

## NINETY-THIRD DAY

St. Paul, Minnesota, Tuesday, April 19, 1994

The Senate met at 8:00 a.m. and was called to order by the President.

### CALL OF THE SENATE

Ms. Flynn 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. Keith Johnson.

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

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

The President declared a quorum present.

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

### EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 15, 1994

The Honorable Allan H. Spear  
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 1911, 1951, 1825, 2672, 2070, 2267 and 819.

Warmest regards,  
Arne H. Carlson, Governor

**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. 862.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1994

Mr. President:

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

S.F. No. 1732: A bill for an act relating to conciliation courts; expanding conciliation court jurisdiction over matters involving rental property; allowing nonattorneys to represent condominium and cooperative associations; amending Minnesota Statutes 1993 Supplement, sections 481.02, subdivision 3; 491A.01, subdivision 9; and 491A.02, subdivision 4.

Senate File No. 1732 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1994

**CONCURRENCE AND REPASSAGE**

Mr. Finn moved that the Senate concur in the amendments by the House to S.F. No. 1732 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1732 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

**MESSAGES FROM THE HOUSE - CONTINUED**

Mr. President:

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

S.F. No. 2709: A bill for an act relating to agriculture; amending provisions regarding the pricing of certain dairy products; amending Minnesota Statutes 1993 Supplement, section 32.72.

Senate File No. 2709 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1994

Mr. Berg moved that the Senate concur in the amendments by the House to S.F. No. 2709 and that the bill be placed on its repassage as amended.

Mr. Morse moved that the Senate do not concur in the amendments by the House to S.F. No. 2709, 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 to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 2393: A bill for an act relating to the jobs and training department; making changes of a technical and housekeeping nature; amending Minnesota Statutes 1992, sections 248.011; 248.07, subdivisions 1, 2, 3, 4, 5, 13, 14a, and 16; 248.11; 268A.09; and 268A.11, subdivisions 1 and 3; Minnesota Statutes 1993 Supplement, sections 248.10; and 268A.02, subdivision 2; repealing Minnesota Statutes 1992, sections 268A.12.

Senate File No. 2393 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1994

Mr. Larson moved that the Senate do not concur in the amendments by the House to S.F. No. 2393, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 2710: A bill for an act relating to health; modifying provisions relating to lead abatement; amending Minnesota Statutes 1992, sections 144.871, subdivision 3; and 144.874, subdivision 12, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 16B.61, subdivision 3; 144.871, subdivision 2; 144.872, subdivision 2; 144.874, subdivisions 1, 3, 9, and 11a; 144.878, subdivisions 2 and 5; and 326.71, subdivision 4; repealing Minnesota Statutes 1993 Supplement, section 144.877.

Senate File No. 2710 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1994

Mr. Solon moved that S.F. No. 2710 be laid on the table. 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. 2411:

H.F. No. 2411: A bill for an act relating to retirement; providing for coverage of employees of lessee of Itasca Medical Center facilities by the public employees retirement association.

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

Solberg, Kinkel and Ness have been appointed as such committee on the part of the House.

House File No. 2411 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 18, 1994.

Mr. Lessard moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2411, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2617:

H.F. No. 2617: A bill for an act relating to alcoholic beverages; defining terms; regulating agreements between brewers and wholesalers; providing for amounts of malt liquor that may be brewed in a brewery-restaurant; providing exemption from law regulating nondiscrimination in liquor wholesaling; prohibiting certain solicitations by wholesalers; allowing only owner of a brand of distilled spirits to register that brand; denying registration to certain brand labels; requiring reports by certain brewers; requiring permits for

transporters of distilled spirits and wine; removing requirements that retail licensees be citizens or resident aliens; allowing counties to issue on-sale licenses to hotels; allowing political committees to obtain temporary on-sale licenses; restricting issuance of off-sale licenses to drugstores; allowing counties to issue exclusive liquor store licenses in certain towns; allowing counties to issue wine auction licenses; restricting issuance of temporary on-sale licenses to one organization or for one location; imposing new restrictions on issuance of more than one off-sale license to any person in a municipality; regulating wine tastings; allowing on-sales of intoxicating liquor after 8 p.m. on Christmas eve; allowing certain sales by off-sale retailers to on-sale retailers' restricting use of coupons by retailers, wholesalers, and manufacturers; providing for inspection of premises of temporary on-sale licensees; authorizing issuance of licenses by certain cities and counties; amending Minnesota Statutes 1992, sections 325B.02; 325B.04; 325B.05; 325B.12; 340A.101, subdivision 13; 340A.301, subdivisions 6, 7, and by adding a subdivision; 340A.307, subdivision 4; 340A.308; 340A.311; 340A.404, subdivisions 6 and 10; 340A.405, subdivisions 1, 2, and 4; 340A.410, by adding a subdivision; 340A.412, subdivision 3; 340A.416, subdivision 3; 340A.505; and 340A.907; Minnesota Statutes 1993 Supplement, sections 340A.402; and 340A.415; proposing coding for new law in Minnesota Statutes, chapters 325B; and 340A.

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

Jacobs, Tunheim and Dempsey have been appointed as such committee on the part of the House.

House File No. 2617 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 18, 1994

Mr. Solon moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2617, 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. 2821, 2046, 1985, 2485, 1919, 3017, 3136 and 3032.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 18, 1994

### FIRST READING OF HOUSE BILLS

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

H.F. No. 2821: A bill for an act relating to child custody; providing for presumptive custody in grandparents in certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 518.

Referred to the Committee on Judiciary.

H.F. No. 2046: A bill for an act relating to wild animals; restricting the killing of dogs wounding, killing, or pursuing big game within the metropolitan area; amending Minnesota Statutes 1992, section 97B.011.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1922, now on General Orders.

H.F. No. 1985: A bill for an act relating to partnerships; providing for the registration and operation of limited liability partnerships; appropriating money; amending Minnesota Statutes 1992, sections 319A.02, subdivision 5; 319A.05; 319A.06, subdivision 2; 319A.07; 319A.12, subdivisions 1, 1a, and 2; 323.02, subdivision 8, and by adding a subdivision; 323.06; 323.14; 323.17; 323.35; and 323.39; Minnesota Statutes 1993 Supplement, section 319A.02, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 323.

Referred to the Committee on Finance.

H.F. No. 2485: A bill for an act relating to water; providing for duties of the legislative water commission; providing for a sustainable agriculture advisory committee; requiring plans relating to sustainable agriculture and integrated pest management; regulating acceptance of empty pesticide containers; changing disclosures and fees related to dewatering wells; establishing groundwater policy and education; changing water well permit requirements; requiring reports to the legislature; amending Minnesota Statutes 1992, sections 3.887, subdivisions 5, 6, and 8; 17.114, subdivisions 1, 3, 4, and by adding a subdivision; 18B.045, subdivision 1; 103A.43; 103B.151, subdivision 1; 103G.271, subdivision 5; 103H.175, by adding a subdivision; 103H.201, subdivisions 1 and 4; 103I.101, subdivision 5; 103I.205, subdivision 1; 103I.208; and 103I.331, subdivision 6; Minnesota Statutes 1993 Supplement, sections 18B.135, subdivision 1; 18E.06; and 115B.20, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 103A; and 103F; repealing Minnesota Statutes 1992, section 103F.460.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2220, now on General Orders.

H.F. No. 1919: A bill for an act relating to manufactured homes; clarifying certain language governing application fees with in park sales; requiring a study; amending Minnesota Statutes 1992, section 327C.07, subdivisions 1, 2, 3, and 6.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1984, now on General Orders.

H.F. No. 3017: A bill for an act relating to dangerous dogs; restricting the ability to license a dangerous dog; requiring the production of a dog under certain circumstances; requiring notification of ownership transfer; imposing penalties; providing a civil fine for dangerous dog offenses; appropriating money; amending Minnesota Statutes 1992, sections 347.51, subdivision 2; and 347.54, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 347.

Referred to the Committee on Veterans and General Legislation.

H.F. No. 3136: A bill for an act relating to attorneys-at-law; prohibiting fees for public bond counsel from being based primarily on the amount of bonds sold; proposing coding for new law in Minnesota Statutes, chapter 481.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2291, now on General Orders.

H.F. No. 3032: A bill for an act relating to game and fish; clarifying the purposes for which various game and fish revenues may be spent; abolishing the angling license refund for senior citizens; changing certain deer hunting provisions; amending Minnesota Statutes 1992, sections 97A.071, subdivision 3; 97A.075, subdivisions 2, 3, and 4; 97A.475, subdivisions 6, 7, 8, and 13; and 97A.485, subdivision 7; and 97B.055, subdivision 3; Minnesota Statutes 1993 Supplement, sections 97A.055, subdivision 4; 97A.091, subdivision 2; 97A.475, subdivision 12; and 97A.485, subdivision 6; repealing Minnesota Statutes 1992, sections 97A.065, subdivision 3; and 97A.475, subdivision 9.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2445.

### REPORTS OF COMMITTEES

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

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

S.F. No. 2445: A bill for an act relating to game and fish; clarifying the purposes for which various game and fish revenues may be spent; requiring establishment of citizen oversight committees to review expenditures of game and fish revenues; abolishing the angling license refund for senior citizens; appropriating money and reducing earlier appropriations; amending Minnesota Statutes 1992, sections 97A.055, by adding a subdivision; 97A.071, subdivision 3, and by adding subdivisions; 97A.075, subdivisions 2, 3, and 4; 97A.475, subdivisions 6, 7, 8, and 13; and 97A.485, subdivision 7; Minnesota Statutes 1993 Supplement, sections 97A.055, subdivision 4; 97A.071, subdivision 2; 97A.475, subdivision 12; and 97A.485, subdivision 6; repealing Minnesota Statutes 1992, sections 97A.065, subdivision 3; 97A.071, subdivision 4; 97A.475, subdivision 9; and 103E.615, subdivision 6.

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

Page 3, after line 3, insert:

"Sec. 3. Minnesota Statutes 1992, section 97A.061, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY; AMOUNT.] (a) The commissioner shall annually make a payment ~~from the game and fish fund~~ to each county having public hunting areas and game refuges. *Money to make the payments is annually appropriated for that purpose from the general fund.* This section does not apply to state trust fund land and other state land not purchased for game refuge or public hunting purposes. The payment shall be the greatest of:

(1) 35 percent of the gross receipts from all special use permits and leases of land acquired for public hunting and game refuges;

(2) 50 cents per acre on land purchased actually used for public hunting or game refuges; or

(3) three-fourths of one percent of the appraised value of purchased land actually used for public hunting and game refuges.

(b) The payment must be reduced by the amount paid under subdivision 3 for croplands managed for wild geese.

(c) The appraised value is the purchase price for five years after acquisition. The appraised value shall be determined by the county assessor every five years after acquisition.

Sec. 4. Minnesota Statutes 1993 Supplement, section 97A.061, subdivision 3, is amended to read:

Subd. 3. [GOOSE MANAGEMENT CROPLANDS.] (a) The commissioner shall make a payment on July 1 of each year from the game and fish fund, to each county where the state owns more than 1,000 acres of crop land, for wild goose management purposes. The payment shall be equal to the taxes assessed on comparable, privately owned, adjacent land. *Money to make the payments is annually appropriated for that purpose from the general fund.* The county treasurer shall allocate and distribute the payment as provided in subdivision 2.

(b) The land used for goose management under this subdivision is exempt from taxation as provided in sections 272.01 and 273.19."

Page 6, after line 15, insert:

"Sec. 12. Minnesota Statutes 1992, section 97A.165, is amended to read:

97A.165 [SOURCE OF PAYMENTS FOR INDIAN AGREEMENT.]

Money to make payments to the Leech Lake Band, the 1854 treaty area agreement, and White Earth Band special license account under sections ~~94.16~~, 97A.151, subdivision 4, and 97A.155, subdivision 2, and 97A.157, subdivision 4, is annually appropriated for that purpose ~~in a ratio of 20 percent from the game and fish fund and 80 percent from the general fund.~~

Page 9, line 17, delete "10 to 16" and insert "13 to 19"

Page 9, after line 22, insert:

"Sec. 21. [LAYOFFS.]

*The commissioner of natural resources shall negotiate with bargaining units of affected employees when restructuring or reorganization of department operations is expected to result in involuntary layoffs. Any involuntary layoff of department employees under this provision must be negotiated with representatives of affected state employees pursuant to Minnesota Statutes, section 43A.045, before layoffs can occur. This provision applies to circumstances that arise from agency restructuring and reorganization and not from normal changes in employment caused by contractual layoff, termination for cause, unrequested leave of absence, or retrenchment."*

Page 9, line 36, delete "and"



Page 10, line 2, delete the period and insert “; and

*(4) the appropriation from the game and fish fund for payments to counties in lieu of taxes on acquired wildlife lands is reduced by \$874,000.”*

Page 10, line 19, delete “10 to 16 and 20” and insert “13 to 19 and 24”

Page 10, line 21, delete “20” and insert “24”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon, insert “requiring the commissioner of natural resources to negotiate with bargaining units prior to involuntary layoffs;”

Page 1, line 9, after the semicolon, insert “97A.061, subdivision 1;”

Page 1, line 11, after the semicolon, insert “97A.165;”

Page 1, line 14, after the first semicolon, insert “97A.061, subdivision 3;”

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

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

S.F. No. 2072: A bill for an act relating to commerce; agriculture; adding labeling requirements for salvaged food; adding licensing and permit requirements for salvaged food distributors; adding record keeping requirements; requiring salvaged food served for compensation to be identified; providing for labeling of Canadian wild rice; amending Minnesota Statutes 1992, sections 30.49, subdivision 2; and 31.495, subdivisions 1, 2, and 5, and by adding subdivisions.

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

Page 3, delete lines 33 to 36

Page 4, delete line 1

Page 4, line 2, delete “(d)” and insert “(c)”

Page 6, after line 18, insert:

“Sec. 8. [APPROPRIATION.]

*\$35,000 is appropriated from the general fund to the commissioner of agriculture for salvage food regulation as provided for by this act.”*

Amend the title as follows:

Page 1, line 7, after the semicolon, insert “appropriating money;”

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

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

H.F. No. 1921: A bill for an act relating to retirement; increasing employee contribution rates and benefit computation formulas for the teachers retire-

ment fund; amending Minnesota Statutes 1992, sections 354.42, subdivision 2; and 354.44, subdivision 6.

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

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

S.F. No. 1956: A bill for an act relating to water resources; authorizing planning, design, and engineering work on the proposed Lewis and Clark rural water system; designating a lead state agency to negotiate with federal authorities; appropriating money.

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

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

S.F. No. 2720: A bill for an act relating to human development; appropriating money for preliminary planning and programming for a human development center.

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

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

S.F. No. 2669: A bill for an act relating to public employment; establishing a public employees insurance cooperative task force; appropriating money.

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

Page 1, delete line 24

Page 1, line 25, before the period, insert “; and

*(13) the educational cooperative service units under Minnesota Statutes, section 123.58”*

Page 2, line 22, delete “\$.....” and insert “\$20,000”

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

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

S.F. No. 2194: A bill for an act relating to legislative audit commission; appropriating money for the legislative auditor to perform best practices review audits; amending Minnesota Statutes 1992, sections 3.97, subdivision 11; and 3.971, by adding a subdivision.

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

Page 2, line 23, delete “\$300,000” and insert “\$100,000”

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

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

S.F. No. 1909: A bill for an act relating to pollution; prohibiting issuance of certain building permits unless pollution control agency rules regarding individual sewage treatment systems are complied with; requiring disclosure by sellers of property of the existence and status of individual sewage treatment systems; requiring the agency to license sewage treatment professionals; requiring rulemaking; setting a fee; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115.

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

Page 6, line 15, delete “; REIMBURSEMENT”

Page 6, line 16, delete “(a)” and delete “general” and insert “environmental”

Page 6, delete lines 20 to 25

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

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

S.F. No. 2475: A bill for an act relating to workers' compensation; regulating insurance; limiting long-term benefits; adjusting supplemental benefits; providing coverage for independent contractors; strengthening fraud prevention; adjusting permanent partial benefits; providing for safety programs; appropriating money; amending Minnesota Statutes 1992, sections 79.085; 176.041, subdivision 1; 176.101, subdivisions 3b and 5; 176.132, subdivisions 2 and 3; 176.178; 176.185, subdivision 1; and 176.232; Minnesota Statutes 1993 Supplement, section 176.041, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 79; 176; and 182; repealing Minnesota Statutes 1992, sections 79.01, subdivisions 7 and 8; 79.074, subdivision 2; 79.50; 79.51, as amended; 79.52; 79.53; 79.54; 79.55; 79.56; 79.57; 79.58; 79.59; 79.60; 79.61; and 79.62; Minnesota Statutes 1993 Supplement, section 79.211, subdivision 1.

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

Page 22, line 2, delete “\$.....” and insert “\$350,000”

Page 22, line 4, delete “The complement of the”

Page 22, delete lines 5 and 6

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

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

H.F. No. 2624 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

**GENERAL ORDERS**

H.F. No.

2624

S.F. No.

2358

**CONSENT CALENDAR**

H.F. No.

S.F. No.

**CALENDAR**

H.F. No.

S.F. No.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2624 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2624 and insert the language after the enacting clause of S.F. No. 2358, the second engrossment; further, delete the title of H.F. No. 2624 and insert the title of S.F. No. 2358, the second engrossment.

And when so amended H.F. No. 2624 will be identical to S.F. No. 2358, and further recommends that H.F. No. 2624 be given its second reading and substituted for S.F. No. 2358, 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. 2445, 2072, 1956, 2720, 2669, 2194, 1909 and 2475 were read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. Nos. 1921 and 2624 were read the second time.

**MOTIONS AND RESOLUTIONS**

Mr. Merriam moved that the name of Mr. Frederickson be added as a co-author to S.F. No. 2866. The motion prevailed.

S.F. No. 760 and the Conference Committee Report thereon were reported to the Senate.

**CONFERENCE COMMITTEE REPORT ON S.F. NO. 760**

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

April 12, 1994

The Honorable Allan H. Spear  
President of the Senate

The Honorable Irv Anderson  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 760, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 760 be further amended as follows:

Page 1, line 15, after the period insert *"The total value of items given to the public under this paragraph may not exceed \$25,000 per year."*

Page 1, delete lines 16 to 21 and insert:

*"(b) The commissioner may recognize the contribution of money or in-kind services on plaques, signs, publications, audio-visual materials, and media advertisements by allowing the organization's contribution to be acknowledged in print of readable size."*

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Leonard R. Price, Steven Morse, Gene Merriam

House Conferees: (Signed) Ken Wolf, Loren Jennings, John Dorn

Mr. Price moved that the foregoing recommendations and Conference Committee Report on S.F. No. 760 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 760 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

## MOTIONS AND RESOLUTIONS – CONTINUED

S.F. No. 1912 and the Conference Committee Report thereon were reported to the Senate.

## CONFERENCE COMMITTEE REPORT ON S.F. NO. 1912

A bill for an act relating to insurance; accident and health; permitting short-term coverage; amending Minnesota Statutes 1993 Supplement, section 62A.65, by adding a subdivision.

April 13, 1994

The Honorable Allan H. Spear  
President of the Senate

The Honorable Irv Anderson  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1912, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment.

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Jim Vickerman, Cal Larson, Kevin M. Chandler

House Conferees: (Signed) Roger Cooper, Gregory M. Davids, Becky Lourey

Mr. Vickerman moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1912 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1912 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1744 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 1744

A bill for an act relating to the city of Lakefield; allowing the city of Lakefield to expand its public utilities commission to five members.

April 14, 1994

The Honorable Allan H. Spear  
President of the Senate

The Honorable Irv Anderson  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1744, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment.

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Jim Vickerman, Steve L. Murphy, Florian Chmielewski

House Conferees: (Signed) Katy Olson, Ted Winter, Jim Girard

Mr. Vickerman moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1744 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1744 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Hanson moved that H.F. No. 2135 be taken from the table. The motion prevailed.

H.F. No. 2135: A bill for an act relating to manufactured home parks; prohibiting manufactured home parks from prohibiting senior citizens from keeping house pet dogs, cats, and birds on the park premises; amending Minnesota Statutes 1992, section 327.27, by adding a subdivision.

Ms. Hanson moved that H.F. No. 2135 be laid on the table. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated the General Orders Calendar a Special Orders Calendar to be heard immediately.

### SPECIAL ORDER

H.F. No. 2893: A bill for an act relating to unemployment compensation;

extending benefits for certain employees; providing for a shared work plan; requiring a study; amending Minnesota Statutes 1992, section 268.073, subdivisions 1, 5, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1992, section 268.073, subdivision 6.

Mr. Janezich moved that the amendment made to H.F. No. 2893 by the Committee on Rules and Administration in the report adopted April 15, 1994, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 2893 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 2858: A bill for an act relating to counties; Hennepin; changing the personnel system to a human resources system; making other changes to the system; amending Minnesota Statutes 1992, sections 383B.26; 383B.27; 383B.28; 383B.29; 383B.31; 383B.32, subdivisions 2, 3, and 4; 383B.34, subdivision 2; 383B.37, subdivision 1; 383B.38, subdivision 1; 383B.39; and 383B.41; repealing Minnesota Statutes 1992, sections 383B.33, subdivision 1; 383B.38, subdivisions 2, 3, and 4; and 383B.40.

Ms. Flynn moved to amend S.F. No. 2858 as follows:

Page 3, lines 25 and 26, delete “, notwithstanding section 197.46”

Page 3, line 28, delete the comma

Page 3, line 29, delete “notwithstanding section 197.46”

Page 3, line 34, delete “, notwithstanding section 197.46”

Page 16, line 9, delete “175.39” and insert “179.39”

Page 16, line 11, delete from “Notwithstanding” through page 16, line 12, to “contrary,”

Page 17, line 9, delete from “, notwithstanding” through page 17, line 10, to “197.46”



Page 17, line 27, strike "197.45" and insert "197.447"

The motion prevailed. So the amendment was adopted.

S.F. No. 2858 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 54 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Benson, J.E.	Johnston	Kiscaden	Knutson	Robertson
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So the bill, as amended, was passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 423: A bill for an act relating to health; clean indoor air act; adding common areas of apartments to public places where smoking is prohibited; amending Minnesota Statutes 1992, section 144.413, subdivision 2.

Ms. Anderson moved to amend H.F. No. 423, the unofficial engrossment, as follows:

Page 1, after line 18, insert:

"Sec. 2. [461.16] [INSPECTIONS; REPORTS.]

*Subdivision 1. [COMPLIANCE CHECKS.] Each city, or in the case of an unincorporated area, each county shall coordinate annual, random, unannounced inspections at all locations where tobacco products are sold to test compliance with section 609.685, and to conform with the requirements of federal law. The inspections shall be performed by local units of government. A person no younger than 15 and no older than 17 shall assist in the tests of compliance under the supervision of a law officer or an employee of the city or county. Each city or county which performs compliance checks shall report results including the number of tobacco vendors, the number of inspections conducted, and the number of violations to the commissioner of human services by January 15 of each year. The commissioner shall annually submit the report required by United States Code, title 14, section 300x-26, with a copy to the legislature, and otherwise ensure the state's compliance with that law and any regulations adopted to implement it.*

*Subd. 2. [EFFECT ON LOCAL ORDINANCE.] This section does not preempt a local ordinance which provides for more restrictive regulations of retail tobacco sales."*

Amend the title accordingly

Ms. Robertson questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

H.F. No. 423 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 2429: A bill for an act relating to natural resources; modifying the list of protected game birds; authorizing nonresident multiple zone antlered deer licenses; purchase of archery deer licenses after the firearms season opens; administration of contraceptive chemicals to wild animals; taking big game by handgun in a shotgun deer zone; possession of firearms in muzzle-loader only deer zones; undesirable exotic aquatic plants and wild animals; clarifying the requirement to wear blaze orange clothing during deer season; allowing released game birds to be recaptured without a license; defining tip-up to include certain mechanical devices for hooking fish; allowing nonresidents to take rough fish by harpooning; requiring the department of natural resources to share in the expense of partition fences; abolishing the nonresident bear guide license; amending Minnesota Statutes 1992, sections 18.317, subdivisions 1, 1a, 2, 3, 4, and 5; 84.966, subdivision 1; 84.967; 84.968, subdivision 2; 84.9691; 86B.401, subdivision 11; 97A.015, subdivision 24; 97A.115, subdivision 2; 97A.475, subdivision 3; 97A.485, subdivision 9; 97A.501, by adding a subdivision; 97B.031, subdivision 2; 97B.701, by adding a subdivision; 97B.711, subdivision 1; 97C.321, subdivision 2; 97C.381; and 344.03, subdivision 1; Minnesota Statutes 1993 Supplement, sections 18.317, subdivision 3a; 84.9692, subdivisions 1 and 2; 97B.041; 97B.071; and 97B.711, subdivision 2; repealing Minnesota Statutes 1992, section 97A.475, subdivision 17.

Mr. Lessard moved to amend S.F. No. 2429 as follows:

Page 10, after line 12, insert:

“Sec. 23. Minnesota Statutes 1992, section 97B.211, subdivision 2, is amended to read:

Subd. 2. [ARROWHEAD REQUIREMENTS.] Arrowheads used for taking big game must be sharp, have a minimum of two metal cutting edges, be of

a barbless broadhead design, and must have a diameter of at least seven-eighths inch. *The commissioner may allow retractable broadhead arrowheads that meet the other requirements of this subdivision.*"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 12, after the semicolon, insert "allowing use of retractable broadhead arrows in taking big game;"

Page 1, line 24, after the second semicolon, insert "97B.211, subdivision 2,"

The motion prevailed. So the amendment was adopted.

Mr. Stumpf moved to amend S.F. No. 2429 as follows:

Page 12, after line 5, insert:

"Sec. 29. Laws 1993, chapter 273, section 1, is amended to read:

Section 1. [AUTHORIZATION TO TAKE TWO DEER IN CERTAIN COUNTIES.]

Notwithstanding Minnesota Statutes, section 97B.301, subdivision 2, during the 1993 and 1994 and 1995 hunting seasons, in Kittson, Lake of the Woods, Marshall, Pennington, and Roseau counties a person may obtain one firearms deer license and one archery deer license in the same license year and may take one deer under each license."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 17, after the first semicolon, insert "allowing the taking of two deer in designated counties during the 1994 and 1995 hunting seasons;"

Page 1, line 30, before "repealing" insert "Laws 1993, chapter 273, section 1,"

The motion prevailed. So the amendment was adopted.

Mr. Morse moved to amend S.F. No. 2429 as follows:

Page 9, line 36, before "A" insert "(a) Except as provided in paragraph (b),"

Page 10, after line 12, insert:

"(b) The commissioner may, by rule, prescribe an alternative color in cases where paragraph (a) would violate the Religious Freedom Restoration Act of 1993, public law number 103-141."

The motion prevailed. So the amendment was adopted.

Mr. Laidig moved to amend S.F. No. 2429 as follows:

Page 3, after line 35, insert:

"Sec. 8. Minnesota Statutes 1993 Supplement, section 84.872, is amended to read:

84.872 [YOUTHFUL SNOWMOBILE OPERATORS; PROHIBITIONS.]

*Subdivision 1. [RESTRICTIONS ON OPERATION.]* Notwithstanding anything in section 84.87 to the contrary, no person under 14 years of age shall make a direct crossing of a trunk, county state-aid, or county highway as the operator of a snowmobile, or operate a snowmobile upon a street or highway within a municipality. A person 14 years of age or older, but less than 18 years of age, may make a direct crossing of a trunk, county state-aid, or county highway only if the person has in immediate possession a valid snowmobile safety certificate issued by the commissioner or a valid motor vehicle operator's license issued by the commissioner of public safety or the drivers license authority of another state. No person under the age of 14 years shall operate a snowmobile on any public land or water ~~under the jurisdiction of the commissioner or grant-in-aid trail~~ unless accompanied by one of the following listed persons on the same or an accompanying snowmobile, or on a device towed by the same or an accompanying snowmobile: the person's parent, legal guardian, or other person 18 years of age or older. However, a person 12 years of age or older may operate a snowmobile on public lands and waters ~~under the jurisdiction of the commissioner or a grant-in-aid trail~~ if the person has in immediate possession a valid snowmobile safety certificate issued by the commissioner.

*Subd. 2. [OWNER'S DUTIES.]* It is unlawful for any person who is *the owner or* in lawful control of a snowmobile to permit the snowmobile to be operated contrary to the provisions of this section.

*Subd. 3. [REPORTING CONVICTIONS; SUSPENSIONS.]* When the judge of a juvenile court, or any of its duly authorized agents, shall determine that any person, while less than 18 years of age, has violated the provisions of sections 84.81 to 84.88, or any other state or local law or ordinance regulating the operation of snowmobiles, the judge, or duly authorized agent, shall immediately report ~~such~~ *this* determination to the commissioner and may recommend the suspension of the person's snowmobile safety certificate. The commissioner is hereby authorized to suspend the certificate, without a hearing."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "modifying restrictions on operation of snowmobiles by minors;"

Page 1, line 28, after the first semicolon, insert "84.872;"

The motion prevailed. So the amendment was adopted.

Mr. Finn moved to amend S.F. No. 2429 as follows:

Page 10, after line 12, insert:

"Sec. 23. [97B.667] [REMOVAL OF BEAVER DAMS AND LODGES BY ROAD AUTHORITIES.]

*When a drainage watercourse is impaired by a beaver dam and the water damages or threatens to damage a public road, the road authority, as defined in section 160.02, subdivision 9, may remove the impairment and any associated beaver lodge within 300 feet of the road, if the commissioner approves."*

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 11, after the semicolon, insert "allowing local road authorities to remove beaver dams and lodges near public roads;"

Page 1, line 29, after the third semicolon, insert "proposing coding for new law in Minnesota Statutes, chapter 97B;"

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S.F. No. 2429 as follows:

Page 7, after line 21, insert:

"Sec. 16. Minnesota Statutes 1992, section 97A.015, subdivision 52, is amended to read:

Subd. 52. [UNPROTECTED BIRDS.] "Unprotected birds" means English sparrow, blackbird, starling, magpie, cormorant, common pigeon, *chukar partridge*, *quail other than bob-white quail*, and great horned owl."

Page 10, line 1, after "firearms" insert "*under applicable laws and ordinances*"

Page 10, line 16, after the period, insert "*In Houston, Fillmore, and Winona counties, this subdivision applies only to birds that are banded or otherwise marked.*"

Page 11, delete section 27

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Dille moved to amend S.F. No. 2429 as follows:

Page 6, after line 35, insert:

"Sec. 14. Minnesota Statutes 1993 Supplement, section 84.9695, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) "Commissioner" means the commissioner of ~~natural resources~~ *agriculture*.

(c) "Restricted species" means Eurasian wild pigs and their hybrids (*Sus scrofa* subspecies and *Sus scrofa* hybrids), excluding domestic hogs (*S. scrofa domesticus*).

(d) "Release" means an intentional introduction or escape of a species from the control of the owner or responsible party.

Sec. 15. Minnesota Statutes 1993 Supplement, section 84.9695, subdivision 8, is amended to read:

Subd. 8. [CONTAINMENT.] The commissioner, *in consultation with the commissioner of natural resources*, shall develop criteria for approved containment measures for restricted species with the assistance of producers of restricted species.

Sec. 16. Minnesota Statutes 1993 Supplement, section 84.9695, subdivision 10, is amended to read:

Subd. 10. [FEE.] The commissioner shall impose a fee for permits in an amount sufficient to cover the costs of issuing the permits and for facility inspections. The fee may not exceed \$50. Fee receipts must be deposited in the state treasury and credited to the ~~game and fish~~ special revenue fund and are appropriated to the commissioner for the purposes of this section."

Page 12, after line 5, insert:

"Sec. 32. Laws of Minnesota 1993, chapter 129, section 4, subdivision 4, is amended to read:

Subd. 4. [REPORT.] The task force shall submit a written report containing its recommendations and findings to the legislature by January 1, 1994 1995.

Sec. 33. [INSTRUCTION TO REVISOR.]

*In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall renumber section 84.9695 as section 17.457."*

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 10, after the semicolon, insert "Eurasian wild pigs;"

Page 1, line 28, after the second semicolon, insert "84.9695, subdivisions 1, 8, and 10;"

Page 1, line 29, after the third semicolon, insert "Laws 1993, chapter 129, section 4, subdivision 4;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 35 and nays 25, as follows:

Those who voted in the affirmative were:

Benson, D.D.	Frederickson	Kroening	Metzen	Robertson
Benson, J.E.	Janezich	Laidig	Morse	Runbeck
Berg	Johnson, D.E.	Langseth	Neuville	Solon
Bertram	Johnston	Larson	Oliver	Spear
Chmielewski	Kelly	Lesewski	Olson	Stevens
Day	Kiscaden	Lessard	Pariseau	Stumpf
Dille	Knutson	McGowan	Riveness	Wiener

Those who voted in the negative were:

Adkins	Chandler	Johnson, D.J.	Merriam	Ranum
Anderson	Cohen	Johnson, J.B.	Mondale	Reichgott Junge
Belanger	Finn	Krentz	Piper	Sams
Berglin	Flynn	Luther	Pogemiller	Samuelson
Betzold	Hottinger	Marty	Price	Vickerman

The motion prevailed. So the amendment was adopted.

Mr. Berg moved to amend S.F. No. 2429 as follows:

Page 7, after line 21, insert:

"Sec. 16. Minnesota Statutes 1992, section 97A.015, subdivision 45, is amended to read:

Subd. 45. [SMALL GAME.] "Small game" means game birds, gray

squirrel, fox squirrel, cottontail rabbit, snowshoe hare, jack rabbit, raccoon, lynx, bobcat, ~~red fox~~ and gray fox, fisher, pine marten, opossum, badger, cougar, wolverine, muskrat, mink, otter, and beaver.

Sec. 17. Minnesota Statutes 1992, section 97A.105, subdivision 6, is amended to read:

Subd. 6. [FOX AND MINK.] *Gray* fox and mink may not be bought or sold for breeding or propagating unless they have been pen-bred for at least two generations."

Page 8, line 5, before "fox" insert "*gray*"

Page 10, after line 12, insert:

"Sec. 25. Minnesota Statutes 1992, section 97B.601, subdivision 3, is amended to read:

Subd. 3. [NONRESIDENTS: RACCOON, BOBCAT, *GRAY FOX*, COYOTE, CANADA LYNX.] A nonresident may not take raccoon, bobcat, *gray* fox, coyote, or Canada lynx without a separate license to take that animal in addition to a small game license.

Sec. 26. Minnesota Statutes 1992, section 97B.605, is amended to read:

97B.605 [COMMISSIONER MAY RESTRICT TAKING OF CERTAIN SMALL GAME ANIMALS.]

The commissioner may prescribe restrictions on and designate areas where *gray* and fox squirrels, cottontail and jack rabbits, snowshoe hare, raccoon, lynx, bobcat, ~~red fox~~ and *gray fox*, fisher, pine marten, opossum, and badger may be taken and possessed.

Sec. 27. Minnesota Statutes 1992, section 97B.631, is amended to read:

97B.631 [*GRAY FOX*.]

Subdivision 1. [RESTRICTIONS ON TAKING.] A person may not remove a *gray fox* from a den or trap *gray fox* within 300 feet of a fox den from April 1 to August 31.

Subd. 2. [PERMIT REQUIRED TO SNARE.] A person may not use a snare to take *gray fox* except under a permit from the commissioner.

Sec. 28. Minnesota Statutes 1992, section 97B.655, subdivision 1, is amended to read:

Subdivision 1. [OWNERS AND OCCUPANTS MAY TAKE CERTAIN ANIMALS.] A person may take mink, squirrel, rabbit, hare, raccoon, lynx, bobcat, *gray fox*, muskrat, or beaver on land owned or occupied by the person where the animal is causing damage. The person may take the animal without a license and in any manner except by poison, or artificial lights in the closed season. Raccoons may be taken under this subdivision with artificial lights during open season. A person that kills mink, raccoon, lynx, bobcat, *gray fox*, muskrat, or beaver under this subdivision must bring the entire animal to a conservation officer or employee of the division within 24 hours after the animal is killed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Adkins	Frederickson	Kelly	Lesewski	Runbeck
Benson, D.D.	Hanson	Kiscaden	Lessard	Sams
Berg	Hottinger	Knutson	McGowan	Solon
Bertram	Janezich	Kroening	Morse	Stevens
Chmielewski	Johnson, D.E.	Laidig	Neuville	Stumpf
Day	Johnson, D.J.	Langseth	Oliver	Vickerman
Dille	Johnston	Larson	Pariseau	

Those who voted in the negative were:

Anderson	Cohen	Marty	Olson	Riveness
Belanger	Finn	Merriam	Pappas	Robertson
Benson, J.E.	Flynn	Metzen	Piper	Spear
Berglin	Johnson, J.B.	Moe, R.D.	Price	Wiener
Betzold	Krentz	Mondale	Ranum	
Chandler	Luther	Novak	Reichgott Junge	

The motion prevailed. So the amendment was adopted.

Mr. Dille moved to amend S.F. No. 2429 as follows:

Page 7, after line 31, insert:

"Sec. 17. Minnesota Statutes 1992, section 97A.441, is amended by adding a subdivision to read:

*Subd. 6a. [TAKING SMALL GAME; DISABLED VETERANS.] A person authorized to issue licenses must issue, without a fee, a license to take small game to a resident who is a veteran, as defined in section 197.447, and who has a 100 percent service connected disability as defined by the United States Veterans Administration upon being furnished satisfactory evidence."*

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "providing for free small game licenses for disabled veterans;"

The motion prevailed. So the amendment was adopted.

S.F. No. 2429 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 58 and nays 3, as follows:

Those who voted in the affirmative were:

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

Ms. Berglin, Messrs. Riveness and Spear voted in the negative.

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



**SPECIAL ORDER**

S.F. No. 609: A bill for an act relating to retirement; the Minneapolis teachers retirement fund association; providing for purchase of allowable service credit for public school employment outside the state of Minnesota; proposing coding for new law in Minnesota Statutes, chapter 354A.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 2, as follows:

Those who voted in the affirmative were:

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

Mrs. Benson, J.E. and Ms. Robertson voted in the negative.

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

H.F. No. 664: A bill for an act relating to education; modifying certain teacher retirement programs to encourage experienced teachers to participate in job sharing; amending Minnesota Statutes 1992, sections 354.66, subdivisions 2 and 4; and 354A.094, subdivisions 3 and 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 50 and nays 12, as follows:

Those who voted in the affirmative were:

Adkins	Day	Kelly	Metzen	Price
Anderson	Dille	Krentz	Moe, R.D.	Ranum
Benson, D.D.	Finn	Kroening	Mondale	Reichgott Junge
Benson, J.E.	Flynn	Laidig	Morse	Riveness
Berglin	Frederickson	Langseth	Neuville	Sams
Bertram	Hanson	Larson	Novak	Solon
Betzold	Hottinger	Lessard	Olson	Spear
Chandler	Janezich	Luther	Pappas	Stumpf
Chmielewski	Johnson, D.E.	Marty	Piper	Vickerman
Cohen	Johnston, D.J.	McGowan	Pogemiller	Wiener

Those who voted in the negative were:

Belanger	Kiscaden	Merriam	Robertson	Stevens
Berg	Knutson	Oliver	Runbeck	
Johnston	Lesewski	Pariseau		

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

S.F. No. 1726: A bill for an act relating to traffic regulations; authorizing peace officers to stop drivers and issue citations for seat belt violations without first observing a moving violation; amending Minnesota Statutes 1993 Supplement, section 169.686, subdivision 1.

Ms. Berglin moved that S.F. No. 1726, on Special Orders, be stricken and returned to its author. The motion prevailed.

**SPECIAL ORDER**

S.F. No. 1863: A bill for an act relating to crime; imposing felony penalties for refusing to return a child to a parent or lawful custodian, residing with a minor, or contributing to a minor being a runaway; imposing a gross misdemeanor penalty for contributing to a minor being a habitual truant; amending Minnesota Statutes 1992, section 609.26, subdivisions 1 and 6.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

S.F. No. 1961: A bill for an act relating to driving while intoxicated; imposing increased penalties on persons who operate a snowmobile or motorboat while intoxicated and who have previously been convicted of driving a motor vehicle while intoxicated; extending maximum length for multiple gross misdemeanor sentences and combined gross misdemeanor and misdemeanor sentences; extending maximum length of a stayed gross misdemeanor DWI sentence and certain felony sentences; authorizing consecutive sentences for multiple crimes committed by repeat DWI offenders; authorizing certain cities to transfer responsibility for petty misdemeanor and misdemeanor offenses to the county attorney; clarifying prosecution authority for certain offenses; amending Minnesota Statutes 1992, sections 84.91, subdivision 5; 86B.331, subdivision 5; 169.797, subdivision 4; Minnesota Statutes 1993 Supplement, sections 169.121, subdivisions 3 and 3a; 171.24; 487.25, subdivision 10; 609.035; 609.135, subdivision 2; and 609.15, subdivision 2.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 2036: A bill for an act relating to human services; modifying the conduct of state agency hearings; modifying certain requirements for prior authorization of services under medical assistance; amending Minnesota Statutes 1992, section 256.045, subdivisions 3, 4, and 5.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 2371: A bill for an act relating to health; requiring the commissioner of health to carry out appropriate education, prevention, and outreach activities in communities that traditionally engage in female genital mutilation.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 2623: A bill for an act relating to state lands; authorizing sale of certain tax-forfeited land that borders public water in Itasca county.

Mr. Finn moved to amend H.F. No. 2623, as amended pursuant to Rule 49, adopted by the Senate April 6, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2562.)

Page 4, after line 27, insert:

#### "Sec. 4. [PRIVATE SALE OF TAX-FORFEITED LAND TO BOIS FORTE RESERVATION TRIBAL COUNCIL.]

(a) *Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, St. Louis county may convey by private sale to the Bois Forte reservation tribal council the tax-forfeited land described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.*

(b) *The conveyance must be in a form approved by the attorney general.*

(c) *The land that may be conveyed is located in St. Louis county and is described as:*

(1) *SW 1/4 of NW 1/4, Section 27, Township 62, Range 16W (387-10-2830), consisting of 40 acres;*

(2) *NE 1/4 of NE 1/4, except two acres at the NE corner, Section 19, Township 65, Range 21W (760-40-470), consisting of 38 acres; and*

(3) *beginning at NE corner of the NE 1/4 of NE 1/4, thence running west 490 feet, thence south 178 feet, thence east 490 feet, thence north 178 feet to the point of beginning, Section 19, Township 65, Range 21W (760-40-480), consisting of 2 acres.*

(d) *The land to be conveyed is located within the Bois Forte reservation. The Bois Forte reservation tribal council plans to use the land for economic development and for construction of sewage treatment facilities."*

Page 4, line 28, delete "4" and insert "5"

Page 4, line 29, delete "3" and insert "4"

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "authorizing private sale of tax-forfeited land in St. Louis county;"

The motion prevailed. So the amendment was adopted.

Mr. Johnson, D.J. moved to amend H.F. No. 2623, as amended pursuant to Rule 49, adopted by the Senate April 6, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2562.)

Page 4, after line 27, insert:

"Sec. 4. [SALE OF CERTAIN LAND IN ST. LOUIS COUNTY.]

*Notwithstanding any other law to the contrary, St. Louis county, on behalf of the state, shall convey by private sale the state-owned land described in this section.*

*The land described shall be sold by private sale to Gerald Lawson. The conveyance must be in a form approved by the attorney general for a consideration equal to the delinquent taxes, penalties, and interest remaining unpaid on the property.*

*The land to be sold is located in St. Louis county, and is described as lots 19, 20, and 21, block 5, of the altered plat of the London Park addition to Duluth.*

*The property was previously owned by Mr. Lawson, having been conveyed to him by his mother. While Mr. Lawson had entered into a repurchase agreement under Minnesota Statutes, sections 282.241 to 282.324, after the property had forfeited to the state for nonpayment of property taxes, he defaulted on a payment required under that law, and the repurchase was canceled."*

Page 4, line 29, delete "3" and insert "4"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2623 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 55 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Benson, J.E.	Flynn	Marty	Merriam	Robertson
Chandler				

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

### SPECIAL ORDER

S.F. No. 2033: A bill for an act relating to local government; authorizing the board of county commissioners of Benton county to establish an economic development authority.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 48 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Knutson	Murphy	Riveness
Anderson	Cohen	Krentz	Neuville	Robertson
Belanger	Day	Lesewski	Novak	Runbeck
Benson, D.D.	Dille	Luther	Oliver	Sams
Benson, J.E.	Finn	Marty	Olson	Spear
Berg	Frederickson	McGowan	Pariseau	Stevens
Berglin	Hottinger	Metzen	Piper	Vickerman
Bertram	Johnson, J.B.	Moe, R.D.	Pogemiller	Wiener
Betzold	Johnston	Mondale	Price	
Chandler	Kelly	Morse	Ranum	

Mses. Flynn, Kiscaden and Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 2704: A bill for an act relating to taxation; property; expanding open space valuation to include certain lawn bowling or croquet green property; amending Minnesota Statutes 1993 Supplement, section 273.112, subdivision 3.

Mr. Spear moved that S.F. No. 2704, on Special Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

### SPECIAL ORDER

H.F. No. 1901: A bill for an act relating to local government; permitting the city of Hutchinson to incur debt for certain improvements; authorizing a reverse referendum on the issuance of city bonds.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 7, as follows:

Those who voted in the affirmative were:

Adkins	Benson, J.E.	Betzold	Frederickson	Johnson, D.J.
Anderson	Berg	Chmielewski	Hanson	Johnson, J.B.
Belanger	Berglin	Cohen	Hottinger	Johnston
Benson, D.D.	Bertram	Dille	Johnson, D.E.	Kiscaden

Knutson	Marty	Novak	Price	Spear
Kroening	McGowan	Oliver	Reichgott Junge	Stevens
Laidig	Metzen	Olson	Riveness	Vickerman
Langseth	Moe, R.D.	Pappas	Robertson	
Lesewski	Mondale	Pariseau	Runbeck	
Lessard	Murphy	Piper	Sams	
Luther	Neuville	Pogemiller	Solon	

Those who voted in the negative were:

Chandler	Flynn	Merriam	Morse	Ranum
Finn	Krentz			

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 2175: A bill for an act relating to the city of Saint Paul; authorizing a program for the replacement of lead pipes and the charging or assessment of costs for the program and the issuance of general or special obligations to pay the costs of the program.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 1915: A bill for an act relating to employment; establishing a disaster volunteer leave program in the state civil service; proposing coding for new law in Minnesota Statutes, chapter 43A.

Ms. Reichgott Junge moved to amend H.F. No. 1915, as amended pursuant to Rule 49, adopted by the Senate March 31, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 1734.)

Page 1, line 21, after the first comma, insert "*pension*,"

The motion prevailed. So the amendment was adopted.

Ms. Reichgott Junge moved that H.F. No. 1915 be laid on the table. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and

Resolutions, the Senate reverted to the Orders of Business of Messages From the House, First Reading of House Bills, Reports of Committees and Second Reading of Senate Bills.

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the adoption by the House of the following House Concurrent Resolution, herewith transmitted:

House Concurrent Resolution No. 4: A House concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect a member of the Board of Regents of the University of Minnesota.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 19, 1994

Mr. Moe, R.D. moved that House Concurrent Resolution No. 4 be laid on the table. 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. 3209:

H.F. No. 3209: A bill for an act relating to the financing and operation of state and local government; conforming with changes in the federal income tax law; changing tax brackets, rates, bases, exemptions, withholding, payments, and refunds; allowing tax credits; providing aids to local governments; changing the calculation of property tax refunds; modifying property tax provisions relating to petitions, procedures, valuation, levies, classifications, homesteads, credits, and exemptions; abolishing limited market value; changing certain tax return or report requirements; changing operation of the local government trust fund; authorizing special assessments; authorizing local taxes; enacting provisions relating to certain cities, counties, special taxing districts, and towns; changing certain redemption provisions; reforming state budget procedures; changing the deposit of certain revenues; changing certain bonding provisions and authorizing bonding; modifying tax increment financing requirements; requiring certain permits and permit fees; requiring certain disclosures; requiring studies; transferring and appropriating money and limiting appropriations; amending Minnesota Statutes 1992, sections 16A.711, subdivisions 4 and 5; 60A.15, by adding a subdivision; 124.196; 271.06, subdivision 7; 272.121, subdivision 1; 273.111, subdivision 11; 273.1398, by adding a subdivision; 273.1399, by adding a subdivision; 273.165, subdivision 1; 278.05, subdivision 6; 289A.02, by adding a subdivision; 289A.25, subdivision 5; 290.01, subdivision 19d, and by adding a subdivision; 290.05, subdivision 3, and by adding a subdivision; 290.06, subdivisions 2c and 2d; 290.067, subdivision 1; 290.068, subdivision 2; 290.0802, subdivisions 1 and 2; 290.0921, subdivision 2; 290.35, by adding a subdivision; 290A.04, subdivisions 2 and 2a; 296.16, subdivision 1; 297.01, by adding a subdivision; 297A.01, by adding a subdivision; 297A.02, subdivision 2, and by adding a subdivision; 297A.021, by adding a subdivi-



sion; 297A.135, subdivision 1; 297A.15, subdivision 5; 297A.25, subdivision 9, and by adding subdivisions; 297A.256; 297A.44, subdivision 4; 297C.03, subdivision 6; 297C.13, subdivision 1; 298.017, subdivision 2; 298.26; 340A.311; 360.036, subdivisions 2 and 3; 360.037, subdivision 2; 360.042, subdivision 10; 469.004, subdivision 1a; 469.175, subdivisions 3, 4, and by adding a subdivision; 469.1761, subdivisions 1, 2, and 3; 469.177, subdivision 1a; 473.341; 473H.05, by adding a subdivision; 473H.18; and 580.23, as amended; Minnesota Statutes 1993 Supplement, sections 16A.712; 84.794, subdivision 1; 84.803, subdivision 1; 270.78; 273.11, subdivisions 5, 16, and by adding a subdivision; 273.121; 273.124, subdivision 1; 273.13, subdivisions 23 and 24; 275.065, subdivision 3; 276.04, subdivision 2; 278.01, subdivision 1; 289A.11, subdivision 1; 289A.26, subdivision 7; 289A.60, subdivision 21; 290.01, subdivision 19; 290.091, subdivision 2; 290A.03, subdivision 3; 290A.04, subdivisions 2h, as amended, and 6; 290A.23, subdivision 1; 296.02, subdivision 1a; 296.025, subdivision 1a; 297A.01, subdivision 16; 297B.03; 469.176, subdivisions 1b and 4c; and 477A.03, subdivision 1; Laws 1969, chapter 499, section 2; Laws 1993, chapter 375, article 9, section 51; proposing coding for new law in Minnesota Statutes, chapters 16A; 275; 296; 297A; 297B; 462C; 469; and 473; repealing Minnesota Statutes 1992, sections 290.05, subdivision 6; and 290.067, subdivision 6; Minnesota Statutes 1993 Supplement, sections 82.19, subdivision 9; 273.11, subdivision 1a; and 289A.25, subdivision 5a.

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

Rest, Jacobs, Rukavina, Dawkins and Goodno have been appointed as such committee on the part of the House.

House File No. 3209 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 19, 1994

Mr. Johnson, D.J. moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3209, 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 has adopted the recommendation and report of the Conference Committee on Senate File No. 760, and repassed said bill in accordance with the report of the Committee, so adopted.

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

Senate File No. 760 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1994

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1744, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1744: A bill for an act relating to the city of Lakefield; allowing the city of Lakefield to expand its public utilities commission to five members.

Senate File No. 1744 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1994

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1912, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1912: A bill for an act relating to insurance; accident and health; permitting short-term coverage; amending Minnesota Statutes 1993 Supplement, section 62A.65, by adding a subdivision.

Senate File No. 1912 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1994

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. 2913: A bill for an act relating to state government; supplementing appropriations for public safety; the environment and natural resources; the general legislative, judicial, and administrative expenses of state government; community development; and human services; fixing and limiting the amount of fees, penalties, and other costs to be collected in certain cases; transferring certain duties and functions; amending Minnesota Statutes 1992, sections 3.737, subdivisions 1 and 4; 16A.124, subdivisions 2 and 7; 16A.127, as amended; 16A.15, subdivision 3; 16B.01, subdivision 4; 16B.05, subdivision 2; 16B.06, subdivisions 1 and 2; 41A.09, subdivisions 2 and 5; 43A.37, subdivision 1; 60K.06; 60K.19, subdivision 8; 62A.046; 62A.048; 62A.27; 62D.102; 82.20, subdivisions 7 and 8; 82.21, by adding a subdivision; 82B.08, subdivisions 4 and 5; 82B.09, subdivision 1; 82B.19, subdivision 1; 83.25; 84.0887, by adding subdivisions; 84A.32, subdivision 1; 85A.02, subdivision 17; 144.804, subdivision 1; 144A.47; 171.06, subdivision 3; 176.102, subdivisions 3a and 14; 176.611, subdivision 6a; 204B.27, by adding a subdivision; 221.041, by adding a subdivision; 221.171, subdivision 2; 245.97, subdivision 1; 246.18, by adding a subdivision; 252.025, by adding a subdivision; 256.74, by adding a subdivision; 256.9365, subdivisions 1 and 3; 256B.056, by adding a subdivision; 256B.0625, subdivision 25, and by adding a subdivision;

256B.0641, subdivision 1; 256B.431, subdivision 17; 256H.05, subdivision 6; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 296.02, subdivision 7; 354.06, subdivision 1; 462A.05, by adding a subdivision; 477A.12; 504.33, subdivision 4; 504.35; 518.171, subdivision 5; and 518.613, subdivision 7; Minnesota Statutes 1993 Supplement, sections 15.50, subdivision 2; 41A.09, subdivision 3; 62A.045; 82.21, subdivision 1; 82.22, subdivisions 6 and 13; 82.34, subdivision 3; 97A.028, subdivisions 1 and 3; 116J.966, subdivision 1; 138.763, subdivision 1; 144A.071, subdivisions 3 and 4; 239.785, subdivision 2, and by adding a subdivision; 245.97, subdivision 6; 246.18, subdivision 4; 252.46, subdivision 6, and by adding a subdivision; 256.969, subdivision 24; 256B.431, subdivision 24; 256I.04, subdivision 3; 257.55, subdivision 1; 257.57, subdivision 2; 268.98, subdivision 1; 477A.13; 477A.14; 504.33, subdivision 7; 518.171, subdivisions 1, 3, 4, 7, and 8; 518.611, subdivisions 2 and 4; 518.613, subdivision 2; and 518.615, subdivision 3; Laws 1993, chapter 369, section 5, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 62A; 145; 148; 268; and 518; repealing Minnesota Statutes 1992, sections 16A.06, subdivision 8; 16A.124, subdivision 6; 43A.21, subdivision 5; 62C.141; 62C.143; 62D.106; 62E.04, subdivisions 9 and 10; 268.32; 268.551; 268.552; 355.04; and 355.06; Laws 1985, First Special Session chapter 12, article 11, section 19.

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

Krueger, Battaglia, Rice, Greenfield and Anderson, R.

Senate File No. 2913 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1994

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. 2900: A bill for an act relating to education; appropriating money for education and related purposes to the state board of technical colleges, higher education board, state university board, and board of regents of the University of Minnesota, with certain conditions; modifying the award of grants for faculty exchange and temporary assignment programs; designating community colleges; establishing the mission of Fond du Lac campus; changing certain financial aid grants; modifying the child care grant program; clarifying an exemption to private, business, trade, and correspondence school licensing; providing for appointments; permitting rulemaking; adopting a post-secondary funding formula; permitting the higher education board to establish tuition rates for the 1995-1996 academic year; postponing mandated planning; amending Minnesota Statutes 1992, sections 135A.01; 135A.03, subdivisions 1a, and by adding subdivisions; 135A.04; 136.60, subdivisions 1 and 3; 136A.101, subdivision 5; 136A.121, subdivisions 5, 17, and by adding subdivisions; 136A.125, subdivisions 2, 4, and by adding a subdivision; 136A.15, subdivision 6; and 141.35; Minnesota Statutes 1993 Supplement, sections 125.138, subdivisions 1, 6, and 8; and 135A.05; 136A.121, subdivi-

sion 6; Laws 1993, First Special Session chapter 2, article 5, section 2; proposing coding for new law in Minnesota Statutes, chapters 135A; and 136; repealing Minnesota Statutes 1992, sections 135A.02; 135A.03, subdivisions 1, 2, 3, 4, 5, and 6; 136.60, subdivision 4; and 136C.36.

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

Pelowski, Carlson, Kinkel, Dorn and Morrison.

Senate File No. 2900 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1994

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 3122.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 19, 1994

### FIRST READING OF HOUSE BILLS

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

H.F. No. 3122: A bill for an act relating to public finance; changing procedures for allocating bonding authority; amending Minnesota Statutes 1992, sections 474A.02, subdivisions 8a, 13a, and 23a; 474A.03, subdivision 1; 474A.04, subdivision 1a; 474A.061, subdivision 4; 474A.091, subdivisions 3 and 5; and 474A.131, subdivision 3, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 474A.047, subdivision 1; and 474A.061, subdivision 2a.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2836, now on General Orders.

### REPORTS OF COMMITTEES

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

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

S.F. No. 2177: A bill for an act relating to children; modifying liability provisions for child abuse investigations; providing for attorney fees in certain actions; providing for the establishment of protocols for investigations; prohibiting certain conflicts of interest; providing for access to data regarding determinations of maltreatment; amending Minnesota Statutes 1992, section 626.556, subdivisions 4, 10e, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 626.556, subdivision 11.

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

Page 3, line 1, delete "a"

Page 3, line 2, delete "multidisciplinary task force consisting of"

Page 3, line 6, delete "task force must also"

Page 3, line 7, delete "include" and insert "commissioner shall also consult with"

Page 6, after line 5, insert:

"Sec. 8. [APPROPRIATION.]

*\$65,000 is appropriated from the general fund to the commissioner of human services to develop the protocol for abuse and neglect assessments required by section 3. This appropriation must not be included in the budget base for the 1996-1997 biennium."*

Amend the title as follows:

Page 1, line 8, after the semicolon, insert "appropriating money;"

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

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

S.F. No. 2685: A bill for an act relating to lawful gambling; regulating the conduct of lawful gambling; adjusting the base of the tax on pull-tabs and tipboards; creating an advisory council on gambling; appropriating money; amending Minnesota Statutes 1992, sections 299L.02, subdivision 5, and by adding a subdivision; 349.12, subdivision 18; 349.13; 349.151, subdivision 4; 349.16, by adding a subdivision; 349.18, subdivision 1; 349.19, subdivision 10; 349.211, subdivision 2a; 349.212, by adding a subdivision; and 541.21; Minnesota Statutes 1993 Supplement, section 349.12, subdivision 25; proposing coding for new law in Minnesota Statutes, chapter 349.

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

Page 12, delete section 15 and insert:

"Sec. 15. [APPROPRIATIONS.]

*Subdivision 1. [COMPULSIVE GAMBLING.] For the fiscal year ending June 30, 1995, for every dollar spent by the state lottery board on advertising, the board shall deposit 25 cents in the general fund for use by the commissioner of human services to pay for compulsive gambling services. The amount deposited is appropriated to the commissioner of human services for this purpose. No more than 12 percent of the amount appropriated for compulsive gambling services under this section may be used to pay administrative costs of the department of human services. The deposit in this section is in addition to the reimbursement required by Laws 1993, chapter 146, article 3, section 4.*

*Subd. 2. [GAMBLING CONTROL BOARD.] \$40,000 is appropriated from the general fund to the gambling control board for increased duties imposed by section 7."*

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

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

S.F. No. 2367: A bill for an act relating to education; defining higher education board authority for bargaining with certain employees; designating certain higher education board employees as unclassified; clarifying transfer provisions for the merger of community colleges, state universities, and technical colleges; transferring bonding authority for the state universities to the higher education board; clarifying the calculation of instructional appropriations; establishing the higher education board as the sole state agency for federal funding for vocational education; providing for appointments of additional student members on the higher education board; authorizing the higher education board to supervise and control construction, improvement, and repair of its facilities; amending Minnesota Statutes 1992, sections 43A.06, subdivision 1; 43A.08, subdivision 1; 43A.18, by adding a subdivision; 135A.03, subdivision 1; 136.31; 136.32; 136.33; 136.34; 136.35; 136.36; 136.37; 136.38; 136.41, by adding a subdivision; 136C.06; 136E.01, subdivisions 1 and 2; 136E.02, subdivision 1; and 179A.10, subdivision 1; Minnesota Statutes 1993 Supplement, sections 43A.18, subdivision 4; 136.41, subdivision 8; and 136E.03; Laws 1991, chapter 356, article 9, sections 8, subdivision 1; 9; 12; and 13; proposing coding for new law in Minnesota Statutes, chapter 136E; repealing Minnesota Statutes 1992, sections 136.31, subdivision 6; 136.40; 136.41, subdivisions 1, 2, 3, 4, 5, 6, and 7; and 136.42.

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

Page 5, line 11, after "unclassified" insert "managerial"

Page 5, line 14, after the period, insert "*Before submitting a compensation plan to the legislature and the legislative commission on employee relations, the higher education board must submit the plan to the commissioner of employee relations for review and comment. The commissioner must complete the review within 14 days of its receipt.*"

Page 5, line 16, after "relations" insert "under section 3.855"

Page 6, after line 14, insert:

"Sec. 6. [REIMBURSEMENT.]

*In fiscal year 1995, the higher education board shall reimburse the commissioner of employee relations for staffing and other costs of services associated with negotiating the 1995-1997 collective bargaining agreements for the state universities, community colleges, and technical colleges faculty bargaining units, and the state university administrative service faculty bargaining unit. The amounts reimbursed are appropriated to the commissioner of employee relations to pay for these costs. Before July 1, 1994, the higher education board and the commissioner of employee relations shall confer and agree on the costs and services to be reimbursed. In the absence of an agreement, the higher education board and the commissioner of employee relations shall report to the higher education finance divisions of the legislature by July 1, 1994."*

Renumber the sections of article 1 in sequence

Page 6, line 29, delete "board" and insert "commissioner of employee relations"

Page 7, after line 12, insert:

*"Effective July 1, 1995, school boards, intermediate school boards, and joint vocational technical boards shall transfer to the higher education board all real property, personal property, and improvements and attachments thereto related to technical colleges as determined by the higher education board, and shall convey all interests in the property. The school boards, intermediate school boards, and joint vocational technical boards shall not receive compensation for the conveyance of the interests. All debt service payments on the transferred property that have a due date on or after July 1, 1995, become the responsibility of the higher education board."*

Page 7, line 13, after the second comma, insert "all other"

Page 10, line 22, strike "with the higher education board" and insert "under section 43A.06"

Amend the title as follows:

Page 1, line 16, after the semicolon, insert "permitting reimbursement for certain costs and services relating to collective bargaining;"

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

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

S.F. No. 1133: A bill for an act relating to the environment; establishing a cleanup program for closed landfills; establishing an advisory committee; authorizing rulemaking; providing penalties; providing a voluntary buy-out option for insurance companies; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 1992, section 115B.04, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 115B.42, subdivision 2; 116.07, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 115B.

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

Page 1, line 23, delete "5" and insert "7"

Page 2, line 13, after "equipment" insert "and liners"

Page 2, after line 19, insert:

*"Subd. 4. [CONTINGENCY ACTION.] "Contingency action" means organized, planned, or coordinated courses of action to be followed in case of fire, explosion, or release of solid waste, waste by-products, or leachate that could threaten human health or the environment."*

*Subd. 5. [CORRECTIVE ACTION.] "Corrective action" means steps taken to repair facility structures including liners, monitoring wells, separation equipment, covers, and aeration devices and to bring the facility into compliance with design, construction, groundwater, surface water, and air emission standards."*

Page 2, line 20, delete "4" and insert "6"

Page 2, line 23, delete "5" and insert "7"

Page 2, after line 26, insert:

*"Subd. 8. [ENVIRONMENTAL RESPONSE ACTION.] "Environmental response action" means response action at an eligible facility, including corrective action, closure, postclosure care; contingency action; environmental studies, including remedial investigations and feasibility studies; engineering, including remedial design; removal; remedial action; site construction; and other similar cleanup-related activities.*

*Subd. 9. [ENVIRONMENTAL RESPONSE COSTS.] "Environmental response costs" means:*

*(1) costs of environmental response action, not including legal or administrative expenses; and*

*(2) costs required to be paid to the federal government under section 107(a) of the Federal Superfund Act, as amended."*

Page 2, line 27, delete "6" and insert "10"

Page 2, line 30, delete "7" and insert "11"

Page 2, delete lines 34 to 36

Page 3, delete line 1

*Page 4, line 5, delete "assign all" and insert "enter into a binding agreement with the commissioner to assign, after May 1, 1996, and by July 1, 1996, only those" and after "policies" insert "for claims covered by subdivision 7, paragraph (c)."*

Page 4, after line 19, insert:

*"(d) A person or group of persons undertaking actions under paragraph (b) may apply to the commissioner for acceptance of the eligible facility. The application must be in writing and must contain sufficient information to allow the commissioner to determine that the requirements of paragraph (a) have been completed or are otherwise not applicable. The application may not be made later than January 1, 1995."*

Page 5, delete line 13

Page 5, line 14, delete "January" and insert "other facilities by June"

Page 7, delete line 15 and insert "estimate environmental response costs"

*Page 8, line 14, delete everything after "response" and insert "action that created the liability."*

Page 8, delete line 15

Page 8, line 16, delete "subdivision" and insert "paragraph"

Page 8, line 31, delete "or" and insert "and"

Page 9, line 4, after "(c)" insert "Except as provided in paragraph (a)."

Page 9, line 6, after "for" insert "environmental"

Page 9, line 9, delete everything after the first comma



Page 15, after line 12, insert:

*"The plans must take into account any restrictions on the disposition of property resulting from the use of bond proceeds to pay for response actions on the property."*

Page 16, line 19, delete "and"

Page 16, line 20, before the period, insert "; and"

*(10) indemnify responsible persons under section 115B.383, subdivision 7, paragraph (b), except that no more than five percent of the revenue credited to the account in a fiscal year may be used for this purpose"*

Page 16, line 22, after "(a)" insert "Environmental" and delete "action"

Page 16, line 23, after "that" insert "are otherwise eligible for reimbursement under subdivision 3 and that"

Page 16, line 26, after "(b)" insert "Environmental" and delete "action"

Page 16, line 31, before "The" insert "(a) Except as provided in paragraph (b)."

Page 16, line 34, delete "owners or operators" and insert "those"

Page 16, line 36, delete "future" and delete everything after "claims" and insert "covered by section 115B.383, subdivision 7, paragraph (a)."

Page 17, delete line 1

Page 17, line 4, before "response" insert "environmental" and delete "action"

Page 17, delete line 6

Page 17, line 7, delete "Act of 1980" and insert "Federal Superfund Act"

Page 17, line 8, after "order" insert "or decree, or other settlement agreement" and after "have" insert "agreed to"

Page 17, delete lines 9 to 15 and insert:

*"(i) reimburse, on a proportionate basis from each reimbursement payment received, each person that has contributed funds towards reimbursable costs; and*

*(ii) waive all claims covered by section 115B.383, subdivision 7, paragraph (a), related to the facility and all other eligible facilities, against all other persons.*

*(b) A person is not eligible for reimbursement under this section for environmental response costs at a facility if the person's actions relating to a release or threatened release at the facility were in violation of federal or state hazardous waste management laws in effect at the time of those actions."*

Page 17, line 16, after "(a)" insert "Environmental" and delete "action" and insert "costs"

Page 17, line 17, delete "expenses"

Page 17, delete lines 23 to 36 and insert:

*“(b) For owners or operators, the following costs are not reimbursable:*

*(1) costs attributable to normal operations of the facility or to activities required under the facility permit or applicable solid waste rules, including corrective action, closure, postclosure, and contingency action; and*

*(2) the acquisition of real property if required of the owner or operator in order to carry out requirements of the facility permit or applicable solid waste rules.”*

Page 18, delete lines 1 to 3

Page 18, lines 5 and 15, delete “1995” and insert “1996”

Page 18, after line 24, insert:

“Sec. 14. [EFFECTIVE DATE.]

*Section 4, subdivision 13, is effective May 1, 1996. Section 4, subdivision 14, is effective January 1, 1998.”*

Page 18, line 30, after the second comma, insert “relating to releases that occurred during calendar year 1970, 1971, 1972, or 1973,”

Page 18, line 34, delete everything after the second “the” and insert “protection afforded by section 115B.383, subdivision 7, paragraph (c), except that no liability protection exists under that provision until the commissioner has received buyout commitments totaling \$75,000,000.”

Page 18, line 35, delete everything before “Any”

Page 19, delete section 2

Page 19, line 6, delete “115B.47” and insert “115B.46”

Page 19, line 13, delete “1985” and insert “1973”

Page 19, lines 16 and 33, delete “through 1985” and insert “and 1973”

Page 19, lines 26 and 27, delete “and any credits under subdivision 5”

Page 20, lines 7 and 10, delete “1985” and insert “1973”

Page 20, line 18, delete “PRELIMINARY” and insert “FINAL” and delete “The calculation of”

Page 20, line 19, delete “preliminary” and delete “must be” and insert “is”

Page 20, line 20, delete “an” and insert “the” and delete the second “the” and insert “\$75,000,000.”

Page 20, delete lines 21 to 36

Page 21, delete lines 1 and 2

Page 21, line 3, delete everything before “The”

Page 21, line 6, delete “7” and insert “5”

Page 21, line 9, delete “8” and insert “6”

Page 21, line 11, after “reconsider” insert a period

Page 21, line 14, delete "6" and insert "4"

Page 21, line 19, delete "9" and insert "7"

Page 21, line 20, delete "\$100,000" and insert "\$250,000"

Page 21, line 21, delete "10" and insert "8"

Page 22, lines 13 and 22, delete "27" and insert "28"

Page 22, line 26, after the period, insert "*This paragraph does not apply to a person who transports industrial waste generated by that person to a facility owned and operated by that person.*"

Page 23, lines 12 and 13, delete "*and for reimbursement of expenses under section 3*"

Renumber the sections of article 2 in sequence

Page 23, after line 34, insert:

### "ARTICLE 3

#### ENVIRONMENTAL IMPACT STATEMENT

##### Section 1. [116G.151] [REQUIRED ENVIRONMENTAL IMPACT STATEMENT; FACILITIES IN MISSISSIPPI RIVER AREA.]

*Until completion of an environmental impact statement that is found adequate under chapter 116D, a state or local agency may not issue a permit for construction or operation of a radioactive waste management facility or a metal materials processing project with a processing capacity in excess of 10,000 tons per month that would be located in or adjacent to the Mississippi river critical area, as described in Minnesota Statutes 1992, section 116G.15, or, if a radioactive waste management facility, within a mile of the Mississippi river south of the Mississippi's confluence with the St. Croix river.*

*This section applies to a radioactive waste management facility notwithstanding legislative ratification or approval of a prior environmental impact statement.*

*The pollution control agency is the responsible government unit for preparation of an environmental impact statement required under this section."*

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "requiring an environmental impact statement for certain operations in critical areas;"

Page 1, line 12, delete "chapter 115B" and insert "chapters 115B; and 116G"

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

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

S.F. No. 1969: A bill for an act relating to state government; administrative rulemaking; revising the procedures for the adoption and review of rules by state agencies; appropriating money; amending Minnesota Statutes 1992,

sections 3.842, subdivisions 2, 4, and by adding subdivisions; 14.04; 14.05, subdivision 2, and by adding a subdivision; 14.06; 14.08; 14.09; 14.131; 14.14, subdivision 1a; 14.15, subdivisions 3 and 4; 14.16, subdivision 1; 14.18, subdivision 1; 14.19; 14.22, subdivision 1; 14.23; 14.24; 14.25; 14.26; 14.365; 14.48; 14.51; 17.84; 43A.04, by adding a subdivision; 84.027, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 3.841; 3.984, subdivision 2; and 16A.1285, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 4; and 14; repealing Minnesota Statutes 1992, sections 3.846; 14.11; 14.115; 14.12; 14.1311; 14.235; 14.29; 14.30; 14.305; 14.31; 14.32; 14.33; 14.34; 14.35; 14.36; and 17.83; Minnesota Statutes 1993 Supplement, section 14.10.

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

Page 3, line 25, delete the comma and insert "and"

Page 3, line 26, delete ", and the administrative rules counsel"

Page 5, delete lines 31 to 35

Page 7, lines 29 to 31, delete the new language

Page 11, line 22, delete "(a)"

Page 12, lines 5 and 6, delete the new language

Page 12, delete lines 17 to 26

Page 14, delete section 21

Page 16, line 2, delete the new language

Page 18, lines 9 and 10, delete the new language

Page 25, line 2, delete "or"

Page 25, line 4, before the period, insert "; or

*(15) uniform conveyancing forms adopted by the commissioner of commerce under section 507.09"*

Page 26, line 4, delete "or"

Page 26, line 6, before the period, insert "; or

*(15) uniform conveyancing forms adopted by the commissioner of commerce under section 507.09"*

Page 30, line 2, delete "the administrative rules counsel,"

Page 30, after line 6, insert:

*"The commissioner may charge agency staff a registration fee for attending this training. The fee must be set at a level that permits the commissioner to recover the costs, excluding costs of staff time for staff positions funded through general fund appropriations, of providing this training.*

*The office of administrative hearings, the administrative rules counsel, the attorney general, and the revisor of statutes shall not assess the commissioner for the cost of staff time to conduct the training provided under this subdivision.*

Sec. 37. Minnesota Statutes 1993 Supplement, section 62N.05, is amended by adding a subdivision to read:

*Subd. 5. [RECOVERY OF COSTS.] The provisions of section 16A.1285, subdivision 2, limiting recovery of costs to the two fiscal years immediately preceding the setting, adjustment, or authorization of fees do not apply to fees charged to entities licensed under this chapter. This subdivision expires June 30, 1999."*

Page 30, line 10, delete "Minnesota Statutes 1992,"

Page 30, line 11, delete "14.29 to 14.36," and insert "39 to 47"

Page 31, after line 27, insert:

**"Sec. 39. [97A.0451] [AUTHORITY FOR USE OF EMERGENCY RULES PROCEDURE; EXPIRATION OF AUTHORITY.]**

*Subdivision 1. [WHEN TO USE EMERGENCY RULEMAKING.] When the commissioner is directed by statute, federal law, or court order to adopt, amend, suspend, or repeal a rule in a manner that does not allow for compliance with sections 14.14 to 14.28, or if the commissioner is expressly required or authorized by statute to adopt emergency rules, the commissioner shall adopt emergency rules in accordance with sections 97A.0451 to 97A.0459.*

*Subd. 2. [180-DAY TIME LIMIT.] Unless the commissioner is directed by federal law or court order to adopt, amend, suspend, or repeal a rule in a manner that does not allow for compliance with sections 97A.0451 to 97A.0459, the commissioner may not adopt an emergency rule later than 180 days after the effective date of the statutory authority, except as provided in section 84.027, subdivision 12. If emergency rules are not adopted within the time allowed, the authority for the rules expires. The time limit of this section does not include any days used for review by the attorney general. If the 180-day period expires while the attorney general is reviewing the rule and the attorney general disapproves the rule, the commissioner may resubmit the rule to the attorney general after taking corrective action. The resubmission must occur within five working days after the commissioner receives written notice of disapproval. If the rule is again disapproved by the attorney general, it is withdrawn.*

**Sec. 40. [97A.0452] [NOTICE OF PROPOSED ADOPTION OF EMERGENCY RULE.]**

*The proposed emergency rule must be published with a notice of intent to adopt emergency rules in the State Register, and the same notice must be mailed to all persons registered with the commissioner to receive notice of any rulemaking proceedings. The notice must include a statement advising the public that a free copy of the proposed rule is available on request from the commissioner and that notice of the date of submission of the proposed emergency rule to the attorney general will be mailed to any person requesting to receive the notice. For at least 25 days after publication the commissioner shall afford all interested persons an opportunity to submit data and views on the proposed emergency rule in writing. The notice must also include the date on which the 25-day comment period ends.*

**Sec. 41. [97A.0453] [NOTICE TO COMMITTEES FOR FEES FIXED BY RULE.]**

*Before the commissioner submits notice to the State Register of intent to adopt emergency rules that establish or adjust fees, the commissioner shall comply with section 16A.128, subdivision 2a.*

**Sec. 42. [97A.0454] [MODIFICATIONS OF PROPOSED EMERGENCY RULE.]**

*The proposed emergency rule may be modified if the modifications are supported by the data and views submitted to the commissioner.*

**Sec. 43. [97A.0455] [SUBMISSION OF PROPOSED EMERGENCY RULE TO ATTORNEY GENERAL.]**

*Subdivision 1. [SUBMISSION.] The commissioner shall submit to the attorney general the proposed emergency rule as published, with any modifications. On the same day that it is submitted, the commissioner shall mail notice of the submission to all persons who requested to be informed that the proposed emergency rule has been submitted to the attorney general. If the proposed emergency rule has been modified, the notice must state that fact, and must state that a free copy of the proposed emergency rule, as modified, is available upon request from the commissioner.*

*Subd. 2. [REVIEW.] The attorney general shall review the proposed emergency rule as to its legality, review its form to the extent the form relates to legality, and shall approve or disapprove the proposed emergency rule and any modifications on the tenth working day following the date of receipt of the proposed emergency rule from the commissioner. The attorney general shall send a statement of reasons for disapproval of the rule to the commissioner, the chief administrative law judge, the legislative commission to review administrative rules, and to the revisor of statutes.*

*The attorney general shall disregard any error or defect in the proceeding due to the commissioner's failure to satisfy any procedural requirement imposed by law or rule if the attorney general finds:*

*(1) that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process; or*

*(2) that the commissioner has taken corrective action to cure the error or defect so that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process.*

*Subd. 3. [COSTS.] The attorney general shall assess the commissioner for the actual cost of processing rules under this section. The commissioner shall include in the department's budget money to pay the attorney general's assessment. Receipts from the assessment must be deposited in the state treasury and credited to the general fund.*

**Sec. 44. [97A.0456] [EFFECTIVE DATE OF EMERGENCY RULE.]**

*The emergency rule takes effect five working days after approval by the attorney general. The attorney general shall file two copies of the approved emergency rule with the secretary of state. The secretary of state shall forward one copy of each approved and filed emergency rule to the revisor of statutes. Failure of the attorney general to approve or disapprove a proposed emergency rule within ten working days is approval.*

**Sec. 45. [97A.0457] [PUBLICATION OF APPROVAL.]**

*As soon as practicable, notice of the attorney general's decision must be published in the State Register and the adopted rule must be published in the manner as provided for adopted rules in section 14.18.*

Sec. 46. [97A.0458] [EFFECTIVE PERIOD OF EMERGENCY RULE.]

*Emergency rules adopted under sections 97A.0451 to 97A.0459 shall be effective for the period stated in the notice of intent to adopt emergency rules which may not be longer than 180 days. The emergency rules may be continued in effect for an additional period of up to 180 days if the commissioner gives notice of continuation by publishing notice in the State Register and mailing the same notice to all persons registered with the commissioner to receive notice of any rulemaking proceedings. The continuation is not effective until these notices have been mailed. No emergency rule may remain in effect on a date 361 days after its original effective date. The emergency rules may not be continued in effect after 360 days without following the procedure of sections 14.14 to 14.28.*

Sec. 47. [97A.0459] [APPROVAL OF FORM OF EMERGENCY RULE.]

*No approved emergency rule shall be filed with the secretary of state or published in the State Register unless the revisor of statutes has certified that the emergency rule's form is approved."*

Page 31, line 31, delete "40" and insert "49"

Page 32, line 2, delete "\$....." and insert "\$78,000"

Page 33, line 4, delete "27" and insert "26"

Page 33, line 5, delete "35,"

Page 33, line 5, delete "31, 35, 36, 42" and insert "30, 35, 51"

Page 33, line 6, delete "30 and 34" and insert "29 and 33"

Page 33, line 9, after the period, insert "Section 34 is effective for costs incurred after June 30, 1994." and delete "39" and insert "48"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, delete "14.18, subdivision 1;"

Page 1, line 15, delete "and" and after the semicolon, insert "and 62N.05, by adding a subdivision;"

Page 1, line 16, delete "and" and after the second semicolon, insert "and 97A;"

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

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

S.F. No. 2707: A bill for an act relating to the attorney general; changing procedures for charging fees; amending Minnesota Statutes 1992, section 8.06; Minnesota Statutes 1993 Supplement, section 8.15.

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

Page 4, after line 1, insert:

**"Sec. 3. [REPORT.]**

*The attorney general shall report to the chairs of the senate committee on finance and the house of representatives committee on ways and means by November 1, 1998, on the operation of the system for charging for attorney general services provided for by this act, including any recommendations for legislative changes to the system."*

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

Page 4, line 3, delete "Sections 1 and 2 are" and insert "This act is"

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "appropriating money;"

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

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

S.F. No. 1944: A bill for an act relating to employment; restoring the purchasing power of a minimum wage salary; amending Minnesota Statutes 1992, section 177.24, subdivision 1.

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

Page 2, after line 7, insert:

**"Sec. 2. [APPROPRIATION.]**

*\$714,000 is appropriated from the public employees insurance reserve holding account established by Minnesota Statutes, section 353.65, subdivision 7, to the commissioner of human services to pay increased medical assistance grants required by this act."*

Page 2, line 8, delete "2" and insert "3"

Page 2, line 9, delete "Section 1" and insert "This act"

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "appropriating money;"

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

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

S.F. No. 1858: A bill for an act relating to natural resources; authorizing the commissioner of administration to sell lands in the Gordy Yaeger wildlife management area in Olmsted county; appropriating money.

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

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



S.F. No. 2313: A bill for an act relating to the environment; establishing an environmental cleanup program for landfills; expanding the authority of the commissioner of the pollution control agency to issue determinations regarding liability for releases of hazardous substances and petroleum; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 1992, sections 115B.04, by adding a subdivision; and 115C.03, subdivision 9; Minnesota Statutes 1993 Supplement, sections 115B.178, subdivision 1; 115B.42, subdivision 2; and 116.07, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 115B.

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

Pages 1 to 22, delete articles 1 and 2

Page 22, delete lines 21 and 22

Amend the title as follows:

Page 1, lines 2 and 3, delete "establishing an environmental cleanup program for landfills;"

Page 1, lines 7 and 8, delete "authorizing the sale of state bonds; appropriating money;"

Page 1, delete line 9 and insert "section"

Page 1, line 11, delete "sections" and insert "section" and delete "; 115B.42," and insert a period

Page 1, delete lines 12 and 13

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

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

S.F. No. 2090: A bill for an act relating to family law; modifying provisions dealing with the computation, administration, and enforcement of child support; modifying service provisions; providing for certain custody determinations; amending Minnesota Statutes 1992, sections 518.11; 518.17, subdivision 1; 518B.01, subdivision 8; and 548.091, subdivision 2a; Minnesota Statutes 1993 Supplement, sections 13.46, subdivision 2; 256.87, subdivision 5; 518.14; 518.171, subdivisions 1 and 6; 518.551, subdivision 5; 518.64, subdivision 2; and 518.68, subdivisions 1, 2, and 3; proposing coding for new law in Minnesota Statutes, chapters 8; and 518; repealing Minnesota Statutes 1993 Supplement, section 518.551, subdivision 10.

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

Page 8, line 22, delete "shall" and insert "*, in consultation with the commissioner of human services, may*"

Pages 8 to 11, delete section 2

Pages 21 and 22, delete section 8

Page 31, delete section 15 and insert:

"Sec. 13. [APPROPRIATION.]

*\$150,000 is appropriated from the general fund to the commissioner of human services to plan and design the child support assurance program provided for by section 12, to be available until June 30, 1995."*

Page 31, delete line 21

Page 31, line 22, delete "4" and insert "3" and delete "apply" and insert "applies"

Page 31, line 25, delete "6" and insert "5"

Renumber the sections of article 2 in sequence

Amend the title as follows:

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

Page 1, line 9, delete "13.46, subdivision 2;"

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

## SECOND READING OF SENATE BILLS

S.F. Nos. 2177, 2685, 2367, 1133, 1969, 2707, 1944, 1858, 2313 and 2090 were read the second time.

## MOTIONS AND RESOLUTIONS - CONTINUED

### RECESS

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

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

### APPOINTMENTS

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

S.F. No. 2393: Messrs. Larson, Metzen, Ms. Johnston, Messrs. Vickerman and Riveness.

S.F. No. 1712: Messrs. Johnson, D.E.; Riveness and Hottinger.

H.F. No. 2411: Messrs. Lessard, Finn and Mrs. Pariseau.

H.F. No. 2617: Messrs. Solon, Metzen and Day.

S.F. No. 2709: Messrs. Berg, Larson and Sams.

H.F. No. 3209: Mr. Johnson, D.J.; Meses. Flynn, Reichgott Junge, Messrs. Hottinger and Belanger

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

### MEMBERS EXCUSED

Messrs. Beckman and Terwilliger were excused from the Session of today.

Ms. Berglin was excused from the Session of today from 8:00 to 10:30 a.m.  
Mr. Pogemiller was excused from the Session of today from 8:00 to 8:45 a.m.  
Mr. Chandler was excused from the Session of today from 9:30 to 10:00 a.m.  
Mr. Murphy was excused from the Session of today from 9:15 a.m. to 12:05 p.m.  
Mr. Novak was excused from the Session of today from 9:30 to 10:45 a.m.  
Ms. Johnson, J.B. was excused from the Session of today from 11:30 to 11:45 a.m.  
Ms. Ranum was excused from the Session of today from 11:30 to 11:40 a.m.  
Mr. Samuelson was excused from the Session of today at 11:15 a.m.

#### ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:30 a.m., Wednesday, April 20, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate