

## FORTY-SIXTH DAY

St. Paul, Minnesota, Thursday, April 29, 1993

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

### CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Audrey Knutson.

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

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

The President declared a quorum present.

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

### EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

### CERTIFICATION

April 28, 1993

To the Governor  
State of Minnesota

To the Senate  
State of Minnesota

To the House of Representatives  
State of Minnesota

This is to certify that the House of Representatives and the Senate in Joint

Convention on Wednesday, April 28, 1993, have elected as members of the Board of Regents of the University of Minnesota the following members each to hold his or her respective office for the term specified from the first Monday of February, 1993:

Julie Bleyhl, Second Congressional District, Six Years

William Hogan, Third Congressional District, Six Years

Thomas Reagan, Eighth Congressional District, Six Years

Lawrence Perlman, At-Large, Two Years

William Peterson, At-Large, Six Years

Allan H. Spear  
President of the Senate

Dee Long  
Speaker of the House of Representatives

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 163.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 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. 44: A bill for an act relating to trusts; making certain trust provisions related to public assistance eligibility unenforceable as against public policy; clarifying availability of trusts in determining eligibility for medical assistance and other benefit programs; defining supplemental needs trusts; clarifying enforceability of supplemental needs trusts; amending Minnesota Statutes 1992, section 501B.89.

Senate File No. 44 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 1993

Mr. Moe, R.D. moved that S.F. No. 44 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following

Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 737: A bill for an act relating to motor vehicles; requiring vehicle owner to transfer certificate of title upon gaining ownership to motor vehicle; allowing registrar to research records before responding to phone request; amending Minnesota Statutes 1992, sections 168.10, subdivision 1; 168.34; and 168A.30, subdivision 2.

Senate File No. 737 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 1993

### CONCURRENCE AND REPASSAGE

Ms. Johnston moved that the Senate concur in the amendments by the House to S.F. No. 737 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 737 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 48 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Kiscaden	Moe, R.D.	Samuelson
Anderson	Day	Knutson	Morse	Solon
Beckman	Finn	Laidig	Murphy	Spear
Belanger	Flynn	Langseth	Oliver	Stevens
Benson, J.E.	Frederickson	Larson	Olson	Stumpf
Berg	Hanson	Lesewski	Pariseau	Terwilliger
Bertram	Hottinger	Luther	Piper	Vickerman
Betzold	Johnson, D.E.	Marty	Price	Wiener
Chandler	Johnston	McGowan	Ranum	
Chmielewski	Kelly	Metzen	Robertson	

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1042 and 1199.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 28, 1993

### FIRST READING OF HOUSE BILLS

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

H.F. No. 1042: A bill for an act relating to human services; modifying

provisions dealing with the administration, computation, and enforcement of child support; imposing penalties; amending Minnesota Statutes 1992, sections 136A.121, subdivision 2; 214.101, subdivision 1; 256.87, subdivisions 1, 1a, 3, and 5; 256.978; 256.979, by adding subdivisions; 256.9791, subdivisions 3 and 4; 257.66, subdivision 3; 257.67, subdivision 3; 349A.08, subdivision 8; 518.14; 518.171, subdivisions 1, 2, 3, 4, 6, 7, 8, 10, and by adding a subdivision; 518.24; 518.54, subdivision 4; 518.551, subdivisions 1, 5, 5b, 7, 10, 12, and by adding a subdivision; 518.57, subdivision 1, and by adding a subdivision; 518.611, subdivision 4; 518.613, subdivision 1; 518.64, subdivisions 1, 2, 5, and 6; 519.11; 548.09, subdivision 1; 548.091, subdivisions 1a and 3a; 588.20; 595.02, subdivision 1; and 609.375, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 256; and 518; repealing Minnesota Statutes 1992, sections 256.979; and 609.37.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 673, now on General Orders.

H.F. No. 1199: A bill for an act relating to state government; the legislative commission on employee relations; modifying provisions relating to certain plans; ratifying certain salaries and a bargaining agreement; requiring certain documents; amending Minnesota Statutes 1992, sections 15A.083, subdivision 4; 43A.18, subdivision 4; and 179A.04, subdivision 3; repealing Minnesota Statutes 1992, section 43A.24, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1076, now on General Orders.

### REPORTS OF COMMITTEES

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

H.F. No. 504: A bill for an act relating to housing; allowing a county authority to operate certain public housing projects without a city resolution; providing that a housing and redevelopment authority may make down payment assistance loans; changing minimum amounts for certain contract letting procedures; changing requirements for general obligation revenue bonds; amending Minnesota Statutes 1992, sections 469.005, subdivision 1; 469.012, by adding a subdivision; 469.015, subdivisions 1 and 2; and 469.034, subdivision 2.

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 273.13, subdivision 25, is amended to read:

Subd. 25. [CLASS 4.] (a) Class 4a is residential real estate containing four or more units and used or held for use by the owner or by the tenants or lessees of the owner as a residence for rental periods of 30 days or more. Class 4a also includes hospitals licensed under sections 144.50 to 144.56, other than

hospitals exempt under section 272.02, and contiguous property used for hospital purposes, without regard to whether the property has been platted or subdivided. Class 4a property has a class rate of 3.5 percent of market value for taxes payable in 1992, and 3.4 percent of market value for taxes payable in 1993 and thereafter.

(b) Class 4b includes:

(1) residential real estate containing less than four units, other than seasonal residential, and recreational;

(2) manufactured homes not classified under any other provision;

(3) a dwelling, garage, and surrounding one acre of property on a nonhomestead farm classified under subdivision 23, paragraph (b).

Class 4b property has a class rate of 2.8 percent of market value for taxes payable in 1992, 2.5 percent of market value for taxes payable in 1993, and 2.3 percent of market value for taxes payable in 1994 and thereafter.

(c) Class 4c property includes:

(1) a structure that is:

(i) situated on real property that is used for housing for the elderly or for low- and moderate-income families as defined in Title II, as amended through December 31, 1990, of the National Housing Act or the Minnesota housing finance agency law of 1971, as amended, or rules promulgated by the agency and financed by a direct federal loan or federally insured loan made pursuant to Title II of the Act; or

(ii) situated on real property that is used for housing the elderly or for low- and moderate-income families as defined by the Minnesota housing finance agency law of 1971, as amended, or rules adopted by the agency pursuant thereto and financed by a loan made by the Minnesota housing finance agency pursuant to the provisions of the act.

This clause applies only to property of a nonprofit or limited dividend entity. Property is classified as class 4c under this clause for 15 years from the date of the completion of the original construction or substantial rehabilitation, or for the original term of the loan.

(2) a structure that is:

(i) situated upon real property that is used for housing lower income families or elderly or handicapped persons, as defined in section 8 of the United States Housing Act of 1937, as amended; and

(ii) owned by an entity which has entered into a housing assistance payments contract under section 8 which provides assistance for 100 percent of the dwelling units in the structure, other than dwelling units intended for management or maintenance personnel. Property is classified as class 4c under this clause for the term of the housing assistance payments contract, including all renewals, or for the term of its permanent financing, whichever is shorter; and

(3) a qualified low-income building as defined in section 42(c)(2) of the Internal Revenue Code of 1986, as amended through December 31, 1990, that (i) receives a low-income housing credit under section 42 of the Internal Revenue Code of 1986, as amended through December 31, 1990; or (ii) meets

the requirements of that section and receives public financing, except financing provided under sections 469.174 to 469.179, which contains terms restricting the rents; or (iii) meets the requirements of section 273.1317. Classification pursuant to this clause is limited to a term of 15 years.

For all properties described in clauses (1), (2), and (3) and in paragraph (d), the market value determined by the assessor must be based on the normal approach to value using normal unrestricted rents unless the owner of the property elects to have the property assessed under Laws 1991, chapter 291, article 1, section 55. If the owner of the property elects to have the market value determined on the basis of the actual restricted rents, as provided in Laws 1991, chapter 291, article 1, section 55, the property will be assessed at the rate provided for class 4a or class 4b property, as appropriate. Properties described in clauses (1)(ii), (3), and (4) may apply to the assessor for valuation under Laws 1991, chapter 291, article 1, section 55. The land on which these structures are situated has the class rate given in paragraph (b) if the structure contains fewer than four units, and the class rate given in paragraph (a) if the structure contains four or more units. This clause applies only to the property of a nonprofit or limited dividend entity.

(4) a parcel of land, not to exceed one acre, and its improvements or a parcel of unimproved land, not to exceed one acre, if it is owned by a neighborhood real estate trust and at least 60 percent of the dwelling units, if any, on all land owned by the trust are leased to or occupied by lower income families or individuals. This clause does not apply to any portion of the land or improvements used for nonresidential purposes. For purposes of this clause, a lower income family is a family with an income that does not exceed 65 percent of the median family income for the area, and a lower income individual is an individual whose income does not exceed 65 percent of the median individual income for the area, as determined by the United States Secretary of Housing and Urban Development. For purposes of this clause, "neighborhood real estate trust" means an entity which is certified by the governing body of the municipality in which it is located to have the following characteristics:

(a) it is a nonprofit corporation organized under chapter 317A;

(b) it has as its principal purpose providing housing for lower income families in a specific geographic community designated in its articles or bylaws;

(c) it limits membership with voting rights to residents of the designated community; and

(d) it has a board of directors consisting of at least seven directors, 60 percent of whom are members with voting rights and, to the extent feasible, 25 percent of whom are elected by resident members of buildings owned by the trust; and

(5) except as provided in subdivision 22, paragraph (c), real property devoted to temporary and seasonal residential occupancy for recreation purposes, including real property devoted to temporary and seasonal residential occupancy for recreation purposes and not devoted to commercial purposes for more than 250 days in the year preceding the year of assessment. For purposes of this clause, property is devoted to a commercial purpose on a specific day if any portion of the property is used for residential occupancy, and a fee is charged for residential occupancy. Class 4c also includes

commercial use real property used exclusively for recreational purposes in conjunction with class 4c property devoted to temporary and seasonal residential occupancy for recreational purposes, up to a total of two acres, provided the property is not devoted to commercial recreational use for more than 250 days in the year preceding the year of assessment and is located within two miles of the class 4c property with which it is used. Class 4c property classified in this clause also includes the remainder of class 1c resorts. Owners of real property devoted to temporary and seasonal residential occupancy for recreation purposes and all or a portion of which was devoted to commercial purposes for not more than 250 days in the year preceding the year of assessment desiring classification as class 1c or 4c, must submit a declaration to the assessor designating the cabins or units occupied for 250 days or less in the year preceding the year of assessment by January 15 of the assessment year. Those cabins or units and a proportionate share of the land on which they are located will be designated class 1c or 4c as otherwise provided. The remainder of the cabins or units and a proportionate share of the land on which they are located will be designated as class 3a. The first \$100,000 of the market value of the remainder of the cabins or units and a proportionate share of the land on which they are located shall have a class rate of three percent. The owner of property desiring designation as class 1c or 4c property must provide guest registers or other records demonstrating that the units for which class 1c or 4c designation is sought were not occupied for more than 250 days in the second year preceding the assessment if so requested. The portion of a property operated as a (1) restaurant, (2) bar, (3) gift shop, and (4) other nonresidential facility operated on a commercial basis not directly related to temporary and seasonal residential occupancy for recreation purposes shall not qualify for class 1c or 4c;

(6) real property up to a maximum of one acre of land owned by a nonprofit community service oriented organization; provided that the property is not used for a revenue-producing activity for more than six days in the calendar year preceding the year of assessment and the property is not used for residential purposes on either a temporary or permanent basis. For purposes of this clause, a "nonprofit community service oriented organization" means any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, fraternal, civic, or educational purposes, and which is exempt from federal income taxation pursuant to section 501(c)(3), (10), or (19) of the Internal Revenue Code of 1986, as amended through December 31, 1990. For purposes of this clause, "revenue-producing activities" shall include but not be limited to property or that portion of the property that is used as an on-sale intoxicating liquor or 3.2 percent malt liquor establishment licensed under chapter 340A, a restaurant open to the public, bowling alley, a retail store, gambling conducted by organizations licensed under chapter 349, an insurance business, or office or other space leased or rented to a lessee who conducts a for-profit enterprise on the premises. Any portion of the property which is used for revenue-producing activities for more than six days in the calendar year preceding the year of assessment shall be assessed as class 3a. The use of the property for social events open exclusively to members and their guests for periods of less than 24 hours, when an admission is not charged nor any revenues are received by the organization shall not be considered a revenue-producing activity;

(7) post-secondary student housing of not more than one acre of land that is owned by a nonprofit corporation organized under chapter 317A and is used exclusively by a student cooperative, sorority, or fraternity for on-campus

housing or housing located within two miles of the border of a college campus; and

(8) manufactured home parks as defined in section 327.14, subdivision 3.

Class 4c property has a class rate of 2.3 percent of market value, except that (i) each parcel of seasonal residential recreational property not used for commercial purposes under clause (5) has a class rate of 2.2 percent of market value for taxes payable in 1992, and for taxes payable in 1993 and thereafter, the first \$72,000 of market value on each parcel has a class rate of two percent and the market value of each parcel that exceeds \$72,000 has a class rate of 2.5 percent, and (ii) manufactured home parks assessed under clause (8) have a class rate of two percent for taxes payable in 1993 only.

(d) Class 4d property includes:

(1) a structure that is:

(i) situated on real property that is used for housing for the elderly or for low and moderate income families as defined by the Farmers Home Administration;

(ii) located in a municipality of less than 10,000 population; and

(iii) financed by a direct loan or insured loan from the Farmers Home Administration. Property is classified under this clause for 15 years from the date of the completion of the original construction or for the original term of the loan.

The class rates in paragraph (c), clauses (1), (2), and (3) and this clause apply to the properties described in them, only in proportion to occupancy of the structure by elderly or handicapped persons or low and moderate income families as defined in the applicable laws unless construction of the structure had been commenced prior to January 1, 1984; or the project had been approved by the governing body of the municipality in which it is located prior to June 30, 1983; or financing of the project had been approved by a federal or state agency prior to June 30, 1983. For property for which application is made for 4c or 4d classification for taxes payable in 1994 and thereafter, and which was not classified 4c or 4d for taxes payable in 1993, 4c or 4d classification is available only for those units meeting the requirements of section 273.1318.

Classification under this clause is only available to property of a nonprofit or limited dividend entity.

(2) For taxes payable in 1992, 1993 and 1994, only, buildings and appurtenances, together with the land upon which they are located, leased by the occupant under the community lending model lease-purchase mortgage loan program administered by the Federal National Mortgage Association, provided the occupant's income is no greater than 60 percent of the county or area median income, adjusted for family size and the building consists of existing single family or duplex housing. The lease agreement must provide for a portion of the lease payment to be escrowed as a nonrefundable down payment on the housing. To qualify under this clause, the taxpayer must apply to the county assessor by May 30 of each year. The application must be accompanied by an affidavit or other proof required by the assessor to determine qualification under this clause.



(3) Qualifying buildings and appurtenances, together with the land upon which they are located, leased for a period of up to five years by the occupant under a lease-purchase program administered by the Minnesota housing finance agency or a housing and redevelopment authority authorized under sections 469.001 to 469.047, provided the occupant's income is no greater than 80 percent of the county or area median income, adjusted for family size, and the building consists of two or less dwelling units. The lease agreement must provide for a portion of the lease payment to be escrowed as a nonrefundable down payment on the housing. The administering agency shall verify the occupants income eligibility and certify to the county assessor that the occupant meets the income criteria under this paragraph. To qualify under this clause, the taxpayer must apply to the county assessor by May 30 of each year. For purposes of this section, "qualifying buildings and appurtenances" shall be defined as one or two unit residential buildings which are unoccupied and have been abandoned and boarded for at least six months.

Class 4d property has a class rate of two percent of market value *except that for taxes payable in 1994 and thereafter, property classified under clause (3), shall have the same class rate as class 1a property.*

(e) Residential rental property that would otherwise be assessed as class 4 property under paragraph (a); paragraph (b), clauses (1) and (3); paragraph (c), clause (1), (2), (3), or (4), is assessed at the class rate applicable to it under Minnesota Statutes 1988, section 273.13; if it is found to be a substandard building under section 273.1316. Residential rental property that would otherwise be assessed as class 4 property under paragraph (d) is assessed at 2.3 percent of market value if it is found to be a substandard building under section 273.1316."

Page 5, after line 4, insert:

*"Section 1 is effective for taxes levied in 1993, payable in 1994, and thereafter."*

Page 5, line 5, delete "2" and insert "3"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "changing the property tax classification of certain lease purchase property;"

Page 1, line 9, after "sections" insert "273.13, subdivision 25;"

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

H.F. No. 259: A bill for an act relating to local government; providing for the publication of certain accounts and delinquent property tax information; amending Minnesota Statutes 1992, sections 281.13; 281.23, subdivision 3; and 375.17.

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 665: A bill for an act relating to housing; providing for a metropolitan community stabilization program; amending Minnesota Statutes 1992, sections 462A.21, by adding a subdivision; and 473.249, subdivision 1, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 462A.

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

Page 2, line 34, delete "Fifty" and insert "Twenty-five"

Page 4, after line 14, insert:

"Sec. 5. [STAFF DEVELOPMENT.]

*(a) Notwithstanding section 2, with respect to taxes levied in 1994 under Minnesota Statutes, section 473.249, subdivision 2:*

*(1) 45 percent of the tax collected must be transferred to the Minnesota housing finance agency deposit in the metropolitan area housing fund account established in section 3; and*

*(2) five percent of the tax collected must be used for staff development and replacement in accordance with Minnesota Statutes, section 43A.045.*

*(b) With respect to taxes levied in years subsequent to 1994, 50 percent must be transferred to the Minnesota housing finance agency in accordance with section 2.*

*(c) A reduction in the budget of the metropolitan council resulting from the transfer and use of tax revenues in accordance with this section and section 2 may not require the layoff of classified employees or unclassified employees covered by a collective bargaining agreement except as provided in a plan negotiated under Minnesota Statutes, chapter 179A, that provides options to layoff for employees who would be affected."*

Page 4, line 16, before the period, insert "and thereafter"

Renumber the sections in sequence

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 826: A bill for an act relating to counties; allowing counties to impose fees or interest on late payments; amending Minnesota Statutes 1992, section 373.41.

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

Page 1, line 19, after "overdue" insert " , provided that late property tax payments remain subject only to the penalty and interest provisions of chapters 277 and 279"

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 998: A bill for an act relating to the city of Saint Paul; providing for a housing rehabilitation program; authorizing the issuance of general obligation bonds.

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

Page 4, line 16, delete "5" and insert "4"

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 1284: A bill for an act relating to local government; providing for the use of raffles to provide funds for certain recreational property and facilities; establishing a dedicated fund in the city of Garrison to meet city expenses to pay for construction and maintenance of a city sewer system; permitting a one percent local sales tax in the city of Garrison upon approval by the city council; providing for a sunset on the tax; amending Minnesota Statutes 1992, section 471.15.

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

Delete everything after the enacting clause and insert:

"Section 1. [CITY OF GARRISON; SALES TAX.]

*Subdivision 1. [SALES TAX AUTHORIZED.] Notwithstanding Minnesota Statutes, section 477A.016, or any other contrary provision of law, ordinance, or city charter, the city of Garrison may, by ordinance, impose an additional sales tax of up to one percent on sales transactions taxable pursuant to Minnesota Statutes, chapter 297A, that occur within the city.*

*Subd. 2. [USE OF REVENUES.] Revenues received from taxes authorized under subdivision 1 must be dedicated by the city to pay the cost of collecting the tax and to pay all or part of the expenses of the construction of a sewer system in the city, including payment of principal and interest on loans received by the city to construct the sewer system.*

*Subd. 3. [ENFORCEMENT; COLLECTION; AND ADMINISTRATION OF TAXES.] A sales tax imposed under this section must be reported and paid to the commissioner of revenue with the state sales taxes, and be subject to the same penalties, interest, and enforcement provisions. The proceeds of the tax, less refunds and a proportionate share of the cost of collection, shall be remitted at least quarterly to the city. The commissioner shall deduct from the proceeds remitted an amount that equals the indirect statewide cost as well as the direct and indirect department costs necessary to administer, audit, and collect the tax. The amount deducted shall be deposited in the state general fund.*

*Subd. 4. [EXPIRATION OF TAXING AUTHORITY.] The authority granted by this section to the city of Garrison to impose a sales tax expires when the principal and interest on any bonds or obligations issued to finance the construction of the sewer system have been paid, or at an earlier time as the city shall, by resolution, determine. Any funds remaining after completion of the improvements and retirement or redemption of the bonds may be placed in the general fund of the city.*

*Subd. 5. [REFERENDUM.] If the governing body of the city of Garrison intends to impose the sales tax authorized by this act, it shall conduct a referendum on the issue. The question of imposing the tax must be submitted to the voters at a special or general election. The tax may not be imposed unless a majority of votes cast on the question of imposing the tax are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the election. The referendum must be held at a special or general election before December 1, 1993.*

*Subd. 6. [LOCAL APPROVAL; EFFECTIVE DATE.] This section is effective the day after final enactment, upon compliance with Minnesota Statutes, section 645.021, subdivision 3, by the city of Garrison."*

Amend the title as follows:

Page 1, delete lines 2 to 10 and insert "relating to the city of Garrison; establishing a dedicated fund to meet city expenses to pay for construction and maintenance of a city sewer system; permitting a one percent local sales tax in the city."

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

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

H.F. No. 125 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.
125	153				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 125 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 125 and insert the language after the enacting clause of S.F. No. 153, the first engrossment; further, delete the title of H.F. No. 125 and insert the title of S.F. No. 153, the first engrossment.

And when so amended H.F. No. 125 will be identical to S.F. No. 153, and further recommends that H.F. No. 125 be given its second reading and substituted for S.F. No. 153, 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. 287 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.
287	271				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 287 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 287 and insert the language after the enacting clause of S.F. No. 271, the first engrossment; further, delete the title of H.F. No. 287 and insert the title of S.F. No. 271, the first engrossment.

And when so amended H.F. No. 287 will be identical to S.F. No. 271, and further recommends that H.F. No. 287 be given its second reading and substituted for S.F. No. 271, 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. 1523 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.
1523	1135				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1523 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1523 and insert the language after the enacting clause of S.F. No. 1135, the first engrossment; further, delete the title of H.F. No. 1523 and insert the title of S.F. No. 1135, the first engrossment.

And when so amended H.F. No. 1523 will be identical to S.F. No. 1135, and further recommends that H.F. No. 1523 be given its second reading and substituted for S.F. No. 1135, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the

Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

## SECOND READING OF SENATE BILLS

S.F. Nos. 826, 998 and 1284 were read the second time.

## SECOND READING OF HOUSE BILLS

H.F. Nos. 504, 259, 125, 287 and 1523 were read the second time.

## MOTIONS AND RESOLUTIONS

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 403 a Special Order to be heard immediately.

## SPECIAL ORDER

S.F. No. 403: A bill for an act relating to housing and hotels; amending reasons for innkeeper ejection and refusal to admit persons; establishing parent or guardian responsibility for guests who are minors; establishing liability for damage to hotel or personal property or injury to persons; increasing the penalty for setting fire to hotel belongings; requiring notice; amending Minnesota Statutes 1992, sections 327.70, subdivision 3, and by adding a subdivision; 327.73, subdivisions 1 and 2; and 327.74, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 327.

Mr. Hottinger moved to amend S.F. No. 403 as follows:

Page 3, lines 25 and 30, after "*who*" insert "*negligently or intentionally*"

The motion prevailed. So the amendment was adopted.

S.F. No. 403 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	Knutson	Morse	Robertson
Anderson	Dille	Kroening	Murphy	Sams
Beckman	Finn	Langseth	Neuville	Samuelson
Belanger	Flynn	Larson	Oliver	Solon
Benson, D.D.	Frederickson	Lesewski	Olson	Spear
Benson, J.E.	Hanson	Luther	Pariseau	Stevens
Berg	Hottinger	Marty	Piper	Stumpf
Bertram	Johnson, J.B.	Merriam	Price	Terwilliger
Betzold	Johnston	Metzen	Ranum	Vickerman
Chandler	Kelly	Moe, R.D.	Reichgott	Wiener
Chmielewski	Kiscaden	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. 470 a Special Order to be heard immediately.

**SPECIAL ORDER**

S.F. No. 470: A bill for an act relating to elections; changing the time and date of the precinct caucuses; amending Minnesota Statutes 1992, section 202A.14, subdivision 1.

Ms. Robertson moved to amend S.F. No. 470 as follows:

Page 1, after line 24, insert:

"Sec. 2. Minnesota Statutes 1992, section 202A.18, subdivision 2, is amended to read:

Subd. 2. Nominations for the election of permanent officers and delegates shall remain open for at least the first quarter hour of the caucus. Election of delegates and alternates must begin within one hour of convening a caucus. ~~Election of delegates and alternates may begin one-half hour after the convening of the caucus.~~"

Amend the title accordingly

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

S.F. No. 470 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Morse	Sams
Anderson	Finn	Kroening	Murphy	Samuelson
Beckman	Flynn	Laidig	Neuville	Solon
Benson, D.D.	Frederickson	Larson	Novak	Stevens
Benson, J.E.	Hanson	Lesewski	Oliver	Stumpf
Berg	Hottinger	Luther	Olson	Terwilliger
Bertram	Janezich	Marty	Pariseau	Vickerman
Betzold	Johnson, D.E.	McGowan	Piper	Wiener
Chandler	Johnson, J.B.	Merriam	Price	
Chmielewski	Johnston	Metzen	Ranum	
Cohen	Kelly	Moe, R.D.	Riveness	
Day	Kiscaden	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. 1720 a Special Order to be heard immediately.

**SPECIAL ORDER**

H.F. No. 1720: A bill for an act relating to metropolitan government; requiring at least one member of metropolitan transit commission to be disabled user of transit system; amending Minnesota Statutes 1992, section 473.404, 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 454 a Special Order to be heard immediately.

### SPECIAL ORDER

H.F. No. 454: A bill for an act relating to economic development; requiring a summary of performance measures for business loan or grant programs from the department of trade and economic development; amending Minnesota Statutes 1992, section 116J.58, 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Morse	Runbeck
Anderson	Finn	Kroening	Murphy	Sams
Beckman	Flynn	Laidig	Neuville	Samuelson
Belanger	Frederickson	Langseth	Novak	Solon
Benson, D.D.	Hanson	Larson	Oliver	Spear
Benson, J.E.	Hottinger	Lescwski	Olson	Stevens
Berg	Janezich	Lessard	Pariseau	Stumpf
Berglin	Johnson, D.E.	Luther	Piper	Terwilliger
Bertram	Johnson, D.J.	Marty	Price	Vickerman
Betzold	Johnson, J.B.	McGowan	Ranum	Wiener
Chandler	Johnston	Merriam	Reichgott	
Cohen	Kelly	Metzen	Riveness	
Day	Kiscaden	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. 175 a Special Order to be heard immediately.

### SPECIAL ORDER

S.F. No. 175: A bill for an act relating to crimes; creating a felony level offense for repeat fifth-degree assault offenders; amending Minnesota Statutes 1992, section 609.224, subdivision 2, and by adding a subdivision.

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



The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Mondale	Riveness
Anderson	Finn	Kroening	Morse	Robertson
Beckman	Flynn	Laidig	Murphy	Runbeck
Belanger	Frederickson	Langseth	Neuville	Sams
Benson, D.D.	Hanson	Larson	Novak	Samuelson
Benson, J.E.	Hottinger	Lesewski	Oliver	Solon
Berg	Johnson, D.E.	Lessard	Olson	Spear
Bertram	Johnson, D.J.	Luther	Pariseau	Stevens
Betzold	Johnson, J.B.	Marty	Piper	Stumpf
Chandler	Johnston	McGowan	Price	Terwilliger
Cohen	Kelly	Merriam	Ranum	Vickerman
Day	Kiscaden	Metzen	Reichgott	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. 1077 a Special Order to be heard immediately.

### SPECIAL ORDER

S.F. No. 1077: A bill for an act relating to human services; regulating child care programs; requiring an interpretive memoranda study; providing for a vulnerable adult study; amending Minnesota Statutes 1992, sections 245A.02, subdivisions 6a and 14; 245A.03, subdivision 2; 245A.04, subdivision 3; 245A.06, subdivision 2; 245A.09, subdivision 7; 245A.14, subdivision 6; and 245A.16, subdivision 6.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Day	Knutson	Morse	Runbeck
Anderson	Dille	Kroening	Murphy	Sams
Beckman	Finn	Laidig	Neuville	Samuelson
Belanger	Flynn	Langseth	Novak	Solon
Benson, D.D.	Frederickson	Larson	Oliver	Spear
Benson, J.E.	Hanson	Lesewski	Olson	Stevens
Berg	Hottinger	Lessard	Pariseau	Stumpf
Berglin	Johnson, D.E.	Luther	Piper	Terwilliger
Bertram	Johnson, D.J.	Marty	Price	Vickerman
Betzold	Johnson, J.B.	McGowan	Ranum	Wiener
Chandler	Johnston	Merriam	Reichgott	
Chmielewski	Kelly	Metzen	Riveness	
Cohen	Kiscaden	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. 113 a Special Order to be heard immediately.

### SPECIAL ORDER

H.F. No. 113: A bill for an act relating to traffic regulations; specifying that

a pedestrian lawfully in a crosswalk with pedestrian control signals must be given the right-of-way by all vehicles; amending Minnesota Statutes 1992, section 169.06, subdivision 6.

Mr. Cohen moved to amend H.F. No. 113 as follows:

Pages 1 and 2, delete section 2

The motion prevailed. So the amendment was adopted.

H.F. No. 113 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	Knutson	Mondale	Robertson
Anderson	Dille	Kroening	Morse	Runbeck
Beckman	Finn	Laidig	Murphy	Sams
Belanger	Flynn	Langseth	Neuville	Samuelson
Benson, D.D.	Frederickson	Larson	Novak	Spear
Benson, J.E.	Hanson	Lesewski	Olson	Stevens
Berg	Hottinger	Lessard	Pappas	Stumpf
Berglin	Johnson, D.E.	Luther	Pariseau	Terwilliger
Bertram	Johnson, D.J.	Marty	Piper	Vickerman
Betzold	Johnson, J.B.	McGowan	Price	Wiener
Chandler	Johnston	Merriam	Ranum	
Chmielewski	Kelly	Metzen	Reichgott	
Cohen	Kiscaden	Moe, R.D.	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. 9 a Special Order to be heard immediately.

### SPECIAL ORDER

H.F. No. 9: A bill for an act relating to insurance; health; requiring coverage for elimination or treatment of port-wine stains; proposing coding for new law in Minnesota Statutes, chapter 62A.

Ms. Piper moved to amend H.F. No. 9, the unofficial engrossment, as follows:

Page 1, line 20, after "*increase*" insert "*rates due to*"

The motion prevailed. So the amendment was adopted.

H.F. No. 9 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 58 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Benson, D.D.	Neuville	Robertson	Samuelson	Terwilliger
Merriam				

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. 1074 a Special Order to be heard immediately.

### SPECIAL ORDER

S.F. No. 1074: A bill for an act relating to natural resources; management of state-owned lands by the department of natural resources; private use of state trails; appropriating money; amending Minnesota Statutes 1992, sections 84.0273; 84.632; 85.015, by adding a subdivision; 86A.05, subdivision 14; 92.06, subdivision 1; 92.14, subdivision 2; 92.19; 92.29; 92.67, subdivision 5; 94.10; 94.11; 94.13; 94.343, subdivision 3; 94.348, subdivision 2; and 97A.135, subdivision 2, and by adding a subdivision.

Mr. Price moved to amend S.F. No. 1074 as follows:

Page 10, line 6, delete "*values of the*"

The motion prevailed. So the amendment was adopted.

Mr. Morse moved to amend S.F. No. 1074 as follows:

Page 11, line 5, after "*the*" insert "*disposal of the*" and delete "*no*"

Page 11, line 6, delete everything before the period and insert "*is in the public interest*"

The motion prevailed. So the amendment was adopted.

Mr. Chmielewski moved to amend S.F. No. 1074 as follows:

Page 2, after line 25, insert:

"Sec. 3. [85.013] [Subd. 18a] MOOSE LAKE STATE RECREATION AREA, CARLTON COUNTY. *The following area is deleted from Moose Lake state recreation area: The Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 22.*"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 4, after the first semicolon, insert "deletion of land from Moose Lake state recreation area;"

The motion prevailed. So the amendment was adopted.

S.F. No. 1074 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	Cohen	Kiscaden	Moe, R.D.	Riveness
Anderson	Day	Knutson	Morse	Robertson
Beckman	Dille	Laidig	Murphy	Runbeck
Belanger	Finn	Langseth	Neuville	Sams
Benson, D.D.	Flynn	Larson	Novak	Samuelson
Benson, J.E.	Frederickson	Lesewski	Oliver	Solon
Berg	Hanson	Lessard	Olson	Spear
Berglin	Hottinger	Luther	Pappas	Stevens
Bertram	Johnson, D.J.	Marty	Pariseau	Stumpf
Betzold	Johnson, J.B.	McGowan	Price	Terwilliger
Chandler	Johnston	Merriam	Ranum	Vickerman
Chmielewski	Kelly	Metzen	Reichgott	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. 1262 a Special Order to be heard immediately.

### SPECIAL ORDER

S.F. No. 1262: A bill for an act relating to the metropolitan transit commission; authorizing the commission to appoint peace officers and establish a law enforcement agency; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1992, section 629.40, subdivision 5.

Ms. Anderson moved to amend S.F. No. 1262 as follows:

Page 1, line 11, after "The" insert "metropolitan"

Page 1, line 19, delete "metropolitan transit"

Page 1, line 24, delete "metropolitan"

Page 2, line 4, delete "metropolitan transit"

Page 2, line 7, delete "metropolitan"

Page 2, line 16, delete "metropolitan transit"

The motion prevailed. So the amendment was adopted.

S.F. No. 1262 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

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

Ms. Reichgott voted in the negative.

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1000 a Special Order to be heard immediately.

### SPECIAL ORDER

S.F. No. 1000: A bill for an act relating to real estate; regulating fees, licenses, and agreements; requiring certain disclosures; providing for meetings of the real estate appraiser advisory board; changing terms; regulating fees and licenses; amending Minnesota Statutes 1992, sections 82.17, subdivision 4, and by adding subdivisions; 82.19, subdivision 5, and by adding subdivisions; 82.20, subdivision 15; 82.21, subdivision 1, and by adding a subdivision; 82.22, subdivisions 6 and 13; 82.24, subdivision 1; 82.27, subdivision 1; 82.33, subdivision 2, and by adding subdivisions; 82.34, subdivisions 3 and 7; 82B.02, by adding a subdivision; 82B.035, by adding a subdivision; 82B.05, subdivision 5; 82B.11; 82B.14; 82B.19, subdivision 2; and 507.45, subdivision 4; Laws 1992, chapter 555, article 1, section 12; proposing coding for new law in Minnesota Statutes, chapter 82; repealing Minnesota Statutes 1992, sections 82.22, subdivision 7; and 462A.201, subdivision 5; Minnesota Rules, part 2805.1200.

Mr. Luther moved to amend S.F. No. 1000 as follows:

Page 19, line 7, after "receive" insert ":

(1) *at least two hours of training every year in courses in laws or regulations on agency representation and disclosure; and*

(2)"

The motion prevailed. So the amendment was adopted.

Mr. Chandler moved to amend S.F. No. 1000 as follows:

Page 10, line 26, before "If" insert "*Should the possibility of dual agency arise, you have the right to decide at that time whether or not to agree to a dual agency for each specific transaction.*"

Page 11, line 10, after ".....(Broker)....." insert "*If you agree to dual agency, the broker and its salespersons cannot tell you confidential information that they may know about the buyer (motivation to buy; time; terms; negotiating strategy) without the written permission of the buyer. For*

*example, the broker and its salespeople cannot tell you the highest price or terms that the buyer would be willing to offer.*

*If you agree to dual agency, the broker and its salespersons cannot tell you confidential information that they may know about the seller (motivation to sell; price/terms; negotiating strategy) without the written permission of the seller. For example, the broker and its salespersons cannot tell you the lowest price or terms the seller would be willing to accept."*

Page 12, line 3, before "If" insert "Should the possibility of dual agency arise, you have the right to decide at that time whether or not to agree to a dual agency for each specific transaction."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 10 and nays 52, as follows:

Those who voted in the affirmative were:

Anderson	Betzold	Knutson	Luther	Murphy
Belanger	Chandler	Krentz	Marty	Ranum

Those who voted in the negative were:

Adkins	Finn	Laidig	Oliver	Samuelson
Beckman	Frederickson	Langseth	Olson	Solon
Benson, D.D.	Hanson	Larson	Pappas	Spear
Benson, J.E.	Hottinger	Lesewski	Pariseau	Stevens
Berg	Janezich	Lessard	Piper	Stumpf
Berglin	Johnson, D.E.	McGowan	Price	Terwilliger
Bertram	Johnson, D.J.	Merriam	Reichgott	Vickerman
Chmielewski	Johnson	Metzen	Riveness	Wiener
Cohen	Kelly	Moe, R.D.	Robertson	
Day	Kiscaden	Neuville	Runbeck	
Dille	Kroening	Novak	Sams	

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

S.F. No. 1000 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	Dille	Krentz	Mondale	Robertson
Beckman	Finn	Kroening	Murphy	Runbeck
Belanger	Flynn	Laidig	Neuville	Sams
Benson, D.D.	Frederickson	Langseth	Novak	Samuelson
Benson, J.E.	Hanson	Larson	Oliver	Solon
Berg	Hottinger	Lesewski	Olson	Spear
Berglin	Janezich	Lessard	Pappas	Stevens
Bertram	Johnson, D.E.	Luther	Pariseau	Stumpf
Betzold	Johnson, D.J.	Marty	Piper	Terwilliger
Chandler	Johnson	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. 1437 a Special Order to be heard immediately.

**SPECIAL ORDER**

S.F. No. 1437: A bill for an act relating to utilities; requiring cooperative electric associations and municipal utilities to comply with standards set by public utilities commission relating to electrical current or voltage; regulating public utility commission procedures and filings; regulating affiliated interests of public utilities; providing for interim rates; amending Minnesota Statutes 1992, sections 216B.09; 216B.16, subdivisions 1, 1a, 2, and 3; 216B.43; and 216B.48, subdivisions 1 and 4.

Mr. Novak moved to amend S.F. No. 1437 as follows:

Page 7, after line 21, insert:

"Sec. 6. Minnesota Statutes 1992, section 216B.2421, subdivision 2, is amended to read:

Subd. 2. [LARGE ENERGY FACILITY.] "Large energy facility" means:

(a) any electric power generating plant or combination of plants at a single site with a combined capacity of 80,000 kilowatts or more, or any facility of ~~5,000~~ 50,000 kilowatts or more which requires oil, natural gas, or natural gas liquids as a fuel and for which an installation permit has not been applied for by May 19, 1977 pursuant to Minn. Reg. APC 3(a);

(b) any high voltage transmission line with a capacity of 200 kilovolts or more and with more than 50 miles of its length in Minnesota; or, any high voltage transmission line with a capacity of 300 kilovolts or more with more than 25 miles of its length in Minnesota;

(c) any pipeline greater than six inches in diameter and having more than 50 miles of its length in Minnesota used for the transportation of coal, crude petroleum or petroleum fuels or oil or their derivatives;

(d) any pipeline for transporting natural or synthetic gas at pressures in excess of 200 pounds per square inch with more than 50 miles of its length in Minnesota;

(e) any facility designed for or capable of storing on a single site more than 100,000 gallons of liquefied natural gas or synthetic gas;

(f) any underground gas storage facility requiring permit pursuant to section 103I.681;

(g) any nuclear fuel processing or nuclear waste storage or disposal facility; and

(h) any facility intended to convert any material into any other combustible fuel and having the capacity to process in excess of 75 tons of the material per hour.

Sec. 7. Minnesota Statutes 1992, section 216B.2421, is amended by adding a subdivision to read:

*Subd. 3. [MULTIFUEL FACILITIES; PRIMARY FUEL SOURCE.] If more than one fuel source would be used for any electric power generating plant or combination of plants at a single site, the primary fuel source determines whether the facility is a large energy facility."*

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 8, after the semicolon, insert "providing that primary fuel source determines whether power generating plant is a large energy facility for purposes of certificate of need process;"

Page 1, line 10, after the first semicolon, insert "216B.2421, subdivision 2, and by adding a subdivision;"

The motion prevailed. So the amendment was adopted.

S.F. No. 1437 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	Knutson	Mondale	Runbeck
Anderson	Dille	Krentz	Murphy	Sams
Beckman	Finn	Kroening	Neuville	Samuelson
Belanger	Flynn	Laidig	Novak	Solon
Benson, D.D.	Frederickson	Langseth	Oliver	Spear
Benson, J.E.	Hanson	Lesewski	Olson	Stevens
Berg	Hottinger	Lessard	Pappas	Stumpf
Berglin	Janezich	Luther	Pariseau	Terwilliger
Bertram	Johnson, D.E.	Marty	Piper	Vickerman
Betzold	Johnson, D.J.	McGowan	Ranum	Wiener
Chandler	Johnston	Merriam	Reichgott	
Chmielewski	Kelly	Metzen	Riveness	
Cohen	Kiscaden	Moe, R.D.	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. 430 a Special Order to be heard immediately.

### SPECIAL ORDER

H.F. No. 430: A bill for an act relating to human services; requiring the department of health and human services to develop plans to reduce duplication and paperwork in reviews conducted.

Mr. Samuelson moved to amend H.F. No. 430 as follows:

Page 1, after line 18, insert:

"Sec. 2. [STUDY OF FOOD INSPECTIONS.]

*The commissioner of health, in cooperation with the commissioner of agriculture, affected local health departments, and representatives of statewide organizations for the businesses that are inspected, shall study and report to the legislature by February 1, 1994, on the current system for regulating and inspecting grocery stores and food, beverage, and lodging establishments. The study shall analyze the current system and determine whether or not the system could be improved (1) through better coordination of various inspection responsibilities; (2) by assigning to either the commissioner of health or the commissioner of agriculture the responsibility to conduct all food-related inspections; or (3) by adopting other modifications that the report shall recommend."*



Page 1, line 19, delete "2" and insert "3"

Page 1, line 20, delete "Section 1 is" and insert "Sections 1 and 2 are"

Amend the title as follows:

Page 1, line 2, delete "department" and insert "departments"

The motion prevailed. So the amendment was adopted.

H.F. No. 430 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	Day	Knutson	Moe, R.D.	Riveness
Anderson	Dille	Krentz	Murphy	Robertson
Beckman	Finn	Kroening	Neuville	Runbeck
Belanger	Flynn	Laidig	Novak	Sams
Benson, D.D.	Frederickson	Langseth	Oliver	Samuelson
Benson, J.E.	Hanson	Larson	Olson	Solon
Berglin	Hottinger	Lesewski	Pappas	Spear
Bertram	Johnson, D.E.	Luther	Pariseau	Stevens
Betzold	Johnson, D.J.	Marty	Piper	Stumpf
Chandler	Johnston	McGowan	Price	Terwilliger
Chmielewski	Kelly	Merriam	Ranum	Vickerman
Cohen	Kiscaden	Metzen	Reichgott	Wiener

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

Pursuant to Rule 10, Mr. Moc, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1153 a Special Order to be heard immediately.

### SPECIAL ORDER

H.F. No. 1153: A bill for an act relating to civil actions; clarifying the limits on recovery for economic loss caused by components of manufactured goods; amending Minnesota Statutes 1992, section 604.10.

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 55 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knutson	Moe, R.D.	Reichgott
Anderson	Dille	Krentz	Neuville	Riveness
Beckman	Finn	Kroening	Novak	Robertson
Belanger	Flynn	Laidig	Oliver	Runbeck
Benson, D.D.	Frederickson	Langseth	Olson	Sams
Benson, J.E.	Hanson	Larson	Pappas	Spear
Berg	Hottinger	Lesewski	Pariseau	Stevens
Berglin	Johnson, D.J.	Luther	Piper	Stumpf
Bertram	Johnston	Marty	Pogemiller	Terwilliger
Betzold	Kelly	Merriam	Price	Vickerman
Chandler	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. 643 a Special Order to be heard immediately.

### SPECIAL ORDER

H.F. No. 643: A bill for an act relating to commerce; making technical changes in the department's enforcement powers; regulating cosmetology; prescribing powers and duties; setting fees; amending Minnesota Statutes 1992, sections 45.011, subdivision 1, and by adding a subdivision; 45.027, subdivisions 1, 2, 5, 6, and 8; 155A.03, subdivision 1; 155A.05; 155A.06; 155A.07, subdivisions 2, 4, 7, and 8; 155A.08, subdivisions 2 and 5; 155A.09, subdivisions 2, 5, 6, and 9; 155A.10; 155A.14; 155A.15; and 155A.16; proposing coding for new law in Minnesota Statutes, chapter 155A; repealing Minnesota Statutes 1992, sections 155A.11; 155A.12; 155A.13; and 155A.18; Minnesota Rules, parts 2642.0310, subparts 3, 4, and 5; 2642.0330, subparts 3 and 4; 2642.0800; 2642.0810; 2644.0310, subparts 2, 3, and 4; 2644.0800; and 2644.0810.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Krentz	Novak	Runbeck
Anderson	Dille	Kroening	Oliver	Sams
Beckman	Finn	Larson	Olson	Solon
Belanger	Flynn	Lesewski	Pappas	Spear
Benson, D.D.	Frederickson	Luther	Pariseau	Stevens
Benson, J.E.	Hanson	Marty	Piper	Stumpf
Berg	Hottinger	Merriam	Pogemiller	Terwilliger
Bertram	Johnson, D.J.	Metzen	Price	Vickerman
Betzold	Johnston	Moe, R.D.	Ranum	Wiener
Chandler	Kelly	Mondale	Reichgott	
Chmielewski	Kiscaden	Murphy	Riveness	
Cohen	Knutson	Neuville	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. 969 a Special Order to be heard immediately.

### SPECIAL ORDER

H.F. No. 969: A bill for an act relating to transportation; adopting federal motor carrier safety regulations; allowing small motor carriers to file abbreviated annual reports; providing for registration of interstate motor carriers; defining terms; allowing 45-foot buses to be operated in the state; exempting drivers of lightweight vehicles from driver qualification rules; requiring information on shipping documents and other motor carrier records; making technical changes; imposing penalties; amending Minnesota Statutes 1992, sections 168.011, subdivision 36; 168.1281, subdivision 3; 169.781, subdivision 3; 169.81, subdivision 2; 221.011, by adding subdivisions; 221.031, subdivisions 1, 2, 2a, 2b, 3, 3a, 3b, 3c, 5, and 6; 221.0313, subdivision 1; 221.033, subdivisions 2 and 2a; 221.035, subdivision 2; 221.036, subdivisions 1 and 3; 221.172; 221.81, subdivision 3e; proposing

coding for new law in Minnesota Statutes, chapter 221; repealing Laws 1992, chapters 568, section 1; and 578, section 15.

Mr. Belanger moved to amend H.F. No. 969, as amended pursuant to Rule 49, adopted by the Senate April 27, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1504.)

Page 18, delete lines 8 and 9

Page 18, line 10, delete everything before "*name*" and insert:

"(9) *the*"

Page 18, line 11, before the period, insert "; and

(10) *after January 1, 1994, any terminals through which the shipment moved*"

Page 18, line 25, delete "*give a brief statement of*" and insert "*indicate*"

The motion prevailed. So the amendment was adopted.

Mr. Metzen moved to amend H.F. No. 969, as amended pursuant to Rule 49, adopted by the Senate April 27, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1504.)

Page 2, after line 4, insert:

"Sec. 3. Minnesota Statutes 1992, section 169.01, subdivision 52, is amended to read:

Subd. 52. [TOW TRUCK OR TOWING VEHICLE.] "Tow truck" or "towing vehicle" means a motor vehicle having a manufacturer's gross vehicle weight rating of 8,000 pounds or more, equipped with a crane and winch, or an attached device used exclusively to transport vehicles, and further equipped to control the movement of the towed or transported vehicle."

Page 3, after line 32, insert:

"Sec. 7. Minnesota Statutes 1992, section 221.025, is amended to read:

221.025 [EXEMPTIONS.]

The provisions of this chapter requiring a certificate or permit to operate as a motor carrier do not apply to the intrastate transportation described below:

(a) the transportation of students to or from school or school activities in a school bus inspected and certified under section 169.451;

(b) the transportation of solid waste, as defined in section 116.06, subdivision 22, including recyclable materials and waste tires, except that the term "hazardous waste" has the meaning given it in section 221.011, subdivision 31;

(c) a commuter van as defined in section 221.011, subdivision 27;

(d) authorized emergency vehicles as defined in section 169.01, subdivision 5, including ambulances; and tow trucks equipped with proper and legal warning devices when picking up and transporting (1) disabled or wrecked motor vehicles and when carrying proper and legal warning devices or (2)

*vehicles towed or transported under a towing order issued by a public employee authorized to issue a towing order;*

(e) the transportation of grain samples under conditions prescribed by the board;

(f) the delivery of agricultural lime;

(g) the transportation of dirt and sod within an area having a 50-mile radius from the home post office of the person performing the transportation;

(h) the transportation of sand, gravel, bituminous asphalt mix, concrete ready mix, concrete blocks or tile and the mortar mix to be used with the concrete blocks or tile, or crushed rock to or from the point of loading or a place of gathering within an area having a 50-mile radius from that person's home post office or a 50-mile radius from the site of construction or maintenance of public roads and streets;

(i) the transportation of pulpwood, cordwood, mining timber, poles, posts, decorator evergreens, wood chips, sawdust, shavings, and bark from the place where the products are produced to the point where they are to be used or shipped;

(j) the transportation of fresh vegetables from farms to canneries or viner stations, from viner stations to canneries, or from canneries to canneries during the harvesting, canning, or packing season, or transporting potatoes, sugar beets, wild rice, or rutabagas from the field of production to the first place of delivery or unloading, including a processing plant, warehouse, or railroad siding;

(k) the transportation of property or freight, other than household goods and petroleum products in bulk, entirely within the corporate limits of a city or between contiguous cities except as provided in section 221.296;

(l) the transportation of unprocessed dairy products in bulk within an area having a 100-mile radius from the home post office of the person providing the transportation;

(m) the transportation of agricultural, horticultural, dairy, livestock, or other farm products within an area having a 25-mile radius from the person's home post office and the carrier may transport other commodities within the 25-mile radius if the destination of each haul is a farm;

(n) passenger transportation service that is not charter service and that is under contract to and with operating assistance from the department or the regional transit board; and

(o) the transportation of newspapers, as defined in section 331A.01, subdivision 5, telephone books, handbills, circulars, or pamphlets in a vehicle with a gross vehicle weight of 10,000 pounds or less.

The exemptions provided in this section apply to a person only while the person is exclusively engaged in exempt transportation."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "defining exempt carriers to include certain tow trucks;"

Page 1, line 12, after the second semicolon, insert "169.01, subdivision 52;"

Page 1, line 14, after the semicolon, insert "221.025;"

The motion prevailed. So the amendment was adopted.

Mr. Chmielewski moved to amend H.F. No. 969, as amended pursuant to Rule 49, adopted by the Senate April 27, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1504.)

Page 1, after line 21, insert:

"Section 1. Minnesota Statutes 1992, section 164.06, subdivision 2, is amended to read:

Subd. 2. [EXTINGUISHING INTEREST IN ABANDONED ROAD.] After providing notice under section 366.01, subdivision 8, the town board may by resolution disclaim and extinguish a town interest in a town road without action under subdivision 1 if:

(1) the extinguishment is found by the town board to be in the public interest;

(2) the interest is not a fee interest;

(3) the interest was established more than 25 years earlier;

(4) the interest is not recorded or filed with the county recorder;

(5) no road improvement has been constructed on a right-of-way affected by the interest *within the last 25 years*; and

(6) no road maintenance on a right-of-way affected by the interest has occurred within the last 25 years.

The resolution shall be filed and recorded with the county auditor and recorder."

Renumber the sections in sequence and correct the internal references

Amend the title as follow:

Page 1, line 12, before "168.011" insert "164.06, subdivision 2;"

The motion prevailed. So the amendment was adopted.

Mr. Chmielewski then moved to amend H.F. No. 969, as amended pursuant to Rule 49, adopted by the Senate April 27, 1993, as follows:

(The text of the amended House File is identical to S.F. No. 1504.)

Page 1, after line 21, insert:

"Section 1. Minnesota Statutes 1992, section 162.081, subdivision 4, is amended to read:

Subd. 4. [FORMULA FOR DISTRIBUTION TO TOWNS; PURPOSES.] Money apportioned to a county from the town road account must be distributed to the treasurer of each town within the county, according to a distribution formula adopted by the county board. The formula must take into account each town's levy for road and bridge purposes, its population and town road mileage, and other factors the county board deems advisable in the

interests of achieving equity among the towns. Distribution of town road funds to each town treasurer must be made by March 1, annually, or within 30 days after receipt of payment from the commissioner. Distribution of funds to town treasurers in a county which has not adopted a distribution formula under this subdivision must be made according to a formula prescribed by the commissioner by rule. A formula adopted by a county board or by the commissioner must provide that a town, in order to be eligible for distribution of funds from the town road account in a calendar year, must have levied *for taxes payable* in the previous year for road and bridge purposes at least 0.04835 percent of taxable market value.

Money distributed to a town under this subdivision may be expended by the town only for the construction, reconstruction, and gravel maintenance of town roads within the town."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "changing requirement for town road account distributions;"

Page 1, line 11, after "sections" insert "162.081, subdivision 4;"

The motion prevailed. So the amendment was adopted.

H.F. No. 969 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

Ms. Johnston, Messrs. Kroening, Merriam and Novak voted in the negative.

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 480 a Special Order to be heard immediately.

### SPECIAL ORDER

S.F. No. 480: A bill for an act relating to workers' compensation; requiring appointment of guardians and conservators for minors and incapacitated persons; amending Minnesota Statutes 1992, sections 176.091; 176.111, subdivision 5; and 176.521, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 176; and 525.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Mondale	Robertson
Anderson	Finn	Krentz	Neuville	Runbeck
Beckman	Flynn	Kroening	Novak	Sams
Belanger	Frederickson	Langseth	Oliver	Spear
Benson, D.D.	Hanson	Larson	Olson	Stevens
Benson, J.E.	Hottinger	Lesewski	Pappas	Terwilliger
Bertram	Janezich	Luther	Pariseau	Vickerman
Betzold	Johnson, D.E.	Marty	Piper	Wiener
Chandler	Johnson, D.J.	McGowan	Price	
Chmielewski	Johnston	Merriam	Ranum	
Cohen	Kelly	Metzen	Reichgott	
Day	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 S.F. No. 1036 a Special Order to be heard immediately.

### SPECIAL ORDER

S.F. No. 1036: A bill for an act relating to commerce; trade practices; regulating transfers and sales of recordings; prescribing penalties; amending Minnesota Statutes 1992, sections 325E.17; 325E.18; 325E.19; and 609.531, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 325E; repealing Minnesota Statutes 1992, section 325E.20.

Mr. Cohen moved to amend S.F. No. 1036 as follows:

Page 2, line 5, strike "to"

Page 2, line 6, strike "for commercial purposes" and insert "to"

Page 2, line 11, after "(2)" insert "to"

Page 2, line 24, before "to" insert "*for commercial purposes*"

The motion prevailed. So the amendment was adopted.

S.F. No. 1036 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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. 190 a Special Order to be heard immediately.

### SPECIAL ORDER

S.F. No. 190: A bill for an act relating to government data practices; providing that certain criminal conviction data are public; providing that a record of conviction of certain crimes and other determinations disqualify an individual from obtaining certain human services licenses; providing for access to certain data on day care and foster care licensees; amending Minnesota Statutes 1992, sections 13.46, subdivision 4; 13.87, subdivision 2; and 245A.04, subdivision 3b.

Mr. Cohen moved to amend S.F. No. 190 as follows:

Amend the title as follows:

Page 1, line 2, delete "government data practices" and insert "background checks"

The motion prevailed. So the amendment was adopted.

Mr. Marty moved to amend S.F. No. 190 as follows:

Page 3, delete section 2

Page 6, after line 32, insert:

**"Sec. 3. [CRIMINAL HISTORY RECORD ACCESS STUDY.]**

*The criminal and juvenile justice information policy group shall study and make recommendations on the desirability and feasibility of making criminal conviction data maintained by the bureau of criminal apprehension accessible to the public. The study must include:*

- (1) public safety concerns;*
- (2) the effect of public access on employability and reintegration of offenders in the community;*
- (3) the discriminatory impact of public access on different racial groups; and*
- (4) the need for applying the criminal offenders rehabilitation act in Minnesota Statutes, chapter 364, to private employers or for providing other remedies for employees who may be the subject of adverse action based on criminal history background checks.*

*The policy group shall report to the legislature under this section by January 15, 1994."*

Page 6, line 35, delete everything after the first period

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Ms. Ranum moved to amend the Marty amendment to S.F. No. 190 as follows:



Page 1, delete line 2

Page 1, line 4, delete "3" and insert "4"

Page 1, line 22, delete everything after the second comma and insert "delete "December 31, 1993" and insert "June 1, 1994"'"

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

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

Mr. Marty moved to amend S.F. No. 190 as follows:

Page 3, after line 20, insert:

"Sec. 3. [181.97] [EMPLOYER USE OF CRIMINAL CONVICTION DATA.]

*An employer who obtains criminal conviction data about an applicant for a job may use the data in making a decision to hire the applicant only to the extent that the data relate to the applicant's suitability for the position. An employer shall notify an applicant in writing if a decision not to hire the applicant is based in whole or in part on the criminal conviction data and shall advise the applicant of the applicant's right to access the data and right to correct inaccurate or incomplete data under sections 13.03 and 13.04. This section does not apply to public employers subject to chapter 364."*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

S.F. No. 190 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.	Reichgott
Anderson	Dille	Krentz	Mondale	Riveness
Beckman	Finn	Kroening	Morse	Robertson
Belanger	Flynn	Laidig	Murphy	Runbeck
Benson, D.D.	Frederickson	Langseth	Neuville	Sams
Benson, J.E.	Hanson	Larson	Novak	Samuelson
Berg	Hottinger	Lesewski	Oliver	Spear
Berglin	Janezich	Lessard	Olson	Stevens
Bertram	Johnson, D.E.	Luther	Pappas	Stumpf
Betzold	Johnson, D.J.	Marty	Pariseau	Terwilliger
Chandler	Johnston	McGowan	Piper	Vickerman
Chmielewski	Kelly	Merriam	Price	Wiener
Cohen	Kiscaden	Metzen	Ranum	

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

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Morse moved that the following members be excused for a Conference Committee on S.F. No. 1570 at 10:00 a.m.:

Messrs. Laidig, Lessard, Merriam, Morse and Ms. Johnson, J.B. The motion prevailed. 4

## MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1420 a Special Order to be heard immediately.

## SPECIAL ORDER

H.F. No. 1420: A bill for an act relating to probate; providing for determination of reasonable compensation for certain guardians and conservators; changing provisions for guardians and conservators of certain institutionalized persons; amending Minnesota Statutes 1992, sections 525.54, subdivisions 1 and 3; 525.544, subdivision 2; 525.58, subdivision 4; and 525.703, subdivisions 2 and 3.

Mr. Cohen moved to amend H.F. No. 1420 as follows:

Page 2, line 17, delete *"the"* and insert *"an indigent"*

Page 2, line 21, delete *"adult protection services"* and insert *"the county human services agency, to the extent the agency provides these services"*

Page 4, line 2, delete *"adult protection workers"* and insert *"human services agency"*

Page 4, line 3, delete *"local adult protection unit"* and insert *"county human services agency"*

Page 4, line 33, after *"compensation"* insert *"for a guardian or conservator of an indigent person"*

Page 5, lines 16 and 29, after *"compensation"* insert *"for a guardian or conservator of an indigent person"*

The motion prevailed. So the amendment was adopted.

H.F. No. 1420 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Ms. Reichgott moved that the following members be excused for a Conference Committee on S.F. No. 40 at 1:00 p.m.:

Messrs. Spear, Knutson and Ms. Reichgott. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 674 a Special Order to be heard immediately.

### SPECIAL ORDER

S.F. No. 674: A bill for an act relating to civil actions; regulating the posting of a bond required of plaintiffs in certain actions against a public body; amending Minnesota Statutes 1992, section 562.02.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 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	Larson	Oliver	Spear
Benson, J.E.	Hanson	Lesewski	Olson	Stevens
Berg	Hottinger	Lessard	Pappas	Stumpf
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 S.F. No. 741 a Special Order to be heard immediately.

### SPECIAL ORDER

S.F. No. 741: A bill for an act relating to civil actions; authorizing appeals from the decisions of civil service commissions by first-class cities and their employees on the same basis and to the same extent; amending Minnesota Statutes 1992, section 484.01.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Johnston	Metzen	Riveness
Anderson	Day	Kiscaden	Moe, R.D.	Robertson
Beckman	Dille	Krentz	Mondale	Runbeck
Belanger	Finn	Kroening	Morse	Sams
Benson, D.D.	Flynn	Laidig	Neuville	Samuelson
Benson, J.E.	Frederickson	Langseth	Novak	Stevens
Berg	Hanson	Lesewski	Oliver	Terwilliger
Berglin	Hottinger	Lessard	Olson	Vickerman
Bertram	Janezich	Luther	Pappas	Wiener
Betzold	Johnson, D.E.	Marty	Pariseau	
Chandler	Johnson, D.J.	McGowan	Price	
Chmielewski	Johnson, J.B.	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 S.F. No. 1097 a Special Order to be heard immediately.

### SPECIAL ORDER

S.F. No. 1097: A bill for an act relating to trusts; prohibiting trustees from exercising certain powers; proposing coding for new law in Minnesota Statutes, chapter 501B.

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

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

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

### REPORTS OF COMMITTEES

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

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

H.F. No. 1311: A bill for an act relating to local government; providing for the continuation of the Mississippi River parkway commission; amending Minnesota Statutes 1992, section 161.1419, subdivision 8.

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

Page 1, delete section 1 and insert:

“Section 1. Minnesota Statutes 1992, section 161.1419, subdivision 8, is amended to read:

Subd. 8. [EXPIRATION.] *Notwithstanding section 15.059, subdivision 5, the commission shall not expire on the date provided by section 15.059, subdivision 5.*”

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

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

H.F. No. 208: A bill for an act relating to human rights; prohibiting discrimination against certain persons who have physical or sensory disabilities and who use service animals; clarifying certain language governing transportation of disabled persons; clarifying the commissioner's acceptance of charges; providing for office of administrative hearings costs to be charged in human rights cases; amending Minnesota Statutes 1992, sections 363.01, subdivisions 30a, 35, 41b, and by adding a subdivision; 363.03, subdivisions 2, 4, and 10; 363.071, by adding a subdivision; and 473.144.

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

Pages 10 and 11, delete section 8

Page 11, line 26, delete “9” and insert “8”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete everything after the semicolon

Page 1, delete line 8

Page 1, line 12, delete “363.071, by adding a subdivision;”

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. 416: A bill for an act relating to elections; providing for a presidential primary by mail; changing the date of the presidential primary; increasing the filing fee for an affidavit of candidacy; changing certain duties and procedures; amending Minnesota Statutes 1992, sections 204B.45, subdivision 3, and by adding a subdivision; 207A.01; 207A.02, subdivision 1a; 207A.03; 207A.04, subdivision 3; 207A.06, subdivision 2; 207A.08; and 207A.09; proposing coding for new law in Minnesota Statutes, chapter 207A; repealing Minnesota Statutes 1992, section 207A.07.

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

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

S.F. No. 993: A bill for an act relating to public safety; allowing social security numbers of commercial drivers to be provided to the federal commercial driver license information system; allowing person whose vehicle license plates are impounded to designate a licensed driver for the purpose of obtaining special series license plates; prohibiting person whose license plates are impounded from purchasing a motor vehicle under certain conditions; clarifying driver's license classification provisions; imposing fee for duplicate identification card; requiring application for duplicate identification card when certain information changes; including certain traffic offenses as being serious violations when committed by commercial vehicle drivers; providing for driver's license reinstatement fees; amending Minnesota Statutes 1992, sections 13.69, subdivision 1; 168.042, subdivision 12, and by adding a subdivision; 171.02, subdivision 2; 171.06, subdivision 2; 171.11; 171.165, subdivision 4; and 171.29, subdivision 2.

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

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

S.F. No. 938: A bill for an act relating to commerce; modifying the definition of business license; regulating residential building contractors and remodelers; providing licensing requirements; prescribing the powers and duties of the commissioner; establishing a contractor's recovery fund; amending Minnesota Statutes 1992, sections 116J.70, subdivision 2a; 326.83, subdivisions 4, 6, 7, 8, 10, and by adding subdivisions; 326.84, subdivisions 1 and 3; 326.85, subdivision 1; 326.86; 326.87, subdivision 2; 326.88; 326.89, subdivisions 2, 3, and by adding subdivisions; 326.90; 326.91, subdivisions 1 and 2; 326.92, subdivisions 1 and 3; 326.93, subdivision 1; 326.94, subdivision 2; 326.97, subdivision 1; and by adding a subdivision; 326.99; and 326.991; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Statutes 1992, sections 326.84, subdivision 2; and 326.94, subdivision 1.

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

Page 20, line 7, after "*applicant*" insert "*for a license under sections 326.83 to 326.98*"

Page 20, line 16, delete "*calendar or*" and insert "*licensee's most recent*" and delete "*immediately*"

Page 22, after line 16, insert:

"*Subd. 3. [APPROPRIATION.] Money in the contractor's recovery fund is appropriated to the commissioner for the purposes of this section.*"

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "*appropriating money;*"

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. 955: A bill for an act relating to drivers' licenses; allowing agents of court administrators to retain fee for applications for drivers' licenses and identification cards; providing for appointment of these agents; amending Minnesota Statutes 1992, section 171.06, subdivision 4.

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

Page 2, line 9, delete "*all or*" and strike "*one-half of the*" and insert "*up to a*"

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. 798: A bill for an act relating to public safety; authorizing commissioner of public safety to apply for federal natural disaster assistance funds; amending Minnesota Statutes 1992, section 12.221.

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

Page 1, lines 16 to 18, delete the new language and insert "*The commissioner may apply for and accept federal money for natural disaster assistance. Federal money received is appropriated to the commissioner, who shall report its expenditure to the chairs of the house of representatives ways and means committee and the senate finance committee.*"

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. 796: A bill for an act relating to transportation; exempting public bodies from regulations on all-terrain vehicles; allowing commissioner of transportation to transfer certain real property acquired for highway purposes to former owner through negotiated settlement; providing for bridge inspection frequency and reports; delaying required revision of state transportation plan; authorizing expenditure of rail service maintenance account money for maintenance of rail lines and rights-of-way in the rail bank; providing funding sources for rail bank maintenance account; authorizing sale of certain tax-forfeited land that borders public water in New Scandia township in Washington county, and an exchange of that land for land located in Stillwater township in Washington county between the state of Minnesota and the United States Department of Interior, National Park Service; repealing identification display requirements for highway advertising signs; amending Minnesota Statutes 1992, sections 84.928, subdivision 1; 165.03; 174.03, subdivision 1a; 222.50, subdivision 7; 222.63, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 161; repealing Minnesota Statutes 1992, section 173.14; and Minnesota Rules, part 8810.1300, subpart 6.

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

Page 5, line 1, after "made" insert "*at regular intervals not to exceed two years*"

Page 6, line 20, delete the comma and insert "or"

Page 6, line 21, delete the first comma and insert "*received from rail line rehabilitation contracts, or from*"

Page 6, lines 22 and 23, delete the new language

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. 1115: A bill for an act relating to natural resources; modifying provisions relating to aquaculture; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 17.4982, subdivisions 1, 8, and by adding a subdivision; 17.4983, subdivision 2; 17.4984, subdivision 2; 17.4985, subdivisions 2 and 3; 17.4986, subdivision 2, and by adding a subdivision; 17.4991, subdivisions 3, 4, and by adding a subdivision; 17.4992, subdivision 3; 17.4995; 18B.26, subdivision 1; 97C.203; 97C.515, subdivision 4; 97C.525, subdivision 3; and 103G.2241; proposing coding for new law in Minnesota Statutes, chapter 17.

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

Page 9, delete section 14

Page 15, after line 12, insert:

"Sec. 20. [APPROPRIATION.]

*\$300,000 is appropriated from the game and fish fund to the commissioner of natural resources for fisheries purposes. \$150,000 is for fiscal year 1994 and \$150,000 is for fiscal year 1995."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, delete "17.4995;"

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. 410: A bill for an act relating to elections; changing requirements and procedures for maintaining precinct boundary data; appropriating money; amending Minnesota Statutes 1992, sections 204B.14, subdivisions 5 and 6; and 204B.146.

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

Page 4, line 3, delete "\$....." and insert "\$65,000"



Page 4, lines 4 and 5; delete “, to be available until June 30, 1995” and insert “. \$54,000 is for fiscal year 1994 and \$11,000 is for fiscal year 1995”

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. 832: A bill for an act relating to occupations and professions; regulating athletic trainers; establishing an advisory council; providing for registration; requiring fees; providing for rulemaking; imposing penalties; appropriating money; amending Minnesota Statutes 1992, section 116J.70, subdivision 2a; proposing coding for new law in Minnesota Statutes, chapter 148.

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

Page 16, line 30, delete “\$20,000” and insert “\$40,000”

Page 16, line 32, delete everything after “16” and insert “. \$20,000 is for fiscal year 1994 and \$20,000 is for fiscal year 1995.”

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. 338: A bill for an act relating to economic development; creating Minnesota Business Finance, Inc. to provide capital for commercial borrowers through the Small Business Administration; providing for powers and duties of a board of directors and employees; transferring funds from the certified development company established under the department of trade and economic development to the new corporation; appropriating money; amending Minnesota Statutes 1992, section 13.99, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 116S; repealing Minnesota Statutes 1992, sections 41A.065 and 116J.985.

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

## SECOND READING OF SENATE BILLS

S.F. Nos. 416, 993, 938, 955, 798, 796, 1115, 410, 832 and 338 were read the second time.

## SECOND READING OF HOUSE BILLS

H.F. Nos. 1311 and 208 were read the second time.

## MOTIONS AND RESOLUTIONS – CONTINUED

Mr. Merriam, for Mr. Chmielewski, moved that H.F. No. 964 be withdrawn from the Committee on Finance and re-referred to the Committee on Rules and Administration for comparison with S.F. No. 798, now on General Orders. The motion prevailed.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

Messrs. Vickerman, Day and Sams introduced—

S.F. No. 1622: A bill for an act relating to taxation; sales and use; exempting railroad rolling stock; amending Minnesota Statutes 1992, section 297A.25, by adding a subdivision; repealing Minnesota Statutes 1992, section 297A.212.

Referred to the Committee on Taxes and Tax Laws.

Ms. Runbeck, Messrs. Terwilliger and Metzen introduced—

S.F. No. 1623: A bill for an act relating to public employment; requiring a study of University of Minnesota employee compensation compared with state employees' compensation.

Referred to the Committee on Governmental Operations and Reform.

**MEMBERS EXCUSED**

Messrs. Kroening and Riveness were excused from the Session of today from 8:30 to 9:00 a.m. Ms. Berglin, Runbeck and Mr. Novak were excused from the Session of today from 8:30 to 9:15 a.m. Messrs. Lessard and Johnson, D.J. were excused from the Session of today from 8:30 to 9:25 a.m. Ms. Pappas was excused from the Session of today from 8:30 to 9:30 a.m. Ms. Krentz was excused from the Session of today from 8:30 to 10:00 a.m. Mr. Janczich was excused from the Session of today from 8:30 to 10:30 a.m. Mr. Pogemiller was excused from the Session of today from 8:30 to 11:10 a.m. Ms. Berglin was excused from the Session of today from 11:15 to 11:45 a.m. Mr. Samuelson was excused from the Session of today from 10:15 to 10:45 a.m. Mr. Johnson, D.E. was excused from the Session of today from 11:10 to 11:50 a.m. Mr. Stumpf was excused from the Session of today from 10:30 to 10:45 a.m. Mr. Kelly was excused from the Session of today from 1:00 to 1:15 p.m.

**ADJOURNMENT**

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

Patrick E. Flahaven, Secretary of the Senate