

NINETY-FOURTH DAY

St. Paul, Minnesota, Wednesday, April 8, 1992

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Peter Geisendorfer-Lindgren.

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

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	Stumpf
Bernhagen	Frederickson, D.R.	Larson	Pappas	Terwilliger
Bertram	Gustafson	Lessard	Pariseau	Traub
Brataas	Halberg	Luther	Piper	Vickerman
Chmielewski	Hottinger	Marty	Pogemiller	Waldorf
Cohen	Hughes	McGowan	Price	
Dahl	Johnson, D.E.	Mehrkens	Ranum	
Davis	Johnson, D.J.	Merriam	Reichgott	

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committee indicated.

March 20, 1992

The Honorable Jerome Hughes
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as requested by law:

MINNESOTA POLLUTION CONTROL AGENCY

Keith H. Langmo, 105 East Depot Street, Litchfield, Meeker County, Minnesota, has been appointed by me, effective March 24, 1992, for a term expiring on the first Monday in January, 1996.

(Referred to the Committee on Environment and Natural Resources.)

Warmest regards,
Arne H. Carlson, Governor

April 7, 1992

The Honorable Dee Long
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1992 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1992	Date Filed 1992
	1567	372	5:12 p.m. April 1	April 2
	1744	373	5:10 p.m. April 1	April 2
	1013	374	5:08 p.m. April 1	April 2
	2744	375	5:02 p.m. April 1	April 2
720		376	4:58 p.m. April 1	April 2
1919		377	4:52 p.m. April 1	April 2
1689		379	4:50 p.m. April 1	April 2
1300		381	4:49 p.m. April 1	April 2
2210		383	4:42 p.m. April 1	April 2
	980	385	11:54 a.m. April 2	April 2
	2397	386	4:07 p.m. April 1	April 2
	2254	389	2:12 p.m. April 2	April 2
	2375	390	2:17 p.m. April 2	April 2
	2769	392	3:52 p.m. April 3	April 6
	2225	393	4:02 p.m. April 3	April 6
	2341	394	2:44 p.m. April 3	April 6
	2046	395	3:00 p.m. April 3	April 6
1767		396	2:58 p.m. April 3	April 6
2069		397	2:56 p.m. April 3	April 6
1991		398	3:56 p.m. April 3	April 6
2310		399	2:54 p.m. April 3	April 6
1900		400	2:50 p.m. April 3	April 6
1298		401	2:47 p.m. April 3	April 6
2208		402	2:45 p.m. April 3	April 6
2182		403	4:06 p.m. April 3	April 6
2308		404	2:42 p.m. April 3	April 6

Sincerely,
Joan Anderson Growe
Secretary of State

April 7, 1992

The Honorable Jerome M. Hughes
President of the Senate

Dear President Hughes:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 1671, 1997, 2001, 2117, 2124, 2301 and 2421.

Warmest regards,
Arne H. Carlson, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2608:

H.F. No. 2608: A bill for an act relating to consumer protection; requiring certain creditors to file credit card disclosure reports with the state treasurer; providing rulemaking authority; proposing coding for new law in Minnesota Statutes, chapter 325G.

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

O'Connor, Sarna and Anderson, R. have been appointed as such committee on the part of the House.

House File No. 2608 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 7, 1992

Mr. Solon moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2608, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2121:

H.F. No. 2121: A bill for an act relating to education; providing for general education and related revenue, transportation, special programs, other aids, levies, and programs; appropriating money; amending Minnesota Statutes 1990, sections 120.101, subdivision 5; 120.102, subdivision 1; 120.17, subdivisions 3a, 8a, 12, 14, 16, and by adding subdivisions; 121.148, subdivision 3; 121.11, by adding a subdivision; 121.16, subdivision 1; 121.935, by adding subdivisions; 122.22, by adding a subdivision; 122.23, subdivisions 13, 16, and by adding a subdivision; 122.247, subdivision 1; 122.531, subdivisions 1a, 2, 2a, 2b, and 2c; 122.532, subdivision 2; 123.35,

by adding a subdivision; 123.3514, subdivisions 6, as amended, as reenacted, 6b, as amended, as reenacted, and by adding a subdivision; 123.39, subdivision 8d; 123.58, by adding a subdivision; 123.744, as amended, as reenacted; 124.243, subdivision 2, and by adding a subdivision; 124.2725, subdivision 13; 124.331, subdivisions 1 and 3; 124.431, by adding a subdivision; 124.493, subdivision 1; 124.494, subdivisions 2, 4, and 5; 124.73, subdivision 1; 124.83, subdivisions 2, 6, and by adding subdivisions; 124.85, subdivision 4; 124A.22, subdivision 2a, and by adding subdivisions; 124A.23, subdivision 3; 124A.26, subdivision 2, and by adding a subdivision; 124C.07; 124C.08, subdivision 2; 124C.09; 124C.61; 125.05, subdivisions 1, 7, and by adding subdivisions; 125.12, by adding a subdivision; 125.17, by adding a subdivision; 126.12, subdivision 2; 126.22, by adding a subdivision; 127.46; 128A.09, subdivision 2, and by adding a subdivision; 128C.01, subdivision 4; 128C.02, by adding a subdivision; 134.34, subdivision 1, and by adding a subdivision; 136C.69, subdivision 3; 136D.75; 182.666, subdivision 6; 275.125, subdivision 10, and by adding subdivisions; Minnesota Statutes 1991 Supplement, sections 120.062, subdivision 8a; 120.064, subdivision 4; 120.17, subdivisions 3b, 7a, and 11a; 120.181; 121.585, subdivision 3; 121.831; 121.904, subdivisions 4a and 4e; 121.912, subdivision 6; 121.932, subdivisions 2 and 5; 121.935, subdivisions 1 and 6; 122.22, subdivision 9; 122.23, subdivision 2; 122.242, subdivision 9; 122.243, subdivision 2; 122.531, subdivision 4a; 123.3514, subdivisions 4 and 11; 123.702, subdivisions 1, 1a, and 1b; 124.155, subdivision 2; 124.19, subdivisions 1, 1b, and 7; 124.195, subdivision 2; 124.214, subdivisions 2 and 3; 124.2601, subdivision 6; 124.2721, subdivision 3b; 124.2727, subdivision 6, and by adding subdivisions; 124.479; 124.493, subdivision 3; 124.646, subdivision 4; 124.83, subdivision 1; 124.95, subdivisions 1, 2, 3, 4, 5, and by adding a subdivision; 124A.03, subdivisions 1c, 2, 2a, and by adding a subdivision; 124A.23, subdivisions 1 and 4; 124A.24; 124A.26, subdivision 1; 124A.29, subdivision 1; 125.185, subdivisions 4 and 4a; 125.62, subdivision 6; 126.70; 135A.03, subdivision 3a; 136D.22, subdivision 3; 136D.71, subdivision 2; 136D.76, subdivision 2; 136D.82, subdivision 3; 245A.03, subdivision 2; 275.065, subdivision 1; 275.125, subdivisions 6j and 11g; 364.09; and 373.42, subdivision 2; Laws 1990, chapter 366, section 1, subdivision 2; Laws 1991, chapter 265, articles 3, section 39, subdivision 16; 4, section 30, subdivision 11; 5, sections 18, 23, and 24, subdivision 4; 6, sections 64, subdivision 6, 67, subdivision 3, and 68; 7, sections 37, subdivision 6, 41, subdivision 4, and 44; 8, sections 14 and 19, subdivision 6; and 9, sections 75 and 76; proposing coding for new law in Minnesota Statutes, chapters 123; 124; 124C; and 135A; repealing Minnesota Statutes 1990, sections 121.25; 121.26; 121.27; 121.28; 122.23, subdivisions 16a and 16b; 124.274; 125.03, subdivision 5; 128A.022, subdivision 5; 134.34, subdivision 2; 136D.74, subdivision 3; 136D.76, and subdivision 3; Minnesota Statutes 1991 Supplement, sections 121.935, subdivisions 7 and 8; 123.35, subdivision 19; 124.2721, subdivisions 5a and 5b; 124.2727, subdivisions 1, 2, 3, 4, and 5; and 136D.90, subdivision 2; Laws 1990, chapters 562, article 12; 604, article 8, section 12; and 610, article 1, section 7, subdivision 4; and Laws 1991, chapter 265, article 9, section 73.

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

Nelson, K.; Bauerly; McEachern; Hausman and Weaver have been appointed as such committee on the part of the House.

House File No. 2121 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 7, 1992

Mr. Dicklich moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2121, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

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

H.F. No. 2031: A bill for an act relating to taxation; property; providing for the valuation and assessment of vacant platted property; excluding certain unimproved land sales from sales ratio studies; amending Minnesota Statutes 1990, section 124.2131, subdivision 1; Minnesota Statutes 1991 Supplement, section 273.11, subdivision 1.

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

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

House File No. 2031 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 7, 1992

Mr. Moe, R.D., for Ms. Reichgott, moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2031, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1849.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 7, 1992

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 1849: A bill for an act relating to crime; anti-violence education, prevention and treatment; increasing penalties for repeat sex offenders;

providing for life imprisonment for certain repeat sex offenders; providing for life imprisonment without parole for certain persons convicted of first degree murder; increasing penalties for other violent crimes and crimes committed against children; increasing supervision of sex offenders; providing a fund for sex offender treatment; eliminating the "good time" reduction in prison sentences; allowing the extension of prison terms for disciplinary violations in prison; authorizing the commissioner of corrections to establish a "boot camp" program; authorizing the imposition of fees for local correctional services on offenders; requiring the imposition of minimum fines on convicted offenders; providing for HIV testing of certain sex offenders; expanding certain crime victim rights; providing programs for victim-offender mediation; enhancing protection of domestic abuse victims; authorizing secure confinement of dangerous juvenile offenders; creating a civil cause of action for minors used in a sexual performance; providing for a variety of anti-violence education, prevention, and treatment programs; authorizing the issuance of state bonds for a variety of projects; appropriating money; amending Minnesota Statutes 1990, sections 13.87, subdivision 2; 72A.20, by adding a subdivision; 121.882, by adding a subdivision; 127.46; 135A.15; 241.021, by adding a subdivision; 241.67, subdivisions 1, 2, 3, 6, and by adding a subdivision; 242.19, subdivision 2; 242.195, subdivision 1; 243.53; 244.01, subdivision 8; 244.03; 244.04, subdivisions 1 and 3; 244.05, subdivisions 1, 3, 4, 5, and by adding subdivisions; 245.4871, by adding a subdivision; 254A.14, by adding a subdivision; 254A.17, subdivision 1, and by adding a subdivision; 259.11; 260.151, subdivision 1; 260.155, subdivision 1, and by adding a subdivision; 260.172, by adding a subdivision; 260.181, by adding a subdivision; 260.185, subdivisions 1 and 4; 260.311, by adding a subdivision; 270A.03, subdivision 5; 299A.37; 299A.40, subdivision 3; 332.51, subdivisions 1 and 5; 401.02, subdivision 4; 485.018, subdivision 5; 518B.01, subdivisions 7 and 13; 546.27, subdivision 1; 595.02, subdivision 4; 609.02, by adding a subdivision; 609.10; 609.101, by adding a subdivision; 609.115, subdivision 1a; 609.125; 609.135, subdivision 5, and by adding subdivisions; 609.1352, subdivisions 1 and 5; 609.152, subdivisions 2 and 3; 609.184, subdivision 2; 609.19; 609.2231, by adding a subdivision; 609.224, subdivision 2; 609.322; 609.323; 609.342; 609.343; 609.344, subdivisions 1 and 3; 609.345, subdivisions 1 and 3; 609.346, subdivisions 2, 2a, and by adding subdivisions; 609.3471; 609.378, subdivision 1, and by adding a subdivision; 609.40, subdivision 1; 609.605, by adding a subdivision; 609.747, subdivision 2; 611A.03, subdivision 1; 611A.52, subdivision 8; 626.843, subdivision 1; 626.8451; 626.8465, subdivision 1; 629.72, by adding a subdivision; 630.36, subdivision 1, and by adding a subdivision; Minnesota Statutes 1991 Supplement, sections 3.873, subdivisions 1, 5, 7, and by adding a subdivision; 8.15; 121.882, subdivision 2; 124A.29, subdivision 1; 126.70, subdivisions 1 and 2a; 243.166, subdivisions 1, 2, and 3; 244.05, subdivision 6; 244.12, subdivision 3; 245.484; 245.4884, subdivision 1; 299A.30; 299A.31, subdivision 1; 299A.32, subdivisions 2 and 2a; 299A.36; 518B.01, subdivisions 3a, 6, and 14; 609.135, subdivision 2; Laws 1991, chapter 232, section 5; proposing coding for new law in Minnesota Statutes, chapters 126; 145; 145A; 169; 241; 244; 256; 256F; 260; 299A; 609; 611A; 617; and 629.

Mr. Moe, R.D. moved that H.F. No. 1849 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

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

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

S.F. No. 2432: A bill for an act relating to agriculture; regulating aquatic farming; protecting certain wildlife populations; amending Minnesota Statutes 1990, sections 97C.203; 97C.301, by adding a subdivision; 97C.345, subdivision 4; 97C.391; and 97C.505, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 1990, sections 97A.475, subdivision 29a; and 97C.209.

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

Page 13, line 19, delete "\$350" and insert "\$275"

Page 14, line 3, after the comma, insert "\$20 *plus*"

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

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

S.F. No. 695: A bill for an act relating to transportation; making technical and clarifying changes; defining terms; providing for maximum weight per inch of tire width; modifying axle weight limitations; allowing commissioner of transportation to adopt rules assessing administrative penalties for violations of special transportation service standards; providing for regulation of motor vehicles having a gross vehicle weight of 10,000 pounds or more and operated by motor carriers; requiring certain carriers to comply with rules on driver qualifications and maximum hours of service after August 1, 1994; applying federal regulations on drug testing to intrastate motor carriers; regulating transportation of hazardous materials, substances, and waste; specifying identification information required on power units; authorizing small fee for motor carrier identification stamps; regulating building movers; authorizing release of criminal history data for purposes of special transportation license endorsements; amending Minnesota Statutes 1990, sections 169.825, subdivisions 11 and 14; 174.30, subdivision 2; 221.011, subdivisions 20, 21, 25, and by adding a subdivision; 221.021; 221.031, subdivisions 1, 2, 2a, 3, 3a, 6, and by adding subdivisions; 221.033, subdivisions 1, 2, and by adding subdivisions; 221.034, subdivisions 1 and 3; 221.035, subdivisions 1, 2, and by adding a subdivision; 221.121, subdivisions 1 and 7; 221.131, subdivisions 1, 2, and 6; 221.161, subdivision 1; 221.60, subdivision 2; 221.605, subdivision 1; and 221.81, subdivisions 2, 4, and by adding subdivisions; Minnesota Statutes 1991 Supplement, sections 169.781, subdivisions 1 and 5; 169.825, subdivisions 8 and 10; 169.86, subdivision 5; 221.025; and 364.09; proposing coding for new law in Minnesota Statutes, chapter 221.

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

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

S.F. No. 2232: A bill for an act relating to courts; requiring the state to reimburse counties for certain extradition expenses from any forfeited bail of the defendant or probationer that had been forwarded to the state treasury as required by law; amending Minnesota Statutes 1990, section 485.018, subdivision 5.

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

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

S.F. No. 1615: A bill for an act relating to game and fish; reducing deer license fees for residents under age 16 and for licenses to take a second deer; amending Minnesota Statutes 1990, section 97B.301, subdivision 4; Minnesota Statutes 1991 Supplement, section 97A.475, subdivision 2.

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

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

S.F. No. 2103: A bill for an act relating to drivers' licenses; increasing fees; appropriating money; amending Minnesota Statutes 1990, section 171.06, subdivision 2.

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

Page 1, delete section 2 and insert:

"Sec. 2. [IMPROVED SECURITY.]

The commissioner of public safety shall develop new licenses and identification cards, to be issued beginning July 1, 1993, that are more difficult to alter."

Amend the title as follows:

Page 1, line 3, delete "appropriating money" and insert "requiring more secure cards"

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

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

H.F. No. 765: A bill for an act relating to certain state employees; establishing eligibility for state-paid insurance after retirement in certain circumstances.

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

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

H.F. No. 31: A bill for an act relating to public safety; creating the Minnesota advisory council on fire protection systems; requiring licensing and certifying of the fire protection industry; providing for rules and an exemption; providing for fees; imposing a penalty; appropriating money;

proposing coding for new law as Minnesota Statutes, chapter 299M.

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

Page 6, delete lines 3 to 13 and insert:

“\$147,000 is appropriated for the fiscal year ending June 30, 1993, from the general fund to the department of public safety for the purposes of sections 1 to 11.”

The complement of the department of public safety is increased by two positions for the 1993 fiscal year for the purposes of sections 1 to 11.”

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

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

S.F. No. 738: A bill for an act relating to public safety; requiring registration and payment of an annual fee to transport hazardous materials; authorizing the commissioner of transportation to adopt rules; requiring the commissioner of public safety to implement a state hazardous materials incident response plan; creating the hazardous materials incident response account and distributing money to the account; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 221; 299A; and 299K.

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

Page 1, line 27, delete “8” and insert “7”

Page 1, line 28, delete everything after “fund” and insert a period

Page 2, delete line 1

Page 2, lines 3 and 7, delete “8” and insert “7”

Page 5, line 1, delete “8” and insert “7”

Page 5, delete section 7

Page 6, line 3, delete everything after “fund” and insert a period

Page 6, delete line 4

Page 6, line 6, delete “\$” and insert “\$115,000” and delete “hazardous materials” and insert “general fund”

Page 6, lines 7 and 10, delete “incident response account”

Page 6, line 8, after the period, insert “The approved complement of the department of transportation is increased by two positions.”

Page 6, line 9, delete “\$” and insert “\$1,128,000” and delete “hazardous materials” and insert “general fund”

Page 6, line 11, delete “8” and insert “7” and after the period, insert “The approved complement of the department of public safety is increased by three positions.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "creating"

Page 1, delete line 8

Page 1, line 9, delete everything before "appropriating"

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

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

S.F. No. 1687: A bill for an act relating to crime; increasing penalties for repeat and violent sex offenders; providing for life imprisonment for certain repeat sex offenders; increasing supervision of sex offenders following release from prison; eliminating the "good time" reduction in a prison sentence; allowing the extension of prison terms for disciplinary violations in prison; prohibiting the release of a prison inmate on a weekend or holiday; requiring review of sex offenders for psychopathic personality commitment before prison release; providing for mediation programs for crime victims and offenders; requiring training of peace officers regarding crimes of violence; providing for automatic prosecution in adult court of previously certified juveniles; requiring city and county attorneys to adopt a domestic abuse prosecution plan; defining child abuse; increasing penalty for second degree assault resulting in substantial bodily harm; removing the limit on consecutive sentences for felonies; allowing telephone companies to offer caller identification service to subscribers; requiring a crime victimization survey; appropriating money; amending Minnesota Statutes 1990, sections 8.01; 135A.15; 241.67, subdivisions 3 and 6; 244.01, subdivision 8; 244.03; 244.04, subdivisions 1 and 3; 244.05, subdivisions 1, 3, 4, 5, and by adding subdivisions; 253B.18, subdivision 2; 259.11; 260.015, by adding a subdivision; 260.151, subdivision 1; 260.161, subdivision 1, and by adding a subdivision; 260.165, by adding a subdivision; 260.172, subdivision 1; 260.185, subdivisions 1, 4, and by adding a subdivision; 518B.01, subdivision 13, and by adding subdivisions; 526.10; 595.02, subdivision 4; 609.055; 609.135, subdivision 5; 609.1351; 609.1352, subdivisions 1 and 5; 609.15, subdivision 2; 609.152, subdivisions 2 and 3; 609.184, subdivisions 1 and 2; 609.185; 609.19; 609.21, subdivisions 1, 2, 2a, 3, and 4; 609.222; 609.2231, by adding a subdivision; 609.224, subdivision 2; 609.342, subdivision 2; 609.343, subdivision 2; 609.346, subdivisions 2, 2a, and by adding subdivisions; 609.605, by adding a subdivision; 609.713; 611A.0311, subdivisions 2 and 3; 611A.034; 611A.04, subdivisions 1 and 1a; 611A.52, subdivision 6; 624.713, subdivision 1, and by adding a subdivision; 624.7131, subdivisions 1 and 6; 624.7132, subdivision 1; 624.714, subdivisions 1, 3, and 7; 626.5531, subdivision 1; 626.843, subdivision 1; 626.8451; 626.8465, subdivision 1; 626.861, subdivision 3; 626A.02, subdivision 2; 630.36, subdivision 1; Minnesota Statutes 1991 Supplement, sections 8.15; 244.05, subdivision 6; 244.12, subdivision 3; 260.015, subdivision 2a; 518B.01, subdivisions 4, 6, and 14; 609.135, subdivision 2; 611A.32, subdivision 1; 624.712, subdivision 5; and 626.861, subdivisions 1 and 4; proposing coding for law in Minnesota Statutes, chapters 169; 237; 244; 299C; 480; 526; 611A; 624; 626; and 629; repealing Minnesota Statutes 1990, section 260.125, subdivision 3a.

Reports the same back with the recommendation that the report from the

Committee on Finance, shown in the Journal for April 7, 1992, be adopted; that committee recommendation being:

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2792, 2432, 695, 2232, 1615, 2103, 738 and 1687 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 765 and 31 were read the second time.

MOTIONS AND RESOLUTIONS

SUSPENSION OF RULES

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

CALENDAR

S.F. No. 2206: A resolution memorializing Congress to allow doctors of chiropractic status as commissioned officers in the military.

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

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 52 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.E.	Mondale	Riveness
Beckman	Day	Johnson, D.J.	Morse	Sams
Belanger	Dicklich	Johnson, J.B.	Neuville	Samuelson
Benson, D.D.	Finn	Kelly	Novak	Solon
Benson, J.E.	Flynn	Knaak	Olson	Spear
Berg	Frank	Kroening	Pappas	Stumpf
Berglin	Frederickson, D.J.	Larson	Pariseau	Terwilliger
Bernhagen	Frederickson, D.R.	Lessard	Piper	Traub
Bertram	Gustafson	Luther	Pogemiller	
Brataas	Hottinger	McGowan	Price	
Cohen	Hughes	Moe, R.D.	Ranum	

Ms. Johnston and Mr. Merriam voted in the negative.

So the resolution passed and its title was agreed to.

S.F. No. 2213: A bill for an act relating to commerce; regulating bank charters, the purchase and sale of property, relocations, loans, detached facilities, capital and surplus requirements, and clerical services; regulating the report and audit schedules and account insurance of credit unions; regulating business changes of industrial loan and thrifts; regulating business changes, license requirements, loan security, and interest rates of regulated lenders; providing special corporate voting and notice provisions for banking corporations; requiring drivers' licenses to be less susceptible to alteration; regulating investments in share certificates; authorizing credit

unions to make reverse mortgage loans; regulating credit unions as depositories of various funds; authorizing the establishment of additional detached facilities in the cities of Duluth, Dover, Millville, and New Scandia; modifying real estate appraiser requirements; amending Minnesota Statutes 1990, sections 41B.19, subdivision 6; 46.041, subdivision 4; 46.044; 46.047, subdivision 2; 46.048, subdivision 3; 46.07, subdivision 2; 47.10; 47.101, subdivision 3; 47.20, subdivisions 2, 4a, and 5; 47.54; 47.55; 47.58, subdivision 1; 48.02; 48.64; 48.86; 48.89, subdivision 5; 49.34, subdivision 2; 50.14, subdivision 13; 52.06, subdivision 1; 52.24, subdivision 1; 53.03, subdivision 5; 53.09, subdivision 2; 56.04; 56.07; 56.12; 56.131, subdivision 4; 61A.09, subdivision 3; 62B.02, by adding a subdivision; 62B.04, subdivisions 1 and 2; 80A.14, subdivision 9; 82B.13, as amended; 116J.8765, subdivision 4; 118.01, subdivision 1; 118.10; 136.31, subdivision 6; 171.07, by adding a subdivision; 300.23; 300.52, subdivision 1; 332.13, subdivision 2; 356A.06, subdivision 6; 427.01; 446A.11, subdivision 9; 475.67, subdivision 5; Minnesota Statutes 1991 Supplement, sections 48.512, subdivision 4; 52.04, subdivision 1; 82B.11, subdivisions 3 and 4; and 82B.14; repealing Minnesota Statutes 1990, section 48.03, subdivisions 4 and 5.

Mr. Solon moved to amend S.F. No. 2213 as follows:

Amend the title as follows:

Page 1, lines 12 and 13, delete "requiring drivers' licenses to be less susceptible to alteration;"

The motion prevailed. So the amendment was adopted.

S.F. No. 2213 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	Dahl	Johnson, D.J.	Moe, R.D.	Riveness
Beckman	Day	Johnson, J.B.	Mondale	Sams
Belanger	Dicklich	Johnston	Morse	Samuelson
Benson, D.D.	Finn	Kelly	Novak	Solon
Benson, J.E.	Flynn	Knaak	Olson	Spear
Berg	Frank	Kroening	Pappas	Stumpf
Berglin	Frederickson, D.J.	Laidig	Pariseau	Terwilliger
Bernhagen	Frederickson, D.R.	Larson	Piper	Traub
Bertram	Gustafson	Lessard	Pogemiller	
Brataas	Hottinger	Luther	Price	
Chmielewski	Hughes	Marty	Ranum	
Cohen	Johnson, D.E.	McGowan	Reichgott	

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

S.F. No. 2314: A bill for an act relating to the city of Minneapolis; requiring an equitable participation by planning districts in neighborhood revitalization programs; amending Minnesota Statutes 1990, section 469.1831, 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2396: A bill for an act relating to retirement; first class city teachers; making various changes in administrative provisions of laws governing the first class city teachers retirement fund associations; providing authority for the Minneapolis teachers retirement fund association to amend its articles of incorporation to modify disability benefits for basic program members; amending Minnesota Statutes 1990, sections 354A.011, subdivisions 4, 8, 11, 12, 13, 15, 21, 24, and 27; 354A.021, subdivision 6; 354A.05; 354A.08; 354A.096; 354A.31, subdivision 3; 354A.36, subdivision 3; and 354A.38, subdivision 3; Minnesota Statutes 1991 Supplement, section 354A.011, subdivision 26; repealing Minnesota Statutes 1990, sections 354A.011, subdivision 2; and 354A.40, subdivisions 2 and 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 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 2113: A bill for an act relating to traffic regulations; authorizing the operation of flashing lights and stop arms on school buses transporting persons age 18 and under to and from certain activities; authorizing revolving safety lights on rural mail carrier vehicles; requiring school bus sign on school bus providing such transportation; amending Minnesota Statutes 1991 Supplement, sections 169.441, subdivision 3; 169.443, subdivision 3, and by adding a subdivision; and 169.64, 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2743: A bill for an act relating to insurance; regulating Medicare supplement; making various changes in state law required by the federal government; regulating coverages and practices; regulating the Minnesota comprehensive health association; increasing the maximum lifetime benefit amounts of certain state plan coverages; extending the effective date of the authorization of use of experimental delivery methods; amending Minnesota Statutes 1990, sections 62A.31, by adding subdivisions; 62A.315; 62A.36, subdivision 1; 62A.38; 62A.39; 62A.42; 62A.43; 62A.44; and 62E.07; Minnesota Statutes 1991 Supplement, sections 62A.31, subdivision 1; 62A.316; 62E.10, subdivision 9; and 62E.12; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

So the bill passed and its title was agreed to.

S.F. No. 2434: A bill for an act relating to retirement; providing continued coverage in the Minnesota state retirement system for certain employees; amending Minnesota Statutes 1990, sections 352.01, subdivision 2a; and 352.04, subdivision 6.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

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

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

H. F. Nos. 2647, 2551, 2756 and 2211, which the committee recommends to pass.

S.F. No. 2191, which the committee recommends be returned to its author.

H.F. No. 2623, which the committee recommends to pass, subject to the following motions:

Mr. Lessard moved that the amendment made to H.F. No. 2623 by the Committee on Rules and Administration in the report adopted April 6, 1992, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Mr. Solon moved to amend H.F. No. 2623 as follows:

Page 5, after line 13, insert:

"Sec. 13. Laws 1973, chapter 327, section 5, is amended by adding a subdivision to read:

Subd. 8. [OUTSIDE BUSINESS ACTIVITIES.] Notwithstanding any contrary provision of sections 1 to 12, the authority may engage in business activities outside the geographic boundaries of the Spirit Mountain recreation area."

Page 5, line 19, after the period, insert "*Section 13 is effective on the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Duluth.*"

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2709, which the committee recommends to pass with the following amendments offered by Messrs. Solon; Frederickson, D.J. and Chmielewski:

Mr. Solon moved to amend H.F. No. 2709, as amended pursuant to Rule 49, adopted by the Senate April 1, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 2483.)

Page 4, line 27, reinstate the stricken "or"

Page 4, line 29, after "to" insert "(i) a confection containing alcohol as defined in section 31.76, or (ii)"

Page 5, lines 2 to 20, delete the new language

Page 5, after line 26, insert:

"Sec. 3. [31.76] [CONFECTIONS CONTAINING ALCOHOL.]

Subdivision 1. [DEFINITION.] "Confection containing alcohol" is a confection that contains or bears not more than five percent alcohol by volume where the alcohol is in a non-liquid form by reason of being mixed with other substances in the manufacture of the confection. "Confection containing alcohol" does not include liqueur-filled candy as defined in section 340A.101, subdivision 15b.

Subd. 2. [REGULATIONS.] (a) A confection containing alcohol may not be sold to any person under the age of 21 years.

(b) Each confection containing alcohol must bear a label that contains (i) a conspicuous, readily legible statement that reads "This product may not be sold to anyone under age 21 years of age," and (ii) a conspicuous, readily legible statement to the effect that the product contains less than five percent alcohol by volume.

(c) A confection containing alcohol may be sold only by (i) an exclusive liquor store licensed under chapter 340A, or (ii) a business establishment that derives more than 50 percent of its gross sales from the sale of confections."

Page 7, after line 23, insert:

"Sec. 5. Minnesota Statutes 1990, section 340A.101, subdivision 15, is amended to read:

Subd. 15. [LICENSED PREMISES.] "Licensed premises" is the premises described in the approved license application. In the case of a restaurant, club, or exclusive liquor store licensed for on-sales of alcoholic beverages and located on a golf course, "licensed premises" means the entire golf course except for areas where motor vehicles are regularly parked or operated."

Page 7, after line 29, insert:

"Sec. 7. Minnesota Statutes 1991 Supplement, section 340A.404, subdivision 2, is amended to read:

Subd. 2. [SPECIAL PROVISION; CITY OF MINNEAPOLIS.] (a) The city of Minneapolis may issue an on-sale intoxicating liquor license to the Guthrie Theatre, the Cricket Theatre, the Orpheum Theatre, and the State Theatre, notwithstanding the limitations of law, or local ordinance, or charter provision relating to zoning or school or church distances. The licenses

authorize sales on all days of the week to holders of tickets for performances presented by the theatres and to members of the nonprofit corporations holding the licenses and to their guests.

(b) The city of Minneapolis may issue an intoxicating liquor license to 510 Groveland Associates, a Minnesota cooperative, for use by a restaurant on the premises owned by 510 Groveland Associates, notwithstanding limitations of law, or local ordinance, or charter provision.

(c) The city of Minneapolis may issue an on-sale intoxicating liquor license to Zuhrah Shrine Temple for use on the premises owned by Zuhrah Shrine Temple at 2540 Park Avenue South in Minneapolis, notwithstanding limitations of law, or local ordinances, or charter provision relating to zoning or school or church distances."

Page 8, after line 19, insert:

"Sec. 9. Minnesota Statutes 1990, section 340A.412, is amended by adding a subdivision to read:

Subd. 13. [FIRST CLASS CITIES; RENEWAL OF INACTIVE LICENSES PROHIBITED.] A city of the first class may not renew an on-sale intoxicating liquor license if the holder of the license has not made on-sales authorized by the license at any time during the one-year period immediately prior to the date of renewal."

Page 9, delete section 7 and insert:

"Sec. 11. [NATIONAL SPORTS CENTER; SALES OF ALCOHOLIC BEVERAGES.]

The Blaine city council may by ordinance authorize a holder of a retail on-sale intoxicating liquor license issued by the city or a contiguous city to dispense alcoholic beverages at the National Sports Center to persons attending a social event at the center. The licensee must be engaged to dispense alcoholic beverages at a social event held by a person or organization permitted to use the National Sports Center. Nothing in this section authorizes a licensee to dispense alcoholic beverages at any amateur athletic event held at the center."

Page 9, delete section 9

Page 10, delete lines 1 to 14 and insert:

"Notwithstanding any other provision of law: (1) the Roseau county board may issue an off-sale retail intoxicating liquor license to the town board of Lake township in the county, and may set the fee for the license, and (2) the town board of Lake township may by majority vote establish, own, and operate an exclusive liquor store within the township for the off-sale of intoxicating liquor if the exclusive liquor store is operated under a license issued by Roseau county. The authority granted under this section does not include the authority for the town board to issue retail alcoholic beverage licenses. All provisions of Minnesota Statutes, chapter 340A, that apply to the off-sale intoxicating liquor licenses, not inconsistent with this section, apply to the establishment, ownership, and operation of an exclusive liquor store under this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Frederickson, D.J. moved to amend H.F. No. 2709, as amended pursuant to Rule 49, adopted by the Senate April 1, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 2483.)

Page 10, after line 14, insert:

“Sec. 11. [SWIFT COUNTY; OFF-SALE LICENSE.]

Notwithstanding Minnesota Statutes, section 340A.405, subdivision 2, paragraph (e), the Swift county board may issue an off-sale intoxicating liquor license to an establishment located less than one mile by the most direct route from the boundary of the city of Benson. All other provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the license authorized under this section.”

Page 10, line 19, after the period, insert “Section 11 takes effect upon approval by resolutions adopted by the governing bodies of Six Mile Grove township and the city of Benson.”

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Chmielewski moved to amend H.F. No. 2709, as amended pursuant to Rule 49, adopted by the Senate April 1, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 2483.)

Page 10, after line 14, insert:

“Sec. 11. [AITKIN COUNTY; OFF-SALE LICENSE.]

Notwithstanding Minnesota Statutes, section 340A.405, subdivision 2, the Aitkin county board may issue an off-sale intoxicating liquor license to an establishment located within Malmo township. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the license authorized under this section.”

Page 10, line 16, after “8” insert “and 11”

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2199, which the committee reports progress, subject to the following motions:

Mr. Merriam moved to amend S.F. No. 2199 as follows:

Page 10, line 29, after the semicolon, insert “or”

Page 10, delete lines 30 to 35

Page 10, line 36, delete “(5)” and insert “(4)”

The motion prevailed. So the amendment was adopted.

Mr. Merriam then moved to amend S.F. No. 2199 as follows:

Page 11, line 19, delete everything after “(b)”

Page 11, delete line 20

Page 11, line 21, delete everything before “The”

The motion prevailed. So the amendment was adopted.

Mr. Merriam then moved to amend S.F. No. 2199 as follows:

Page 16, line 24, after “*protection*” insert “, *including a discussion of how prices are publicly and privately subsidized and how identified costs of waste management are not reflected in the prices*”

Page 16, line 25, delete from “(2)” through page 17, line 1, to the period and insert:

“(2) *a discussion of how the market structure for solid waste management influences prices, considering:*

(i) changes in the solid waste management market structure;

(ii) the relationship between public and private involvement in the market; and

(iii) the effect on market structures of waste management laws and rules; and

(3) any recommendations for ~~regulations~~ strengthening or improving the market structure for solid waste management to ensure protection of human health and the environment, taking into account the preferred waste management practices listed in section 115A.02 and considering the experiences of other states.

(b) In preparing the report, the ~~agency~~ commissioner shall:

(1) consult with the director; the metropolitan council; local government units; solid waste collectors, transporters, and processors; owners and operators of solid waste disposal facilities; and other interested persons;

(2) consider information received under subdivision 2; and

(3) analyze information gathered and comments received relating to the most recent solid waste management policy report prepared under section 115A.411.

The commissioner shall also recommend any legislation necessary to ensure adequate and reliable information needed for preparation of the report.

(c) If an action recommended by the commissioner under paragraph (a) would significantly affect the solid waste management market structure, the commissioner shall, in consultation with the entities listed in paragraph (b), clause (1), prepare and include in the report an analysis of the potential impacts and effectiveness of the action, including impacts on:

(1) the public and private waste management sectors;

(2) future innovation and responsiveness to new approaches to solid waste management; and

(3) the costs of waste management.”

Page 17, line 2, before “The” insert “(d)”

The motion prevailed. So the amendment was adopted.

Mr. Merriam then moved to amend S.F. No. 2199 as follows:

Page 22, delete lines 24 to 28 and insert:

“(b) Until January 1, 1995, the prohibition in paragraph (a) does not apply to residual waste from the processing of mixed municipal solid waste generated in the metropolitan area and processed at a mixed municipal solid waste processing facility outside the metropolitan area. For the purposes of this paragraph, “processing” has the meaning given in section 115A.03, subdivision 25, excluding storage, exchange, and transfer of waste.”

The motion prevailed. So the amendment was adopted.

Mr. Dahl moved to amend S.F. No. 2199 as follows:

Page 9, line 6, delete everything after “percentage” and insert “of postconsumer material:

- (1) by weight for a finished nonpaper product or package; and*
- (2) by fiber content for a finished paper product or package.*

The percentage may be stated as a range of up to three percentage points.”

Page 9, delete line 7

The motion prevailed. So the amendment was adopted.

Mr. Stumpf moved to amend S.F. No. 2199 as follows:

Page 17, after line 14, insert:

“Sec. 29. Minnesota Statutes 1991 Supplement, section 116.07, subdivision 4h, is amended to read:

Subd. 4h. [FINANCIAL RESPONSIBILITY RULES.] (a) The agency shall adopt rules requiring the operator or owner of a solid waste disposal facility to submit to the agency proof of the operator's or owner's financial capability to provide reasonable and necessary response during the operating life of the facility and for 20 years after closure, and to provide for the closure of the facility and postclosure care required under agency rules. Proof of financial responsibility is required of the operator or owner of a facility receiving an original permit or a permit for expansion after adoption of the rules. Within 180 days of the effective date of the rules or by July 1, 1987, whichever is later, proof of financial responsibility is required of an operator or owner of a facility with a remaining capacity of more than five years or 500,000 cubic yards that is in operation at the time the rules are adopted. Compliance with the rules *and the requirements of paragraph (b)* is a condition of obtaining or retaining a permit to operate the facility.

(b) ~~The agency shall amend the rules adopted under paragraph (a) to allow~~ A municipality, as defined in section 475.51, subdivision 2, including a sanitary district, that owns or operates a solid waste disposal facility that was in operation on May 15, 1989, ~~to may~~ meet its financial responsibility for all or a portion of the contingency action portion of the reasonable and necessary response costs at the facility ~~through its authority to issue bonds, provided that the method developed in the rules will ensure that when funds are needed for a contingency action, sufficient bonds can and will be issued by the municipality by pledging its full faith and credit to meet its responsibility.~~

~~The rules must include at least~~ *The pledge must be made in accordance with the requirements in chapter 475 for issuing bonds of the municipality, and the following additional requirements:*

(1) ~~a requirement that~~ The governing body of the municipality *shall* enact an ordinance that clearly accepts responsibility for the costs of contingency action at the facility and that reserves, during the operating life of the facility and for 20 years after closure, a portion of the debt limit of the municipality, as established under section 475.53 or other law, that is equal to the total contingency action costs ~~calculated under the rules~~;

(2) ~~a requirement that~~ The municipality ~~assure~~ *shall require* that all collectors that haul to the facility implement a plan for reducing solid waste by using volume-based pricing, recycling incentives, or other means;

(3) ~~a requirement that~~ When a municipality opts ~~under the rules~~ to meet a portion of its financial responsibility by relying on its authority to issue bonds, it shall also begin setting aside ~~funds in a dedicated long-term care trust fund money~~ that will cover a portion of the potential contingency action costs at the facility, the amount to be determined by the agency for each facility based on at least the amount of waste deposited in the disposal facility each year, and the likelihood and potential timing of conditions arising at the facility that will necessitate response action; ~~and. The agency may not require a municipality to set aside more than five percent of the total cost in a single year.~~

(4) ~~a requirement that~~ A municipality *shall* have and consistently maintain an investment grade bond rating as a condition of using bonding authority to meet financial responsibility under this section.

(5) *The municipality shall file with the commissioner of revenue and the commissioner of transportation its consent to have the amount of its contingency action costs deducted from state aid payments otherwise due the municipality and paid instead to the environmental response, compensation, and compliance account created in section 115B.20, if the municipality fails to conduct the contingency action at the facility when ordered by the agency. If the agency notifies the commissioners that the municipality has failed to conduct contingency action when ordered by the agency, the commissioners shall deduct the amounts indicated by the agency from the state aids in accordance with the consent filed with the commissioners.*

(6) *The municipality shall file with the agency written proof that it has complied with the requirements of paragraph (b).*

(c) ~~Counties shall comply with existing financial responsibility rules until those rules are amended under paragraph (b); and, after that time, counties shall comply with the amended rules.~~ The method for proving financial responsibility developed under paragraph (b) may not be applied to a new solid waste disposal facility or to expansion of an existing facility, unless the expansion is a vertical expansion. Vertical expansions of qualifying existing facilities cannot be permitted for a duration of longer than three years."

Page 26, line 5, delete "35, and 36" and insert "31, 36, and 37"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 17, after "to" insert "financial responsibility requirements and"

Page 1, line 35, after "115A.931;" insert "116.07, subdivision 4h;"

The motion prevailed. So the amendment was adopted.

S.F. No. 2199 was then progressed.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Vickerman introduced—

S.F. No. 2793: A bill for an act relating to employment; modifying provisions relating to prevailing wage law; changing definitions; establishing procedures for investigation of complaints; providing penalties; amending Minnesota Statutes 1990, sections 177.42, subdivision 1, and by adding subdivisions; 177.43, subdivisions 4 and 5; and 177.44, subdivisions 4 and 6; proposing coding for new law in Minnesota Statutes, chapter 177; repealing Minnesota Statutes 1990, sections 177.43, subdivision 6; and 177.44, subdivision 7.

Referred to the Committee on Employment.

RECESS

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

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

APPOINTMENTS

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

H.F. No. 2121: Messrs. Dicklich, Dahl, DeCramer, Ms. Pappas and Mr. Laidig.

H.F. No. 2608: Messrs. Solon, Metzen and Larson.

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

CALL OF THE SENATE

Mr. Luther imposed a call of the Senate for the proceedings on H.F. No. 1849. The Sergeant at Arms was instructed to bring in the absent members.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that H.F. No. 1849 be taken from the table. The motion prevailed.

H.F. No. 1849: A bill for an act relating to crime; anti-violence education, prevention and treatment; increasing penalties for repeat sex offenders; providing for life imprisonment for certain repeat sex offenders; providing for life imprisonment without parole for certain persons convicted of first degree murder; increasing penalties for other violent crimes and crimes committed against children; increasing supervision of sex offenders; providing a fund for sex offender treatment; eliminating the "good time" reduction in prison sentences; allowing the extension of prison terms for disciplinary violations in prison; authorizing the commissioner of corrections to establish a "boot camp" program; authorizing the imposition of fees for local correctional services on offenders; requiring the imposition of minimum fines on convicted offenders; providing for HIV testing of certain sex offenders; expanding certain crime victim rights; providing programs for victim-offender mediation; enhancing protection of domestic abuse victims; authorizing secure confinement of dangerous juvenile offenders; creating a civil cause of action for minors used in a sexual performance; providing for a variety of anti-violence education, prevention, and treatment programs; authorizing the issuance of state bonds for a variety of projects; appropriating money; amending Minnesota Statutes 1990, sections 13.87, subdivision 2; 72A.20, by adding a subdivision; 121.882, by adding a subdivision; 127.46; 135A.15; 241.021, by adding a subdivision; 241.67, subdivisions 1, 2, 3, 6, and by adding a subdivision; 242.19, subdivision 2; 242.195, subdivision 1; 243.53; 244.01, subdivision 8; 244.03; 244.04, subdivisions 1 and 3; 244.05, subdivisions 1, 3, 4, 5, and by adding subdivisions; 245.4871, by adding a subdivision; 254A.14, by adding a subdivision; 254A.17, subdivision 1, and by adding a subdivision; 259.11; 260.151, subdivision 1; 260.155, subdivision 1, and by adding a subdivision; 260.172, by adding a subdivision; 260.181, by adding a subdivision; 260.185, subdivisions 1 and 4; 260.311, by adding a subdivision; 270A.03, subdivision 5; 299A.37; 299A.40, subdivision 3; 332.51, subdivisions 1 and 5; 401.02, subdivision 4; 485.018, subdivision 5; 518B.01, subdivisions 7 and 13; 546.27, subdivision 1; 595.02, subdivision 4; 609.02, by adding a subdivision; 609.10; 609.101, by adding a subdivision; 609.115, subdivision 1a; 609.125; 609.135, subdivision 5, and by adding subdivisions; 609.1352, subdivisions 1 and 5; 609.152, subdivisions 2 and 3; 609.184, subdivision 2; 609.19; 609.2231, by adding a subdivision; 609.224, subdivision 2; 609.322; 609.323; 609.342; 609.343; 609.344, subdivisions 1 and 3; 609.345, subdivisions 1 and 3; 609.346, subdivisions 2, 2a, and by adding subdivisions; 609.3471; 609.378, subdivision 1, and by adding a subdivision; 609.40, subdivision 1; 609.605, by adding a subdivision; 609.747, subdivision 2; 611A.03, subdivision 1; 611A.52, subdivision 8; 626.843, subdivision 1; 626.8451; 626.8465, subdivision 1; 629.72, by adding a subdivision; 630.36, subdivision 1, and by adding a subdivision; Minnesota Statutes 1991 Supplement, sections 3.873, subdivisions 1, 5, 7, and by adding a subdivision; 8.15; 121.882, subdivision 2; 124A.29, subdivision 1; 126.70, subdivisions 1 and 2a; 243.166, subdivisions 1, 2, and 3; 244.05, subdivision 6; 244.12, subdivision 3; 245.484; 245.4884, subdivision 1; 299A.30; 299A.31, subdivision 1; 299A.32, subdivisions 2 and 2a; 299A.36; 518B.01, subdivisions 3a, 6, and 14; 609.135, subdivision 2; Laws 1991, chapter 232, section 5; proposing coding for new law in Minnesota Statutes, chapters 126; 145; 145A; 169; 241; 244; 256; 256F; 260; 299A; 609; 611A; 617; and 629.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect

to H.F. No. 1849 and that the rules of the Senate be so far suspended as to give H.F. No. 1849 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 1849 was read the second time.

Mr. Spear moved to amend H.F. No. 1849 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 1849, and insert the language after the enacting clause, and the title, of S.F. No. 1687, the second engrossment.

The motion prevailed. So the amendment was adopted.

Mr. Spear then moved to amend H.F. No. 1849, as amended by the Senate April 8, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 1687.)

Page 109, line 41, delete "*reimbursement of local*" and insert "*grants to county*"

Page 109, line 42, delete "*for costs incurred*"

Page 109, line 43, delete "*in hiring*" and insert "*to hire*"

Page 109, line 44, delete "*inmates on supervised*" and insert "*offenders*"

Page 109, line 45, delete "*release*" and delete everything after the period

Page 109, delete lines 46 and 47

Page 110, line 1, delete "*section 4*"

Page 111, line 25, after "*detention*" insert "*, for home visitation for at-risk families,*"

Pages 109 to 111, remove the underlining in article 14

The motion prevailed. So the amendment was adopted.

Mr. Stumpf moved to amend H.F. No. 1849, as amended by the Senate April 8, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 1687.)

Page 34, line 34, strike everything after the first "*public*" and insert "*technical college, community college, or state university shall, and the University of Minnesota and each private post-secondary institution are requested to,*"

Page 34, line 35, strike "*institution shall*"

Page 35, line 11, strike "*public*"

Page 35, line 12, strike everything before "*provide*" and insert "*technical college, community college, or state university shall, and the University of Minnesota and each private post-secondary institution are requested to,*"

Page 35, line 15, strike everything after the period

Page 35, strike line 16

Page 35, line 17, strike everything before "*The*"

The motion prevailed. So the amendment was adopted.

Mr. McGowan moved to amend H.F. No. 1849, as amended by the Senate

April 8, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 1687.)

Page 60, line 35, delete "18" and insert "20"

Page 61, line 18, delete "and" and insert:

"(9) two crime victims appointed by the governor; and"

Page 61, line 19, delete "(9)" and insert "(10)"

Page 90, line 31, after the comma, insert "victims of crimes committed by offenders while on probation,"

Page 107, line 11, after the second comma, insert "crime victims,"

Page 109, line 9, before the period, insert "who have been victims of crime"

The motion prevailed. So the amendment was adopted.

Mr. Kelly moved to amend H.F. No. 1849, as amended by the Senate April 8, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 1687.)

Page 69, after line 31, insert:

"Sec. 8. Minnesota Statutes 1990, section 626.861, subdivision 3, is amended to read:

Subd. 3. [COLLECTION BY COURT.] After a determination by the court of the amount of the fine or penalty assessment due, the court administrator shall collect the appropriate penalty assessment and transmit it to the county treasurer separately with designation of its origin as a penalty assessment, but with the same frequency as fines are transmitted. Amounts collected under this subdivision shall then be transmitted to the state treasurer for deposit in the general fund for peace officers training, in the same manner as fines collected for the state by a county. The state treasurer shall identify and report to the commissioner of finance all amounts deposited in the general fund under this section.

Sec. 9. Minnesota Statutes 1991 Supplement, section 626.861, subdivision 4, is amended to read:

Subd. 4. [PEACE OFFICERS TRAINING ACCOUNT.] Receipts from penalty assessments must be credited to the general fund a peace officers training account in the special revenue fund. The peace officers standards and training board may shall allocate from funds appropriated funds, net of operating expenses, as follows:

(a) Up to 30 percent may be provided for reimbursement to board-approved board-approved skills courses.

(b) Up to 15 percent may be used for the school of law enforcement.

(c) The balance may be used to pay each local unit of government an amount in proportion to the number of licensed peace officers and constables employed, at a rate to be determined by the board. The disbursed amount must be used exclusively for reimbursement of the cost of in-service training required under this chapter and chapter 214."

Renumber the sections of article 8 in sequence and correct the internal references

Page 111, line 7, delete "27,000"

Page 111, delete lines 8 to 10 and insert:

"General Fund (3,482,000)

Special Revenue Fund -0- 4,200,000

This appropriation is from the peace officers training account in the special revenue fund.

Any funds deposited into the peace officer training account in the special revenue fund in excess of \$4,200,000 must be transferred and credited to the general fund."

Correct the subdivision and section totals and the summaries by fund accordingly

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Bertram moved to amend H.F. No. 1849, as amended by the Senate April 8, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 1687.)

Page 111, after line 30, insert:

"ARTICLE 15

SEX OFFENDER REGISTRATION

Section 1. Minnesota Statutes 1991 Supplement, section 243.166, subdivision 1, is amended to read:

Subdivision 1. [REGISTRATION REQUIRED.] (a) A person shall comply with this section after being *discharged from probation or released from a local correctional, juvenile detention or treatment facility, or prison if:*

(1) *the person was placed on probation, sentenced to imprisonment in a state or local correctional facility, or committed to a juvenile detention or treatment facility following a conviction for kidnapping under section 609.25, criminal sexual conduct under section 609.342, 609.343, 609.344, or 609.345, solicitation of children to engage in sexual conduct under section 609.352, use of minors in a sexual performance under section 617.246, or solicitation of children to practice prostitution under section 609.322; and the offense was committed against a victim who was a minor;*

(2) *the person is not now required to register under section 243.165; and*

(3) *ten years have not yet elapsed since the person was discharged from probation, released from imprisonment, or released from a juvenile detention or treatment facility.*

(b) *A person who is under 18 years of age and is convicted for an offense listed under paragraph (a), clause (1), is subject to the registration requirements of this section.*

(c) *A person who was sentenced to imprisonment following a conviction for murder under section 609.185, 609.19, or 609.195 when a violation of section 609.25, 609.342, 609.343, 609.344, or 609.345 was joined and prosecuted as part of the same criminal conduct shall comply with this section if ten years have not yet elapsed since the person was released from*

imprisonment.

(d) A person shall comply with this section if:

(1) the person was convicted and sentenced to imprisonment in another state for a crime which, if committed in this state, would be a violation of a law described in paragraph (a);

(2) the person enters and remains in this state for 30 days or longer; and

(3) ten years have not elapsed since the person was released from imprisonment.

Sec. 2. Minnesota Statutes 1991 Supplement, section 243.166, is amended by adding a subdivision to read:

Subd. 1a. [DEFINITIONS.] The terms defined in this subdivision apply to this section.

(a) "Releasing authority" means:

(1) in the case of a person placed on probation, the probation officer assigned to that person;

(2) in the case of a person sentenced to imprisonment in a state correctional facility, the commissioner of corrections;

(3) in the case of a person sentenced to imprisonment in a local correctional facility, the local correctional authority;

(4) in the case of a person committed to a juvenile detention facility, the head of the facility; and

(5) in the case of a person committed to a treatment facility, the head of the facility.

(b) "Treatment facility" has the meaning assigned the term in section 253B.02, subdivision 19.

Sec. 3. Minnesota Statutes 1991 Supplement, section 243.166, subdivision 2, is amended to read:

Subd. 2. [NOTICE.] *(a) When a person who is required to register under this section subdivision 1, paragraph (a) or (b), is released convicted of a crime, adjudicated delinquent, or committed to a treatment facility, the commissioner of corrections court shall tell the person of the duty to register under section 243.165 and this section. The commissioner court shall require the person to read and sign a form stating that the duty of the person to register under this section has been explained. The commissioner court shall obtain the address where the person expects to will reside upon release and shall report within three days the address to the bureau of criminal apprehension. The commissioner court shall give one copy of the form to the person, and shall send one copy to the bureau of criminal apprehension and one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon release.*

(b) The commissioner of public safety shall give a written notice of the registration requirement in subdivision 1, paragraph (d), to any person who enters this state from another jurisdiction and applies for a Minnesota driver's license or identification card. The commissioner shall require the person to read and sign a form stating that the registration requirement has been explained. Upon request, the commissioner shall assist the person in complying with the registration requirements in subdivisions 3 and 4.

Sec. 4. Minnesota Statutes 1991 Supplement, section 243.166, subdivision 3, is amended to read:

Subd. 3. [REGISTRATION PROCEDURE.] (a) ~~The A person who is required to register under subdivision 1, paragraph (a) or (b), shall, within 14 days after the end of the term of supervised release, register with the probation officer assigned to the person at the end of that term releasing authority before being released from an institution.~~

(b) If the person changes residence address, the person shall give the new address to the last assigned probation officer in writing within ten days. The probation officer shall, within three days after receipt of this information, forward it to the bureau of criminal apprehension.

(c) *The head of a juvenile detention or treatment facility shall notify the commissioner of corrections when a person required to register under this section is released from a facility and the commissioner shall assign a probation officer to that person.*

(d) *The commissioner of corrections shall assign a probation officer to perform the registration requirements under this section for a person discharged from probation.*

(e) *A person who is required to register under subdivision 1, paragraph (d), shall, within ten days after receiving notice of the registration requirement from the commissioner of public safety, register with the commissioner of corrections. If the person changes residence address, the person shall give the new address to the commissioner of corrections within ten days. The commissioner of corrections shall, within three days after receipt of this information, forward it to the bureau of criminal apprehension.*

Sec. 5. Minnesota Statutes 1991 Supplement, section 243.166, subdivision 4, is amended to read:

Subd. 4. [CONTENTS OF REGISTRATION.] The registration provided to the ~~probation officer~~ releasing authority or, where applicable, to the commissioner of corrections must consist of a statement in writing signed by the person, giving information required by the bureau of criminal apprehension, and a fingerprint card and photograph of the person if these have not already been obtained in connection with the offense that triggers registration. Within three days, the ~~probation officer~~ releasing authority or commissioner of corrections shall forward the statement, fingerprint card, and photograph to the bureau of criminal apprehension.

Sec. 6. Minnesota Statutes 1991 Supplement, section 243.166, subdivision 6, is amended to read:

Subd. 6. [REGISTRATION PERIOD.] (a) Notwithstanding the provisions of section 609.165, subdivision 1, a person required to register under this section shall continue to comply with this section until ten years have elapsed since the person was *discharged from probation, released from imprisonment in a state or a local correctional facility or a juvenile detention or treatment facility, or was required to register under subdivision 1, paragraph (d).*

(b) If a person required to register under this section fails to register following a change in address, the commissioner of public safety may require the person to continue to register for an additional period of five years.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective August 1, 1992, and apply to persons discharged from probation, released from a local correctional facility or a juvenile detention or treatment facility, or entering this state on or after that date. However, if the application of section 1 to offenders for crimes committed before August 1, 1992, is held unconstitutional under the ex post facto provisions of the Minnesota or United States constitutions, section 1 applies to offenders under 18 years of age and offenders whose victims were minors only if they committed crimes listed in that section after August 1, 1992."

Amend the title accordingly

Mr. Kelly moved to amend the Bertram amendment to H.F. No. 1849 as follows:

Page 5, lines 4, 9, and 13, delete "1992" and insert "1993"

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Dicklich moved that the following members be excused for a Conference Committee on H.F. No. 2121 at 4:30 p.m.:

Messrs. Dahl, Dicklich, DeCramer, Laidig and Ms. Pappas. The motion prevailed.

The question recurred on the Bertram amendment, as amended.

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

Those who voted in the affirmative were:

Adkins	Dahl	Johnston	Olson	Stumpf
Beckman	Davis	Kelly	Pariseau	Vickerman
Benson, J.E.	Day	Kroening	Price	Waldorf
Berg	Finn	Larson	Ranum	
Bernhagen	Frank	Lessard	Riveness	
Bertram	Johnson, D.E.	Metzen	Sams	
Chmielewski	Johnson, J.B.	Morse	Solon	

Those who voted in the negative were:

Belanger	Flynn	Johnson, D.J.	Merriam	Pogemiller
Benson, D.D.	Frederickson, D.J.	Knaak	Moe, R.D.	Reichgott
Berglin	Frederickson, D.R.	Langseth	Mondale	Renneke
Brataas	Gustafson	Luther	Neuville	Samuelson
Cohen	Halberg	Marty	Novak	Spear
DeCramer	Hottinger	McGowan	Pappas	Terwilliger
Dicklich	Hughes	Mehrkins	Piper	Traub

The motion did not prevail. So the Bertram amendment, as amended, was not adopted.

Mr. McGowan moved to amend H.F. No. 1849, as amended by the Senate April 8, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 1687.)

Page 109, after line 11, insert:

"ARTICLE 14

PROCEDURAL CHANGES

Section 1. Minnesota Statutes 1990, section 631.035, is amended to read:

631.035 ~~[JOINTLY CHARGED JOINDER OF DEFENDANTS; SEPARATE OR JOINT TRIALS.]~~

Subdivision 1. [JOINDER OF DEFENDANTS.] When two or more defendants are jointly charged with a felony, they may be tried separately or jointly in the discretion of the court shall, upon the prosecutor's written motion, order a joint trial for any two or more of the defendants, subject to the provisions of subdivision 2. In making its determination on whether to order joinder or separate trials, the court shall consider the nature of the offense charged, the impact on the victim, the potential prejudice to the defendant, and the interests of justice.

Subd. 2. [RELIEF FROM PREJUDICIAL JOINDER.] If it appears that a defendant or the prosecution is prejudiced by a joinder of defendants in a complaint or indictment or by joinder for trial together, the court may order an election or separate trials of counts, grant a severance of defendants, or provide whatever other relief justice requires. In ruling on a motion by a defendant for severance, the court may order the prosecutor to deliver to the court for inspection in camera any statements or confessions made by the defendants which the prosecution intends to introduce in evidence at the trial.

Subd. 3. [EFFECT OF STATUTE ON RULES.] Any rule of the Rules of Criminal Procedure conflicting with this section is superseded to the extent of its conflict."

Renumber the articles in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Waldorf moved to amend H.F. No. 1849, as amended by the Senate April 8, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 1687.)

Page 41, line 29, after "ABUSE" insert "AND HARASSMENT"

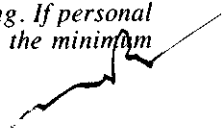
Page 50, after line 9, insert:

"Sec. 12. Minnesota Statutes 1991 Supplement, section 609.748, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF PETITION; HEARING; NOTICE.] (a) A petition for relief must allege facts sufficient to show the following:

- (1) the name of the alleged harassment victim;
- (2) the name of the respondent; and
- (3) that the respondent has engaged in harassment.

The petition shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought. The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section and shall advise the petitioner of the right to sue in forma pauperis under section 563.01. Upon receipt of the petition, the court shall order a hearing, which must be held not later than 14 days from the date of the order. Personal service must be made upon the respondent not less than five days before the hearing. If personal service cannot be completed in time to give the respondent the minimum



notice required under this paragraph, the court may set a new hearing date.

(b) Notwithstanding paragraph (a), the order for a hearing and a temporary order issued under subdivision 4 may be served on the respondent by means of a one-week published notice under section 645.11, if:

(1) the petitioner files an affidavit with the court stating that an attempt at personal service made by a sheriff was unsuccessful because the respondent is avoiding service by concealment or otherwise; and

(2) a copy of the petition and order for hearing and any temporary restraining order has been mailed to the respondent at the respondent's residence or the respondent's residence is not known to the petitioner.

Sec. 13. Minnesota Statutes 1991 Supplement, section 609.748, subdivision 4, is amended to read:

Subd. 4. [TEMPORARY RESTRAINING ORDER.] (a) The court may issue a temporary restraining order ordering the respondent to cease or avoid the harassment of another person or to have no contact with that person if the petitioner files a petition in compliance with subdivision 3 and if the court finds reasonable grounds to believe that the respondent has engaged in harassment.

(b) Notice need not be given to the respondent before the court issues a temporary restraining order under this subdivision. *A copy of the restraining order must be served on the respondent along with the order for hearing and petition, as provided in subdivision 3.* A temporary restraining order may be entered only against the respondent named in the petition.

(c) The temporary restraining order is in effect until a hearing is held on the issuance of a restraining order under subdivision 5. The court shall hold the hearing on the issuance of a restraining order within 14 days after the temporary restraining order is issued unless (1) the time period is extended upon written consent of the parties; or (2) the time period is extended by the court for one additional 14-day period upon a showing that the respondent has not been served with a copy of the temporary restraining order despite the exercise of due diligence *or if service is made by published notice under subdivision 3 and the petitioner files the affidavit required under that subdivision.*

Sec. 14. Minnesota Statutes 1990, section 609.748, subdivision 5, is amended to read:

Subd. 5. [RESTRAINING ORDER.] (a) The court may grant a restraining order ordering the respondent to cease or avoid the harassment of another person or to have no contact with that person if all of the following occur:

(1) the petitioner has filed a petition under subdivision 3;

(2) the sheriff has served respondent with a copy of the temporary restraining order obtained under subdivision 4, and with notice of the time and place of the hearing, or service has been made by publication under *subdivision 3, paragraph (b); and*

(3) the court finds at the hearing that there are reasonable grounds to believe that the respondent has engaged in harassment.

A restraining order may be issued only against the respondent named in the petition. Relief granted by the restraining order must be for a fixed

period of not more than two years.

(b) ~~The order may be served on the respondent by means of a one-week published notice under section 645.11, if:~~

~~(1) the petitioner files an affidavit with the court stating that an attempt at personal service made by a sheriff was unsuccessful because the respondent is avoiding service by concealment or otherwise; and~~

~~(2) a copy of the order is mailed to the respondent at the respondent's residence or the respondent is not known to the petitioner.~~

~~Service under this paragraph is complete seven days after publication. An order issued under this subdivision must be personally served upon the respondent."~~

Renumber the sections of article 6 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Knaak moved to amend H.F. No. 1849, as amended by the Senate April 8, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 1687.)

Page 109, after line 11, insert:

"ARTICLE 14

PROCEDURAL PROVISIONS

Section 1. Minnesota Statutes 1990, section 631.07, is amended to read:

631.07 [ORDER OF FINAL ARGUMENT.]

When the giving of evidence is concluded in a criminal trial, unless the case is submitted on both sides without argument, the prosecution may make a closing argument to the jury. The defense may then make its closing argument to the jury. ~~On the motion of the prosecution, the court may permit~~ The prosecution *shall then be permitted* to reply in rebuttal if the court ~~determines that the defense has made in its closing argument a misstatement of law or fact or a statement that is inflammatory or prejudicial. The rebuttal must be, limited to a direct response to the misstatement of law or fact or the inflammatory or prejudicial statement argument which is responsive to the defendant's closing argument."~~

Renumber the articles 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 37 and nays 21, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.J.	Mehrkens	Riveness
Belanger	Davis	Johnson, J.B.	Mondale	Sams
Benson, D.D.	Day	Johnston	Novak	Samuelson
Benson, J.E.	Dicklich	Kelly	Olson	Traub
Berg	Flynn	Knaak	Pariseau	Vickerman
Bernhagen	Frederickson, D.R.	Kroening	Price	
Brataas	Gustafson	Larson	Ranum	
Chmielewski	Johnson, D.E.	McGowan	Renneke	

Those who voted in the negative were:

Beckman	Frederickson, D.J.	Luther	Morse	Waldorf
Bertram	Hottinger	Marty	Piper	
Cohen	Hughes	Merriam	Reichgott	
Finn	Langseth	Metzen	Spear	
Frank	Lessard	Moe, R.D.	Stumpf	

The motion prevailed. So the amendment was adopted.

Ms. Ranum moved to amend H.F. No. 1849, as amended by the Senate April 8, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 1687.)

Page 53, after line 10, insert:

"Subd. 4. [IMMUNITY.] Unless a peace officer has committed a willful or malicious wrong, a peace officer acting in good faith and exercising due care in providing assistance to a victim pursuant to subdivision 3 is immune from civil liability that might result from the officer's action."

The motion prevailed. So the amendment was adopted.

Mr. McGowan moved to amend H.F. No. 1849, as amended by the Senate April 8, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 1687.)

Page 35, delete lines 21 to 36

Page 36, delete lines 1 to 6 and insert:

"Subd. 2. [VICTIMS' RIGHTS.] The policy required under subdivision 1 shall, at a minimum, require that students and employees be informed of the policy, and shall include provisions for:

(1) the prompt assistance of campus authorities in notifying the appropriate prosecutorial and disciplinary authorities of a sexual assault incident;

(2) an investigation and resolution of a sexual assault complaint by the appropriate prosecutor and campus disciplinary authorities;

(3) a sexual assault victim's participation in and the presence of the victim's attorney or other support person at any campus disciplinary proceeding concerning a sexual assault complaint;

(4) notice to a sexual assault victim of the outcome of any campus disciplinary proceeding concerning a sexual assault complaint, consistent with laws relating to data practices;

(5) the complete and prompt assistance of campus authorities, at the request of law enforcement authorities, in obtaining, securing, and maintaining evidence;

(6) the assistance of campus authorities in preserving for a complainant or victim materials relevant for a campus disciplinary proceeding; and

(7) the assistance of campus personnel, in cooperation with the appropriate law enforcement authorities, at a sexual assault victim's request, in shielding the victim from unwanted contact with the alleged assailant, including transfer of the victim to alternative classes or to alternative college-owned housing, if alternative classes or housing are available."

Mr. Waldorf moved to amend the McGowan amendment to H.F. No. 1849 as follows:

Page 1, after line 10, insert:

"(1) filing criminal charges with local law enforcement officials;"

Page 1, line 11, after "authorities" insert " , at the request of the victim,"

Page 1, line 12, delete "prosecutorial" and insert "law enforcement officials"

Page 1, line 15, delete "the appropriate prosecutor and"

Page 1, line 23, after the semicolon, insert "and"

Page 1, delete lines 24 to 29

Page 1, line 35, after "available" insert "and feasible"

Renumber the clauses in sequence

Mr. McGowan requested division of the Waldorf amendment to the McGowan amendment, as follows:

First portion:

Page 1, line 23, after the semicolon, insert "and"

Page 1, delete lines 24 to 29

Renumber the clauses in sequence

Second portion:

Page 1, after line 10, insert:

"(1) filing criminal charges with local law enforcement officials;"

Page 1, line 11, after "authorities" insert " , at the request of the victim,"

Page 1, line 12, delete "prosecutorial" and insert "law enforcement officials"

Page 1, line 15, delete "the appropriate prosecutor and"

Page 1, line 35, after "available" insert "and feasible"

Renumber the clauses in sequence

The question was taken on the adoption of the first portion of the Waldorf amendment to the McGowan amendment.

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

Those who voted in the affirmative were:

Adkins	Chmielewski	Frank	Larson	Pogemiller
Beckman	Davis	Frederickson, D.J.	Lessard	Sams
Berglin	DeCramer	Frederickson, D.R.	Metzen	Stumpf
Bertram	Finn	Hughes	Moe, R.D.	Vickerman
Brataas	Flynn	Johnson, D.J.	Neuville	Waldorf

Those who voted in the negative were:

Belanger	Hottinger	Langseth	Olson	Renneke
Benson, J.E.	Johnson, D.E.	Luther	Pappas	Samuelson
Cohen	Johnston	McGowan	Pariseau	Solon
Dahl	Kelly	Merriam	Piper	Spear
Day	Knaak	Mondale	Price	Terwilliger
Dicklich	Kroening	Morse	Ranum	Traub
Halberg	Laidig	Novak	Reichgott	

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

The question was taken on the second portion of the Waldorf amendment to the McGowan amendment. The motion prevailed. So the second portion of the amendment to the amendment was adopted.

Mr. McGowan moved to amend the McGowan amendment, as amended, to H.F. No. 1849 as follows:

Page 1, line 25, delete "*request*" and insert "*direction*"

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

The question recurred on the McGowan amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Mr. Neuville moved to amend H.F. No. 1849, as amended by the Senate April 8, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 1687.)

Page 36, after line 6, insert:

"Subd. 3. [NO PRIVATE RIGHT OF ACTION.] Nothing in this section shall be construed to confer a private right of action upon any person to enforce the provisions of this section."

The motion prevailed. So the amendment was adopted.

Mr. Finn moved to amend H.F. No. 1849, as amended by the Senate April 8, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 1687.)

Page 76, line 6, before "FIREARMS" insert "METROPOLITAN AREA"

Page 76, line 12, after "*location*" insert "*in the seven-county metropolitan area*"

Page 79, line 22, after "*including*" insert "*metropolitan area*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 31, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Frederickson, D.R.	Larson	Renneke
Beckman	Day	Hottinger	Lessard	Sams
Benson, J.E.	Dicklich	Johnson, D.E.	Moe, R.D.	Samuelson
Bertram	Finn	Johnson, D.J.	Morse	Solon
Chmielewski	Frank	Johnson, J.B.	Neuville	Stumpf
Dahl	Frederickson, D.J.	Langseth	Reichgott	Vickerman

Those who voted in the negative were:

Belanger	Hughes	McGowan	Pappas	Terwilliger
Berglin	Johnston	Mehrkens	Pariseau	Traub
Brataas	Kelly	Merriam	Piper	Waldorf
Cohen	Knaak	Metzen	Pogemiller	
DeCramer	Kroening	Mondale	Price	
Flynn	Laidig	Novak	Ranum	
Halberg	Luther	Olson	Spear	

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

Ms. Reichgott moved to amend H.F. No. 1849, as amended by the Senate April 8, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 1687.)

Page 43, line 20, after the period, insert "*Except for cases in which custody is contested, findings under section 257.025, 518.17, or 518.175 are not required.*"

Page 43, line 25, strike "deliberation under"

Page 43, line 26, strike "this subdivision" and insert "*decision on custody and visitation*"

Page 43, line 27, strike "Laws 1985."

Page 43, line 28, strike "chapter 195" and insert "*this section*"

Page 45, after line 5, insert:

"Sec. 4. Minnesota Statutes 1990, section 518B.01, subdivision 7, is amended to read:

Subd. 7. [TEMPORARY ORDER.] (a) Where an application under this section alleges an immediate and present danger of domestic abuse, the court may grant an ex parte temporary order for protection, pending a full hearing, and granting relief as the court deems proper, including an order:

- (1) restraining the abusing party from committing acts of domestic abuse;
- (2) excluding any party from the dwelling they share or from the residence of the other except by further order of the court; and
- (3) excluding the abusing party from the place of employment of the petitioner or otherwise limiting access to the petitioner by the abusing party at the petitioner's place of employment.

(b) *A finding by the court that there is a basis for issuing an ex parte temporary order for protection constitutes a finding that sufficient reasons exist not to require notice under applicable court rules governing applications for ex parte temporary relief.*

(c) An ex parte temporary order for protection shall be effective for a fixed period not to exceed 14 days, except for good cause as provided under paragraph (e) (d). A full hearing, as provided by this section, shall be set for not later than seven days from the issuance of the temporary order. The respondent shall be served forthwith a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

(e) (d) When service is made by published notice, as provided under subdivision 5, the petitioner may apply for an extension of the period of the ex parte order at the same time the petitioner files the affidavit required under that subdivision. The court may extend the ex parte temporary order for an additional period not to exceed 14 days. The respondent shall be

served forthwith a copy of the modified ex parte order along with a copy of the notice of the new date set for the hearing."

Page 53, after line 11, insert:

"Sections 3, paragraph (a), clause (3); and 4 are effective the day following final enactment."

Renumber the sections of article 6 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Finn moved to amend H.F. No. 1849, as amended by the Senate April 8, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 1687.)

Page 52, line 25, before "Each" insert "(a)"

Page 52, after line 33, insert:

"(b) The bureau of criminal apprehension, the board of peace officer standards and training, and the battered women's advisory council appointed by the commissioner of corrections under section 611A.34, in consultation with the Minnesota chiefs of police association, the Minnesota sheriffs association, and the Minnesota police and peace officers association, shall develop a written model policy regarding arrest procedures for domestic abuse incidents for use by local law enforcement agencies. Each law enforcement agency may adopt the model policy in lieu of developing its own policy under the provisions of paragraph (a).

(c) Local law enforcement agencies that have already developed a written policy regarding arrest procedures for domestic abuse incidents before the effective date of this subdivision are not required to develop a new policy but must review their policies and consider the written model policy developed under paragraph (b)."

The motion prevailed. So the amendment was adopted.

Ms. Ranum moved to amend H.F. No. 1849, as amended by the Senate April 8, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 1687.)

Page 111, after line 30, insert:

"ARTICLE 15

CAMPUS SAFETY AND SECURITY

Section 1. [135A.36] [SAFETY AND SECURITY.]

Each public post-secondary institution must and each private post-secondary institution is requested to establish a security escort service plan for the institution by January 1, 1993. For the purpose of this section, "institution" means an eligible institution as defined in section 136A.101, subdivision 4.

Sec. 2. [CURRICULUM AND TRAINING ABOUT VIOLENCE AND ABUSE.]

Subdivision 1. [SURVEY OF RELEVANCY OF INSTRUCTION.] The

higher education coordinating board shall conduct a random survey of recent Minnesota graduates of an "eligible institution," focusing on teachers, school district administrators, school district professional support staff, child protection workers, law enforcement officers, probation officers, parole officers, lawyers, physicians, nurses, mental health professionals, social workers, guidance counselors, and all other mental health and health care professionals who work with adult and child victims and perpetrators of violence and abuse. The survey shall be designed to ascertain whether the instructional programs they completed provided adequate instruction about:

(1) the extent and causes of violence, which includes sexual abuse, physical violence, and neglect;

(2) identification of violence, which includes physical or sexual abuse or neglect or racial/cultural violence; and

(3) culturally responsive approaches to dealing with victims and perpetrators of violence.

For the purpose of this section, "eligible institution" has the meaning given it in Minnesota Statutes, section 136A.101, subdivision 4.

Subd. 2. [CURRENT COURSE OFFERINGS.] Each public eligible institution must report, and each private eligible institution is requested to report, to the higher education coordinating board, current course offerings and special programs relating to the issues described in subdivision 1, clauses (1), (2), and (3). At a minimum, the reports must be filed for those departments offering majors for students entering the professions described in subdivision 1.

Subd. 3. [IMPLEMENTATION PLAN.] The higher education coordinating board shall convene and staff meetings of the boards that license occupations listed in subdivision 1, the governing boards of the University of Minnesota, the technical college, community college, and state university systems, and the Minnesota private college council. Those boards and the council shall develop a plan indicating how eligible institutions can strengthen curricula and special programs in the areas described in subdivision 1, clauses (1), (2), and (3). The plan shall consider the results of the random survey required by subdivision 1, and the review of current programs required in subdivision 2.

Subd. 4. [REPORT TO LEGISLATURE.] By February 15, 1993, the higher education coordinating board shall report to the legislature the results of the survey, required by subdivision 1, the review of current programs, required by subdivision 2, and the implementation plan, required by subdivision 3.

Sec. 3. [STAFF DEVELOPMENT USING TECHNOLOGY.]

The departments of education, health, human services, and administration shall develop recommendations about improved uses of interactive television and the statewide telecommunications access routing system (STARS) to efficiently and effectively provide staff development for school district licensed and nonlicensed staff and training programs for child protection workers, law enforcement officers, probation officers, parole officers, lawyers, physicians, nurses, mental health professionals, social workers, guidance counselors, and all other mental health and health care professionals who work with adult and child victims and perpetrators of violence and

abuse. The higher education coordinating board shall convene meetings of the departments and coordinate efforts to develop those recommendations. The recommendations shall be reported by the higher education coordinating board to the legislature by February 15, 1993.

Sec. 4. [MULTIDISCIPLINARY PROGRAM GRANTS.]

The higher education coordinating board may award grants to "eligible institutions" as defined in Minnesota Statutes, section 136A.101, to provide multidisciplinary training programs that provide training about:

(1) the extent and causes of violence, which includes sexual abuse, physical violence, neglect, and racial/cultural violence;

(2) identification of violence, which includes physical or sexual abuse or neglect or racial/cultural violence; and

(3) culturally responsive approaches to dealing with victims and perpetrators of violence.

The programs shall be multidisciplinary and include teachers, child protection workers, law enforcement officers, probation officers, parole officers, lawyers, physicians, nurses, mental health professionals, social workers, guidance counselors, and all other mental health and health care professionals who work with adult and child victims and perpetrators of violence and abuse.

Sec. 5. [APPROPRIATIONS.]

\$35,000 is appropriated from the general fund to the higher education coordinating board for fiscal year 1993 to perform its duties under section 2, subdivisions 1 and 3, and \$150,000 for fiscal year 1993 to make at least three multidisciplinary program grants under section 4."

Amend the title accordingly

Mr. Stumpf moved to amend the Ranum amendment to H.F. No. 1849 as follows:

Page 1, line 9, after "must" insert a comma and after "and" insert "the University of Minnesota and"

Page 1, line 10, delete "is" and insert "are" and after "to" insert a comma

Page 2, line 3, after "and" insert "the University of Minnesota and"

Page 2, line 4, delete "is" and insert "are"

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

The question recurred on the Ranum amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Ms. Ranum moved to amend H.F. No. 1849, as amended by the Senate April 8, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 1687.)

Page 111, after line 30, insert:

"ARTICLE 15
VIOLENCE TRAINING

Section 1. [135A.35] [VIOLENCE PREVENTION TRAINING.]

By the beginning of the 1994-1995 academic year, all public post-secondary institutions must and all private post-secondary institutions are requested to offer a brief noncredit orientation on violence prevention. For the purpose of this section, "institution" means an eligible institution as defined in section 136A.101, subdivision 4. All faculty, staff, and students attending half-time or more must attend the orientation. For the purpose of this section, "half-time" means enrollment for a minimum of six credits per quarter or semester, or the equivalent. The higher education coordinating board shall assist the institutions in developing the orientation. If possible, students shall attend the orientation in their first term of attendance at the institution."

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Beckman	Flynn	Laidig	Morse	Riveness
Belanger	Frank	Luther	Novak	Sams
Berglin	Frederickson, D.R.	Marty	Pappas	Spear
Bertram	Hottinger	McGowan	Piper	Terwilliger
Brataas	Johnson, D.E.	Merriam	Pogemiller	Traub
Cohen	Johnson, J.B.	Moe, R. D.	Ranum	Vickerman
Dahl	Kelly	Mondale	Reichgott	

Those who voted in the negative were:

Adkins	Frederickson, D.J.	Langseth	Olson	Stumpf
Benson, J.E.	Halberg	Larson	Pariseau	Waldorf
Chmielewski	Johnson, D.J.	Lessard	Price	
Davis	Johnston	Mehrkens	Renneke	
Day	Knaak	Metzen	Samuelson	
DeCramer	Kroening	Neuville	Solon	

The motion prevailed. So the amendment was adopted.

Mr. Neuville moved to amend H.F. No. 1849, as amended by the Senate April 8, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 1687.)

Page 64, after line 14, insert:

"Sec. 3. Minnesota Statutes 1990, section 357.32, is amended to read:
357.32 [WITNESS; WHEN AND HOW PAID.]

When it appears that any witness subpoenaed or required to appear on behalf of the state has come from another state or country or is indigent, the court may, by order upon the minutes, direct the county treasurer to pay the witness a reasonable sum for expenses. ~~When a prosecution in the name of the state fails, or the defendant proves insolvent, escapes, or is unable to pay~~ The fees ~~when convicted, they~~ shall be paid out of the county treasury, ~~unless otherwise ordered by the court.~~ The court administrator of court upon request of the county attorney or the attorney general may issue subpoenas and compel the attendance of witnesses in behalf of the state or county without payment of fees in advance; and, in criminal cases, the witnesses

for the defendant shall also be compelled to attend without payment of fees in advance, and failure to attend after being served with a subpoena shall subject any witness to be proceeded against in the same manner as provided by law in other cases where payment of fees is required to be paid in advance. *When a defendant is represented by a public defender, neither the defendant nor the public defender may be charged for any witness fees or expenses or any subpoena fees.* The court administrator of any court in which a witness has attended on behalf of the state in a civil action shall give the witness a certificate of attendance and travel, which entitles the witness to receive the amount from the county treasurer.

Sec. 4. Minnesota Statutes 1991 Supplement, section 481.10, is amended to read:

481.10 [CONSULTATION WITH PERSONS RESTRAINED.]

All officers or persons having in their custody a person restrained of liberty ~~upon any charge or cause alleged~~, except in cases where imminent danger of escape exists, shall admit any ~~resident~~ attorney retained by or in behalf of the person restrained, or whom the restrained person may desire to consult, to a private interview at the place of custody. Such custodians, upon request of the person restrained, as soon as practicable, and before other proceedings shall be had, shall notify ~~any the~~ attorney ~~residing in the county~~ of the request for a consultation with the attorney. *At all times through the period of custody, whether or not the person restrained has been charged, tried, convicted, or is serving an executed sentence,* reasonable telephone access to the attorney shall be provided to the person restrained at no charge to the attorney or to the person restrained. Every officer or person who shall violate any provision of this section shall be guilty of a misdemeanor and, in addition to the punishment prescribed therefor shall forfeit \$100 to the person aggrieved, to be recovered in a civil action.

Sec. 5. Minnesota Statutes 1990, section 611.271, is amended to read:

611.271 [COPIES OF DOCUMENTS; FEES.]

The court administrators of ~~all~~ courts, *the prosecuting attorneys of counties and municipalities, and the law enforcement agencies of the state and its political subdivisions* shall furnish, upon the request of the district public defender or the state public defender, copies of any documents, *including police reports*, in their possession at no charge to the public defender."

Page 69, line 33, delete "3" and insert "6"

Renumber the sections of article 8 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Finn moved to amend H.F. No. 1849, as amended by the Senate April 8, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 1687.)

Page 76, line 22, after "safe" insert "or otherwise secured under lock and key"

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

Mr. McGowan moved to amend the Stumpf amendment to H.F. No. 1849,

adopted by the Senate April 8, 1992, as follows:

Page 1, lines 7 and 13, delete "*and each*"

Page 1, lines 8 and 14, delete "*private post-secondary institution are*" and insert "*is*"

Page 1, delete lines 15 to 17

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

H.F. No. 1849 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Spear moved that S.F. No. 1687, on General Orders, be stricken and laid on the table. The motion prevailed.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the following change in the membership of the Conference Committee on House File No. 1903:

Delete the name of Rice and add the name of Kalis.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 8, 1992

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2694:

H.F. No. 2694: A bill for an act relating to public administration; providing for the organization, operation, and administration of programs relating to

state government, higher education, infrastructure and regulatory agencies, environment and natural resources, and human resources; making grants; imposing conditions; appropriating money and reducing earlier appropriations; amending Minnesota Statutes 1990, sections 3.736, subdivision 8; 5.14; 10A.31, subdivision 4; 15.0597, subdivision 4; 16A.45, by adding a subdivision; 16A.48, subdivision 1; 16B.85, subdivision 5; 17.03, by adding a subdivision; 18B.26, subdivision 3; 44A.0311; 60A.1701, subdivision 5; 69.031, subdivision 5; 72B.04, subdivision 10; 80A.28, subdivision 2; 82.21, subdivision 1; 82B.09, subdivision 1; 85.015, subdivision 7; 85A.04, subdivision 1; 89.035; 89.37, by adding a subdivision; 116J.9673, subdivision 4; 116P.11; 136A.121, by adding a subdivision; 136A.1354, subdivision 4; 136A.29, subdivision 9; 136C.04, by adding a subdivision; 136C.05, subdivision 5; 138.56, by adding a subdivision; 141.21, by adding a subdivision; 144.122; 144.123, subdivision 2; 144A.071, subdivision 2; 144A.073, subdivisions 3a and 5; 147.02, by adding a subdivision; 169.01, subdivision 55; 169.965, by adding a subdivision; 202A.19, subdivision 3; 204B.11, subdivision 1; 204B.27, subdivision 2; 204D.11, subdivisions 1 and 2; 237.701, subdivision 1; 240.14, subdivision 3; 245A.02, by adding a subdivision; 245A.13, subdivision 4; 252.025, subdivision 4; 254A.03, subdivision 2; 256.12, by adding a subdivision; 256.81; 256.9655; 256.9695, subdivision 3; 256B.02, by adding subdivisions; 256B.035; 256B.056, subdivisions 1a, 5, and by adding a subdivision; 256B.057, by adding a subdivision; 256B.0625, subdivision 9, and by adding subdivisions; 256B.064, by adding a subdivision; 256B.092, by adding a subdivision; 256B.14, subdivision 2; 256B.19, by adding a subdivision; 256B.36; 256B.41, subdivisions 1 and 2; 256B.421, subdivision 1; 256B.431, subdivisions 21, 4, and by adding subdivisions; 256B.432, by adding a subdivision; 256B.433, subdivisions 1, 2, and 3; 256B.48, subdivisions 1b, 3, and by adding a subdivision; 256B.495, subdivisions 1, 2, and by adding subdivisions; 256B.501, subdivision 3c, and by adding subdivisions; 256D.02, subdivision 8, and by adding subdivisions; 256D.03, by adding a subdivision; 256D.06, subdivision 5, and by adding a subdivision; 256D.35, subdivision 11; 256E.05, by adding a subdivision; 256E.14; 256H.01, subdivision 9, and by adding a subdivision; 256H.10, subdivision 1; 256I.01; 256I.02; 256I.03, subdivisions 2 and 3; 256I.04, as amended; 256I.05, subdivisions 1, 3, 6, 8, 9, and by adding a subdivision; 256I.06; 257.67, subdivision 3; 270.063; 270.71; 298.221; 299E.01, subdivision 1; 340A.301, subdivision 6; 340A.302, subdivision 3; 340A.315, subdivision 1; 340A.317, subdivision 2; 340A.408, subdivision 4; 345.32; 345.33; 345.34; 345.35; 345.36; 345.37; 345.38; 345.39; 345.42, subdivision 3; 352.04, subdivisions 2 and 3; 353.27, subdivision 13; 353.65, subdivision 7; 356.65, subdivision 1; 357.021, subdivision 1a; 357.022; 357.18, by adding a subdivision; 359.01, subdivision 3; 363.071, by adding a subdivision; 363.14, subdivision 3; 375.055, subdivision 1; 466.06; 490.123, by adding a subdivision; 514.67; 518.14; 518.171, subdivisions 1, 3, 4, and 6; 518.175, subdivisions 1 and 3; 518.54, subdivision 4; 518.551, subdivisions 1, 7, 10, and by adding a subdivision; 518.57, subdivision 1, and by adding a subdivision; 518.611, subdivision 4; 518.619, by adding a subdivision; 548.091, subdivision 1a; 588.20; 609.131, by adding a subdivision; 609.375, subdivisions 1 and 2; 609.5315, by adding a subdivision; 611.27, by adding subdivisions; and 626.861, subdivision 3; Minnesota Statutes 1991 Supplement, sections 16A.45, subdivision 1; 16A.723, subdivision 2; 17.63; 28A.08; 41A.09, subdivision 3; 43A.316, subdivision 9; 60A.14, subdivision 1; 84.0855; 89.37, subdivision 4; 121.936, subdivision 1; 135A.03, subdivisions 1a, 3a, and 7; 136A.121,

subdivisions 2 and 6; 136A.1353, subdivision 4; 144.50, subdivision 6; 144A.071, subdivisions 3 and 3a; 144A.31, subdivision 2a; 148.91, subdivision 3; 148.921, subdivision 2; 148.925, subdivisions 1, 2, and by adding a subdivision; 168.129, subdivisions 1 and 2; 214.101, subdivision 1; 240.13, subdivisions 5 and 6; 240.15, subdivision 6; 240.18, by adding a subdivision; 245A.03, subdivision 2; 252.28, subdivision 1; 252.46, subdivision 3; 252.50, subdivision 2; 254B.04, subdivision 1; 256.031, subdivision 3; 256.033, subdivisions 1, 2, 3, and 5; 256.034, subdivision 3; 256.035, subdivision 1; 256.0361, subdivision 2; 256.9656; 256.9657, subdivisions 1, 2, 3, 4, 7, and by adding subdivisions; 256.9685, subdivision 1; 256.969, subdivisions 1, 2, 20, 21, and by adding a subdivision; 256.9751, subdivisions 1 and 6; 256.98, subdivision 8; 256B.0625, subdivision 13; 256B.0627, subdivision 5; 256B.064, subdivision 2; 256B.0911, subdivisions 3, 8, and by adding a subdivision; 256B.0913, subdivisions 4, 5, 8, 11, 12, and 14; 256B.0915, subdivision 3, and by adding subdivisions; 256B.0917, subdivisions 2, 3, 4, 5, 6, 7, 8, and 11; 256B.092, subdivision 4; 256B.431, subdivisions 2l and 3f; 256B.49, subdivision 4; 256B.74, subdivisions 1 and 3; 256D.03, subdivision 4; 256D.05, subdivision 1; 256D.051, subdivisions 1 and 1a; 256D.10; 256D.101, subdivision 3; 256H.03, subdivisions 4 and 6; 256H.05, subdivision 1b, and by adding a subdivision; 256I.05, subdivisions 1a, 1b, and 10; 268.914, subdivision 2; 340A.311; 340A.316; 340A.504, subdivision 3; 349A.10, subdivision 3; 357.021, subdivision 2; 508.82; 508A.82; 518.551, subdivisions 5 and 12; 518.64, subdivisions 1, 2, and 5; 611.27, subdivision 7; and 626.861, subdivisions 1 and 4; Laws 1991, chapters 233, sections 2, subdivision 2; and 3; 254, article 1, sections 7, subdivision 5; and 14, subdivision 19; and 356, articles 1, section 5, subdivision 4; 2, section 6, subdivision 3; and 6, section 4, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 4A; 16A; 16B; 44A; 84; 136C; 137; 144; 144A; 241; 244; 245; 246; 252; 256; 256B; 256D; 256I; 290; and 518; repealing Minnesota Statutes 1990, sections 41A.051; 84.0885; 84A.51, subdivisions 3 and 4; 89.036; 136A.143; 136C.13, subdivision 2; 141.21, subdivision 2; 144A.15, subdivision 6; 211A.04, subdivision 2; 245.0311; 245.0312; 246.14; 253B.14; 256B.056, subdivision 3a; 256B.495, subdivision 3; 256I.05, subdivision 7; 270.185; and 609.37; Minnesota Statutes 1991 Supplement, sections 97A.485, subdivision 1a; 136E.01; 136E.02; 136E.03; 136E.04; 136E.05; 256.9657, subdivision 5; 256.969, subdivision 7; 256B.74, subdivisions 8 and 9; and 256I.05, subdivision 7a; Laws 1991, chapter 292, article 4, section 77.

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

Kahn, Battaglia, Greenfield, Carlson and Rice have been appointed as such committee on the part of the House.

House File No. 2694 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 8, 1992

Mr. Merriam moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2694, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees

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

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2940:

H.F. No. 2940: A bill for an act relating to the financing and operation of government in Minnesota; changing the funding and payment of certain aids to local governments; modifying the administration, computation, collection, and enforcement of taxes and refunds; changing tax rates, bases, credits, exemptions, and payments; reducing the amount in the budget and cash flow reserve account; updating references to the Internal Revenue Code; changing certain bonding provisions; making technical corrections and clarifications; enacting provisions relating to certain cities, counties, and watershed districts; imposing penalties; appropriating money; amending Minnesota Statutes 1990, sections 60A.15, subdivision 1; 60A.19, subdivision 6; 103B.241; 103B.335; 103F.221, subdivision 3; 124.2131, subdivision 1; 174.27; 268.672, by adding subdivisions; 268.6751, subdivision 1; 268.676, subdivision 1; 268.677, subdivisions 1 and 2; 268.681, subdivisions 1, 2, and 3; 268.682, subdivisions 1, 2, and 3; 270.075, subdivision 1; 270A.05; 270A.07, subdivisions 1 and 2; 270A.11; 270B.01, subdivision 8; 271.06, subdivision 7; 272.115; 273.11, by adding subdivisions; 273.13, subdivision 24; 273.135, subdivision 2; 274.19, subdivision 8; 274.20, subdivisions 1, 2, and 4; 278.01, subdivision 2; 278.02; 282.01, subdivision 7; 282.012; 282.09, subdivision 1; 282.241; 282.36; 289A.25, by adding a subdivision; 289A.26, subdivisions 3, 4, 7, and 9; 289A.50, subdivision 5; 290.05, subdivision 4; 290.06, by adding a subdivision; 290.091, subdivision 6; 290.0922, subdivision 2; 290.9201, subdivision 11; 290.923, by adding a subdivision; 290A.03, subdivision 8; 290A.19; 290A.23; 297A.01, by adding a subdivision; 297A.02, by adding a subdivision; 297A.14, subdivision 1; 297A.15, subdivisions 5 and 6; 297A.25, subdivisions 11, 45, and by adding subdivisions; 297B.01, subdivision 8; 327C.01, by adding a subdivision; 327C.12; 373.40, subdivision 7; 383.06; 383B.152; 398A.06, subdivision 2; 401.02, subdivision 3; 401.05; 414.0325, by adding a subdivision; 414.033, subdivisions 2, 3, 5, and by adding a subdivision; 462A.22, subdivision 1; 469.107, subdivision 2; 469.153, subdivision 2; 469.177, subdivision 1a; 471.571, subdivision 2; 473.388, subdivision 4; 473.446, subdivision 1; 473.711, subdivision 2; 473H.10, subdivision 3; 477A.013, subdivision 5; 477A.015; 477A.12; 477A.13; 488A.20, subdivision 4; 541.07; and 641.24; Minnesota Statutes 1991 Supplement, sections 4A.02; 16A.15, subdivision 6; 16A.711, subdivision 4; 47.209; 69.021, subdivisions 5 and 6; 124A.23, subdivision 1; 256.025, subdivisions 3 and 4; 256E.05, subdivision 3; 256E.09, subdivision 6; 270A.04, subdivision 2; 270A.08, subdivision 2; 271.21, subdivision 6; 272.02, subdivision 1; 273.11, subdivision 1; 273.124, subdivisions 1, 6, 9, and 13; 273.13, subdivisions 22 and 25, as amended; 273.1398, subdivisions 5 and 7; 273.1399; 275.065, subdivisions 3, 5a, and 6; 275.125, subdivisions 5 and 6j; 276.04, subdivision 2; 277.17; 278.01, subdivision 1; 278.05, subdivision 6; 279.01, subdivision 1; 279.03, subdivision 1a; 281.17; 289A.20, subdivisions 1 and 4; 289A.26, subdivisions 1 and 6; 290.01, subdivisions 19 and 19a; 290.06, subdivision 23; 290.0671, subdivision 1; 290.091, subdivision 2; 290.0921, subdivision 8; 290.0922, subdivision 1; 290.92, subdivision 23; 290A.04, subdivision

2h; 297A.01, subdivision 3; 297A.135, subdivision 1, and by adding a subdivision; 297A.21, subdivision 4; 297A.25, subdivision 12, as amended; 375.192, subdivision 2; 423A.02, subdivision 1a; and 477A.011, subdivisions 27 and 29; Laws 1971, chapter 773, sections 1, subdivision 2, as amended; and 2, as amended; Laws 1990, chapter 604, article 6, section 11; Laws 1991, chapter 291, articles 1, section 65; 2, section 3; and 7, section 27; proposing coding for new law in Minnesota Statutes, chapters 13; 60A; 207A; 216B; 268; 275; 289A; 290A; 297; 297A; 473F; and 477A; repealing Minnesota Statutes 1990, sections 60A.15, subdivision 6; 134.342, subdivisions 2 and 4; 268.6751, subdivision 2; 289A.12, subdivision 1; 290.48, subdivision 7; 297.32, subdivision 7; and 414.031, subdivision 5; Minnesota Statutes 1991 Supplement, sections 271.04, subdivision 2; 273.124, subdivision 15; 295.367; and 477A.03, subdivision 1.

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

Ogren; Olson, E.; Rest; Jacobs and Schreiber have been appointed as such committee on the part of the House.

House File No. 2940 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 8, 1992

Mr. Johnson, D.J. moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2940, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

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

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

S.F. No. 1978: A bill for an act relating to education; requiring faculty, staff, and students in post-secondary institutions to participate in violence prevention and sexual harassment training programs; requiring campus escort services; requiring recommendations from the higher education coordinating board about curricula, based upon a survey of graduates and current course offerings; authorizing grants for multidisciplinary training programs; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 135A.

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

Page 1, delete section 1

Page 1, line 26, delete "CAMPUS"

Page 1, line 27, delete "(a)"

Page 1, line 28, delete "an" and insert "a security"

Page 2, line 1, delete "on the campus of" and insert "plan for" and after "institution" insert "by January 1, 1993"

Page 2, delete lines 4 to 7

Page 2, lines 8 and 9, delete ", SEXUAL HARASSMENT,"

Page 3, line 5, delete ", in consultation with" and insert "shall convene and staff meetings of"

Page 3, line 9, after "council" insert ". Those boards and the council"

Page 3, line 22, delete ", and the higher education coordinating board"

Page 3, line 32, after the period, insert "The higher education coordinating board shall convene meetings of the departments and coordinate efforts to develop those recommendations."

Page 3, line 33, after "reported" insert "by the higher education coordinating board"

Page 4, delete lines 18 to 31 and insert:

"\$35,000 is appropriated from the general fund to the higher education coordinating board for fiscal year 1993 to perform its duties under section 2, subdivisions 1 and 3, and \$150,000 for fiscal year 1993 to make at least three multidisciplinary program grants under section 4."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete lines 3 and 4

Page 1, line 5, delete "programs;" and delete "campus"

Page 1, lines 6 and 7, delete "from the higher education coordinating board"

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

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

S.F. No. 1750: A bill for an act proposing an amendment to the Minnesota Constitution, article XIV; dedicating and allocating motor vehicle excise tax proceeds to highway and transit purposes; providing for resolution of local disapproval of certain county state-aid highway actions; providing that part of county state-aid highway fund be apportioned on basis of lane-miles; changing composition of county state-aid screening board; increasing municipal state-aid system mileage; revising the basis for determining population; changing composition of municipal screening board; amending the definition of highway and defining highway purpose; giving priority to certain metropolitan highway projects; requiring a statewide transit plan and system; creating Minnesota mobility trust fund and surface transportation fund;

increasing gasoline tax; making technical changes; amending Minnesota Statutes 1990, sections 160.02, subdivision 7, and by adding a subdivision; 162.02, subdivisions 8 and 10, and by adding a subdivision; 162.07, subdivisions 1, 5, and 6; 162.09, subdivisions 1 and 4; 162.13, subdivision 3; 162.155; 174.03, by adding a subdivision; 174.23, by adding a subdivision; 174.32, subdivision 2; and 296.02, subdivision 1b; Minnesota Statutes 1991 Supplement, section 16A.711, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 161; 174; and 297B; repealing Minnesota Statutes 1991 Supplement, sections 161.041; and 297B.09.

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

Delete everything after the enacting clause and insert:

“ARTICLE 1

Section 1. Minnesota Statutes 1990, section 160.02, subdivision 7, is amended to read:

Subd. 7. [ROAD OR HIGHWAY.] “Road” or “highway” is a corridor designed primarily for the efficient transportation of people and goods and includes, unless otherwise specified, the several kinds of highways as defined in this section, including roads designated as minimum-maintenance roads, and also cartways, together with all bridges or other structures thereon which form a part of the same.

Sec. 2. Minnesota Statutes 1990, section 160.02, is amended by adding a subdivision to read:

Subd. 16. [CITY.] Notwithstanding section 410.015, “city” includes both statutory and home rule charter cities.

Sec. 3. [161.087] [HIGHWAY PURPOSES.]

(a) Revenues derived from the taxes imposed under chapters 168 and 296 and deposited in the highway user tax distribution fund may be used for highway projects, including public transit projects in highway corridors, that are designed to:

(1) maximize federal matching funds available under the federal Intermodal Surface Transportation Efficiency Act of 1991;

(2) contribute to attaining the congestion mitigation and ambient air quality standards of the federal Clean Air Act;

(3) relieve congestion and expedite travel;

(4) conserve energy; and

(5) reduce highway damage and other costs of highway use.

The uses in clauses (1) to (5) are deemed to be for highway purposes.

(b) “Public transit” means transit facilities available to the general public and includes the real property, equipment, and improvements used, constructed, operated, or maintained to provide transit facilities.

Sec. 4. Minnesota Statutes 1990, section 162.02, subdivision 8, is amended to read:

Subd. 8. [APPROVAL BY CITY.] No portion of the county state-aid highway system lying within the corporate limits of any city shall be constructed, reconstructed, or improved nor the grade thereof changed ~~without~~

the prior approval of the plans by the governing body of such city and the approval shall be in the manner and form required by the commissioner unless (1) the action has been approved by the city council of the city in which the portion lies, in the manner and form prescribed by the commissioner, or (2) the action has been authorized by the commissioner as provided in subdivision 8a.

Sec. 5. Minnesota Statutes 1990, section 162.02, is amended by adding a subdivision to read:

Subd. 8a. [REVIEW COMMITTEE.] (a) If a county proposes to abandon, change, revoke, construct, reconstruct, improve, or change the grade of a portion of a county state-aid highway lying within a city, and the city has refused to approve the action as provided in subdivision 8 or 10, the county may refer the dispute to the commissioner for resolution. A county may not refer a dispute for resolution under this section until one year after the date the action was submitted to the city council for approval. On receiving a request for dispute resolution, the commissioner shall establish a review committee consisting of the following five members:

(1) one county commissioner and one county engineer, both appointed by the commissioner from the membership of the county state-aid advisory committee established in subdivision 2;

(2) one city council member and one city engineer, both appointed by the commissioner from the membership of the municipal state-aid rules advisory committee established in section 162.09, subdivision 2; and

(3) the department of transportation state-aid engineer or the state-aid engineer's designee.

(b) Within 30 days after its establishment and after notice to the affected city and county and to the commissioner, the review committee shall hold at least one public hearing on the disputed action. At the completion of its hearings, the review committee shall make a recommendation to the commissioner. Within ten days of receiving the review committee's recommendation, the commissioner shall issue an order (1) authorizing the action, (2) authorizing the action as modified by the commissioner, or (3) refusing to authorize the action. A county may not proceed with an action referred to the commissioner under this subdivision except in accordance with the commissioner's order.

Sec. 6. Minnesota Statutes 1990, section 162.02, subdivision 10, is amended to read:

Subd. 10. [ABANDONMENT OR REVOCATION.] County state-aid highways may be abandoned, changed, or revoked by joint action of the county board and the commissioner. If a county state-aid highway is established or located within the limits of a city, it shall not be abandoned, changed, or revoked without the concurrence of the governing body of such city; provided, that any county state-aid highway established or located within a city may be abandoned, or revoked without concurrence if the city refuses or neglects for a period of one year after submittal to approve plans for the construction of such highway which plans conform to the construction standards provided in the commissioner's rules a county may refer a city's refusal to approve of an abandonment, change, or revocation to the commissioner for resolution as provided in subdivision 8a.

Sec. 7. Minnesota Statutes 1991 Supplement, section 162.021, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] (a) The commissioner shall establish a natural preservation routes category within the county state-aid highway system.

(b) Natural preservation routes include (1) those routes ~~that possess~~ *designated by the commissioner under subdivision 5 as possessing* particular scenic, environmental, or historical characteristics, such as routes along lakes or through forests, wetlands, or flood plains, that would be harmed by construction or reconstruction meeting the engineering standards under section 162.07 or the rules adopted under that section; and (2) *any county state-aid highway any segment of which passes through or adjacent to and serves as a corridor to a federal wild and scenic river district established under chapter 103F.*

(c) The commissioner shall adopt rules establishing minimum construction and reconstruction standards that address public safety and reflect the function, lower traffic volume, and slower speed on natural preservation routes. The rules may not establish standards for natural preservation routes that are higher than the standards for national forest highways within national forests and state park access roads within state parks. Design standards specifying *slopes, construction limits, and the width of vehicle recovery areas on forest highways, forest and park roads, and on natural preservation routes must minimize harmful environmental impact.*

Sec. 8. Minnesota Statutes 1990, section 162.07, subdivision 1, is amended to read:

Subdivision 1. [FORMULA.] After deducting for administrative costs and for the disaster account and research account and state park roads as heretofore provided, the remainder of the total sum provided for in section 162.06, subdivision 1, shall be identified as the apportionment sum and shall be apportioned by the commissioner to the several counties on the basis of the needs of the counties as determined in accordance with the following formula:

(1) An amount equal to ten percent of the apportionment sum shall be apportioned equally among the 87 counties.

(2) An amount equal to ten percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its motor vehicle registration for the calendar year preceding the one last past, determined by residence of registrants, bears to the total statewide motor vehicle registration.

(3) An amount equal to 30 percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its total ~~miles existing~~ *lane-miles of approved county state-aid highways bears to the total miles existing lane-miles of approved statewide county state-aid highways.*

(4) An amount equal to 50 percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its money needs bears to the sum of the money needs of all of the individual counties; provided, that the percentage of such amount that each county is to receive shall be adjusted so that each county shall receive in 1958 a total apportionment at least ten

percent greater than its total 1956 apportionments from the state road and bridge fund; and provided further that those counties whose money needs are thus adjusted shall never receive a percentage of the apportionment sum less than the percentage that such county received in 1958.

Sec. 9. Minnesota Statutes 1990, section 162.07, subdivision 5, is amended to read:

Subd. 5. [SCREENING BOARD.] On or before September 1 of each year the county engineer of each county shall forward to the commissioner, on forms prepared by the commissioner, all information relating to the mileage in *lane-miles* of the county state-aid highway system in the county, and the money needs of the county that the commissioner deems necessary in order to apportion the county state-aid highway fund in accordance with the formula heretofore set forth. Upon receipt of the information the commissioner shall appoint a board consisting of ~~nine county engineers. The board shall be so selected that each one~~ county engineer appointed shall be ~~from a different~~ from each state highway construction district and one county engineer as a permanent representative from each urban county, as defined in section 162.07, subdivision 4. No county engineer appointed to represent a state highway construction district shall be appointed so as to serve consecutively for more than two years. The board shall investigate and review the information submitted by each county and shall on or before the first day of November of each year submit its findings and recommendations in writing as to each county's *lane* mileage and money needs to the commissioner on a form prepared by the commissioner. Final determination of the *lane* mileage of each system and the money needs of each county shall be made by the commissioner.

Sec. 10. Minnesota Statutes 1990, section 162.07, subdivision 6, is amended to read:

Subd. 6. [ESTIMATES TO BE MADE IF INFORMATION NOT PROVIDED.] In the event that any county shall fail to submit the information provided for herein, the commissioner shall estimate the *lane* mileage and the money needs of the county. The estimate shall be used in determining the apportionment formula. The commissioner may withhold payment of the amount apportioned to the county until the information is submitted.

Sec. 11. Minnesota Statutes 1990, section 162.09, subdivision 1, is amended to read:

Subdivision 1. [CREATION.] There is created a municipal state-aid street system within cities having a population of 5,000 or more. The extent of the municipal state-aid street system shall not exceed ~~2,500~~ 3,000 miles, plus the mileage of all trunk highways reverted or turned back to the jurisdiction of cities pursuant to law on and after July 1, 1965. The system shall be established, located, constructed, reconstructed, improved, and maintained as public highways within such cities under rules, not inconsistent with this section, made and promulgated by the commissioner as hereinafter provided.

Sec. 12. Minnesota Statutes 1990, section 162.09, subdivision 4, is amended to read:

Subd. 4. [FEDERAL CENSUS TO BE CONCLUSIVE POPULATION DETERMINATION.] (a) In determining whether any city has a population of 5,000 or more, the ~~last federal census~~ population established by the most recent federal census, by a special census conducted under contract with

the United States Bureau of the Census, by a population estimate made by the metropolitan council, or by a population estimate of the state demographer made under section 4A.02, whichever is the most recent as to the stated date of the count or estimate for the preceding calendar year, shall be conclusive.

(b) A city that has previously been classified as having a population of 5,000 or more for the purposes of chapter 162 and whose population decreases by less than 15 percent from the census figure that last qualified the city for inclusion shall ~~receive the following percentages of its 1981 apportionment for the years indicated: 1982, 66 percent and 1983, for the two years following the last year the city qualified for inclusion, receive the following percentages of its last apportionment: in the first year, 66 percent and in the second year, 33 percent.~~ Thereafter the city shall not receive any apportionment from the municipal state-aid street fund unless its population is determined to be 5,000 or over by a ~~federal census in paragraph (a).~~ ~~The governing body of the city may contract with the United States Bureau of the Census to take one special census before January 1, 1986.~~ A certified copy of the results of the census shall be filed with the appropriate state authorities by the city. The result of the census shall be the population of the city for the purposes of any law providing that population is a required qualification for distribution of highway aids under chapter 162. ~~The special census shall remain in effect until the 1990 federal census is completed and filed. The expense of taking the special census shall be paid by the city.~~

(c) If an entire area not heretofore incorporated as a city is incorporated as such during the interval between federal censuses, its population shall be determined by its incorporation census. The incorporation census shall be determinative of the population of the city only until the next ~~federal~~ census.

Sec. 13. Minnesota Statutes 1990, section 162.13, subdivision 3, is amended to read:

Subd. 3. [SCREENING COMMITTEE.] On or before September 1 of each year, the engineer of each city having a population of 5,000 or more shall forward to the commissioner on forms prepared by the commissioner, all information relating to the money needs of the city that the commissioner deems necessary in order to apportion the municipal state-aid street fund in accordance with the apportionment formula heretofore set forth. Upon receipt of the information the commissioner shall appoint a board of city engineers. The board shall be composed of *two engineers from the state highway construction district in the metropolitan area, as defined in section 473.121, subdivision 2,* one engineer from each state highway construction district *outside the metropolitan area,* and in addition thereto, one engineer from each city of the first class. The board shall investigate and review the information submitted by each city. On or before November 1 of each year, the board shall submit its findings and recommendations in writing as to each city's money needs to the commissioner on a form prepared by the commissioner. Final determination of the money needs of each city shall be made by the commissioner. In the event that any city shall fail to submit the information provided for herein, the commissioner shall estimate the money needs of the city. The estimate shall be used in solving the apportionment formula. The commissioner may withhold payment of the amount apportioned to the city until the information is submitted.

Sec. 14. Minnesota Statutes 1990, section 162.155, is amended to read:
162.155 [RULES.]

The commissioner shall adopt rules, ~~no later than January 1, 1980,~~ in accordance with ~~sections 15.041 to 15.052, chapter 14~~ setting forth the criteria to be considered by the commissioner in evaluating requests for variances under sections 162.02, subdivision 3a and 162.09, subdivision 3a. The rules shall include, but are not limited to, economic, engineering and safety guidelines. ~~The engineering standards adopted pursuant to section 162.07, subdivision 2, or 162.13, subdivision 2, shall be adopted pursuant to the requirements of chapter 15 by July 1, 1980.~~

Sec. 15. Minnesota Statutes 1991 Supplement, section 168C.04, subdivision 2, is amended to read:

Subd. 2. [BICYCLE TRANSPORTATION ACCOUNT; MONEY ALLOCATED.] A bicycle transportation account is created in the special revenue fund. ~~All Subject to appropriation by the legislature, funds in the account, up to a maximum of \$160,000 in a fiscal year, are annually appropriated as follows:~~

~~(1) one-half to the commissioner of transportation for the shall be used by the commissioners of transportation, public safety, and natural resources for the following purposes: for the development of bicycle transportation and recreational facilities on public highways, including but not limited to bicycle lanes and ways on highways, off-road bicycle trails, and bicycle mapping; and~~

~~(2) one-half to the commissioner of public safety for bicycle safety programs; administration of the bicycle registration program; and public information and education designed to encourage participation in the program.~~

Sec. 16. Minnesota Statutes 1990, section 174.03, is amended by adding a subdivision to read:

Subd. 9. [METROPOLITAN PROJECT PRIORITY.] *The commissioner and the metropolitan planning organization established by section 473.123 shall give priority to projects in highway corridors in the metropolitan area defined in section 473.121, subdivision 2, that are for the highway purposes under section 3, and that maximize the following goals of the state transportation system: a reasonable travel time for commuters; increased high-occupancy vehicle use; and increased public transit use in the urban areas by giving highest priority to the transportation modes projected to move the greatest number of people.*

Sec. 17. Minnesota Statutes 1990, section 174.23, is amended by adding a subdivision to read:

Subd. 9. [STATE TRANSIT SYSTEM AND PLAN.] *By January 1, 1996, the commissioner shall provide a comprehensive, coordinated public transit system serving every county of the state. By January 1, 1993, the commissioner shall submit a plan to the legislature to implement coordinated statewide public transit service.*

Sec. 18. Minnesota Statutes 1990, section 174.32, subdivision 2, is amended to read:

Subd. 2. [TRANSIT ASSISTANCE FUND; DISTRIBUTION.] (a) The transit assistance fund receives money distributed ~~under section 297B.09.~~

~~Eighty percent of~~ from the Minnesota mobility trust fund as provided in section 19. As appropriated from time to time by law, the receipts of the fund must be placed into a metropolitan account for distribution to recipients located in the metropolitan area and ~~20 percent~~ into a separate account for distribution to recipients located outside of the metropolitan area. Except as otherwise provided in this subdivision, the regional transit board created by section 473.373 is responsible for distributing assistance from the metropolitan account, and the commissioner is responsible for distributing assistance from the other account. Money placed in the metropolitan account is available for distribution to regional railroad authorities established under chapter 398A in the metropolitan area, by the commissioner of transportation as provided in paragraph (b).

(b) The commissioner shall request applications from all eligible regional railroad authorities. The commissioner shall establish a reasonable deadline for submittal of applications. The commissioner may not distribute more than 60 percent of the available funds to a single recipient. Before distributing money to any regional railroad authority, the commissioner shall submit the applications to the regional transit board for approval. The commissioner may distribute funds only with the approval of the board. Before approving any application for funds for construction, the board shall report to the legislature on the use and planned distribution of construction funds.

Sec. 19. [174.60] [MINNESOTA MOBILITY TRUST FUND.]

Subdivision 1. [ESTABLISHMENT.] The Minnesota mobility trust fund is created, consisting of all proceeds of the tax imposed on motor vehicle repair services; money received from the federal government or any other public or private source; and any other money otherwise allotted, appropriated, or legislated to the fund.

Subd. 2. [MOTOR VEHICLE REPAIR TAX RECEIPTS.] On July 14 and January 14 each year, the commissioner of finance shall transfer from the general fund to the Minnesota mobility trust fund the amounts estimated by the commissioner of revenue to have been received during the preceding six calendar months from the sales tax on motor vehicle repair services under section 24, including interest earned on the receipts.

Subd. 3. [APPORTIONMENT.] Money in the fund must be transferred to the transit assistance fund and to the surface transportation fund for apportionment as follows: 80 percent to the transit assistance fund and 20 percent to the surface transportation fund. Money credited to the Minnesota mobility trust fund must be transferred from the Minnesota mobility trust fund on July 15 and January 15 of each fiscal year. The commissioner of finance must make each transfer based upon the actual receipts of the preceding six calendar months and include the interest earned during that six-month period. The commissioner of finance may establish a quarterly or other schedule providing for more frequent payments to the transit assistance fund if the commissioner determines it is necessary or desirable to provide for the cash flow needs of the recipients of money from the transit assistance fund.

Subd. 4. [INVESTMENT OF THE MINNESOTA MOBILITY TRUST FUND.] Upon the request of the commissioner, money in the Minnesota mobility trust fund shall be invested by the state board of investment in those securities authorized for that purpose in section 11A.21. All interest and profits from the investments shall be credited to the Minnesota mobility

trust fund. The state treasurer shall be the custodian of all securities purchased under this section.

Sec. 20. [174.65] [SURFACE TRANSPORTATION FUND.]

Subdivision 1. [ESTABLISHMENT.] The surface transportation fund is created in the state treasury consisting of money from the Minnesota mobility trust fund as provided in section 19.

Subd. 2. [USES OF FUND.] Money in the surface transportation fund may be expended by appropriation for:

(1) activities of the commissioner of public safety relating to (i) driver licensing, (ii) motor vehicle registration and licensing, (iii) bicycle registration and related activities under section 168C.04, (iv) the accident reporting system, and (v) the state patrol;

(2) activities of the commissioner of transportation relating to oversize and overweight permits, including the cost of necessary highway maintenance and preservation related to granting those permits;

(3) activities of the commissioner of transportation related to junkyard screening and control of outdoor advertising devices;

(4) activities of the transportation regulation board related to motor carrier regulation;

(5) repayment of money borrowed for new buildings, and improvements to existing buildings, of the department of transportation;

(6) railroad grade crossing protection studies, grade crossing inventories, and grade crossing public education;

(7) activities of the transportation study board;

(8) improvements and maintenance of trunk highways;

(9) improvements and maintenance of county state-aid highways;

(10) improvements and maintenance of municipal state-aid streets;

(11) construction and reconstruction of key bridges on the state transportation system;

(12) programs to improve highway safety;

(13) planning and engineering design for transit services and facilities;

(14) capital assistance to purchase or refurbish transit vehicles, and other capital expenditures necessary to transit service; and

(15) other assistance for public transit services that furthers the purposes of section 174.21.

Subd. 3. [DISTRIBUTION.] The amount remaining in the surface transportation fund after the legislature has made appropriations for the purposes in subdivision 2, clauses (1) to (7), must be allocated on the basis of the population of each state highway construction district, as determined by the last federal decennial census. Of the money allocated within a district, 38 percent shall be available for eligible projects proposed by counties and cities having a population greater than 5,000 in the district.

Subd. 4. [INVESTMENT OF SURFACE TRANSPORTATION FUND.] Upon the request of the commissioner, money in the surface transportation fund shall be invested by the state board of investment in those securities

authorized for that purpose in section 11A.21. All interest and profits from the investments shall be credited to the surface transportation fund. The state treasurer shall be the custodian of all securities purchased under this section.

Sec. 21. Minnesota Statutes 1990, section 296.02, subdivision 1b, is amended to read:

Subd. 1b. [RATES IMPOSED.] The gasoline excise tax is imposed at the following rate:

For the period on and after ~~May~~ June 1, ~~1988~~ 1992, gasoline is taxed at the rate of ~~20~~ 25 cents per gallon.

Sec. 22. Minnesota Statutes 1991 Supplement, section 297A.01, subdivision 3, is amended to read:

Subd. 3. A "sale" and a "purchase" includes, but is not limited to, each of the following transactions:

(a) Any transfer of title or possession, or both, of tangible personal property, whether absolutely or conditionally, and the leasing of or the granting of a license to use or consume tangible personal property other than manufactured homes used for residential purposes for a continuous period of 30 days or more, for a consideration in money or by exchange or barter;

(b) The production, fabrication, printing, or processing of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production, fabrication, printing, or processing;

(c) The furnishing, preparing, or serving for a consideration of food, meals, or drinks. "Sale" does not include:

(1) meals or drinks served to patients, inmates, or persons residing at hospitals, sanitariums, nursing homes, senior citizens homes, and correctional, detention, and detoxification facilities;

(2) meals or drinks purchased for and served exclusively to individuals who are 60 years of age or over and their spouses or to the handicapped and their spouses by governmental agencies, nonprofit organizations, agencies, or churches or pursuant to any program funded in whole or part through 42 USCA sections 3001 through 3045, wherever delivered, prepared or served; or

(3) meals and lunches served at public and private schools, universities, or colleges. Notwithstanding section 297A.25, subdivision 2, taxable food or meals include, but are not limited to, the following:

(i) heated food or drinks;

(ii) sandwiches prepared by the retailer;

(iii) single sales of prepackaged ice cream or ice milk novelties prepared by the retailer;

(iv) hand-prepared or dispensed ice cream or ice milk products including cones, sundaes, and snow cones;

(v) soft drinks and other beverages prepared or served by the retailer;

(vi) gum;

(vii) ice;

(viii) all food sold in vending machines;

(ix) party trays prepared by the retailers; and

(x) all meals and single servings of packaged snack food, single cans or bottles of pop, sold in restaurants and bars;

(d) The granting of the privilege of admission to places of amusement, recreational areas, or athletic events, except a world championship football game sponsored by the national football league, and the privilege of having access to and the use of amusement devices, tanning facilities, reducing salons, steam baths, turkish baths, health clubs, and spas or athletic facilities;

(e) The furnishing for a consideration of lodging and related services by a hotel, rooming house, tourist court, motel or trailer camp and of the granting of any similar license to use real property other than the renting or leasing thereof for a continuous period of 30 days or more;

(f) The furnishing for a consideration of electricity, gas, water, or steam for use or consumption within this state, or local exchange telephone service, intrastate toll service, and interstate toll service, if that service originates from and is charged to a telephone located in this state. Telephone service includes paging services and private communication service, as defined in United States Code, title 26, section 4252(d), except for private communication service purchased by an agent acting on behalf of the state lottery. The furnishing for a consideration of access to telephone services by a hotel to its guests is a sale under this clause. Sales by municipal corporations in a proprietary capacity are included in the provisions of this clause. The furnishing of water and sewer services for residential use shall not be considered a sale. The sale of natural gas to be used as a fuel in vehicles propelled by natural gas shall not be considered a sale for the purposes of this section;

(g) The furnishing for a consideration of cable television services, including charges for basic monthly service, charges for monthly premium service, and charges for any other similar television services;

(h) Notwithstanding subdivision 4, and section 297A.25, subdivision 9, the sales of horses including claiming sales and fees paid for breeding a stallion to a mare. This clause applies to sales and fees with respect to a horse to be used for racing whose birth has been recorded by the Jockey Club or the United States Trotting Association or the American Quarter Horse Association;

(i) The furnishing for a consideration of parking services, whether on a contractual, hourly, or other periodic basis, except for parking at a meter;

(j) The furnishing for a consideration of services listed in this paragraph:

(i) laundry and dry cleaning services including cleaning, pressing, repairing, altering, and storing clothes, linen services and supply, cleaning and blocking hats, and carpet, drapery, upholstery, and industrial cleaning. Laundry and dry cleaning services do not include services provided by coin operated facilities operated by the customer;

(ii) motor vehicle washing, waxing, and cleaning services, including services provided by coin-operated facilities operated by the customer, and rustproofing, undercoating, and towing of motor vehicles;

(iii) building and residential cleaning, maintenance, and disinfecting and exterminating services;

(iv) services provided by detective agencies, security services, burglar, fire alarm, and armored car services not including services performed within the jurisdiction they serve by off-duty licensed peace officers as defined in section 626.84, subdivision 1;

(v) pet grooming services;

(vi) lawn care, fertilizing, mowing, spraying and sprigging services; garden planting and maintenance; arborist services; tree, bush, and shrub pruning, bracing, spraying, and surgery; and tree trimming for public utility lines. Services performed under a construction contract for the installation of shrubbery, plants, sod, trees, bushes, and similar items are not taxable;

(vii) solid waste collection and disposal services as described in section 297A.45;

(viii) massages, except when provided by a licensed health care facility or professional or upon written referral from a licensed health care facility or professional for treatment of illness, injury, or disease; ~~and~~

(ix) the furnishing for consideration of lodging, board and care services for animals in kennels and other similar arrangements, but excluding veterinary and horse boarding services; *and*

(x) *motor vehicle repair services described in section 24.*

The services listed in this paragraph are taxable under section 297A.02 if the service is performed wholly within Minnesota or if the service is performed partly within and partly without Minnesota and the greater proportion of the service is performed in Minnesota, based on the cost of performance. In applying the provisions of this chapter, the terms "tangible personal property" and "sales at retail" include taxable services and the provision of taxable services, unless specifically provided otherwise. Services performed by an employee for an employer are not taxable under this paragraph. Services performed by a partnership or association for another partnership or association are not taxable under this paragraph if one of the entities owns or controls more than 80 percent of the voting power of the equity interest in the other entity. Services performed between members of an affiliated group of corporations are not taxable. For purposes of this section, "affiliated group of corporations" includes those entities that would be classified as a member of an affiliated group under United States Code, title 26, section 1504, and who are eligible to file a consolidated tax return for federal income tax purposes;

(k) A "sale" and a "purchase" includes the transfer of computer software, meaning information and directions that dictate the function performed by data processing equipment. A "sale" and a "purchase" does not include the design, development, writing, translation, fabrication, lease, or transfer for a consideration of title or possession of a custom computer program; *and*

(l) The granting of membership in a club, association, or other organization if:

(1) the club, association, or other organization makes available for the use of its members sports and athletic facilities (without regard to whether

a separate charge is assessed for use of the facilities); and

(2) use of the sports and athletic facilities is not made available to the general public on the same basis as it is made available to members.

Granting of membership includes both one-time initiation fees and periodic membership dues. Sports and athletic facilities include golf courses, tennis, racquetball, handball and squash courts, basketball and volleyball facilities, running tracks, exercise equipment, swimming pools, and other similar athletic or sports facilities. The provisions of this paragraph do not apply to camps or other recreation facilities owned and operated by an exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1986, for educational and social activities for young people primarily age 18 and under.

Sec. 23. Minnesota Statutes 1991 Supplement, section 297A.44, subdivision 1, is amended to read:

Subdivision 1. (a) Except as provided in paragraphs (b), (c), and (d), and (e), and subdivision 4, all revenues, including interest and penalties, derived from the excise and use taxes imposed by sections 297A.01 to 297A.44 shall be deposited by the commissioner in the state treasury and credited to the general fund.

(b) All excise and use taxes derived from sales and use of property and services purchased for the construction and operation of an agricultural resource project, from and after the date on which a conditional commitment for a loan guaranty for the project is made pursuant to section 41A.04, subdivision 3, shall be deposited in the Minnesota agricultural and economic account in the special revenue fund. The commissioner of finance shall certify to the commissioner the date on which the project received the conditional commitment. The amount deposited in the loan guaranty account shall be reduced by any refunds and by the costs incurred by the department of revenue to administer and enforce the assessment and collection of the taxes.

(c) All revenues, including interest and penalties, derived from the excise and use taxes imposed on sales and purchases included in section 297A.01, subdivision 3, paragraphs (d) and (l), clauses (1) and (2), must be deposited by the commissioner in the state treasury, and credited as follows:

(1) first to the general obligation special tax bond debt service account in each fiscal year the amount required by section 16A.661, subdivision 3, paragraph (b); and

(2) after the requirements of clause (1) have been met, the balance must be credited to the general fund.

(d) The revenues, including interest and penalties, derived from the taxes imposed on solid waste collection services as described in section 297A.45, except for the tax imposed under section 297A.021, shall be deposited by the commissioner in the state treasury and credited to the general fund to be used for funding solid waste reduction and recycling programs.

(e) *Notwithstanding subdivision 4, all revenues, including interest and penalties, derived from the tax imposed on motor vehicle repair services as described in section 24 must be deposited by the commissioner in the state treasury and credited to the general fund to be used for the purposes of the Minnesota mobility trust fund as described in section 19.*

Sec. 24. [297A.46] [MOTOR VEHICLE REPAIR SERVICES.]

Subdivision 1. [APPLICATION.] The tax imposed by sections 297A.02 and 297A.021 applies to all motor vehicle repair services performed for a fee, including: (1) performance of vehicle maintenance; (2) repairs of defects or damages; (3) vehicle painting or repainting; (4) replacement or installation of parts; and (5) motor vehicle inspections other than those required under section 116.61.

Subd. 2. [EXEMPTIONS.] Motor vehicle repair services do not include: (1) any service described in section 297A.01, subdivision 3, paragraph (j), clause (ii); or (2) any motor vehicle customizing or similar service which does not involve performance of a service described in subdivision 1.

Sec. 25. [473.372] [TRANSIT ROADWAY PLAN.]

By January 15, 1993, and each biennium thereafter, the commissioner of transportation shall, after review and approval by the metropolitan council, present to the legislature a plan to establish transit roadways as provided in the regional transit facilities plan prepared by the metropolitan council. The plan must include a five-year development program and a report on federal and other funds potentially available for the development of transit roadways.

For purposes of this section, "transit roadway" means an exclusive right-of-way for use by multi-occupant vehicles that is intended to reduce congestion on highways and freeways within the metropolitan area.

Sec. 26. [METROPOLITAN TRANSIT; REPORT.]

By January 15, 1993, the commissioner of transportation shall submit a report to the legislature on transit planning, governance, and operations in the metropolitan area. The commissioner shall consult the metropolitan council, the regional transit board, the metropolitan transit commission, and the replacement service programs in preparing the report. The report shall include recommendations on transferring functions of the regional transit board and on statutory changes needed to implement the recommendations.

Sec. 27. [NONSEVERABILITY.]

Sections 3 and 21 are not severable. If any provision of section 3 or 21 is held invalid, sections 3 and 21 are without effect.

Sec. 28. [APPROPRIATIONS.]

Subdivision 1. (a) Effective January 1, 1993, \$25,000,000 is appropriated from the transit assistance fund to the metropolitan account and to the greater Minnesota assistance account. Of this amount, \$19,325,000 is appropriated to the regional transit board and \$5,675,000 is appropriated for greater Minnesota transit assistance. Of the amount appropriated to the regional transit board, no more than \$9,025,000 may be used for metro mobility.

(b) \$75,000 is appropriated from the transit assistance fund to the commissioner of transportation for the transit roadway plan in section 25. The approved complement of the department of transportation is increased by one position.

(c) \$50,000 is appropriated from the transit assistance fund to the commissioner of transportation for the metropolitan transit report in section 26.

Subd. 2. \$67,254,000 is appropriated from the trunk highway fund to the commissioner of transportation, in addition to the appropriation in Laws 1991, chapter 233, section 2, to be used as follows:

- (1) state road operations, \$7,000,000;*
- (2) state road construction, \$48,254,000; and*
- (3) design engineering, \$12,000,000.*

Subd. 3. \$70,000 is appropriated from the surface transportation fund to the commissioner of transportation to be used as follows:

- (1) inventory railroad grade crossings, \$50,000; and*
- (2) develop public education program, \$20,000.*

Subd. 4. (a) The appropriation in Laws 1991, chapter 233, section 2, subdivision 3, paragraph (a), for greater Minnesota transit assistance in fiscal year 1993 is reduced by \$3,405,000.

(b) The appropriation in Laws 1991, chapter 233, section 3, for the regional transit board in fiscal year 1993 is reduced by \$11,595,000.

(c) The appropriations in Laws 1991, chapter 298, article 5, section 7, subdivision 2, for fiscal year 1993 are canceled.

Sec. 29. [REPEALER.]

Minnesota Statutes 1991 Supplement, section 161.041, is repealed.

Sec. 30. [EFFECTIVE DATE.]

Sections 21 to 24 are effective for sales on or after June 1, 1992.

ARTICLE 2

Section 1. [ISSUANCE OF STATE TRANSPORTATION BONDS.]

On the request of the commissioner of transportation, the commissioner of finance shall issue and sell Minnesota state transportation bonds for the purposes provided in Minnesota Statutes, section 174.51, subdivision 1, in the aggregate principal amount of \$5,410,000 in the manner and on the conditions prescribed in Minnesota Statutes, section 174.51, and in article XI of the Minnesota Constitution. The proceeds of the bonds, except as provided in Minnesota Statutes, section 174.51, subdivision 5, must be deposited in the Minnesota state transportation fund for expenditure in accordance with section 2 and with Minnesota Statutes, section 174.50.

Sec. 2. [APPROPRIATION AND DISTRIBUTION OF PROCEEDS.]

Subdivision 1. [APPROPRIATION.] \$5,410,000, or as much of that sum as the commissioner of transportation determines is needed, is appropriated from the Minnesota state transportation fund to the commissioner of transportation. The commissioner shall spend this sum as grants to political subdivisions for the construction and reconstruction of key bridges on the state transportation system. This appropriation is available until spent.

Subd. 2. [ALLOCATION.] The commissioner shall not spend more than \$5,410,000 of this appropriation in any fiscal year. Total grants in any fiscal year may not exceed the following limits:

- (1) to counties, \$3,246,000;*
- (2) to cities, \$1,082,000; and*

(3) to towns, \$1,082,000.

Subd. 3. [USES.] Political subdivisions may use grants made under this section for purposes of construction and reconstruction of bridges, including:

(1) matching federal-aid grants for the construction or reconstruction of key bridges;

(2) paying the costs of abandoning an existing bridge that is deficient and in need of replacement, but where no replacement will be made;

(3) paying the costs of constructing a road or street that would facilitate the abandonment of an existing bridge determined by the commissioner to be deficient, if the commissioner determines that construction of the road or street is more cost-efficient than the replacement of the existing bridge; and

(4) paying the costs of preliminary engineering and environmental studies authorized under Minnesota Statutes, section 174.50, subdivision 6a.

ARTICLE 3

Section 1. [ISSUANCE OF STATE TRANSPORTATION BONDS.]

On the request of the commissioner of transportation, the commissioner of finance shall issue and sell Minnesota state transportation bonds for the purposes provided in Minnesota Statutes, section 174.51, subdivision 1, in the aggregate principal amount of \$16,250,000 in the manner and on the conditions prescribed in Minnesota Statutes, section 174.51, and in article XI of the Minnesota Constitution. The proceeds of the bonds, except as provided in Minnesota Statutes, section 174.51, subdivision 5, must be deposited in the Minnesota state transportation fund for expenditure in accordance with section 2 and with Minnesota Statutes, section 174.50.

Sec. 2. [APPROPRIATION AND DISTRIBUTION OF PROCEEDS.]

Subdivision 1. [APPROPRIATION.] \$16,250,000, or as much of that sum as the commissioner of transportation determines is needed, is appropriated from the Minnesota state transportation fund to the commissioner of transportation. The commissioner shall spend this sum to take advantage of federal aid appropriated for special projects in the federal Intermodal Surface Transportation Efficiency Act of 1991 and the Fiscal Year 1992 Department of Transportation and Related Agencies Act. This appropriation is available until spent.

Subd. 2. [ALLOCATION.] The commissioner shall allocate this appropriation as follows:

(1) for construction and reconstruction of Forest highway 11 connecting Aurora-Hoyt Lakes and Silver Bay, \$2,375,000;

(2) Mankato south route improvements, Mankato, \$2,500,000;

(3) trunk highway 37 and Hughes road, \$125,000;

(4) Nicollet county state-aid highway 41 for roadway stabilization and rockfall control, North Mankato, \$750,000;

(5) Bloomington ferry bridge replacement, Shakopee, \$10,000,000; and

(6) University of Minnesota center for transportation studies, institute for intelligent vehicle-highway concepts, \$500,000."

Delete the title and insert:

"A bill for an act relating to transportation; providing for resolution of local disapproval of certain county state-aid highway actions; authorizing additional natural preservation routes; providing that part of county state-aid highway fund be apportioned on basis of lane-miles; changing composition of county state-aid screening board; increasing municipal state-aid system mileage; revising the basis for determining population; changing composition of municipal screening board; amending the definition of highway and defining highway purpose; giving priority to certain metropolitan highway projects; requiring a statewide transit plan and system; creating Minnesota mobility trust fund and surface transportation fund; increasing gasoline tax; imposing a tax on motor vehicle repair service and allocating tax proceeds to highway and transit purposes; requiring transit roadway plans; requiring a report; making technical changes; appropriating money; amending Minnesota Statutes 1990, sections 160.02, subdivision 7, and by adding a subdivision; 162.02, subdivisions 8, 10, and by adding a subdivision; 162.07, subdivisions 1, 5, and 6; 162.09, subdivisions 1 and 4; 162.13, subdivision 3; 162.155; 174.03, by adding a subdivision; 174.23, by adding a subdivision; 174.32, subdivision 2; and 296.02, subdivision 1b; Minnesota Statutes 1991 Supplement, sections 162.021, subdivision 1; 168C.04, subdivision 2; 297A.01, subdivision 3; and 297A.44, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 161; 174; 297A; and 473; repealing Minnesota Statutes 1991 Supplement, section 161.041."

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

SECOND READING OF SENATE BILLS

S.F. No. 1978 was read the second time.

RECESS

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

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

APPOINTMENTS

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

H.F. No. 2031: Ms. Reichgott, Flynn and Mr. Price.

H.F. No. 2694: Messrs. Luther, Kroening, Samuelson, Langseth and Frederickson, D.R.

H.F. No. 2940: Messrs. Johnson, D.J.; Pogemiller; Frederickson, D.J.; Mrs. Brataas and Ms. Reichgott.

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

MEMBERS EXCUSED

Mr. Benson, D.D. was excused from the Session of today at 6:15 p.m. Mr. Berg was excused from the Session of today at 6:00 p.m. Messrs. Davis, DeCramer, Langseth, Mehrkens, Metzen, Renneke and Vickerman were excused from the Session of today from 12:00 noon to 1:45 p.m.

Mr. Johnson, D.J. was excused from the Session of today for brief periods of time and at 5:15 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 1:00 p.m., Thursday, April 9, 1992. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate