

## NINETY-EIGHTH DAY

St. Paul, Minnesota, Tuesday, April 26, 1994

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

### CALL OF THE SENATE

Mr. Betzold 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. Daniel C. Conlin.

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

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

The President declared a quorum present.

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

### EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 22, 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. 2171, 862 and 2260.

Warmest regards,  
Arne H. Carlson, Governor

## MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

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; modifying restrictions on operation of snowmobiles by minors; providing for free small game licenses for disabled veterans; undesirable exotic aquatic plants and wild animals; Eurasian wild pigs; clarifying the requirement to wear blaze orange clothing during deer season; allowing local road authorities to remove beaver dams and lodges near public roads; allowing released game birds to be recaptured without a license; allowing use of retractable broadhead arrows in taking big game; 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; allowing the taking of two deer in designated counties during the 1994 and 1995 hunting seasons; 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, subdivisions 24, 45, and 52; 97A.105, subdivision 6; 97A.115, subdivision 2; 97A.441, by adding a subdivision; 97A.475, subdivision 3; 97A.485, subdivision 9; 97A.501, by adding a subdivision; 97B.031, subdivision 2; 97B.211, subdivision 2; 97B.601, subdivision 3; 97B.605; 97B.631; 97B.655, subdivision 1; 97B.701, by adding a subdivision; 97B.711, subdivision 1; 97C.321, subdivision 2; and 344.03, subdivision 1; Minnesota Statutes 1993 Supplement, sections 18.317, subdivision 3a; 84.872; 84.9692, subdivisions 1 and 2; 84.9695, subdivisions 1, 8, and 10; 97B.041; 97B.071; and 97B.711, subdivision 2; Laws 1993, chapters 129, section 4, subdivision 4; and 273, section 1; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 1992, section 97A.475, subdivision 17.

There has been appointed as such committee on the part of the House:  
Milbert, Pugh and Stanius.

Senate File No. 2429 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 25, 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. 2900, and repassed said bill in accordance with the report of the Committee, so adopted.

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, subdivision 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.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 25, 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. 2246, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2246: A bill for an act relating to natural resources; authorizing the exchange of certain state lands in Wabasha and Fillmore counties under certain conditions.

Senate File No. 2246 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 25, 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. 1898, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1898: A bill for an act relating to insurance; health; requiring coverage for equipment and supplies for the management and treatment of diabetes; proposing coding for new law in Minnesota Statutes, chapter 62A.

Senate File No. 1898 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 25, 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. 1706: A bill for an act relating to public utilities; providing legislative authorization of the construction of a facility for the temporary dry cask storage of spent nuclear fuel at Prairie Island nuclear generating plant; providing conditions for any future expansion of storage capacity; providing for a transfer of land; approving the continued operation of pool storage at Monticello and Prairie Island nuclear generating plants; requiring development of wind power; regulating nuclear power plants; requiring increased conservation investments; providing low-income discounted electric rates; regulating certain advertising expenses related to nuclear power; providing for intervenor compensation; appropriating money; amending Minnesota Statutes 1992, sections 216B.16, subdivision 8, and by adding a subdivision; 216B.241, subdivision 1a; and 216B.243, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 216B.

Senate File No. 1706 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 25, 1994

Mr. Moe, R.D. moved that S.F. No. 1706 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 3086.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 25, 1994

### FIRST READING OF HOUSE BILLS

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

H.F. No. 3086: A bill for an act relating to the environment; expanding the authority of the commissioner of the pollution control agency to release persons from liability for contamination from petroleum tanks; establishing an environmental cleanup program for landfills; increasing the solid waste generator fee; providing penalties; appropriating money; abolishing the metropolitan landfill contingency action trust fund; transferring trust fund assets; transferring certain personnel, powers, and duties back to the office of

waste management; transferring solid and hazardous waste management personnel, powers, and duties of the metropolitan council to the office of waste management; amending Minnesota Statutes 1992, sections 115.073; 115A.055; 115B.42, subdivision 1; and by adding subdivisions; 115C.03, subdivision 9; 116G.15; 383D.71, subdivision 1; 473.801, subdivisions 1 and 4; 473.841; 473.842, subdivision 1; and 473.843, subdivision 2; amending Minnesota Statutes 1993 Supplement, sections 115B.42, subdivision 2; and 116.07, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1992, sections 473.842, subdivisions 1a, 4a, and 5; 473.845; and 473.847.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2313, 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. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1899 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1899	1969				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1899 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1899 and insert the language after the enacting clause of S.F. No. 1969, the second engrossment; further, delete the title of H.F. No. 1899 and insert the title of S.F. No. 1969, the second engrossment.

And when so amended H.F. No. 1899 will be identical to S.F. No. 1969, and further recommends that H.F. No. 1899 be given its second reading and substituted for S.F. No. 1969, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 2171 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2171	1991				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2171 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2171 and insert the language after the enacting clause of S.F. No. 1991, the first engrossment; further, delete the title of H.F. No. 2171 and insert the title of S.F. No. 1991, the first engrossment.

And when so amended H.F. No. 2171 will be identical to S.F. No. 1991, and further recommends that H.F. No. 2171 be given its second reading and substituted for S.F. No. 1991, and that the Senate File be indefinitely postponed.

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

### SECOND READING OF HOUSE BILLS

H.F. Nos. 1899 and 2171 were read the second time.

### MOTIONS AND RESOLUTIONS

Ms. Piper moved that the name of Mr. Mondale be added as a co-author to S.F. No. 1842. The motion prevailed.

Mr. Spear moved that the name of Mr. Mondale be added as a co-author to S.F. No. 1871. The motion prevailed.

Mr. Luther moved that the name of Mr. Mondale be added as a co-author to S.F. No. 2256. The motion prevailed.

S.F. No. 1712 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 1712

A bill for an act relating to towns; providing for financial audits in certain circumstances; amending Minnesota Statutes 1992, section 367.36, subdivision 1.

April 22, 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. 1712, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 1712 be further amended as follows:

Page 1, line 23, delete "four" and insert "five"

Page 2, after line 4, insert:

"Sec. 2. Minnesota Statutes 1992, section 412.591, subdivision 2, is amended to read:

Subd. 2. Cities operating under Optional Plan A may, by an ordinance effective after the expiration of the term of the incumbent treasurer at the date of adoption of Optional Plan A, combine the offices of clerk and treasurer in the office of clerk-treasurer and thereafter the duties of the treasurer as prescribed by this chapter shall be performed by the clerk-treasurer. The offices of clerk and treasurer may be reestablished by ordinance. If the offices of clerk and treasurer are combined as provided by this section, *and the city's annual revenue for all governmental and enterprise funds combined is more than \$100,000*, the council shall provide for an annual audit of the city's financial affairs by the state auditor or a public accountant in accordance with minimum procedures prescribed by the state auditor. *If the offices of clerk and treasurer are combined and the city's annual revenue for all governmental and enterprise funds combined is \$100,000 or less, the council shall provide for an audit of the city's financial affairs by the state auditor or a public accountant in accordance with minimum audit procedures prescribed by the state auditor at least once every five years."*

Amend the title as follows:

Page 1, line 2, delete "towns" and insert "local government"

Page 1, line 4, delete "section" and insert "sections" and before the period insert "; and 412.591, subdivision 2"

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

Senate Conferees: (Signed) Dean E. Johnson, Phil J. Riveness, John C. Hottinger

House Conferees: (Signed) Roger Cooper, Dennis Ozment, Chuck Brown

Mr. Johnson, D.E. moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1712 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. 1712 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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

## MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2303 and the Conference Committee Report thereon were reported to the Senate.

## CONFERENCE COMMITTEE REPORT ON S.F. NO. 2303

A bill for an act relating to highway safety; requiring persons age 55 or over to complete a refresher course in accident prevention in order to remain eligible for a reduction in private passenger vehicle insurance rates; amending Minnesota Statutes 1992, section 65B.28.

April 25, 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. 2303, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment and that S.F. No. 2303 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 65B.28, is amended to read:

65B.28 [ACCIDENT PREVENTION COURSE PREMIUM REDUCTIONS.]

Subdivision 1. [REQUIRED REDUCTION.] An insurer must provide an appropriate premium reduction of at least ten percent on its policies of private passenger vehicle insurance, as defined in section 65B.001, subdivision 2, issued, delivered, or renewed in this state after January 1, 1985, to insureds 55 years old and older who successfully complete an accident prevention course or refresher course established under subdivision 2 subdivisions 2 and 3.

Subd. 2. [ACCIDENT PREVENTION COURSE; RULES.] The commissioner of public safety shall, by January 1, 1985, adopt rules establishing and regulating a motor vehicle accident prevention course for persons 55 years old and older. The rules must, at a minimum, include provisions:

- (1) establishing curriculum requirements;
- (2) establishing the number of hours required for successful completion of the course; and
- (3) providing for the issuance of a course completion certification and requiring its submission to an insured as evidence of completion of the course; and
- (4) requiring persons 55 years old and older to retake the course every three years to remain eligible for a premium reduction.

Subd. 3. [REFRESHER COURSE.] The department of public safety, in consultation with other traffic safety and medical professionals, may establish without rulemaking a refresher course for persons who have completed the original course under subdivision 2. The refresher course shall be no more



*than four hours, and based on the curriculum established under subdivision 2. The department of public safety shall establish criteria for and approve training agencies or organizations authorized to conduct the refresher course.*

*Subd. 4. [COMPLETION CERTIFICATE.] Persons 55 years old and older may retake the original course or take the refresher course every three years and receive a course completion certificate to remain eligible for the premium reduction in subdivision 1. The department of public safety shall provide criteria for the issuance of the course completion certificates.*

#### Sec. 2. [EFFECTIVE DATES.]

*Section 1 is effective January 1, 1995."*

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

Senate Conferees: (Signed) Sandra L. Pappas, Cal Larson, Carol Flynn

House Conferees: (Signed) Don Ostrom, Virgil J. Johnson, Káty Olson

Ms. Pappas moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2303 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. 2303 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

Mr. Novak moved that S.F. No. 1706 be taken from the table. The motion prevailed.

S.F. No. 1706: A bill for an act relating to public utilities; providing legislative authorization of the construction of a facility for the temporary dry cask storage of spent nuclear fuel at Prairie Island nuclear generating plant; providing conditions for any future expansion of storage capacity; providing for a transfer of land; approving the continued operation of pool storage at Monticello and Prairie Island nuclear generating plants; requiring develop-

ment of wind power; regulating nuclear power plants; requiring increased conservation investments; providing low-income discounted electric rates; regulating certain advertising expenses related to nuclear power; providing for intervenor compensation; appropriating money; amending Minnesota Statutes 1992, sections 216B.16, subdivision 8, and by adding a subdivision; 216B.241, subdivision 1a; and 216B.243, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 216B.

Mr. Novak moved that the Senate do not concur in the amendments by the House to S.F. No. 1706; 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.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1788 a Special Order to be heard immediately.

### SPECIAL ORDER

H.F. No. 1788: A bill for an act relating to marriage; providing for postnuptial contracts; amending Minnesota Statutes 1992, section 519.11.

Mr. Cohen moved to amend H.F. No. 1788, the unofficial engrossment, as follows:

Page 2, after line 32, insert:

*“(f) Nothing in this section shall impair the validity or enforceability of a contract, agreement, or waiver which is entered into after marriage and which is described in chapter 524, article 2, part 2, further, a conveyance permitted by section 500.19 is not a post-nuptial contract or settlement under this section.”*

The motion prevailed. So the amendment was adopted.

H.F. No. 1788 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 38 and nays 23, as follows:

Those who voted in the affirmative were:

Adkins	Chandler	Krentz	Mondale	Sams
Anderson	Cohen	Lessard	Morse	Solon
Beckman	Day	Luther	Novak	Spear
Belanger	Dille	Marty	Pappas	Stumpf
Berg	Flynn	McGowan	Pogemiller	Terwilliger
Berglin	Johnson, D.J.	Merriam	Price	Wiener
Bertram	Johnson, J.B.	Metzen	Riveness	
Betzold	Knutson	Moe, R.D.	Robertson	

Those who voted in the negative were:

Benson, J.E.	Hottinger	Larson	Olson	Runbeck
Chmielewski	Johnson, D.E.	Lesewski	Pariseau	Stevens
Finn	Johnston	Murphy	Piper	Vickerman
Frederickson	Kiscaden	Neuville	Ranum	
Hanson	Kroening	Oliver	Reichgott Junge	

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 3193 a Special Order to be heard immediately.

### SPECIAL ORDER

H.F. No. 3193: A bill for an act relating to public finance; providing conditions and requirements for the issuance of debt; authorizing the use of revenue recapture by certain housing agencies; clarifying a property tax exemption; allowing school districts to make and levy for certain contract or lease purchases; changing contract requirements for certain projects; changing certain debt service fund requirements; authorizing use of special assessments for on-site water contamination improvements; authorizing an increase in the membership of county housing and redevelopment authorities; amending Minnesota Statutes 1992, sections 270A.03, subdivision 2; 383.06, subdivision 2; 429.011, by adding a subdivision; 429.031, subdivision 3; 469.006, subdivision 1; 469.015, subdivision 4; 469.158; 469.184, by adding a subdivision; 471.56, subdivision 5; 471.562, subdivision 3, and by adding a subdivision; 475.52, subdivision 1; 475.53, subdivision 5; 475.54, subdivision 16; 475.66, subdivision 1; and 475.79; Minnesota Statutes 1993 Supplement, sections 124.91, subdivision 3; 272.02, subdivision 1; and 469.033, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 469.

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 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Berg and Merriam voted in the negative.

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1985 a Special Order to be heard immediately.

### SPECIAL ORDER

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.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2150 a Special Order to be heard immediately.

### SPECIAL ORDER

S.F. No. 2150: A bill for an act relating to agriculture; establishing a feedlot and manure management advisory committee; providing for development of manure management research and monitoring priorities; amending eligibility requirements for beginning farmer loans; establishing livestock expansion loan program; providing for development of feedlot rules; changing definitions in the corporate farming law; appropriating money; amending Minnesota Statutes 1992, sections 41B.02, by adding a subdivision; and 116.07, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 17; and 41B.

Mr. Dille moved to amend S.F. No. 2150 as follows:

Page 1, line 22, after the period, insert "*In establishing the committee, the commissioner shall give first consideration to members of the existing feedlot advisory group.*"

Page 1, line 24, delete "*and poultry*" and insert "*chicken, and turkey*"

Page 1, line 25, delete "*15*" and insert "*18*".

Page 1, line 28, before the period, insert "*, one member from an organization representing local units of government, one member from the senate, and one member from the house of representatives*"

The motion prevailed. So the amendment was adopted.

S.F. No. 2150 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2227 a Special Order to be heard immediately.

### SPECIAL ORDER

H.F. No. 2227: A bill for an act relating to electric currents in earth; requiring the public utilities commission to appoint a team of science advisors; mandating scientific framing of research questions; providing for studies of stray voltage and the effects of earth as a conductor of electricity; requiring scientific peer review of findings and conclusions; providing for a report to the public utilities commission; appropriating money.

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 52 and nays 11, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kroening	Novak	Sams
Anderson	Finn	Laidig	Olson	Samuelson
Beckman	Frederickson	Langseth	Pappas	Spear
Belanger	Hanson	Lesewski	Pariseau	Stevens
Benson, D.D.	Hottinger	Luther	Piper	Stumpf
Benson, J.E.	Janezich	Marty	Pogemiller	Terwilliger
Berglin	Johnson, D.E.	Metzen	Price	Vickerman
Bertram	Johnson, D.J.	Moe, R.D.	Ranum	Wiener
Betzold	Johnson, J.B.	Mondale	Reichgott Junge	
Cohen	Johnston	Morse	Riveness	
Day	Krentz	Murphy	Runbeck	

Those who voted in the negative were:

Berg	Kiscaden	Larson	Merriam	Oliver
Chandler	Knutson	McGowan	Neuville	Robertson
Flynn				

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2090 a Special Order to be heard immediately.

**SPECIAL ORDER**

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; appropriating money; 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 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.

**CALL OF THE SENATE**

Mr. Betzold imposed a call of the Senate for the balance of the proceedings on S.F. No. 2090. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Betzold then moved to amend S.F. No. 2090 as follows:

Page 5, line 3, after the period, insert "*The order is effective upon the signature by the court and is retroactive to the date of signature by the public authority.*"

The motion prevailed. So the amendment was adopted.

Mr. Betzold then moved to amend S.F. No. 2090 as follows:

Page 28, line 9, before "\$150,000" insert "*Subdivision 1.*"

Page 28, after line 12, insert:

*"Subd. 2. \$75,000 is appropriated from the general fund to the commissioner of human services to conduct the public education campaign provided for by section 1, to be available until June 30, 1995. The commissioner shall enter into a \$75,000 contract with the attorney general for implementation of the campaign.*

*Subd. 3. The appropriations in this section must not be included in the budget base for the 1996-1997 biennium."*

The motion prevailed. So the amendment was adopted.

Mr. Knutson moved to amend S.F. No. 2090 as follows:

Page 10, line 9, after the period, insert "*In order to recover collection costs under this subdivision, the arrearages must be at least \$500 and must be at least 90 days past due. In addition, the arrearages must be a docketed judgment under sections 548.09 and 548.091. If the obligor pays in full the judgment rendered under section 548.091 within 20 days of receipt of notice of entry of judgment, the obligee is not entitled to recover attorney fees or collection costs under this subdivision.*

*(b)"*

Page 10, line 18, after the period, insert:

*"(c)"*

Page 10, line 26, after "*costs*" insert "*or to contest the child support judgment on grounds limited to mistake of fact*"

Page 10, line 28, delete "*(b)*" and insert "*(d)*" and delete "*issue*" and insert "*issues*"

Page 10, line 29, delete "*is*" and insert "*are*"

Page 10, line 31, before the period, insert "*or the validity of the child support judgment on grounds limited to mistake of fact*"

Page 10, line 32, delete everything after "*may*"

Page 10, delete line 33

Page 10, line 34, delete "*percent*" and insert "*not exceed 30 percent of the arrearages*"

Page 10, line 36, delete "*(c)*" and insert "*(e)*"

Page 11, line 5, delete "*(d)*" and insert "*(f)*"

The motion prevailed. So the amendment was adopted.

Ms. Reichgott Junge moved to amend S.F. No. 2090 as follows:

Page 28, after line 19, insert:

"Section 1. Minnesota Statutes 1993 Supplement, section 363.03, subdivision 3, is amended to read:

Subd. 3. [PUBLIC ACCOMMODATIONS.] (a) It is an unfair discriminatory practice:

(1) to deny any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation because of race, color, creed, religion, disability, national origin, *marital status*, sexual orientation, or sex, or for a taxicab company to discriminate in the access to, full utilization of, or benefit from service because of a person's disability; or

(2) for a place of public accommodation not to make reasonable accommodation to the known physical, sensory, or mental disability of a disabled person. In determining whether an accommodation is reasonable, the factors to be considered may include:

(i) the frequency and predictability with which members of the public will be served by the accommodation at that location;

(ii) the size of the business or organization at that location with respect to physical size, annual gross revenues, and the number of employees;

(iii) the extent to which disabled persons will be further served from the accommodation;

(iv) the type of operation;

(v) the nature and amount of both direct costs and legitimate indirect costs of making the accommodation and the reasonableness for that location to finance the accommodation; and

(vi) the extent to which any persons may be adversely affected by the accommodation.

State or local building codes control where applicable. Violations of state or local building codes are not violations of this chapter and must be enforced under normal building code procedures.

(b) This paragraph lists general prohibitions against discrimination on the basis of disability. For purposes of this paragraph "individual" or "class of individuals" refers to the clients or customers of the covered public accommodation that enter into the contractual, licensing, or other arrangement.

(1) It is discriminatory to:

(i) subject an individual or class of individuals on the basis of a disability of that individual or class, directly or through contractual, licensing, or other arrangements, to a denial of the opportunity of the individual or class to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity;

(ii) afford an individual or class of individuals on the basis of the disability of that individual or class, directly or through contractual, licensing, or other arrangements, with the opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations that are not equal to those afforded to other individuals; and

(iii) provide an individual or class of individuals, on the basis of a disability of that individual or class, directly or through contractual, licensing, or other arrangements, with goods, services, facilities, privileges, advantages, or accommodations that are different or separate from those provided to other individuals, unless the action is necessary to provide the individual or class of individuals with goods, services, facilities, privileges, advantages, or accommodations, or other opportunities that are as effective as those provided to others.

(2) Goods, services, facilities, privileges, advantages, and accommodations must be afforded to an individual with a disability in the most integrated setting appropriate to the needs of the individual.

(3) Notwithstanding the existence of separate or different programs or activities provided in accordance with this section, the individual with a disability may not be denied the opportunity to participate in the programs or activities that are not separate or different.

(4) An individual or entity may not, directly or through contractual or other arrangements, use standards or criteria and methods of administration:

(i) that have the effect of discriminating on the basis of disability; or

(ii) that perpetuate the discrimination of others who are subject to common administrative control.

(c) This paragraph lists specific prohibitions against discrimination on the basis of disability. For purposes of this paragraph, discrimination includes:

(1) the imposition or application of eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless the criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations;



(2) failure to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to afford the goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making the modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations;

(3) failure to take all necessary steps to ensure that no individual with a disability is excluded, denied services, segregated, or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking the steps would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered and would result in an undue burden;

(4) failure to remove architectural barriers, and communication barriers that are structural in nature, in existing facilities, and transportation barriers in existing vehicles used by an establishment for transporting individuals, not including barriers that can only be removed through the retrofitting of vehicles by the installation of hydraulic or other lifts, if the removal is readily achievable; and

(5) if an entity can demonstrate that the removal of a barrier under clause (4) is not readily achievable or cannot be considered a reasonable accommodation, a failure to make the goods, services, facilities, privileges, advantages, or accommodations available through alternative means if the means are readily achievable.

(d) Nothing in this chapter requires an entity to permit an individual to participate in and benefit from the goods, services, facilities, privileges, advantages, and accommodations of the entity if the individual poses a direct threat to the health or safety of others. "Direct threat" means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures or by the provision of auxiliary aids or services.

(e) No individual may be discriminated against on the basis of disability in the full and equal enjoyment of specified public transportation services provided by a private entity that is primarily engaged in the business of transporting people and whose operations affect commerce. For purposes of this paragraph, it is an unfair discriminatory practice for a private entity providing public transportation to engage in one or more of the following practices:

(1) imposition or application of eligibility criteria that screen out, or tend to screen out, an individual with a disability or a class of individuals with disabilities from fully enjoying the specified public transportation services provided by the entity, unless the criteria can be shown to be necessary for the provision of the services being offered;

(2) failure to make reasonable modifications, provide auxiliary aids and services, and remove barriers, consistent with section 363.03, subdivision 3, paragraph (c);

(3) the purchase or lease of a new vehicle, other than an automobile or van with a seating capacity of fewer than eight passengers, including the driver, or an over-the-road bus, that is to be used to provide specified public transpor-

tation that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, except that a new vehicle need not be readily accessible to and usable by individuals with disabilities if the vehicle is to be used solely in a demand responsive system and if the private entity can demonstrate that the system, when viewed in its entirety, provides a level of services to individuals with disabilities equivalent to the level of service provided to the general public;

(4) purchase or lease a new railroad passenger car that is to be used to provide specified public transportation if the car is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, or to manufacture railroad passenger cars or purchase used cars that have been remanufactured so as to extend their usable life by ten years or more, unless the remanufactured car, to the maximum extent feasible, is made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, except that compliance with this clause is not required to the extent that compliance would significantly alter the historic or antiquated character of historic or antiquated railroad passenger cars or rail stations served exclusively by those cars;

(5) purchase or lease a new, used, or remanufactured vehicle with a seating capacity in excess of 16 passengers, including the driver, for use on a fixed route public transportation system, that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. If a private entity that operates a fixed route public transportation system purchases or leases a new, used, or remanufactured vehicle with a seating capacity of 16 passengers or fewer, including the driver, for use on the system which is not readily accessible to and usable by individuals with disabilities, it is an unfair discriminatory practice for the entity to fail to operate the system so that, when viewed in its entirety, the system ensures a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service provided to individuals without disabilities; or

(6) to fail to operate a demand responsive system so that, when viewed in its entirety, the system ensures a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service provided to individuals without disabilities. It is an unfair discriminatory practice for the entity to purchase or lease for use on a demand responsive system a new, used, or remanufactured vehicle with a seating capacity in excess of 16 passengers, including the driver, that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the entity can demonstrate that the system, when viewed in its entirety, provides a level of service to individuals with disabilities equivalent to that provided to individuals without disabilities.

(f) It is an unfair discriminatory practice to construct a new facility or station to be used in the provision of public transportation services, unless the facilities or stations are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. It is an unfair discriminatory practice for a facility or station currently used for the provision of public transportation services defined in this subdivision to fail to make alterations necessary in order, to the maximum extent feasible, to make the altered portions of facilities or stations readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. If the private entity is undertaking an alteration that affects or could affect the

usability of or access to an area of the facility containing a primary function, the entity shall make the alterations so that, to the maximum extent feasible, the path of travel to the altered area, and the bathrooms, drinking fountains, and telephones serving the altered area, are readily accessible to and usable by individuals with disabilities if the alterations to the path of travel or to the functions mentioned are not disproportionate to the overall alterations in terms of cost and scope. The entity raising this defense has the burden of proof, and the department shall review these cases on a case-by-case basis."

Renumber the sections of article 3 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Lessard moved to amend S.F. No. 2090 as follows:

Pages 9 to 11, delete section 3

Page 23, line 1, delete "*stays*" and insert "*may be reduced as of the time of the layoff or pay reduction if a motion to reduce the support is served and filed with the court at that time, but any such reduction must be ordered*"

Page 23, line 2, delete "*at the same level until modified*"

Page 25, delete lines 8 to 16

Pages 25 and 26, delete sections 10 and 11

Renumber the sections of article 2 in sequence and correct the internal references

Amend the title accordingly

Mr. Knutson requested division of the amendment as follows:

First portion:

Page 23, line 1, delete "*stays*" and insert "*may be reduced as of the time of the layoff or pay reduction if a motion to reduce the support is served and filed with the court at that time, but any such reduction must be ordered*"

Page 23, line 2, delete "*at the same level until modified*"

Second portion:

Pages 9 to 11, delete section 3

Page 25, delete lines 8 to 16

Pages 25 and 26, delete sections 10 and 11

Renumber the sections of article 2 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the first portion of the amendment. The motion prevailed. So the first portion of the amendment was adopted.

The question was taken on the adoption of the second portion of the

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

Mr. Dille moved to amend S.F. No. 2090 as follows:

Page 33, after line 8, insert:

“Sec. 5. [STUDY OF WAYS TO NURTURE THE TWO-PARENT FAMILY.]

*The children's cabinet shall study ways to promote, protect, and nurture the two-parent family. They shall recommend changes in government and non-government programs and Minnesota Statutes that will encourage the preservation of the two-parent family. In addition, they shall make recommendations about repealing existing laws and rules that may encourage the dissolution of the two-parent family. The chair shall report their findings to the legislature by February 1, 1995.”*

Renumber the sections of article 3 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 39 and nays 27, as follows:

Those who voted in the affirmative were:

Beckman	Dille	Kroening	Mondale	Runbeck
Belanger	Frederickson	Laidig	Morse	Sams
Benson, D.D.	Johnson, D.E.	Langseth	Neuville	Solon
Benson, J.E.	Johnson, D.J.	Larson	Oliver	Stevens
Berg	Johnston	Lesewski	Olson	Stumpf
Bertram	Kelly	Lessard	Pariseau	Terwilliger
Chmielewski	Kiscaden	Luther	Reichgott Junge	Vickerman
Day	Knutson	McGowan	Robertson	

Those who voted in the negative were:

Adkins	Finn	Krentz	Novak	Riveness
Anderson	Flynn	Marty	Pappas	Spear
Berglin	Hanson	Merriam	Piper	Wiener
Betzold	Hottinger	Metzen	Pogemiller	
Chandler	Janezich	Moe, R.D.	Price	
Cohen	Johnson, J.B.	Murphy	Ranum	

The motion prevailed. So the amendment was adopted.

## RECONSIDERATION

Having voted on the prevailing side, Ms. Reichgott Junge moved that the vote whereby the Dille amendment to S.F. No. 2090 was adopted on April 26, 1994, be now reconsidered. The motion did not prevail.

Mr. Chandler moved to amend S.F. No. 2090 as follows:

Page 19, after line 5, insert:

“Sec. 7. Minnesota Statutes 1992, section 518.611, subdivision 8, is amended to read:

Subd. 8. [MANDATORY EMPLOYER AND OBLIGOR NOTICE REPORTING PROGRAM.] ~~When an individual is hired for employment, the~~

employer shall request that the individual disclose whether or not the individual has court-ordered child support obligations that are required by law to be withheld from income and the terms of the court order, if any. The individual shall disclose this information at the time of hiring. When an individual discloses that the individual owes child support that is required to be withheld, the employer shall begin withholding according to the terms of the order and under this section. When a withholding order is in effect and the obligor's employment is terminated or the periodic payment terminates, the obligor and the obligor's employer or the payor of funds shall notify the public agency responsible for child support enforcement of the termination within ten days of the termination date. The notice shall include the obligor's home address and the name and address of the obligor's new employer or payor of funds, if known. Information disclosed under this section shall not be divulged except to the extent necessary for the administration of the child support enforcement program or when otherwise authorized by law.

(a) Except as provided in paragraph (b), all employers doing business in the state of Minnesota shall report the following information to the Minnesota office of child support enforcement:

(1) the hiring of any person who resides or works in this state to whom the employer anticipates paying earnings; and

(2) the rehiring or return to work of any employee who was laid off, furloughed, separated, granted a leave without pay, or terminated from employment.

(b) Employers are not required to report the hiring of any person who:

(1) will be employed for less than one month's duration;

(2) will be employed sporadically so that the employee will be paid for less than 350 hours during a continuous six-month period;

(3) will have gross earnings less than \$300 in every month; or

(4) is less than 18 years of age.

(c) Employers may report by mailing a copy of the employee's W-4 form, transmitting magnetic tape in a compatible format, or by other means authorized by the office of child support enforcement which will result in timely reporting.

(d) Employers shall submit reports required under this subdivision within 14 days of the hiring, rehiring, or return to work of the employee. The report shall contain:

(1) the employee's name, address, social security number, and date of birth; and

(2) the employer's name, address, and employment security reference number or unified business identifier number.

(e) An employer who fails to report as required under this section shall be given a written warning for the first violation and a civil penalty of up to \$50 for a second violation. If a third or subsequent violation is intentional, an employer is subject to a civil penalty of up to \$500. All violations within a single month shall be considered a single violation for purposes of assessing

*the penalty. The penalty may be imposed and collected by the office of child support enforcement.*

*(f) The office of child support enforcement shall retain the information for a particular employee only if a public agency is responsible for establishing, enforcing, or collecting a support obligation or arrearage of the employee. If the employee does not owe an obligation or arrearage, no record shall be created regarding the employee and the information contained in the notice shall be promptly destroyed.*

*(g) Employers required to report under this section may charge \$2 per new employee to cover the cost of reporting.*

*(h) The department of human services shall notify employers of the requirements of this section by January 1, 1995, and shall provide employers, upon request, with appropriately marked envelopes to facilitate the required reporting."*

Page 28, after line 7, insert:

"Sec. 14. [STUDY.]

*By January 1, 1995, the Minnesota office of child support enforcement and the department of jobs and training shall study and determine whether reports required of employers by section 7 should be made directly to the Minnesota office of child support or to the department of jobs and training for immediate electronic transmission to the Minnesota office of child support.*

Sec. 15. [REPEALER.]

*Minnesota Statutes 1993 Supplement, section 518.561, is repealed."*

Page 28, after line 17, insert:

*"Sections 7 and 15 are effective January 1, 1995."*

Renumber the sections of article 2 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

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

Those who voted in the affirmative were:

Adkins	Hottinger	Luther	Novak	Reichgott Junge
Anderson	Janezich	Marty	Pappas	Spear
Betzold	Johnson, D.J.	Merriam	Piper	Stevens
Chandler	Johnson, J.B.	Moe, R.D.	Pogemiller	Terwilliger
Cohen	Knutson	Mondale	Price	
Flynn	Krentz	Morse	Ranum	

Those who voted in the negative were:

Beckman	Finn	Laidig	Neuville	Samuelson
Belanger	Frederickson	Langseth	Oliver	Solon
Benson, D.D.	Hanson	Larson	Olson	Stumpf
Benson, J.E.	Johnson, D.E.	Lesewski	Pariseau	Vickerman
Berg	Johnston	Lessard	Riveness	Wiener
Bertram	Kelly	McGowan	Robertson	
Day	Kiscaden	Metzen	Runbeck	
Dille	Kroening	Murphy	Sams	

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

Mr. Cohen moved to amend S.F. No. 2090 as follows:

Page 8, after line 28, insert:

"Sec. 2. Minnesota Statutes 1993 Supplement, section 168.042, subdivision 2, is amended to read:

Subd. 2. [VIOLATION; ISSUANCE OF IMPOUNDMENT ORDER.] The commissioner shall issue a registration plate impoundment order when:

(1) a person's driver's license or driving privileges are revoked for a third violation, as defined in subdivision 1, paragraph (c), clause (1), within five years or a fourth or subsequent violation, as defined in subdivision 1, paragraph (c), clause (1), within 15 years;

(2) a person's driver's license or driving privileges are revoked for a violation of section 169.121, subdivision 3, paragraph (c), clause (4), within five years of one previous violation or within 15 years of two or more previous violations, as defined in subdivision 1, paragraph (c), clause (1); or

(3) a person is arrested for or charged with a violation described in subdivision 1, paragraph (c), clause (2) or (3); or

*(4) the commissioner has been notified by a public agency with authority to collect child support that a person has failed to make child support payments for a period of 90 days or more, unless the person has made satisfactory arrangements with the public agency for payment of any accumulated arrearages.*

The order shall require the impoundment of the registration plates of the vehicle involved in the violation and all vehicles owned by, registered, or leased in the name of the violator, including vehicles registered jointly or leased in the name of the violator and another. An impoundment order shall not be issued for the registration plates of a rental vehicle as defined in section 168.041, subdivision 10, or a vehicle registered in another state.

Sec. 3. Minnesota Statutes 1992, section 168.042, is amended by adding a subdivision to read:

Subd. 5a. [TEMPORARY PERMIT FOR CHILD SUPPORT OBLIGORS.] *If the vehicle's registration plates have been impounded under subdivision 2, clause (4), the commissioner shall issue a temporary vehicle permit that is valid for 180 days when the notice is issued under subdivision 3. The permit must be in a form determined by the registrar and whenever practicable must be posted on the left side of the inside rear window of the vehicle. A permit is valid only for the vehicle for which it is issued.*

Sec. 4. Minnesota Statutes 1992, section 171.04, subdivision 1, is amended to read:

Subdivision 1. [PERSONS NOT ELIGIBLE.] The department shall not issue a driver's license hereunder:

(1) To any person who is under the age of 16 years; to any person under 18 years unless such person shall have successfully completed a course in driver education, including both classroom and behind-the-wheel instruction, approved by the state board of education for courses offered through the public schools, or, in the case of a course offered by a private, commercial driver education school or institute, by the department of public safety; except when

such person has completed a course of driver education in another state or has a previously issued valid license from another state or country; nor to any person under 18 years unless the application of license is approved by either parent when both reside in the same household as the minor applicant, otherwise the parent or spouse of the parent having custody or with whom the minor is living in the event there is no court order for custody, or guardian having the custody of such minor, or in the event a person under the age of 18 has no living father, mother or guardian, the license shall not be issued to such person unless the application therefor is approved by the person's employer. Driver education courses offered in any public school shall be open for enrollment to persons between the ages of 15 and 18 years residing in the school district or attending school therein. Any public school offering driver education courses may charge an enrollment fee for the driver education course which shall not exceed the actual cost thereof to the public school and the school district. The approval required herein shall contain a verification of the age of the applicant;

(2) To any person whose license has been suspended during the period of suspension except that a suspended license may be reinstated during the period of suspension upon the licensee furnishing proof of financial responsibility in the same manner as provided in the Minnesota no-fault automobile insurance act;

(3) To any person whose license has been revoked except upon furnishing proof of financial responsibility in the same manner as provided in the Minnesota no-fault automobile insurance act and if otherwise qualified;

(4) To any person who is a drug dependent person as defined in section 254A.02, subdivision 5;

(5) To any person who has been adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation, and has not been restored to capacity, unless the department is satisfied that such person is competent to operate a motor vehicle with safety to persons or property;

(6) To any person who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

(7) To any person who is required under the provisions of the Minnesota no-fault automobile insurance act of this state to deposit proof of financial responsibility and who has not deposited such proof;

(8) To any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare;

(9) To any person when, in the opinion of the commissioner, such person is afflicted with or suffering from such physical or mental disability or disease as will affect such person in a manner to prevent the person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways; nor to a person who is unable to read and understand official signs regulating, warning, and directing traffic;

(10) To a child for whom a court has ordered denial of driving privileges under section 260.195, subdivision 3a, until the period of denial is completed;



(11) To any person whose license has been canceled, during the period of cancellation; or

(12) To any person after receiving notice from a public agency with authority to collect child support that the person has failed to make child support payments for a period of 90 days or more, unless the person has made satisfactory arrangements with the public child support agency for payment of any accumulated arrearages. The department of public safety may, upon the recommendation of the public agency, issue a temporary permit under section 171.30 pending the issuance of a license if the temporary license is necessary for the licensee to work and if the public child support agency has determined that the licensee is making a good faith effort to comply with the provisions of this section.

Sec. 5. Minnesota Statutes 1992, section 171.30, is amended by adding a subdivision to read:

*Subd. 1a. [ISSUANCE FOR CHILD SUPPORT OBLIGORS.] In any case where a person has been denied a license under section 171.04, subdivision 1, clause (12), the commissioner may issue a limited license to the driver if the commissioner has been notified by a public agency charged with child support enforcement responsibilities that:*

*(1) the driver is making a good faith effort to comply with all existing orders for support;*

*(2) the driver is cooperating with the public child support agency in establishing a suitable payment arrangement; and*

*(3) a limited license is necessary to allow the driver to work.*

*A limited license issued under this section is valid for no longer than 180 days from the date of issuance."*

Renumber the sections of article 2 in sequence and correct the internal references

Amend the title accordingly

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

Mr. Knutson moved to amend S.F. No. 2090 as follows:

Page 8, line 22, before "The" insert "(a)"

Page 8, after line 28, insert:

*"(b) The attorney general, the name of the attorney general, or the attorney general's voice may not appear in any of the public service campaign materials authorized in paragraph (a)."*

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 40, as follows:

Those who voted in the affirmative were:

Belanger	Frederickson	Laidig	Neuville	Runbeck
Benson, D.D.	Johnson, D.E.	Larson	Oliver	Stevens
Benson, J.E.	Johnston	Lessard	Olson	Terwilliger
Berg	Kiscaden	Marty	Pariseau	
Day	Knutson	McGowan	Robertson	

Those who voted in the negative were:

Adkins	Dille	Krentz	Morse	Riveness
Anderson	Finn	Kroening	Murphy	Sams
Beckman	Flynn	Langseth	Novak	Samuelson
Berglin	Hanson	Luther	Pappas	Solon
Bertram	Hottinger	Merriam	Piper	Spear
Betzold	Johnson, D.J.	Metzen	Pogemiller	Stumpf
Chandler	Johnson, J.B.	Moe, R.D.	Ranum	Vickerman
Cohen	Kelly	Mondale	Reichgott Junge	Wiener

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

Ms. Kiscaden moved to amend S.F. No. 2090 as follows:

Page 31, line 24, after "(13)" insert "*except in cases in which a finding of domestic abuse as defined in section 518B.01 has been made,*"

Page 31, line 25, before "contact" insert "*frequent and continuing*" and delete everything after "child"

Page 31, lines 26 and 27, delete the new language

The motion prevailed. So the amendment was adopted.

Ms. Runbeck moved to amend S.F. No. 2090 as follows:

Page 13, after line 18, insert:

"Sec. 6. Minnesota Statutes 1992, section 518.18, is amended to read:

518.18 [MODIFICATION OF ORDER.]

(a) Unless agreed to in writing by the parties, no motion to modify a custody order may be made earlier than one year after the date of the entry of a decree of dissolution or legal separation containing a provision dealing with custody, except in accordance with paragraph (c).

(b) If a motion for modification has been heard, whether or not it was granted, unless agreed to in writing by the parties no subsequent motion may be filed within two years after disposition of the prior motion on its merits, except in accordance with paragraph (c).

(c) The time limitations prescribed in paragraphs (a) and (b) shall not prohibit a motion to modify a custody order if the court finds that there is persistent and willful denial or interference with visitation, or has reason to believe that the child's present environment may endanger the child's physical or emotional health or impair the child's emotional development.

(d) If the court has jurisdiction to determine child custody matters, the court shall not modify a prior custody order unless it finds, upon the basis of facts that have arisen since the prior order or that were unknown to the court at the time of the prior order, that a change has occurred in the circumstances of the child or the parties and that the modification is necessary to serve the best interests of the child. In applying these standards the court shall retain the custody arrangement established by the prior order unless:

(i) both parties agree to the modification;

(ii) the child has been integrated into the family of the petitioner with the consent of the other party; or

(iii) the child's present environment endangers the child's physical or

emotional health or impairs the child's emotional development and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.

In addition, a court may modify a custody order under section 631.52.

(e) In deciding whether to modify a prior joint custody order, the court shall apply the standards set forth in paragraph (d) unless: (1) the parties agree in writing to the application of a different standard, or (2) the party seeking the modification is asking the court for permission to move the residence of the child to another state.

*(f) If a custodial parent has been granted sole physical custody of a minor and the child subsequently lives with the noncustodial parent, and temporary sole physical custody has been approved by the court or by a court-appointed referee, the court may suspend the noncustodial parent's child support obligation pending the final custody determination. The court's order denying the suspension of child support must include a written explanation of the reasons why continuation of the child support obligation would be in the best interests of the child."*

Renumber the sections of article 2 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Reichgott Junge moved to amend the Dille amendment to S.F. No. 2090, adopted by the Senate April 26, 1994, as follows:

Page 1, line 4, after the comma, insert "support,"

Page 1, line 8, delete from "In" through page 1, line 10, to "family."

Mr. Neuville requested division of the amendment as follows:

First portion:

Page 1, line 8, delete from "In" through page 1, line 10, to "family."

Second portion:

Page 1, line 4, after the comma, insert "support,"

The question was taken on the adoption of the first portion of the Reichgott Junge amendment to the Dille amendment.

The roll was called, and there were yeas 35 and nays 28, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Johnson, J.B.	Moe, R.D.	Price
Anderson	Finn	Knutson	Mondale	Ranum
Beckman	Flynn	Krentz	Morse	Reichgott Junge
Berglin	Frederickson	Luther	Novak	Riveness
Bertram	Hottinger	Marty	Pappas	Spear
Betzold	Janezich	Merriam	Piper	Stumpf
Chandler	Johnson, D.J.	Metzen	Pogemiller	Wiener

Those who voted in the negative were:

Belanger	Benson, J.E.	Chrmielewski	Dille	Johnston
Benson, D.D.	Berg	Day	Johnson, D.E.	Kelly

Kiscaden	Lesewski	Oliver	Sams	Terwilliger
Kroening	Lessard	Olson	Samuelson	Vickerman
Laidig	McGowan	Pariseau	Solon	
Larson	Neuville	Runbeck	Stevens	

The motion prevailed. So the first portion of the amendment to the amendment was adopted.

The question was taken on the adoption of the second portion of the Reichgott Junge amendment to the Dille amendment. The motion prevailed. So the second portion of the amendment to the amendment was adopted.

S.F. No. 2090 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

## MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Hottinger moved that S.F. No. 2661, No. 12 on General Orders, be stricken and re-referred to the Committee on Commerce and Consumer Protection. The motion prevailed.

Mr. Morse moved that S.F. No. 2475 be taken from the table.

## CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate for the balance of the proceedings on S.F. No. 2475. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Morse motion.

The roll was called, and there were yeas 32 and nays 35, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail.

### MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Reichgott Junge moved that S.F. No. 2143, No. 17 on General Orders, be stricken and returned to its author. The motion prevailed.

Mr. Terwilliger moved that S.F. No. 2645, No. 18 on General Orders, be stricken and returned to its author. The motion prevailed.

Ms. Reichgott Junge moved that S.F. No. 2111, No. 21 on General Orders, be stricken and returned to its author. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 180 a Special Order to be heard immediately.

### SPECIAL ORDER

S.F. No. 180: A bill for an act relating to horse racing; proposing an amendment to the Minnesota Constitution, article X, section 8; permitting the legislature to authorize pari-mutuel betting on horse racing without limitation; directing the Minnesota racing commission to prepare and submit legislation to implement televised off-site betting.

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 41 and nays 18, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Novak	Stevens
Belanger	Flynn	Kroening	Oliver	Stumpf
Benson, D.D.	Frederickson	Langseth	Olson	Terwilliger
Berg	Hanson	Lesewski	Pariseau	Vickerman
Bertram	Hottinger	McGowan	Price	Wiener
Betzold	Janezich	Metzen	Robertson	
Chmielewski	Johnson, D.E.	Moe, R.D.	Runbeck	
Cohen	Johnson, J.B.	Morse	Solon	
Day	Knutson	Murphy	Spear	

Those who voted in the negative were:

Anderson	Chandler	Marty	Pappas	Reichgott Junge
Beckman	Finn	Merriam	Piper	Sams
Benson, J.E.	Johnson, D.J.	Mondale	Pogemiller	
Berglin	Kiscaden	Neuville	Ranum	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2825 a Special Order to be heard immediately.

**SPECIAL ORDER**

S.F. No. 2825: A bill for an act relating to human services; modifying provisions concerning rates for care of certain persons and recovery of medical assistance overpayments; modifying provisions concerning home care and alternative care; requiring changes in related rules; providing instructions to the revisor of statutes; amending Minnesota Statutes 1992, sections 256B.0913, subdivision 8; 256B.0915, subdivision 5; 256B.432, subdivisions 1, 2, 3, and 6; and 256B.501, subdivisions 1, 3, 3c, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 256B.0911, subdivisions 2 and 7; 256B.0913, subdivisions 5 and 12; 256B.0915, subdivisions 1 and 3; 256B.0917, subdivision 2; 256B.432, subdivision 5; 256B.501, subdivisions 3g and 8; and 256I.06, subdivision 1; repealing Minnesota Statutes 1992, section 256B.501, subdivisions 3d, 3e, and 3f.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2410 a Special Order to be heard immediately.

**SPECIAL ORDER**

S.F. No. 2410: A bill for an act relating to recreational vehicles; modifying registration requirements for off-road vehicles; amending Minnesota Statutes 1993 Supplement, sections 84.797, subdivision 6, and by adding a subdivision; and 84.798, subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

Larson	Metzen	Pappas	Riveness	Terwilliger
Lesewski	Moe, R.D.	Pariseau	Robertson	Vickerman
Lessard	Morse	Piper	Runbeck	Wiener
Luther	Murphy	Pogemiller	Sams	
Marty	Neuville	Price	Samuelson	
McGowan	Novak	Ranum	Spear	
Merriam	Oliver	Reichgott Junge	Stevens	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2795 a Special Order to be heard immediately.

### SPECIAL ORDER

S.F. No. 2795: A bill for an act relating to state finance; requiring fees to cover costs; amending Minnesota Statutes 1992, sections 16A.127, subdivision 1; 116.07, subdivision 4d; 144.98, subdivision 3; 221.0335; 326.2421, subdivision 3; and 341.10; Minnesota Statutes 1993 Supplement, sections 4A.05, subdivision 2; 16A.1285, subdivisions 2, 4, and 5; and 18E.03, subdivision 3; repealing Minnesota Statutes 1992, sections 14.1311; 14.235; and 14.305.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1842 a Special Order to be heard immediately.

### SPECIAL ORDER

S.F. No. 1842: A bill for an act relating to human services; protection of vulnerable adults; amending Minnesota Statutes 1992, section 626.557, subdivisions 2, 10a, and 12.

Mr. Hottinger moved to amend S.F. No. 1842 as follows:

Page 2, after line 5, insert:

*““Vulnerable adult” does not include a person who is committed as a psychopathic personality under section 526.10.”*

The motion prevailed. So the amendment was adopted.

S.F. No. 1842 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

## MOTIONS AND RESOLUTIONS - CONTINUED

### RECONSIDERATION

Having voted on the prevailing side, Mr. Terwilliger moved that the vote whereby S.F. No. 2645 was stricken from General Orders and returned to its author, be now reconsidered. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2365 a Special Order to be heard immediately.

### SPECIAL ORDER

H.F. No. 2365: A bill for an act relating to traffic regulations; making technical changes; removing requirement for auxiliary low beam lights to be removed or covered when snowplow blade removed; requiring seat belts for commercial motor vehicles; allowing transportation within state of raw farm and forest products exceeding maximum weight limitation by not more than ten percent; amending Minnesota Statutes 1992, sections 169.743; and 169.851, subdivision 5; Minnesota Statutes 1993 Supplement, sections 169.122, subdivision 5; 169.47, subdivision 1; 169.522, subdivision 1; 169.56, subdivision 5; and 169.686, subdivision 1.

Mr. Langseth moved to amend H.F. No. 2365, 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. 1966.)

Page 1, line 23, after "a" insert "*vehicle providing*" and after "limousine" delete "*providing*"

Page 5, delete section 7

Page 5, line 27, delete "*three*" and insert "*ten*"



Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Bertram moved to amend H.F. No. 2365, 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. 1966.)

Page 5, after line 33, insert:

“Sec. 10. Minnesota Statutes 1992, section 221.121, subdivision 6b, is amended to read:

Subd. 6b. [SPECIAL PASSENGER SERVICE, CHARTER CARRIERS.] A person who has been granted a charter carrier permit by the board may provide special passenger service within the territory or on the routes granted in the order granting the charter carrier permit. *When providing special passenger service, a charter carrier may pick up and discharge 20 percent of their passengers outside of the carrier's permitted service territory.* A charter carrier that provides special passenger service must file a tariff that shows the rates and charges that apply to the special passenger service.

Sec. 11. [EFFECTIVE DATE.]

*Section 10 is effective the day following final enactment.”*

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2365 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2925 a Special Order to be heard immediately.

### SPECIAL ORDER

H.F. No. 2925: A bill for an act relating to state lands; requiring that certain leased lakeshore lots in Cook county be reoffered for public sale.

Mr. Johnson, D.E. moved to amend H.F. No. 2925 as follows:

Page 1, after line 5, insert:

“Section 1. Laws 1993, chapter 267, section 3, is amended to read:

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

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

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

(1) Tract A: **The Northeast Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter all in Section 1, Township 119, Range 35, lying Westerly of U.S.T.H. No. 71 and S.T.H. No. 23 Bypass, and Easterly of U.S.T.H. No. 71 & S.T.H. No. 23, and Northeasterly of S.T.H. No. 294, EXCEPT the South 200.00 feet of the Southeast Quarter of the Northwest Quarter thereof That part of the Northwest Quarter and Government Lot 1 of Section 1, Township 119, Range 35, lying Southwest-erly of the Southwesterly right-of-way line of U.S.T.H. No. 71 and S.T.H. No. 23 and East of the East right-of-way line of former U.S.T.H. No. 71 and S.T.H. No. 23, now known as North Business 71 and 23, and Northeasterly of the Northeasterly right-of-way line of S.T.H. No. 294.**

(2) Tract B: **The South 200.00 feet of the Southeast Quarter of the Northwest Quarter, and the North 760.00 feet of Government Lot 2, and the North 760.00 feet of the Northwest Quarter of the Southeast Quarter, all in Section 1, Township 119, Range 35, lying Westerly of U.S.T.H. No. 71 & S.T.H. No. 23 Bypass, and Easterly of S.T.H. No. 294 The North 750.00 feet of Government Lot 2 and the Northwest Quarter of the Southeast Quarter of Section 1, Township 119, Range 35, lying Easterly of the East right-of-way line of S.T.H. No. 294 and Southwesterly of the Southwesterly right-of-way line of U.S.T.H. No. 71 and S.T.H. No. 23.**

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

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 4, before the period, insert “; correcting the description of certain state land to be conveyed to Kandiyohi county”

The motion prevailed. So the amendment was adopted.

H.F. No. 2925 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 48 and nays 7, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Lesewski	Neuville	Riveness
Anderson	Finn	Lessard	Novak	Sams
Beckman	Frederickson	Luther	Oliver	Samuelson
Belanger	Hottinger	Marty	Olson	Spear
Benson, J.E.	Johnson, D.E.	McGowan	Pappas	Stevens
Berg	Johnson, D.J.	Merzen	Pariseau	Stumpf
Berglin	Johnson, J.B.	Moe, R.D.	Piper	Terwilliger
Bertram	Krentz	Mondale	Price	Wiener
Chandler	Kroening	Morse	Ranum	
Day	Larson	Murphy	Reichgott Junge	

Those who voted in the negative were:

Benson, D.D.	Johnston	Merriam	Robertson	Runbeck
Betzold	Kiscaden			

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2034 a Special Order to be heard immediately.

### SPECIAL ORDER

H.F. No. 2034: A bill for an act relating to transportation; changing eligibility requirements for distribution of funds from the town road account and town bridge account; amending Minnesota Statutes 1993 Supplement, sections 161.082, subdivision 2a; and 162.081, subdivision 4.

Mr. Stumpf moved to amend H.F. No. 2034, as amended pursuant to Rule 49, adopted by the Senate April 7, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 1802.)

Page 2, after line 9, insert:

"Sec. 2. Minnesota Statutes 1993 Supplement, section 161.082, subdivision 2a, is amended to read:

Subd. 2a. [TOWN BRIDGES AND CULVERTS; TOWN ROAD ACCOUNT.] An amount equal to 25 percent of the county turnback account must be expended, ~~within counties having two or more towns,~~ on town road bridge structures that are ten feet or more in length and on town road culverts that replace existing town road bridges. In addition, if the present bridge structure is less than ten feet in length but a hydrological survey indicates that the replacement bridge structure or culvert must be ten feet or more in length, then the bridge or culvert is eligible for replacement funds. In addition, if a culvert that replaces a deficient bridge is in a county comprehensive water plan approved by the board of water and soil resources and the department of natural resources, the costs of the culvert and roadway grading other than surfacing are eligible for replacement funds up to the cost of constructing a replacement bridge. The expenditures on bridge structures and culverts may be on a matching basis, and if on a matching basis, not more than 90 percent

of the cost of a bridge structure or culvert may be paid from the county turnback account. When bridge approach construction work exceeds \$10,000 in costs, or when the county engineer determines that the cost of the replacement culverts alone will not exceed \$20,000, the town shall be eligible for financial assistance from the town bridge account. Financial assistance shall be requested by resolution of the county board and shall be limited to:

(1) 100 percent of the cost of the bridge approach work that is in excess of \$10,000; or

(2) 100 percent of the cost of the replacement culverts when the cost does not exceed \$20,000 and the town board agrees to be responsible for all the other costs, which may include costs for structural removal, installation, and permitting. The replacement structure design and costs shall be approved and certified by the county engineer, but need not be subsequently approved by the department of transportation.

An amount equal to 47.5 percent of the county turnback account must be set aside as a town road account and distributed as provided in section 162.081."

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. 2034 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2226 a Special Order to be heard immediately.

### SPECIAL ORDER

H.F. No. 2226: A bill for an act relating to state government; permitting employees of Minnesota Project Innovation, Inc. to participate in certain state employee benefit programs; amending Minnesota Statutes 1992, section 116O.04, 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 56 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dille	Finn	Kiscaden	Oliver	Robertson
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So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED.

Mr. Mondale moved that S.F. No. 800, No. 14 on General Orders, be stricken and re-referred to the Committee on Veterans and General Legislation. The motion prevailed.

Mr. Mondale then moved that his name be stricken as chief author, shown as a co-author and the name of Mr. Morse be added as chief author to S.F. No. 2313. The motion prevailed.

Mr. Morse moved that the names of Messrs. Frederickson, Merriam and Ms. Johnson, J.B. be added as co-authors to S.F. No. 2313. The motion prevailed.

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

### REPORTS OF COMMITTEES

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

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

H.F. No. 3086 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3086	2313				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 3086 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3086 and insert the language after the enacting clause of S.F. No. 2313, the third engrossment; further, delete the title of H.F. No. 3086 and insert the title of S.F. No. 2313, the third engrossment.

And when so amended H.F. No. 3086 will be identical to S.F. No. 2313, and further recommends that H.F. No. 3086 be given its second reading and substituted for S.F. No. 2313, 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.

## MOTIONS AND RESOLUTIONS - CONTINUED

### SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 3086 and that the rules of the Senate be so far suspended as to give H.F. No. 3086 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 3086 was read the second time.

Mr. Morse moved to amend H.F. No. 3086, as amended pursuant to Rule 49, adopted by the Senate April 26, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2313.)

Page 1, after line 9, insert:

### ARTICLE 1

#### LANDFILL CLEANUP PROGRAM

Section 1. Minnesota Statutes 1992, section 115B.04, is amended by adding a subdivision to read:

*Subd. 4a. [CLAIMS BY MIXED MUNICIPAL SOLID WASTE DISPOSAL FACILITIES.] (a) Except as provided in paragraph (b), liability under this section for claims by owners or operators of mixed municipal solid waste disposal facilities that accept waste on or after April 9, 1994, and are not eligible facilities under section 115B.381, subdivision 7, is limited to liability for response costs exceeding the amount of available financial assurance funds required under section 116.07, subdivision 4h.*

*(b) This subdivision does not affect liability under this section for claims based on the illegal disposal of waste at a facility.*

#### CLEANUP OF CLOSED LANDFILLS

Sec. 2. [115B.381] [DEFINITIONS.]

*Subdivision 1. [APPLICABILITY.] In addition to the definitions in this section, the definitions in sections 115A.03 and 115B.02 apply to sections 115B.382 to 115B.44.*

Subd. 2. [ACCEPTED FACILITY.] "Accepted facility" means a facility that has been accepted under section 4, subdivision 3 or 4, or has been acquired under section 4, subdivision 5, paragraph (b), clause (4).

Subd. 3. [CLOSURE.] "Closure" means actions to prevent or minimize the threat to public health and the environment posed by a mixed municipal solid waste disposal facility that has stopped accepting waste, including removing contaminated equipment and liners; applying final cover, grading and seeding final cover; installing wells, borings, and other monitoring devices; constructing groundwater and surface water diversion structures; and installing gas control systems and site security measures, as necessary. Final cover may include processed materials meeting the requirements in Code of Federal Regulations, title 40, section 503.32, paragraph (a).

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.

Subd. 6. [DECOMPOSITION GASES.] "Decomposition gases" means gases produced by chemical or microbial activity during the decomposition of solid waste.

Subd. 7. [ELIGIBLE FACILITY.] "Eligible facility" means a mixed municipal solid waste disposal facility and any adjacent property that at any time has been operated as a solid waste disposal facility under the same agency permit number that:

(1) has been issued a permit by the agency; and

(2) stopped accepting waste for disposal before April 9, 1994, except that demolition debris may be accepted until October 1, 1995, at a permitted demolition debris disposal facility whose fill boundary is at least 50 feet from the fill boundary of the area where mixed municipal solid waste was deposited.

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.

Subd. 10. [EXCLUDED FACILITY.] "Excluded facility" means an eligible facility that has been accepted by the commissioner as an excluded facility under section 115B.384.

Subd. 11. [POSTCLOSURE; POSTCLOSURE CARE.] "Postclosure" or "postclosure care" means actions taken for the care, maintenance, and monitoring of a mixed municipal solid waste disposal facility following site closure.

Sec. 3. [115B.382] [LIMITATION ON LIABILITY AT ALL ELIGIBLE FACILITIES.]

(a) Before an eligible facility is accepted under section 4, the liability protection provided in section 115B.383, subdivision 7, paragraph (a), applies only to persons that are responsible persons under section 115B.03, clause (b) or (c), with respect to a release or threatened release of a hazardous substance, or a pollutant or contaminant, from the facility.

(b) The commissioner shall publish a list of all eligible facilities by September 1, 1994.

Sec. 4. [115B.383] [REQUIREMENTS FOR ELIGIBLE FACILITIES.]

Subdivision 1. [REQUIREMENTS.] (a) An owner or operator of an eligible facility shall:

(1) by March 1, 1995, enter into a binding agreement with the commissioner to do the following prior to acceptance of the facility under this section:

(i) transfer to the state legal title to the property described in subdivision 2;

(ii) transfer any financial assurance funds required under section 116.07, subdivision 4h, that remain in the financial assurance accounts for the facility after facility closure and any postclosure care and contingency action undertaken under clause (4) to the commissioner of revenue to be credited to the landfill cleanup account established in section 115B.42, or, if financial assurance is provided through a letter of credit, pay to the commissioner of revenue the amount that would have accumulated had financial assurance been provided through a trust fund, less amounts paid or required to be paid for closure, postclosure, and contingency action under clauses (2) and (4);

(2) complete required closure activities at the facility in accordance with the terms of the facility's permit, any applicable closure orders or enforcement agreements with the agency, and the solid waste rules in effect at the time the facility stopped accepting waste;

(3) by March 1, 1995, send the commissioner a copy of all applicable comprehensive general liability insurance policies and other liability policies relating to property damage, certificates, or other evidence of insurance coverage held during the life of the facility; take any actions necessary to preserve the owner or operator's rights to payment or defense under the policies; cooperate with the commissioner in asserting claims; and enter into a binding agreement with the commissioner to assign, after May 1, 1996, and by July 1, 1996, only those rights under the policies for claims covered by subdivision 7, paragraph (c), to the commissioner; and

(4) until notification of acceptance is received under subdivision 3 or 4, continue to comply with all applicable postclosure care and contingency action requirements.



(b) At eligible facilities where closure or response actions are being undertaken by a person or group of persons, the person or group of persons may assist in completing, arranging for or verifying completion of, or providing necessary information related to, the requirements in paragraph (a).

(c) The commissioner shall maintain separate accounting for each eligible facility regarding:

(1) the amount of financial assurance funds transferred under paragraph (a), clause (1), item (ii); and

(2) costs of response actions taken at the facility.

(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.

Subd. 2. [PROPERTY TO BE TRANSFERRED TO STATE.] (a) The property that must be transferred under subdivision 1, paragraph (a), clause (1), item (i), is the entire property described in the most recent solid waste permit for the eligible facility, along with any property described in any previous solid waste permit for the eligible facility and any easements, licenses, or other property interests owned by the owner or operator that are necessary for response actions at the facility, except:

(1) an operating waste disposal facility on the property that is permitted by the agency or for which application for a permit was made by March 1, 1994, if the fill boundary of the facility is at least 200 feet from the fill boundary of the eligible facility;

(2) land and buildings associated with facilities on the property, other than operating waste disposal facilities, that the commissioner determines are reasonably necessary for continued operation of the facilities and are not located within the fill boundary of the eligible facility;

(3) any other land the commissioner determines will not be necessary for the long-term care of the eligible facility and any anticipated response actions at the facility; and

(4) land that the owner or operator before January 1, 1994, agreed to transfer and that was not used for placement of waste. Transfer of this land must be made not later than the transfer under subdivision 1, paragraph (a), clause (1), item (i).

(b) For the purposes of this subdivision, "disposal facility" does not include appurtenant facilities needed to process waste for disposal or transfer to another waste facility.

Subd. 3. [EVALUATION AND EARLY ACCEPTANCE.] (a) Within 60 days of receipt of an application submitted by a person or group of persons other than the owner or operator of an eligible facility under subdivision 1, paragraph (b), and for other facilities by June 1, 1995, the commissioner shall:

(1) certify as accepted those eligible facilities that:

(i) the commissioner determines have met the requirements of subdivision 1 as of March 1, 1995; and

(ii) have transferred the property described in subdivision 2 and the financial assurance funds described in subdivision 1, paragraph (a), clause (1), item (ii); and

(2) notify the owners or operators of eligible facilities that are not certified under clause (1), and the applicant for an eligible facility, if other than the owner or operator, that the owner or operator must complete all requirements under subdivision 1 by August 1, 1995, or execute a binding agreement with the commissioner by August 1, 1995, that provides for completion of those requirements.

(b) In cases where an owner or operator of an eligible facility applied for exclusion by March 1, 1995, and is subsequently notified by the commissioner that the facility did not qualify for exclusion, the commissioner shall notify the owner or operator and the applicant that within 60 days the owner or operator must complete the requirements of subdivision 1 or execute a binding agreement with the commissioner that provides for completion of those requirements.

Subd. 4. [ACCEPTANCE OF OTHER FACILITIES.] For facilities not accepted under subdivision 3, paragraph (a), clause (1), within 60 days following the applicable date under subdivision 3, paragraph (a), clause (2), or paragraph (b), for completion of the requirements in subdivision 1, the commissioner shall evaluate the status of the facility and shall accept a facility that has satisfied the conditions of subdivision 1.

Subd. 5. [DEFAULT.] (a) Any of the following conditions constitutes grounds for the commissioner to declare an owner or operator in default:

(1) for an owner or operator of an eligible facility who has not entered into a binding agreement with the commissioner as required under subdivision 3, paragraph (a), clause (2), the owner's or operator's failure to complete the requirements in subdivision 1 by August 1, 1995;

(2) for an owner or operator of an eligible facility who has not entered into a binding agreement with the commissioner as required under subdivision 3, paragraph (b), the owner or operator's failure to complete the requirements in subdivision 1 within 60 days of being notified under that paragraph; or

(3) for an owner or operator of an eligible facility who has entered into a binding agreement with the commissioner under subdivision 3, paragraph (a), clause (2), or paragraph (b), the owner's or operator's failure to complete any of the terms of the binding agreement by the negotiated completion date.

(b) If an owner or operator is declared to be in default under paragraph (a), the commissioner shall:

(1) deny future permits or licenses, including renewal of existing permits or licenses, to operate a solid waste business;

(2) complete closure, postclosure, and any other necessary actions described in subdivision 8 at the facility and seek recovery of the costs from the owner or operator under section 115B.17, subdivision 6;

(3) file liens under subdivision 6; and

(4) acquire, by eminent domain under chapter 117, the property described in the most recent permit issued by the agency for the facility, and subtract from any amount awarded the owner the commissioner's costs of closure, postclosure care, and response actions at the facility.

Subd. 6. [LIENS.] (a) The following constitute liens in favor of the state upon any real property, other than homestead property, owned by the owner or operator that is located in the state:

(1) all expenses, including expenses related to seeking cost recovery, incurred by the commissioner under subdivision 5, paragraph (b), clause (2); and

(2) all expenses incurred by responsible persons other than the owner or operator that are subject to reimbursement under section 115B.44.

(b) For the purpose of determining the amount of a lien under paragraph (a), clause (1), the commissioner shall estimate environmental response costs that will be incurred in the future and discount that amount to present value.

(c) A lien under paragraph (a), clause (1), attaches when expenses are first incurred by the commissioner. A lien under paragraph (a), clause (2), attaches when the facility is declared to be in default under subdivision 5.

(d) A lien under this subdivision continues until it is satisfied or becomes unenforceable as for an environmental lien under section 514.672. Notice, filing, and release of a lien under this subdivision are governed by sections 514.671 to 514.676, except where those requirements are specific to cleanup action expenses only. Relative priority of a lien under this subdivision is governed by section 514.672, except that a lien attached to property that was included in a permit for a solid waste disposal facility takes precedence over all other liens regardless of when these liens were or are perfected. Amounts received to satisfy all or part of a lien under this subdivision must be deposited in the landfill cleanup account.

Subd. 7. [ENVIRONMENTAL RESPONSE AND LIABILITY; EFFECT OF ACCEPTANCE.] (a) Except as provided in section 115B.386, sections 115B.04 and 115B.05, and all other state and local laws and regulations that might otherwise create liability arising from the presence of hazardous substances, pollutants or contaminants, or decomposition gases, do not apply to any eligible facility that is accepted under this section, provided that:

(1) liability, if any, to third parties for personal injury claims associated with the existence and operation of the facility applies to persons otherwise responsible for the existence and operation of the facility, regardless of its acceptance status; and

(2) liability, if any, to third parties for personal injury claims associated with the environmental response at the facility applies to persons that actually undertook the environmental response action that created the liability.

Nothing in this paragraph is intended to affect any contractual rights of any entity, whether such rights currently exist or are created in the future.

(b) Upon acceptance of a facility:

(1) any and all obligations under any and all federal, state, and local consent orders or decrees, administrative orders, including those issued pursuant to United States Code, title 42, sections 9601 et seq., or chapter

115B, and any other settlement agreement or document imposing environmental response requirements at a facility, and any future obligations imposed pursuant to federal, state, or local authority, become the sole obligations of the state, and shall be completed in a timely manner by the commissioner; and

(2) all persons subject to the obligations described in clause (1) prior to acceptance of the facility are fully and completely relieved of the obligations and liability therefor and any other responsibilities existing then or in the future, except that owners or operators of excluded facilities, owners or operators that have defaulted under this section, and owners or operators of ineligible facilities retain any and all such obligations.

(c) Except as provided in paragraph (a), the state shall defend, indemnify, and hold harmless any and all responsible persons from any and all liability at an accepted facility for environmental response costs, and all other costs and damages associated with the facility arising from the presence of hazardous substances, pollutants or contaminants, or decomposition gases, including without limitation liability under the Federal Superfund Act, chapters 115, 115B, 116, and 116B, and other state laws and regulations, including any orders and agreements authorized thereunder, common law, and any other federal, state, and local law.

(d) The commissioner and the attorney general shall communicate with the United States Environmental Protection Agency addressing the manner and procedure for the state's assumption of obligations and liability for all actions and costs imposed in orders, decrees, agreements, or other documents in which the United States Environmental Protection Agency is a party or has potential jurisdiction pursuant to the Federal Superfund Act.

Subd. 8. [RESPONSE TO RELEASES.] The commissioner shall conduct or contract for postclosure care at accepted facilities and take any removal or remedial action, including emergency action, related to a release of a hazardous substance, pollutant or contaminant, or decomposition gas from an accepted facility that the commissioner finds necessary to protect the public health or welfare or the environment. The commissioner may undertake detailed studies to determine the necessary response actions at individual facilities. To avoid duplication and increase administrative efficiency, the commissioner shall develop general work plans that can replace those provisions of the detailed studies that apply to facilities with similar characteristics. Before making a final determination of appropriate response actions for a facility, the commissioner shall hold at least one public informational meeting near the facility and provide for receiving and responding to comments related to the determination. The commissioner shall design, implement, and provide oversight of response actions consistent with a final determination made under this subdivision.

Subd. 9. [PRIORITY LIST.] For the purpose of preventing or responding to releases of hazardous substances, pollutants or contaminants, or decomposition gases at eligible facilities, the commissioner shall establish a priority list for eligible facilities. The list must be based on the relative risk or danger to public health or welfare or the environment, taking into account to the extent possible the population at risk, the hazardous potential of the hazardous substances at the facility, the potential for direct human contact, and the potential for destruction of sensitive ecosystems. The list must be established by January 1, 1995, and must be updated to reflect inclusion of additional

eligible facilities and changing conditions at the facilities that affect priority for response actions.

*Subd. 10. [DUTY TO PROVIDE INFORMATION.] Upon request by the commissioner, a person whom the commissioner has reason to believe has or may obtain information related to the ownership or operation of an eligible facility, or to the generation, composition, transportation, treatment, or disposal of waste in an eligible facility, shall furnish to the commissioner any information that is relevant to a release or threatened release at an eligible facility.*

*Subd. 11. [ACCESS TO INFORMATION AND PROPERTY.] The commissioner, on presentation of credentials, and at reasonable business hours, may:*

*(1) examine and copy any books, papers, records, memoranda, or data of any person who has a duty to provide information to the agency under subdivision 10; and*

*(2) enter upon any property, public or private, for the purpose of taking action authorized by this section, including obtaining information from any person who has a duty to provide the information under subdivision 10, conducting surveys or investigations, and taking response action.*

*Subd. 12. [ACQUISITION AND DISPOSITION OF PROPERTY.] The commissioner may acquire and dispose of other property, including easements and other forms of access to property, under section 115B.17, subdivisions 15 and 16, that the commissioner finds necessary for response actions related to an eligible facility.*

*Subd. 13. [INSURANCE.] The commissioner may conduct investigations to identify responsible persons at accepted facilities. At the commissioner's request, a responsible person identified under this subdivision shall provide the commissioner with a copy of all applicable comprehensive general liability insurance policies, certificates, or other evidence of insurance coverage held while the person engaged in actions making the person a potential responsible person; take any actions necessary to preserve the person's rights to payment or defense under the policies; cooperate with the commissioner in asserting claims; and assign only those rights under the policies for claims covered by subdivision 7, paragraph (c), to the commissioner.*

*Subd. 14. [PURSUIT OF ASSIGNED INSURANCE CLAIMS.] The attorney general shall vigorously pursue available insurance claims under rights assigned under subdivision 1, paragraph (a), clause (3), and subdivision 13 and may contract for legal services for this purpose. All money recovered under this subdivision must be credited to the landfill cleanup account.*

## **Sec. 5. [115B.384] [EXCLUDED FACILITIES.]**

*Subdivision 1. [APPLICATION PROCEDURE.] Applications from eligible facilities requesting exclusion must be received by the commissioner by February 1, 1995. The owner or operator of an eligible facility that is subject to an enforcement order under section 106 of the Federal Superfund Act, as amended, may not apply for exclusion under this section. In addition to other information required by the commissioner, an application must include a disclosure of all financial assurance accounts established for the facility. Applications for exclusion shall meet the following criteria:*

(1) *be timely and complete;*

(2) *show that the operator or owner is complying with an approved financial assurance plan for the facility that is adequate to provide for closure, postclosure care, and contingency action and is complying with the agency's rules adopted under section 116.07, subdivision 4h; and*

(3) *demonstrate that the facility is closed or is in compliance with a closure schedule approved by the commissioner.*

**Subd. 2. [EVALUATION OF EXCLUSION STATUS.]** *Within 60 days after the commissioner has received an application for exclusion, the commissioner shall notify the owner or operator if the facility has been accepted as an excluded facility. If the commissioner finds that the facility does not satisfy the requirements for exclusion, the commissioner shall notify the owner or operator of that fact.*

**Subd. 3. [RESTRICTION ON USE OF PROPERTY AT EXCLUDED FACILITIES.]** (a) *A person may not use any property described in the most recent agency permit issued for an excluded facility in any way that disturbs the integrity of the final cover, liners, or any other components of any containment system, or the function of the facility's monitoring systems, unless the agency finds that the disturbance:*

(1) *is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or*

(2) *is necessary to reduce a threat to human health or the environment:*

(b) *Before any transfer of ownership of property described in paragraph (a), the owner must obtain approval from the commissioner. The commissioner shall approve a transfer if the owner can demonstrate to the satisfaction of the commissioner that persons and property will not be exposed to undue risk from releases of hazardous substances or pollutants or contaminants.*

(c) *After obtaining approval from the commissioner, the owner shall record with the county recorder of the county in which the property is located an affidavit containing a legal description of the property that discloses to any potential transferee:*

(1) *that the land has been used as a mixed municipal solid waste disposal facility;*

(2) *the identity, quantity, location, condition, and circumstances of the disposal and any release of hazardous substances or pollutants or contaminants from the facility to the full extent known or reasonably ascertainable; and*

(3) *that the use of the property or some portion of it may be restricted as provided in paragraph (a).*

(d) *An owner must also file an affidavit within 60 days after any material change in any matter required to be disclosed under paragraph (c), clauses (1) to (3), with respect to property for which an affidavit has already been recorded. If the owner or any subsequent owner of the property removes the waste from the facility together with any residues, liner, and contaminated underlying and surrounding soil, that owner may record an affidavit indicating the removal. Failure to record an affidavit as provided in this paragraph does not affect or prevent any transfer of ownership of the property.*

(e) The county recorder shall record all affidavits presented in accordance with paragraphs (c) and (d). The affidavits must be recorded in a manner that will ensure their disclosure in the ordinary course of a title search of the subject property.

Subd. 4. [CLOSURE.] If the commissioner determines that the owner or operator of an excluded facility did not complete the terms of an approved closure plan by the date in the plan, the commissioner shall complete closure at the facility and seek cost recovery against the owner or operator under section 115B.17, subdivision 6.

Sec. 6. [115B.385] [ENFORCEMENT.]

Sections 115B.383, subdivisions 10 and 11, and 115B.384, subdivision 3, are enforceable under sections 115.071 and 116.072.

Sec. 7. [115B.386] [ILLEGAL ACTIONS AT ELIGIBLE FACILITIES.]

The commissioner may recover under section 115B.17, subdivision 6, that portion of the costs of a response action at any eligible facility attributable to a person who otherwise would be responsible for the release or threatened release under section 115B.03, and whose actions related to the release or threatened release were in violation of federal or state hazardous waste management laws in effect at the time of those actions. The commissioner's determination of the portion of the costs of a response action attributable to a person under this section, based on the volume and toxicity of waste in the facility associated with the person and other factors reasonably related to the contribution of the person to a release or threatened release, is prima facie evidence that those costs are attributable to the person.

Sec. 8. [115B.387] [ADVISORY COMMITTEE.]

The commissioner shall establish an advisory committee whose duty is to recommend procedures for implementing the landfill cleanup program. The committee may not have more than 13 members. The membership must provide statewide representation of a cross section of interests, including land disposal facility owners and operators, local governments, businesses, environmental groups, and the general citizenry.

Sec. 9. [115B.388] [MANAGEMENT AND DISPOSAL OF ACQUIRED PROPERTY.]

Subdivision 1. [PLAN FOR LAND MANAGEMENT.] The commissioner, in consultation with the advisory committee established under section 115B.387, shall develop a site-specific plan for each facility for the long-term management and disposition of property acquired under section 115B.383, subdivision 1, within one year of completion of construction of response actions. In developing the plans, the commissioner shall consider any applicable land use plan adopted by a local unit of government. The plans must include provisions to prevent any use that disturbs the integrity of the final cover, liners; any other components of any containment system, or the function of any monitoring systems unless the commissioner finds that the disturbance:

(1) is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(2) is necessary to reduce a threat to human health or the environment.

*Before completing any plan under this subdivision, the commissioner shall consult with the commissioner of finance regarding any restrictions that the commissioner of finance deems necessary on the disposition of property resulting from the use of bond proceeds to pay for response actions on the property, and shall incorporate the restrictions in the plan.*

*Subd. 2. [DISPOSAL OF PROPERTY BY THE COMMISSIONER.] (a) The commissioner shall offer to sell property acquired under section 115B.383, subdivision 1, to the person from whom the property was acquired, if the sale is consistent with the plan completed under subdivision 1. The offer is valid for 90 days. The sale price of property sold under this paragraph must be reduced by the amount of any lease payments made by the purchaser to the commissioner before the sale.*

*(b) The commissioner may dispose of other property acquired under section 115B.383, subdivision 1 or 6, if the disposal is consistent with the plan completed under subdivision 1.*

**Sec. 10. [115B.389] [RULES.]**

*The commissioner may adopt rules necessary to implement sections 115B.381 to 115B.388.*

**Sec. 11. [115B.39] [REPORT.]**

*By October 1 of each odd-numbered year, the commissioner shall report to the legislative commission on waste management and to the appropriate finance committees of the senate and the house of representatives on the commissioner's activities under sections 115B.381 to 115B.389.*

**Sec. 12. Minnesota Statutes 1993 Supplement, section 115B.42, subdivision 2, is amended to read:**

**Subd. 2. [EXPENDITURES.]** Subject to appropriation, money in the account may be spent ~~for~~ by the commissioner to:

(1) ~~inspection of~~ inspect mixed municipal solid waste disposal facilities to:

(i) evaluate the adequacy of final cover, slopes, vegetation, and erosion control;

(ii) determine the presence and concentration of hazardous substances, pollutants or contaminants, and decomposition gases; and

(iii) determine the boundaries of fill areas; ~~and~~

(2) ~~monitor and take, or reimburse others for taking, response actions at mixed municipal solid waste disposal accepted facilities under this chapter;~~

(3) ~~engage in closure and postclosure care activities under sections 115B.383 and 115B.384;~~

(4) ~~acquire and dispose of property under section 115B.383;~~

(5) ~~recover costs under sections 115B.383 and 115B.384;~~

(6) ~~administer sections 115B.381 to 115B.39 and 115B.44;~~

(7) ~~enforce sections 115B.381 to 115B.39;~~

(8) ~~administer the agency's groundwater and solid waste management programs;~~



(9) reimburse persons under section 115B.44; 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.

**Sec. 13. [115B.44] [REIMBURSABLE PARTIES AND EXPENSES.]**

**Subdivision 1. [TIMING OF EXPENSES.]** (a) Environmental response costs at accepted facilities that are otherwise eligible for reimbursement under subdivision 3 and that were incurred before March 1, 1995, are reimbursable if they were submitted as receipts to the commissioner before June 1, 1995.

(b) Environmental response costs at accepted facilities that were incurred between March 1, 1995, and the date that the commissioner accepted the facility are reimbursable if they were submitted as receipts to the commissioner within 60 days of the facility's date of acceptance.

**Subd. 2. [REIMBURSABLE PARTIES.]** (a) Except as provided in paragraphs (b) and (c), the following persons are eligible for reimbursement under this section:

(1) owners or operators of accepted facilities, except those that have been declared in default under section 4, subdivision 5, after the owners or operators have agreed to waive all claims covered by section 115B.383, subdivision 7, paragraphs (a) and (c), against any other persons; and

(2) persons, other than owners and operators, incurring environmental response costs under a cleanup order issued by the United States Environmental Protection Agency under section 106 of the Federal Superfund Act, as amended; a request for response action; or a consent order or decree, or other settlement agreement, after the persons have agreed to:

(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, paragraphs (a) and (c), 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.

(c) A person is not eligible for reimbursement under this section if, after July 1, 1994, the person files an action asserting a claim covered by section 115B.383, subdivision 7, paragraph (a) or (c), relating to an eligible facility, against a person who is a responsible person under section 115B.03, clause (b) or (c).

**Subd. 3. [REIMBURSABLE EXPENSES.]** (a) Environmental response costs that are documented with billings or other proof of project cost are eligible for reimbursement if the commissioner finds that they were reasonable and necessary under the circumstances. The commissioner may request further documentation from those requesting reimbursement if it is necessary in the commissioner's judgment.

(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 and 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.

*Subd. 4. [REIMBURSEMENT PLAN.] The commissioner shall prepare a reimbursement plan and present it by November 1, 1996, to the legislative commission on waste management, the chairs of the senate finance committee and environment and natural resources finance division and the committees on ways and means and environment and natural resources finance of the house of representatives, and owners and operators of accepted facilities. The plan shall identify sites where reimbursement will occur and the estimated dollar amount for each site, and shall set out priorities and payment schedules.*

*Subd. 5. [REIMBURSEMENT TIMING.] The commissioner shall not issue reimbursement payments before November 15, 1996. The commissioner shall not issue reimbursements for expense statements filed after November 15, 1997, and shall approve or deny all reimbursement requests by November 15, 1998. The commissioner shall fully reimburse all persons eligible for reimbursement no later than five years after the date the facility was accepted under section 4, subdivision 3 or 4.*

*Subd. 6. [REIMBURSEMENT CEILING.] The commissioner shall not issue reimbursements in an amount exceeding \$7,000,000 per fiscal year.*

#### **Sec. 14. [EFFECTIVE DATE.]**

*Section 4, subdivision 13, is effective May 1, 1996. Section 4, subdivision 14, is effective January 1, 1997.*

## **ARTICLE 2**

### **LANDFILL CLEANUP FUNDING**

#### **Section 1. [115B.45] [VOLUNTARY BUY-OUT FOR INSURERS.]**

*In full satisfaction of any rights assigned to the state under section 115B.383, subdivision 1, paragraph (a), clause (3), or subdivision 13, an insurer may tender to the commissioner before January 1, 1998, the voluntary buy-out amount calculated under section 115B.47. In consideration of the amount tendered to the commissioner, an insurer shall receive from the state the 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 \$30,000,000. Any amounts received by the commissioner must be credited to the landfill cleanup account.*

#### **Sec. 2. [115B.46] [VOLUNTARY BUY-OUT AMOUNT.]**

*Subdivision 1. [CALCULATION.] The voluntary buy-out amount for an insurer must be calculated in accordance with this section.*

*Subd. 2. [VOLUNTARY BUY-OUT SHARE.] An insurer's unadjusted voluntary buy-out share is equal to that insurer's combined Minnesota written premium for the commercial multiperil line of insurance for calendar years 1970 through 1973, the liability other than auto line for calendar years 1970 and 1971, and the miscellaneous liability line for calendar years 1972 and 1973, as defined by the National Association of Insurance Commissioners' annual statement instructions during the applicable periods, divided by the aggregate written premium for all insurers for these lines during these same time periods. The commissioner of commerce shall calculate the unadjusted shares for individual insurers from data published by A.M. Best for the applicable periods. The commissioner shall advise each insurer with an unadjusted share calculated pursuant to this subdivision of the amount of their unadjusted share. The commissioner shall also request from the insurers data to support an adjustment under subdivision 3. The commissioner shall so advise insurers by May 1, 1996.*

*Subd. 3. [ADJUSTMENTS.] An insurer may adjust its share by providing the commissioner of commerce with evidence that the insurer's Minnesota written premium liability other than auto written premium for calendar years 1970 and 1971 and miscellaneous liability for calendar years 1972 and 1973 included professional or medical malpractice insurance written premiums. The evidence may be provided by written documents or electronically imaged and reproduced documents, contemporaneous with the period of the adjustment, reflecting the insurer's professional or medical malpractice insurance written premium for these periods. The evidence may include an affidavit from an officer of the insurer testifying to the veracity of the data. An insurer's share must be adjusted by the amount of the insurer's professional or medical malpractice insurance Minnesota written premium for calendar years 1970 through 1973 subtracted from the insurer's aggregate liability other than auto and miscellaneous liability written premium for calendar years 1970 through 1973. The commissioner of commerce shall reduce the aggregate liability other than auto and miscellaneous liability written premium for all insurers by the amount of total adjustments for all insurers under this subdivision prior to the final calculation of each insurer's share. The commissioner shall recalculate each insurer's share using the method provided in subdivision 1 subject to the adjustment provided by this subdivision.*

*Subd. 4. [CREDITS.] An insurer may receive a credit of 25 percent for each of the calendar years 1970, 1971, 1972, and 1973 that the insurer can demonstrate that sudden and accidental qualified pollution exclusions were endorsed to or included in all its comprehensive general liability insurance policies issued during these years. To support a claim for credits under this subdivision, an insurer may provide the commissioner of commerce with an affidavit from an officer or former officer testifying as to the business practice of the insurer during the year or years in question. An insurer may obtain a 25 percent credit for each of the years 1970, 1971, 1972, and 1973 that the exclusions were endorsed to or included in these policies.*

*Subd. 5. [FINAL CALCULATION.] An insurer's voluntary buy-out amount is equal to the multiplication of the insurer's adjusted share by \$90,000,000 minus the amount of the insurer's credits under subdivision 4. The commissioner of commerce shall notify each insurer of its buy-out amount calculated under this section by September 30, 1996. An insurer that elects to buy-out under this section may pay the amount calculated under this subdivision in ten equal annual installments.*

*Subd. 6. [NONPUBLIC DATA.] All information obtained by the commissioner of commerce from insurers under this section is nonpublic data under section 13.02, subdivision 9.*

*Subd. 7. [HEARING.] An insurer who disagrees with the calculation of its voluntary buy-out amount may request that the commissioner of commerce reconsider. An insurer requesting reconsideration shall supply the commissioner with information that supports the insurer's position within 30 days of receipt of the notification under subdivision 4. The commissioner shall reconsider the insurer's calculation based upon the information supplied within 30 days of receipt of the information. An insurer may appeal the decision of the commissioner as a contested case under chapter 14.*

*Subd. 8. [MINIMUM AMOUNT.] An insurer's voluntary buy-out amount may not be less than \$200,000.*

*Subd. 9. [RULES.] The commissioner of commerce may adopt rules to implement this section.*

*Sec. 3. Minnesota Statutes 1993 Supplement, section 116.07, subdivision 10, is amended to read:*

*Subd. 10. [SOLID WASTE ASSESSMENTS.] (a) For the purposes of this subdivision, "assessed waste" means mixed municipal solid waste as defined in section 115A.03, subdivision 21, infectious waste as defined in section 116.76, subdivision 12, pathological waste as defined in section 116.76, subdivision 14, industrial waste as defined in section 115A.03, subdivision 13a, and construction debris as defined in section 115A.03, subdivision 7.*

*(b) A person that collects mixed municipal solid assessed waste shall collect and remit to the commissioner of revenue a solid waste assessment from each of the person's customers as provided in paragraphs (b) (c) and (e) (d).*

*(b) (c) The amount of the assessment for each residential customer is \$2 per year. Each waste collector shall collect the assessment annually from each residential customer that is receiving waste collection service on July 1 of each year and shall remit the amount collected along with the collector's first remittance of the sales tax on solid waste collection services, described in section 297A.45, made after October 1 of each year. Any amount of the assessment that is received by the waste collector after October 1 of each year must be remitted along with the collector's next remittance of sales tax after receipt of the assessment.*

*(e) (d) The amount of the assessment for each nonresidential customer is 42 28 cents per noncompacted cubic yard of periodic waste collection capacity purchased by the customer. Each waste collector shall collect the assessment from each nonresidential customer as part of each statement for payment of waste collection charges and shall remit the amount collected along with the next remittance of sales tax after receipt of the assessment.*

*(d) (e) A person who transports assessed waste generated by that person or by another person without compensation shall pay an assessment of 28 cents per noncompacted cubic yard or the equivalent to the operator of the facility to which the waste is delivered. The operator shall remit the assessments collected under this paragraph to the commissioner of revenue as though they were sales taxes under chapter 297A. 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.*

(f) The commissioner of revenue shall redesign sales tax forms for solid waste collectors to accommodate payment of the assessment. ~~The commissioner of revenue shall deposit~~ The amounts remitted under this subdivision ~~in the environmental fund and shall credit four sevenths of the receipts must be deposited in the state treasury and credited to the landfill cleanup account established in section 115B.42.~~

(e) (g) For the purposes of this subdivision, a "person that collects mixed municipal solid waste" means each person that ~~pays~~ is required to pay sales tax on solid waste collection services under section 297A.45.

(H) (h) The audit, penalty, enforcement, and administrative provisions applicable to taxes imposed under chapter 297A apply to the assessments imposed under this subdivision.

#### Sec. 4. [FEDERAL INSURANCE TRUST FUND.]

The commissioner of the pollution control agency shall monitor developments relating to the establishment of a federal insurance trust fund, or a similar fund, as part of the reauthorization of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, United States Code, title 42, section 9601 et seq., and shall take actions, including communicating with Congress and the federal Environmental Protection Agency, to maximize the amount of money available from the federal fund for payments relating to mixed municipal solid waste disposal facilities in this state. By January 15, 1995, the commissioner shall submit to the senate environment and natural resources finance division and the house committee on environment and natural resources finance a report containing:

(1) a summary of federal developments and the commissioner's actions under this section; and

(2) any recommendations for legislation.

#### Sec. 5. [VOLUNTARY INSURANCE BUY-OUT PROGRAM; EVALUATION AND RECOMMENDATIONS BY ATTORNEY GENERAL.]

(a) The attorney general shall evaluate the voluntary insurance buy-out program established in sections 1 and 2 in light of the legislature's intent to maximize the net revenue to the state under the program. By January 15, 1996, the attorney general shall report on the evaluation to the appropriate committees of the legislature. The report must include:

(1) recommendations on changes to the program, including any recommendations for changes to the years to be considered in calculating the voluntary buy-out amount under section 2, subdivision 2; the adjustments and credits allowed under section 2, subdivisions 3 and 4; the \$90,000,000 amount in section 2, subdivision 5; and any other element of the program; and

(2) a detailed explanation of the process by which the attorney general's recommendations, if any, were formulated, including a description of the comments of each of the entities listed in paragraph (b).

(b) In preparing the report, the attorney general shall consult with:

(1) representatives of the department of commerce and the pollution control agency;

(2) representatives of insurers at the state and national levels; and

(3) representatives of insureds:

Sec. 6. [APPROPRIATIONS; TRANSFER.]

*Subdivision 1. [APPROPRIATIONS.] (a) \$16,900,000 is appropriated from the landfill cleanup account to the commissioner of the pollution control agency to conduct actions authorized in this act.*

*(b) \$180,000,000 is appropriated from the bond proceeds fund to the commissioner of the pollution control agency for capital costs of environmental response actions at eligible facilities.*

*Subd. 2. [TRANSFER.] The balance in the metropolitan landfill contingency action trust fund established under Minnesota Statutes, section 473.845, on the effective date of this section is transferred to the landfill cleanup account established under Minnesota Statutes, section 115B.42.*

Sec. 7. [BOND SALE.]

*(a) To provide the money appropriated in this act from the state bond proceeds fund, the commissioner of finance, on request of the governor, shall sell and issue bonds of the state in an amount up to \$180,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, the Minnesota Constitution, article XI, sections 4 to 7, and paragraph (b).*

*(b) Bonds may not be issued under this section in total amounts exceeding the following:*

*(1) by June 30, 1996, \$20,000,000;*

*(2) by June 30, 1998, \$70,000,000;*

*(3) by June 30, 2000, \$110,000,000; and*

*(4) by June 30, 2002, \$146,000,000.*

Sec. 8. [EFFECTIVE DATE]

*Section 3 is effective July 1, 1995.*

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.*

#### ARTICLE 4

#### LIABILITY FOR RELEASES"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Dille moved to amend the Morse amendment to H.F. No. 3086, adopted by the Senate April 26, 1994, as follows:

Page 26, line 21, delete the quotation mark and insert:

"Section 1. Minnesota Statutes 1992, section 115B.175, is amended by adding a subdivision to read:

*Subd. 7a. [PASSIVE BIOREMEDIATION.] In approving voluntary response action plans under this section, the commissioner may allow the use of passive bioremediation whenever a site determination assessment indicates a low potential risk to public health and the environment."*

Page 1, line 10, delete "Section 1" and insert "Sec. 2"

Page 2, line 13, delete "2" and insert "3"

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

Mr. Kroening moved to amend the Morse amendment to H.F. No. 3086, adopted by the Senate April 26, 1994, as follows:

Page 26, line 8, delete the first "processing" and insert "shredding"

Page 26, line 9, delete "10,000" and insert "20,000"

Page 26, line 11, after "116G.15," insert "upstream from the United States Army Corps of Engineers lock and dam number one"

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

The roll was called, and there were yeas 46 and nays 18, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kelly	Mondale	Riveness
Anderson	Finn	Krentz	Morse	Sams
Beckman	Flynn	Kroening	Murphy	Samuelson
Belanger	Frederickson	Langseth	Novak	Spear
Berglin	Hanson	Larson	Pappas	Vickerman
Bertram	Hottinger	Lesewski	Piper	Wiener
Betzold	Janezich	Luther	Pogemiller	
Chandler	Johnson, D.E.	Marty	Price	
Chmielewski	Johnson, D.J.	McGowan	Ranum	
Day	Johnson, J.B.	Metzen	Reichgott Junge	

Those who voted in the negative were:

Benson, D.D.	Johnston	Merriam	Pariseau	Stumpf
Benson, J.E.	Kiscaden	Neuville	Robertson	Terwilliger
Berg	Knutson	Oliver	Runbeck	
Cohen	Lessard	Olson	Stevens	

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

### CALL OF THE SENATE

Mr. Murphy imposed a call of the Senate for the balance of the proceedings on H.F. No. 3086. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Murphy then moved to amend the Morse amendment to H.F. No. 3086, adopted by the Senate April 26, 1994, as follows:

Page 26, line 6, delete the second "a"

Page 26, line 7, delete everything before "a"

Page 26, line 11, delete everything after "116G.15" and insert a period

Page 26, delete lines 12 to 16.

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

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

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Metzen	Pariseau
Belanger	Hanson	Langseth	Moe, R.D.	Robertson
Benson, D.D.	Janezich	Larson	Murphy	Runbeck
Benson, J.E.	Johnson, D.E.	Lesewski	Neuville	Samuelson
Berg	Johnson, D.J.	Lessard	Novak	Stevens
Bertram	Johnston	McGowan	Oliver	Terwilliger
Day	Kiscaden	Merriam	Olson	

Those who voted in the negative were:

Anderson	Finn	Kroening	Pogemiller	Spear
Beckman	Flynn	Luther	Price	Stumpf
Berglin	Frederickson	Marty	Ranum	Vickerman
Betzold	Hottinger	Mondale	Reichgott Junge	Wiener
Chandler	Johnson, J.B.	Morse	Riveness	
Chmielewski	Kelly	Pappas	Sams	
Cohen	Krentz	Piper	Solon	

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

Mr. Stevens moved to amend the Morse amendment to H.F. No. 3086, adopted by the Senate April 26, 1994, as follows:

Page 3, after line 13, insert:

"Subd. 12. [PROCESSING-RESIDUAL DEDICATED FACILITY.] "Processing-residual dedicated facility" means a disposal facility:

(1) that has a leachate system that is in compliance with applicable agency rules;

(2) for which financial assurance is in compliance with section 116.07, subdivision 4h; and

(3) that would have been an eligible facility on April 9, 1994, but for the fact that after that date residual materials from mixed municipal solid waste composting, refuse-derived fuel, or incineration facilities continued to be accepted for deposit in a lined cell at the facility."

Page 17, line 9, delete "and"

Page 17, line 13, before the period, insert "; and

(11) reimburse local government units under section 14"



Page 19, after line 20, insert:

**"Sec. 14. [REIMBURSEMENT TO LOCAL UNITS OF GOVERNMENT; PROCESSING-RESIDUAL DEDICATED FACILITIES.]**

*(a) A local government unit that incurs environmental response costs at a processing-residual dedicated facility owned or operated by the local government unit is eligible for reimbursement under this section if:*

*(1) the local government unit demonstrates to the commissioner's satisfaction that the facility has not accepted more than 15 percent bypass or other unprocessed waste, measured by weight compared to total facility receipts, between April 9, 1994, and December 31, 1994;*

*(2) the local government unit enters into a binding agreement with the commissioner by December 31, 1994, under which the local government unit agrees to provide annual documentation determined by the commissioner to be adequate to verify that the amount of bypass or other unprocessed waste allowed under clause (1) is not exceeded; and*

*(3) the local government unit is in compliance with the agreement required in clause (2).*

*(b) After March 1 of each year, a local government unit that is eligible under paragraph (a) may apply for reimbursement of 50 percent of the environmental response costs incurred by the local government unit during the preceding calendar year relating to releases of hazardous substances, pollutants or contaminants, or decomposition gases at the processing-residual dedicated facility that occurred before April 9, 1994. The total amount of reimbursement a local government unit may receive under this section for a facility is \$500,000. The timing and priority of reimbursements under this section are subject to the plan adopted by the commissioner under section 115B.44.*

*(c) The total amount of reimbursement that may be paid under this section is \$2,000,000."*

Page 19, line 21, delete "14" and insert "15"

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

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

Those who voted in the affirmative were:

Adkins	Day	Laidig	Oliver	Stevens
Belanger	Dille	Langseth	Olson	Stumpf
Benson, D.D.	Johnson, D.E.	Larson	Pariseau	Terwilliger
Benson, J.E.	Johnson, J.B.	Lesewski	Robertson	Vickerman
Berg	Johnston	Lessard	Runbeck	
Bertram	Kiscaden	McGowan	Sams	
Chmielewski	Knuison	Neuville	Samuelson	

Those who voted in the negative were:

Anderson	Flynn	Kroening	Morse	Ranum
Beckman	Frederickson	Luther	Murphy	Reichgott Junge
Berglin	Hanson	Marty	Novak	Riveness
Betzold	Janezich	Merriam	Pappas	Solon
Chandler	Johnson, D.J.	Metzen	Piper	Spear
Cohen	Kelly	Moe, R.D.	Pogemiller	Wiener
Finn	Krentz	Mondale	Price	

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

Mr. Merriam moved to amend the Morse amendment to H.F. No. 3086, adopted by the Senate April 26, 1994, as follows:

Pages 25 and 26, delete article 3

Renumber the articles in sequence and correct the internal references

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

The roll was called, and there were yeas 27 and nays 39, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kiscaden	Mondale	Stevens
Beckman	Hanson	Laidig	Morse	Terwilliger
Benson, D.D.	Johnson, D.E.	Lesewski	Murphy	Wiener
Berg	Johnson, J.B.	Lessard	Piper	
Betzold	Johnston	Merriam	Runbeck	
Cohen	Kelly	Moe, R.D.	Spear	

Those who voted in the negative were:

Adkins	Finn	Langseth	Oliver	Riveness
Belanger	Flynn	Larson	Olson	Robertson
Benson, J.E.	Frederickson	Luther	Pappas	Sams
Berglin	Janezich	Marty	Pariseau	Samuelson
Bertram	Johnson, D.J.	McGowan	Pogemiller	Solon
Chandler	Knutson	Metzen	Price	Stumpf
Chmielewski	Krentz	Neuville	Ranum	Vickerman
Day	Kroening	Novak	Reichgott Junge	

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

H.F. No. 3086 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2120 a Special Order to be heard immediately.

### SPECIAL ORDER

H.F. No. 2120: A bill for an act relating to occupations and professions;

providing that health-related licensing boards may establish a program to protect the public from impaired regulated persons; providing for appointments; providing for rulemaking; appropriating money; amending Minnesota Statutes 1993 Supplement, section 214.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 214.

Ms. Piper moved to amend H.F. No. 2120 as follows:

Page 7, line 21, before "Sections" insert "(a)"

Page 7, after line 21, insert:

*"(b) Laws 1994, chapters 389 and 433, are effective the day following final enactment."*

The motion prevailed. So the amendment was adopted.

Mrs. Benson, J.E. moved to amend H.F. No. 2120 as follows:

Page 1, after line 10, insert:

**"Section 1. [145.4115] [ABORTION; CONSENT PROCEDURES.]**

*Subdivision 1. [GENERAL.] Unless a physician determines, on the basis of the physician's good faith clinical judgment, that there is a medical emergency that so complicates a pregnancy as to necessitate an immediate abortion to avert the death of or grave and immediate bodily harm to a pregnant woman, at least 24 hours before the abortion, either the physician who is to perform the abortion or the physician's agent must tell the woman:*

*(1) the probable gestational age of the fetus at the time the abortion is to be performed;*

*(2) the nature of the proposed procedure or treatment and of those risks and alternatives to the procedure or treatment that a reasonable patient would consider material to the decision of whether or not to undergo the abortion such as, when medically accurate, the risks of infection, hemorrhage, danger to subsequent pregnancies, and infertility;*

*(3) that she has the right to review the printed materials described in subdivision 2; and*

*(4) the common medical risks associated with carrying her fetus to term.*

*This information may be provided by telephone without conducting a physical examination or tests of the woman, in which case the information required to be supplied may be based on facts supplied by the woman and whatever other relevant information is reasonably available to the physician or physician's agent. The physician or physician's agent shall also orally inform the woman that the printed materials have been provided by the state. If the woman chooses to view the materials, they must be given to her at least 24 hours before the abortion or mailed to her at least 72 hours before the abortion. The physician or physician's agent may choose to disassociate himself or herself from the materials, and may choose to comment or refrain from commenting on the materials.*

*The requirements of this subdivision shall not necessarily be considered a reasonable standard of care and a violation of this subdivision shall not constitute negligence per se.*

*Subd. 2. [PRINTED INFORMATION:] By January 1, 1995, the commissioner of health shall develop, for duplication by medical facilities, the following easily comprehensible printed materials in every language that is the primary language of one percent or more of the residents of Minnesota:*

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

*(2) materials to inform the woman that pregnancy may be avoided by the use of contraceptives and where those contraceptives may be obtained at no cost or reduced cost;*

*(3) materials to inform the woman that she may be able to obtain child support;*

*(4) materials designed to inform the woman of the major anatomical and physiological characteristics of the fetus at two-week gestational increments during the first and second trimesters. The materials must be objective, nonjudgmental, and convey only accurate scientific information about the fetus at the various gestational ages; and*

*(5) a statement of the gestational stage at which a fetus is likely to become viable.*

*The information and printed materials required to be developed under subdivision 2 are exempt from chapter 14.*

*Subd. 3. [ACKNOWLEDGMENT.] Before an abortion is performed, the woman shall be given the name of the physician who will perform the abortion and sign an acknowledgment form that indicates that:*

*(1) she has received the information described in subdivision 1 and had the opportunity to review the printed materials described in subdivision 2; and*

*(2) she has had the opportunity to ask questions about the materials and the procedure.*

*The acknowledgment form may be combined with other consent forms.*

*Subd. 4. [VIOLATION.] The license of any physician or physician's agent who violates this section may be subject to suspension or revocation pursuant to the provisions of chapter 147 or 148.*

*This subdivision does not limit or preclude any other remedies that a woman may have available to her."*

Page 7, line 21, before "Sections" insert "Section 1 is effective January 1, 1995."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

### CALL OF THE SENATE

Mr. Frederickson imposed a call of the Senate for the balance of the

proceedings on H.F. No. 2120. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Neuville moved to amend the Benson, J.E. amendment to H.F. No. 2120 as follows:

Page 3, line 4, after "may" insert "not"

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

The question was taken on the adoption of the Benson, J.E. amendment.

Mr. Moe, R.D. moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 19 and nays 47, as follows:

Those who voted in the affirmative were:

Belanger	Dille	Kiscaden	McGowan	Runbeck
Benson, D.D.	Frederickson	Knutson	Merriam	Stevens
Benson, J.E.	Johnson, D.E.	Laidig	Oliver	Terwilliger
Day	Kelly	Larson	Robertson	

Those who voted in the negative were:

Adkins	Finn	Lesewski	Novak	Sams
Anderson	Flynn	Lessard	Olson	Samuelson
Beckman	Hanson	Luther	Pappas	Solon
Berg	Janezich	Marty	Pariseau	Spear
Berglin	Johnson, D.J.	Metzen	Piper	Stumpf
Bertram	Johnson, J.B.	Moe, R.D.	Pogemiller	Vickerman
Betzold	Johnston	Mondale	Price	Wiener
Chandler	Krentz	Morse	Ranum	
Chmielewski	Kroening	Murphy	Reichgott Junge	
Cohen	Langseth	Neuville	Riveness	

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

H.F. No. 2120 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Dille voted in the negative.

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

**MOTIONS AND RESOLUTIONS – CONTINUED**

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

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2519:

H.F. No. 2519: A bill for an act relating to prostitution; creating a civil cause of action for persons who are coerced into prostitution; proposing coding for new law in Minnesota Statutes, chapter 611A.

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

Mariani, Pugh, Dawkins, Wejcman and Bishop have been appointed as such committee on the part of the House.

House File No. 2519 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 26, 1994

Ms. Reichgott Junge moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2519, 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.

**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. 1706: Messrs. Novak, Metzcn, Dille, Murphy and Riveness.

H.F. No. 2519: Ms. Reichgott Junge, Mr. Knutson, Ms. Kiscaden, Mr. Spear and Ms. Ranum.

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

Ms. Johnson, J.B. moved that her name be stricken as a co-author to S.F. No. 2313. The motion prevailed.

Mr. Morse moved that the name of Mr. Luther be added as a co-author to S.F. No. 2313. The motion prevailed.

**MEMBERS EXCUSED**

Ms. Reichgott Junge was excused from the Session of today from 8:30 to 9:10 a.m. Mr. Janezich was excused from the Session of today from 8:30 to 10:15 a.m. Ms. Wiener was excused from the Session of today from 9:00 to 9:20 a.m. Ms. Berglin and Mr. Mondale were excused from the Session of today from 9:00 to 9:10 a.m. Messrs. Riveness and Johnson, D.J. were excused from the Session of today from 9:00 to 9:15 a.m. Mr. Benson, D.D. was excused from the Session of today from 9:15 to 10:00 a.m. Ms. Kiscaden was excused from the Session of today from 10:00 to 10:30 a.m. Mr. Kelly was excused from the Session of today from 8:30 to 11:30 a.m. Mr. Laidig was excused from the Session of today from 8:30 to 10:30 a.m. and 1:30 to 4:15 p.m. Ms. Runbeck was excused from the Session of today from 2:30 to 2:40 p.m. Mr. Hottinger was excused from the Session of today at 3:45 p.m.

**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:30 a.m., Wednesday, April 27, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate