

FORTY-FOURTH DAY

St. Paul, Minnesota, Tuesday, April 27, 1993

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

CALL OF THE SENATE

Mr. Belanger 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. Richard J. Wolter.

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

Adkins	Dille	Krentz	Morse	Runbeck
Anderson	Finn	Kroening	Neuville	Sams
Beckman	Flynn	Laidig	Novak	Samuelson
Belanger	Frederickson	Langseth	Oliver	Solon
Benson, D.D.	Hanson	Larson	Olson	Spear
Benson, J.E.	Hottinger	Lesewski	Pappas	Stevens
Berg	Janezich	Lessard	Pariseau	Stumpf
Berglin	Johnson, D.E.	Luther	Piper	Terwilliger
Bertram	Johnson, D.J.	Marty	Pogemiller	Vickerman
Betzold	Johnson, J.B.	McGowan	Price	Wiener
Chandler	Johnston	Mertiam	Ranum	
Chmielewski	Kelly	Metzen	Reichgott	
Cohen	Kiscaden	Moe, R.D.	Riveness	
Day	Knutson	Mondale	Robertson	

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1407: A bill for an act relating to education; appropriating money for education and related purposes to the higher education coordinating board, state board of technical colleges, state board for community colleges, state university board, University of Minnesota, higher education board, and the Mayo medical foundation, with certain conditions; creating an instructional telecommunications network; providing for grants from the higher education

coordinating board for regional linkages, regional coordination, courseware development and usage, and faculty training; authorizing the state board of community colleges to use higher education facilities authority revenue bonds to construct student residences; creating three accounts in the permanent university fund and making allocations from the accounts; providing tuition exemptions at technical colleges for Southwest Asia veterans; prescribing changes in eligibility and in duties and responsibilities for certain financial assistance programs; establishing grant programs to promote recruitment and retention initiatives by nurses training and teacher education programs directed toward persons of color; establishing grant programs for nursing students and students in teacher education programs who are persons of color; establishing an education to employment transitions system; amending Minnesota Statutes 1992, sections 136A.101, subdivisions 1 and 7; 136A.121, subdivision 9; 136A.1353, subdivision 4; 136A.1354, subdivision 4; 136A.15, subdivision 6; 136A.1701, subdivision 4; 136A.233, subdivisions 2 and 3; 136C.13, subdivision 4; 136C.61, subdivision 7; and 137.022, subdivision 3, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 136A; and 137; proposing coding for new law as Minnesota Statutes, chapter 126B; repealing Minnesota Statutes 1992, sections 136A.121, subdivision 17; and 136A.134.

There has been appointed as such committee on the part of the House:

Rodosovich, Dorn, Pelowski, Kinkel and Morrison.

Senate File No. 1407 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 26, 1993

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1503: A bill for an act relating to the organization and operation of state government; appropriating money for criminal justice, corrections, and related purposes; providing for the transfer of certain money in the state treasury; fixing and limiting the amount of fees, penalties, and other costs to be collected in certain cases; amending Minnesota Statutes 1992, sections 3.732, subdivision 1; 43A.02, subdivision 25; 43A.24, subdivision 2; 241.01, subdivision 5; 242.195, subdivision 1; 242.51; 401.13; 611.20; 611.216, by adding a subdivision; 611.25, subdivision 3; and 626.861, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 611; repealing Minnesota Statutes 1992, sections 241.43, subdivision 2; and 611.20, subdivision 3.

There has been appointed as such committee on the part of the House:

Murphy, Pugh, Orenstein, Swenson and McGuire.

Senate File No. 1503 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 26, 1993

Mr. President:

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

S.F. No. 1496: A bill for an act relating to health care and family services; the organization and operation of state government; appropriating money for human services, health, and other purposes with certain conditions; establishing and modifying certain programs; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 62A.045; 144.122; 144.123, subdivision 1; 144.215, subdivision 3; 144.226, subdivision 2; 144.3831, subdivision 2; 144.802, subdivision 1; 144.98, subdivision 5; 144A.071; 144A.073, subdivisions 2, 3, and by adding a subdivision; 147.01, subdivision 6; 147.02, subdivision 1; 148C.01, subdivisions 3 and 6; 148C.02; 148C.03, subdivisions 1, 2, and 3; 148C.04, subdivisions 2, 3, and 4; 148C.05, subdivision 2; 148C.06; 148C.11, subdivision 3, and by adding a subdivision; 149.04; 157.045; 198.34; 214.04, subdivision 1; 214.06, subdivision 1, and by adding a subdivision; 245.464, subdivision 1; 245.466, subdivision 1; 245.474; 245.4873, subdivision 2; 245.652, subdivisions 1 and 4; 246.02, subdivision 2; 246.151, subdivision 1; 246.18, subdivision 4; 252.025, subdivision 4, and by adding subdivisions; 252.275, subdivision 8; 252.50, by adding a subdivision; 253.015, subdivision 1, and by adding subdivisions; 253.202; 254.04; 254.05; 254A.17, subdivision 3; 256.015, subdivision 4; 256.025, subdivisions 1, 2, 3, and 4; 256.73, subdivisions 2, 3a, 5, and 8; 256.736, subdivisions 10, 10a, 14, 16, and by adding a subdivision; 256.737, subdivisions 1, 1a, 2, and by adding subdivisions; 256.74, subdivision 1; 256.78; 256.9657, subdivisions 1, 2, 3, 4, 7, and by adding subdivisions; 256.9685, subdivision 1; 256.969; subdivisions 1, 8, 9, as amended, and 22, as amended; 256.9695, subdivision 3; 256.983, subdivision 3; 256B.042, subdivision 4; 256B.055, subdivision 1; 256B.056, subdivisions 1a and 2; 256B.0575; 256B.059, subdivisions 3 and 5; 256B.0595, subdivisions 1, 2, 3, and 4; 256B.0625, subdivisions 13, 13a, 15, 17, 25, 28, 29, and by adding subdivisions; 256B.0913, subdivision 5; 256B.0915, subdivision 3; 256B.15, subdivisions 1 and 2; 256B.19, subdivision 1b, and by adding subdivisions; 256B.37, subdivisions 3, 5, and by adding a subdivision; 256B.421, subdivision 14; 256B.431, subdivisions 2b, 2c, 13, 14, 15, 21, and by adding subdivisions; 256B.432, by adding a subdivision; 256B.48, subdivision 1; 256B.50, subdivision 1b, and by adding subdivisions; 256B.501, subdivisions 1, 3g, 3i, and by adding a subdivision; 256D.03, subdivisions 3, 4, and 8; 256D.05, by adding a subdivision; 256D.051, subdivisions 1, 1a, 2, 3, and 6; 256D.35, subdivision 3a; 256D.44, subdivisions 2 and 3; 256F.06, subdivision 2; 256I.01; 256I.02; 256I.03, subdivisions 2, 3, and by adding subdivisions; 256I.04, subdivisions 1, 2, 3, and by adding subdivisions; 256I.05, subdivisions 1, 1a, 8, and by adding a subdivision; 256I.06; 257.3573, by adding a subdivision; 257.54; 257.541; 257.55, subdivision 1; 257.57, subdivision 2; 257.73, subdivision 1; 257.74, subdivision 1; 259.431, subdivision 5; 273.1392; 273.1398, subdivision 5b; 275.07, subdivision 3; 326.44; 326.75, subdivision 4; 388.23, subdivision 1; 393.07, subdivisions 3 and 10; 518.156, subdivision 1; 518.551, subdivision 5; 518.64, subdivision 2; 609.821, subdivisions 1 and 2; 626.559, by adding a subdivision; Laws 1991, chapter 292, article 6, section 57, subdivisions 1 and 3; and Laws 1992, chapter 513, article 7, section 131; proposing coding for new law in Minnesota Statutes, chapters 136A; 245; 246; 256; 256B; 256E; 256F; 257; and 514; proposing coding for

new law as Minnesota Statutes, chapters 246B; and 252B; repealing Minnesota Statutes 1992, sections 144A.071, subdivisions 4 and 5; 148B.72; 256.985; 256I.03, subdivision 4; 256I.05, subdivisions 4, 9, and 10; 256I.051; 273.1398, subdivisions 5a and 5c.

Senate File No. 1496 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 26, 1993

Mr. Samuelson moved that the Senate do not concur in the amendments by the House to S.F. No. 1496, 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 to be 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. 994.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 26, 1993

FIRST READING OF HOUSE BILLS

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

H.F. No. 994: A bill for an act relating to children; foster care and adoption placement; specifying time limits for compliance with placement preferences; setting standards for changing out-of-home placement; requiring notice of certain adoptions; clarifying certain language; requiring compliance with certain law; amending Minnesota Statutes 1992, sections 257.071, subdivisions 1 and 1a; 257.072, subdivision 7; 259.255; 259.28, subdivision 2, and by adding a subdivision; 259.455; 260.012; 260.181, subdivision 3; and 260.191, subdivisions 1a, 1d, and 1e; proposing coding for new law in Minnesota Statutes, chapters 257; and 259.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 1501, 1066, 908, 771 and 837. The motion prevailed.

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

S.F. No. 1545: A bill for an act relating to the environment; appropriating money from the metropolitan landfill contingency trust fund to the commissioner of the pollution control agency for reimbursement to the city of

Hopkins for remediation of methane at the city landfill; amending Laws 1991, chapter 182, section 7.

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

Page 1, line 15, strike "1993" and insert "1994"

Page 1, lines 17 and 18, delete the new language

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

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

S.F. No. 760: A bill for an act relating to natural resources; granting power to the commissioner of natural resources to give nominal gifts, acknowledge significant contributions and sell incidental advertising; amending Minnesota Statutes 1992, section 84.027, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 84.027, is amended by adding a subdivision to read:

Subd. 11. [PROPERTY DISPOSAL; GIFT ACKNOWLEDGMENT; ADVERTISING SALES.] (a) The commissioner may give away to members of the public items with a value of less than \$10 that are intended to promote conservation of natural resources or create awareness of the state and its resources or natural resource management programs.

(b) The commissioner may recognize the contribution of money, products, or in-kind services on plaques, signs, publications, audio-visual materials, and media advertisements by allowing the contributing organization's logo or trademark to be displayed in a size not to exceed the size of the department's logo.

(c) The commissioner may accept paid advertising for departmental publications. Advertising revenues received are appropriated to the commissioner to be used to defray costs of publications, media productions, or other informational materials. The commissioner may not accept paid advertising from any elected official or candidate for elective office."

Delete the title and insert:

"A bill for an act relating to natural resources; granting power to the commissioner of natural resources to give nominal gifts, acknowledge contributions, and sell advertising; appropriating money; amending Minnesota Statutes 1992, section 84.027, by adding a subdivision."

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

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

S.F. No. 1034: A bill for an act relating to minerals; establishing and empowering a legislative task force on minerals; appropriating money.

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

Page 2, delete lines 13 and 14 and insert:

"The appropriation in Laws 1989, chapter 335, article 1, section 2, subdivision 4, paragraph (1), for the legislative task force on minerals is available until June 30, 1995."

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

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

S.F. No. 1100: A bill for an act relating to pollution control; oil and hazardous substance discharge; allowing for a single corporate prevention and response plan; extending completion date for a response plan; modifying a notification form; establishing fees; establishing accounts in the environmental fund; creating a spill prevention and preparedness advisory council; requiring notification of pipeline petroleum discharges; imposing penalties; appropriating money; amending Minnesota Statutes 1992, section 115E.04, subdivisions 1, 2, and 3; proposing coding for new law in Minnesota Statutes, chapter 115E.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 115E.03, subdivision 2, is amended to read:

Subd. 2. [SPECIFIC PREPAREDNESS.] The following persons shall comply with the specific requirements of subdivisions 3 and 4 and section 115E.04:

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

(2) persons who own or operate trucks or cargo trailer rolling stock transporting an average monthly aggregate total of more than ~~100,000~~ 1,000,000 gallons of oil or hazardous substance as cargo in Minnesota;

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

(4) persons who own or operate facilities containing ~~100,000~~ 1,000,000 gallons or more of oil or hazardous substance in tank storage at any time;

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

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

(7) persons required to demonstrate preparedness under section 115E.05.

Sec. 2. Minnesota Statutes 1992, section 115E.04, subdivision 1, is amended to read:

Subdivision 1. [PLAN CONTENTS.] Persons required to show specific preparedness under section 115E.03, subdivision 2, shall prepare and maintain a prevention and response plan for a worst case discharge. *Except as provided in subdivisions 2a and 2b*, the plan must:

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

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

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

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

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

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

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

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

(6) identify the means under section 115E.03, subdivision 4, that will be used to satisfy the requirement to have adequate equipment and personnel to respond to a worst case discharge;

(7) contain copies of contracts, correspondence, or other documents showing that adequate personnel and equipment as described in section 115E.03, subdivision 4, will be available to respond to a worst case discharge;

(8) describe the actions that will be taken by the persons described in section 115E.03, subdivision 4, in the event of a worst case discharge; and

(9) describe the training, equipment testing, periodic drills, and unannounced drills that will be used to ensure that the persons and equipment described in section 115E.03, subdivision 4, are ready for response.

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

Sec. 3. Minnesota Statutes 1992, section 115E.04, is amended by adding a subdivision to read:

Subd. 2a. [ABBREVIATED PLAN FOR TRUCKS.] A person who owns or operates trucks or cargo trailer rolling stock transporting an average monthly aggregate total of more than 10,000 gallons of oil or hazardous substances as cargo in Minnesota shall prepare and maintain an abbreviated prevention and response plan. The abbreviated plan must include:

(1) name and business and after business telephone numbers of the individual or individuals having full authority to implement response action;

(2) telephone number of the local emergency response organization if that organization cannot be reached by calling 911;

(3) a description of the type of rolling stock and the worst case discharge that could occur from such equipment;

(4) telephone number of the state duty officer;

(5) telephone number of an individual or company with adequate personnel and equipment available to respond to a discharge, with evidence that prearrangements for such response have been made;

(6) a description of the training that the owner or operator's truck or cargo trailer operators have received in handling hazardous materials and the emergency response information available in the vehicle;

(7) a description of the action that will be taken by a truck owner or operator in response to a discharge; and

(8) the response plan must be retained on file at the person's principal place of business.

Sec. 4. Minnesota Statutes 1992, section 115E.04, is amended by adding a subdivision to read:

Subd. 2b. [ABBREVIATED PLAN FOR TANK FACILITIES WITH BETWEEN 10,000 AND 1,000,000 GALLONS OF STORAGE.] A person who owns or operates a facility that stores more than 10,000 gallons but less than 1,000,000 gallons of oil or hazardous substances shall prepare and maintain an abbreviated prevention and response plan. The abbreviated plan must include:

(1) name and business and after business telephone numbers of the individual or individuals having full authority to implement response action;

(2) telephone number of the local emergency response organization if that organization cannot be reached by calling 911;

(3) a description of the facility, tank capacities, spill prevention and secondary containment measures at the facility, and the worse case discharge that could occur at the facility;

(4) telephone number of the state duty officer;

(5) documentation that adequate personnel and equipment will be available to respond to a discharge, with evidence that prearrangements for such response have been made;

(6) a description of the training employees at the facility receive in handling hazardous materials and in emergency response information;

(7) a description of the action that will be taken by the facility owner or operator in response to a discharge; and

(8) the response plan must be retained on file at the person's principal place of business.

Sec. 5. [115E.11] [PENALTIES.]

The commissioner shall deposit any penalties for violations of this chapter or section 115.061 which are related to petroleum discharges or threatened discharges into the petroleum tank release cleanup account.

Sec. 6. [115E.13] [PIPELINE AND RAIL FUELING FACILITY FOLLOW-UP.]

Subdivision 1. [PIPELINE DISCHARGE SITE NOTIFICATION.] (a) By January 1, 1994, owners or operators of hazardous liquid pipeline facilities may provide a written report to the pollution control agency of the leaks, ruptures, breaks, repairs, maintenance problems, or other incidents in which petroleum was or may have been discharged prior to the effective date of this act from the pipeline or pipeline pump stations within the state. The agency shall consider the following in determining the acceptability of the report:

(1) the discharge or discharge discovery date;

(2) pipeline milepost and approximate legal description of the incident location;

(3) known circumstances of the discharge or possible discharge;

(4) the approximate volume of the discharge; and

(5) a description of the cleanup undertaken by the owner or operator and by previous owners or operators.

(b) In compiling the report, the owner or operator shall attempt, to the extent reasonably possible, to:

(1) examine reports made to the United States Department of Transportation Office of Pipeline Safety and predecessor offices;

(2) examine files of cleanups undertaken by the owner or operator and the files of predecessor owners or operators which may be in the possession of or available to the owner or operator;

(3) examine the pipeline charts and maintenance records to identify sections of pipeline that have been repaired or replaced since original installation and determine whether each repair or replacement was associated with a discharge; and

(4) interview employees or former employees who have knowledge of the historic operation of the pipeline.

Subd. 2. [RAIL REFUELING FACILITY NOTIFICATION.] (a) By January 1, 1994, owners or operators of railroads that transfer fuel into railroad engines may provide a written report to the pollution control agency of the facilities at which the owner or operator and predecessor owners or operators have refueled railroad engines within the state prior to the effective date of this act. The agency shall consider the following in determining the acceptability of the report:

- (1) the approximate legal description of the facility location;
 - (2) the years in which the facility has operated;
 - (3) the approximate yearly volume of refueling done at the facility;
 - (4) whether an investigation of petroleum contamination has ever been done at the facility;
 - (5) whether soil or track ballast visibly contaminated by fuel is present at the facility;
 - (6) whether fueling at the facility is done from a fixed location or via mobile tanks;
 - (7) whether track pans or other means to contain fueling spills are in place at the facility and the approximate date of installation; and
 - (8) a description of any fuel cleanups undertaken at the facility by the owner or operator and by previous owners or operators.
- (b) In compiling the report the owner or operator shall attempt, to the extent reasonably possible, to:
- (1) examine records of cleanups undertaken by the owner or operator and those records of predecessor owners or operators which may be in the possession of or available to the owner or operator;
 - (2) examine the fueling and land ownership records of the owner or operator and those records of predecessor owners or operators which may be in the possession of or available to the owner or operator; and
 - (3) interview employees or former employees who have knowledge of the past operation of the railroad.

Subd. 3. [LIMITING PENALTIES WHEN APPROPRIATE ACTION TAKEN.] (a) For discharge sites or facilities listed in reports submitted under subdivision 1, paragraph (a), or subdivision 2, paragraph (a), the agency shall not seek or impose penalties when an owner or operator who has failed to report or recover the discharge under section 115.061, takes appropriate action to report and correct confirmed discharges under this section.

(b) This section does not affect:

- (1) the obligation of the owner or operator under section 115.061 to recover discharged material once it has been discovered; or
- (2) the authority of the agency, commissioner, or attorney general to order or compel investigations or corrective actions or to obtain information regarding discharges or releases.

Sec. 7. [APPROPRIATION AND COMPLEMENT.]

Subdivision 1. \$437,000 is appropriated from the petroleum tank release cleanup account of the environmental fund to the pollution control agency, and \$302,000 is appropriated to the pollution control agency from its 1994-1995 biennial base level enforcement account of the environmental fund appropriation, for the biennium ending June 30, 1995, to be available for the purposes of Minnesota Statutes, chapter 115E. The complement of the pollution control agency is increased by 5 positions.

Subd. 2. \$128,000 is appropriated from the enforcement account of the environmental fund for the biennium ending June 30, 1995, to the commissioner of the department of natural resources to be available for the purposes of Minnesota Statutes, chapter 115E. The complement of the department of natural resources is increased by 1 position."

Delete the title and insert:

"A bill for an act relating to pollution control; oil and hazardous substance discharge; abbreviated plans for trucks and tank facilities; pipeline and rail fueling facilities; limiting penalties in certain cases; appropriating money; amending Minnesota Statutes 1992, sections 115E.03, subdivision 2; and 115E.04, subdivision 1, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 115E."

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 1524: A bill for an act relating to traffic regulations; increasing fine for speeding violation; appropriating money for highway work zone safety enforcement and public education efforts; amending Minnesota Statutes 1992, section 169.14, subdivision 5d.

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

Page 2, line 14, delete everything after "*the*" and insert "*general fund.*"

Page 2, delete lines 15 to 18

Page 2, line 19, delete "*is appropriated*" and insert:

"Sec. 2. [APPROPRIATION.]

\$25,000 is appropriated in fiscal year 1994 and \$25,000 is appropriated in fiscal year 1995"

Page 2, line 22, delete "*2*" and insert "*3*"

Page 2, line 23, delete "*Section 1 is*" and insert "*Sections 1 and 2 are*"

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "*appropriating money;*"

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 811: A bill for an act relating to transportation; providing for a metropolitan area high speed bus study; appropriating money.

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

Page 1, line 7, delete "*commissioner of transportation*" and insert "*regional transit board*"

Page 1, line 8, delete "*regional transit board*" and insert "*Minnesota department of transportation*"

Page 1, line 9, before "*study*" insert "*feasibility*"

Page 2, line 5, delete "*dual-mode buses and*"

Page 2, line 8, delete "*system*" and insert "*service*"

Page 2, after line 8, insert:

"The study required under this act shall not delay implementation of transit service and facilities improvements planned by the commissioner, the regional transit board, the metropolitan transit commission, and other members of the ad hoc transit committee known as "team transit.""

Page 2, delete section 2 and insert:

"Sec. 2. [APPLICATION.]

Section 1 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 3. [APPROPRIATION.]

\$50,000 is appropriated from the general fund to the regional transit board for the purposes of this act."

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

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

S.F. No. 213: A bill for an act relating to recreation; establishing a Cuyuna country state recreation area; establishing a new unit in the outdoor recreation system; appropriating money; amending Minnesota Statutes 1992, sections 85.045, subdivision 2; 86A.04; 86A.05, subdivisions 2 and 3; and 86A.08, subdivision 1.

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

Page 2, line 11, delete "*committee*" and insert "*subcommittee*"

Page 2, line 36, after "*lands*" insert "*, except for trunk highway 6 and trunk highway 210 rights-of-way, held in fee or easement,*"

Page 4, delete lines 16 to 36 and insert:

"Subject to easements of record for: C.S.A.H. No. 31 right-of-way purposes over, under, and across the east line of said Section 1; C.S.A.H. No. 30 right-of-way purposes over, under, and across the West Half of the Northwest Quarter and the Section line between said Sections 2 and 3, Township 46 North, Range 29 West, and the Section line between Sections 34 and 35, Township 47 North, Range 29 West; County Road No. 128 right-of-way purposes over, under, and across the Section line between said Sections 16 and 17 and between Sections 8 and 17; C.S.A.H. No. 34 right-of-way

purposes over, under, and across the Section line between said Sections 4 of Township 46 North, Range 29 West, and Section 33 of Township 47 North, Range 29 West; City of Ironton Street right-of-way purposes over, under, and across the SW1/4 of the NW1/4 in Section 11, Township 46 North, Range 29 West, according to the recorded plat thereof; and subject to any other easements, reservations, and restrictions of record."

Page 7, delete lines 10 and 11

Page 9, after line 5, insert:

"Sec. 7. [ADMINISTRATION OF EXISTING UNITS NOT AFFECTED.]

This act does not affect the administration, as defined in Minnesota Statutes, section 86A.03, subdivision 4, of state parks and recreation areas in existence before July 1, 1993."

Page 9, line 6, delete "7" and insert "8"

Page 9, line 7, delete "\$50,000" and insert "\$5,000"

Page 9, line 11, delete "8" and insert "9"

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

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

S.F. No. 1501: A bill for an act relating to agriculture; modifying certain provisions relating to wheat and barley promotion orders; amending Minnesota Statutes 1992, sections 17.53, subdivisions 2, 8, and 13; 17.59, subdivision 2; and 17.63.

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

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

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

S.F. No. 1066: A bill for an act relating to game and fish; providing a definition and authorizing fish in the defined condition to be brought into the state; providing a penalty; requiring notice; amending Minnesota Statutes 1992, sections 97A.015, by adding a subdivision; and 97A.531.

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

Page 1, line 24, before the period, insert "*only by a resident or nonresident possessing a Minnesota angling license*"

Page 2, after line 6, insert:

"Sec. 3. [EFFECTIVE DATE.]

This act is effective March 1, 1994."

And when so amended the bill do pass.

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

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

S.F. No. 908: A bill for an act relating to agriculture; changing eligibility and participation requirements for certain rural finance authority programs; authorizing an application fee; appropriating money; amending Minnesota Statutes 1992, sections 41B.03, subdivision 1, and by adding a subdivision; 41B.039, subdivision 2; and 41B.042, subdivision 4.

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

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

S.F. No. 771: A bill for an act relating to motor fuels; changing the formula for payments made to producers of ethanol; increasing oxygenate level requirements for gasoline; authorizing the pollution control agency to contract to expedite permit process; eliminating certain LGA/HACA offsets for tax increment financing districts; amending Minnesota Statutes 1992, sections 41A.09, subdivision 3; 116.07, subdivision 4a; 239.791, subdivisions 1 and 2; and 273.1399, by adding a subdivision.

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

Pages 1 to 3, delete sections 1 and 2

Page 3, line 32, strike “, and”

Page 3, line 33, strike the comma

Page 3, line 36, strike “at any time” and after “area” insert “*not during a carbon monoxide control period*”

Page 4, line 1, reinstate the stricken “two” and delete “2.7”

Page 4, line 2, strike “After” and insert “*Beginning*”

Page 4, line 3, after “Minnesota” insert “:

(1) *from October 1 to May 1, must contain at least 2.7 percent oxygen by weight; and*

(2) *at other times,*” and reinstate the stricken “two” and delete “2.7”

Page 4, delete lines 23 and 24

Page 4, line 25, delete “to 5 are” and insert:

“*This act is*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete everything after “sections”

Page 1, line 9, delete everything before "239.791"

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

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 837: A bill for an act relating to traffic regulations; authorizing cities of the second class to establish programs for citizen enforcement of laws governing parking spaces for persons with disabilities; amending Minnesota Statutes 1992, section 169.346, subdivision 4.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Rules and Administration.

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

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

H.F. No. 1720 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1720	269				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1720 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1720 and insert the language after the enacting clause of S.F. No. 269, the first engrossment; further, delete the title of H.F. No. 1720 and insert the title of S.F. No. 269, the first engrossment.

And when so amended H.F. No. 1720 will be identical to S.F. No. 269, and further recommends that H.F. No. 1720 be given its second reading and substituted for S.F. No. 269, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 969 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
969	1504				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 969 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 969 and insert the language after the enacting clause of S.F. No. 1504, the first engrossment; further, delete the title of H.F. No. 969 and insert the title of S.F. No. 1504, the first engrossment.

And when so amended H.F. No. 969 will be identical to S.F. No. 1504, and further recommends that H.F. No. 969 be given its second reading and substituted for S.F. No. 1504, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 947 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
947	896				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 947 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 947 and insert the language after the enacting clause of S.F. No. 896; further, delete the title of H.F. No. 947 and insert the title of S.F. No. 896.

And when so amended H.F. No. 947 will be identical to S.F. No. 896, and further recommends that H.F. No. 947 be given its second reading and substituted for S.F. No. 896, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 43 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
43	773				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 43 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 43 and insert the language after the enacting clause of S.F. No. 773, the first engrossment; further, delete the title of H.F. No. 43 and insert the title of S.F. No. 773, the first engrossment.

And when so amended H.F. No. 43 will be identical to S.F. No. 773, and further recommends that H.F. No. 43 be given its second reading and substituted for S.F. No. 773, and that the Senate File be indefinitely postponed.

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

SECOND READING OF HOUSE BILLS

H.F. Nos. 1720, 969, 947 and 43 were read the second time.

MOTIONS AND RESOLUTIONS

Ms. Hanson moved that the name of Mr. Langseth be added as a co-author to S.F. No. 1524. The motion prevailed.

Messrs. Beckman, Hottinger, Ms. Piper, Messrs. Mondale and Moe, R.D. introduced—

Senate Resolution No. 41: A Senate resolution congratulating the Maple River Eagles for winning the 1993 State High School Class A Boys Basketball Championship.

Referred to the Committee on Rules and Administration.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 840 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 840: A bill for an act relating to mental health; authorizing interstate contracts between Wisconsin and Minnesota for the treatment of mentally ill persons who have been involuntarily committed; amending Minnesota Statutes 1992, section 245.50, subdivision 3, and by adding a subdivision.

Mr. Betzold moved to amend S.F. No. 840 as follows:

Page 1, line 20, before the period, insert “, *except as provided under subdivision 5*”

Page 2, line 4, before the period, insert “*and to enable the temporary placement in Wisconsin of patients who are on emergency holds in Minnesota under section 253B.05, provided that the Minnesota courts retain jurisdiction over Minnesota patients, and the state of Wisconsin affords to Minnesota patients the rights under Minnesota law*”

Page 2, line 7, before the period, insert "*and the cost of care of Minnesota residents shall remain with the state of Minnesota*"

Page 2, line 11, after "*facilities*" insert "*and Minnesota residents in Wisconsin facilities*"

The motion prevailed. So the amendment was adopted.

S.F. No. 840 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 54 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Kelly	Metzen	Runbeck
Anderson	Day	Kiscaden	Moe, R.D.	Sams
Beckman	Dille	Krentz	Mondale	Samuelson
Belanger	Finn	Kroening	Morse	Solon
Benson, D.D.	Flynn	Langseth	Oliver	Spear
Benson, J.E.	Frederickson	Larson	Pappas	Stevens
Berg	Hanson	Lesewski	Pariseau	Stumpf
Bertram	Janezich	Luther	Piper	Terwilliger
Betzold	Johnson, D.E.	Marty	Price	Vickerman
Chandler	Johnson, J.B.	McGowan	Ranum	Wiener
Chmielewski	Johnston	Merriam	Robertson	

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 51 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 51: A bill for an act relating to motor vehicles; requiring junking certificates of title; regulating title branding for damaged vehicles; amending Minnesota Statutes 1992, sections 168A.01, subdivisions 17a, 17b, and by adding a subdivision; 168A.04, subdivisions 1 and 4; 168A.05, subdivisions 3 and 5; 168A.15; 168A.151, subdivisions 1, 4, and by adding a subdivision; 168A.152, by adding a subdivision; 325F.6641, subdivision 1; 325F.6642, subdivisions 1, 2, 3, 5, and 6; and 325F.6644; repealing Minnesota Statutes 1992, section 168A.151, subdivisions 2, 3, and 5.

Ms. Johnston moved to amend H.F. No. 51, as amended pursuant to Rule 49, adopted by the Senate March 4, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 41.)

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 168A.151, subdivision 1, is amended to read:

168A.151 [GRADING OF LATE MODEL AND HIGH VALUE VEHICLES.]

Subdivision 1. [INSURERS.] When an insurer, licensed to conduct business in Minnesota, acquires ownership of a late model or high value vehicle through payment of damages, the insurer shall stamp and grade the assigned certificate of title as required under subdivision 3 and comply with

all requirements of this chapter. *When an insurer, including self-insured, pays out \$5,000 or more in damage repair costs or 50 percent of the retail value in repair costs, the insurer shall notify the department.*

Sec. 2. Minnesota Statutes 1992, section 168A.151, subdivision 3, is amended to read:

Subd. 3. [GRADING.] An insurer or dealer who acquires ownership of a late model or high value vehicle as described in subdivision 1 or 2 must grade and stamp the certificate of title as follows:

(a) A "class A" total loss vehicle means a vehicle with damage of less than ten percent of the actual cash value *or as compared to a repair estimate originating in Minnesota*, as approved by an insurer or dealer.

(b) A "class B" total loss vehicle means a vehicle with damage of at least ten percent but less than ~~70~~ 50 percent of the vehicle's actual cash value *or as compared to a repair estimate originating in Minnesota*, as approved by an insurer or dealer.

(c) A "class C" total loss vehicle means a vehicle with damage of at least ~~70~~ 50 percent of the vehicle's actual cash value *or as compared to a repair estimate originating in Minnesota*, that is repairable.

(d) A "class D" total loss vehicle means a vehicle with damage of at least 70 percent of the vehicle's actual cash value *or as compared to a repair estimate originating in Minnesota*, that is unrepairable, such as a total fire loss or a vehicle that cannot be restored for public use. A "class D" total loss vehicle may not be retitled, and the certificate of title must be surrendered to the department even if the vehicle is an out-of-state vehicle. A salvage pool, insurance company, or its agent may sell a "class D" total loss vehicle only to a licensed used parts dealer.

Sec. 3. Minnesota Statutes 1992, section 168A.152, is amended to read:

168A.152 [USE AND CERTIFICATION OF TITLE; INSPECTION ~~AND~~ ~~REPAIR~~; FEES.]

Subdivision 1. [CERTIFICATE OF INSPECTION AND REPAIR.] A salvage certificate of title authorizes the holder to possess, transport, and transfer ownership in a vehicle. A salvage certificate of title does not authorize the holder to register a vehicle. A certificate of title must not be issued for a vehicle for which a salvage certificate of title has been issued unless a certification of inspection *and repair*, in the form and content specified by subdivision 2 and the department, accompanies the application for a certificate of title. *Before issuing a Minnesota certificate of title in place of the salvage title, the department must be satisfied that the vehicle has been repaired properly for the vehicle to be operated safely. The department shall review the certification of inspection and repair for structural and operational safety.*

Subd. 2. [REPAIR STANDARDS PROCEDURES.] *Upon repair completion, any vehicle titled with a salvage certificate of title shall be inspected by the department or the department's agent. The department may contract with a company or companies to provide inspection services of salvaged title vehicles. The owner of the salvaged titled vehicle shall pay the state or the state's inspection agent directly on a car-by-car basis. The department shall*

develop a certificate of inspection and repair form that addresses the structural and operational safety of the vehicle.

Subd. 2 3. [INSPECTION FEE.] A fee of \$20 must be paid to the department before the department issues a certificate of title for a vehicle that has been inspected and for which a certificate of inspection and repair has been issued pursuant to ~~subdivision~~ subdivisions 1 and 2. The only additional fee that may be assessed for issuing the certificate of title is the filing fee imposed under section 168.33, subdivision 7.

Fees collected by the department under this subdivision, for conducting inspections under ~~subdivision~~ subdivisions 1 and 2, must be deposited in the general fund.

Sec. 4. Minnesota Statutes 1992, section 325F.6641, is amended to read:

325F.6641 [DISCLOSURE OF MOTOR VEHICLE DAMAGE.]

Subdivision 1. [DAMAGE.] (a) If a motor vehicle has sustained damage by collision or other occurrence which exceeds ~~70~~ 50 percent of its actual cash value so that the vehicle becomes a class C total loss vehicle, the seller, insurer, or repair company must disclose that fact to the buyer, ~~if the seller has actual knowledge of the damage and department.~~

(b) The disclosure required under this subdivision must be made in writing on the application for title and registration or other transfer document, in a manner prescribed by the registrar of motor vehicles. The registrar shall revise the certificate of title form, including the assignment by seller (transferor) and reassignment by licensed dealer sections of the form, the separate application for title forms, and other transfer documents to accommodate this disclosure. If the seller is a motor vehicle dealer licensed pursuant to section 168.27, the disclosure required by this section must be made orally by the dealer to the prospective buyer in the course of the sales presentation.

Subd. 2. [FORM OF DISCLOSURE.] The ~~disclosure~~ disclosures required in this section must be made in substantially the following form: "To the best of my knowledge, this vehicle has has not sustained damage in excess of ~~70~~ \$5,000 and has has not sustained damage in excess of 50 percent actual cash value as compared to a repair estimate originating in Minnesota."

Sec. 5. Minnesota Statutes 1992, section 325F.6642, subdivision 3, is amended to read:

Subd. 3. [OUT-OF-STATE VEHICLES.] (a) Upon transfer and application for title of all repaired vehicles with out-of-state titles that bear the term "damaged," "salvage," "rebuilt," "reconditioned," or any similar term, the registrar of motor vehicles shall record the term "rebuilt" on the first Minnesota certificate of title and all subsequent Minnesota certificates of title used for that vehicle.

(b) The registrar shall mark "rebuilt" on the first Minnesota certificate of title and all subsequent certificates of title issued for any vehicle which came into the state unrepaired and for which a salvage certificate of title was issued unless the person applying for the Minnesota title offers proof satisfactory to the registrar that the vehicle did not sustain damage equivalent to the ~~70~~ 50 percent standard set forth in this section. The proof shall include photographs of the vehicle and either an insurance adjuster's written report or a written

repair estimate which details the parts and labor required to repair the vehicle. The photographs and other documents submitted as proof under this subdivision must be filed and retained by the registrar so as to permit verification of the proof offered.

(c) For vehicles with out-of-state titles which bear the term "flood damaged," the registrar of motor vehicles shall record the term "flood damaged" on the first Minnesota certificate of title and all subsequent Minnesota certificates of title issued for that vehicle.

Sec. 6. Minnesota Statutes 1992, section 325F.6642, subdivision 6, is amended to read:

Subd. 6. [CLASS C TOTAL LOSS VEHICLE; DEFINITION.] For the purposes of this section, a class C total loss vehicle means a vehicle, damaged by collision or other occurrence, for which a salvage certificate of title has been issued and vehicles with damage of at least ~~70~~ 50 percent of the vehicle's actual cash value immediately prior to sustaining the damage based on a written retail repair estimate or invoice, as determined by an insurer or dealer pursuant to section 168A.151 or by comparing an insurer's written retail repair estimate of damage or actual loss payout to the average trade-in value of the vehicle according to the National Automobile Dealers Association's Official Used Car Guide or other similar publication approved by the registrar, *or as compared to an actual repair estimate originating in Minnesota.*

Sec. 7. Minnesota Statutes 1992, section 325F.6642, subdivision 7, is amended to read:

Subd. 7. [DEALER DISCLOSURE.] If a licensed motor vehicle dealer offers for sale a vehicle with a branded title, the dealer shall orally disclose the existence of the brand in the course of the sales presentation, *as well as physically show the customer the disclosure section on the title.*

Amend the title accordingly

CALL OF THE SENATE

Mr. Mondale imposed a call of the Senate for the balance of the proceedings on H.F. No. 51. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 6 and nays 55, as follows:

Those who voted in the affirmative were:

Benson, D.D.	Johnston	Metzen	Stevens	Terwilliger
Benson, J.E.				

Those who voted in the negative were:

Adkins	Day	Kiscaden	Merriam	Reichgott
Anderson	Finn	Knutson	Moe, R.D.	Riveness
Beckman	Flynn	Krentz	Mondale	Robertson
Belanger	Frederickson	Kroening	Morse	Runbeck
Berg	Hanson	Langseth	Novak	Sams
Berglin	Hottinger	Larson	Oliver	Samuelson
Bertram	Janezich	Lesewski	Pappas	Solon
Betzold	Johnson, D.E.	Lessard	Piper	Spear
Chandler	Johnson, D.J.	Luther	Pogemiller	Stumpf
Chmielewski	Johnson, J.B.	Marty	Price	Vickerman
Cohen	Kelly	McGowan	Ranum	Wiener

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

Mr. McGowan moved to amend H.F. No. 51, as amended pursuant to Rule 49, adopted by the Senate March 4, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 41.)

Page 2, line 27, after "exceeded" insert "\$5,000 or"

Page 3, line 17, after "exceeded" insert "\$5,000 or"

Page 6, line 9, after "exceeds" insert "\$5,000 or"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 35, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knutson	Metzen	Robertson
Benson, D.D.	Frederickson	Laidig	Neuville	Runbeck
Benson, J.E.	Johnson, D.E.	Larson	Oliver	Solon
Berg	Johnston	Lesewski	Olson	Stevens
Betzold	Kelly	Lessard	Pariseau	Terwilliger
Chmielewski	Kiscaden	McGowan	Riveness	Vickerman

Those who voted in the negative were:

Anderson	Finn	Krentz	Mondale	Ranum
Beckman	Flynn	Kroening	Morse	Reichgott
Belanger	Hanson	Langseth	Novak	Sams
Berglin	Hottinger	Luther	Pappas	Samuelson
Bertram	Janezich	Marty	Piper	Spear
Chandler	Johnson, D.J.	Merriam	Pogemiller	Stumpf
Cohen	Johnson, J.B.	Moe, R.D.	Price	Wiener

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

Mr. Oliver moved to amend H.F. No. 51, as amended pursuant to Rule 49, adopted by the Senate March 4, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 41.)

Page 5, line 17, delete everything after "sustains" and insert "*damage by collision or other occurrence which exceeds 70 percent of its actual cash value*"

Page 5, line 18, delete everything before "shall"

The motion prevailed. So the amendment was adopted.

H.F. No. 51 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Berglin	Dille	Johnson, D.E.	Krentz
Anderson	Bertram	Finn	Johnson, D.J.	Kroening
Beckman	Betzold	Flynn	Johnson, J.B.	Laidig
Belanger	Chandler	Frederickson	Johnston	Langseth
Benson, D.D.	Chmielewski	Hanson	Kelly	Larson
Benson, J.E.	Cohen	Hottinger	Kiscaden	Lesewski
Berg	Day	Janezich	Knutson	Lessard

Luther	Morse	Piper	Runbeck	Terwilliger
Marty	Neuville	Pogemiller	Sams	Vickerman
McGowan	Novak	Price	Samuelson	Wiener
Merriam	Oliver	Ranum	Solon	
Metzen	Olson	Reichgott	Spear	
Moe, R. D.	Pappas	Riveness	Stevens	
Mondale	Pariseau	Robertson	Stumpf	

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 236 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 236: A bill for an act relating to unemployment compensation; requiring a report on victims of domestic abuse and eligibility for benefits.

Ms. Pappas moved to amend S.F. No. 236 as follows:

Page 1, line 7, delete "POLICY" and insert "POLICIES"

Page 1, line 8, delete "a"

Page 1, line 9, delete "policy" and insert "policies" and delete "issue" and insert "*issues of employees separated from employment due to problems with day care for their children and*"

Page 1, lines 13 and 14, delete "policy" and insert "policies"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Runbeck moved to amend S.F. No. 236 as follows:

Page 1, line 8, after "training" insert "*and the commissioner of human services*" and delete "*develop a*"

Page 1, line 9, delete "policy to address" and insert "study"

Page 1, line 11, after "The" insert "*study shall investigate whether legislation is necessary to address the issue and whether the issue is best addressed as an employment, human services, criminal, unemployment compensation, or other problem.*"

Page 1, delete lines 12 and 13

Page 1, line 14, delete "commissioner shall report the policy" and insert "*results of the study shall be reported*"

Amend the title as follows:

Page 1, line 2, delete "unemployment compensation" and insert "domestic abuse"

Page 1, line 4, after "for" insert "unemployment compensation"

The motion prevailed. So the amendment was adopted.

S.F. No. 236 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Moe, R.D.	Riveness
Anderson	Finn	Krentz	Morse	Robertson
Belanger	Flynn	Kroening	Neuville	Runbeck
Benson, D.D.	Frederickson	Laidig	Novak	Sams
Benson, J.E.	Hanson	Langseth	Oliver	Samuelson
Berg	Hottinger	Larson	Olson	Solon
Berglin	Janezich	Lesewski	Pappas	Spear
Bertram	Johnson, D.E.	Lessard	Pariseau	Stevens
Betzold	Johnson, D.J.	Luther	Piper	Stumpf
Chandler	Johnson, J.B.	Marty	Pogemiller	Terwilliger
Chmielewski	Johnston	McGowan	Price	Vickerman
Cohen	Kelly	Merriam	Ranum	Wiener
Day	Kiscaden	Metzen	Reichgott	

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 681 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 681: A bill for an act relating to crime victims; clarifying that victims' rights are applicable to juvenile proceedings; providing notice and waiver of towing fees for victims of auto theft; adding restitution as a sentencing option in juvenile traffic cases; waiving fees for docketing an order of restitution as a civil judgment; defining collateral source to include proceeds of a lawsuit brought as result of a crime; making procedural corrections to reduce administrative costs; extending the date of expiration of and increasing the number of members on the Minnesota crime victim and witness advisory council; amending Minnesota Statutes 1992, sections 260.193, subdivision 8; 611A.02, subdivision 2; 611A.04, subdivisions 1, 1a, and 3; 611A.52, subdivisions 5, 8, and 9; 611A.57, subdivisions 2, 3, and 5; 611A.66; and 611A.71, subdivisions 1, 2, 3, and 7; proposing coding for new law in Minnesota Statutes, chapters 169; 260; and 611A; repealing Minnesota Statutes 1992, section 611A.57, subdivision 1.

Ms. Anderson moved to amend S.F. No. 681 as follows:

Page 4, line 36, delete "*domestic abuse*" and strike "victim's right to"

Page 5, line 2, delete "*receive notice*" and insert "*additional rights of domestic abuse victims as*"

The motion prevailed. So the amendment was adopted.

S.F. No. 681 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Morse	Runbeck
Anderson	Finn	Kroening	Neuville	Sams
Beckman	Flynn	Laidig	Novak	Samuelson
Belanger	Frederickson	Langseth	Oliver	Solon
Benson, D.D.	Hanson	Larson	Olson	Spear
Benson, J.E.	Hottinger	Lesewski	Pappas	Stevens
Berg	Janezich	Lessard	Pariseau	Stumpf
Berglin	Johnson, D.E.	Luther	Piper	Terwilliger
Bertram	Johnson, D.J.	Marty	Pogemiller	Vickerman
Betzold	Johnson, J.B.	McGowan	Price	Wiener
Chandler	Johnston	Merriam	Ranum	
Chmielewski	Kelly	Metzen	Reichgott	
Cohen	Kiscaden	Moe, R.D.	Riveness	
Day	Knutson	Mondale	Robertson	

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

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

SPECIAL ORDER

S.F. No. 1184: A bill for an act relating to transportation; authorizing road authorities to develop, finance, design, construct, improve, rehabilitate, own, and operate toll facilities and to enter into agreements with private operators for the construction, maintenance, and operation of toll facilities; proposing coding for new law in Minnesota Statutes, chapter 160.

Mr. Chmielewski moved to amend S.F. No. 1184 as follows:

Page 3, line 9, delete "*enter into*" and insert "*execute*"

Page 3, line 10, delete "*prior*" and after "*of*" insert "*the final agreement by*"

Page 4, delete lines 5 to 7

Page 5, after line 10, insert:

"(f) The agreement must establish a reasonable rate of return on investment and capital during the term of the agreement."

Page 5, line 14, after the first semicolon, insert "*payments to a road authority under the development agreement or a related*" and delete "*concessions payments*" and insert "*concession agreement*"

Page 5, line 20, before "*belong*" insert "*after the payments specified in subdivision 1 are made*" and delete everything after "*operator*" and insert a period

Page 5, delete lines 21 and 22

Page 5, line 34, after "*commissioner*" insert "*of finance*"

The motion prevailed. So the amendment was adopted.

S.F. No. 1184 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 41 and nays 21, as follows:

Those who voted in the affirmative were:

Adkins	Day	Krentz	Moe, R.D.	Spear
Beckman	Dille	Laidig	Neuville	Stevens
Belanger	Frederickson	Langseth	Novak	Terwilliger
Benson, D.D.	Hanson	Larson	Oliver	Vickerman
Benson, J.E.	Janezich	Lesewski	Olson	Wiener
Berg	Johnson, D.E.	Lessard	Pariseau	
Bertram	Johnston	McGowan	Piper	
Chmielewski	Kiscaden	Merriam	Riveness	
Cohen	Knutson	Metzen	Robertson	

Those who voted in the negative were:

Anderson	Flynn	Marty	Ranum	Stumpf
Berglin	Johnson, D.J.	Mondale	Reichgott	
Betzold	Johnson, J.B.	Morse	Sams	
Chandler	Kroening	Pogemiller	Samuelson	
Finn	Luther	Price	Solon	

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

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

SPECIAL ORDER

S.F. No. 1333: A bill for an act relating to insurance; regulating minimum loss ratios for noncomprehensive policies; amending Minnesota Statutes 1992, section 62A.135.

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 38 and nays 24, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson	Kiscaden	Oliver	Samuelson
Beckman	Hanson	Laidig	Olson	Solon
Belanger	Hottinger	Lesewski	Pappas	Stumpf
Benson, D.D.	Janezich	Lessard	Pariseau	Terwilliger
Benson, J.E.	Johnson, D.E.	McGowan	Riveness	Vickerman
Bertram	Johnson, J.B.	Metzen	Robertson	Wiener
Chmielewski	Johnston	Neuville	Runbeck	
Day	Kelly	Novak	Sams	

Those who voted in the negative were:

Anderson	Cohen	Kroening	Merriam	Ranum
Berg	Finn	Langseth	Morse	Reichgott
Berglin	Flynn	Larson	Piper	Spear
Betzold	Johnson, D.J.	Luther	Pogemiller	Stevens
Chandler	Krentz	Marty	Price	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 697 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 697: A bill for an act relating to water; requiring criteria for water deficiency declarations; prohibiting the use of groundwater for surface water level maintenance; requiring review of water appropriation permits; requiring contingency planning for water shortages; changing water appropriation permit requirements; requiring changes to the metropolitan area water supply plan; requiring reports to the legislature; amending Minnesota Statutes 1992, sections 103G.261; 103G.265, subdivision 3; 103G.271, subdivision 7, and by adding subdivisions; 103G.291, by adding a subdivision; 103G.301, subdivision 1; 115.03, subdivision 1; 473.156, subdivision 1; 473.175, subdivision 1; 473.851; and 473.859, subdivisions 3, 4, and by adding a subdivision.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Day	Knutson	Mondale	Riveness
Anderson	Finn	Krentz	Morse	Robertson
Beckman	Flynn	Laidig	Neuville	Runbeck
Belanger	Frederickson	Langseth	Novak	Sams
Benson, D.D.	Hanson	Larson	Oliver	Samuelson
Benson, J.E.	Hottinger	Lesewski	Olson	Solon
Berg	Janezich	Lessard	Pappas	Spear
Berglin	Johnson, D.E.	Luther	Pariseau	Stevens
Bertram	Johnson, D.J.	Marty	Piper	Stumpf
Betzold	Johnson, J.B.	McGowan	Pogemiller	Terwilliger
Chandler	Johnston	Merriam	Price	Vickerman
Chmielewski	Kelly	Metzen	Ranum	Wiener
Cohen	Kiscaden	Moe, R.D.	Reichgott	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1454 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1454: A bill for an act relating to metropolitan government; providing for an advisory council on metropolitan governance.

Mr. McGowan moved to amend S.F. No. 1454 as follows:

Page 2, line 30, after "*expenses*" insert "*, not to exceed \$10,000,*"

The motion prevailed. So the amendment was adopted.

S.F. No. 1454 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Adkins	Day	Knutson	Moe, R.D.	Riveness
Anderson	Finn	Krentz	Mondale	Robertson
Beckman	Flynn	Kroening	Morse	Runbeck
Belanger	Frederickson	Laidig	Neuville	Sams
Benson, D.D.	Hanson	Langseth	Novak	Samuelson
Benson, J.E.	Hottinger	Larson	Oliver	Solon
Berg	Janezich	Lesewski	Olson	Spear
Berglin	Johnson, D.E.	Lessard	Pappas	Stevens
Bertram	Johnson, D.J.	Luther	Piper	Stumpf
Betzold	Johnson, J.B.	Marty	Pogemiller	Terwilliger
Chandler	Johnston	McGowan	Price	Vickerman
Chmielewski	Kelly	Merriam	Ranum	Wiener
Cohen	Kiscaden	Metzen	Reichgott	

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1087 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1087: A bill for an act relating to utilities; providing for determination by public utilities commission of competitive rate filings; amending Minnesota Statutes 1992, section 216B.162, subdivision 7.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Krentz	Morse	Robertson
Anderson	Finn	Kroening	Neuville	Runbeck
Beckman	Flynn	Laidig	Novak	Sams
Belanger	Frederickson	Larson	Oliver	Samuelson
Benson, D.D.	Hanson	Lesewski	Olson	Solon
Benson, J.E.	Hottinger	Lessard	Pappas	Spear
Berg	Janezich	Luther	Pariseau	Stevens
Berglin	Johnson, D.J.	Marty	Piper	Stumpf
Bertram	Johnson, J.B.	McGowan	Pogemiller	Terwilliger
Betzold	Johnston	Merriam	Price	Vickerman
Chandler	Kelly	Metzen	Ranum	Wiener
Chmielewski	Kiscaden	Moe, R.D.	Reichgott	
Cohen	Knutson	Mondale	Riveness	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 913 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 913: A bill for an act relating to employment; modifying provisions relating to and renaming the Minnesota council for the blind and the consumer advisory council; establishing a rehabilitation advisory council for the blind; amending Minnesota Statutes 1992, sections 248.10; and 268A.02, subdivision 2.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Day	Knutson	Moe, R.D.	Riveness
Anderson	Finn	Krentz	Mondale	Robertson
Beckman	Flynn	Kroening	Morse	Runbeck
Belanger	Frederickson	Laidig	Neuville	Sams
Benson, D.D.	Hanson	Langseth	Novak	Samuelson
Benson, J.E.	Hottinger	Larson	Oliver	Solon
Berg	Janezich	Lesewski	Olson	Spear
Berglin	Johnson, D.E.	Lessard	Pappas	Stevens
Bertram	Johnson, D.J.	Luther	Pariseau	Stumpf
Betzold	Johnson, J.B.	Marty	Piper	Terwilliger
Chandler	Johnston	McGowan	Pogemiller	Vickerman
Chmielewski	Kelly	Merriam	Price	Wiener
Cohen	Kiscaden	Metzen	Ranum	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1424 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1424: A bill for an act relating to pollution control; exempting certain storage tanks from notification, environmental protection, and tank installer training and certification requirements; amending Minnesota Statutes 1992, section 116.47.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Day	Knutson	Moe, R.D.	Reichgott
Anderson	Dille	Krentz	Mondale	Riveness
Beckman	Finn	Kroening	Morse	Robertson
Belanger	Flynn	Laidig	Neuville	Runbeck
Benson, D.D.	Frederickson	Langseth	Novak	Sams
Benson, J.E.	Hanson	Larson	Oliver	Samuelson
Berg	Hottinger	Lesewski	Olson	Solon
Berglin	Janezich	Lessard	Pappas	Spear
Bertram	Johnson, D.J.	Luther	Pariseau	Stevens
Betzold	Johnson, J.B.	Marty	Piper	Stumpf
Chandler	Johnston	McGowan	Pogemiller	Terwilliger
Chmielewski	Kelly	Merriam	Price	Vickerman
Cohen	Kiscaden	Metzen	Ranum	Wiener

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 783 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 783: A bill for an act relating to the city of Albert Lea; actuarial assumptions for the Albert Lea fire department relief association.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Morse	Runbeck
Anderson	Finn	Kroening	Neuville	Sams
Beckman	Flynn	Laidig	Novak	Samuelson
Belanger	Frederickson	Langseth	Oliver	Solon
Benson, D.D.	Hanson	Larson	Olson	Spear
Benson, J.E.	Hottinger	Lesewski	Pappas	Stevens
Berg	Janezich	Lessard	Pariseau	Stumpf
Berglin	Johnson, D.E.	Luther	Piper	Terwilliger
Bertram	Johnson, D.J.	Marty	Pogemiller	Vickerman
Betzold	Johnson, J.B.	McGowan	Price	Wiener
Chandler	Johnston	Merriam	Ranum	
Chmielewski	Kelly	Metzen	Reichgott	
Cohen	Kiscaden	Moe, R.D.	Riveness	
Day	Knutson	Mondale	Robertson	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 667 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 667: A bill for an act relating to volunteer firefighter relief associations; modifying the corporate registration requirement for relief associations complying with fire state aid financial reporting requirements; amending Minnesota Statutes 1992, sections 69.051, by adding a subdivision; and 317A.823, subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Day	Kiscaden	Mondale	Riveness
Anderson	Dille	Knutson	Morse	Robertson
Beckman	Finn	Krentz	Neuville	Runbeck
Belanger	Flynn	Kroening	Novak	Sams
Benson, D.D.	Frederickson	Laidig	Oliver	Samuelson
Benson, J.E.	Hanson	Larson	Olson	Solon
Berg	Hottinger	Lesewski	Pappas	Spear
Berglin	Janezich	Lessard	Pariseau	Stevens
Bertram	Johnson, D.E.	Luther	Piper	Stumpf
Betzold	Johnson, D.J.	Marty	Pogemiller	Terwilliger
Chandler	Johnson, J.B.	Merriam	Price	Vickerman
Chmielewski	Johnston	Metzen	Ranum	Wiener
Cohen	Kelly	Moe, R.D.	Reichgott	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 625 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 625: A bill for an act relating to retirement; first class city teachers; annuities, death-while-active survivor benefits, and administration; St. Paul teachers postretirement adjustments; administrative expenses; amending Min-

nesota Statutes 1992, sections 354A.011, subdivision 27; 354A.021, subdivision 5; 354A.12, subdivisions 1, 1a, 2a, 2b, and by adding a subdivision; 354A.23, subdivision 3; 354A.31, by adding subdivisions; 354A.35, subdivision 2; and 356.215, subdivision 4j.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Krentz	Morse	Runbeck
Anderson	Flynn	Kroening	Neuville	Sams
Beckman	Frederickson	Laidig	Oliver	Samuelson
Belanger	Hanson	Langseth	Olson	Solon
Benson, D.D.	Hottinger	Larson	Pappas	Spear
Berg	Janezich	Lesewski	Pariseau	Stevens
Berglin	Johnson, D.E.	Lessard	Piper	Stumpf
Bertram	Johnson, D.J.	Luther	Pogemiller	Terwilliger
Betzold	Johnson, J.B.	Marty	Price	Vickerman
Chandler	Johnston	Merriam	Ranum	Wiener
Chmielewski	Kelly	Metzen	Reichgott	
Day	Kiscaden	Moe, R.D.	Riveness	
Dille	Knutson	Mondale	Robertson	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 561 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 561: A bill for an act relating to traffic regulations; directing commissioner of public safety to issue temporary permit immediately to applicant for special disabled license plates or parking certificate; providing penalty for unauthorized use of temporary permit; amending Minnesota Statutes 1992, sections 168.021, subdivisions 1, 1a, and 3; 169.345, subdivisions 3 and 4; and 169.346, subdivisions 1, 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Morse	Robertson
Anderson	Finn	Krentz	Neuville	Runbeck
Beckman	Flynn	Laidig	Novak	Sams
Belanger	Frederickson	Larson	Oliver	Samuelson
Benson, D.D.	Hanson	Lesewski	Olson	Solon
Berg	Hottinger	Lessard	Pappas	Spear
Berglin	Janezich	Luther	Pariseau	Stevens
Bertram	Johnson, D.E.	Marty	Piper	Stumpf
Betzold	Johnson, D.J.	McGowan	Pogemiller	Terwilliger
Chandler	Johnson, J.B.	Merriam	Price	Vickerman
Chmielewski	Johnston	Metzen	Ranum	
Cohen	Kelly	Moe, R.D.	Reichgott	
Day	Kiscaden	Mondale	Riveness	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 952 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 952: A bill for an act relating to occupations and professions; requiring crane operators to be licensed by the state; requiring rulemaking; establishing a crane operators examining board; providing penalties; amending Minnesota Statutes 1992, section 214.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 326.

Mr. Solon moved to amend S.F. No. 952 as follows:

Page 3, line 28, delete "or"

Page 3, line 30, before the period, insert "; or

(5) a person engaged in drilling a well, if that person is in compliance with licensing provisions of the department of health"

The motion prevailed. So the amendment was adopted.

S.F. No. 952 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Morse	Robertson
Anderson	Finn	Kroening	Neuville	Runbeck
Beckman	Flynn	Laidig	Novak	Sams
Belanger	Hanson	Larson	Oliver	Samuelson
Benson, J.E.	Hottinger	Lesewski	Olson	Solon
Berg	Janezich	Lessard	Pappas	Spear
Berglin	Johnson, D.E.	Luther	Pariseau	Stevens
Bertram	Johnson, D.J.	Marty	Piper	Stumpf
Betzold	Johnson, J.B.	McGowan	Pogemiller	Terwilliger
Chandler	Johnston	Merriam	Price	Vickerman
Chmielewski	Kelly	Metzen	Ranum	Wiener
Cohen	Kiscaden	Moe, R.D.	Reichgott	
Day	Knutson	Mondale	Riveness	

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 329 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 329: A bill for an act relating to human services; allocating money to the child care basic sliding fee program; amending Minnesota Statutes 1992, section 256H.03, subdivision 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Kroening	Morse	Runbeck
Anderson	Flynn	Laidig	Neuville	Sams
Beckman	Hanson	Langseth	Novak	Samuelson
Belanger	Hottinger	Larson	Oliver	Solon
Benson, J.E.	Janezich	Lesewski	Olson	Stevens
Berglin	Johnson, D.E.	Lessard	Pariseau	Stumpf
Bertram	Johnson, D.J.	Luther	Piper	Terwilliger
Betzold	Johnson, J.B.	Marty	Pogemiller	Vickerman
Chandler	Johnston	McGowan	Price	Wiener
Chmielewski	Kelly	Merriam	Ranum	
Cohen	Kiscaden	Metzen	Reichgott	
Day	Knutson	Moe, R.D.	Riveness	
Dille	Krentz	Mondale	Robertson	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1208 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1208: A bill for an act relating to game and fish; allowing walleye and northern pike to be possessed and transported in a dressed or undressed condition; establishing an experimental program for commercial fishing in Minnesota-Wisconsin boundary waters; limiting number of larger pike taken; amending Minnesota Statutes 1992, sections 97A.551, by adding a subdivision; and 97C.401.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Moe, R.D.	Reichgott
Anderson	Finn	Krentz	Mondale	Riveness
Beckman	Flynn	Kroening	Morse	Robertson
Belanger	Frederickson	Laidig	Neuville	Runbeck
Benson, D.D.	Hanson	Langseth	Novak	Sams
Benson, J.E.	Hottinger	Larson	Oliver	Samuelson
Berg	Janezich	Lesewski	Olson	Solon
Berglin	Johnson, D.E.	Lessard	Pappas	Spear
Bertram	Johnson, D.J.	Luther	Pariseau	Stevens
Betzold	Johnson, J.B.	Marty	Piper	Stumpf
Chandler	Johnston	McGowan	Pogemiller	Terwilliger
Cohen	Kelly	Merriam	Price	Vickerman
Day	Kiscaden	Metzen	Ranum	Wiener

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1201 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1201: A bill for an act relating to health occupations and professions; board of psychology; extending deadline by which previously qualified persons may file a declaration of intent to seek licensure as a

licensed psychologist without further examination; requiring the board to issue notices of extension; modifying reciprocity licensing requirement; providing for disciplinary actions; consolidating and modifying enforcement remedies; providing penalties; amending Minnesota Statutes 1992, sections 103I.345, subdivision 1; 116.75; 116.76, subdivision 1; 116.77; 116.82, subdivision 3; 144.71, subdivision 1; 145A.07, subdivision 1; 148.89, by adding a subdivision; 148.905, subdivision 1; 148.921, subdivisions 2 and 3; 148.925, subdivision 1; 148.98; 326.37, subdivision 1; 327.16, subdivision 6; and 327.20, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 144; and 148; repealing Minnesota Statutes 1992, sections 103I.701; 103I.705; 116.83; 144.1211; 144.386, subdivision 4; 144.73, subdivisions 2, 3, and 4; 144.76; 157.081; 326.43; 326.53, subdivision 2; 326.63; 326.78, subdivisions 4, 6, 7, and 8; 326.79; 326.80; 327.18; and 327.24, subdivisions 1 and 2.

Mr. Finn moved to amend S.F. No. 1201 as follows:

Page 21, line 26, after the second semicolon, insert "148.95;"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1201 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	Flynn	Kroening	Morse	Robertson
Anderson	Frederickson	Laidig	Neuville	Runbeck
Belanger	Hanson	Langseth	Novak	Samuelson
Benson, D.D.	Hottinger	Larson	Oliver	Solon
Benson, J.E.	Janezich	Lesewski	Olson	Spear
Berg	Johnson, D.E.	Lessard	Pappas	Stevens
Berglin	Johnson, D.J.	Luther	Pariseau	Stumpf
Bertram	Johnson, J.B.	Marty	Piper	Terwilliger
Betzold	Johnson	McGowan	Pogemiller	Vickerman
Chandler	Kelly	Merriam	Price	Wiener
Cohen	Kiscaden	Metzen	Ranum	
Day	Knutson	Moe, R.D.	Reichgott	
Finn	Krentz	Mondale	Riveness	

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 65 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 65: A bill for an act relating to public safety; requiring mandatory notification of the state fire marshal in fires involving death; requiring autopsies on all victims of death caused by fire; deleting the intent element for the crimes of possession of explosives, incendiary devices, and molotov cocktails; defining fire as a dangerous weapon under the criminal code; lowering the felony damage threshold for arson in the second and third degree and negligent fires; creating a felony for tampering with fire alarms when potential for bodily harm exists; allowing prosecutors to charge "arson for profit" rings under RICO statute; granting peace officer status to deputy state

fire marshal investigators; extending the statute of limitations for arson to five years; amending Minnesota Statutes 1992, sections 299F.04, by adding a subdivision; 299F.811; 299F.815, subdivision 1; 390.11, by adding a subdivision; 390.32, by adding a subdivision; 609.02, subdivision 6; 609.562; 609.563, subdivision 1; 609.576, subdivision 1; 609.686; 609.902, subdivision 4; and 628.26.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Knutson	Mondale	Runbeck
Beckman	Finn	Krentz	Morse	Sams
Belanger	Flynn	Laidig	Novak	Samuelson
Benson, D.D.	Frederickson	Langseth	Oliver	Spear
Benson, J.E.	Hanson	Larson	Olson	Stevens
Berg	Hottinger	Lesewski	Pappas	Stumpf
Berglin	Janezich	Lessard	Pariseau	Terwilliger
Bertram	Johnson, D.E.	Luther	Piper	Vickerman
Betzold	Johnson, D.J.	Marty	Pogemiller	Wiener
Chandler	Johnson, J.B.	McGowan	Price	
Chmielewski	Johnston	Merriam	Ranum	
Cohen	Kelly	Metzen	Reichgott	
Day	Kiscaden	Moe, R.D.	Robertson	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 413 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 413: A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited lands that border public water in St. Louis county.

Mr. Johnson, D.E. moved to amend S.F. No. 413 as follows:

Page 6, after line 18, insert:

“Sec. 3. [WILLMAR REGIONAL TREATMENT CENTER; LAND CONVEYANCE.]

(a) *The commissioner of administration may convey, by quit claim deed in a form approved by the attorney general, to the county of Kandiyohi, those certain tracts of land owned by the state in connection with the ownership and operation of the Willmar regional treatment center. The conveyance must provide that the land reverts to the state if it is not used for the purpose set forth in paragraph (c).*

(b) *Tracts to be conveyed are located in Kandiyohi county and are described as:*

(1) *Tract A: The Northeast Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter all in Section 1, Township 119, Range 35, lying Westerly of U.S.T.H. No. 71 and S.T.H. No. 23 Bypass, and Easterly of U.S.T.H. No. 71 & S.T.H. No. 23, and Northeasterly of*

S.T.H. No. 294, EXCEPT the South 200.00 feet of the Southeast Quarter of the Northwest Quarter thereof.

(2) Tract B: The South 200.00 feet of the Southeast Quarter of the Northwest Quarter, and the North 760.00 feet of Government Lot 2, and the North 760.00 feet of the Northwest Quarter of the Southeast Quarter, all in Section 1, Township 119, Range 35, lying Westerly of U.S.T.H. No. 71 & S.T.H. No. 23 Bypass, and Easterly of S.T.H. No. 294.

(c) The described tracts are not required by the state for operation of the Willmar regional treatment center and are desired by Kandiyohi county for construction of a human services building and a future law enforcement center. Construction of the county facilities in close proximity to existing treatment center facilities would enable state and county sharing of services such as maintenance, food services, and central heating, resulting in efficiencies of operation and financial savings to both the state and the county."

Page 6, line 20, delete "and 2" and insert "to 3"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 413 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Adkins	Dille	Kiscaden	Metzen	Ranum
Anderson	Finn	Knutson	Moe, R.D.	Reichgott
Beckman	Flynn	Krentz	Mondale	Riveness
Belanger	Frederickson	Laidig	Morse	Runbeck
Benson, D.D.	Hanson	Langseth	Neuville	Sams
Berg	Hottinger	Larson	Novak	Samuelson
Berglin	Janezich	Lesewski	Oliver	Spear
Bertram	Johnson, D.E.	Lessard	Olson	Stevens
Betzold	Johnson, D.J.	Luther	Pappas	Stumpf
Chmielewski	Johnson, J.B.	Marty	Pariseau	Terwilliger
Cohen	Johnston	McGowan	Piper	Vickerman
Day	Kelly	Merriam	Price	Wiener

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 298 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 298: A bill for an act relating to crime; expanding the crime of trespass to include entry onto locked or posted construction sites and buildings without consent; amending Minnesota Statutes 1992, section 609.605, subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Day	Kiscaden	Metzen	Reichgott
Anderson	Dille	Knutson	Moe, R.D.	Riveness
Beckman	Finn	Krentz	Mondale	Runbeck
Belanger	Flynn	Kroening	Morse	Sams
Benson, D.D.	Frederickson	Laidig	Neuville	Samuelson
Benson, J.E.	Hanson	Langseth	Novak	Solon
Berg	Hottinger	Larson	Oliver	Spear
Berglin	Janezich	Lesewski	Olson	Stevens
Bertram	Johnson, D.E.	Lessard	Pappas	Stumpf
Betzold	Johnson, D.J.	Luther	Pariseau	Terwilliger
Chandler	Johnson, J.B.	Marty	Piper	Vickerman
Chmielewski	Johnston	McGowan	Price	Wiener
Cohen	Kelly	Merriam	Ranum	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1474 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1474: A bill for an act relating to county records; providing for the use of certain fees; amending Minnesota Statutes 1992, section 357.18, 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 61 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Morse	Sams
Anderson	Finn	Kroening	Neuville	Samuelson
Beckman	Flynn	Laidig	Novak	Solon
Belanger	Frederickson	Langseth	Oliver	Spear
Benson, D.D.	Hanson	Larson	Olson	Stevens
Benson, J.E.	Hottinger	Lesewski	Pappas	Stumpf
Berglin	Janezich	Lessard	Pariseau	Terwilliger
Bertram	Johnson, D.E.	Luther	Pogemiller	Vickerman
Betzold	Johnson, D.J.	Marty	Price	Wiener
Chandler	Johnson, J.B.	McGowan	Ranum	
Chmielewski	Kelly	Metzen	Riveness	
Cohen	Kiscaden	Moe, R.D.	Robertson	
Day	Knutson	Mondale	Runbeck	

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 58 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 58: A bill for an act relating to local governments; permitting local

governments to require the payment of legal fees incurred by peace officers who are the subject of investigation by a civilian review authority; amending Minnesota Statutes 1992, section 471.44.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 7, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kiscaden	Merriam	Pogemiller
Beckman	Finn	Knutson	Metzen	Price
Belanger	Frederickson	Krentz	Moe, R.D.	Riveness
Benson, D.D.	Hanson	Kroening	Mondale	Robertson
Benson, J.E.	Hottinger	Laidig	Morse	Runbeck
Berg	Janezich	Larson	Neuville	Sams
Bertram	Johnson, D.E.	Lesewski	Novak	Stevens
Chandler	Johnson, D.J.	Lessard	Oliver	Stumpf
Chmielewski	Johnson, J.B.	Luther	Olson	Terwilliger
Cohen	Johnston	Marty	Pappas	Vickerman
Day	Kelly	McGowan	Piper	Wiener

Those who voted in the negative were:

Anderson	Betzold	Ranum	Samuelson	Spear
Berglin	Flynn			

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1380 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1380: A bill for an act relating to commerce; regulating heavy and utility equipment dealership agreements; including truck parts within the scope of coverage; defining terms; amending Minnesota Statutes 1992, section 325E.068, subdivision 2, and by adding subdivisions.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Finn	Knutson	Moe, R.D.	Ranum
Anderson	Flynn	Krentz	Mondale	Riveness
Beckman	Frederickson	Kroening	Morse	Robertson
Belanger	Hanson	Laidig	Neuville	Runbeck
Benson, D.D.	Hottinger	Langseth	Novak	Sams
Benson, J.E.	Janezich	Lesewski	Oliver	Samuelson
Berglin	Johnson, D.E.	Lessard	Olson	Spear
Bertram	Johnson, D.J.	Luther	Pappas	Stevens
Betzold	Johnson, J.B.	Marty	Pariseau	Stumpf
Chandler	Johnston	McGowan	Piper	Terwilliger
Chmielewski	Kelly	Merriam	Pogemiller	Vickerman
Dille	Kiscaden	Metzen	Price	Wiener

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and

Administration, designated H.F. No. 893 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 893: A bill for an act relating to local government; specifying the prosecuting attorney for certain offenses; amending Minnesota Statutes 1992, section 487.25, subdivision 10.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Moe, R.D.	Reichgott
Anderson	Finn	Krentz	Mondale	Riveness
Beckman	Flynn	Kroening	Morse	Robertson
Belanger	Frederickson	Laidig	Neuville	Runbeck
Benson, D.D.	Hanson	Langseth	Novak	Sams
Benson, J.E.	Hottinger	Larson	Oliver	Samuelson
Berg	Janezich	Lesewski	Olson	Spear
Berglin	Johnson, D.E.	Lessard	Pappas	Stevens
Bertram	Johnson, D.J.	Luther	Pariseau	Stumpf
Betzold	Johnson, J.B.	Marty	Piper	Terwilliger
Chandler	Johnston	McGowan	Pogemiller	Vickerman
Chmielewski	Kelly	Merriam	Price	Wiener
Day	Kiscaden	Metzen	Ranum	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1404 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1404: A bill for an act relating to the city of New Brighton; permitting the city to acquire granular carbon without a bond.

Mr. Mondale moved to amend H.F. No. 1404, as amended pursuant to Rule 49, adopted by the Senate April 16, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1005.)

Page 1, line 5, after the semicolon, insert "ST. LOUIS PARK;"

Page 1, line 6, delete "city" and insert "cities" and before "may" insert "and St. Louis Park"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1404 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	Finn	Krentz	Morse	Robertson
Anderson	Flynn	Kroening	Neuville	Runbeck
Beckman	Frederickson	Laidig	Novak	Sams
Belanger	Hanson	Larson	Oliver	Samuelson
Benson, D.D.	Hottinger	Lesewski	Olson	Spear
Benson, J.E.	Janezich	Lessard	Pappas	Stevens
Berg	Johnson, D.E.	Luther	Pariseau	Stumpf
Berglin	Johnson, D.J.	Marty	Piper	Terwilliger
Bertram	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Betzold	Johnston	Merriam	Price	Wiener
Chandler	Kelly	Metzen	Ranum	
Day	Kiscaden	Moe, R.D.	Reichgott	
Dille	Knutson	Mondale	Riveness	

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 477 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 477: A bill for an act relating to traffic regulations; increasing the fine for child passenger restraint system violations; amending Minnesota Statutes 1992, section 169.685, subdivision 5.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 7, as follows:

Those who voted in the affirmative were:

Adkins	Hanson	Laidig	Morse	Robertson
Anderson	Hottinger	Langseth	Novak	Runbeck
Beckman	Janezich	Larson	Oliver	Sams
Belanger	Johnson, D.E.	Lesewski	Olson	Solon
Benson, D.D.	Johnson, D.J.	Lessard	Pappas	Spear
Benson, J.E.	Johnson, J.B.	Luther	Pariseau	Stumpf
Betzold	Johnston	Marty	Piper	Terwilliger
Chandler	Kelly	McGowan	Pogemiller	Wiener
Dille	Kiscaden	Merriam	Price	
Finn	Knutson	Metzen	Ranum	
Flynn	Krentz	Moe, R.D.	Reichgott	
Frederickson	Kroening	Mondale	Riveness	

Those who voted in the negative were:

Berg	Day	Samuelson	Stevens	Vickerman
Bertram	Neuville			

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 487 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 487: A bill for an act relating to natural resources; requiring that iron mines and production facilities be maintained in salable operating condition; proposing coding for new law in Minnesota Statutes, chapter 93.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Moe, R.D.	Reichgott
Anderson	Finn	Krentz	Mondale	Riveness
Beckman	Flynn	Kroening	Morse	Robertson
Belanger	Frederickson	Laidig	Neuville	Runbeck
Benson, D.D.	Hanson	Langseth	Novak	Sams
Benson, J.E.	Hottinger	Larson	Oliver	Samuelson
Berg	Janezich	Lesewski	Olson	Solon
Berglin	Johnson, D.E.	Lessard	Pappas	Spear
Bertram	Johnson, D.J.	Luther	Pariseau	Stevens
Betzold	Johnson, J.B.	Marty	Piper	Stumpf
Chandler	Johnston	McGowan	Pogemiller	Terwilliger
Chmielewski	Kelly	Merriam	Price	Vickerman
Day	Kiscaden	Metzen	Ranum	Wiener

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1275 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1275: A bill for an act relating to the environment; providing protection from liability for releases of hazardous substances to lenders and owners for redevelopment of property under an approved cleanup plan; providing authority to issue determinations regarding association with a release; amending Minnesota Statutes 1992, section 115B.175, subdivisions 4, 7, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 115B.

Mr. Mondale moved to amend S.F. No. 1275 as follows:

Page 2, line 10, delete from "*Notwithstanding*" through page 2, line 14, to "*property*."

The motion prevailed. So the amendment was adopted.

S.F. No. 1275 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Krentz	Mondale	Riveness
Anderson	Flynn	Kroening	Morse	Robertson
Beckman	Frederickson	Laidig	Neuville	Runbeck
Belanger	Hanson	Langseth	Novak	Sams
Benson, D.D.	Hottinger	Larson	Oliver	Solon
Benson, J.E.	Janezich	Lesewski	Olson	Spear
Berg	Johnson, D.E.	Lessard	Pappas	Stevens
Berglin	Johnson, D.J.	Luther	Pariseau	Stumpf
Bertram	Johnson, J.B.	Marty	Piper	Terwilliger
Betzold	Johnston	McGowan	Pogemiller	Vickerman
Chandler	Kelly	Merriam	Price	Wiener
Chmielewski	Kiscaden	Metzen	Ranum	
Day	Knutson	Moe, R.D.	Reichgott	

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 55 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 55: A bill for an act relating to retirement; authorizing a benefit increase for certain retired police officers, firefighters, and surviving spouses in the city of Eveleth; amending Laws 1977, chapter 61, section 6, as amended.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Krentz	Morse	Runbeck
Anderson	Flynn	Kroening	Neuville	Sams
Beckman	Frederickson	Laidig	Novak	Samuelson
Belanger	Hanson	Langseth	Oliver	Solon
Benson, D.D.	Hottinger	Lesewski	Olson	Spear
Benson, J.E.	Janezich	Lessard	Pappas	Stevens
Berg	Johnson, D.E.	Luther	Pariseau	Stumpf
Berglin	Johnson, D.J.	Marty	Piper	Terwilliger
Bertram	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Betzold	Johnston	Merriam	Price	Wiener
Chandler	Kelly	Metzen	Ranum	
Chmielewski	Kiscaden	Moe, R.D.	Reichgott	
Day	Knutson	Mondale	Riveness	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 645 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 645: A bill for an act relating to labor; protecting interests of employees following railroad acquisitions; imposing a penalty; amending Minnesota Statutes 1992, sections 222.86, subdivision 3; 222.87, by adding a subdivision; and 222.88.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Berglin	Flynn	Johnson, J.B.	Laidig
Anderson	Bertram	Frederickson	Johnston	Langseth
Beckman	Betzold	Hanson	Kelly	Larson
Belanger	Chandler	Hottinger	Kiscaden	Lesewski
Benson, D.D.	Chmielewski	Janezich	Knutson	Lessard
Benson, J.E.	Day	Johnson, D.E.	Krentz	Luther
Berg	Finn	Johnson, D.J.	Kroening	Marty

McGowan	Neuville	Piper	Sams	Terwilliger
Merriam	Novak	Price	Samuelson	Vickerman
Metzen	Oliver	Ranum	Solon	Wiener
Moe, R.D.	Olson	Reichgott	Spear	
Mondale	Pappas	Riveness	Stevens	
Morse	Pariseau	Runbeck	Stumpf	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1158 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1158: A bill for an act relating to workers' compensation; modifying provisions relating to adjustment of benefits; amending Minnesota Statutes 1992, section 176.645, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 37 and nays 27, as follows:

Those who voted in the affirmative were:

Adkins	Flynn	Kroening	Morse	Riveness
Anderson	Hanson	Lessard	Novak	Samuelson
Beckman	Hottinger	Luther	Pappas	Solon
Berglin	Janezich	Marty	Piper	Spear
Betzold	Johnson, D.J.	Merriam	Pogemiller	Wiener
Chandler	Johnson, J.B.	Metzen	Price	
Chmielewski	Kelly	Moe, R.D.	Ranum	
Finn	Krentz	Mondale	Reichgott	

Those who voted in the negative were:

Belanger	Dille	Laidig	Olson	Stumpf
Benson, D.D.	Frederickson	Langseth	Pariseau	Terwilliger
Benson, J.E.	Johnson, D.E.	Lesewski	Robertson	Vickerman
Berg	Johnston	McGowan	Runbeck	
Bertram	Kiscaden	Neuville	Sams	
Day	Knutson	Oliver	Stevens	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 699 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 699: A bill for an act relating to health; utilization review of health care; providing for chiropractic review; amending Minnesota Statutes 1992, section 62M.09, 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Neuville	Sams
Anderson	Finn	Kroening	Novak	Samuelson
Beckman	Flynn	Langseth	Oliver	Solon
Belanger	Frederickson	Lesewski	Olson	Spear
Benson, D.D.	Hanson	Lessard	Pappas	Stevens
Benson, J.E.	Hottinger	Luther	Pariseau	Stumpf
Berg	Janezich	Marty	Piper	Terwilliger
Berglin	Johnson, D.E.	McGowan	Pogemiller	Vickerman
Bertram	Johnson, D.J.	Merriam	Price	Wiener
Betzold	Johnson, J.B.	Metzen	Ranum	
Chandler	Johnston	Moe, R.D.	Reichgott	
Chmielewski	Kelly	Mondale	Robertson	
Day	Kiscaden	Morse	Runbeck	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 237 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 237: A bill for an act relating to counties; providing procedures for the combination of the offices of auditor and treasurer; amending Minnesota Statutes 1992, section 375A.10, subdivision 5.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 46 and nays 13, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Langseth	Olson	Samuelson
Anderson	Flynn	Lessard	Pappas	Solon
Beckman	Hottinger	Luther	Pariseau	Spear
Belanger	Janezich	Marty	Piper	Stevens
Benson, J.E.	Johnson, J.B.	Merriam	Pogemiller	Vickerman
Berg	Johnston	Metzen	Price	Wiener
Berglin	Kelly	Moe, R.D.	Ranum	
Betzold	Kiscaden	Mondale	Reichgott	
Chandler	Krentz	Novak	Robertson	
Chmielewski	Kroening	Oliver	Runbeck	

Those who voted in the negative were:

Benson, D.D.	Dille	Johnson, D.J.	Morse	Terwilliger
Bertram	Finn	Laidig	Neuville	
Day	Frederickson	Lesewski	Sams	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 848 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 848: A bill for an act relating to natural resources; mineral leasing; environmental research and protection; exploratory mineral borings and data; lean ore stockpile removal; amending Minnesota Statutes 1992, sections 92.50, subdivision 1; 93.001; 93.002, subdivisions 1 and 3; 93.25; 93.46, by

adding a subdivision; 93.481, subdivisions 1 and 2; 103I.113; 103I.601, subdivision 1; 103I.605, subdivision 4; and 282.04, subdivision 1.

Mr. Janezich moved to amend S.F. No. 848 as follows:

Page 10, line 33, delete “; OIL AND GAS POOLING”

The motion prevailed. So the amendment was adopted.

S.F. No. 848 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	Day	Krentz	Morse	Runbeck
Anderson	Dille	Kroening	Neuville	Sams
Beckman	Finn	Laidig	Novak	Samuelson
Belanger	Flynn	Langseth	Oliver	Solon
Benson, D.D.	Frederickson	Lesewski	Olson	Spear
Benson, J.E.	Hottinger	Lessard	Pappas	Stevens
Berg	Janezich	Luther	Pariseau	Stumpf
Berglin	Johnson, D.J.	Marty	Piper	Terwilliger
Bertram	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Betzold	Johnston	Merriam	Price	Wiener
Chandler	Kelly	Metzen	Ranum	
Chmielewski	Kiscaden	Moe, R.D.	Reichgott	
Cohen	Knutson	Mondale	Robertson	

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 464 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 464: A bill for an act relating to game and fish; color of outer clothing required in firearms deer zones; amending Minnesota Statutes 1992, section 97B.071.

Mr. Morse moved to amend S.F. No. 464 as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 97B.071, is amended to read:
97B.071 [REDACTED OR BLAZE ORANGE REQUIREMENTS.]

A person may not hunt or trap during the open season in a zone or area where deer may be taken by firearms, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is bright red or blaze orange. Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each foot square.”

Delete the title and insert:

“A bill for an act relating to game and fish; color of outer clothing required in firearms deer zones; amending Minnesota Statutes 1992, section 97B.071.”

The motion prevailed. So the amendment was adopted.

S.F. No. 464 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 49 and nays 12, as follows:

Those who voted in the affirmative were:

Adkins	Hanson	Kroening	Neuville	Reichgott
Anderson	Hottinger	Laidig	Novak	Robertson
Belanger	Johnson, D.E.	Lessard	Oliver	Sams
Berglin	Johnson, D.J.	Luther	Olson	Samuelson
Bertram	Johnson, J.B.	Marty	Pappas	Solon
Betzold	Johnson	Merriam	Pariseau	Spear
Cohen	Kelly	Metzen	Piper	Stevens
Day	Kiscaden	Moe, R.D.	Pogemiller	Stumpf
Finn	Knutson	Mondale	Price	Wiener
Flynn	Krentz	Morse	Ranum	

Those who voted in the negative were:

Beckman	Berg	Frederickson	McGowan	Terwilliger
Benson, D.D.	Chandler	Lesewski	Riveness	Vickerman
Benson, J.E.	Dille			

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 804 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 804: A bill for an act relating to health; providing an exception to the contested case hearing process required for changing the service area of an ambulance service; amending Minnesota Statutes 1992, section 144.802, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knutson	Mondale	Robertson
Anderson	Dille	Krentz	Morse	Runbeck
Beckman	Finn	Kroening	Neuville	Sams
Belanger	Flynn	Laidig	Novak	Samuelson
Benson, D.D.	Frederickson	Langseth	Oliver	Solon
Benson, J.E.	Hanson	Lesewski	Olson	Spear
Berg	Hottinger	Lessard	Pariseau	Stevens
Berglin	Johnson, D.E.	Luther	Piper	Stumpf
Bertram	Johnson, D.J.	Marty	Pogemiller	Terwilliger
Betzold	Johnson, J.B.	McGowan	Price	Vickerman
Chandler	Johnson	Merriam	Ranum	Wiener
Chmielewski	Kelly	Metzen	Reichgott	
Cohen	Kiscaden	Moe, R.D.	Riveness	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 768 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 768: A bill for an act relating to retirement; Minnesota state retirement system; authorizing a purchase of service credit by a former grain inspector.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 9, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knutson	Morse	Samuelson
Anderson	Dille	Krentz	Novak	Solon
Beckman	Finn	Kroening	Oliver	Spear
Belanger	Flynn	Laidig	Olson	Stumpf
Benson, D.D.	Hanson	Langseth	Pappas	Terwilliger
Benson, J.E.	Hottinger	Lessard	Pariseau	Vickerman
Berg	Janezich	Luther	Piper	Wiener
Berglin	Johnson, D.E.	Marty	Price	
Bertram	Johnson, D.J.	McGowan	Ranum	
Chandler	Johnson, J.B.	Metzen	Riveness	
Chmielewski	Kiscaden	Mondale	Sams	

Those who voted in the negative were:

Betzold	Johnston	Merriam	Robertson	Stevens
Cohen	Lesewski	Neuville	Runbeck	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 563 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 563: A bill for an act relating to transportation; requiring notice of and imposing a penalty for fraudulent certification of eligibility for special transportation service; amending Minnesota Statutes 1992, section 473.386, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 174.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knutson	Mondale	Riveness
Anderson	Dille	Krentz	Morse	Robertson
Beckman	Finn	Kroening	Neuville	Runbeck
Belanger	Flynn	Laidig	Novak	Sams
Benson, D.D.	Frederickson	Langseth	Oliver	Samuelson
Benson, J.E.	Hanson	Lesewski	Olson	Solon
Berg	Hottinger	Lessard	Pappas	Spear
Berglin	Janezich	Luther	Pariseau	Stevens
Bertram	Johnson, D.E.	Marty	Piper	Terwilliger
Betzold	Johnson, D.J.	McGowan	Pogemiller	Vickerman
Chandler	Johnson, J.B.	Merriam	Price	Wiener
Chmielewski	Johnston	Metzen	Ranum	
Cohen	Kiscaden	Moe, R.D.	Reichgott	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 911 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 911: A bill for an act relating to public employment; essential employees; requiring the commissioner of the bureau of mediation services to designate separate units for peace officers and other essential employees at the request of either group of employees; amending Minnesota Statutes 1992, section 179A.09, 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knutson	Mondale	Robertson
Anderson	Dille	Krentz	Morse	Runbeck
Beckman	Finn	Kroening	Neuville	Sams
Belanger	Flynn	Laidig	Novak	Samuelson
Benson, D.D.	Frederickson	Langseth	Oliver	Solon
Benson, J.E.	Hanson	Lesewski	Olson	Spear
Berg	Hottinger	Lessard	Pappas	Stevens
Berglin	Janezich	Luther	Pariseau	Terwilliger
Bertram	Johnson, D.E.	Marty	Piper	Vickerman
Betzold	Johnson, D.J.	McGowan	Price	Wiener
Chandler	Johnson, J.B.	Merriam	Ranum	
Chmielewski	Johnston	Metzen	Reichgott	
Cohen	Kiscaden	Moe, R.D.	Riveness	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1525 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1525: A bill for an act relating to occupations and professions; abstracters; providing for certain applicants to be exempt from the bond and liability insurance requirement; amending Minnesota Statutes 1992, section 386.66.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Berglin	Dille	Johnson, D.J.	Laidig
Anderson	Bertram	Finn	Johnson, J.B.	Langseth
Beckman	Betzold	Flynn	Johnston	Lesewski
Belanger	Chandler	Frederickson	Kiscaden	Lessard
Benson, D.D.	Chmielewski	Hanson	Knutson	Luther
Benson, J.E.	Cohen	Hottinger	Krentz	Marty
Berg	Day	Janezich	Kroening	McGowan

Merriam	Novak	Price	Sams	Vickerman
Metzen	Oliver	Ranum	Samuelson	Wiener
Moe, R.D.	Olson	Reichgott	Solon	
Mondale	Pappas	Riveness	Spear	
Morse	Piper	Robertson	Stevens	
Neuville	Pogemiller	Runbeck	Terwilliger	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 945 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 945: A bill for an act relating to occupations and professions; modifying the membership of the board of nursing; requiring a certain examination for licensure of graduates from nursing programs in other countries; modifying requirements for a temporary permit; adding grounds for disciplinary action; amending Minnesota Statutes 1992, sections 148.181, subdivisions 1 and 3; 148.211, subdivision 1; 148.212; and 148.261, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Krentz	Morse	Runbeck
Anderson	Dille	Kroening	Neuville	Sams
Beckman	Finn	Laidig	Novak	Samuelson
Belanger	Flynn	Langseth	Oliver	Solon
Benson, D.D.	Frederickson	Lesewski	Olson	Spear
Benson, J.E.	Hanson	Lessard	Pappas	Stevens
Berg	Hottinger	Luther	Pariseau	Terwilliger
Berglin	Janezich	Marty	Piper	Vickerman
Bertram	Johnson, D.J.	McGowan	Price	Wiener
Betzold	Johnson, J.B.	Merriam	Ranum	
Chandler	Johnston	Metzen	Reichgott	
Chmielewski	Kiscaden	Moe, R.D.	Riveness	
Cohen	Knutson	Mondale	Robertson	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

CONFIRMATION

Mr. Marty moved that the reports from the Committee on Ethics and Campaign Reform, reported April 21, 1993, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Marty moved that the foregoing reports be now adopted. The motion prevailed.

Mr. Marty moved that in accordance with the reports from the Committee on Ethics and Campaign Reform, reported April 21, 1993, the Senate, having given its advice, do now consent to and confirm the appointment of:

STATE ETHICAL PRACTICES BOARD

Elsa Carpenter, 4724 Emerson Ave. S., Minneapolis, Hennepin County, effective May 27, 1992, for a term expiring on the first Monday in January, 1995.

John L. Holahan, Jr., 5320 Birchcrest Dr., Edina, Hennepin County, effective April 21, 1993, for a term expiring on the first Monday in January, 1997.

Carolyn Deshon Rodriguez, 12815 Foliage Ave., Apple Valley, Dakota County, effective June 8, 1992, for a term expiring on the first Monday in January, 1995.

The motion prevailed. So the appointments were confirmed.

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 Messages From the House, Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

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. 350:

H.F. No. 350: A bill for an act relating to education; prekindergarten through grade 12; providing for general education; transportation; special programs; early childhood, community, and adult education; facilities; organization and cooperation; access to excellence; other education programs; miscellaneous provisions; choice programs; libraries; state agencies; and realignment of responsibilities; making conforming changes; appropriating money; amending Minnesota Statutes 1992, sections 3.873, subdivisions 4, 5, 6, 7, and 9; 120.06, subdivision 3; 120.062, subdivision 5, and by adding a subdivision; 120.0621; 120.064, subdivisions 3, 4, and 16; 120.0751; subdivisions 1, 2, 3, and 4; 120.101, subdivisions 5 and 5b; 120.102, subdivision 1; 120.17, subdivision 7a; 120.73, subdivision 1; 120.75; 121.15, subdivision 4; 121.16, subdivision 1; 121.201, subdivision 1; 121.585, subdivision 8; 121.612, subdivisions 2 and 4; 121.831; 121.88, subdivision 8; 121.882, subdivision 2b; 121.901, subdivisions 1 and 2; 121.902; 121.904, subdivisions 4a, 4e, and 14; 121.912, subdivision 6, and by adding a subdivision; 121.9121; 121.914, subdivision 3; 121.934, subdivision 1; 121.935, subdivisions 2 and 5; 121.936; 122.22, by adding a subdivision; 122.242, subdivision 9; 122.531, subdivision 4a; 122.895, subdivision 2, and by adding subdivisions; 123.34, subdivision 9; 123.35, subdivision 17; 123.351, subdivisions 6, 8, and 9; 123.3513; 123.3514, subdivisions 5, 6, 6b, 6c, and 8; 123.36, by adding a subdivision; 123.39, by adding a subdivision; 123.58, subdivisions 6, 7, 8, and 9; 123.702, subdivisions 1, 1a, 1b, 3, and 4; 123.7045; 123.71, subdivision 1; 123.932, subdivision 7; 123.935, subdivision 7; 123.947; 124.09; 124.10, subdivision 1; 124.14, subdivisions 1 and 4; 124.17, subdivisions 1, 2c, and by adding a subdivision; 124.19, subdivisions 1 and 4; 124.195, subdivisions 8 and 9; 124.223,

subdivision 3; 124.225, subdivisions 1, 3a, 7b, 7d, and 7e; 124.226, subdivisions 1, 3, 9, and by adding a subdivision; 124.243, subdivisions 1, 2, 2a, 6, and 8; 124.248, subdivision 4; 124.26, subdivision 2; 124.2601, subdivisions 4 and 6; 124.261, subdivision 1; 124.2615, subdivisions 2 and 3; 124.2711, subdivision 1; 124.2714; 124.2721, subdivisions 1 and 3; 124.2725, subdivisions 2, 4, 5, 6, 10, and 13; 124.273, by adding a subdivision; 124.276, subdivision 3; 124.32, subdivision 1d; 124.322, subdivisions 2, 3, 4, and by adding a subdivision; 124.332, subdivision 2; 124.37; 124.38, by adding a subdivision; 124.431, subdivisions 1, 1a, 2, and 14; 124.48, subdivisions 1 and 3; 124.494, subdivisions 1, 2, and by adding a subdivision; 124.573, subdivision 3; 124.574, by adding a subdivision; 124.625; 124.64; 124.645, subdivisions 1 and 2; 124.69, subdivision 1; 124.73, subdivision 1; 124.79; 124.83, subdivisions 1, 2, 4, 6, and by adding a subdivision; 124.84, subdivision 3; 124.91, subdivision 3; 124.912, subdivisions 2 and 3; 124.95, subdivisions 1, 2, 2a, and 3; 124.961; 124A.03, subdivision 1c, and by adding a subdivision; 124A.22, subdivisions 2, 4, 5, 6, 8, and 9; 124A.23, subdivision 1; 124A.26, subdivision 1, and by adding a subdivision; 124A.27, subdivision 2; 124A.29, subdivision 1; 124A.70; 124A.72; 124C.08, subdivision 1; 125.05, subdivision 1a; 125.185, subdivisions 4 and 6; 125.1885, subdivision 3; 125.189; 126.151, subdivision 2; 126.22, subdivisions 2, 3, 3a, and 4; 126.239, subdivision 3; 126.267; 126.268, subdivision 2; 126.52, subdivisions 8 and 9; 126.54, subdivision 1; 126.56, subdivisions 4a and 7; 126.665; 126.67, subdivision 8; 126.70, subdivision 2a; 126A.07, subdivision 1; 127.15; 127.455; 127.46; 128A.024, subdivision 2; 128A.03, subdivision 2; 128C.02, by adding a subdivision; 129C.10, subdivision 1, and by adding a subdivision; 134.31, subdivisions 1, 2, and 5; 134.32, subdivision 8; 145A.10, subdivision 5; 256E.03, by adding subdivisions; 256E.08, subdivision 1; 256E.09, subdivision 2, and by adding a subdivision; 275.48; 473F.02, by adding a subdivision; and 475.61, subdivision 3; Laws 1991, chapters 256, article 8, section 14, as amended; 265, articles 1, section 30; and 2, section 19, subdivision 2; and Laws 1992, chapters 499, article 8, section 33; 571, article 10, section 29; proposing coding for new law in Minnesota Statutes, chapters 4; 121; 124; 124A; 124C; 125; 126; 128A; repealing Minnesota Statutes 1992, sections 120.0621, subdivision 5; 121.87; 124.197; 124.2721, subdivisions 2 and 4; 124.32, subdivision 5; 124.615; 124.62; 125.703; 126.22, subdivision 2a; 145.926; and Laws 1988, chapter 486, section 59.

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

Vellenga, Kelso, Bauerly, Carlson and Koppendrayner have been appointed as such committee on the part of the House.

House File No. 350 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 26, 1993

Mr. Pogemiller moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 350, 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.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 1101, 1467, H.F. No. 584 and reports pertaining to appointments. The motion prevailed.

Ms. Reichgott from the Committee on Judiciary, to which was re-referred

H.F. No. 251: A bill for an act relating to child abuse reporting; expanding the definition of "neglect" to include failure to provide a child with necessary education; amending Minnesota Statutes 1992, section 626.556, subdivision 2.

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

Amend the report from the Committee on Crime Prevention, adopted by the Senate April 12, 1993, as follows:

Page 1, line 13, delete "unable"

Page 1, line 14, delete "or" and delete "school attendance" and insert "instruction"

Page 1, line 15, delete "5" and insert "5b"

Page 1, line 17, delete everything after the period

Page 1, delete lines 18 to 22

Page 1, delete section 2

Page 3, after line 10, insert:

"Sec. 3. Minnesota Statutes 1992, section 260.155, is amended by adding a subdivision to read:

Subd. 9. [PRESUMPTIONS REGARDING TRUANCY OR EDUCATIONAL NEGLECT.] A child's absence from school, when the child is 11 years old or younger, is presumed to be due to the parent's, guardian's, or custodian's failure to comply with compulsory instruction laws; this presumption may be rebutted based on a showing by clear and convincing evidence that the child is habitually truant. A child's absence from school, when the child is 12 years old or older, is presumed to be due to the child's intent to be absent from school; this presumption may be rebutted based on a showing by clear and convincing evidence that the child's absence is due to educational neglect."

Renumber the sections in sequence

Amend the title amendment as follows:

Page 5, line 29, delete "subdivision 19, and"

Page 5, line 30, before the second semicolon, insert ", and by adding a subdivision"

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

Ms. Reichgott from the Committee on Judiciary, to which was re-referred

S.F. No. 1532: A bill for an act relating to landlord and tenant; modifying action to recover leased premises; providing for actions for destruction of leased residential rental property; allowing expedited proceedings; amending Minnesota Statutes 1992, sections 504.02, subdivision 1; and 566.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 504; and 566.

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

Page 3, line 16, delete "*or Minnesota*"

Page 3, line 17, delete everything before "*in*"

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

Ms. Berglin from the Committee on Health Care, to which was re-referred

S.F. No. 1101: A bill for an act relating to health-related occupations; requiring hearing instrument dispensers to be certified by the commissioner of health; requiring holders of temporary hearing instrument dispensing permits to be supervised by certified hearing instrument dispensers; authorizing cease and desist orders; providing for penalties; amending Minnesota Statutes 1992, sections 153A.13, subdivisions 4 and 5; 153A.14; 153A.15; and 153A.17; proposing coding for new law in Minnesota Statutes, chapter 214.

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

Page 8, lines 17 and 19, delete "\$255" and insert "\$280"

Page 11, line 5, delete "*or payment of a fee*"

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

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

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was re-referred

S.F. No. 968: A bill for an act relating to human services; changing the distribution scheme for money appropriated for the foodshelf program; appropriating money; amending Minnesota Statutes 1992, section 268.55.

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

Page 1, line 12, reinstate the stricken language

Page 1, line 16, before "*to*" insert "*the foodshelf program*"

Page 3, delete section 2

Amend the title as follows:

Page 1, line 4, delete "appropriating money;"

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

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was re-referred

H.F. No. 584: A bill for an act relating to utilities; regulating telephone services to communication-impaired persons; amending Minnesota Statutes 1992, sections 237.49; 237.50, subdivision 3; 237.51, subdivision 2; and 237.52, subdivision 2; repealing Laws 1987, chapter 308, section 8.

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

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

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1314: A bill for an act relating to employees; providing for a wage protection program; providing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Page 2, line 17; delete "\$....." and insert "\$200,000"

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

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

S.F. No. 1467: A bill for an act relating to waters; establishing a safe harbors program for Lake Superior; stating powers and duties of the commissioner of natural resources and local authorities in respect thereto; proposing coding for new law in Minnesota Statutes, chapter 86A.

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

Delete everything after the enacting clause and insert:

"Section 1. [LEGISLATIVE FINDINGS.]

The legislature recognizes and accepts the recommendations of the North Shore Harbors Plan of June 1, 1991, as amended March 2, 1993, relative to Knife River, Two Harbors, Silver Bay, Grand Marais, and Grand Portage.

Sec. 2. [86A.20] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For the purposes of sections 2 to 6, the terms defined in this section have the meanings given them.

Subd. 2. [COMMISSIONER.] *"Commissioner" means the commissioner of natural resources.*

Subd. 3. [MOORING FACILITY.] *"Mooring facility" means one or more anchorage or boat slips provided for the safe and convenient docking of boats, which may also provide utility, fuel, or sewage pump-out services to the docked boats.*

Subd. 4. [SMALL CRAFT HARBOR.] *"Small craft harbor" means a protected harbor with boat tie-ups consisting of piers or moorings, boat launches, and support facilities such as roads and parking areas.*

Subd. 5. [MARINA.] *"Marina" means a mooring facility providing additional services to boats, such as repairs, haul-out, winter storage, food, beverage, food and beverage service, and services and facilities of a related nature.*

Sec. 3. [86A.21] [POWERS AND DUTIES OF COMMISSIONER.]

(a) *The commissioner may:*

(1) *acquire, construct, and maintain small craft harbors, channels, and facilities for recreational watercraft in the navigable waters lying within the locations identified in section 1;*

(2) *acquire by purchase, lease, gift, or condemnation the lands, rights-of-way, easements, and other interests necessary for small craft harbors, channels, mooring facilities, marinas, launching ramps, and facilities normally used to support harbors of refuge, channels, docks, and launching ramps;*

(3) *provide the public within the boundaries of small craft harbors, through leases of public property, with mooring facilities and marinas developed and operated by public or nonpublic entities at no cost to the state or its political subdivisions;*

(4) *charge fees for both seasonal and daily moorage at state-operated or state-assisted small craft harbors and mooring facilities;*

(5) *collect the proceeds from the sale of marine fuel at small craft harbors or mooring facilities operated by the state.*

(b) *Fees and proceeds collected under paragraph (a) must be credited to the water recreation account and may be used for purposes relating to mooring facilities and small craft harbors, including:*

(1) *operation and maintenance;*

(2) *purchase of marine fuel and other petroleum supplies;*

(3) *replacement or expansion; or*

(4) *debt service on funds provided through the sale of state bonds.*

(c) *Fees collected at small craft harbors and boating facilities constructed or operated by local units of government with financial assistance from the state shall, after payment of the costs of operating and maintaining the facilities, be used for purposes relating to mooring facilities and small craft harbors, including:*

(1) *operation and maintenance;*

(2) replacement or expansion; or

(3) debt service on funds provided through the sale of state bonds.

Sec. 4. [86A.22] [AUTHORITY OF LOCAL UNITS OF GOVERNMENT.]

Counties, towns, and home rule charter and statutory cities of this state abutting on Lake Superior or inland waterways connected with Lake Superior for navigation and shelter of recreational watercraft are authorized by majority vote of their respective governing bodies to enter into contracts and agreements with the commissioner to accomplish the purposes of sections 2 to 6.

Sec. 5. [86A.23] [OPEN FACILITIES.]

Facilities in harbors and connecting waterways established under sections 2 to 6 shall be public and open to all users on equal and reasonable terms.

Sec. 6. [86A.24] [FINANCING OF HARBORS AND FACILITIES.]

The commissioner may take actions necessary to:

(1) provide the finances required of nonfederal sponsors as a condition for United States participation in any project in which the commissioner is empowered to participate;

(2) enter into agreements with the United States Army Corps of Engineers to provide the funds and other items of local cooperation required as a condition precedent to the construction of a harbor, mooring facility, or marina project; and

(3) enter into agreements with political subdivisions of this state regarding participation with the United States in any project within the commissioner's authority, and to make adjustments which in the judgment of the commissioner are in the best interest of the state.

Sec. 7. [MANAGEMENT OF EURASIAN WATER MILFOIL IN WHITE BEAR LAKE.]

By May 31, 1993, the department of natural resources shall recommend appropriate management methods for the control of Eurasian water milfoil in White Bear lake to be implemented by the White Bear Lake conservation district in cooperation with local units of government, lake associations, and local citizen groups."

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "requiring the department of natural resources to recommend methods for control of Eurasian water milfoil in White Bear lake;"

And when so amended the bill do pass.

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

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

S.F. No. 883: A bill for an act relating to waters; inspection of watercraft for exotic harmful species; closing of access points; gasoline tax distribution; permit fee for aquatic vegetation control; authorizing civil penalties; appropriating money; amending Minnesota Statutes 1992, sections 18.317, subdivision 3a, and by adding a subdivision; 84.968, subdivision 1; and 296.421, subdivisions 4 and 5; proposing coding for new law in Minnesota Statutes, chapter 84.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 18.317, subdivision 3a, is amended to read:

Subd. 3a. [INSPECTION OF WATERCRAFT AND EQUIPMENT.] Licensed watercraft and associated equipment, including weed harvesters, that are removed from any waters of the state that the commissioner of natural resources identifies as being contaminated with Eurasian water milfoil, zebra mussels, or other water-transmitted exotic harmful species identified by the commissioner of natural resources, shall be randomly inspected between May 1 and October 15 for a minimum of 10,000 hours by personnel authorized by the commissioner of natural resources. *Beginning in calendar year 1994, a minimum of 20,000 hours of random inspections must be conducted per year.*

Sec. 2. [84.9692] [CIVIL CITATIONS AND PENALTIES.]

Subdivision 1. [AUTHORITY TO ISSUE.] After appropriate training, conservation officers, peace officers, and other staff designated by the commissioner may issue warnings or citations to persons who:

(1) unlawfully transport ecologically harmful exotic species on a public road;

(2) place a trailer or launch a watercraft with ecologically harmful species attached into waters of the state;

(3) operate a watercraft in a Eurasian water milfoil infestation area; or

(4) damage, remove, or sink a buoy marking a Eurasian water milfoil infestation area.

Subd. 2. [PENALTY AMOUNT.] (a) A citation issued under this section may impose up to the following penalty amounts:

(1) \$50 for transporting visible Eurasian water milfoil on a public road in each of the following locations:

(i) the exterior of the watercraft below the gunwales including the propulsion system;

(ii) any surface of a watercraft trailer;

(iii) any surface of a watercraft interior of the gunwales;

(iv) any water container including live wells, minnow buckets, or coolers which hold water; or

(v) any other area where visible Eurasian water milfoil is found not previously described in items (1) to (4);

- (2) \$150 for transporting visible zebra mussels on a public road;
- (3) \$300 for transporting live ruffe or live rusty crayfish on a public road;
- (4) \$500 for attempting to launch or launching a watercraft with visible Eurasian water milfoil or adult zebra mussels attached visible prior to launching into noninfested waters for a first offense, and \$1,000 for a second or subsequent offense;
- (5) \$100 for operating a watercraft in a marked limited infestation of Eurasian water milfoil other than as provided by law;
- (6) \$150 for intentionally damaging, moving, removing, or sinking a milfoil buoy; or
- (7) \$150 for launching or attempting to launch a watercraft with visible Eurasian water milfoil or visible zebra mussels visible prior to launching into infested waters.

Subd. 3. [PAYMENT OF PENALTY.] If not appealed under subdivision 4, civil penalties are payable to the commissioner no later than 30 days after issuance. Fines collected under this section must be credited to the water recreation account.

Subd. 4. [APPEALS.] Citations may be appealed under the procedures in section 116.072, subdivision 6, if the person requests a hearing by notifying the commissioner within 15 days after receipt of the citation. If a hearing is not requested within the 15-day period, the citation becomes a final order not subject to further review.

Subd. 5. [ENFORCEMENT OF FIELD CITATIONS.] Field citations may be enforced under section 18.317.

Subd. 6. [CUMULATIVE REMEDY.] The authority of conservation officers to issue field citations is in addition to other remedies available under law, except that the state may not seek penalties under any other provision of law for the incident subject to the citation.

Sec. 3. Minnesota Statutes 1992, section 86B.415, subdivision 7, is amended to read:

Subd. 7. [WATERCRAFT SURCHARGE.] A surcharge of \$3 is placed on each watercraft licensed under subdivisions 1 to 5 for control, public awareness, law enforcement, monitoring, and research of nuisance aquatic exotic species such as zebra mussel, purple loosestrife, and Eurasian water milfoil in public waters and public wetlands. The surcharge is \$5 until December 31, 1996, and \$3 thereafter.

Sec. 4. Minnesota Statutes 1992, section 103G.615, subdivision 2, is amended to read:

Subd. 2. [FEES.] (a) The commissioner shall establish a fee schedule for permits to harvest aquatic plants other than wild rice, by order, after holding a public hearing. The fees may not exceed \$200 per permit based upon the cost of receiving, processing, analyzing, and issuing the permit, and additional costs incurred after the application to inspect and monitor the activities authorized by the permit.

(b) The fee for a permit for chemical treatment of rooted aquatic vegetation may not exceed \$20 for each contiguous parcel of shoreline owned by an

owner. This fee may not be charged for permits issued in connection with lakewide Eurasian water milfoil control programs.

(c) A fee may not be charged to the state or a federal governmental agency applying for a permit.

(e) (d) The money received for the permits under this subdivision shall be deposited in the treasury and credited to the game and fish fund.

Sec. 5. Minnesota Statutes 1992, section 103G.617, subdivision 5, is amended to read:

Subd. 5. [RESEARCH.] The commissioner shall initiate cooperative research with the ~~Freshwater Foundation and the University of Minnesota freshwater biological institute~~ and other public and private research facilities to study the use of nonchemical methods, including biological control agents, for control of Eurasian water milfoil.

Sec. 6. [MANAGEMENT OF EURASIAN WATER MILFOIL IN WHITE BEAR LAKE.]

By May 31, 1993, the department of natural resources shall recommend appropriate management methods for the control of Eurasian water milfoil in White Bear lake to be implemented by the White Bear Lake conservation district in cooperation with local units of government, lake associations, and local citizen groups.

Sec. 7. [APPROPRIATION.]

Money collected under section 2, subdivision 3, and section 3 is appropriated to the commissioner of natural resources for control, public awareness, law enforcement, monitoring, and research on nuisance aquatic exotic species in public waters and wetlands.

Sec. 8. [EFFECTIVE DATE.]

Section 3 is effective January 1, 1994. Section 4 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to waters; inspection of watercraft for exotic harmful species; gasoline tax distribution; permit fee for aquatic vegetation control; authorizing civil penalties; appropriating money; amending Minnesota Statutes 1992, sections 18.317, subdivision 3a; 86B.415, subdivision 7; 103G.615, subdivision 2; 103G.617, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 84."

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

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

S.F. No. 879: A bill for an act relating to agriculture; providing for the continued use of unregistered pesticides; modifying procedures for the return of empty agricultural pesticide containers and unused portions of agricultural pesticides; changing the amounts of the ACCRA surcharges; amending Minnesota Statutes 1992, sections 18B.065, by adding a subdivision;

18B.135, subdivision 1; 18B.26, subdivision 1; and 18E.03, subdivisions 4, 6, and 7; repealing Minnesota Statutes 1992, section 18E.03, subdivision 5.

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

Page 1, after line 12, insert:

"Section 1. Minnesota Statutes 1992, section 18B.01, is amended by adding a subdivision to read:

Subd. 9a. [FIXED LOCATION.] "Fixed location" means all stationary restricted and bulk pesticide facility operations owned or operated by a person located in the same plant location or locality.

Sec. 2. Minnesota Statutes 1992, section 18B.01, is amended by adding a subdivision to read:

Subd. 30a. [SUBSTANTIALLY ALTERING; SUBSTANTIALLY ALTER; SUBSTANTIAL ALTERATION.] "Substantially altering," "substantially alter," or "substantial alteration" means modifying a bulk agricultural chemical storage facility by:

(1) changing the capacity of a safeguard;

(2) adding storage containers in excess of the capacity of a safeguard as required by rule; or

(3) increasing the size of the single largest storage container in a safeguard as approved or permitted by the department of agriculture. This does not include routine maintenance of safeguards, storage containers, appurtenances, piping, mixing, blending, weighing, or handling equipment."

Page 1, line 18, delete "agricultural" and delete everything after "pesticides"

Page 1, line 19, delete everything before the period

Page 1, line 22, delete "AGRICULTURAL" and insert "PESTICIDE"

Page 1, line 24, reinstate the stricken language and delete the new language

Page 1, lines 25, 26, and 28, delete the new language

Page 1, line 27, reinstate the stricken "a" and delete "an"

Page 2, lines 1, 5, 10, 13, 16, 25, and 26, delete "agricultural"

Page 2, line 15, after "intentions" insert "annually by February 1"

Page 2, after line 27, insert:

"(d) For purposes of this section, pesticide containers do not include containers that have held sanitizers and disinfectants, pesticides labeled primarily for use on humans or pets, or pesticides not requiring dilution or mixing.

Sec. 5. Minnesota Statutes 1992, section 18B.14, subdivision 2, is amended to read:

Subd. 2. [BULK PESTICIDE STORAGE.] (a) A person storing pesticides in containers of a rated capacity of 500 gallons or more for more than ten

consecutive days at a bulk pesticide storage facility must obtain a pesticide storage permit from the commissioner as required by rule.

(b) Applications must be on forms provided by the commissioner containing information established by rule. The initial application for a permit must be accompanied by a nonrefundable application fee of \$100 for each location where the pesticides are stored. An application for a facility that includes both fertilizers as regulated under chapter 18C and bulk pesticides as regulated under this chapter shall pay only one application fee of \$100.

(c) The commissioner shall by rule develop and implement a program to regulate bulk pesticides. The rules must include installation of secondary containment devices, storage site security, safeguards, notification of storage site locations, criteria for permit approval, a schedule for compliance, and other appropriate requirements necessary to minimize potential adverse effects on the environment. The rules must conform with existing rules of the pollution control agency.

(d) A person must obtain a permit from the commissioner on forms provided by the commissioner before the person constructs or substantially alters a bulk pesticide storage facility. If an application is incomplete, the commissioner must notify the applicant as soon as possible. The permit must be acted upon within 30 days after receiving a completed application.

(e) An application to substantially alter a facility must be accompanied by a \$50 fee. An application for a facility that includes both fertilizers regulated under chapter 18C and bulk pesticides regulated under this chapter shall pay only one application fee of \$50.

(f) An additional application fee of \$250 must be paid by an applicant a person who begins construction of, or substantially alters, a bulk pesticide agricultural chemical storage facility before a permit is issued by the commissioner. ~~The fee under this paragraph may not be charged if the permit is not acted upon within 30 days after receiving a completed application, except that the \$250 additional fee may not be assessed if the person submits a permit application with the required fee to the commissioner before completing the construction or substantial alteration.~~

Page 3, after line 21, insert:

“Sec. 7. Minnesota Statutes 1992, section 18B.26, subdivision 3, is amended to read:

Subd. 3. [APPLICATION FEE.] (a) A registrant shall pay an annual application fee for each pesticide to be registered, and this fee is set at one-tenth of one percent for calendar year 1990, at one-fifth of one percent for calendar year 1991, and at two-fifths of one percent for calendar year 1992 and thereafter of annual gross sales within the state and annual gross sales of pesticides used in the state, with a minimum nonrefundable fee of \$250 plus an additional one-tenth of one percent for each pesticide for which the United States Environmental Protection Agency, Office of Water, has published a Health Advisory Summary by December 1 of the previous year. The registrant shall determine when and which pesticides are sold or used in this state. The registrant shall secure sufficient sales information of pesticides distributed into this state from distributors and dealers, regardless of distributor location, to make a determination. Sales of pesticides in this state and sales of pesticides for use in this state by out-of-state distributors are not exempt and

must be included in the registrant's annual report, as required under paragraph (c), and fees shall be paid by the registrant based upon those reported sales. Sales of pesticides in the state for use outside of the state are exempt from the application fee in this paragraph if the registrant properly documents the sale location and distributors. A registrant paying more than the minimum fee shall pay the balance due by March 1 based on the gross sales of the pesticide by the registrant for the preceding calendar year. The fee for disinfectants and sanitizers shall be the minimum. The minimum fee is due by December 31 preceding the year for which the application for registration is made. Of the amount collected after calendar year 1990, at least \$600,000 per fiscal year must be credited to the waste pesticide account under section 18B.065, subdivision 5, and the additional amount collected for pesticides with Health Advisory Summaries shall be credited to the agricultural project utilization account under section 116O.13 to be used for pesticide use reduction grants by the agricultural utilization research institute.

(b) An additional fee of \$100 must be paid by the applicant for each pesticide to be registered if the application is a renewal application that is submitted after December 31.

(c) A registrant must annually report to the commissioner the amount and type of each registered pesticide sold, offered for sale, or otherwise distributed in the state. The report shall be filed by March 1 for the previous year's registration. The commissioner shall specify the form of the report and require additional information deemed necessary to determine the amount and type of pesticides annually distributed in the state. The information required shall include the brand name, amount, and formulation of each pesticide sold, offered for sale, or otherwise distributed in the state, but the information collected, if made public, shall be reported in a manner which does not identify a specific brand name in the report.

Sec. 8. Minnesota Statutes 1992, section 18B.31, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] (a) Except as provided in paragraph (b), ~~a person no individual may not distribute at wholesale or retail or possess offer for sale or sell a restricted use pesticides or bulk pesticides with an intent to distribute them to an ultimate pesticide to a pesticide end user from any fixed location without a pesticide dealer license.~~

(b) ~~The A pesticide dealer license requirement does not apply to is not required for:~~

(1) a licensed commercial applicator, noncommercial applicator, or structural pest control applicator who uses restricted use pesticides only as an integral part of a pesticide application service;

(2) a federal, state, county, or municipal agency using restricted use pesticides for its own programs; or

(3) a licensed pharmacist, physician, dentist, or veterinarian when administering or dispensing a restricted use pesticide for use in the pharmacist's, physician's, dentist's, or veterinarian's practice; or

(4) a person at a fixed location that is not used to offer for sale or sell restricted use or bulk pesticides including, but not limited to, warehouses or other storage sites.

(c) A licensed pesticide dealer may sell restricted use pesticides only to an applicator licensed or certified by the commissioner, unless a sale is allowed by rule.

(d) A pesticide dealer license is required for an individual not located in Minnesota who offers for sale or sells a restricted use or bulk pesticide to a pesticide end user located in Minnesota.

(e) Only one pesticide dealer license is required per fixed location from which an individual offers for sale or sells a restricted use or bulk pesticide to an end user.

Sec. 9. Minnesota Statutes 1992, section 18B.36, subdivision 2, is amended to read:

Subd. 2. [CERTIFICATION.] (a) The commissioner shall prescribe certification requirements and provide training that meets or exceeds United States Environmental Protection Agency standards to certify private applicators and provide information relating to changing technology to help ensure a continuing level of competency and ability to use pesticides properly and safely. The training may be done through cooperation with other government agencies and must be a minimum of three hours in duration.

(b) A person must apply to the commissioner for certification as a private applicator. After completing the certification requirements, which must include an examination as determined by the commissioner, an applicant must be certified as a private applicator to use restricted use pesticides. The certification is for a period of three calendar years from the applicant's nearest birthday including the first year of certification, and expires December 31 of the third year.

(c) The commissioner shall issue a private applicator card to a private applicator.

Sec. 10. Minnesota Statutes 1992, section 18B.37, subdivision 2, is amended to read:

Subd. 2. [COMMERCIAL AND NONCOMMERCIAL APPLICATORS.] (a) A commercial or noncommercial applicator, or the applicator's authorized agent, must maintain a record of pesticides used on each site. *Noncommercial applicators must keep records of restricted use pesticides.* The record must include the:

- (1) date of the pesticide use;
- (2) time the pesticide application was completed;
- (3) brand name of the pesticide, the United States Environmental Protection Agency registration number, and dosage used;
- (4) number of units treated;
- (5) temperature, wind speed, and wind direction;
- (6) location of the site where the pesticide was applied;
- (7) name and address of the customer;
- (8) name and signature of applicator, name of company, license number of applicator, and address of applicator company; and

(9) any other information required by the commissioner.

(b) Portions of records not relevant to a specific type of application may be omitted upon approval from the commissioner.

(c) All information for this record requirement must be contained in a single page document for each pesticide application, except a map may be attached to identify treated areas. For the rights-of-way and wood preservative categories, the required record may not exceed five pages. An invoice containing the required information may constitute the required record. The commissioner shall make sample forms available to meet the requirements of this paragraph.

(d) A commercial applicator must give a copy of the record to the customer when the application is completed.

(e) Records must be retained by the applicator, company, or authorized agent for five years after the date of treatment.

Sec. 11. Minnesota Statutes 1992, section 18C.005, subdivision 13, is amended to read:

Subd. 13. [GRADE.] "Grade" means the percentage of total nitrogen (N), available phosphorus (P) or phosphoric acid (P_2O_5) phosphate (P_2O_5), and soluble potassium (K) or soluble potash (K_2O) (K_2O) stated in whole numbers in the same terms, order, and percentages as in the guaranteed analysis except the grade of bone meals, manures, and similar raw materials may be stated in fractional units, and specialty fertilizers may be stated in fractional units of less than one percent of total nitrogen, available phosphorus or phosphoric acid phosphate, and soluble potassium or soluble potash.

Sec. 12. Minnesota Statutes 1992, section 18C.005, subdivision 35, is amended to read:

Subd. 35. [SUBSTANTIALLY ALTERING; SUBSTANTIALLY ALTER; SUBSTANTIAL ALTERATION.] "Substantially altering," "substantially alter," or "substantial alteration" means modifying a bulk agricultural chemical storage facility by:

- (1) changing the capacity of a safeguard;
- (2) adding additional safeguards or storage containers, or changing existing storage containers, safeguards, appurtenances, or piping, in excess of the capacity of a safeguard as required by rule;
- (3) increasing the size of the largest storage container in a safeguard as approved or permitted by the commissioner of agriculture; or
- (4) adding or changing anhydrous ammonia storage containers or adding ammonia loading or unloading stations. This does not include routine maintenance of existing safeguards, storage containers, appurtenances, and piping, or of existing mixing, blending, weighing, and or handling equipment. For dry bulk fertilizer, a person may decrease storage capacity without a substantial alteration permit and may increase storage capacity up to 150 tons per location annually without a substantial alteration permit.

Sec. 13. Minnesota Statutes 1992, section 18C.115, subdivision 2, is amended to read:

Subd. 2. [ADOPTION OF NATIONAL STANDARDS.] Applicable national standards contained in the ~~1989~~ 1993 official publication, number 42 46, of the association of American plant food control officials including the rules and regulations, statements of uniform interpretation and policy, and the official fertilizer terms and definitions, and not otherwise adopted by the commissioner, may be adopted as fertilizer rules of this state.

Sec. 14. Minnesota Statutes 1992, section 18C.211, subdivision 1, is amended to read:

Subdivision 1. [N, P, AND K NUTRIENT CONTENT STATED.] (a) Until the commissioner prescribes the alternative form of guaranteed analysis, it must be stated as provided in this subdivision.

(b) A guaranteed analysis must state the percentage of plant nutrient content, if claimed, in the following form:

"Total Nitrogen (N)	... percent
Available Phosphoric Acid (P_2O_5)	
Phosphate (P_2O_5)	... percent
Soluble Potash (K_2O) (K_2O)	... percent"

(c) For unacidulated mineral phosphatic materials and basic slag, bone, tankage, and other organic phosphate materials, the total phosphoric acid phosphate or degree of fineness may also be stated.

Sec. 15. Minnesota Statutes 1992, section 18C.215, subdivision 2, is amended to read:

Subd. 2. [BLENDED AND MIXED FERTILIZER.] (a) A distributor who blends or mixes fertilizer to a customer's order without a guaranteed analysis of the final mixture must furnish each purchaser with an invoice or delivery ticket in written or printed form showing the net weight and guaranteed analysis of each of the materials used in the mixture.

(b) The invoice or delivery ticket must accompany the delivery.

(c) Records of invoices or delivery tickets must be kept for five years after the delivery or application.

Sec. 16. Minnesota Statutes 1992, section 18C.305, subdivision 2, is amended to read:

Subd. 2. [PERMIT FEES.] (a) An application for a new facility must be accompanied by a nonrefundable application fee of \$100 for each location where fertilizer is stored.

(b) An application to substantially alter a facility must be accompanied by a nonrefundable \$50 fee.

(c) ~~In addition to the fees under paragraphs (a) and (b), a~~ An additional fee of \$250 must be paid by ~~an applicant a person who begins construction of, or substantial alteration substantially alters a bulk agricultural chemical storage facility before a permit is issued by the commissioner, except that the \$250 additional fee may not be assessed if the person submits a permit application with the required fee to the commissioner before completing the construction or substantial alteration.~~

(d) An application for a facility that includes both fertilizers, as regulated under this chapter, and pesticides as regulated under chapter 18B shall pay only one application fee of \$100.

Sec. 17. Minnesota Statutes 1992, section 18D.103, is amended by adding a subdivision to read:

Subd. 3. [EXCEPTION.] A responsible party or an owner of real property who is a licensed or certified private or commercial pesticide applicator is not required to report an incident to the commissioner under this section if the amount of pesticide involved in the release is less than the maximum amount of the pesticide that, consistent with its label, can be applied to one acre of agricultural crop land unless the release occurred into or near public water or groundwater.

Sec. 18. Minnesota Statutes 1992, section 18D.105, is amended by adding a subdivision to read:

Subd. 3a. [PASSIVE BIOREMEDIATION.] Passive bioremediation must be considered for pesticide cleanups whenever an assessment of the site determines that there is a low potential risk to public health and the environment. The assessment may include the soil types involved, leaching potential, underlying geology, proximity to ground and surface water, and the soil half-life of the pesticides.

Sec. 19. Minnesota Statutes 1992, section 18E.03, subdivision 2, is amended to read:

Subd. 2. [EXPENDITURES.] (a) Money in the agricultural chemical response and reimbursement account may only be used:

(1) to pay for the commissioner's responses to incidents under chapters 18B, 18C, and 18D that are not eligible for payment under section 115B.20, subdivision 2;

(2) to pay for emergency responses that are otherwise unable to be funded; and

(3) to reimburse and pay corrective action costs under section 18E.04; and

(4) by the board to reimburse the commissioner for board staff and other administrative costs up to \$150,000 per fiscal year.

(b) Money in the agricultural chemical response and reimbursement account is appropriated to the commissioner to make payments as provided in this subdivision."

Page 4, line 3, before the period, insert "*, except the surcharge may not be imposed on pesticides that are sanitizers or disinfectants as determined by the commissioner, pesticides labeled solely for use directly on humans or pets, or pesticides not requiring dilution or mixing and labeled for use in areas associated with household or home life as determined by the commissioner, but excluding turf or garden use*".

Page 6, after line 10, insert:

"Sec. 23. Minnesota Statutes 1992, section 18E.04, is amended by adding a subdivision to read:

Subd. 2a. [INELIGIBILITY FOR REIMBURSEMENT OR PAYMENT.] Pesticides that are sanitizers and disinfectants, pesticides labeled solely for use directly on humans or pets, or pesticides not requiring dilution or mixing and labeled for use in areas associated with household or home life that are

exempted from surcharges are ineligible for reimbursement or payment under this section.

Sec. 24. Minnesota Statutes 1992, section 325F.19, subdivision 7, is amended to read:

Subd. 7. "Presenting a clear and present danger" means known to cause physical damage to structure or health hazards to occupants through continuing direct contact or release of a hazardous substances *substance* as defined in section 24.33 115B.02."

Page 6, lines 11 and 12, delete "AGRICULTURAL"

Page 6, line 16, delete "agricultural"

Page 6, line 17, delete everything after "pesticides"

Page 6, line 18, delete "use"

Page 6, lines 19, 20, 21, 23, and 26, delete "agricultural"

Page 6, line 27, delete "agricultural" in both places

Page 6, after line 28, insert:

"Sec. 26. [APPROPRIATION.]

\$200,000 in fiscal year 1994 and \$200,000 in fiscal year 1995 is appropriated from the pesticide regulatory account to the agricultural utilization research institute for pesticide best management practice evaluation grants and agricultural chemical spill site remediation research grants in consultation with the department of agriculture."

Page 6, delete lines 30 and 31 and insert:

"Minnesota Statutes 1992, sections 18C.211, subdivision 3; 18C.215, subdivision 3; 18E.03, subdivision 5; 24.32; 24.33; 24.34; 24.35; 24.36; 24.37; 24.38; 24.39; 24.40; 24.41; and 24.42, are repealed."

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 4 and 5, delete "agricultural"

Page 1, line 7, after the semicolon, insert "authorizing use of money in the agricultural chemical response and reimbursement account for administrative costs; making changes in the laws on pesticides and agricultural chemicals; repealing the hazardous substance labeling act; appropriating money;"

Page 1, delete lines 8 to 11 and insert "18B.01, by adding subdivisions; 18B.065, by adding a subdivision; 18B.135, subdivision 1; 18B.14, subdivision 2; 18B.26, subdivisions 1 and 3; 18B.31, subdivision 1; 18B.36, subdivision 2; 18B.37, subdivision 2; 18C.005, subdivisions 13 and 35; 18C.115, subdivision 2; 18C.211, subdivision 1; 18C.215, subdivision 2; 18C.305, subdivision 2; 18D.103, by adding a subdivision; 18D.105, by adding a subdivision; 18E.03, subdivisions 2, 4, 6, and 7; 18E.04, by adding a subdivision; and 325F.19, subdivision 7; repealing Minnesota Statutes 1992, sections 18C.211, subdivision 3; 18C.215, subdivision 3; 18E.03, subdivision 5; 24.32; 24.33; 24.34; 24.35; 24.36; 24.37; 24.38; 24.39; 24.40; 24.41; and 24.42."

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

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

S.F. No. 4: A bill for an act relating to retirement; providing an open appropriation for payment of state reimbursement for supplemental retirement benefits paid to volunteer firefighters; amending Minnesota Statutes 1992, section 424A.10, subdivision 3.

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

Page 1, after line 22, insert:

“Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment and applies to reimbursements payable March 15, 1993, and thereafter.”

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. 34: A bill for an act relating to student exchange programs; regulating student exchange programs; imposing a penalty; amending Minnesota Statutes 1992, section 299C.61, subdivision 5; proposing coding for new law as Minnesota Statutes, chapter 5A.

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

Page 3, line 22, delete “\$50” and insert “\$150” and after “each” insert “initial”

Page 3, line 23, after “registration” insert “and \$50 for each annual renewal”

Page 3, line 26, before the period, insert “and are added to the appropriation from which registration costs are paid”

Amend the title as follows:

Page 1, line 3, after the second semicolon, insert “appropriating money;”

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred the following appointment as reported in the Journal for April 16, 1993:

TRANSPORTATION REGULATION BOARD

Lyle G. Mehrkens

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Spear from the Committee on Crime Prevention, to which was referred the following appointment as reported in the Journal for January 19, 1993:

**DEPARTMENT OF PUBLIC SAFETY
COMMISSIONER**

Michael S. Jordan

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 1532, 968, 4 and 34 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 251 was read the second time.

MOTIONS AND RESOLUTIONS – CONTINUED

RECESS

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

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

APPOINTMENTS

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

S.F. No. 1496: Mr. Samuelson, Ms. Berglin, Piper, Messrs. Day and Sams.

H.F. No. 350: Mr. Pogemiller, Ms. Krentz, Pappas, Messrs. Beckman and Janezich.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Beckman introduced—

S.F. No. 1621: A bill for an act relating to transportation; requiring school districts to allow senior citizens to ride school buses on a space-available basis; amending Minnesota Statutes 1992, section 123.39, subdivision 8b.

Referred to the Committee on Education.

MEMBERS EXCUSED

Mr. Murphy was excused from the Session of today. Messrs. Knutson, Lessard and Johnson, D.J. were excused from the Session of today from 8:30 to 9:00 a.m. Ms. Berglin, Messrs. Novak and Pogemiller were excused from the Session of today from 8:30 to 9:15 a.m. Mr. Laidig was excused from the Session of today from 8:30 to 10:00 a.m. Mr. Cohen was excused from the Session of today from 12:00 noon to 12:30 p.m. Mr. Larson was excused from the Session of today at 12:40 p.m. Mr. Stumpf was excused from the Session of today from 1:15 to 1:30 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:30 a.m., Wednesday, April 28, 1993. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate