

## FORTY-SEVENTH DAY

St. Paul, Minnesota, Friday, April 30, 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. John Estrem.

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.

### 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. 397.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 29, 1993

Mr. President:

I have the honor to announce that the House has acceded to the request of

the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1613: A bill for an act relating to the organization and operation of state government; appropriating money for the departments of labor and industry, public service, jobs and training, housing finance, and other purposes with certain conditions; establishing and modifying certain programs; providing penalties; amending Minnesota Statutes 1992, sections 16B.06, subdivision 2a; 116J.617; 116J.982; 179.02, by adding a subdivision; 239.011, subdivision 2; 239.10; 239.791, subdivisions 6 and 8; 268.022, subdivision 2; 268.975, subdivisions 3, 4, 6, 7, 8, and by adding subdivisions; 268.976, subdivision 2; 268.978, subdivision 1; 268.98; and 462A.21, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 116J; 116M; 239; 268; and 462A; repealing Minnesota Statutes 1992, sections 116J.982, subdivisions 6a, 8, and 9; 239.05, subdivision 2c; 239.52; 239.78; 268.977; and 268.978, subdivision 3.

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

Rice, Clark, Dempsey, Lieder and Mariani.

Senate File No. 1613 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 29, 1993

Mr. President:

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

S.F. No. 1620: A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government; providing for the transfer of certain money in the state treasury; fixing and limiting the amount of fees, penalties, and other costs to be collected in certain cases; amending Minnesota Statutes 1992, sections 8.15; 15.38, by adding a subdivision; 15.50, by adding a subdivision; 15A.083, by adding a subdivision; 196.051, subdivision 3; 196.054, subdivision 2; 198.16; 270.063; 303.13, subdivision 1; 303.21, subdivision 3; 322A.16; 333.20, subdivision 4; 333.22, subdivision 1; 336.9-403; 336.9-404; 336.9-405; 336.9-406; 336.9-407; 336.9-413; 336A.04, subdivision 3; 336A.09, subdivision 2; 349A.10, subdivision 5; 357.021, subdivisions 1a and 2; 357.022; 357.08; 357.18, subdivision 3; 386.61, by adding a subdivision; 386.65; 386.66; 386.67; 386.68; 386.69; 508.82; 508A.82; and 593.48; Laws 1989, chapter 335, article 3, section 44, as amended; proposing coding for new law in Minnesota Statutes, chapters 129D; 386; and 609; repealing Minnesota Statutes 1992, sections 386.61, subdivision 3; 386.63; 386.64; and 386.70.

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

Krueger; Kahn; Johnson, R.; Knickerbocker and Haukoos.

Senate File No. 1620 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 29, 1993

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1709:

H.F. No. 1709: A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and other agencies with certain conditions; fixing and limiting accounts and fees; amending Minnesota Statutes 1992, sections 11A.21, subdivision 1; 161.081; 161.39, by adding a subdivision; 169.121, subdivision 7; 169.123, subdivision 5a; 171.02, subdivision 1; 171.06, subdivisions 2 and 4; 171.07, by adding a subdivision; 171.11; 171.22, subdivision 1; 174.02, by adding a subdivision; 296.02, subdivision 1a; 296.025, subdivision 1a; Laws 1992, chapter 513, article 3, section 77; proposing coding for new law in Minnesota Statutes, chapter 161; repealing Minnesota Statutes 1992, sections 171.20, subdivision 1; 296.01, subdivision 4; and 296.026.

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

Rice, Mariani, Steensma, Sarna and Lieder have been appointed as such committee on the part of the House.

House File No. 1709 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 29, 1993

Mr. Langseth moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1709, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1408:

H.F. No. 1408: A bill for an act relating to agriculture; redefining terms in the plant pest act; exempting certain nonprofit organizations from the requirement for a nursery stock dealer certificate; amending Minnesota Statutes 1992, section 18.46, subdivision 3, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 18.

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

Limmer, Smith and Wenzel have been appointed as such committee on the part of the House.

House File No. 1408 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 29, 1993

Mr. McGowan moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1408, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 671, 984 and 1585.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 29, 1993

### FIRST READING OF HOUSE BILLS

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

H.F. No. 671: A bill for an act relating to metropolitan government; requiring the metropolitan council to adopt rules allocating comprehensive choice housing among cities and towns in the metropolitan area; requiring metropolitan council review of city's and town's efforts to comply with the allocation; establishing penalties for noncompliance; amending Minnesota Statutes 1992, section 473.523, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 16A; and 473.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 984: A bill for an act relating to state government; modifying provisions relating to the department of administration; amending Minnesota Statutes 1992, sections 13B.04; 15.061; 16B.06, subdivision 2; 16B.17; 16B.19, subdivisions 2 and 10; 16B.24, subdivision 6, and by adding a subdivision; 16B.27, subdivision 3; 16B.32, subdivision 2; 16B.42; 16B.465, subdivision 6; 16B.48, subdivisions 2 and 3; 16B.49; 16B.51, subdivisions 2 and 3; 16B.85, subdivision 1; 94.10, subdivision 1; 343.01, subdivisions 2, 3, and by adding subdivisions; and 403.11, subdivision 1; Laws 1979, chapter 333, section 18; and Laws 1991, chapter 345, article 1, section 17, subdivision 4, as amended; proposing coding for new law in Minnesota Statutes, chapter 16B; repealing Minnesota Statutes 1992, sections 3.3026; 16B.41, subdivision 4; 16B.56, subdivision 4; Laws 1987, chapter 394, section 13.

Referred to the Committee on Finance.

H.F. No. 1585: A bill for an act relating to crime; imposing penalties for a variety of firearms-related offenses; expanding forfeiture provisions; revising and increasing penalties for stalking, harassment, and domestic abuse offenses; providing for improved training, investigation and enforcement of these laws; increasing penalties for and making revisions to certain controlled substance offenses; increasing penalties for crimes committed by groups; increasing penalties and improving enforcement of arson and related crimes; making certain changes to restitution and other crime victim laws; revising laws relating to law enforcement agencies, and state and local corrections agencies; requiring certain counties to establish pretrial diversion programs; revising and increasing penalties for a variety of other criminal laws; clarifying certain provisions for the new felony sentencing system; making technical corrections to sentencing statutes; regulating crimes in certain shopping areas; making knowing transfer of HIV virus a felony; increasing parental liability; limiting right to refuse blood testing; appropriating money; amending Minnesota Statutes 1992, sections 8.16, subdivision 1; 13.87, subdivision 2; 16B.08, subdivision 7; 127.03, subdivision 3; 144.765; 144A.04, subdivisions 4 and 6; 144A.11, subdivision 3a; 144B.08, subdivision 3; 152.01, by adding a subdivision; 152.021, subdivision 3; 152.022, subdivisions 1, 2, and 3; 152.023, subdivisions 2 and 3; 152.024, subdivisions 1 and 3; 152.025, subdivision 3; 152.026; 152.0971, subdivisions 1, 3, and by adding subdivisions; 152.0972, subdivision 1; 152.0973, subdivisions 2, 3, and by adding a subdivision; 152.0974; 152.18, subdivision 1; 168.346; 169.121, subdivision 3a; 169.222, subdivisions 1 and 6; 169.64, subdivision 3; 169.98, subdivision 1a; 214.10, by adding subdivisions; 238.16, subdivision 2; 241.09; 241.26, subdivision 5; 241.67, subdivision 2; 243.166, subdivision 1; 243.23, subdivision 3; 244.01, subdivision 8, and by adding a subdivision; 244.05, subdivisions 1b, 4, 5, and by adding a subdivision; 244.065; 244.101; 244.14, subdivisions 2 and 3; 244.15, subdivision 1; 244.17, subdivision 3; 244.171, subdivisions 3 and 4; 244.172, subdivisions 1 and 2; 260.185, subdivisions 1 and 1a; 260.193, subdivision 8; 260.251, subdivision 1; 299A.35, subdivision 2; 299C.46, by adding a subdivision; 299D.03, subdivision 1; 299D.06; 299F.04, by adding a subdivision; 299F.815, subdivision 1; 388.23, subdivision 1; 390.11, by adding a subdivision; 390.32, by adding a subdivision; 401.02, subdivision 4; 473.386, by adding a subdivision; 480.0591, subdivision 6; 480.30; 485.018, subdivision 5; 518B.01, subdivisions 2, 3, 6, 7, 9, and 14; 540.18, subdivision 1; 541.15; 609.02, subdivision 6; 609.0341, subdivision 1; 609.035; 609.05, subdivision 1; 609.06; 609.101, subdivisions 2, 3, and 4; 609.11; 609.135, subdivisions 1, 1a, and 2; 609.1352, subdivision 1; 609.14, subdivision 1; 609.15, subdivision 2; 609.152, subdivisions 1 and 2; 609.175, subdivision 2, and by adding a subdivision; 609.184, subdivision 2; 609.196; 609.224, subdivision 2; 609.229, subdivision 3; 609.251; 609.341, subdivisions 10, 17, 18, and 19; 609.344, subdivision 1; 609.345, subdivision 1; 609.346, subdivisions 2, 2b, and 5; 609.3461; 609.378, subdivision 1; 609.494; 609.495; 609.505; 609.531, subdivision 1; 609.5314, subdivision 1; 609.562; 609.563, subdivision 1; 609.576, subdivision 1; 609.582, subdivision 1a; 609.585; 609.605, subdivision 1, and by adding a subdivision; 609.66, subdivisions 1, 1a, and by adding subdivisions; 609.67, subdivisions 1 and 2; 609.686; 609.71; 609.713, subdivision 1; 609.746, by adding a subdivision; 609.748, subdivisions 1, 2, 3, 5, 6, 8, and by adding subdivisions; 609.79, subdivision 1; 609.795, subdivision 1; 609.856, subdivision 1; 609.891, subdivision 2; 609.902, subdivision 4; 611A.02, subdivision 2; 611A.031; 611A.0315; 611A.04, subdivisions 1, 1a, 3, and by adding a

subdivision; 611A.06, subdivision 1; 611A.52, subdivisions 5, 8, and 9; 611A.57, subdivisions 2, 3, and 5; 611A.66; 624.711; 624.712, subdivisions 5, 6, and by adding a subdivision; 624.713; 624.7131, subdivisions 1, 4, and 10; 624.7132; 626.05, subdivision 2; 626.13; 626.556, subdivision 10; 626.8451, subdivision 1a; 626A.05, subdivision 1; 626A.06, subdivisions 4, 5, and 6; 626A.10, subdivision 1; 626A.11, subdivision 1; 628.26; 629.291, subdivision 1; 629.34, subdivision 1; 629.341, subdivision 1; 629.342, subdivision 2; 629.72; 631.046, subdivision 1; 631.41; and 641.14; Laws 1991, chapter 279, section 41; Laws 1992, chapter 571, article 7, section 13, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 121; 152; 169; 174; 242; 260; 401; 473; 593; 609; 611A; and 624; repealing Minnesota Statutes 1992, sections 152.0973, subdivision 4; 214.10, subdivisions 4, 5, 6, and 7; 241.25; 609.02, subdivisions 12 and 13; 609.131, subdivision 1a; 609.605, subdivision 3; 609.746, subdivisions 2 and 3; 609.747; 609.79, subdivision 1a; 609.795, subdivision 2; 611A.57, subdivision 1; and 629.40, subdivision 5.

Referred to the Committee on Finance.

### REPORTS OF COMMITTEES

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

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

H.F. No. 1199 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.
1199	1076				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1199 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1199 and insert the language after the enacting clause of S.F. No. 1076, the second engrossment; further, delete the title of H.F. No. 1199 and insert the title of S.F. No. 1076, the second engrossment.

And when so amended H.F. No. 1199 will be identical to S.F. No. 1076, and further recommends that H.F. No. 1199 be given its second reading and substituted for S.F. No. 1076, 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. 1042 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.
1042	673				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1042 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1042 and insert the language after the enacting clause of S.F. No. 673, the fourth engrossment; further, delete the title of H.F. No. 1042 and insert the title of S.F. No. 673, the fourth engrossment.

And when so amended H.F. No. 1042 will be identical to S.F. No. 673, and further recommends that H.F. No. 1042 be given its second reading and substituted for S.F. No. 673, and that the Senate File be indefinitely postponed.

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

## SECOND READING OF HOUSE BILLS

H.F. Nos. 1199 and 1042 were read the second time.

## MOTIONS AND RESOLUTIONS

Ms. Pappas, Messrs. Stumpf; Johnson, D.E.; Langseth and Ms. Berglin introduced—

Senate Resolution No. 42: A Senate resolution commemorating the life and work of Cesar Chavez.

WHEREAS, Cesar Chavez, the son of Mexican immigrant farmers and agricultural migrant workers, was born on a farm near Yuma, Arizona, on March 31, 1927; and

WHEREAS, he spent his childhood living in a series of labor camps following the harvest crop, attending 30 elementary schools, and dropping out in the seventh grade; and

WHEREAS, Cesar Chavez served in the United States Navy during World War II; and

WHEREAS, as a migrant farm worker, he studied under Saul Alinsky and organized Mexican-Americans throughout the San Joaquin Valley in California to confront problems with voter registration, immigration authorities, and government bureaucracy; and

WHEREAS, in 1962, he founded the United Farm Workers Organizing Committee, the first successful collective bargaining effort on behalf of farm workers, employing innovative methods of protest, including sing-ins, bilingual theatrical troupes, and fasting; and

WHEREAS, in 1968, the United Farm Workers Organizing Committee conducted a nationwide boycott of table grapes which rallied support from national leaders such as Senator Robert F. Kennedy, Senator Hubert H. Humphrey, and the mayors of New York City, Boston, Detroit, and St. Louis, and resulted in the acceptance of the union by grape growers in 1970; and

WHEREAS, throughout his career as a labor organizer helping to lift Mexican-American migratory farm workers out of peonage, he dedicated himself to the principles of change through nonviolence as embodied by Gandhi and Dr. Martin Luther King; and

WHEREAS, Cesar Chavez died on April 23, 1993; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that it holds in honor the memory of Cesar Chavez and extends condolences to his family and to his colleagues at the United Farm Workers of America.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Chair of the Senate Rules and Administration Committee, and transmit it to the family of Cesar Chavez.

Ms. Pappas moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. introduced—

Senate Resolution No. 43: A Senate resolution welcoming members of the Kyrgyzstan Supreme Soviet Leadership Delegation.

Referred to the Committee on Rules and Administration.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 134 a Special Order to be heard immediately.

### SPECIAL ORDER

H.F. No. 134: A bill for an act relating to occupations and professions; requiring licensed optometrists to be certified by the board of optometry to prescribe topical legend drugs; authorizing the prescription of topical legend drugs by licensed optometrists who are board certified; requiring reports; modifying the definition of practice of medicine; amending Minnesota Statutes 1992, sections 147.081, subdivision 3; 148.572; 148.574; 151.01, subdivision 23; and 151.37, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 148.

Mr. Samuelson moved to amend H.F. No. 134, the unofficial engrossment, as follows:

Page 4, delete lines 32 to 36 and insert:

*“Subd. 2. [NOTIFICATION OF GLAUCOMA TREATMENT.] Upon prescribing or using topical legend drugs for the treatment of glaucoma, the treating optometrist must, within seven days, give written notice of this treatment to a physician licensed to practice in Minnesota, but only if this notification is agreed to by the patient.”*



The motion prevailed. So the amendment was adopted.

Mr. Benson, D.D. moved to amend H.F. No. 134, the unofficial engrossment, as follows:

Page 2, after line 12, insert:

"Sec. 2. Minnesota Statutes 1992, section 147.111, subdivision 4, is amended to read:

Subd. 4. [LICENSED PROFESSIONALS.] A licensed health professional shall report to the board personal knowledge of any conduct which the professional reasonably believes constitutes grounds for disciplinary action under sections 147.01 to 147.22 by any physician, including any conduct indicating that the physician may be medically incompetent, or may have engaged in unprofessional conduct or may be medically or physically unable to engage safely in the practice of medicine. *A licensed physician or other health professional licensed under chapter 147 shall also report to the board any occurrence of any adverse reaction resulting from an optometrist's prescription, use, or administration of any topical legend drug. Any reports received by the board must be reported to the board of optometry.* No report shall be required if the information was obtained in the course of a physician-patient relationship if the patient is another physician and the treating physician successfully counsels the other physician to limit or withdraw from practice to the extent required by the impairment.

Sec. 3. Minnesota Statutes 1992, section 148.57, subdivision 3, is amended to read:

Subd. 3. [REVOCATION, SUSPENSION.] The board may revoke the license or suspend or restrict the right to practice of any person who has been convicted of any violation of sections 148.52 to 148.62 or of any other criminal offense, or who violates any provision of sections 148.571 to 148.574 148.576 or who is found by the board to be incompetent or guilty of unprofessional conduct. "Unprofessional conduct" means any conduct of a character likely to deceive or defraud the public, including, among other things, free examination advertising, the loaning of a license by any licensed optometrist to any person; the employment of "cappers" or "steerers" to obtain business; splitting or dividing a fee with any person; the obtaining of any fee or compensation by fraud or misrepresentation; employing directly or indirectly any suspended or unlicensed optometrist to perform any work covered by sections 148.52 to 148.62; the advertising by any means of optometric practice or treatment or advice in which untruthful, improbable, misleading, or impossible statements are made. After one year, upon application and proof that the disqualification has ceased, the board may reinstate such person."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Kiscaden moved to amend the Samuelson amendment to H.F. No. 134, adopted by the Senate April 30, 1993, as follows:

Page 1, delete lines 3 to 9 and insert:

"Page 4, line 32, before "GLAUCOMA" insert "EXCEPTION FOR" and delete "When prescribing or using"

Page 4, delete lines 33 to 36 and insert "Notwithstanding subdivision 1, a licensed optometrist may not prescribe or administer topical legend drugs for the treatment of glaucoma."

The question was taken on the adoption of the Kiscaden amendment to the Samuelson amendment.

The roll was called, and there were yeas 25 and nays 36, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, J.B.	Merriam	Pariseau	Runbeck
Benson, D.D.	Kiscaden	Mondale	Ranum	Spear
Berglin	Krentz	Novak	Reichgott	Stevens
Betzold	Lesewski	Oliver	Riveness	Terwilliger
Hottinger	Luther	Olson	Robertson	Wiener

Those who voted in the negative were:

Adkins	Day	Johnston	Morse	Samuelson
Anderson	Dille	Knutson	Murphy	Solon
Beckman	Finn	Kroening	Neuville	Stumpf
Benson, J.E.	Flynn	Laidig	Pappas	Vickerman
Berg	Frederickson	Larson	Piper	
Bertram	Hanson	Marty	Pogemiller	
Chmielewski	Johnson, D.E.	McGowan	Price	
Cohen	Johnson, D.J.	Metzen	Sams	

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

## RECONSIDERATION

Having voted on the prevailing side, Mr. Benson, D.D. moved that the vote whereby the Samuelson amendment to H.F. No. 134 was adopted on April 30, 1993, be now reconsidered. The motion prevailed. So the vote was reconsidered.

Mr. Samuelson withdrew his amendment.

Mr. Samuelson then moved to amend H.F. No. 134, the unofficial engrossment, as follows:

Page 4, delete lines 32 to 36

Renumber the subdivisions in sequence and correct the internal references

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 29, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson	Laidig	Piper	Vickerman
Beckman	Hanson	Larson	Pogemiller	
Berg	Johnson, D.J.	McGowan	Price	
Bertram	Johnson, J.B.	Metzen	Riveness	
Chmielewski	Johnston	Moe, R.D.	Sams	
Day	Kelly	Morse	Samuelson	
Dille	Knutson	Murphy	Solon	
Finn	Kroening	Neuville	Stumpf	

Those who voted in the negative were:

Anderson	Cohen	Lesewski	Oliver	Runbeck
Belanger	Flynn	Luther	Olson	Spear
Benson, D.D.	Hottinger	Marty	Pappas	Stevens
Benson, J.E.	Johnson, D.E.	Merriam	Ranum	Terwilliger
Berglin	Kiscaden	Mondale	Reichgott	Wiener
Betzold	Krentz	Novak	Robertson	

The motion prevailed. So the amendment was adopted.

Ms. Kiscaden moved to amend H.F. No. 134, the unofficial engrossment, as follows:

Page 4, after line 31, insert:

*"Subd. 2. [EXCEPTION FOR GLAUCOMA TREATMENT.] Notwithstanding subdivision 1, a licensed optometrist may not prescribe or administer topical legend drugs for the treatment of glaucoma."*

### CALL OF THE SENATE

Mr. Samuelson imposed a call of the Senate for the balance of the proceedings on H.F. No. 134. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Kiscaden amendment.

Mr. Samuelson moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 29 and nays 34, as follows:

Those who voted in the affirmative were:

Belanger	Hottinger	Luther	Olson	Runbeck
Benson, D.D.	Johnson, D.E.	Marty	Pariseau	Spear
Benson, J.E.	Johnson, J.B.	Merriam	Ranum	Stevens
Berglin	Kiscaden	Mondale	Reichgott	Terwilliger
Betzold	Krentz	Novak	Riveness	Wiener
Frederickson	Lesewski	Oliver	Robertson	

Those who voted in the negative were:

Adkins	Day	Kelly	Moe, R.D.	Price
Anderson	Dille	Knutson	Morse	Sams
Beckman	Finn	Kroening	Murphy	Samuelson
Berg	Flynn	Laidig	Neuville	Solon
Bertram	Hanson	Larson	Pappas	Stumpf
Chmielewski	Johnson, D.J.	McGowan	Piper	Vickerman
Cohen	Johnston	Metzen	Pogemiller	

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

H.F. No. 134 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 47 and nays 17, as follows:

Those who voted in the affirmative were:

Adkins	Benson, J.E.	Betzold	Cohen	Finn
Anderson	Berg	Chandler	Day	Flynn
Beckman	Bertram	Chmielewski	Dille	Frederickson

Hanson	Kroening	Morse	Pogemiller	Stevens
Johnson, D.E.	Laidig	Murphy	Price	Stumpf
Johnson, D.J.	Larson	Neuville	Riveness	Vickerman
Johnson, J.B.	Marty	Oliver	Runbeck	Wiener
Johnston	McGowan	Pappas	Sams	
Kelly	Metzen	Pariseau	Samuelson	
Knutson	Moe, R.D.	Piper	Solon	

Those who voted in the negative were:

Belanger	Kiscaden	Merriam	Ranum	Terwilliger
Benson, D.D.	Krentz	Mondale	Reichgott	
Berglin	Lesewski	Novak	Robertson	
Hottinger	Luther	Olson	Spear	

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

### RECESS

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

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

### 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.

### APPOINTMENTS

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

H.F. No. 1709: Mr. Langseth, Ms. Hanson, Messrs. Vickerman, Dille and Ms. Flynn.

H.F. No. 1408: Messrs. McGowan, Stevens and Bertram.

Mr. Moe, R.D. moved that the foregoing appointments be approved. 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. 1046 a Special Order to be heard immediately.

### SPECIAL ORDER

S.F. No. 1046: A bill for an act relating to crimes; prohibiting persons from interfering with access to medical facilities; prescribing penalties; authorizing civil and equitable remedies; amending Minnesota Statutes 1992, section 488A.101; proposing coding for new law in Minnesota Statutes, chapter 609.

### CALL OF THE SENATE

Ms. Pappas imposed a call of the Senate for the balance of the proceedings on S.F. No. 1046. The Sergeant at Arms was instructed to bring in the absent members.

Ms. Pappas moved to amend S.F. No. 1046 as follows:

Page 2, line 9, delete "lawful"

Page 2, line 15, after "lawful" insert "handbilling and"

Mr. Neuville requested division of the amendment as follows.

First portion:

Page 2, line 9, delete "lawful"

Second portion:

Page 2, line 15, after "lawful" insert "handbilling and"

The question was taken on the second portion of the Pappas amendment. The motion prevailed. So the second portion of the amendment was adopted.

The question was taken on the adoption of the first portion of the Pappas amendment.

The roll was called, and there were yeas 34 and nays 28, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Marty	Oliver	Riveness
Berglin	Janezich	Metzen	Pappas	Robertson
Betzold	Johnson, D.E.	Moe, R.D.	Piper	Solon
Chandler	Johnson, J.B.	Mondale	Pogemiller	Spear
Cohen	Kiscaden	Morse	Price	Terwilliger
Finn	Krentz	Murphy	Ranum	Wiener
Flynn	Luther	Novak	Reichgott	

Those who voted in the negative were:

Beckman	Chmielewski	Johnston	McGowan	Sams
Belanger	Day	Knutson	Merriam	Stevens
Benson, D.D.	Dille	Kroening	Neuville	Stumpf
Benson, J.E.	Frederickson	Laidig	Olson	Vickerman
Berg	Hanson	Lesewski	Pariseau	
Bertram	Johnson, D.J.	Lessard	Runbeck	

The motion prevailed. So the amendment was adopted.

Mr. McGowan moved to amend S.F. No. 1046 as follows:

Page 1, delete lines 25 and 26 and insert:

*"(a) The terms "building" and "dwelling" have the meanings given in section 609.581."*

Page 2, delete lines 1 to 3

Page 2, lines 5 and 10, delete "medical facility" and insert "building or dwelling"

Page 2, line 9, delete "or attempts to obstruct"

Amend the title as follows:

Page 1, line 3, delete "medical facilities" and insert "buildings and dwellings"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 34, as follows:

Those who voted in the affirmative were:

Adkins	Day	Kroening	Neuville	Stevens
Belanger	Dille	Laidig	Olson	Stumpf
Benson, D.D.	Frederickson	Larson	Pariseau	Vickerman
Benson, J.E.	Hanson	Lesewski	Runbeck	
Berg	Johnson, D.J.	Lessard	Sams	
Bertram	Johnston	McGowan	Samuelson	
Chmielewski	Knutson	Merriam	Solon	

Those who voted in the negative were:

Anderson	Hottinger	Luther	Novak	Reichgott
Berglin	Janezich	Marty	Oliver	Riveness
Betzold	Johnson, D.E.	Metzen	Pappas	Robertson
Chandler	Johnson, J.B.	Moe, R.D.	Piper	Spear
Cohen	Kelly	Mondale	Pogemiller	Terwilliger
Finn	Kiscaden	Morse	Price	Wiener
Flynn	Krentz	Murphy	Ranum	

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

Mr. Neuville moved to amend S.F. No. 1046 as follows:

Page 2, line 6, delete “, or the medical facility”

Page 2, line 22, delete “violator damages,” and insert “nonprevailing party”

Page 2, line 23, delete the first comma and insert “and” and delete “and other relief”

Page 2, line 24, delete everything after the period

Page 2, delete lines 25 and 26

Amend the title as follows:

Page 1, line 3, delete “medical facilities” and insert “buildings and dwellings”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 35, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Knutson	McGowan	Sams
Beckman	Day	Kroening	Merriam	Samuelson
Belanger	Dille	Laidig	Neuville	Stevens
Benson, J.E.	Frederickson	Larson	Olson	Stumpf
Berg	Hanson	Lesewski	Pariseau	Vickerman
Bertram	Johnston	Lessard	Runbeck	

Those who voted in the negative were:

Anderson	Hottinger	Luther	Novak	Reichgott
Berglin	Janezich	Marty	Oliver	Riveness
Betzold	Johnson, D.J.	Metzen	Pappas	Robertson
Chandler	Johnson, J.B.	Moe, R.D.	Piper	Solon
Cohen	Kelly	Mondale	Pogemiller	Spear
Finn	Kiscaden	Morse	Price	Terwilliger
Flynn	Krentz	Murphy	Ranum	Wiener

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

Mr. Bertram moved to amend S.F. No. 1046 as follows:

Page 1, line 26, after “144.56” insert “or section 145.416,”

Ms. Kiscaden questioned whether the amendment was germane.

The President ruled that the amendment was germane.

The question was taken on the adoption of the Bertram amendment.

The roll was called, and there were yeas 29 and nays 35, as follows:

Those who voted in the affirmative were:

Adkins	Bertram	Johnson, D.E.	Lesewski	Sams
Beckman	Chmielewski	Johnson, D.J.	Lessard	Samuelson
Belanger	Day	Johnston	Neuville	Stevens
Benson, D.D.	Dille	Kroening	Olson	Stumpf
Benson, J.E.	Frederickson	Laidig	Pariseau	Vickerman
Berg	Hanson	Larson	Runbeck	

Those who voted in the negative were:

Anderson	Hottinger	Marty	Novak	Reichgott
Berglin	Janezich	Merriam	Oliver	Riveness
Betzold	Johnson, J.B.	Metzen	Pappas	Robertson
Chandler	Kelly	Moe, R.D.	Piper	Solon
Cohen	Kiscaden	Mondale	Pogemiller	Spear
Finn	Krentz	Morse	Price	Terwilliger
Flynn	Luther	Murphy	Ranum	Wiener

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

Mr. Chmielewski moved to amend S.F. No. 1046 as follows:

Page 1, after line 8, insert:

“Section 1. [145.4245] [INFORMED CONSENT PROVISIONS.]

*Subdivision 1. [INFORMED CONSENT; GENERAL RULE.] Unless there is a medical emergency that so complicates a pregnancy as to necessitate an immediate abortion to avert the death of the mother or for which a 24-hour delay will create grave peril of immediate and irreversible loss of major bodily function, at least 24 hours before the abortion, either the physician who is to perform the abortion or a referring physician must tell the woman the probable gestational age of the unborn child at the time the abortion is to be performed and that she has the right to review the printed materials described in subdivision 2. The physician or the physician's agent may choose to disassociate himself or herself from the materials, and may choose to comment or refrain from comment on the materials.*

*Subd. 2. [PRINTED INFORMATION.] Within 60 days after the effective date of this act the commissioner of health shall develop, for reproduction by medical facilities, the following easily comprehensible printed materials in every language that is the primary language of one percent or more of the residents of Minnesota:*

*(1) geographically indexed materials designed to inform the woman of public and private agencies and services available to assist a woman through pregnancy, upon childbirth, and while the child is dependent, as well as adoption agencies. The materials must include a comprehensive list of the agencies available, a description of the services they offer, telephone numbers of the agencies, and a description of the manner in which they might be contacted; and*

*(2) materials designed to inform the woman of the probable anatomical and physiological characteristics of the unborn child at two-week gestational*

increments from the time when a woman can be known to be pregnant to full term, including any relevant information on the possibility of the unborn child's survival. The materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the unborn child at the various gestational ages.

**Subd. 3. [CIVIL DAMAGES FOR ABORTIONS PERFORMED WITHOUT INFORMED CONSENT.]** Any person with standing may maintain an action against the person who performed an abortion in violation of subdivision 1 for \$10,000 in punitive damages and treble whatever actual damages the plaintiff may have sustained. Those with standing are a woman upon whom, or the parent of a minor upon whom, an abortion that is unlawful under subdivision 1 has been performed or attempted to be performed and the father of the unborn child subject to an abortion that is unlawful under subdivision 1."

Page 2, line 32, delete "Sections 1 and 2 are" and insert "This act is"

Page 2, line 33, delete "apply" and insert "applies" and after "committed" insert "and abortions performed" and after the period, insert "The provisions of this act are severable as provided by Minnesota Statutes, section 645.20."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, delete "crimes" and insert "abortions"

Page 1, line 3, after the semicolon, insert "requiring informed consent for abortions;"

Page 1, line 7, delete "chapter" and insert "chapters 145; and"

Mr. Moe, R.D. questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

S.F. No. 1046 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 41 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Johnson, D.E.	Marty	Oliver	Runbeck
Benson, D.D.	Johnson, D.J.	McGowan	Pappas	Solon
Berglin	Johnson, J.B.	Merriam	Piper	Spear
Betzold	Kelly	Metzen	Pogemiller	Terwilliger
Chandler	Kiscaden	Moe, R.D.	Price	Wiener
Cohen	Knutson	Mondale	Ranum	
Finn	Krentz	Morse	Reichgott	
Flynn	Laidig	Murphy	Riveness	
Hottinger	Luther	Novak	Robertson	

Those who voted in the negative were:

Adkins	Bertram	Hanson	Lessard	Samuelson
Beckman	Chmielewski	Johnston	Neuville	Stevens
Belanger	Day	Kroening	Olson	Stumpf
Benson, J.E.	Dille	Larson	Pariseau	Vickerman
Berg	Frederickson	Lesewski	Sams	



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. 1619 a Special Order to be heard immediately.

### SPECIAL ORDER

S.F. No. 1619: A bill for an act relating to natural resources; resolving claims raised by the Mille Lacs Band of Chippewa Indians regarding hunting, fishing, and gathering rights under treaty; nonband harvest under band permit; authority to transfer land; compensation to counties; resort acquisition; condemnation authority; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 97A.

Mr. Chandler moved to amend S.F. No. 1619 as follows:

Page 3, after line 3, insert:

*“(3) in Mille Lacs lake, band members may use nets to harvest fish but may use gill nets only to the extent allowed for nonband members under state law;”*

Page 3, line 4, delete “(3)” and insert “(4)”

Page 3, line 7, delete “(4)” and insert “(5)”

Page 3, line 17, delete “(5)” and insert “(6)”

Page 3, line 21, delete “(6)” and insert “(7)”

Page 3, line 25, delete “(7)” and insert “(8)”

### CALL OF THE SENATE

Mr. Lessard imposed a call of the Senate for the balance of the proceedings on S.F. No. 1619. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 33, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Kroening	Metzen	Samuelson
Beckman	Day	Laidig	Neuville	Solon
Belanger	Frederickson	Larson	Novak	Stevens
Benson, J.E.	Hanson	Lesewski	Olson	Stumpf
Berg	Johnson, D.E.	Lessard	Pariseau	Vickerman
Bertram	Johnston	McGowan	Runbeck	
Chandler	Knutson	Merriam	Sams	

Those who voted in the negative were:

Anderson	Flynn	Krentz	Oliver	Riveness
Benson, D.D.	Hottinger	Luther	Pappas	Robertson
Berglin	Janezich	Marty	Piper	Spear
Betzold	Johnson, D.J.	Moe, R.D.	Pogemiller	Terwilliger
Cohen	Johnson, J.B.	Mondale	Price	Wiener
Dille	Kelly	Morse	Ranum	
Finn	Kiscaden	Murphy	Reichgott	

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

Mr. Stumpf moved to amend S.F. No. 1619 as follows:

Page 3, delete line 24 and insert:

*“(7) any revision of the amended settlement agreement must be ratified by:*

*(i) a resolution adopted by the band assembly and signed by the chief executive of the band; and*

*(ii) legislation enacted into law; and”*

Page 3, line 25, delete “(7)” and insert “(8)”

The motion prevailed. So the amendment was adopted.

Mrs. Benson, J.E. moved to amend S.F. No. 1619 as follows:

Page 3, line 23, after the semicolon, insert:

*“(7) the Mille Lacs Band of Chippewa Indians shall submit to the jurisdiction of the state for the purposes of enforcement of the Minnesota human rights act;”*

Page 3, line 25, delete “(7)” and insert “(8)”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 38, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson	Laidig	Neuville	Stevens
Benson, D.D.	Hanson	Larson	Oliver	Terwilliger
Benson, J.E.	Johnson, D.E.	Lesewski	Olson	Vickerman
Berg	Johnston	Lessard	Pariseau	
Bertram	Kiscaden	McGowan	Runbeck	
Day	Kroening	Merriam	Samuelson	

Those who voted in the negative were:

Anderson	Finn	Krentz	Novak	Robertson
Beckman	Flynn	Luther	Pappas	Sams
Belanger	Hottinger	Marty	Piper	Solon
Berglin	Janezich	Metzen	Pogemiller	Spear
Betzold	Johnson, D.J.	Moe, R.D.	Price	Stumpf
Chandler	Johnson, J.B.	Mondale	Ranum	Wiener
Cohen	Kelly	Morse	Reichgott	
Dille	Knutson	Murphy	Riveness	

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

Mr. Frederickson moved to amend S.F. No. 1619 as follows:

Page 3, after line 26, insert:

*“(c) Lands transferred to the band under the amended settlement agreement are subject to state environmental and natural resource protection laws after the transfer including water, solid waste, hazardous waste, and radioactive waste laws; groundwater and wetland protection laws; and laws relating to the requirement of environmental assessment worksheets and impact statements.”*

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Adkins	Chmielewski	Knutson	Merriam	Sams
Beckman	Day	Kroening	Metzen	Samuelson
Belanger	Frederickson	Laidig	Neuville	Solon
Benson, D.D.	Hanson	Larson	Oliver	Stevens
Benson, J.E.	Johnson, D.E.	Lesewski	Olson	Terwilliger
Berg	Johnston	Lessard	Pariseau	Vickerman
Bertram	Kiscaden	McGowan	Runbeck	

Those who voted in the negative were:

Anderson	Flynn	Luther	Pappas	Robertson
Berglin	Hottinger	Marty	Piper	Spear
Betzold	Janezich	Moe, R.D.	Pogemiller	Stumpf
Chandler	Johnson, D.J.	Mondale	Price	Wiener
Cohen	Johnson, J.B.	Morse	Ranum	
Dille	Kelly	Murphy	Reichgott	
Finn	Krentz	Novak	Riveness	

The motion prevailed. So the amendment was adopted.

### RECONSIDERATION

Having voted on the prevailing side, Mr. Benson, D.D. moved that the vote whereby the Chandler amendment to S.F. No. 1619 was not adopted on April 30, 1993, be now reconsidered.

The question was taken on the adoption of the motion.

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

Those who voted in the affirmative were:

Adkins	Chandler	Kiscaden	McGowan	Pariseau
Beckman	Chmielewski	Knutson	Merriam	Runbeck
Belanger	Day	Kroening	Metzen	Sams
Benson, D.D.	Frederickson	Laidig	Neuville	Samuelson
Benson, J.E.	Hanson	Larson	Novak	Stevens
Berg	Johnson, D.E.	Lesewski	Oliver	Terwilliger
Bertram	Johnston	Lessard	Olson	Vickerman

Those who voted in the negative were:

Anderson	Hottinger	Marty	Pogemiller	Spear
Berglin	Janezich	Moe, R.D.	Price	Stumpf
Betzold	Johnson, D.J.	Mondale	Ranum	Wiener
Cohen	Johnson, J.B.	Morse	Reichgott	
Dille	Kelly	Murphy	Riveness	
Finn	Krentz	Pappas	Robertson	
Flynn	Luther	Piper	Solon	

The motion prevailed. So the vote was reconsidered.

The question recurred on the adoption of the Chandler amendment.

The roll was called, and there were yeas 33 and nays 33, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Kroening	Metzen	Sams
Belanger	Day	Laidig	Neuville	Samuelson
Benson, D.D.	Frederickson	Larson	Novak	Stevens
Benson, J.E.	Hanson	Lesewski	Oliver	Stumpf
Berg	Johnson, D.E.	Lessard	Olson	Vickerman
Bertram	Johnston	McGowan	Pariseau	
Chandler	Kiscaden	Merriam	Runbeck	

Those who voted in the negative were:

Anderson	Flynn	Krentz	Pappas	Robertson
Beckman	Hottinger	Luther	Piper	Solon
Berglin	Janezich	Marty	Pogemiller	Spear
Betzold	Johnson, D.J.	Moe, R.D.	Price	Terwilliger
Cohen	Johnson, J.B.	Mondale	Ranum	Wiener
Dille	Kelly	Morse	Reichgott	
Finn	Knutson	Murphy	Riveness	

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

Mr. Lessard moved to amend S.F. No. 1619 as follows:

Page 4, line 23, delete "including" and insert "except"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 39, as follows:

Those who voted in the affirmative were:

Adkins	Bertram	Johnston	Mondale	Stumpf
Beckman	Chmielewski	Kroening	Murphy	Vickerman
Belanger	Day	Larson	Neuville	
Benson, D.D.	Frederickson	Lesewski	Sams	
Benson, J.E.	Hanson	Lessard	Samuelson	
Berg	Janezich	McGowan	Stevens	

Those who voted in the negative were:

Anderson	Hottinger	Laidig	Olson	Riveness
Berglin	Johnson, D.E.	Luther	Pappas	Robertson
Betzold	Johnson, D.J.	Marty	Pariseau	Runbeck
Chandler	Johnson, J.B.	Merriam	Piper	Solon
Cohen	Kelly	Metzen	Pogemiller	Spear
Dille	Kiscaden	Moe, R.D.	Price	Terwilliger
Finn	Knutson	Morse	Ranum	Wiener
Flynn	Krentz	Novak	Reichgott	

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

Mr. Berg moved to amend S.F. No. 1619 as follows:

Page 3, line 4, delete "7,500" and insert "2,500"

Page 3, line 6, delete "15,000" and insert "10,000"

Page 4, line 23, delete "15,000" and insert "10,000"

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Adkins	Chmielewski	Kroening	Olson	Vickerman
Belanger	Day	Laidig	Pariseau	
Benson, J.E.	Frederickson	Larson	Sams	
Berg	Johnston	Lesewski	Samuelson	
Bertram	Kelly	Lessard	Stevens	

Those who voted in the negative were:

Anderson	Chandler	Hottinger	Knutson	Merriam
Beckman	Cohen	Janezich	Krentz	Metzen
Benson, D.D.	Dille	Johnson, D.E.	Luther	Moe, R.D.
Berglin	Finn	Johnson, D.J.	Marty	Mondale
Betzold	Flynn	Johnson, J.B.	McGowan	Morse

Murphy  
Neuville  
Novak  
Oliver

Pappas  
Piper  
Pogemiller  
Price

Ranum  
Reichgott  
Riveness  
Robertson

Runbeck  
Solon  
Spear  
Terwilliger

Wiener

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

Mr. Stevens moved to amend S.F. No. 1619 as follows:

Page 7, after line 9, insert:

*“(c) \$500,000 is appropriated from the general fund to the commissioner of finance to pay legal fees of intervening landowners or counties or intervening parties in the civil action entitled Mille Lacs Band of Chippewa Indians, et al. v. State of Minnesota, et al., Civ. No. 4-90-605, defending affirming, or protecting the hunting, fishing, or gathering rights of nonband members under state law.”*

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 36, as follows:

Those who voted in the affirmative were:

Belanger  
Benson, D.D.  
Benson, J.E.  
Berg  
Bertram

Day  
Frederickson  
Johnson, D.E.  
Johnson, J.B.  
Johnston

Laidig  
Larson  
Lesewski  
Lessard  
McGowan

Neuville  
Olson  
Pariseau  
Runbeck  
Sams

Samuelson  
Stevens  
Vickerman

Those who voted in the negative were:

Anderson  
Beckman  
Berglin  
Betzold  
Chandler  
Cohen  
Dille  
Finn

Flynn  
Hottinger  
Janezich  
Johnson, D.J.  
Kelly  
Kiscaden  
Knutson  
Krentz

Luther  
Marty  
Merriam  
Metzen  
Moe, R.D.  
Mondale  
Morse  
Murphy

Novak  
Oliver  
Pappas  
Piper  
Pogemiller  
Price  
Ranum  
Reichgott

Robertson  
Spear  
Terwilliger  
Wiener

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

Mr. Merriam moved to amend S.F. No. 1619 as follows:

Delete everything after the enacting clause and insert:

“Section 1. [LEGISLATIVE INTENT.]

*It is the intent of the legislature that the state honor all Indian rights existing under treaties with the federal government.*

Sec. 2. [STATE TO SEEK DETERMINATION OF TREATY RIGHTS.]

*The commissioner of natural resources and the attorney general shall seek a determination, from Congress or an appropriate federal court, of the hunting, fishing, and wild rice gathering rights of the signatory bands of Chippewa Indians within the area ceded to the United States in the 1837 Treaty with the Chippewa, Statutes at Large, volume 7, page 536.”*

Delete the title and insert:

*“A bill for an act relating to natural resources; requiring the commissioner of natural resources and the attorney general to seek a determination of rights of the Mille Lacs Band of Chippewa Indians under the 1837 Treaty.”*

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 39, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Laidig	Neuville	Stevens
Belanger	Day	Larson	Olson	Vickerman
Benson, D.D.	Frederickson	Lesewski	Pariseau	
Benson, J.E.	Hanson	Lessard	Runbeck	
Berg	Johnston	McGowan	Sams	
Bertram	Kroening	Merriam	Samuelson	

Those who voted in the negative were:

Anderson	Flynn	Knutson	Murphy	Reichgott
Beckman	Hottinger	Krentz	Novak	Robertson
Berglin	Janezich	Luther	Oliver	Solon
Betzold	Johnson, D.E.	Marty	Pappas	Spear
Chandler	Johnson, D.J.	Metzen	Piper	Stumpf
Cohen	Johnson, J.B.	Moe, R.D.	Pogemiller	Terwilliger
Dille	Kelly	Mondale	Price	Wiener
Finn	Kiscaden	Morse	Ranum	

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

Mr. Berg moved to amend S.F. No. 1619 as follows:

Page 2, line 33, delete "*and netting*"

Page 2, line 36, delete "*and*"

Page 3, line 1, delete "*netting*"

Page 3, after line 3, insert:

*"(3) band members may harvest fish by netting in Mille Lacs lake only to the extent allowed for nonband members;"*

Page 3, line 4, delete "(3)" and insert "(5)"

Page 3, line 7, delete "(4)" and insert "(6)"

Page 3, line 17, delete "(5)" and insert "(7)"

Page 3, line 21, delete "(6)" and insert "(8)"

Page 3, line 25, delete "(7)" and insert "(9)"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 34, as follows:

Those who voted in the affirmative were:

Adkins	Day	Laidig	Metzen	Reichgott
Belanger	Frederickson	Larson	Neuville	Runbeck
Benson, D.D.	Hanson	Lesewski	Novak	Sams
Berg	Johnston	Lessard	Oliver	Samuelson
Bertram	Kiscaden	McGowan	Olson	Stevens
Chmielewski	Kroening	Merriam	Pariseau	Vickerman

Those who voted in the negative were:

Anderson	Finn	Kelly	Morse	Riveness
Beckman	Flynn	Knutson	Murphy	Solon
Berglin	Hottinger	Krentz	Pappas	Spear
Betzold	Janezich	Luther	Piper	Stumpf
Chandler	Johnson, D.E.	Marty	Pogemiller	Terwilliger
Cohen	Johnson, D.J.	Moe, R.D.	Price	Wiener
Dille	Johnson, J.B.	Mondale	Ranum	

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

Mr. Laidig moved to amend S.F. No. 1619 as follows:

Page 3, after line 20, insert:

*“(6) the band harvest of walleyes during the ice-free period may not begin until walleyes have finished spawning or the opening of the state walleye season, whichever is earlier.”*

Page 3, line 21, delete “(6)” and insert “(7)”

Page 3, line 25, delete “(7)” and insert “(8)”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 40 and nays 26, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Kelly	McGowan	Riveness
Beckman	Day	Kiscaden	Merriam	Robertson
Belanger	Dille	Knutson	Metzen	Runbeck
Benson, D.D.	Frederickson	Kroening	Mondale	Sams
Benson, J.E.	Hanson	Laidig	Neuville	Samuelson
Berg	Janezich	Larson	Oliver	Stevens
Bertram	Johnson, D.E.	Lesewski	Olson	Terwilliger
Chandler	Johnston	Lessard	Pariseau	Vickerman

Those who voted in the negative were:

Anderson	Hottinger	Moe, R.D.	Pogemiller	Stumpf
Berglin	Johnson, D.J.	Morse	Price	Wiener
Betzold	Johnson, J.B.	Murphy	Ranum	
Cohen	Krentz	Novak	Reichgott	
Finn	Luther	Pappas	Solon	
Flynn	Marty	Piper	Spear	

The motion prevailed. So the amendment was adopted.

Mrs. Pariseau moved to amend S.F. No. 1619 as follows:

Page 3, after line 16, insert:

*“(5) the band harvest of natural resources under the amended settlement agreement shall not prevent nonband member harvest of one-half of the harvestable surplus, including one-half of the harvestable surplus in the treaty fishing zone.”*

Page 3, line 17, delete “(5)” and insert “(6)”

Page 3, line 21, delete “(6)” and insert “(7)”

Page 3, line 25, delete “(7)” and insert “(8)”

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

### RECONSIDERATION

Having voted on the prevailing side, Mr. Sams moved that the vote whereby the Frederickson amendment to S.F. No. 1619 was adopted on April 30, 1993, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 39 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Krentz	Murphy	Robertson
Beckman	Hottinger	Lesewski	Novak	Sams
Berglin	Janezich	Luther	Oliver	Solon
Betzold	Johnson, D.J.	Marty	Pogemiller	Spear
Chandler	Johnson, J.B.	Merriam	Price	Stumpf
Cohen	Kelly	Moe, R.D.	Ranum	Terwilliger
Dille	Kiscaden	Mondale	Reichgott	Wiener
Finn	Knutson	Morse	Riveness	

Those who voted in the negative were:

Adkins	Bertram	Johnson, D.E.	McGowan	Runbeck
Belanger	Chmielewski	Johnston	Metzen	Samuelson
Benson, D.D.	Day	Kroening	Neuville	Stevens
Benson, J.E.	Frederickson	Laidig	Olson	Vickerman
Berg	Hanson	Lessard	Pariseau	

The motion prevailed. So the vote was reconsidered.

The question recurred on the adoption of the Frederickson amendment.

The roll was called, and there were yeas 28 and nays 37, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Kroening	Merriam	Runbeck
Belanger	Day	Laidig	Metzen	Samuelson
Benson, D.D.	Frederickson	Larson	Neuville	Stevens
Benson, J.E.	Hanson	Lesewski	Oliver	Vickerman
Berg	Johnson, D.E.	Lessard	Olson	
Bertram	Johnston	McGowan	Pariseau	

Those who voted in the negative were:

Anderson	Flynn	Krentz	Pappas	Solon
Beckman	Hottinger	Luther	Pogemiller	Spear
Berglin	Janezich	Marty	Price	Stumpf
Betzold	Johnson, D.J.	Moe, R.D.	Ranum	Terwilliger
Chandler	Johnson, J.B.	Mondale	Reichgott	Wiener
Cohen	Kelly	Morse	Riveness	
Dille	Kiscaden	Murphy	Robertson	
Finn	Knutson	Novak	Sams	

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

Mr. Finn moved to amend S.F. No. 1619 as follows:

Page 5, line 15, before "lands" insert "*lands that border on public waters;*"

Page 5, line 17, delete "and" and before the period, insert "*; and game preserves, areas, and projects established under sections 84A.01, 84A.20, and 84A.31*"

Page 5, line 22, after the period, insert "*A conveyance of land that borders on public waters or land within a game preserve, area, or project established under section 84A.01, 84A.20, or 84A.31 must be approved by the land exchange board.*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 36 and nays 26, as follows:

Those who voted in the affirmative were:



Anderson	Flynn	Krentz	Novak	Robertson
Benson, D.D.	Hottinger	Luther	Oliver	Runbeck
Berglin	Johnson, D.E.	Marty	Pappas	Spear
Betzold	Johnson, D.J.	McGowan	Pogemiller	Wiener
Chandler	Johnson, J.B.	Merriam	Price	
Cohen	Kelly	Moe, R.D.	Ranum	
Dille	Kiscaden	Morse	Reichgott	
Finn	Knutson	Murphy	Riveness	

Those who voted in the negative were:

Adkins	Chmielewski	Laidig	Neuville	Terwilliger
Beckman	Day	Larson	Olson	Vickerman
Belanger	Frederickson	Lesewski	Pariseau	
Benson, J.E.	Hanson	Lessard	Samuelson	
Berg	Johnston	Metzen	Stevens	
Bertram	Kroening	Mondale	Stumpf	

The motion prevailed. So the amendment was adopted.

Mr. Stevens moved to amend S.F. No. 1619 as follows:

Page 3, after line 26, insert:

*“(c) Land transferred to the band may not include land with a public access to waters.”*

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

## RECONSIDERATION

Having voted on the prevailing side, Mr. Dille moved that the vote whereby the Laidig amendment to S.F. No. 1619 was adopted on April 30, 1993, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 28 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Luther	Novak	Solon
Betzold	Janezich	Marty	Pappas	Spear
Cohen	Johnson, D.J.	Moe, R.D.	Pogemiller	Terwilliger
Dille	Johnson, J.B.	Mondale	Price	Wiener
Finn	Knutson	Morse	Ranum	
Flynn	Krentz	Murphy	Reichgott	

Those who voted in the negative were:

Adkins	Chandler	Kiscaden	Metzen	Sams
Beckman	Chmielewski	Kroening	Neuville	Samuelson
Belanger	Day	Laidig	Oliver	Stevens
Benson, D.D.	Frederickson	Larson	Olson	Stumpf
Benson, J.E.	Hanson	Lesewski	Pariseau	Vickerman
Berg	Johnson, D.E.	Lessard	Riveness	
Berglin	Johnston	McGowan	Robertson	
Bertram	Kelly	Merriam	Runbeck	

The motion did not prevail.

Mr. Finn moved to amend the Laidig amendment to S.F. No. 1619, adopted by the Senate April 30, 1993, as follows:

Page 1, line 3, after “harvest” insert “by net”

The question was taken on the adoption of the amendment to the amendment.

The roll was called, and there were yeas 32 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Luther	Pappas	Solon
Berglin	Janezich	Marty	Pogemiller	Spear
Betzold	Johnson, D.J.	Moe, R.D.	Price	Terwilliger
Cohen	Johnson, J.B.	Mondale	Ranum	Wiener
Dille	Kiscaden	Morse	Reichgott	
Finn	Knutson	Murphy	Robertson	
Flynn	Krentz	Novak	Sams	

Those who voted in the negative were:

Adkins	Chandler	Kelly	Merriam	Runbeck
Beckman	Chmielewski	Kroening	Metzen	Samuelson
Belanger	Day	Laidig	Neuville	Stevens
Benson, D.D.	Frederickson	Larson	Oliver	Stumpf
Benson, J.E.	Hanson	Lesewski	Olson	Vickerman
Berg	Johnson, D.E.	Lessard	Pariseau	
Bertram	Johnston	McGowan	Riveness	

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

S.F. No. 1619 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 40 and nays 25, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Kiscaden	Morse	Reichgott
Beckman	Flynn	Knutson	Murphy	Riveness
Benson, D.D.	Hottinger	Krentz	Novak	Robertson
Berglin	Janezich	Laidig	Oliver	Solon
Betzold	Johnson, D.E.	Luther	Pappas	Spear
Chandler	Johnson, D.J.	Marty	Pogemiller	Stumpf
Cohen	Johnson, J.B.	Moe, R.D.	Price	Terwilliger
Dille	Kelly	Mondale	Ranum	Wiener

Those who voted in the negative were:

Adkins	Chmielewski	Kroening	Merriam	Runbeck
Belanger	Day	Larson	Metzen	Sams
Benson, J.E.	Frederickson	Lesewski	Neuville	Samuelson
Berg	Hanson	Lessard	Olson	Stevens
Bertram	Johnston	McGowan	Pariseau	Vickerman

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

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

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

April 19, 1993

The Honorable Allan H. Spear  
President of the Senate

Dear Sir:

The following appointments were made by the Metropolitan Council on March 25, 1993, and are hereby respectfully submitted to the Senate for confirmation as required by law:

#### REGIONAL TRANSIT BOARD

Ruby Hunt, 1148 Edgumbe, St. Paul, Ramsey County, MN 55105 - appointed for a term ending the first Monday of January, 1997.

Thomas Sather, 3740 Brighton Way South, Arden Hills, Ramsey County, MN 55112 - appointed for a term ending the first Monday of January, 1997.

Dennis Schulstad, 4009 East 49th Street, Minneapolis, Hennepin County, MN 55417 - appointed for a term ending the first Monday of January, 1997.

James Hovland, 5201 Blake Road, Edina, Hennepin County, MN 55436 - appointed for a term ending the first Monday of January, 1997.

Michael Beard, 8434 Horizon Dr., Shakopee, Scott County, MN 55379 - appointed for a term ending the first Monday of January, 1995.

Katherine Trummer, 223 Stanley Avenue, South St. Paul, Dakota County, MN 55075 - appointed for a term ending the first Monday of January, 1995.

(Referred to the Committee on Metropolitan and Local Government.)

Sincerely,  
Dottie Rietow, Chair

#### REPORTS OF COMMITTEES

##### SUSPENSION OF RULES

Mr. Moe, R.D. moved that Joint Rule 2.03 be suspended as it relates to S.F. No. 919. The motion prevailed.

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 1476: A bill for an act relating to game and fish; authorizing expenditure of RIM funds for restoration of fish and wildlife habitat; amending Minnesota Statutes 1992, section 84.95, subdivision 2.

Reports the same back with the recommendation that the report from the Committee on Environment and Natural Resources, shown in the Journal for April 26, 1993, be adopted; that committee recommendation being:

“the bill do pass”. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

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

Reports the same back with the recommendation that the report from the Committee on Environment and Natural Resources, shown in the Journal for April 27, 1993, be adopted; that committee recommendation being:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

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

Reports the same back with the recommendation that the report from the Committee on Environment and Natural Resources, shown in the Journal for April 27, 1993, be adopted; that committee recommendation being:

“the bill do pass and be re-referred to the Committee on Finance”. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 223: A bill for an act relating to human services; providing a salary increase for development achievement center employees; amending Minnesota Statutes 1992, section 252.24, subdivision 5.

Reports the same back with the recommendation that the report from the Committee on Health Care, shown in the Journal for April 28, 1993, be adopted; that committee recommendation being:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 791: A bill for an act relating to human services; making changes to medical assistance payments for home care services; requiring a preadmission screening for Medicaid certified nursing homes or boarding homes; allowing residential care services under alternate care funding; defining assisted living services; implementing a one-time adjustment for alternative care services; amending Minnesota Statutes 1992, sections 256B.0625, subdivision 19a; 256B.0627, subdivisions 4 and 5; 256B.0628, subdivision 2; 256B.0911, subdivisions 2, 3, 4, 6, and 7; 256B.0913, subdivisions 4, 5, 9, 12, and 14; 256B.0915, subdivisions 1 and 3; 256B.0917, subdivisions 1, 2, 3, 4, 5, 7, 8, 9, 11, and 12; 256B.093, subdivisions 1 and 3; and 256B.49, by adding a subdivision.

Reports the same back with the recommendation that the report from the Committee on Health Care, shown in the Journal for April 28, 1993, be adopted; that committee recommendation being:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 880: A bill for an act relating to the environment; changing methods for assessing and collecting hazardous waste administration fees; providing for rulemaking; amending Minnesota Statutes 1992, section 116.12.

Reports the same back with the recommendation that the report from the Committee on Environment and Natural Resources, shown in the Journal for April 26, 1993, be adopted; that committee recommendation being:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

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

Reports the same back with the recommendation that the report from the Committee on Jobs, Energy and Community Development, shown in the Journal for April 27, 1993, be adopted; that committee recommendation being:

"the bill do pass". Report adopted.

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

S.F. No. 900: A bill for an act relating to health; implementing recommendations of the Minnesota health care commission; defining and regulating integrated service networks; requiring regulation of all health care services not

provided through integrated service networks; establishing data reporting and collection requirements; establishing other cost containment measures; providing for voluntary public commitments by health plans and providers to limit the rate of growth in total revenues; requiring certain studies; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 3.732, subdivision 1; 62A.021, subdivision 1; 62A.65; 62C.16, by adding a subdivision; 62E.02, subdivision 23; 62E.10, subdivisions 1 and 3; 62E.11, subdivision 12; 62J.03, subdivisions 6, 8, and by adding a subdivision; 62J.04, subdivisions 1, 2, 3, 4, 5, 7, and by adding subdivisions; 62J.05, by adding a subdivision; 62J.09, subdivisions 2, 5, 8, and by adding a subdivision; 62J.15, subdivisions 1 and 2; 62J.17, subdivision 2, and by adding subdivisions; 62J.23, by adding a subdivision; 62J.30, subdivisions 1, 6, 7, and 8; 62J.32, subdivision 4; 62J.33; 62J.34, subdivisions 2 and 3; 62L.02, subdivisions 16, 26, and 27; 62L.03, subdivisions 3 and 4; 62L.04, subdivision 1; 62L.05, subdivisions 4 and 6; 62L.08, subdivision 8; 62L.09, subdivisions 1; 136A.1355, subdivisions 1, 3, 4, and by adding a subdivision; 136A.1356, subdivisions 2, 4, and 5; 136A.1357; 137.38, subdivisions 2, 3, and 4; 137.39, subdivisions 2 and 3; 137.40, subdivision 3; 144.1484, subdivisions 1 and 2; 144.335, by adding a subdivision; 169.685, subdivision 5; 169.686, subdivision 1; 214.16, subdivision 3; 256.9351, subdivision 3; 256.9353; 256.9354, subdivisions 1, 4, 5, and by adding a subdivision; 256.9356, subdivisions 1 and 2; 256.9357, subdivision 1; 256.9657, subdivision 3; 256B.04, subdivision 1; 256B.057, subdivisions 1, 2, 2a, and by adding a subdivision; 256B.0625, subdivision 13; 256B.0644; 256D.03, subdivision 3; 295.50, subdivisions 3, 4, 7, 14, and by adding subdivisions; 295.51, subdivision 1; 295.52, by adding subdivisions; 295.53, subdivisions 1, 2, and 3; 295.54; 295.55, subdivision 4; 295.57; 295.58; and 295.59; proposing coding for new law in Minnesota Statutes, chapters 62A; 62J; 136A; 137; 256; and 295; proposing coding for new law as Minnesota Statutes, chapters 62N; and 62O; repealing Minnesota Statutes 1992, sections 62J.17, subdivisions 4, 5, and 6; 62J.29; 62L.09, subdivision 2; 295.50, subdivisions 5 and 10; and 295.51, subdivision 2; Laws 1992, chapter 549, article 9, section 19, subdivision 2.

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

Page 9, line 14, after "service" insert "network"

Page 10, line 2, delete "shall review all" and insert "may review any"

Page 14, line 4, delete "of"

Page 14, line 5, delete "\$....." and delete "of \$....." and after "to" insert "be established by"

Page 15, after line 36, insert:

"Sec. 20. [62N.22] [RELATIONSHIPS WITH PROVIDERS.]"

Page 17, line 23, delete "23" and insert "24"

Renumber the sections of article 1 in sequence

Page 19, line 13, delete everything after the comma and insert "expenditure limits for health carriers shall be established in accordance with section 3 and health care provider revenue limits shall be established in accordance with section 4."

Page 19, delete line 14

Page 25, line 2, delete “..” and insert “6.5”

Page 25, line 5, delete “..” and insert “5.3”

Page 25, line 8, delete “..” and insert “4.3”

Page 25, line 11, delete “..” and insert “3.7”

Page 25, line 14, delete “..” and insert “2.6”

Page 30, line 35, after “adopt” insert “permanent rules and may adopt”

Page 30, line 36, delete “and permanent”

Pages 50 and 51, delete sections 8 and 9

Page 53, after line 36, insert:

“Sec. 12. [REQUESTS FOR FEDERAL ACTION.]

*The commissioner of health shall seek changes in or waivers from federal statutes or regulations as necessary to implement the provisions of this act. The commissioner of human services shall request and diligently pursue waivers from the federal laws relating to health coverages provided under the medical assistance and Medicare programs, so as to permit the state to provide medical assistance benefits through integrated service networks and permit Medicare to be provided in Minnesota through integrated service networks.*

Sec. 13. [INSTRUCTION TO REVISOR.]

*The revisor of statutes shall change the words “centers of excellence” to “referral centers” wherever they appear in chapters 62D and 62J in the next and subsequent editions of Minnesota Statutes and Minnesota Rules, parts 4685.0100 to 4685.3400.”*

Page 54, line 2, delete “and 3” and insert “to 13”

ReNUMBER the sections of article 6 in sequence

Page 69, line 24, delete “of \$......”

Page 69, line 27, after the period, insert “The filing fee is \$1,000 for any application submitted by parties whose combined gross revenues exceeded \$20 million in the most recent calendar or fiscal year for which such figures are available. The filing fee for all other applications is \$250.”

Page 87, line 6, delete “rate established by the commissioner” and insert “rates applied under section 62J.04, subdivision 1, paragraph (b), to the calendar year or years that the proposed premium rate would be in effect”

Page 87, line 9, after the period, insert “For premium rates proposed to go into effect between July 1, 1993, and December 31, 1993, the pertinent growth rate is the growth rate applied under section 62J.04, subdivision 1, paragraph (b), to calendar year 1994.”

Page 97, line 11, after the second comma, insert “adult dental care services other than preventive services,”

Page 97, line 17, before the comma, insert “, unless the continuation of outpatient services would prevent inpatient services”

Page 99, line 2, after "*hospice*" insert "*care*"

Page 99, strike lines 19 and 20

Page 99, line 21, strike "(3)" and insert "(2)"

Page 99, line 22, strike "(4)" and insert "(3)"

Page 99, line 31, reinstate the stricken language and delete "*18 months*"

Page 99, line 33, strike "*185*" and insert "*150*"

Page 100, line 1, reinstate the stricken language and delete "*child*"

Page 100, line 2, delete the new language

Page 100, line 5, before the period, insert "*, except children who meet the criteria in this subdivision shall continue to be enrolled pursuant to this subdivision*"

Page 100, line 24, before the period, insert "*, except children who meet the criteria of subdivision 1 shall continue to be enrolled pursuant to that subdivision*"

Page 100, line 27, delete "*MinnesotaCare*" and strike "*but*" and insert "*MinnesotaCare. Persons who are eligible under subdivision 2, 3, 4, or 5*"

Page 100, line 29, before the period, insert "*, and children eligible under subdivision 1 must pay a premium as determined under section 256.9356, subdivision 1*"

Page 101, delete section 5

Page 101, line 23, delete everything after "*identify*" and insert "*and refer such individuals to their county social service agency*"

Page 101, line 24, delete everything before the period

Page 101, line 25, delete "*state*" and insert "*county social service agency*"

Page 101, line 26, after the period, insert "*Enrollees who do not apply for and cooperate with medical assistance within the 60-day enrollment period, and their other family members, shall be disenrolled from the plan within one calendar month. Persons disenrolled for nonapplication for medical assistance may not reenroll until they have obtained a medical assistance eligibility determination for the family member or members who were referred to the county agency. Persons disenrolled for noncooperation with medical assistance may not reenroll until they have cooperated with the county agency and have obtained a medical assistance eligibility determination.*"

Pages 101 and 102, delete sections 7 and 8 and insert:

"Sec. 6. Minnesota Statutes 1992, section 256.9356, is amended to read:

256.9356 [ENROLLMENT AND PREMIUM FEE FEES AND PAYMENTS.]

Subdivision 1. [ENROLLMENT FEE PREMIUM FEES.] Until October 1, 1992, An annual enrollment premium fee of \$25, not to exceed \$150 per family, \$48 is required from eligible persons for covered health services all MinnesotaCare enrollees eligible under section 256.9354, subdivision 1.



Subd. 2. [PREMIUM PAYMENTS.] Beginning October 1, 1992, The commissioner shall require health right plan MinnesotaCare enrollees eligible under section 256.9354, subdivisions 2 to 5, to pay a premium based on a sliding scale, as established under section 256.9357 256.9358. Applicants who are eligible under section 256.9354, subdivision 1, are exempt from this requirement until July 1, 1993, if the application is received by the health right plan staff on or before September 30, 1992. Before July 1, 1993, these individuals shall continue to pay the annual enrollment fee required by subdivision 1.

Subd. 3. [ADMINISTRATION AND COMMISSIONER'S DUTIES.] Enrollment and premium fees Premiums are dedicated to the commissioner for the health right plan MinnesotaCare. The commissioner shall make an annual redetermination of continued eligibility and identify people who may become eligible for medical assistance. The commissioner shall develop and implement procedures to: (1) require enrollees to report changes in income; (2) adjust sliding scale premium payments, based upon changes in enrollee income; and (3) disenroll enrollees from the health right plan MinnesotaCare for failure to pay required premiums. Premiums are calculated on a calendar month basis and may be paid on a monthly or, quarterly, or annual basis, with the first payment due upon notice from the commissioner of the premium amount required. Premium payment is required before enrollment is complete and to maintain eligibility in the health right plan MinnesotaCare. Nonpayment of the premium will result in disenrollment from the plan within one calendar month after the due date. Persons disenrolled for nonpayment may not reenroll until four calendar months have elapsed."

Page 104, line 34, after the comma, insert "*the managed care plan may require that*" and delete "*must*"

Page 104, line 35, delete "*physician or clinic*" and insert "*provider*"

Page 105, line 15, delete "*(a)*"

Page 105, line 20, delete "*(a)*" and insert "*a*" and before the period, insert "*(B), notwithstanding any waivers authorized by the United States Department of Health and Human Services pursuant to United States Code, title 42, section 1315*"

Page 105, delete lines 21 to 32

Page 105, line 36, before the period, insert "*if the managed care plan has a contract for that population*"

Page 107, line 13, after "*has*" insert "*met*"

Page 107, line 19, delete everything after "*possible*"

Page 107, line 20, delete everything before the period

Pages 107 and 108, delete section 12

Page 108, line 5, reinstate the stricken "*one year*" and delete "*18 months*"

Page 108, line 18, delete "*18 months*" and insert "*one year*"

Page 108, line 19, reinstate the stricken "*one*"

Page 108, line 20, reinstate the stricken "*year of age*" and delete "*18 months old*"

Page 108, line 26, reinstate the stricken language

Page 108, line 27, reinstate the stricken language and delete the new language

Pages 108 and 109, delete section 15

Page 110, line 28, after "children" insert "under age 21"

Page 113, line 6, delete "18" and insert "24"

Page 113, after line 7, insert:

"Sec. 16. [MINNESOTACARE PROGRAM STUDY.]

*The commissioner of human services shall examine the impact the MinnesotaCare program is having on the increase in medical assistance enrollment and costs. As part of this study, the commissioner shall determine whether other factors unrelated to the MinnesotaCare program may be contributing to the increase in medical assistance enrollment. The commissioner shall also make recommendations on necessary adjustments in revenues or expenditures to ensure that the health care access fund remains solvent for the 1996-1997 biennium. The commissioner shall present findings and recommendations to the legislative oversight commission by November 15, 1993."*

Page 113, delete line 9

Page 113, line 10, delete "Sections 13 to 15 are" and insert:

"Section 11 is"

Page 113, line 11, delete "19" and insert "15"

Page 113, line 12, delete "11, 17, and 19" and insert "9, 13, 15, and 16"

Page 113, line 13, after the period, insert "Section 9, subdivision 4, is effective for all contracts entered into or renewed on or after the day following final enactment."

Renumber the sections of article 10 in sequence

Page 120, line 34, before the period, insert ", or schools of nursing with an established masters program in nursing for the purpose of developing a nurse practitioner program in their masters curriculum"

Page 132, line 1, delete "8.6" and insert "7.6"

Page 133, after line 23, insert:

"Sec. 2. Minnesota Statutes 1992, section 270B.01, subdivision 8, is amended to read:

Subd. 8. [MINNESOTA TAX LAWS.] For purposes of this chapter only, "Minnesota tax laws" means the taxes administered by or paid to the commissioner under chapters 289A, 290, 290A, 291, and 297A, and sections 295.50 to 295.59 and includes any laws for the assessment, collection, and enforcement of those taxes."

Page 134, line 8, after "delivered" insert "to Minnesota residents by nonresident pharmacies or that are delivered"

Page 134, line 14, strike "carrier" and after "copayments," insert "coinsurance,"

Page 136, lines 8 and 9, delete "Staff model health carrier is" and insert "“Staff model health carrier” means"

Page 137, delete section 12

Page 137, line 26, delete "section" and insert "sections 1833 and" and after "of" insert "title XVIII"

Page 137, line 27, delete "1385" and insert "1395"

Page 138, line 15, after "plan" insert "and enrollee deductibles, coinsurance, and copayments"

Page 138, line 30, delete "receiving grants" and insert "approved"

Page 138, line 31, delete "9536.1700 to 9535.1765" and insert "9535.1700 to 9535.1760"

Page 138, delete lines 34 to 36 and insert:

"(14) government payments received by a regional treatment center."

Page 139, line 12, strike "25 percent of gross revenues for the prior year" and insert "200 percent of the statutory net worth requirement, or if applicable, the upper limit of the reserve corridor established under section 620.04, the calculation of which may be determined on a consolidated basis, taking into account the amounts held in reserve by affiliated staff model health carriers"

Page 139, lines 14 and 15, delete the new language

Page 139, line 16, delete "subdivision 1," and strike "paid during the year"

Page 139, line 18, delete "on report #2" and insert "to the department of health in the"

Page 139, line 19, delete everything after "worth" and insert "pursuant to section 62D.08, subdivision 3, clause (a)"

Page 139, lines 20 and 21, delete the new language

Page 141, line 6, after the stricken "and" insert "provisions in sections 289A.43 and 289A.65" and strike "penalty" and insert "penalties in section 289A.63"

Page 141, line 7, strike "under chapter 289A" and insert "in section 289A.50"

Page 141, line 26, after the period, insert "The authority to transfer additional expenses generated by section 295.52 also applies to pharmacies to the extent their product is subject to the wholesale drug distributor tax."

Page 142, after line 15, insert:

"Sec. 22. Minnesota Statutes 1992, section 297.13, subdivision 1, is amended to read:

Subdivision 1. [CIGARETTE TAX APPORTIONMENT.] Revenues received from taxes, penalties, and interest under sections 297.01 to 297.13 and

from license fees and miscellaneous sources of revenue shall be deposited by the commissioner of revenue in the state treasury and credited as follows:

(a) first to the general obligation special tax bond debt service account in each fiscal year the amount required to increase the balance on hand in the account on each December 1 to an amount equal to the full amount of principal and interest to come due on all outstanding bonds whose debt service is payable primarily from the proceeds of the tax to and including the second following July 1; and

(b) after the requirements of paragraph (a) have been met:

(1) the revenue produced by one mill of the tax on cigarettes weighing not more than three pounds a thousand and two mills of the tax on cigarettes weighing more than three pounds a thousand must be credited to the Minnesota future resources fund;

(2) the balance of the revenues derived from taxes, penalties, and interest under sections 297.01 to 297.13 and from license fees and miscellaneous sources of revenue shall be credited to the general fund, *except as provided in article 14, section 4.*"

Page 142, line 29, delete "2; 4; 5" and insert "3; 5; 6" and delete "7; 10" and insert "8; 11"

Page 142, line 32, delete "5" and insert "6"

Page 142, line 34, delete "3, 6, 20, 21, and 22" and insert "2, 4, 7, 14, 20, 21, and 23"

Page 142, after line 35, insert:

*"Section 18 is effective January 1, 1993."*

Renumber the sections of article 14 in sequence

Pages 143 and 144, delete section 1 and insert:

"Section 1. [APPROPRIATION.]

Subdivision 1. \$17,534,000 is appropriated from the health care access fund to the agencies and for the purposes indicated in this section, to be available for the fiscal year ending June 30 in the years indicated.

	1994	1995
Subd. 2. Higher Education Coordinating Board	54,000	108,000

This appropriation is to implement the loan forgiveness and rural clinical nurse practitioner education grant program under article 12.

Subd. 3. University of Minnesota	537,000	465,000
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This appropriation is to develop and administer a family and pediatric nurse practitioner program under article 12.

Subd. 4. Department of Human Services	528,000	456,000
Subd. 5. Department of Health	3,182,000	11,652,000
Subd. 6. Department of Revenue	165,000	165,000
Subd. 7. Office of the Attorney General	112,000	110,000

#### Sec. 2. [TRANSFER.]

*The commissioner of finance shall transfer \$3,082,000 in fiscal year 1994 and \$7,002,000 in fiscal year 1995 from the health care access fund to the general fund.*

#### Sec. 3. [CARRY FORWARD.]

*Subdivision 1. \$250,000 of the appropriation in Laws 1992, chapter 549, article 10, section 1, subdivision 3, is available until June 30, 1994, to develop and implement a program to establish community health centers in rural areas of the state as authorized in Minnesota Statutes, section 144.1486.*

*Subd. 2. \$250,000 of the appropriation in Laws 1992, chapter 549, article 10, section 1, subdivision 3, is available until June 30, 1994, to award transition grants to rural hospitals as authorized in Minnesota Statutes, section 144.147.*

*Subd. 3. \$200,000 of the appropriation in Laws 1992, chapter 549, article 10, section 1, subdivision 3, is available until June 30, 1994, to award sole community hospital financial assistance grants as authorized by Minnesota Statutes, section 144.1484.*

#### Sec. 4. [APPROPRIATIONS FROM CIGARETTE TAX REVENUES.]

*Subdivision 1. [APPROPRIATIONS.] \$6,403,000 is appropriated for fiscal year 1994 and \$15,489,000 is appropriated for fiscal year 1995 from the general fund to the commissioner of health to be used for the WIC program.*

*\$6,850,000 is appropriated for fiscal year 1994 and \$13,450,000 is appropriated for fiscal year 1995 from the general fund to the commissioner of health to be used for consumer education and wellness programs. Of this appropriation, the commissioner of health must use at least 25 percent each fiscal year for tobacco use prevention and cessation activities.*

*\$5,551,000 is appropriated for fiscal year 1994 and \$11,051,000 is appropriated for fiscal year 1995 from the general fund to the commissioner of health to be used for family planning services grants.*

*\$500,000 is appropriated for fiscal year 1994 and \$500,000 in fiscal year 1995 from the general fund to the commissioner of health to be used for immunization outreach.*

*\$236,000 is appropriated for fiscal year 1994 and \$236,000 in fiscal year 1995 from the general fund to the commissioner of health to be used for chlamydia screening.*

*\$1,378,000 is appropriated for fiscal year 1994 and \$7,619,375 for fiscal year 1995 from the general fund to the commissioner of health for collaborative community projects to be used to provide grants and other incentives to encourage integrated service networks and other private organizations to collaborate with public health agencies and to achieve public health goals.*

*\$133,000 is appropriated in fiscal year 1994 and \$129,375 in fiscal year 1995 from the general fund to the commissioner of health to be used to conduct a study to identify essential public health functions and services to be provided through the state and local public health system, to estimate the costs associated with those services, and to develop a plan for coordinating the delivery of essential public health services with the integrated service networks and other private organizations.*

*\$705,000 is appropriated in fiscal year 1994 and \$705,000 in fiscal year 1995 from the general fund to the commissioner of health to be used for lead inspection grants.*

*Subd. 2. [TRANSFER.] Any balance remaining from the proceeds raised by the increase in the rate of the tax on cigarettes under Minnesota Statutes, section 297.02, enacted in 1993 shall be transferred from the general fund to the health care access fund.*

*Subd. 3. [EFFECTIVE DATE.] This section is effective only if an increase in the rate of the tax on cigarettes under Minnesota Statutes, section 297.02, is enacted in 1993 and becomes effective no later than July 1, 1993."*

Amend the title as follows:

Page 1, line 36, delete "5,"

Page 1, line 37, delete ", subdivisions 1 and 2"

Page 1, line 38, delete "256B.04,"

Page 1, line 39, delete "subdivision 1;" and delete "2,"

Page 1, line 41, after the second semicolon, insert "270B.01, subdivision 8;"

Page 1, line 43, delete "subdivisions" and insert "a subdivision"

Page 1, line 45, delete "and" and before "proposing" insert "and 297.13, subdivision 1;"

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

Mrs. Adkins from the Committee on Metropolitan and Local Government, to which was re-referred

S.F. No. 919: A bill for an act relating to crime; prohibiting drive-by shootings, possession of dangerous weapons and trespassing on school property, negligent storage of firearms, and reckless discharge of firearms; providing for forfeiture of vehicles used in drive-by shootings and prostitution; authorizing certain governmental entities to adopt certain firearms ordinances; providing for access to juvenile court records; increasing penalty for repeat violations of pistol permit law; extending wiretap warrant period; providing for sentence of life without release for first-degree murder of a peace officer; making terminology changes and technical corrections related

to new felony sentencing law; expanding scope of sex offender registration and DNA specimen provisions; requiring certain counties to establish diversion programs; appropriating money; amending Minnesota Statutes 1992, sections 16B.08, subdivision 7; 144A.04, subdivisions 4 and 6; 144A.11, subdivision 3a; 144B.08, subdivision 3; 147.09; 152.021, subdivision 3; 152.022, subdivisions 1 and 3; 152.023, subdivisions 2 and 3; 152.024, subdivision 3; 152.025, subdivision 3; 152.026; 152.18, subdivision 1; 168.345, by adding a subdivision; 169.121, subdivision 3a; 169.222, subdivision 6, and by adding a subdivision; 169.64, subdivision 3; 169.98, subdivision 1a; 171.12, by adding a subdivision; 238.16, subdivision 2; 241.021, subdivision 1; 241.09; 241.67, subdivisions 1, 2, and by adding a subdivision; 243.166, subdivisions 1, 2, 3, 4, 6, and by adding subdivisions; 243.18, subdivision 2, and by adding a subdivision; 243.23, subdivision 3; 244.01, subdivision 8, and by adding a subdivision; 244.05, subdivisions 1b, 4, 5, and by adding a subdivision; 244.065; 244.101; 244.14, subdivisions 2 and 3; 244.15, subdivision 1; 244.17, subdivision 3; 244.171, subdivisions 3 and 4; 244.172, subdivisions 1 and 2; 256.486; 260.161, subdivisions 1 and 3; 260.185, subdivision 1; 289A.63, by adding a subdivision; 297B.10; 299A.35, subdivisions 1 and 2; 299C.46, by adding a subdivision; 299C.54, by adding a subdivision; 299D.06; 357.021, subdivision 2; 388.23, subdivision 1; 401.02, subdivision 4; 471.633; 480.0591, subdivision 6; 541.15; 609.0341, subdivision 1; 609.035; 609.06; 609.101, subdivisions 1, 2, 3, 4, and by adding a subdivision; 609.11; 609.135, subdivisions 1, 1a, and 2; 609.1352, subdivision 1; 609.14, subdivision 1; 609.15, subdivision 2; 609.152, subdivision 1; 609.184, subdivision 2; 609.196; 609.229, subdivision 3; 609.251; 609.346, subdivisions 2, 2b, and 5; 609.3461; 609.531; 609.5311, subdivision 3; 609.5312, subdivision 2; 609.5314, subdivisions 1 and 3; 609.5315, subdivisions 1, 2, and 4; 609.582, subdivision 1a; 609.585; 609.605, by adding a subdivision; 609.66, subdivision 1a, and by adding subdivisions; 609.713, subdivision 1; 609.856, subdivision 1; 609.891, subdivision 2; 611A.06, subdivision 1; 624.712, subdivision 5; 624.713, subdivision 1; 624.7131, subdivision 10; 624.7132, subdivisions 4 and 8; 624.714, subdivision 1; 626.05, subdivision 2; 626A.06, subdivisions 4 and 5; 629.291, subdivision 1; 631.41; Laws 1991, chapter 279, section 41; Laws 1991, chapter 292, article 1, section 16; and Laws 1992, chapter 571, article 16, section 4; proposing coding for new law in Minnesota Statutes, chapters 254A; 401; 609; and 624; repealing Minnesota Statutes 1992, sections 241.25; 241.67, subdivision 5; 241.671; 243.165; and 299A.325.

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

Pages 3 and 4, delete section 3 and insert:

“Sec. 3. [152.0263] [ENHANCED PENALTY.]

*A person who possesses a firearm:*

*(1) in a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance;*

*(2) on or in close proximity to a person from whom a felony amount of controlled substance is seized; or*

*(3) on the premises where a controlled substance is seized and in close proximity to the controlled substance, if possession or sale of the controlled substance would be a felony under chapter 152;*

*may, upon conviction for an offense described in sections 152.021 to 152.025, be sentenced to twice the presumptive sentence otherwise provided for the offense under the sentencing guidelines.*

Sec. 4. Minnesota Statutes 1992, section 471.633, is amended to read:

471.633 [FIREARMS.]

The legislature preempts all authority of a home rule charter or statutory city including a city of the first class, county, town, municipal corporation, or other governmental subdivision, or any of their instrumentalities, to regulate firearms, ammunition, or their respective components to the complete exclusion of any order, ordinance or regulation by them except that:

(a) a governmental subdivision may regulate the discharge of firearms; ~~and~~

(b) *a governmental subdivision may adopt zoning ordinances to regulate the site of business locations where firearms are sold by a firearms dealer; for the purposes of this clause, a firearms dealer is a person who is federally licensed to sell firearms from any location; and*

(c) a governmental subdivision may adopt regulations identical to state law.

Local regulation inconsistent with this section is void."

Page 18, after line 25, insert:

"Sec. 20. Minnesota Statutes 1992, section 609.67, subdivision 1, is amended to read:

Subdivision 1. ~~[DEFINITION DEFINITIONS.]~~ (a) "Machine gun" means any firearm designed to discharge, or capable of discharging automatically more than once by a single function of the trigger, *or modified with any device enabling the firearm to be fired at the rate of a machine gun.*

(b) "Shotgun" means a weapon designed, redesigned, made or remade which is intended to be fired from the shoulder and uses the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(c) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun if such weapon as modified has an overall length less than 26 inches.

Sec. 21. Minnesota Statutes 1992, section 609.67, subdivision 2, is amended to read:

Subd. 2. [ACTS PROHIBITED.] Except as otherwise provided herein, whoever owns, possesses, or operates a machine gun, *any device enabling a firearm to be fired at the rate of a machine gun*, or a short-barreled shotgun may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both."

Pages 19 and 20, delete section 20 and insert:

"Sec. 23. Minnesota Statutes 1992, section 624.711, is amended to read:

624.711 [DECLARATION OF POLICY.]

It is not the intent of the legislature to regulate shotguns, rifles and other longguns of the type commonly used for hunting and not defined as pistols or



*military assault weapons*, or to place costs of administration upon those citizens who wish to possess or carry pistols *or military assault weapons* lawfully, or to confiscate or otherwise restrict the use of pistols *or military assault weapons* by law-abiding citizens.

Sec. 24. Minnesota Statutes 1992, section 624.712, subdivision 6, is amended to read:

Subd. 6. "Transfer" means a sale, gift, loan, assignment or other delivery to another, whether or not for consideration, of a pistol *or military assault weapon* or the frame or receiver of a pistol *or military assault weapon*.

Sec. 25. Minnesota Statutes 1992, section 624.712, is amended by adding a subdivision to read:

Subd. 7. "*Military assault weapon*" means:

(1) any of the following firearms:

(i) Avtomat Kalashnikov (AK-47) semiautomatic rifle type;

(ii) Beretta AR-70 and BM-59 semiautomatic rifle types;

(iii) Colt AR-15 semiautomatic rifle type;

(iv) Daewoo Max-1 and Max-2 semiautomatic rifle types;

(v) Famas MAS semiautomatic rifle type;

(vi) Fabrique Nationale FN-LAR and FN-FNC semiautomatic rifle types;

(vii) Galil semiautomatic rifle type;

(viii) Heckler & Koch HK-91, HK-93, and HK-94 semiautomatic rifle types;

(ix) Ingram MAC-10 and MAC-11 semiautomatic pistol and carbine types;

(x) Intratec TEC-9 semiautomatic pistol type;

(xi) Sigarms SIG 550SP and SIG 551SP semiautomatic rifle types;

(xii) SKS with detachable magazine semiautomatic rifle type;

(xiii) Steyr AUG semiautomatic rifle type;

(xiv) Street Sweeper and Striker-12 revolving-cylinder shotgun types;

(xv) USAS-12 semiautomatic shotgun type;

(xvi) Uzi semiautomatic pistol and carbine types; or

(xvii) Valmet M76 and M78 semiautomatic rifle types;

(2) any firearm that is another model made by the same manufacturer as one of the firearms listed in clause (1), and has the same action design as one of the listed firearms, and is a redesigned, renamed, or renumbered version of one of the firearms listed in clause (1), or has a slight modification or enhancement, including but not limited to a folding or retractable stock; adjustable sight; case deflector for left-handed shooters; shorter barrel; wooden, plastic, or metal stock; larger clip size; different caliber; or a bayonet mount; and

(3) *any firearm that has been manufactured or sold by another company under a licensing agreement with a manufacturer of one of the firearms listed in clause (1) entered into after the effective date of this act to manufacture or sell firearms that are identical or nearly identical to those listed in clause (1), or described in clause (2), regardless of the company of production or country of origin.*

*The weapons listed in clause (1), except those listed in items (iii), (ix), (x), (xiv), and (xv), are the weapons the importation of which was barred by the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of the Treasury in July 1989.*

*Except as otherwise specifically provided in paragraph (d), a firearm is not a "military assault weapon" if it is generally recognized as particularly suitable for or readily adaptable to sporting purposes under United States Code, title 18, section 925, paragraph (d)(3), or any regulations adopted pursuant to that law.*

Sec. 26. Minnesota Statutes 1992, section 624.713, is amended to read:

**624.713 [CERTAIN PERSONS NOT TO HAVE PISTOLS OR MILITARY ASSAULT WEAPONS; PENALTY.]**

Subdivision 1. [INELIGIBLE PERSONS.] The following persons shall not be entitled to possess a pistol or military assault weapon:

(a) a person under the age of 18 years except that a person under 18 may carry or possess a pistol or military assault weapon (i) in the actual presence or under the direct supervision of the person's parent or guardian, (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition, or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol or military assault weapon and approved by the commissioner of natural resources;

(b) a person who has been convicted in this state or elsewhere of a crime of violence unless ten years have elapsed since the person has been restored to civil rights or the sentence has expired, whichever occurs first, and during that time the person has not been convicted of any other crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(c) a person who is or has ever been confined or committed in Minnesota or elsewhere as a "mentally ill," "mentally retarded," or "mentally ill and dangerous to the public" person as defined in section 253B.02, to a treatment facility, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof that the person is no longer suffering from this disability;

(d) a person who has been convicted in Minnesota or elsewhere ~~for the unlawful use, possession, or sale of a controlled substance other than~~ conviction for possession of a small amount of marijuana, as defined in section 152.01, subdivision 16 of a misdemeanor or gross misdemeanor violation of chapter 152, or a person who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or

marijuana, as defined in sections 152.01 and 152.02, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person has not abused a controlled substance or marijuana during the previous two years;

(e) a person who has been confined or committed to a treatment facility in Minnesota or elsewhere as "chemically dependent" as defined in section 253B.02, unless the person has completed treatment. Property rights may not be abated but access may be restricted by the courts; or

(f) a peace officer who is informally admitted to a treatment facility pursuant to section 253B.04 for chemical dependency, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility. Property rights may not be abated but access may be restricted by the courts.

A person who issues a certificate pursuant to this subdivision in good faith is not liable for damages resulting or arising from the actions or misconduct with a firearm committed by the individual who is the subject of the certificate.

Subd. 2. [PENALTIES.] A person named in subdivision 1, clause (a) or (b), who possesses a pistol or *military assault weapon* is guilty of a felony. A person named in any other clause of subdivision 1 who possesses a pistol or *military assault weapon* is guilty of a gross misdemeanor.

Subd. 3. [NOTICE TO CONVICTED PERSONS.] When a person is convicted of a crime of violence as defined in section 624.712, subdivision 5, the court shall inform the defendant that the defendant is prohibited from possessing a pistol or *military assault weapon* for a period of ten years after the person was restored to civil rights or since the sentence has expired, whichever occurs first, and that it is a felony offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol or *military assault weapon* possession prohibition or the felony penalty to that defendant.

Sec. 27. Minnesota Statutes 1992, section 624.7131, subdivision 1, is amended to read:

Subdivision 1. [INFORMATION.] Any person may apply for a pistol transferee permit by providing the following information in writing to the chief of police of an organized full time police department of the municipality in which the person resides or to the county sheriff if there is no such local chief of police:

(a) the name, residence, telephone number and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(b) the sex, date of birth, height, weight and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee; and

(c) a statement by the proposed transferee that the proposed transferee is not prohibited by section 624.713 from possessing a pistol or *military assault weapon*.

The statement shall be signed by the person applying for a permit. At the time of application, the local police authority shall provide the applicant with a dated receipt for the application.

Sec. 28. Minnesota Statutes 1992, section 624.7131, subdivision 4, is amended to read:

Subd. 4. [GROUNDS FOR DISQUALIFICATION.] A determination by the chief of police or sheriff that the applicant is prohibited by section 624.713 from possessing a pistol *or military assault weapon* shall be the only basis for refusal to grant a transferee permit.

Sec. 29. Minnesota Statutes 1992, section 624.7131, subdivision 10, is amended to read:

Subd. 10. [TRANSFER REPORT NOT REQUIRED.] A person who transfers a pistol *or military assault weapon* to a *licensed peace officer, as defined in section 626.84, subdivision 1, exhibiting a valid peace officer identification, or to a* person exhibiting a valid transferee permit issued pursuant to this section or a valid permit to carry issued pursuant to section 624.714 is not required to file a transfer report pursuant to section 624.7132, subdivision 1.

Sec. 30. Minnesota Statutes 1992, section 624.7132, is amended to read:

624.7132 [REPORT OF TRANSFER.]

Subdivision 1. [REQUIRED INFORMATION.] Except as provided in this section and section 624.7131, every person who agrees to transfer a pistol *or military assault weapon* shall report the following information in writing to the chief of police of the organized full-time police department of the municipality where the agreement is made or to the appropriate county sheriff if there is no such local chief of police:

(a) the name, residence, telephone number and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(b) the sex, date of birth, height, weight and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee;

(c) a statement by the proposed transferee that the transferee is not prohibited by section 624.713 from possessing a pistol *or military assault weapon*; and

(d) the address of the place of business of the transferor.

The report shall be signed by the transferor and the proposed transferee. The report shall be delivered by the transferor to the chief of police or sheriff no later than three days after the date of the agreement to transfer, excluding weekends and legal holidays.

Subd. 2. [INVESTIGATION.] Upon receipt of a transfer report, the chief of police or sheriff shall check criminal histories, records and warrant information relating to the proposed transferee through the Minnesota crime information system.

Subd. 3. [NOTIFICATION.] The chief of police or sheriff shall notify the transferor and proposed transferee in writing as soon as possible if the chief or sheriff determines that the proposed transferee is prohibited by section 624.713 from possessing a pistol *or military assault weapon*. The notification to the transferee shall specify the grounds for the disqualification of the proposed transferee and shall set forth in detail the transferee's right of appeal under subdivision 13.

Subd. 4. [DELIVERY.] *Except as otherwise provided in subdivision 7 or 8, no person shall deliver a pistol or military assault weapon to a proposed transferee until seven days after the date of the agreement to transfer as stated on the report delivered to a chief of police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives all or a portion of the seven day waiting period.*

No person shall deliver a pistol or military assault weapon to a proposed transferee after receiving a written notification that the chief of police or sheriff has determined that the proposed transferee is prohibited by section 624.713 from possessing a pistol or military assault weapon.

If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within seven days of the date of the agreement to transfer, the pistol or military assault weapon may be delivered to the transferee.

Subd. 5. [GROUNDS FOR DISQUALIFICATION.] A determination by the chief of police or sheriff that the proposed transferee is prohibited by section 624.713 from possessing a pistol or military assault weapon shall be the sole basis for a notification of disqualification under this section.

Subd. 6. [TRANSFEE PERMIT.] If a chief of police or sheriff determines that a transferee is not a person prohibited by section 624.713 from possessing a pistol or military assault weapon, the transferee may, within 30 days after the determination, apply to that chief of police or sheriff for a transferee permit, and the permit shall be issued.

Subd. 7. [IMMEDIATE TRANSFERS.] The chief of police or sheriff may waive all or a portion of the seven day waiting period for a transfer.

Subd. 8. [REPORT NOT REQUIRED.] (1) If the proposed transferee presents a valid transferee permit issued under section 624.714, subdivision 9 624.7131 or a valid permit to carry issued under section 624.714, or if the transferee is a licensed peace officer, as defined in section 626.84, subdivision 1, who presents a valid peace officer photo identification and badge, the transferor need not file a transfer report.

(2) If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within seven days of the date of the agreement to transfer, no report or investigation shall be required under this section for any additional transfers between that transferor and that transferee which are made within 30 days of the date on which delivery of the first pistol or military assault weapon may be made under subdivision 4.

Subd. 9. [NUMBER OF PISTOLS OR MILITARY ASSAULT WEAPONS.] Any number of pistols or military assault weapons may be the subject of a single transfer agreement and report to the chief of police or sheriff. Nothing in this section or section 624.7131 shall be construed to limit or restrict the number of pistols or military assault weapons a person may acquire.

Subd. 10. [RESTRICTION ON RECORDS.] If, after a determination that the transferee is not a person prohibited by section 624.713 from possessing a pistol or military assault weapon, a transferee requests that no record be maintained of the fact of who is the transferee of a pistol or military assault weapon, the chief of police or sheriff shall sign the transfer report and return it to the transferee as soon as possible. Thereafter, no government employee

or agency shall maintain a record of the transfer that identifies the transferee, and the transferee shall retain the report of transfer.

Subd. 11. [FORMS; COST.] Chiefs of police and sheriffs shall make transfer report forms available throughout the community. There shall be no charge for forms, reports, investigations, notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with a *pistol* transfer.

Subd. 12. [EXCLUSIONS.] This section shall not apply to transfers of antique firearms as curiosities or for their historical significance or value, transfers to or between federally licensed firearms dealers, transfers by order of court, involuntary transfers, transfers at death or the following transfers:

- (a) A transfer by a person other than a federally licensed firearms dealer;
- (b) A loan to a prospective transferee if the loan is intended for a period of no more than one day;
- (c) The delivery of a *pistol or military assault weapon* to a person for the purpose of repair, reconditioning or remodeling;
- (d) A loan by a teacher to a student in a course designed to teach marksmanship or safety with a *pistol* and approved by the commissioner of natural resources;
- (e) A loan between persons at a firearms collectors exhibition;
- (f) A loan between persons lawfully engaged in hunting or target shooting if the loan is intended for a period of no more than 12 hours;
- (g) A loan between law enforcement officers who have the power to make arrests other than citizen arrests; and
- (h) A loan between employees or between the employer and an employee in a business if the employee is required to carry a *pistol or military assault weapon* by reason of employment and is the holder of a valid permit to carry a *pistol or military assault weapon*.

Subd. 13. [APPEAL.] A person aggrieved by the determination of a chief of police or sheriff that the person is prohibited by section 624.713 from possessing a *pistol or military assault weapon* may appeal the determination as provided in this subdivision. In Hennepin and Ramsey counties the municipal court shall have jurisdiction of proceedings under this subdivision. In the remaining counties of the state, the county court shall have jurisdiction of proceedings under this subdivision.

On review pursuant to this subdivision, the court shall be limited to a determination of whether the proposed transferee is a person prohibited from possessing a *pistol or military assault weapon* by section 624.713.

Subd. 14. [TRANSFER TO UNKNOWN PARTY.] (a) No person shall transfer a *pistol or military assault weapon* to another who is not personally known to the transferor unless the proposed transferee presents evidence of identity to the transferor. A person who transfers a *pistol or military assault weapon* in violation of this clause is guilty of a misdemeanor.

(b) No person who is not personally known to the transferor shall become a transferee of a *pistol or military assault weapon* unless the person presents evidence of identity to the transferor. A person who becomes a transferee of

a pistol or military assault weapon in violation of this clause is guilty of a misdemeanor.

Subd. 15. [PENALTIES.] A person who does any of the following is guilty of a gross misdemeanor:

(a) Transfers a pistol or military assault weapon in violation of subdivisions 1 to 13;

(b) Transfers a pistol or military assault weapon to a person who has made a false statement in order to become a transferee, if the transferor knows or has reason to know the transferee has made the false statement;

(c) Knowingly becomes a transferee in violation of subdivisions 1 to 13; or

(d) Makes a false statement in order to become a transferee of a pistol or military assault weapon knowing or having reason to know the statement is false.

Subd. 16. [LOCAL REGULATION.] This section shall be construed to supersede municipal or county regulation of the transfer of pistols."

Page 20, lines 31 and 35, after "pistol" insert "*or military assault weapon*"

Pages 21 to 25, delete sections 23 and 24 and insert:

"Sec. 33. [624.7181] [RIFLES AND SHOTGUNS IN PUBLIC PLACES.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given them.

(a) "Carry" does not include:

(1) the carrying of a rifle or shotgun to, from, or at a place where firearms are repaired, bought, sold, traded, or displayed; or where hunting, target shooting, or other lawful activity involving firearms occurs;

(2) the carrying of a rifle or shotgun by a person who has a permit under section 624.714;

(3) the carrying of an antique firearm as a curiosity or for its historical significance or value; or

(4) the transporting of a rifle or shotgun in compliance with section 97B.045.

(b) "Public place" means property owned, leased, or controlled by a governmental unit and private property that is regularly and frequently open to or made available for use by the public in sufficient numbers to give clear notice of the property's current dedication to public use but does not include: a person's dwelling house or premises, the place of business owned or managed by the person, or land possessed by the person; a gun show, gun shop; or hunting or target shooting facility; or the woods, fields, or waters of this state where the person is present lawfully for the purpose of hunting or target shooting or other lawful activity involving firearms.

Subd. 2. [GROSS MISDEMEANOR.] Whoever carries a rifle or shotgun on or about the person in a public place in a municipality is guilty of a gross misdemeanor.

*Subd. 3. [EXCEPTIONS.] This section does not apply to officers, employees, or agents of law enforcement agencies or the armed forces of this state or the United States, or private detectives or protective agents, to the extent that these persons are authorized by law to carry firearms and are acting in the scope of official duties."*

Page 25, delete line 22 and insert:

*"Sections 1 to 3, 5 to 31, and 33"*

Page 25, line 24, delete everything after the period

Page 25, delete line 25

Renumber the sections of article 1 in sequence

Amend the title as follows:

Page 1, line 7, delete everything after the semicolon

Page 1, delete line 8 and insert "authorizing the adoption of zoning ordinances governing the location of firearms dealers;"

Page 1, line 18, after "programs;" insert "prohibiting possession of a device for converting a firearm to fire at the rate of a machine gun; prohibiting carrying rifles and shotguns in public;"

Page 2, line 11, after "subdivisions;" insert "609.67, subdivisions 1 and 2;"

Page 2, line 13, after the first semicolon, insert "624.711;" and delete "subdivision 5; 624.713," and insert "subdivisions 5 and 6, and by adding a subdivision; 624.713;"

Page 2, line 14, delete "subdivision 1;" and delete "subdivision 10" and insert "subdivisions 1, 4, and 10" and delete the second comma and insert a semicolon

Page 2, line 15, delete "subdivisions 4 and 8;"

Page 2, line 21, after "chapters" insert "152;"

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

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

Joint Rule 2.03 suspended. Amendments adopted. Report adopted.

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

H.F. No. 964 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.
964	798				



Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 964 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 964 and insert the language after the enacting clause of S.F. No. 798, the first engrossment; further, delete the title of H.F. No. 964 and insert the title of S.F. No. 798, the first engrossment.

And when so amended H.F. No. 964 will be identical to S.F. No. 798, and further recommends that H.F. No. 964 be given its second reading and substituted for S.F. No. 798, 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. 1476, 1467, 880 and 900 were read the second time.

### **SECOND READING OF HOUSE BILLS**

H.F. Nos. 584 and 964 were read the second time.

### **INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

Mr. Kelly, Mses. Ranum and Johnston introduced—

S.F. No. 1624: A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

Referred to the Committee on Finance.

### **MEMBERS EXCUSED**

Mr. Novak was excused from the Session of today from 8:30 to 10:00 a.m. Mr. Janezich was excused from the Session of today from 8:30 to 11:30 a.m. Messrs. Chandler and Lessard were excused from the Session of today from 9:00 to 11:00 a.m. Mr. Langseth was excused from the Session of today at 9:45 a.m. Ms. Piper was excused from the Session of today at 4:00 p.m.

### **ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:30 a.m., Saturday, May 1, 1993. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate