors regarding improvement of DWI laws and their implementation and enforcement."

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 re-referred

S.F. No. 480: A bill for an act relating to the environment; authorizing background investigations of environmental permit applicants; expanding current authority to impose administrative penalties for air and water pollution and solid waste management violations; amending Minnesota Statutes 1990, sections 115.071, by adding a subdivision; 115C.05; and 116.072, subdivisions 1, 2, 6, 10, and 11; proposing coding for new law in Minnesota Statutes, chapters 115 and 116.

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

Page 1, line 14, delete "*A provision*" and insert "*Provisions*"

Page 1, line 15, delete "*that may be enforced*" and insert "*enforceable*"

Page 1, line 19, delete "*material*" and insert "*materially*"

Page 2, after line 28, insert:

"Subd. 2. [PERMIT APPLICANT.] For purposes of this section, a permit applicant includes a natural person, a partnership and its owners, and a corporation and its parent."

Renumber the subdivisions in sequence

Page 3, line 1, delete the period and insert "*regarding the circumstances surrounding the conviction, corrective measures to prevent recurrence, the applicant's rehabilitation, and technical and managerial experience. In making a final decision on the permit,*"

Page 3, line 2, delete everything after "*the*" and insert "*circumstances surrounding the conviction, the applicant's cooperation in any investigations, changes in personnel since the time of conviction, and the actions taken by the applicant to prevent recurrence.*"

Page 3, delete line 3

Page 3, line 23, delete "*promulgated*" and insert "*adopted*"

Page 6, line 12, after "*seek*" insert "*civil*"

Page 6, line 27, after "*commissioner*" insert "*of the pollution control agency*"

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

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

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

S.F. No. 858: A bill for an act relating to restitution; requiring offenders who have been court-ordered to pay restitution to provide affidavits of financial disclosure to investigating correctional agencies; amending Minnesota Statutes 1990, section 611A.04, by adding a subdivision.

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

Page 1, line 14, after "*offender*" insert "*on request of the agency*"

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. 825: A bill for an act relating to traffic regulations; amending the implied consent law advisory; simplifying the contents of a petition for judicial review under the implied consent law; amending Minnesota Statutes 1990, section 169.123, subdivisions 2 and 5c.

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

SECOND READING OF SENATE BILLS

S.F. Nos. 464, 502 and 858 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 825 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Lessard moved that the name of Mr. Morse be added as a co-author to S.F. No. 266. The motion prevailed.

Ms. Pappas moved that the name of Mr. Marty be added as a co-author to S.F. No. 768. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 918 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 918: A bill for an act relating to insurance; prohibiting certain agreements; amending Minnesota Statutes 1990, section 60A.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 51 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knaak	Metzen	Samuelson
Beckman	DeCramer	Kroening	Moe, R.D.	Spear
Belanger	Finn	Laidig	Morse	Storm
Benson, D.D.	Flynn	Langseth	Neuville	Stumpf
Benson, J.E.	Frank	Larson	Pappas	Traub
Berg	Frederickson, D.J.	Lessard	Pariseau	Vickerman
Bernhagen	Hottinger	Luther	Piper	Waldorf
Brataas	Johnson, D.E.	Marty	Pogemiller	
Chmielewski	Johnson, D.J.	McGowan	Price	
Cohen	Johnston	Mehrkens	Ranum	
Dahl	Kelly	Merriam	Riveness	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 505 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 505: A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited land in Washington county.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knaak	Metzen	Samuelson
Beckman	DeCramer	Kroening	Moe, R.D.	Spear
Belanger	Finn	Laidig	Morse	Storm
Benson, D.D.	Flynn	Langseth	Neuville	Stumpf
Benson, J.E.	Frank	Larson	Pappas	Traub
Berg	Gustafson	Lessard	Pariseau	Vickerman
Bernhagen	Hottinger	Luther	Piper	Waldorf
Brataas	Johnson, D.E.	Marty	Pogemiller	
Chmielewski	Johnson, D.J.	McGowan	Price	
Cohen	Johnston	Mehrkens	Ranum	
Dahl	Kelly	Merriam	Riveness	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1122 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1122: A bill for an act relating to local government; permitting public officers to rent space in public facilities; amending Minnesota Statutes 1990, section 471.88, 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 53 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Johnston	Mehrkens	Renneke
Beckman	DeCramer	Kelly	Metzen	Riveness
Belanger	Finn	Knaak	Moe, R.D.	Samuelson
Benson, D.D.	Flynn	Kroening	Morse	Spear
Benson, J.E.	Frank	Laidig	Neuville	Storm
Berg	Frederickson, D.J.	Langseth	Pappas	Stumpf
Bernhagen	Frederickson, D.R.	Larson	Pariseau	Traub
Bertram	Gustafson	Lessard	Piper	Vickerman
Brataas	Hottinger	Luther	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	Marty	Price	
Cohen	Johnson, D.J.	McGowan	Ranum	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1216 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1216: A bill for an act relating to state lands; allowing sales of certain state lands to be held in counties adjacent to the county where the land is located; allowing the commissioner of natural resources to sell certain state lands bordering public waters; transferring state land by private sale to the town board of the town of Lake in Roseau county; amending Minnesota Statutes 1990, sections 92.03, subdivision 1; 92.12, subdivision 4; 92.13; 92.14; 92.67, subdivision 1; and Laws 1986, chapter 449, section 6.

Mr. Merriam moved to amend S.F. No. 1216 as follows:

Page 4, line 4, delete "*for the purposes*" and insert "*as*"

Page 4, line 5, delete "*paragraph (d)*" and insert "*paragraphs (d) and (e)*"

Page 4, after line 12, insert:

"(e) Before undertaking any activities on the land, the town shall consult with the commissioner of natural resources regarding the town's specific plans for the use of the land. The plans must provide for the preservation of existing trees on the land to the maximum extent consistent with the uses described in paragraph (d)."

The motion prevailed. So the amendment was adopted.

S.F. No. 1216 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Adkins	DeCramer	Kelly	Metzen	Sams
Beckman	Finn	Knaak	Moe, R.D.	Samuelson
Belanger	Flynn	Kroening	Morse	Spear
Benson, D.D.	Frank	Laidig	Novak	Storm
Benson, J.E.	Frederickson, D.J.	Langseth	Pappas	Stumpf
Berg	Frederickson, D.R.	Larson	Pariseau	Traub
Bernhagen	Gustafson	Lessard	Piper	Vickerman
Bertram	Halberg	Luther	Pogemiller	Waldorf
Chmielewski	Hottinger	Marty	Price	
Cohen	Johnson, D.E.	McGowan	Ranum	
Dahl	Johnson, D.J.	Mehrkens	Renneke	
Day	Johnston	Merriam	Riveness	

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 355 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 355: A bill for an act relating to animals; providing for disposition of certain animals taken into custody by public authorities; requiring bond or other security for expenses of care in certain cases; amending Minnesota Statutes 1990, sections 343.22, subdivisions 1 and 3; and 343.29, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 343.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.J.	McGowan	Price
Beckman	Day	Johnston	Mehrkens	Ranum
Belanger	DeCramer	Kelly	Metzen	Renneke
Benson, D.D.	Finn	Knaak	Moe, R.D.	Riveness
Benson, J.E.	Flynn	Kroening	Morse	Sams
Berg	Frank	Laidig	Neuville	Samuelson
Bernhagen	Frederickson, D.J.	Langseth	Novak	Storm
Bertram	Gustafson	Larson	Pappas	Stumpf
Brataas	Halberg	Lessard	Pariseau	Traub
Chmielewski	Hottinger	Luther	Piper	Vickerman
Cohen	Johnson, D.E.	Marty	Pogemiller	Waldorf

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1399 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1399: A bill for an act relating to utilities; determining when reconciliation of actual assessments to public utilities and telephone companies must be completed; amending Minnesota Statutes 1990, sections 216B.62, subdivision 3; and 237.295, 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Johnston	Metzen	Ranum
Beckman	DeCramer	Kelly	Moe, R.D.	Renneke
Belanger	Finn	Knaak	Mondale	Riveness
Benson, D.D.	Flynn	Kroening	Morse	Sams
Benson, J.E.	Frank	Laidig	Neuville	Samuelson
Berg	Frederickson, D.J.	Langseth	Novak	Spear
Bernhagen	Frederickson, D.R.	Larson	Olson	Storm
Bertram	Gustafson	Lessard	Pappas	Stumpf
Brataas	Halberg	Luther	Pariseau	Traub
Chmielewski	Hottinger	Marty	Piper	Vickerman
Cohen	Johnson, D.E.	McGowan	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Mehrkens	Price	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1318 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1318: A bill for an act relating to real property; authorizing the recording of monuments on plats before actual placement; amending Minnesota Statutes 1990, sections 465.79, subdivisions 2 and 4; 505.02, subdivision 1; and 505.03, 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Johnston	Merriam	Price
Beckman	DeCramer	Kelly	Metzen	Ranum
Belanger	Finn	Knaak	Moe, R.D.	Renneke
Benson, D.D.	Flynn	Kroening	Mondale	Riveness
Benson, J.E.	Frank	Laidig	Morse	Sams
Berg	Frederickson, D.J.	Langseth	Neuville	Samuelson
Bernhagen	Frederickson, D.R.	Larson	Novak	Spear
Bertram	Gustafson	Lessard	Olson	Storm
Brataas	Halberg	Luther	Pappas	Stumpf
Chmielewski	Hottinger	Marty	Pariseau	Traub
Cohen	Johnson, D.E.	McGowan	Piper	Vickerman
Dahl	Johnson, D.J.	Mehrkens	Pogemiller	Waldorf

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1160 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1160: A bill for an act relating to local government; providing for the organization, administration, and operation of a hospital district in the county of Swift and the city of Benson.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	DeCramer	Kelly	Mondale	Sams
Beckman	Finn	Knaak	Morse	Samuelson
Belanger	Flynn	Kroening	Neuville	Spear
Benson, D.D.	Frank	Laidig	Novak	Storm
Benson, J.E.	Frederickson, D.J.	Langseth	Pappas	Stumpf
Berg	Frederickson, D.R.	Larson	Pariseau	Traub
Bernhagen	Gustafson	Lessard	Piper	Vickerman
Bertram	Halberg	Luther	Pogemiller	Waldorf
Chmielewski	Hottinger	Marty	Price	
Cohen	Johnson, D.E.	McGowan	Ranum	
Dahl	Johnson, D.J.	Mehrkens	Renneke	
Day	Johnston	Metzen	Riveness	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 620 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 620: A bill for an act relating to state lands; authorizing the sale of certain land in Cook county.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	DeCramer	Kelly	Metzen	Renneke
Beckman	Finn	Knaak	Mondale	Riveness
Belanger	Flynn	Kroening	Morse	Sams
Benson, D.D.	Frank	Laidig	Neuville	Samuelson
Benson, J.E.	Frederickson, D.J.	Langseth	Novak	Spear
Berglin	Frederickson, D.R.	Larson	Pappas	Storm
Bernhagen	Gustafson	Lessard	Pariseau	Stumpf
Bertram	Halberg	Luther	Piper	Traub
Chmielewski	Hottinger	Marty	Pogemiller	Vickerman
Cohen	Johnson, D.E.	McGowan	Price	Waldorf
Dahl	Johnson, D.J.	Mehrkins	Ranum	
Day	Johnston	Merriam	Reichgott	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 248 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 248: A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public water or natural wetlands in Anoka county.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Day	Johnston	Merriam	Ranum
Beckman	DeCramer	Kelly	Metzen	Reichgott
Belanger	Finn	Knaak	Moe, R.D.	Renneke
Benson, D.D.	Flynn	Kroening	Morse	Riveness
Benson, J.E.	Frank	Laidig	Neuville	Sams
Berg	Frederickson, D.J.	Langseth	Novak	Samuelson
Berglin	Frederickson, D.R.	Larson	Olson	Spear
Bernhagen	Gustafson	Lessard	Pappas	Storm
Bertram	Halberg	Luther	Pariseau	Stumpf
Chmielewski	Hottinger	Marty	Piper	Traub
Cohen	Johnson, D.E.	McGowan	Pogemiller	Vickerman
Dahl	Johnson, D.J.	Mehrkins	Price	Waldorf

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1020 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1020: A bill for an act relating to the city of Saint Paul; exempting certain port authority activities from competitive bidding; amending Minnesota Statutes 1990, section 469.084, by adding a subdivision.

S.F. No. 1020 was read the third time.

Mr. Kelly moved that S.F. No. 1020 be laid on the table. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 274 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 274: A bill for an act relating to regulation of dangerous dogs; providing for designation of a warning symbol to inform children of the presence of a dangerous dog; amending Minnesota Statutes 1990, section 347.51, 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 56 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Kroening	Morse	Riveness
Beckman	Finn	Laidig	Neuville	Sams
Belanger	Flynn	Langseth	Novak	Samuelson
Benson, D.D.	Frank	Larson	Olson	Spear
Benson, J.E.	Frederickson, D.J.	Lessard	Pappas	Storm
Berg	Gustafson	Luther	Pariseau	Stumpf
Berglin	Halberg	Marty	Piper	Traub
Bernhagen	Hottinger	McGowan	Pogemiller	Vickerman
Bertram	Johnson, D.E.	Mehrkens	Price	
Chmielewski	Johnson, D.J.	Merriam	Ranum	
Cohen	Johnston	Metzen	Reichgott	
Dahl	Knaak	Mondale	Renneke	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 83 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 83: A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands bordering public water in Clay and Cottonwood counties.

Mr. Vickerman moved to amend S.F. No. 83 as follows:

Page 2, after line 13, insert:

“(3) *Quivli Subdivision*

City of Windom

Lot 11”

The motion prevailed. So the amendment was adopted.

S.F. No. 83 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.J.	Mehrkens	Price
Beckman	Day	Johnson, J.B.	Merriam	Ranum
Belanger	DeCramer	Johnston	Metzen	Reichgott
Benson, D.D.	Finn	Knaak	Mondale	Renneke
Benson, J.E.	Flynn	Kroening	Morse	Sams
Berg	Frank	Laidig	Neuville	Samuelson
Berglin	Frederickson, D.J.	Langseth	Novak	Spear
Bernhagen	Frederickson, D.R.	Larson	Olson	Storm
Bertram	Gustafson	Lessard	Pappas	Stumpf
Brataas	Halberg	Luther	Pariseau	Traub
Chmielewski	Hottinger	Marty	Piper	Vickerman
Cohen	Johnson, D.E.	McGowan	Pogemiller	Waldorf

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 880 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 880: A bill for an act relating to checks; increasing bank verification requirements for opening checking accounts; prohibiting service charges for dishonored checks on persons other than the issuer; regulating check numbering procedures; requiring the commissioner of commerce to adopt rules regarding verification procedure requirements; modifying procedures and liability for civil restitution for holders of worthless checks; authorizing service charges for use of law enforcement agencies; clarifying criminal penalties; increasing information that banks must provide to holders of worthless checks; imposing penalties; amending Minnesota Statutes 1990, sections 48.512, subdivisions 4, 5, 7, and by adding subdivisions; 332.50, subdivisions 1 and 2; and 609.535, subdivisions 2a and 7.

Mr. Spear moved to amend S.F. No. 880 as follows:

Page 1, after line 18, insert:

"Section 1. Minnesota Statutes 1990, section 48.512, subdivision 3, is amended to read:

Subd. 3. [CONFIRM NO INVOLUNTARY CLOSING.] Before opening or authorizing signatory power over a transaction account, the financial intermediary shall attempt to verify the information disclosed for subdivision 2, clause (i). *Inquiries made to verify this information through persons in the business of providing such information must include an inquiry based on the applicant's identification number provided under subdivision 2, clause (g).* The financial intermediary may not open or authorize signatory power over a transaction account if (i) the applicant had a transaction account closed by a financial intermediary without consent because of issuance by the applicant of dishonored checks within 12 months immediately preceding the application, or (ii) the applicant has been convicted of a criminal offense because of the use of a check or other similar item within 24 months immediately preceding the application.

If the transaction account is refused pursuant to this subdivision, the reasons for the refusal shall be given to the applicant in writing and the applicant shall be allowed to provide additional information."

Page 1, line 25, after the period, insert "*If the applicant provides a driver's license or identification card issued under section 171.07, the financial intermediary must confirm the identification number and name on*

that card through the records of the department of public safety. The financial intermediary need not confirm this information if an employee of the financial intermediary has known the identity of the applicant for at least one year prior to the time of the application, and the employee provides a signed statement confirming that fact."

Page 1, line 31, delete the new language

Page 2, lines 1 to 3, delete the new language

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 880 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 56 and nays 4, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Johnston	Mondale	Riveness
Beckman	Finn	Kelly	Morse	Sams
Belanger	Flynn	Knaak	Neuville	Samuelson
Benson, D.D.	Frank	Kroening	Olson	Spear
Benson, J.E.	Frederickson, D.J.	Laidig	Pappas	Storm
Berg	Frederickson, D.R.	Langseth	Pariseau	Stumpf
Berglin	Gustafson	Larson	Piper	Traub
Bernhagen	Halberg	Lessard	Pogemiller	Vickerman
Bertram	Hottinger	Luther	Price	
Cohen	Johnson, D.E.	McGowan	Ranum	
Dahl	Johnson, D.J.	Mehrkins	Reichgott	
Day	Johnson, J.B.	Moe, R.D.	Renneke	

Messrs. Chmielewski, Merriam, Metzen and Waldorf voted in the negative.

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1295 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1295: A bill for an act relating to Ramsey county; creating a Ramsey county local services study commission; setting its duties.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	DeCramer	Johnston	Merriam	Ranum
Beckman	Dicklich	Kelly	Metzen	Renneke
Belanger	Finn	Knaak	Mondale	Riveness
Benson, J.E.	Flynn	Kroening	Morse	Sams
Berg	Frank	Laidig	Neuville	Samuelson
Berglin	Frederickson, D.J.	Langseth	Novak	Solon
Bernhagen	Frederickson, D.R.	Larson	Olson	Spear
Bertram	Gustafson	Lessard	Pappas	Storm
Chmielewski	Hottinger	Luther	Pariseau	Stumpf
Cohen	Johnson, D.E.	Marty	Piper	Traub
Dahl	Johnson, D.J.	McGowan	Pogemiller	Vickerman
Day	Johnson, J.B.	Mehrkins	Price	Waldorf

So the bill passed and its title was agreed to.

RECONSIDERATION

Mr. Stumpf moved that the vote whereby S.F. No. 1216 was passed by the Senate on April 29, 1991, be now reconsidered. The motion prevailed.

S.F. No. 1216: A bill for an act relating to state lands; allowing sales of certain state lands to be held in counties adjacent to the county where the land is located; allowing the commissioner of natural resources to sell certain state lands bordering public waters; transferring state land by private sale to the town board of the town of Lake in Roseau county; amending Minnesota Statutes 1990, sections 92.03, subdivision 1; 92.12, subdivision 4; 92.13; 92.14; 92.67, subdivision 1; and Laws 1986, chapter 449, section 6.

Mr. Stumpf moved to amend S.F. No. 1216 as follows:

Page 3, lines 33 and 34, delete "*sections 94.09 to 94.16*" and insert "*chapters 84A, 94, and 282*"

The motion prevailed. So the amendment was adopted.

S.F. No. 1216 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Johnson, J.B.	Merriam	Renneke
Beckman	Dicklich	Johnston	Metzen	Riveness
Belanger	Finn	Knaak	Mondale	Sams
Benson, J.E.	Flynn	Kroening	Morse	Samuelson
Berg	Frank	Laidig	Neuville	Solon
Berglin	Frederickson, D.J.	Langseth	Olson	Spear
Bernhagen	Frederickson, D.R.	Larson	Pappas	Storm
Bertram	Gustafson	Lessard	Pariseau	Stumpf
Chmielewski	Halberg	Luther	Piper	Traub
Cohen	Hottinger	Marty	Pogemiller	Vickerman
Dahl	Johnson, D.E.	McGowan	Price	Waldorf
Day	Johnson, D.J.	Mehrkins	Ranum	

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 240 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 240: A bill for an act relating to counties; providing for the contents and public availability of the county financial statement; clarifying certain publication and notice requirements; amending Minnesota Statutes 1990, sections 279.09; 281.13; and 375.17.

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 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Johnston	Metzen	Riveness
Beckman	Finn	Knaak	Mondale	Sams
Belanger	Flynn	Kroening	Morse	Samuelson
Benson, J.E.	Frank	Laidig	Neuville	Solon
Berg	Frederickson, D.J.	Langseth	Novak	Spear
Berglin	Frederickson, D.R.	Larson	Olson	Storm
Bernhagen	Gustafson	Lessard	Pappas	Stumpf
Bertram	Halberg	Luther	Pariseau	Traub
Chmielewski	Hottinger	Marty	Piper	Vickerman
Cohen	Johnson, D.E.	McGowan	Price	Waldorf
Dahl	Johnson, D.J.	Mehrkens	Ranum	
Day	Johnson, J.B.	Merriam	Renneke	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 406 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 406: A bill for an act relating to energy; generation of electrical energy; prohibiting the issuance of certificates of need for new nuclear generating plants until the public utilities commission is satisfied that a safe method is available for the permanent disposal of nuclear waste; proposing coding for new law in Minnesota Statutes, chapter 216B.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Johnston	Metzen	Renneke
Beckman	Dicklich	Kelly	Moe, R.D.	Riveness
Belanger	Finn	Knaak	Mondale	Sams
Benson, D.D.	Flynn	Kroening	Morse	Spear
Benson, J.E.	Frank	Laidig	Neuville	Storm
Berg	Frederickson, D.J.	Langseth	Novak	Stumpf
Berglin	Frederickson, D.R.	Larson	Olson	Traub
Bernhagen	Gustafson	Lessard	Pappas	Vickerman
Bertram	Halberg	Luther	Pariseau	Waldorf
Chmielewski	Hottinger	Marty	Piper	
Cohen	Johnson, D.E.	McGowan	Pogemiller	
Dahl	Johnson, D.J.	Mehrkens	Price	
Day	Johnson, J.B.	Merriam	Ranum	

So the bill passed and its title was agreed to.

CALENDAR

H.F. No. 137: A bill for an act relating to elections; authorizing a party state executive committee to fill certain vacancies and make certain decisions; changing time for examination by judges of certain return envelopes; changing the form of an affidavit; clarifying procedures for nominating certain candidates by petition; providing for withdrawal from the general election ballot; clarifying procedures for filling certain vacancies; providing for counting write-in votes for a candidate team; amending Minnesota Statutes 1990, sections 202A.12, subdivision 3; 203B.12, subdivision 2; 203B.21, subdivision 3; 204B.12; 204B.13; 204B.41; and 204C.22, 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 64 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, J.B.	Merriam	Ranum
Beckman	Day	Johnston	Metzen	Reichgott
Belanger	DeCramer	Kelly	Moe, R. D.	Renneke
Benson, D.D.	Dicklich	Knaak	Mondale	Riveness
Benson, J.E.	Finn	Kroening	Morse	Sams
Berg	Flynn	Laidig	Neuville	Samuelson
Berglin	Frank	Langseth	Novak	Spear
Bernhagen	Frederickson, D.J.	Larson	Olson	Storm
Bertram	Frederickson, D.R.	Lessard	Pappas	Stumpf
Brataas	Halberg	Luther	Pariseau	Traub
Chmielewski	Hottinger	Marty	Piper	Vickerman
Cohen	Johnson, D.E.	McGowan	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Mehrkins	Price	

Mr. Gustafson voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 422: A bill for an act relating to cities; providing for distribution of public notices in cities of the fourth class in the metropolitan area; amending Minnesota Statutes 1990, section 331A.03.

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Johnston	Metzen	Renneke
Beckman	Dicklich	Kelly	Moe, R. D.	Riveness
Belanger	Finn	Knaak	Morse	Sams
Benson, D.D.	Flynn	Kroening	Neuville	Samuelson
Benson, J.E.	Frank	Laidig	Novak	Spear
Berg	Frederickson, D.J.	Langseth	Olson	Storm
Berglin	Frederickson, D.R.	Larson	Pappas	Stumpf
Bernhagen	Gustafson	Lessard	Pariseau	Traub
Bertram	Halberg	Luther	Piper	Vickerman
Brataas	Hottinger	Marty	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	McGowan	Price	
Cohen	Johnson, D.J.	Mehrkins	Ranum	
Day	Johnson, J.B.	Merriam	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 724: A bill for an act relating to housing; repealing annual housing

impact reporting and replacement housing requirements; repealing Minnesota Statutes 1990, sections 504.33; 504.34; and 504.35.

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 2, as follows:

Those who voted in the affirmative were:

Adkins	Day	Johnson, J.B.	Metzen	Renneke
Beckman	DeCramer	Johnston	Moe, R.D.	Riveness
Belanger	Dicklich	Kelly	Mondale	Sams
Benson, D.D.	Finn	Knaak	Morse	Samuelson
Benson, J.E.	Flynn	Kroening	Neuville	Solon
Berg	Frank	Laidig	Novak	Spear
Berglin	Frederickson, D.J.	Langseth	Olson	Storm
Bernhagen	Frederickson, D.R.	Larson	Pappas	Stumpf
Bertram	Gustafson	Lessard	Pariseau	Traub
Brataas	Halberg	Luther	Piper	Vickerman
Chmielewski	Hottinger	Marty	Price	Waldorf
Cohen	Johnson, D.E.	McGowan	Ranum	
Dahl	Johnson, D.J.	Mehrkins	Reichgott	

Messrs. Davis and Pogemiller voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 1179: A bill for an act relating to metropolitan government; directing the metropolitan council to conduct a study.

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	Davis	Johnson, D.J.	Mehrkins	Ranum
Beckman	Day	Johnson, J.B.	Merriam	Reichgott
Belanger	DeCramer	Johnston	Metzen	Renneke
Benson, D.D.	Dicklich	Kelly	Moe, R.D.	Riveness
Benson, J.E.	Finn	Knaak	Mondale	Sams
Berg	Flynn	Kroening	Morse	Samuelson
Berglin	Frank	Laidig	Neuville	Solon
Bernhagen	Frederickson, D.J.	Langseth	Novak	Spear
Bertram	Frederickson, D.R.	Larson	Pappas	Storm
Brataas	Gustafson	Lessard	Pariseau	Stumpf
Chmielewski	Halberg	Luther	Piper	Traub
Cohen	Hottinger	Marty	Pogemiller	Vickerman
Dahl	Johnson, D.E.	McGowan	Price	Waldorf

Ms. Olson voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 385: A bill for an act relating to metropolitan government; encouraging geographic balance on the metropolitan council; providing for senate confirmation of the chair of the metropolitan airports commission; amending Minnesota Statutes 1990, sections 473.123, subdivision 3; and 473.604, 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	Day	Johnson, J.B.	Merriam	Ranum
Beckman	DeCramer	Johnston	Metzen	Reichgott
Belanger	Dicklich	Kelly	Moe, R.D.	Renneke
Benson, D.D.	Finn	Knaak	Mondale	Riveness
Benson, J.E.	Flynn	Kroening	Morse	Sams
Berg	Frank	Laidig	Neuville	Samuelson
Berglin	Frederickson, D.J.	Langseth	Novak	Solon
Bernhagen	Frederickson, D.R.	Larson	Olson	Spear
Bertram	Gustafson	Lessard	Pappas	Storm
Brataas	Halberg	Luther	Pariseau	Stumpf
Chmielewski	Hottinger	Marty	Piper	Traub
Cohen	Johnson, D.E.	McGowan	Pogemiller	Vickerman
Davis	Johnson, D.J.	Mehrkens	Price	Waldorf

So the bill passed and its title was agreed to.

H.F. No. 1418: A bill for an act relating to human services; Minnesota comprehensive health association; clarifying the calculation of contributing members' share of expenses; excluding medical assistance and general assistance medical care payments from the calculation; amending Minnesota Statutes 1990, section 62E.11, subdivision 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnston	Moe, R.D.	Renneke
Beckman	Day	Kelly	Mondale	Riveness
Belanger	DeCramer	Knaak	Morse	Sams
Benson, D.D.	Finn	Kroening	Neuville	Samuelson
Benson, J.E.	Flynn	Laidig	Novak	Solon
Berg	Frank	Langseth	Olson	Spear
Berglin	Frederickson, D.J.	Larson	Pappas	Storm
Bernhagen	Frederickson, D.R.	Lessard	Pariseau	Stumpf
Bertram	Gustafson	Luther	Piper	Traub
Brataas	Halberg	Marty	Pogemiller	Vickerman
Chmielewski	Hottinger	McGowan	Price	Waldorf
Cohen	Johnson, D.E.	Mehrkens	Ranum	
Dahl	Johnson, J.B.	Metzen	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 1027: A bill for an act relating to natural resources; establishing a Minnesota adopt-a-park program; requiring the department of natural resources to report to the legislature on the program; proposing coding for new law in Minnesota Statutes, chapter 85.

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	Davis	Johnson, J.B.	Merriam	Ranum
Beckman	Day	Johnston	Metzen	Reichgott
Belanger	DeCramer	Kelly	Moe, R.D.	Renneke
Benson, D.D.	Dicklich	Knaak	Mondale	Riveness
Benson, J.E.	Finn	Kroening	Morse	Sams
Berg	Flynn	Laidig	Neuville	Samuelson
Berglin	Frank	Langseth	Novak	Solon
Bernhagen	Frederickson, D.J.	Larson	Olson	Spear
Bertram	Frederickson, D.R.	Lessard	Pappas	Storm
Brataas	Gustafson	Luther	Pariseau	Stumpf
Chmielewski	Hottinger	Marty	Piper	Traub
Cohen	Johnson, D.E.	McGowan	Pogemiller	Vickerman
Dahl	Johnson, D.J.	Mehrkens	Price	Waldorf

Mr. Halberg voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 962: A bill for an act relating to natural resources; revising certain provisions regarding the leasing of state-owned iron ore and related minerals; amending Minnesota Statutes 1990, sections 93.16; 93.17, subdivisions 1 and 3; and 93.20, by adding a subdivision; repealing Minnesota Statutes 1990, section 93.20, subdivision 9.

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	Day	Johnson, J.B.	Merriam	Ranum
Beckman	DeCramer	Johnston	Metzen	Reichgott
Belanger	Dicklich	Kelly	Moe, R.D.	Renneke
Benson, D.D.	Finn	Knaak	Mondale	Riveness
Berg	Flynn	Kroening	Morse	Sams
Berglin	Frank	Laidig	Neuville	Samuelson
Bernhagen	Frederickson, D.J.	Langseth	Novak	Solon
Bertram	Frederickson, D.R.	Larson	Olson	Spear
Brataas	Gustafson	Lessard	Pappas	Storm
Chmielewski	Halberg	Luther	Pariseau	Stumpf
Cohen	Hottinger	Marty	Piper	Traub
Dahl	Johnson, D.E.	McGowan	Pogemiller	Vickerman
Davis	Johnson, D.J.	Mehrkens	Price	Waldorf

So the bill passed and its title was agreed to.

H.F. No. 633: A bill for an act relating to watercraft; regulating the use and operation of personal watercraft; amending Minnesota Statutes 1990, section 86B.005, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 86B.

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 3, as follows:

Those who voted in the affirmative were:

Adkins	Day	Kelly	Moe, R.D.	Renneke
Beckman	DeCramer	Knaak	Mondale	Riveness
Belanger	Dicklich	Kroening	Morse	Sams
Benson, D.D.	Finn	Laidig	Neuville	Samuelson
Benson, J.E.	Flynn	Langseth	Novak	Solon
Berg	Frank	Larson	Olson	Spear
Berglin	Frederickson, D.J.	Lessard	Pappas	Storm
Bernhagen	Frederickson, D.R.	Luther	Pariseau	Stumpf
Brataas	Gustafson	Marty	Piper	Traub
Chmielewski	Hottinger	McGowan	Pogemiller	Vickerman
Cohen	Johnson, D.E.	Mehrkins	Price	Waldorf
Dahl	Johnson, D.J.	Merriam	Ranum	
Davis	Johnson, J.B.	Metzen	Reichgott	

Messrs. Bertram, Halberg and Ms. Johnston voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 118: A bill for an act relating to animals; tightening laws prohibiting cruel treatment of certain animals; increasing certain penalties; amending Minnesota Statutes 1990, sections 343.21, subdivisions 9 and 10; and 346.44; proposing coding for new law in Minnesota Statutes, chapter 343.

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	DeCramer	Kelly	Moe, R.D.	Reichgott
Beckman	Dicklich	Knaak	Mondale	Renneke
Belanger	Flynn	Kroening	Morse	Riveness
Benson, D.D.	Frank	Laidig	Neuville	Sams
Benson, J.E.	Frederickson, D.J.	Langseth	Novak	Samuelson
Berglin	Frederickson, D.R.	Lessard	Olson	Solon
Bernhagen	Gustafson	Luther	Pappas	Spear
Bertram	Hottinger	Marty	Pariseau	Storm
Brataas	Johnson, D.E.	McGowan	Piper	Traub
Chmielewski	Johnson, D.J.	Mehrkins	Pogemiller	Vickerman
Cohen	Johnson, J.B.	Merriam	Price	Waldorf
Dahl	Johnston	Metzen	Ranum	

Those who voted in the negative were:

Berg	Day	Finn	Halberg	Stumpf
Davis				

So the bill passed and its title was agreed to.

S.F. No. 1019: A bill for an act relating to children; modifying child protection system data practices study requirements; amending Laws 1990, chapter 542, section 36.

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	Davis	Johnson, J.B.	Merriam	Ranum
Beckman	Day	Johnston	Metzen	Reichgott
Belanger	DeCramer	Kelly	Moe, R.D.	Renneke
Benson, D.D.	Dicklich	Knaak	Mondale	Riveness
Benson, J.E.	Finn	Kroening	Morse	Sams
Berg	Flynn	Laidig	Neuville	Samuelson
Berglin	Frank	Langseth	Novak	Solon
Bernhagen	Frederickson, D.J.	Larson	Olson	Spear
Bertram	Frederickson, D.R.	Lessard	Pappas	Storm
Brataas	Gustafson	Luther	Pariseau	Stumpf
Chmielewski	Hottinger	Marty	Piper	Traub
Cohen	Johnson, D.E.	McGowan	Pogemiller	Vickerman
Dahl	Johnson, D.J.	Mehrkens	Price	Waldorf

Mr. Halberg voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 593: A bill for an act relating to railroads; authorizing reimbursement by landowners for certain costs; requiring access over railroad right-of-way to adjoining properties; amending Minnesota Statutes 1990, section 219.35.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, D.J.	Metzen	Reichgott
Beckman	Day	Johnson, J.B.	Moe, R.D.	Renneke
Belanger	DeCramer	Johnston	Mondale	Riveness
Benson, D.D.	Dicklich	Kelly	Morse	Sams
Benson, J.E.	Finn	Knaak	Neuville	Samuelson
Berg	Flynn	Kroening	Novak	Solon
Berglin	Frank	Langseth	Olson	Spear
Bernhagen	Frederickson, D.J.	Larson	Pappas	Storm
Bertram	Frederickson, D.R.	Lessard	Pariseau	Stumpf
Brataas	Gustafson	Luther	Piper	Traub
Chmielewski	Halberg	Marty	Pogemiller	Vickerman
Cohen	Hottinger	McGowan	Price	Waldorf
Dahl	Johnson, D.E.	Mehrkens	Ranum	

So the bill passed and its title was agreed to.

S.F. No. 765: A bill for an act relating to transportation; clarifying parking provisions for physically disabled persons; authorizing special license plates for motorcycles; authorizing tinted windshields for medical reasons; amending Minnesota Statutes 1990, sections 168.021, subdivision 1; 169.345, subdivision 1; 169.346, subdivision 2; and 169.71, subdivision 4.

Mr. Marty moved that S.F. No. 765, No. 13 on the Calendar, be stricken and placed at the top of General Orders. The motion prevailed.

H.F. No. 479: A bill for an act relating to towns; providing for the appointment of town officers under certain circumstances; amending Minnesota Statutes 1990, section 367.03, 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Johnston	Moe, R.D.	Riveness
Beckman	DeCramer	Kelly	Mondale	Sams
Belanger	Dicklich	Knaak	Morse	Samuelson
Benson, D.D.	Finn	Kroening	Neuville	Solon
Benson, J.E.	Flynn	Laidig	Novak	Spear
Berg	Frank	Langseth	Olson	Storm
Berglin	Frederickson, D.J.	Larson	Pappas	Stumpf
Bernhagen	Frederickson, D.R.	Lessard	Pariseau	Traub
Bertram	Gustafson	Luther	Piper	Vickerman
Brataas	Halberg	Marty	Pogemiller	Waldorf
Chmielewski	Hottinger	McGowan	Price	
Cohen	Johnson, D.E.	Mehrkens	Ranum	
Dahl	Johnson, D.J.	Merriam	Reichgott	
Davis	Johnson, J.B.	Metzen	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 976: A bill for an act relating to animals; classifying domestic European ferrets as domestic animals; providing for their health and welfare; proposing coding for new law in Minnesota Statutes, chapter 346.

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	Day	Johnson, J.B.	Mehrkens	Price
Beckman	DeCramer	Johnston	Metzen	Ranum
Belanger	Dicklich	Kelly	Moe, R.D.	Reichgott
Benson, D.D.	Flynn	Knaak	Mondale	Renneke
Benson, J.E.	Frank	Kroening	Morse	Riveness
Berg	Frederickson, D.J.	Laidig	Neuville	Sams
Bernhagen	Frederickson, D.R.	Langseth	Novak	Solon
Bertram	Gustafson	Larson	Olson	Spear
Chmielewski	Halberg	Lessard	Pappas	Stumpf
Cohen	Hottinger	Luther	Pariseau	Traub
Dahl	Johnson, D.E.	Marty	Piper	Vickerman
Davis	Johnson, D.J.	McGowan	Pogemiller	

Those who voted in the negative were:

Berglin	Finn	Merriam	Samuelson	Waldorf
Brataas				

So the bill passed and its title was agreed to.

H.F. No. 1282: A bill for an act relating to local government; providing procedures for storm sewer improvements; amending Minnesota Statutes 1990, section 444.18, by adding a subdivision; repealing Minnesota Statutes 1990, section 444.18, 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Johnson, J.B.	Merriam	Ranum
Beckman	DeCramer	Johnston	Metzen	Reichgott
Belanger	Dicklich	Kelly	Moe, R.D.	Renneke
Benson, D.D.	Finn	Knaak	Mondale	Riveness
Benson, J.E.	Flynn	Kroening	Morse	Sams
Berglin	Frank	Laidig	Neuville	Samuelson
Bernhagen	Frederickson, D.J.	Langseth	Novak	Solon
Bertram	Frederickson, D.R.	Larson	Olson	Spear
Brataas	Gustafson	Lessard	Pappas	Storm
Chmielewski	Halberg	Luther	Pariseau	Stumpf
Cohen	Hottinger	Marty	Piper	Traub
Dahl	Johnson, D.E.	McGowan	Pogemiller	Vickerman
Davis	Johnson, D.J.	Mehrkens	Price	Waldorf

So the bill passed and its title was agreed to.

S.F. No. 460: A bill for an act relating to veterans; authorizing the commissioner of veterans affairs to assist certain dependents of military personnel; clarifying the name of the state soldiers' welfare fund; changing certain requirements for appointment of county veterans service officers; containing instructions to the revisor of statutes; amending Minnesota Statutes 1990, sections 196.05; 197.03; and 197.60, subdivision 2, 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Johnston	Moe, R.D.	Riveness
Beckman	DeCramer	Kelly	Mondale	Sams
Belanger	Dicklich	Knaak	Morse	Samuelson
Benson, D.D.	Finn	Kroening	Neuville	Solon
Benson, J.E.	Flynn	Laidig	Novak	Spear
Berg	Frank	Langseth	Olson	Storm
Berglin	Frederickson, D.J.	Larson	Pappas	Stumpf
Bernhagen	Frederickson, D.R.	Lessard	Pariseau	Traub
Bertram	Gustafson	Luther	Piper	Vickerman
Brataas	Halberg	Marty	Pogemiller	Waldorf
Chmielewski	Hottinger	McGowan	Price	
Cohen	Johnson, D.E.	Mehrkens	Ranum	
Dahl	Johnson, D.J.	Merriam	Reichgott	
Davis	Johnson, J.B.	Metzen	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 1213: A bill for an act relating to Dakota county; permitting the combination of the offices of treasurer and auditor; permitting appointment of the county recorder; authorizing the reorganization of county offices; proposing coding for new law in Minnesota Statutes, chapter 383D.

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	Davis	Johnson, D.J.	Mehrkens	Price
Beckman	Day	Johnson, J.B.	Merriam	Ranum
Belanger	DeCramer	Johnston	Metzen	Reichgott
Benson, D.D.	Dicklich	Kelly	Moe, R.D.	Riveness
Benson, J.E.	Finn	Knaak	Mondale	Sams
Berg	Flynn	Kroening	Morse	Samuelson
Berglin	Frank	Laidig	Neuville	Solon
Bernhagen	Frederickson, D.J.	Langseth	Novak	Spear
Bertram	Frederickson, D.R.	Larson	Olson	Storm
Brataas	Gustafson	Lessard	Pappas	Stumpf
Chmielewski	Halberg	Luther	Pariseau	Traub
Cohen	Hottinger	Marty	Piper	Vickerman
Dahl	Johnson, D.E.	McGowan	Pogemiller	Waldorf

Mr. Renneke voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 584: A bill for an act relating to local government; authorizing municipalities to enter into joint ventures with telecommunications organizations; amending Minnesota Statutes 1990, section 237.19.

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	Davis	Johnson, D.J.	Mehrkens	Price
Beckman	Day	Johnson, J.B.	Merriam	Ranum
Belanger	DeCramer	Johnston	Metzen	Reichgott
Benson, D.D.	Dicklich	Kelly	Moe, R.D.	Renneke
Benson, J.E.	Finn	Knaak	Mondale	Riveness
Berg	Flynn	Kroening	Morse	Sams
Berglin	Frank	Laidig	Neuville	Samuelson
Bernhagen	Frederickson, D.J.	Langseth	Novak	Solon
Bertram	Frederickson, D.R.	Larson	Olson	Spear
Brataas	Gustafson	Lessard	Pappas	Stumpf
Chmielewski	Halberg	Luther	Pariseau	Traub
Cohen	Hottinger	Marty	Piper	Vickerman
Dahl	Johnson, D.E.	McGowan	Pogemiller	Waldorf

So the bill passed and its title was agreed to.

S.F. No. 1129: A bill for an act relating to water and wastewater treatment; expanding the authority of municipalities to contract for private design and construction of water and wastewater treatment facilities; amending Minnesota Statutes 1990, section 471.371, subdivisions 2, 4, and 5; repealing Minnesota Statutes 1990, section 471.371, subdivisions 1 and 6.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, D.J.	Metzen	Reichgott
Beckman	Day	Johnson, J.B.	Moe, R.D.	Renneke
Belanger	DeCramer	Johnston	Mondale	Riveness
Benson, D.D.	Dicklich	Kelly	Morse	Sams
Benson, J.E.	Finn	Knaak	Neuville	Samuelson
Berg	Flynn	Laidig	Novak	Solon
Berglin	Frank	Langseth	Olson	Spear
Bernhagen	Frederickson, D.J.	Lessard	Pappas	Storm
Bertram	Frederickson, D.R.	Luther	Pariseau	Stumpf
Brataas	Gustafson	Marty	Piper	Traub
Chmielewski	Halberg	McGowan	Pogemiller	Vickerman
Cohen	Hottinger	Mehrkens	Price	Waldorf
Dahl	Johnson, D.E.	Merriam	Ranum	

So the bill passed and its title was agreed to.

S.F. No. 226: A bill for an act relating to human services; consolidating and simplifying county mental health and community social services planning; authorizing the review and reduction of social service administrative requirements; establishing a process for limiting social services due to county fiscal limitations; amending Minnesota Statutes 1990, sections 245.465; 245.466, subdivision 5; 245.478, subdivisions 1, 2, and 6; 245.4874; 245.4875, subdivision 5; 245.4887, subdivisions 1, 2, and 6; 256.045, subdivision 3; 256E.04, subdivision 1; 256E.05, subdivisions 2, 3, 5, and by adding subdivisions; 256E.08, subdivision 1; 256E.09, subdivisions 1, 3, and 6; and 256E.12, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256E; repealing Minnesota Statutes 1990, sections 245.462, subdivision 15; 245.4871, subdivision 23; 256B.092, subdivisions 1c and 1d; and 256E.09, subdivisions 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, D.J.	Mehrkens	Reichgott
Beckman	Day	Johnson, J.B.	Metzen	Renneke
Belanger	DeCramer	Johnston	Moe, R.D.	Riveness
Benson, D.D.	Dicklich	Kelly	Mondale	Sams
Benson, J.E.	Finn	Knaak	Morse	Samuelson
Berg	Flynn	Kroening	Neuville	Solon
Berglin	Frank	Laidig	Novak	Spear
Bernhagen	Frederickson, D.J.	Langseth	Olson	Storm
Bertram	Frederickson, D.R.	Larson	Pappas	Stumpf
Brataas	Gustafson	Lessard	Pariseau	Traub
Chmielewski	Halberg	Luther	Piper	Vickerman
Cohen	Hottinger	Marty	Price	Waldorf
Dahl	Johnson, D.E.	McGowan	Ranum	

So the bill passed and its title was agreed to.

S.F. No. 1032: A bill for an act relating to crimes; increasing the penalty for assaulting a correctional officer; amending Minnesota Statutes 1990, section 609.2231, 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Beckman	Day	Johnson, J.B.	Merriam	Ranum
Belanger	DeCramer	Johnston	Metzen	Reichgott
Benson, D.D.	Dicklich	Kelly	Moe, R.D.	Renneke
Benson, J.E.	Finn	Knaak	Mondale	Riveness
Berg	Flynn	Kroening	Morse	Sams
Berglin	Frank	Laidig	Neuville	Samuelson
Bernhagen	Frederickson, D.J.	Langseth	Novak	Solon
Bertram	Frederickson, D.R.	Larson	Olson	Spear
Brataas	Gustafson	Lessard	Pappas	Storm
Chmielewski	Halberg	Luther	Pariseau	Stumpf
Cohen	Hottinger	Marty	Piper	Traub
Dahl	Johnson, D.E.	McGowan	Pogemiller	Vickerman
Davis	Johnson, D.J.	Mehrkens	Price	Waldorf

So the bill passed and its title was agreed to.

S.F. No. 1235: A bill for an act relating to crimes; missing children; amending restrictions on felony prosecutions for taking, detaining, or failing to return a child; amending Minnesota Statutes 1990, section 609.26, subdivision 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 65 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, J.B.	Merriam	Ranum
Beckman	Day	Johnston	Metzen	Reichgott
Belanger	DeCramer	Kelly	Moe, R.D.	Renneke
Benson, D.D.	Dicklich	Knaak	Mondale	Riveness
Benson, J.E.	Finn	Kroening	Morse	Sams
Berg	Flynn	Laidig	Neuville	Samuelson
Berglin	Frank	Langseth	Novak	Solon
Bernhagen	Frederickson, D.J.	Larson	Olson	Spear
Bertram	Frederickson, D.R.	Lessard	Pappas	Storm
Brataas	Gustafson	Luther	Pariseau	Stumpf
Chmielewski	Hottinger	Marty	Piper	Traub
Cohen	Johnson, D.E.	McGowan	Pogemiller	Vickerman
Dahl	Johnson, D.J.	Mehrkens	Price	Waldorf

Mr. Halberg voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 623: A bill for an act relating to Martin 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 63 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, D.J.	Mehrkens	Ranum
Beckman	Day	Johnson, J.B.	Merriam	Reichgott
Belanger	DeCramer	Johnston	Metzen	Riveness
Benson, D.D.	Dicklich	Kelly	Moe, R.D.	Sams
Benson, J.E.	Finn	Knaak	Mondale	Samuelson
Berg	Flynn	Kroening	Morse	Solon
Berglin	Frank	Laidig	Novak	Spear
Bernhagen	Frederickson, D.J.	Langseth	Olson	Storm
Bertram	Frederickson, D.R.	Larson	Pappas	Stumpf
Brataas	Gustafson	Lessard	Pariseau	Traub
Chmielewski	Halberg	Luther	Piper	Vickerman
Cohen	Hottinger	Marty	Pogemiller	
Dahl	Johnson, D.E.	McGowan	Price	

Mr. Renneke voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 743: A bill for an act relating to state government; requiring the supreme court to prepare fiscal notes in certain circumstances; amending Minnesota Statutes 1990, sections 3.98, subdivision 1; and 3.982.

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	Day	Johnston	Moe, R.D.	Riveness
Beckman	DeCramer	Kelly	Mondale	Sams
Belanger	Dicklich	Knaak	Morse	Samuelson
Benson, D.D.	Finn	Kroening	Neuville	Solon
Benson, J.E.	Flynn	Laidig	Novak	Spear
Berg	Frank	Langseth	Olson	Storm
Berglin	Frederickson, D.J.	Larson	Pappas	Stumpf
Bernhagen	Frederickson, D.R.	Lessard	Pariseau	Traub
Bertram	Gustafson	Luther	Piper	Vickerman
Brataas	Halberg	Marty	Pogemiller	Waldorf
Chmielewski	Hottinger	McGowan	Price	
Cohen	Johnson, D.E.	Mehrkens	Ranum	
Dahl	Johnson, D.J.	Merriam	Reichgott	
Davis	Johnson, J.B.	Metzen	Renneke	

So the bill passed and its title was agreed to.

H.F. No. 173: A bill for an act relating to the University of Minnesota; changing the structure of certain bargaining units; amending Minnesota Statutes 1990, section 179A.11, subdivisions 1 and 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 63 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, D.J.	Metzen	Reichgott
Beckman	Day	Johnson, J.B.	Moe, R.D.	Renneke
Belanger	DeCramer	Johnston	Mondale	Riveness
Benson, D.D.	Dicklich	Kelly	Morse	Sams
Benson, J.E.	Finn	Knaak	Neuville	Solon
Berg	Flynn	Kroening	Novak	Spear
Berglin	Frank	Laidig	Olson	Storm
Bernhagen	Frederickson, D.J.	Langseth	Pappas	Stumpf
Bertram	Frederickson, D.R.	Lessard	Pariseau	Traub
Brataas	Gustafson	Luther	Piper	Vickerman
Chmielewski	Halberg	Marty	Pogemiller	Waldorf
Cohen	Hottinger	McGowan	Price	
Dahl	Johnson, D.E.	Mehrkens	Ranum	

Mr. Larson voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 950: A bill for an act relating to public safety; requiring tenants to covenant not to allow any controlled substances on rental property; allowing the closing of an alleged disorderly house during pretrial release of owner; lowering the threshold amount of seized controlled substance

necessary to warrant unlawful detainer action; providing that certain weapons offenses and controlled substance seizures and arrests may form the basis for a nuisance action; amending Minnesota Statutes 1990, sections 504.181, subdivision 1; 609.33, by adding a subdivision; 609.5317, subdivision 4; 617.80, subdivision 8; and 617.81, subdivisions 2 and 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 65 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, D.J.	Mehrkens	Ranum
Beckman	Day	Johnson, J.B.	Metzen	Reichgott
Belanger	DeCramer	Johnston	Moe, R.D.	Renneke
Benson, D.D.	Dicklich	Kelly	Mondale	Riveness
Benson, J.E.	Finn	Knaak	Morse	Sams
Berg	Flynn	Kroening	Neuville	Samuelson
Berglin	Frank	Laidig	Novak	Solon
Bernhagen	Frederickson, D.J.	Langseth	Olson	Spear
Bertram	Frederickson, D.R.	Larson	Pappas	Storm
Brataas	Gustafson	Lessard	Pariseau	Stumpf
Chmielewski	Halberg	Luther	Piper	Traub
Cohen	Hottinger	Marty	Pogemiller	Vickerman
Dahl	Johnson, D.E.	McGowan	Price	Waldorf

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 588: A bill for an act relating to crime; providing penalties for intentional damage to timber processing, manufacturing, or transportation equipment; providing penalties for possessing certain devices to damage timber processing, manufacturing, or transportation equipment; proposing coding for new law in Minnesota Statutes, chapter 609.

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 2, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, D.J.	Merriam	Reichgott
Beckman	Day	Johnson, J.B.	Metzen	Renneke
Belanger	DeCramer	Johnston	Moe, R.D.	Riveness
Benson, D.D.	Dicklich	Kelly	Mondale	Sams
Benson, J.E.	Finn	Kroening	Morse	Samuelson
Berg	Flynn	Laidig	Novak	Solon
Berglin	Frank	Langseth	Olson	Spear
Bernhagen	Frederickson, D.J.	Larson	Pappas	Storm
Bertram	Frederickson, D.R.	Lessard	Pariseau	Stumpf
Brataas	Gustafson	Luther	Piper	Traub
Chmielewski	Halberg	Marty	Pogemiller	Waldorf
Cohen	Hottinger	McGowan	Price	
Dahl	Johnson, D.E.	Mehrkens	Ranum	

Messrs. Knaak and Vickerman voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1050: A bill for an act relating to agriculture; permitting certain requirements for processing of farmstead cheese; amending Minnesota Statutes 1990, section 32.486, subdivision 1a.

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	Davis	Johnson, D.J.	Mehrkens	Ranum
Beckman	Day	Johnson, J.B.	Metzen	Reichgott
Belanger	DeCramer	Johnston	Moe, R.D.	Renneke
Benson, D.D.	Dicklich	Kelly	Mondale	Riveness
Benson, J.E.	Finn	Knaak	Morse	Sams
Berg	Flynn	Kroening	Neuville	Samuelson
Berglin	Frank	Laidig	Novak	Solon
Bernhagen	Frederickson, D.J.	Langseth	Olson	Spear
Bertram	Frederickson, D.R.	Larson	Pappas	Storm
Brataas	Gustafson	Lessard	Pariseau	Stumpf
Chmielewski	Halberg	Luther	Piper	Traub
Cohen	Hottinger	Marty	Pogemiller	Vickerman
Dahl	Johnson, D.E.	McGowan	Price	Waldorf

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 807: A bill for an act relating to commerce; requiring real estate brokers and salespersons to receive instruction in fair housing laws; amending Minnesota Statutes 1990, section 82.22, subdivisions 6 and 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 61 and nays 5, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnston	Moe, R.D.	Riveness
Beckman	DeCramer	Kelly	Mondale	Samuelson
Belanger	Dicklich	Knaak	Morse	Solon
Benson, D.D.	Finn	Kroening	Novak	Spear
Benson, J.E.	Flynn	Laidig	Olson	Storm
Berg	Frank	Langseth	Pappas	Stumpf
Berglin	Frederickson, D.J.	Larson	Pariseau	Traub
Bernhagen	Frederickson, D.R.	Lessard	Piper	Vickerman
Bertram	Gustafson	Luther	Pogemiller	Waldorf
Brataas	Hottinger	Marty	Price	
Chmielewski	Johnson, D.E.	McGowan	Ranum	
Cohen	Johnson, D.J.	Merriam	Reichgott	
Dahl	Johnson, J.B.	Metzen	Renneke	

Those who voted in the negative were:

Day	Halberg	Mehrkens	Neuville	Sams
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So the bill passed and its title was agreed to.

S.F. No. 147: A bill for an act relating to charitable organizations; modifying the definitions of registered combined charitable organizations; amending Minnesota Statutes 1990, section 309.501, 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	Davis	Johnson, D.J.	Mehrkens	Ranum
Beckman	Day	Johnson, J.B.	Metzen	Reichgott
Belanger	DeCramer	Johnston	Moe, R.D.	Renneke
Benson, D.D.	Dicklich	Kelly	Mondale	Riveness
Benson, J.E.	Finn	Knaak	Morse	Sams
Berg	Flynn	Kroening	Neuville	Samuelson
Berglin	Frank	Laidig	Novak	Solon
Bernhagen	Frederickson, D.J.	Langseth	Olson	Spear
Bertram	Frederickson, D.R.	Larson	Pappas	Storm
Brataas	Gustafson	Lessard	Pariseau	Stumpf
Chmielewski	Halberg	Luther	Piper	Traub
Cohen	Hottinger	Marty	Pogemiller	Vickerman
Dahl	Johnson, D.E.	McGowan	Price	Waldorf

So the bill passed and its title was agreed to.

H.F. No. 843: A bill for an act relating to waste; Western Lake Superior sanitary district; amending the definition of solid waste; changing the date for adoption of a budget; amending Minnesota Statutes 1990, sections 458D.02, subdivision 18; and 458D.08.

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	Davis	Johnson, D.J.	Mehrkens	Ranum
Beckman	Day	Johnson, J.B.	Merriam	Reichgott
Belanger	DeCramer	Johnston	Metzen	Renneke
Benson, D.D.	Dicklich	Kelly	Moe, R.D.	Riveness
Benson, J.E.	Finn	Knaak	Mondale	Sams
Berg	Flynn	Kroening	Morse	Samuelson
Berglin	Frank	Laidig	Neuville	Solon
Bernhagen	Frederickson, D.J.	Langseth	Novak	Spear
Bertram	Frederickson, D.R.	Larson	Olson	Storm
Brataas	Gustafson	Lessard	Pappas	Stumpf
Chmielewski	Halberg	Luther	Piper	Traub
Cohen	Hottinger	Marty	Pogemiller	Vickerman
Dahl	Johnson, D.E.	McGowan	Price	Waldorf

So the bill passed and its title was agreed to.

S.F. No. 139: A bill for an act relating to natural resources; designating red fox as an unprotected wild animal; amending Minnesota Statutes 1990, sections 97A.015, subdivisions 45 and 53; 97A.475, subdivision 3; 97A.485, subdivision 9; 97A.541; 97B.075; 97B.601, subdivision 3; 97B.631; and 97B.655, 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 26 and nays 40, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Halberg	Larson	Solon
Beckman	Day	Johnson, D.E.	Lessard	Stumpf
Benson, J.E.	Frank	Johnston	Mehrkens	
Berg	Frederickson, D.J.	Kroening	Morse	
Bernhagen	Frederickson, D.R.	Laidig	Olson	
Bertram	Gustafson	Langseth	Renneke	

Those who voted in the negative were:

Belanger	Dicklich	Luther	Novak	Riveness
Benson, D.D.	Finn	Marty	Pappas	Sams
Berglin	Flynn	McGowan	Pariseau	Samuelson
Brataas	Hottinger	Merriam	Piper	Spear
Cohen	Johnson, D.J.	Metzen	Pogemiller	Storm
Dahl	Johnson, J.B.	Moe, R.D.	Price	Traub
Davis	Kelly	Mondale	Ranum	Vickerman
DeCramer	Knaak	Neuville	Reichgott	Waldorf

So the bill failed to pass.

S.F. No. 800: A bill for an act relating to natural resources; revising certain provisions relating to the taking, possession, and transportation of wild animals; amending Minnesota Statutes 1990, sections 97A.445, subdivision 2; 97A.535, subdivision 1; 97B.055, subdivision 3; 97B.106; and 97B.935, 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, D.J.	Metzen	Reichgott
Beckman	Day	Johnson, J.B.	Moe, R.D.	Renneke
Belanger	DeCramer	Johnston	Mondale	Riveness
Benson, D.D.	Dicklich	Kelly	Morse	Sams
Benson, J.E.	Finn	Knaak	Neuville	Samuelson
Berg	Flynn	Laidig	Novak	Solon
Berglin	Frank	Langseth	Olson	Spear
Bernhagen	Frederickson, D.J.	Larson	Pappas	Storm
Bertram	Frederickson, D.R.	Lessard	Pariseau	Stumpf
Brataas	Gustafson	Luther	Piper	Traub
Chmielewski	Halberg	Marty	Pogemiller	Vickerman
Cohen	Hottinger	McGowan	Price	Waldorf
Dahl	Johnson, D.E.	Mehrkins	Ranum	

So the bill passed and its title was agreed to.

S.F. No. 84: A bill for an act relating to state lands; authorizing sale of certain tax-forfeited land that borders public water in the city of Barnesville in Clay county.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, D.J.	Merriam	Ranum
Beckman	Day	Johnson, J.B.	Metzen	Reichgott
Belanger	DeCramer	Johnston	Moe, R.D.	Renneke
Benson, D.D.	Dicklich	Kelly	Mondale	Riveness
Benson, J.E.	Finn	Knaak	Morse	Sams
Berg	Flynn	Kroening	Neuville	Samuelson
Berglin	Frank	Langseth	Novak	Solon
Bernhagen	Frederickson, D.J.	Larson	Olson	Spear
Bertram	Frederickson, D.R.	Lessard	Pappas	Storm
Brataas	Gustafson	Luther	Pariseau	Stumpf
Chmielewski	Halberg	Marty	Piper	Traub
Cohen	Hottinger	McGowan	Pogemiller	Vickerman
Dahl	Johnson, D.E.	Mehrkins	Price	Waldorf

So the bill passed and its title was agreed to.

S.F. No. 998: A bill for an act relating to weights and measures; adopting weights and measures standards recommended by the United States Department of Commerce, National Institute of Standards and Technology; defining the responsibilities, duties, and powers of the division of weights and measures; providing that the division have a director; amending Minnesota Statutes 1990, sections 239.01; 239.02; 239.05; 239.09; proposing coding for new law in Minnesota Statutes, chapter 239; repealing Minnesota Statutes 1990, sections 239.07; 239.08; and 239.37.

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	Davis	Johnson, D.J.	Mehrkens	Ranum
Beckman	Day	Johnson, J.B.	Metzen	Reichgott
Belanger	DeCramer	Johnston	Moe, R.D.	Renneke
Benson, D.D.	Dicklich	Kelly	Mondale	Riveness
Benson, J.E.	Finn	Knaak	Morse	Sams
Berg	Flynn	Kroening	Neuville	Samuelson
Berglin	Frank	Laidig	Novak	Solon
Bernhagen	Frederickson, D.J.	Langseth	Olson	Spear
Bertram	Frederickson, D.R.	Larson	Pappas	Storm
Brataas	Gustafson	Lessard	Pariseau	Stumpf
Chmielewski	Halberg	Luther	Piper	Traub
Cohen	Hottinger	Marty	Pogemiller	Vickerman
Dahl	Johnson, D.E.	McGowan	Price	Waldorf

So the bill passed and its title was agreed to.

S.F. No. 1128: A bill for an act relating to insurance; providing for replacement cost insurance coverage for personal property; prohibiting insurers from requiring more than one residential renter's insurance policy be written to cover a single household; amending Minnesota Statutes 1990, section 65A.10; proposing coding for new law in Minnesota Statutes, chapter 65A.

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	Day	Johnston	Moe, R.D.	Riveness
Beckman	DeCramer	Kelly	Mondale	Sams
Belanger	Dicklich	Knaak	Morse	Samuelson
Benson, D.D.	Finn	Kroening	Neuville	Solon
Benson, J.E.	Flynn	Laidig	Novak	Spear
Berg	Frank	Langseth	Olson	Storm
Berglin	Frederickson, D.J.	Larson	Pappas	Stumpf
Bernhagen	Frederickson, D.R.	Lessard	Pariseau	Traub
Bertram	Gustafson	Luther	Piper	Vickerman
Brataas	Halberg	Marty	Pogemiller	Waldorf
Chmielewski	Hottinger	McGowan	Price	
Cohen	Johnson, D.E.	Mehrkens	Ranum	
Dahl	Johnson, D.J.	Merriam	Reichgott	
Davis	Johnson, J.B.	Metzen	Renneke	

So the bill passed and its title was agreed to.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 11:30 a.m. The motion prevailed.

The hour of 11:30 a.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

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

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1184 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1184: A bill for an act relating to the environment; conforming permit fee requirements to the federal Clean Air Act; requiring a report; appropriating money; amending Minnesota Statutes 1990, section 116.07, subdivision 4d.

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 10, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, D.J.	Metzen	Reichgott
Beckman	DeCramer	Johnson, J.B.	Moe, R.D.	Renneke
Belanger	Finn	Kelly	Mondale	Sams
Benson, D.D.	Flynn	Knaak	Morse	Spear
Benson, J.E.	Frank	Langseth	Novak	Storm
Berglin	Frederickson, D.J.	Lessard	Pappas	Stumpf
Bernhagen	Frederickson, D.R.	Luther	Piper	Traub
Chmielewski	Gustafson	Marty	Pogemiller	Vickerman
Cohen	Hottinger	Mehrkens	Price	Waldorf
Dahl	Johnson, D.E.	Merriam	Ranum	

Those who voted in the negative were:

Berg	Day	Johnston	Neuville	Pariseau
Bertram	Halberg	McGowan	Olson	Samuelson

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1333 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1333: A bill for an act relating to natural resources; amending certain provisions concerned with the management of fish and wildlife; designating red fox as an unprotected wild animal; increasing certain license fees; changing watercraft and snowmobile fees; allowing money from the sale of natural resource related merchandise to be credited to certain accounts; removing the refund of angling license fees for senior citizens;

allowing the issuance of a deer license during the season under certain conditions; changing state park permit fees; changing eligibility requirements for moose licenses; appropriating money; amending Minnesota Statutes 1990, sections 84.0855; 84.82, subdivisions 2 and 3; 84.944, subdivision 2; 84.96, subdivision 5; 85.053, subdivision 5; 85.055, subdivision 1; 86B.415, subdivisions 1, 2, 3, 4, 5, 6, and 7; 97A.015, subdivisions 45 and 53; 97A.075, subdivision 2; 97A.325, subdivision 2; 97A.431, subdivision 2; 97A.435, subdivision 2; 97A.475, subdivisions 2, 3, and 7; 97A.485, subdivisions 6, 7, and 9; 97A.541; 97B.075; 97B.601, subdivisions 3 and 4; 97B.631; 97B.655, subdivision 1; 97B.721; and 97B.801; repealing Minnesota Statutes 1990, section 97B.301, subdivision 5.

Mr. Merriam moved to amend S.F. No. 1333 as follows:

Page 6, delete section 15

Page 6, line 33, delete the new language

Page 8, line 29, delete the new language

Page 11, line 2, delete the new language

Page 11, delete sections 27 to 29

Page 12, delete sections 31 and 32

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, line 5, delete "animal;"

Page 1, line 18, delete "subdivisions 45 and" and insert "subdivision"

Page 1, line 21, delete "97A.541;"

Page 1, delete line 22 and insert "97B.601, subdivision 4;"

Page 1, line 23, delete "97B.655, subdivision 1;"

The motion prevailed. So the amendment was adopted.

Mr. Lessard moved to amend S.F. No. 1333 as follows:

Page 5, line 8, delete "\$35" and insert "\$20"

Page 5, line 10, delete "\$18" and insert "\$12"

Page 5, line 14, delete "\$22" and insert "\$18"

The motion prevailed. So the amendment was adopted.

Mr. Finn moved to amend S.F. No. 1333 as follows:

Pages 9 and 10, delete section 24

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 48 and nays 13, as follows:

Those who voted in the affirmative were:

Adkins	Day	Johnson, D.E.	Mehrkens	Riveness
Beckman	DeCramer	Johnson, D.J.	Mondale	Sams
Benson, D.D.	Dicklich	Johnson, J.B.	Neuville	Samuelson
Benson, J.E.	Finn	Johnston	Olson	Spear
Berglin	Flynn	Kelly	Pappas	Storm
Bernhagen	Frank	Laidig	Pariseau	Stumpf
Bertram	Frederickson, D.J.	Larson	Pogemiller	Traub
Chmielewski	Gustafson	Lessard	Price	Vickerman
Dahl	Halberg	Luther	Ranum	
Davis	Hottinger	McGowan	Renneke	

Those who voted in the negative were:

Belanger	Frederickson, D.R.	Marty	Moe, R.D.	Waldorf
Berg	Knaak	Merriam	Morse	
Brataas	Langseth	Metzen	Piper	

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S.F. No. 1333 as follows:

Page 3, lines 7 to 9, reinstate the stricken language and delete the new language

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Mr. Merriam imposed a call of the Senate for the balance of the proceedings on S.F. No. 1333. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Knaak moved to amend S.F. No. 1333 as follows:

Page 9, after line 9, insert:

"Sec. 24. Minnesota Statutes 1990, section 97A.485, subdivision 6, is amended to read:

Subd. 6. [LICENSES TO BE SOLD AND ISSUING FEES.] (a) Persons authorized to sell licenses under this section must sell the following licenses for the license fee and the following issuing fees:

(1) to take deer or bear with firearms and by archery, the issuing fee is \$1;

(2) Minnesota sporting, the issuing fee is \$1; and

(3) to take small game, for a person under age 65 to take fish by angling or for a person of any age to take fish by spearing, and to trap fur-bearing animals, the issuing fee is \$1;

(4) for a trout and salmon stamp that is not issued simultaneously with an angling or sporting license, an issuing fee of 50 cents may be charged at the discretion of the authorized seller; and

(5) for stamps other than a trout and salmon stamp, there is no fee.

(b) An issuing fee may not be collected for issuance of a trout and salmon stamp if a stamp is issued simultaneously with the related angling or sporting license. Only one issuing fee may be collected when selling more than one trout and salmon stamp in the same transaction after the end of the season for which the stamp was issued.

(c) The auditor or subagent shall keep the issuing fee as a commission for selling the licenses.

(d) The commissioner shall collect the issuing fee on licenses sold by the commissioner.

(e) A license, except stamps, must state the amount of the issuing fee and that the issuing fee is kept by the seller as a commission for selling the licenses.

(f) The fee for an angling license paid by a resident 65 years of age or over must be refunded to the licensee upon request to the commissioner, *accompanied by proof satisfactory to the commissioner that the applicant's gross income for the last calendar year was less than \$50,000*, if the request is made within 30 days of the sale. The commissioner shall design a system on the license for this purpose. An auditor or subagent may not provide postage stamps or pre-addressed envelopes for obtaining the refund. An auditor or subagent must provide information on the purposes for which license receipts are spent and the effects of applying for a refund."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1333 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Adkins	Flynn	Langseth	Moe, R.D.	Ranum
Beckman	Frederickson, D.J.	Larson	Morse	Reichgott
Berglin	Frederickson, D.R.	Lessard	Novak	Riveness
Brataas	Hottinger	Luther	Pappas	Spear
Cohen	Knaak	Marty	Piper	Traub
Davis	Kroening	Merriam	Pogemiller	Waldorf
DeCramer	Laidig	Metzen	Price	

Those who voted in the negative were:

Belanger	Dahl	Johnson, D.E.	Mondale	Solon
Benson, D.D.	Day	Johnson, D.J.	Neuville	Storm
Benson, J.E.	Dicklich	Johnson, J.B.	Olson	Stumpf
Berg	Finn	Johnston	Pariseau	Vickerman
Bernhagen	Frank	Kelly	Renneke	
Bertram	Gustafson	McGowan	Sams	
Chmielewski	Halberg	Mehrkins	Samuelson	

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1533 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1533: A bill for an act relating to the organization and operation of state government; appropriating money for the protection of the state's environment and natural resources; amending Minnesota Statutes 1990, sections 14.18; 41A.09, subdivision 3; 85A.02, subdivision 17; 103B.321, subdivision 1; and 116P.11.

Mr. Knaak moved to amend S.F. No. 1533 as follows:

Page 6, after line 23, insert:

"\$10,000 the first year is from the state forest account in the special revenue fund to establish rules under Minnesota Statutes, section 90.041, to restrict the harvesting of old-growth timber on state land. No sales of old-growth timber from state-owned lands may occur until the rules are adopted."

Page 36, after line 26, insert:

"Sec. 18. Minnesota Statutes 1990, section 90.01, is amended by adding a subdivision to read:

Subd. 10. "Old-growth forest stand" means an area of large, old trees of long-lived species that are beyond economic rotation ages and are essentially free from catastrophic disturbances."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Mr. Lessard imposed a call of the Senate for the balance of the proceedings on S.F. No. 1533. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the adoption of the Knaak amendment.

The roll was called, and there were yeas 21 and nays 42, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, J.B.	McGowan	Ranum	Traub
Benson, J.E.	Johnston	Neuville	Renneke	
Berglin	Knaak	Olson	Riveness	
Brataas	Laidig	Pappas	Spear	
Flynn	Marty	Pariseau	Storm	

Those who voted in the negative were:

Adkins	Davis	Halberg	Luther	Price
Beckman	Day	Hottinger	Mehrrens	Reichgott
Benson, D.D.	DeCramer	Johnson, D.E.	Merriam	Sams
Berg	Dicklich	Johnson, D.J.	Metzen	Samuelson
Bernhagen	Finn	Kelly	Moe, R.D.	Vickerman
Bertram	Frank	Kroening	Mondale	Waldorf
Chmielewski	Frederickson, D.J.	Langseth	Morse	
Cohen	Frederickson, D.R.	Larson	Piper	
Dahl	Gustafson	Lessard	Pogemiller	

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

S.F. No. 1533 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 9, as follows:

Those who voted in the affirmative were:

Adkins	Day	Johnson, J.B.	Merriam	Ranum
Beckman	DeCramer	Kelly	Metzen	Reichgott
Belanger	Dicklich	Knaak	Moe, R.D.	Renneke
Benson, J.E.	Finn	Kroening	Mondale	Riveness
Berglin	Flynn	Laidig	Morse	Sams
Bernhagen	Frederickson, D.J.	Langseth	Neuville	Samuelson
Bertram	Frederickson, D.R.	Larson	Novak	Spear
Brataas	Gustafson	Luther	Pappas	Storm
Chmielewski	Hottinger	Marty	Piper	Stumpf
Cohen	Johnson, D.E.	McGowan	Pogemiller	Traub
Davis	Johnson, D.J.	Mehrkens	Price	Vickerman

Those who voted in the negative were:

Benson, D.D.	Dahl	Halberg	Lessard	Pariseau
Berg	Frank	Johnston	Olson	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1530 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1530: A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and other agencies with certain conditions; providing for regulation of certain activities and practices; providing for certain rights-of-way; requiring studies and reports; fixing and limiting accounts and fees; amending Minnesota Statutes 1990, sections 10A.02, by adding a subdivision; 12.14; 18.46, subdivisions 6, 9, 10, and by adding a subdivision; 18.49, subdivision 2; 18.51; 18.52, subdivisions 1 and 5; 18.54, subdivision 2; 18.55; 18.56; 18.57; 18.59; 28A.08; 29.22; 31.39; 32.394, subdivisions 8, 8b, and by adding a subdivision; 60A.14, subdivision 1; 80C.04, subdivision 1; 80C.07; 80C.08, subdivision 1; 115C.09, by adding a subdivision; 138.91; 138.94; 155A.08, subdivisions 2, 3, and 5; 174.24, by adding a subdivision; 184.28, subdivision 2; 184.29; 184A.09; 239.78; 240.155; 297B.031; 297B.09; 299K.09, subdivision 2; 349A.10, subdivision 5; and Laws 1987, chapter 396, article 6, section 2; repealing Minnesota Statutes 1990, sections 155A.09, subdivision 7; 168C.01 to 168C.13; and 174.32.

Mr. Mehrkens moved to amend S.F. No. 1530 as follows:

Page 9, line 11, delete "765,000" and insert "733,000" and delete "792,000" and insert "760,000"

Correct the section totals and the summaries by fund accordingly

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S.F. No. 1530 as follows:

Page 26, delete sections 33 to 37

Page 27, lines 3 to 14, delete the new language and reinstate the stricken language

Page 27, lines 16, 18, 20, 22, and 24, reinstate the stricken "operator"

Page 27, lines 17, 19, 21, 23, and 25, delete "stock grower"

Pages 27 and 28, delete section 39

Pages 29 to 31, delete sections 41 to 45

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1530 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 54 and nays 10, as follows:

Those who voted in the affirmative were:

Adkins	Day	Johnson, J.B.	Metzen	Renneke
Beckman	DeCramer	Kelly	Moe, R.D.	Riveness
Benson, D.D.	Dicklich	Knaak	Mondale	Sams
Benson, J.E.	Finn	Kroening	Morse	Samuelson
Berg	Flynn	Laidig	Neuville	Spear
Bernhagen	Frank	Langseth	Pappas	Storm
Bertram	Frederickson, D.J.	Larson	Piper	Stumpf
Brataas	Frederickson, D.R.	Lessard	Pogemiller	Traub
Chmielewski	Halberg	Luther	Price	Vickerman
Dahl	Johnson, D.E.	Mehrkens	Ranum	Waldorf
Davis	Johnson, D.J.	Merriam	Reichgott	

Those who voted in the negative were:

Belanger	Cohen	Johnston	McGowan	Olson
Berglin	Hottinger	Marty	Novak	Pariseau

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 765 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 765: A bill for an act relating to transportation; clarifying parking provisions for physically disabled persons; authorizing special license plates for motorcycles; authorizing tinted windshields for medical reasons; amending Minnesota Statutes 1990, sections 168.021, subdivision 1; 169.345, subdivision 1; 169.346, subdivision 2; and 169.71, subdivision 4.

Mr. Neuville moved to amend S.F. No. 765 as follows:

Page 2, after line 6, insert:

"Sec. 2. Minnesota Statutes 1990, section 168.041, is amended to read:

168.041 [IMPOUNDING REGISTRATION PLATES AND CERTIFICATES.]

Subdivision 1. [DRIVING AFTER LICENSE INVALIDATED.] When a person is convicted of driving a motor vehicle after the suspension, revocation, or cancellation of the person's driver's license or driving privileges, the court shall require the registration plates ~~and registration certificate~~ of the motor vehicle involved in the violation owned by the person or registered in the person's name to be surrendered to the court. The court shall issue a receipt for the surrendered registration plates ~~and registration certificate~~.

If the violator is not the owner of the motor vehicle, the court shall require

the registration plates and registration certificate of the motor vehicle to be surrendered to the court if the vehicle was used by the violator with the permission of the owner and the owner had knowledge of the fact that the violator's driver's license had been revoked or suspended prior to the commission of the offense.

Subd. 1a. [FAILURE TO PRODUCE PROOF OF INSURANCE.] When an owner is convicted under section 169.791, the court shall require the registration plates of the motor vehicle or motorcycle involved in the violation owned by the person to be surrendered to the court for the longer of the following:

(1) the remainder of the period of revocation to be served under section 169.792; or

(2) until the owner obtains proof of insurance referred to in section 169.792, subdivision 10, satisfactory to the commissioner of public safety.

Subd. 2. [MOVING VIOLATION FOLLOWING PREVIOUS CONVICTION.] If a person is convicted of violating a law or municipal ordinance, except a parking law or ordinance, regulating the operation of motor vehicles on the streets or highways, and the record of the person so convicted shows a previous conviction for driving after suspension or revocation of the person's driver's license or driving privileges, the court may direct the commissioner of public safety to suspend the driver's license of the person for a period not exceeding one year. The court may also require the registration plates and registration certificate of any motor vehicle owned by the violator or registered in the violator's name to be surrendered to the court.

Subd. 3. [OTHER CONVICTIONS.] Except as otherwise provided in section 168.042, if a person is convicted of an offense that makes mandatory the revocation of the person's driver's license, or is convicted of driving a motor vehicle without having a valid driver's license in force, the court may require the registration plates and registration certificate of any motor vehicle owned by the person or any motor vehicle registered in the person's name to be surrendered to the court.

Subd. 4. [IMPOUNDMENT ORDER; PLATES SURRENDERED.] If the court issues an impoundment order, the registration plates and certificates must be surrendered to the court either three days after the order is issued or on the date specified by the court, whichever date is later. ~~The court shall forward surrendered registration certificates to the registrar of motor vehicles within seven days after their surrender.~~ The court may destroy the surrendered registration plates. Except as provided in subdivision 1a, 6, or 7, no new registration plates may be issued to the violator or owner until the driver's license of the violator has been reissued or reinstated. The court shall notify the commissioner of public safety within ten days after issuing an impoundment order.

Subd. 5. [REVOCATION RESCINDED.] If the driver's license revocation that is the basis for an impoundment order is rescinded, the registrar of motor vehicles shall issue new registration plates and a registration certificate for the vehicle at no cost, when the registrar receives an application that includes a copy of the order rescinding the driver's license revocation.

Subd. 6. [SPECIAL SERIES NUMBER PLATES.] (a) A violator or owner may apply to the commissioner for new registration plates, which must bear a special series of numbers or letters so as to be readily identified by traffic law enforcement officers. The commissioner may authorize the issuance of

special plates if a member of the violator's household has a valid driver's license, the violator or owner has a limited license issued under section 171.30, or the owner is not the violator and the owner has a valid or limited license or a member of the owner's household has a valid driver's license. The commissioner may issue the special plates on payment of a \$25 fee for each vehicle for which special plates are requested. The commissioner may not authorize the issuance of special plates unless the court that impounded the vehicle's plates gives written approval for the issuance of the special plates.

(b) Until the driver's license of the violator is reinstated or reissued, the violator shall inform the commissioner that an impoundment order is in effect when requesting any new registration plates.

Subd. 7. [TRANSFERRING VEHICLE WHEN PLATES IMPOUNDED.] A registered owner may not sell a motor vehicle during the time its registration plates ~~and registration certificate~~ have been ordered surrendered or during the time its registration plates bear a special series number, unless the registered owner applies to the court that impounded the plates ~~and certificate~~, for consent to transfer title to the motor vehicle. If the court is satisfied that the proposed sale is in good faith and for a valid consideration, that the registered owner will be deprived of the custody and control of the motor vehicle, and that the sale is not for the purpose of circumventing the provisions of this section, it may certify its consent to the registrar of motor vehicles. The registrar shall then transfer the ~~registration certificate~~ *of title* to the new owner upon proper application and issue new registration plates. After the registration plates ~~and registration certificate~~ have been ordered surrendered to the court under this section, if the title to the motor vehicle is transferred by the foreclosure of a chattel mortgage, the cancellation of a conditional sales contract, a sale upon execution, or by decree or order of a court of competent jurisdiction, ~~the court shall order the registration certificate surrendered to the new registered owner.~~ the registrar of motor vehicles shall then transfer the ~~registration certificate of title~~ and issue new registration plates to the new registered owner.

Subd. 8. [APPLICATION TO REGISTRATION TAX.] Nothing contained in this section or section 168.042 is intended to change or modify any provision of this chapter, with respect to the taxation of motor vehicles or the time within which motor vehicle taxes must be paid.

Subd. 9. [PENALTY.] A person who fails to surrender any registration plates ~~or a registration certificate~~ to the court upon demand under this section, who operates a motor vehicle on a street or highway at a time when a court has ordered the surrender of its registration plates ~~and registration certificate~~, or who fails to comply with subdivision 6, paragraph (b), is guilty of a misdemeanor.

Subd. 10. [DEFINITION OF RENTAL MOTOR VEHICLE.] "Rental motor vehicle" means a passenger vehicle, truck, motorcycle, or motorized bicycle:

(1) that is leased in the name of the violator, or leased jointly in the name of the violator and the violator's spouse; and

(2) that is one of a fleet of two or more vehicles rented for periods of 30 days or less.

Sec. 3 Minnesota Statutes 1990, section 169.123, subdivision 5b, is amended to read:

Subd. 5b. [ADMINISTRATIVE REVIEW.] At any time during a period of revocation imposed under this section or a period of disqualification imposed under section 171.165, a person may request in writing a review of the order of revocation or disqualification by the commissioner of public safety, unless the person is entitled to review under section 171.166. Upon receiving a request the commissioner or the commissioner's designee shall review the order, the evidence upon which the order was based, and any other material information brought to the attention of the commissioner, and determine whether sufficient cause exists to sustain the order. Within 15 days of receiving the request the commissioner shall report in writing the results of the review. The review provided in this subdivision is not subject to the contested case provisions of the administrative procedure act in sections 14.001 to 14.69.

The availability of administrative review for an order of revocation or disqualification has no effect upon the availability of judicial review under this section.

Review under this subdivision shall take place, if possible, at the same time as any administrative review of the person's impoundment order under section ~~168.041, subdivision 4a~~ 168.042, subdivision 9."

Page 2, after line 29, insert:

"Sec. 5. Minnesota Statutes 1990, section 169.346, subdivision 1, is amended to read:

Subdivision 1. [PARKING CRITERIA.] A person shall not:

(1) park a motor vehicle in or obstruct access to a parking space designated and reserved for the physically disabled, on either private or public property;

(2) park a motor vehicle in or obstruct access to an area designated by a local governmental unit as a transfer zone for disabled persons; or

(3) exercise the parking privilege provided in section 169.345, unless:

(i) that person is a physically disabled person as defined in section 169.345, subdivision 2, or the person is transporting or parking a vehicle for a physically disabled person; and

(ii) the vehicle visibly displays one of the following: a license plate issued under section 168.021, a certificate issued under section 169.345, or an equivalent certificate, insignia, or license plate issued by another state, a foreign country, or one of its political subdivisions."

Page 4, after line 26, insert:

"Sec. 8. Minnesota Statutes 1990, section 169.795, is amended to read: 169.795 [RULES.]

The commissioner of public safety shall adopt rules necessary to implement sections 168.041, subdivisions 1a; and 4; and 4a; 169.09, subdivision 14; and 169.791 to 169.796.

Sec. 9. Minnesota Statutes 1990, section 171.29, subdivision 3, is amended to read:

Subd. 3. A person whose license has been revoked under section 169.121 or 169.123 may not be issued another license at the end of the revocation period unless the person has complied with all applicable registration plate impoundment provisions of ~~section~~ sections 168.041 and 168.042."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 765 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, J.B.	Merriam	Ranum
Beckman	Day	Johnston	Metzen	Reichgott
Belanger	DeCramer	Kelly	Moe, R.D.	Renneke
Benson, D.D.	Dicklich	Knaak	Mondale	Riveness
Benson, J.E.	Finn	Kroening	Morse	Sams
Berg	Flynn	Laidig	Neuville	Samuelson
Berglin	Frank	Langseth	Novak	Solon
Bernhagen	Frederickson, D.R.	Larson	Olson	Spear
Bertram	Gustafson	Lessard	Pappas	Stumpf
Brataas	Halberg	Luther	Pariseau	Traub
Chmielewski	Hottinger	Marty	Piper	Vickerman
Cohen	Johnson, D.E.	McGowan	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Mehrkens	Price	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Bertram moved that S.F. No. 499, No. 4 on General Orders, be stricken and re-referred to the Committee on Local Government. The motion prevailed.

Mr. Moe, R.D. moved that H.F. No. 977 be withdrawn from the Committee on Rules and Administration and re-referred to the Committee on Finance. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Knaak introduced—

S.F. No. 1539: A bill for an act relating to education; making educational policies negotiable terms and conditions of employment for professional employees; amending Minnesota Statutes 1990, sections 179A.03, subdivision 19; and 179A.07, subdivision 1.

Referred to the Committee on Education.

Mr. Chmielewski introduced—

S.F. No. 1540: A bill for an act relating to the city of Cloquet; permitting a levy outside the levy limits; amending Minnesota Statutes 1990, section 275.56, subdivision 5a.

Referred to the Committee on Taxes and Tax Laws.

Mr. Waldorf introduced—

S.F. No. 1541: A bill for an act relating to employment; providing assistance to businesses to establish a safe workplace; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Economic Development and Housing.

MEMBERS EXCUSED

Mr. Hughes was excused from the Session of today. Mr. Davis was excused from the Session of today from 8:30 to 10:30 a.m. Mr. Dicklich was excused from the Session of today from 8:30 to 10:05 a.m. Mr. Sams was excused from the Session of today from 8:30 to 9:15 a.m. Ms. Berglin and Olson were excused from the Session of today from 8:30 to 9:20 a.m. Ms. Johnson, J.B., Messrs. Bertram, Solon and Novak were excused from the Session of today from 8:30 to 9:30 a.m. Mr. Cohen was excused from the Session of today from 12:45 to 1:15 p.m. Ms. Reichgott was excused from the Session of today from 8:30 to 9:30 a.m. and 12:30 to 1:30 p.m. Mrs. Pariseau was excused from the Session of today from 1:30 to 2:00 p.m. Mr. DeCramer was excused from the Session of today from 9:30 to 9:40 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:30 a.m., Tuesday, April 30, 1991. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate