

THIRTY-EIGHTH DAY

St. Paul, Minnesota, Tuesday, April 11, 1995

The Senate met at 9:30 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. George H. Gerberding.

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

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

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 communications were received and referred to the committees indicated.

March 30, 1995

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Douglas Magnus, R.R. 4, Box 4255, Slayton, Murray County, effective April 3, 1995, for a term expiring on the first Monday in January, 1999.

(Referred to the Committee on Environment and Natural Resources.)

March 30, 1995

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA RURAL FINANCE AUTHORITY

Curtis Pietz, 1 Vine, Worthington, Nobles County, effective April 3, 1995, for a term expiring on the first Monday in January, 1999.

(Referred to the Committee on Agriculture and Rural Development.)

Warmest regards,
Arne H. Carlson, Governor

April 10, 1995

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. No. 1099.

Warmest regards,
Arne H. Carlson, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 34, 574, 77, 194, 1176, 264, 320 and 1060.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 10, 1995

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. 204: A bill for an act relating to state government; requiring reporting on and certain analysis of federal mandates imposed on state agencies.

Senate File No. 204 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 10, 1995

CONCURRENCE AND REPASSAGE

Mr. Chandler moved that the Senate concur in the amendments by the House to S.F. No. 204 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 204 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Anderson	Frederickson	Kramer	Neuville	Samuelson
Beckman	Hanson	Krentz	Oliver	Scheevel
Belanger	Hottinger	Langseth	Olson	Solon
Berg	Janezich	Larson	Ourada	Spear
Bertram	Johnson, D.E.	Lesewski	Pariseau	Stevens
Betzold	Johnson, D.J.	Lessard	Pogemiller	Terwilliger
Chandler	Johnson, J.B.	Limmer	Price	Vickerman
Chmielewski	Johnston	Marty	Ranum	Wiener
Day	Kelly	Merriam	Riveness	
Dille	Kiscaden	Metzen	Robertson	
Finn	Kleis	Moe, R.D.	Runbeck	
Flynn	Knutson	Morse	Sams	

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 224: A bill for an act relating to motor vehicles; providing for biennial payment of tax on certain towed recreational vehicles and trailers; amending Minnesota Statutes 1994, section 168.013, subdivisions 1d and 1g.

Senate File No. 224 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 10, 1995

Mr. Samuelson moved that the Senate do not concur in the amendments by the House to S.F. No. 224, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 16: A bill for an act relating to health; modifying provisions relating to the administration and prescription of neuroleptic medications; changing the name of a court in certain circumstances; amending Minnesota Statutes 1994, sections 13.42, subdivision 3; 253B.03, subdivisions 6b and 6c; 253B.05, subdivisions 2 and 3; 253B.12, subdivision 1; and 253B.17, subdivision 1.

Senate File No. 16 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 10, 1995

Mr. Betzold moved that the Senate do not concur in the amendments by the House to S.F. No. 16, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 308: A bill for an act relating to crime prevention; authorizing special registration plates for certain persons subject to an impoundment order; expanding the definition of prior license revocation; amending Minnesota Statutes 1994, sections 168.042, subdivision 8; and 169.121, subdivision 3.

Senate File No. 308 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 10, 1995

Mr. Marty moved that the Senate do not concur in the amendments by the House to S.F. No. 308, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 335, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 335: A bill for an act relating to the organization and operation of state government; providing supplemental appropriations for certain purposes.

Senate File No. 335 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 10, 1995

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 403, 697, 1048, 853, 1008, 1402, 402, 1460, 1641, 1082, 1174, 1457, 377, 1320, 1442 and 1602.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 10, 1995

FIRST READING OF HOUSE BILLS

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

H.F. No. 403: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Todd county.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 697: A bill for an act relating to insurance; long-term care; permitting the sale of policies with longer waiting periods with disclosure to the purchaser; amending Minnesota Statutes 1994, sections 62A.48, subdivision 1; and 62A.50, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1647, now on General Orders.

H.F. No. 1048: A bill for an act relating to commerce; regulating videotape distributions, sales, and rentals; requiring certain captioning for deaf or hearing-impaired persons; providing penalties and remedies; proposing coding for new law in Minnesota Statutes, chapter 325I.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 846, now on General Orders.

H.F. No. 853: A bill for an act relating to the military; exempting the national guard and the department of military affairs from certain prohibitions concerning weapons; amending Minnesota Statutes 1994, section 609.66, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 663, now on General Orders.

H.F. No. 1008: A bill for an act relating to family law; authorizing courts to require parties to participate in orientation programs in proceedings involving children; proposing coding for new law in Minnesota Statutes, chapter 518.

Referred to the Committee on Finance.

H.F. No. 1402: A bill for an act relating to motor vehicles; authorizing issuance of original license plates 20 or more years old to a registered passenger automobile; authorizing registrar to charge a fee; amending Minnesota Statutes 1994, section 168.12, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1163, now on General Orders.

H.F. No. 402: A bill for an act relating to economic development; removing an expiration date for the affirmative enterprise program; repealing Minnesota Statutes 1994, section 116J.874, subdivision 6.

Referred to the Committee on Jobs, Energy and Community Development.

H.F. No. 1460: A bill for an act relating to government; modifying a budget report date for cities; eliminating certain budget publication requirements; amending Minnesota Statutes 1994, sections 6.745, subdivision 1; and 471.6965.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1374, now on General orders.

H.F. No. 1641: A bill for an act relating to local government; requiring a local governmental unit to furnish copies of any ordinances adopted to the county law library; amending Minnesota Statutes 1994, sections 375.52; and 415.021.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1396, now on General Orders.

H.F. No. 1082: A bill for an act relating to cooperatives; permitting certain optional voting systems for cooperatives that have other cooperatives as members; amending Minnesota Statutes 1994, sections 308A.131, subdivision 1; 308A.635, subdivision 1; and 308A.641.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1407.

H.F. No. 1174: A bill for an act relating to transportation; expanding authority of commissioner of transportation to regulate providers of special transportation service; classifying data; providing for administrative penalties; amending Minnesota Statutes 1994, sections 13.99, by adding subdivisions; 174.30, subdivisions 2, 3, 4, 6, and by adding subdivisions; and 174.315.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1091.

H.F. No. 1457: A bill for an act relating to state lands; authorizing the commissioner of natural resources to sell certain acquired state lands located in Becker county.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1583, now on the Consent Calendar.

H.F. No. 377: A bill for an act relating to driving while intoxicated; extending vehicle forfeiture penalties to include failure to appear at trial for designated driving while intoxicated offenses; amending Minnesota Statutes 1994, section 169.1217, subdivisions 7, 8, and 9.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 390, now on General Orders.

H.F. No. 1320: A bill for an act relating to the environment; establishing a private cause of action for abandonment of hazardous waste; proposing coding for new law in Minnesota Statutes, chapter 116.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1073, now on General Orders.

H.F. No. 1442: A bill for an act relating to health; occupations and professions; modifying provisions relating to the office of mental health practice; licensing of chemical dependency counselors and hearing instrument dispensers; establishing an advisory council; providing penalties; amending Minnesota Statutes 1994, sections 148B.66, subdivisions 1 and 2, and by adding a subdivision; 148B.68, subdivision 1; 148C.01; 148C.02; 148C.03, subdivision 1, and by adding a subdivision; 148C.04, subdivisions 1, 2, 3, and 4; 148C.05; 148C.06; 148C.07; 148C.08; 148C.09; 148C.10; 148C.11; 153A.13; 153A.14; 153A.15, subdivisions 1 and 2; 153A.17; 153A.18; 153A.19; 214.01, subdivision 2; 214.10, subdivision 8; and 214.103, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 148C; and 153A; repealing Minnesota Statutes 1994, sections 148B.62; 148C.01, subdivision 8; 148C.03, subdivisions 2 and 3; 148C.035; 148C.09, subdivision 3; and 153A.19, subdivision 1; Minnesota Rules, chapters 4692; and 4745.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1417, now on General Orders.

H.F. No. 1602: A bill for an act relating to health; establishing provisions for mobile health care providers; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1420, now on General Orders.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 1061 and 770. The motion prevailed.

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

S.F. No. 1173: A bill for an act relating to telecommunications; regulating the sale of local exchange service territory; proposing coding for new law in Minnesota Statutes, chapter 237.

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

Page 1, line 7, after "A" insert "class A"

Page 1, line 9, after the period, insert "For the purposes of this section, a class A telephone company is a telephone company which has annual revenues from regulated telecommunication operations of \$100,000,000 or more, as defined by the Federal Communications Commission in Code of Federal Regulations, title 47, section 32.11, paragraphs (a)(1) and (e)."

Page 2, line 28, before the third period, insert "; APPLICATION"

Page 2, line 29, delete "the day following final enactment" and insert "August 1, 1995, and does not apply to petitions filed with or pending before the commission prior to that date"

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

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

H.F. No. 358: A bill for an act relating to utilities; clarifying that public utilities commission may extend deadline for rate suspension period by 20 days when necessary to first make final determination on another, previously filed rate case; allowing exemption from rate regulation for small electric utility franchise; allowing longer review time for granting petition for rehearing by public utilities commission; amending Minnesota Statutes 1994, sections 216B.16, subdivision 2, and by adding a subdivision; and 216B.27, subdivision 4.

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

Page 3, line 14, delete "as such"

Page 3, after line 34, insert:

"Sec. 4. [COLD WEATHER DISCONNECTIONS; SURVEY.]

The public utilities commission must survey the disconnection of utility services providing the primary heat source for residences that occur between October 15, 1995, and April 15, 1996. The survey shall determine the number of disconnections, their duration, the reason for the disconnection and if for nonpayment, the reason for the nonpayment, and whether a customer applied for protection under Minnesota Rules, parts 7820.1500 to 7820.2300, and if the customer did not apply for protection, the reason for not applying.

The survey must include public utilities as defined in Minnesota Statutes, section 216B.02, subdivision 4, municipal utilities, and cooperative utilities. The commission must report the results of the survey to the legislature by January 15, 1997."

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "requiring the public utilities commission to survey utility disconnections during the cold weather months;"

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

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

H.F. No. 1256: A bill for an act relating to energy; adopting federal energy standards for air conditioners, certain gas-burning equipment, lamps, showerheads, and faucets; amending Minnesota Statutes 1994, section 216C.19, subdivisions 13, 14, 16, and 19.

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

Page 2, lines 24 and 33, after "No" insert "new"

Page 2, after line 30, insert:

"Sec. 4. Minnesota Statutes 1994, section 216C.19, subdivision 17, is amended to read:

Subd. 17. [MOTORS.] No new motor covered by this subdivision, excluding those sold as part of an appliance, may be sold or installed in Minnesota unless its nominal efficiency meets or exceeds the values adopted under subdivision 8."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "federal"

Page 1, line 4, after "lamps," insert "motors,"

Page 1, line 6, after "16," insert "17,"

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

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

S.F. No. 1061: A bill for an act relating to landlord tenant; forcible entry and unlawful detainer; providing a partial refund of the filing fee in matters resolved after one court appearance; amending Minnesota Statutes 1994, section 566.07.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 566.09, is amended by adding a subdivision to read:

Subd. 1a. [FILING FEE.] Upon filing of an unlawful detainer action, a party shall pay one-half the filing fee required under section 357.021, subdivision 2, clause (1). If the matter is not resolved at the first court appearance by settlement, default judgment, or otherwise, the filing party shall pay the remaining one-half of the filing fee required under section 357.021, subdivision 2, clause (1). If the remaining one-half of the filing fee is not paid, the case shall be dismissed upon the court's own motion. If a party is liable to another party for payment of filing fees, the party shall be liable only for the filing fees actually paid.

Sec. 2. [EFFECTIVE DATE; APPLICATION.]

Section 1 is effective August 1, 1995, and applies to unlawful detainer complaints filed on and after that date."

Delete the title and insert:

"A bill for an act relating to landlord tenant; forcible entry and unlawful detainer; providing for partial payment of the filing fee in matters resolved after one court appearance; amending Minnesota Statutes 1994, section 566.09, by adding a subdivision."

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

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

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

S.F. No. 770: A bill for an act relating to health; requiring preparation of a report on the adverse health and environmental effects of United States Army spraying of zinc cadmium sulfide and other chemicals in Minnesota; requiring certain findings by the attorney general.

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

Pages 1 and 2, delete section 1 and insert:

"Section 1. [REPORT ON UNITED STATES ARMY SPRAYING OF ZINC CADMIUM SULFIDE AND OTHER CHEMICALS.]

The commissioner of health, in collaboration with the pollution control agency, the department of natural resources, the Leech Lake Reservation Tribal Council, Hennepin county, and the school of public health at the University of Minnesota shall review the National Academy of Science's report on the past and future adverse effects, if any, on public health and the environment, from the spraying of zinc cadmium sulfide and other chemicals in Minnesota in the 1950s and 1960s by the United States Army. The commissioner of health's report shall be submitted to the legislature within six months of completion of the National Academy of Science's report and shall contain recommendations for additional initiatives, if any, in Minnesota."

Page 2, after line 17, insert:

"Sec. 3. [PESTICIDE REPORT AND PILOT PROJECT.]

The commissioner of health shall study and determine the extent of pesticide poisoning in Minnesota and recommend remedies to address this problem and report back to the legislature by January 15, 1997."

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

Renumber the sections in sequence

And when so amended the bill do pass.

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

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

H.F. No. 1425 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its 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.

1425

1250

and that the above 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. Report adopted.

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

H.F. No. 1159 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.

1159

1056

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1159 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1159 and insert the language after the enacting clause of S.F. No. 1056, the first engrossment; further, delete the title of H.F. No. 1159 and insert the title of S.F. No. 1056, the first engrossment.

And when so amended H.F. No. 1159 will be identical to S.F. No. 1056, and further recommends that H.F. No. 1159 be given its second reading and substituted for S.F. No. 1056, 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. 1003 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.
1003	1075				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1003 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1003 and insert the language after the enacting clause of S.F. No. 1075, the first engrossment; further, delete the title of H.F. No. 1003 and insert the title of S.F. No. 1075, the first engrossment.

And when so amended H.F. No. 1003 will be identical to S.F. No. 1075, and further recommends that H.F. No. 1003 be given its second reading and substituted for S.F. No. 1075, 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. 1091 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

SPECIAL ORDERS**CONSENT CALENDAR****CALENDAR**

H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		1091	1337		

and that the above 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. Report adopted.

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

H.F. No. 1307 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its 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.
		1307	867		

and that the above 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. Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 1173 was read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 358, 1256, 1425, 1159, 1003, 1091 and 1307 were read the second time.

MOTIONS AND RESOLUTIONS

Ms. Runbeck moved that the name of Mr. Chandler be added as a co-author to S.F. No. 1466. The motion prevailed.

Mr. Oliver moved that the name of Ms. Runbeck be added as a co-author to S.F. No. 1482. The motion prevailed.

Ms. Hanson moved that S.F. No. 255 be withdrawn from the Committee on Jobs, Energy and Community Development and re-referred to the Committee on Crime Prevention. The motion prevailed.

Mr. Johnson, D.E. introduced--

Senate Resolution No. 55: A Senate resolution congratulating the New London-Spicer High School Girls basketball team on their participation in the 1995 State High School Girls Basketball Tournament.

Referred to the Committee on Rules and Administration.

Mr. Johnson, D.E. introduced--

Senate Resolution No. 56: A Senate resolution congratulating the New London-Spicer High School Boys basketball team on their participation in the 1995 State High School Boys Basketball Tournament.

Referred to the Committee on Rules and Administration.

Mr. Betzold moved that S.F. No. 1136, No. 89 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Consent Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

CONSENT CALENDAR

S.F. No. 1112: A bill for an act relating to local government; authorizing Sherburne county to convey certain county ditches to the city of Elk River under certain conditions.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Dille	Johnston	Limmer	Olson
Beckman	Finn	Kiscaden	Marty	Ourada
Belanger	Flynn	Kleis	Merriam	Pariseau
Berg	Frederickson	Knutson	Metzen	Piper
Berglin	Hanson	Kramer	Moe, R.D.	Pogemiller
Bertram	Hottinger	Krentz	Mondale	Price
Betzold	Janezich	Langseth	Morse	Ranum
Chandler	Johnson, D.E.	Larson	Murphy	Reichgott Junge
Chmielewski	Johnson, D.J.	Lesewski	Neuville	Riveness
Day	Johnson, J.B.	Lessard	Oliver	Robertson

Runbeck
Sams

Samuelson
Scheevel

Solon
Spear

Stevens
Terwilliger

Vickerman
Wiener

So the bill passed and its title was agreed to.

S.F. No. 375: A bill for an act relating to energy; adding pumped hydropower to the list of preferred alternative energy sources; providing for incentive payments to pumped hydropower facilities; amending Minnesota Statutes 1994, sections 216C.051, subdivision 7; and 216C.41, subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Murphy, Mrs. Pariseau, Ms. Wiener, Messrs. Metzen and Knutson introduced--

S.F. No. 1656: A bill for an act relating to taxation; property taxes; adjusting aid payments for an incorrect estimate of certain public defender costs in Dakota county.

Referred to the Committee on Taxes and Tax Laws.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 859 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 859: A bill for an act relating to the city of Minneapolis; authorizing the city to determine the method for the sale of unclaimed property; repealing Laws 1919, chapter 396.

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:

Anderson	Flynn	Krentz	Murphy	Robertson
Beckman	Frederickson	Kroening	Neuville	Runbeck
Belanger	Hottinger	Langseth	Novak	Sams
Berg	Janezich	Larson	Oliver	Samuelson
Berglin	Johnson, D.E.	Lesewski	Olson	Scheevel
Bertram	Johnson, D.J.	Lessard	Ourada	Solon
Betzold	Johnson, J.B.	Limmer	Pariseau	Spear
Chandler	Johnston	Marty	Piper	Stevens
Chmielewski	Kelly	Merriam	Pogemiller	Terwilliger
Cohen	Kiscaden	Metzen	Price	Vickerman
Day	Kleis	Moe, R.D.	Ranum	Wiener
Dille	Knutson	Mondale	Reichgott Junge	
Finn	Kramer	Morse	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. 1144 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1144: A bill for an act relating to the city of Minneapolis; authorizing the Minneapolis city council to delegate to the city engineer certain authority over traffic and parking; authorizing the council to delegate certain authority to contract for professional services.

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:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 957 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 957: A resolution memorializing the President and Congress to abandon the proposed sale of the Western Area Power Administration.

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

The question was taken on the passage of the resolution.

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

Those who voted in the affirmative were:

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

So the resolution 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. 98 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 98: A bill for an act relating to public safety; requiring owners of residential rental buildings to request criminal background checks of managers; prohibiting owners from hiring or continuing to employ certain individuals as managers and requiring notices; requiring the superintendent of the bureau of criminal apprehension to assist in the performance of the background checks; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 299C.

CALL OF THE SENATE

Mr. Merriam imposed a call of the Senate for the balance of the proceedings on S.F. No. 98. The Sergeant at Arms was instructed to bring in the absent members.

S.F. No. 98 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 4, as follows:

Those who voted in the affirmative were:

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

Ms. Kiscaden, Mr. Neuville, Ms. Robertson and Mr. Scheevel voted in the negative.

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 259 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 259: A bill for an act relating to insurance; regulating the use of genetic testing by insurers; proposing coding for new law in Minnesota Statutes, chapter 62A.

Mr. Chandler moved to amend S.F. No. 259 as follows:

Page 1, line 25, delete "A health carrier" and insert "An insurer"

Page 2, lines 1 and 2, delete "health plan"

Page 2, after line 14, insert:

"Subd. 4. [LIFE INSURANCE; EXEMPTION.] Subdivision 3 does not apply to an application for life insurance coverage in an amount in excess of \$100,000, or to an application for life insurance coverage in an amount that, when combined with the applicant's other life insurance coverage, results in a total life insurance coverage in an amount in excess of \$100,000."

Page 2, line 15, delete "4" and insert "5" and delete "5, 6, and 7" and insert "6, 7, and 8"

Page 2, line 18, before the period, insert "in excess of the amount specified in subdivision 4"

Page 2, line 19, delete "5" and insert "6"

Page 2, line 20, delete "requests" and insert "requires"

Page 2, line 31, delete "6" and insert "7"

Page 3, line 4, delete "7" and insert "8"

Page 3, line 8, delete "8" and insert "9" and delete "; REMEDY"

CALL OF THE SENATE

Mr. Chandler imposed a call of the Senate for the balance of the proceedings on S.F. No. 259. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 15 and nays 50, as follows:

Those who voted in the affirmative were:

Anderson	Chandler	Kelly	Merriam	Piper
Berglin	Finn	Kroening	Morse	Pogemiller
Betzold	Flynn	Marty	Pappas	Ranum

Those who voted in the negative were:

Beckman	Janezich	Laidig	Neuville	Runbeck
Belanger	Johnson, D.E.	Langseth	Novak	Sams
Berg	Johnson, D.J.	Larson	Oliver	Samuelson
Bertram	Johnson, J.B.	Lesewski	Olson	Scheevel
Cohen	Johnston	Lessard	Ourada	Solon
Day	Kiscaden	Limmer	Pariseau	Spear
Dille	Kleis	Metzen	Price	Stevens
Frederickson	Knutson	Moe, R.D.	Reichgott Junge	Terwilliger
Hanson	Kramer	Mondale	Riveness	Vickerman
Hottinger	Krentz	Murphy	Robertson	Wiener

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

S.F. No. 259 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 2, as follows:

Those who voted in the affirmative were:

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

Ms. Johnston and Mr. Larson voted in the negative.

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1343 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1343: A bill for an act relating to occupations and professions; providing for biennial license renewal for individual certified and licensed public accountants; amending Minnesota Statutes 1994, sections 326.20, subdivision 1; and 326.22, 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 823 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 823: A bill for an act relating to local government; authorizing Hennepin county to lease hospital or nursing home facilities under certain conditions; proposing coding for new law in Minnesota Statutes, chapter 383B.

Ms. Johnston moved to amend H.F. No. 823, the unofficial engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 447.45, subdivision 1, is amended to read:

Subdivision 1. [FINANCING.] A county, city, or hospital district, ~~except cities of the first class and counties containing cities of the first class,~~ may issue revenue bonds by resolution of its governing body to finance the acquisition and betterment of hospital, nursing home, and related medical facilities. This power is in addition to other powers granted by law and includes, but is not limited to, the payment of interest during construction and for a reasonable period after construction and the establishment of reserves for bond payment and for working capital. In connection with the acquisition of any existing hospital or nursing home facilities, the city, county, or district may retire outstanding indebtedness incurred to finance the construction of the existing facilities.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective on the day following final enactment."

Delete the title and insert:

"A bill for an act relating to hospitals; removing an exception for certain cities and counties from certain hospital financing activities; amending Minnesota Statutes 1994, section 447.45, subdivision 1."

The motion prevailed. So the amendment was adopted.

H.F. No. 823 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

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

SPECIAL ORDER

H.F. No. 413: A bill for an act relating to highways; designating the Veterans Memorial Highway; amending Minnesota Statutes 1994, section 161.14, by adding a subdivision.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

· MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Orders of Business of Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 1089. The motion prevailed.

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

S.F. No. 507: A bill for an act relating to petroleum tank release cleanup fund; providing for payment for a site assessment prior to tank removal; amending Minnesota Statutes 1994, sections 115C.09, subdivision 2; and 115C.13; proposing coding for new law in Minnesota Statutes, chapter 115C.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 115C.02, subdivision 11, is amended to read:

Subd. 11. [POLITICAL SUBDIVISION.] "Political subdivision" means a county, a town, or a statutory or home rule charter city, a housing and redevelopment authority, an economic development authority, or a port authority.

Sec. 2. Minnesota Statutes 1994, section 115C.02, is amended by adding a subdivision to read:

Subd. 11a. [PREREMOVAL SITE ASSESSMENT.] "Preremoval site assessment" means actions defined in section 115A.092 which are taken by a registered consultant prior to the removal of a petroleum storage tank in order to determine whether a release has occurred in the area immediately surrounding the tank.

Sec. 3. Minnesota Statutes 1994, section 115C.03, subdivision 10, is amended to read:

Subd. 10. [~~RETENTION OF CORRECTIVE ACTION RECORDS.~~] ~~A person who applies for reimbursement under this chapter and a contractor or consultant who has billed the applicant for corrective action services that are part of the claim for reimbursement must maintain prepare and retain all records related to the claim for reimbursement corrective action services for a minimum of five seven years from the date the claim for reimbursement is submitted to the board. corrective action services are performed, including, but not limited to, invoices submitted to applicants, subcontractor invoices, receipts for equipment rental, and all other goods rented or purchased, personnel time reports, mileage logs, and expense accounts. An applicant must obtain and retain~~

records necessary to document costs submitted in a claim for reimbursement for corrective action services for seven years from the date the claim is submitted to the board.

Sec. 4. Minnesota Statutes 1994, section 115C.09, subdivision 2, is amended to read:

Subd. 2. [RESPONSIBLE PERSON ELIGIBILITY.] (a) A responsible person who has incurred reimbursable costs after June 4, 1987, in response to a release, may apply to the board for partial reimbursement under subdivision 3 and rules adopted by the board. The board may consider applications for reimbursement at the following stages:

(1) after the commissioner approves ~~a plan for corrective action~~ actions related to soil ~~contamination~~ excavation and treatment or after the commissioner determines that further soil excavation and treatment should not be done;

(2) after the commissioner determines that the corrective ~~action plan~~ actions described in clause (1) has been fully constructed ~~or~~ installed, or completed;

(3) after the commissioner approves a comprehensive plan for corrective action that will adequately address the entire release, including groundwater contamination if necessary;

(4) after the commissioner determines that the corrective action necessary to adequately address the release has been fully constructed or installed; and

(5) periodically afterward as the corrective action continues operation, but no more frequently than four times per 12-month period unless the application is for more than \$2,000 in reimbursement.

(b) The commissioner shall review a plan, and provide an approval or disapproval to the responsible person and the board, within 60 days in the case of a plan submitted under paragraph (a), clause (1), and within 120 days in the case of a plan submitted under paragraph (a), clause (3), or the commissioner shall explain to the board why additional time is necessary. The board shall consider a complete application within 60 days of submission of the application under paragraph (a), clauses (1) and (2), and within 120 days of submission of the application under paragraph (a), clauses (3) and (4), or the board shall explain for the record why additional time is necessary. For purposes of the preceding sentence, board consideration of an application is timely if it occurs at the regularly scheduled meeting following the deadline. Board staff may review applications submitted to the board simultaneous to the commissioner's consideration of the appropriateness of the corrective action, but the board may not act on the application until after the commissioner's approval is received.

(c) A reimbursement may not be made unless the board determines that the commissioner has determined that the corrective action was appropriate in terms of protecting public health, welfare, and the environment.

Sec. 5. Minnesota Statutes 1994, section 115C.09, subdivision 3, is amended to read:

Subd. 3. [REIMBURSEMENTS; SUBROGATION; APPROPRIATION.] (a) The board shall reimburse a responsible person who is eligible under subdivision 2 from the account for 90 percent of the total reimbursable costs on the first \$250,000 and 75 percent on any remaining costs in excess of \$250,000 on a site.

Not more than \$1,000,000 may be reimbursed for costs associated with a single release, regardless of the number of persons eligible for reimbursement, and not more than \$2,000,000 may be reimbursed for costs associated with a single tank facility.

(b) A reimbursement may not be made from the account under this subdivision until the board has determined that the costs for which reimbursement is requested were actually incurred and were reasonable.

(c) A reimbursement may not be made from the account under this subdivision in response to either an initial or supplemental application for costs incurred after June 4, 1987, that are payable under an applicable insurance policy, except that if the board finds that the responsible person has made reasonable efforts to collect from an insurer and failed, the board shall reimburse the responsible person under this subdivision.

(d) If the board reimburses a responsible person for costs for which the responsible person has petroleum tank leakage or spill insurance coverage, the board is subrogated to the rights of the responsible person with respect to that insurance coverage, to the extent of the reimbursement by the board. The board may request the attorney general to bring an action in district court against the insurer to enforce the board's subrogation rights. Acceptance by a responsible person of reimbursement constitutes an assignment by the responsible person to the board of any rights of the responsible person with respect to any insurance coverage applicable to the costs that are reimbursed. Notwithstanding this paragraph, the board may instead request a return of the reimbursement under subdivision 5 and may employ against the responsible party the remedies provided in that subdivision, except where the board has knowingly provided reimbursement because the responsible person was denied coverage by the insurer.

(e) Money in the account is appropriated to the board to make reimbursements under this section. A reimbursement to a state agency must be credited to the appropriation account or accounts from which the reimbursed costs were paid.

(f) The board ~~shall~~ may reduce the amount of reimbursement to be made under this section if it finds that the responsible person has not complied with a provision of this chapter, a rule or order issued under this chapter, or one or more of the following requirements:

~~(1) at the time of the release the tank was in substantial compliance with state and federal rules and regulations applicable to the tank, including rules or regulations relating to financial responsibility;~~

(2) ~~(1)~~ the agency was given notice of the release as required by section 115.061;

~~(3) (2)~~ the responsible person, to the extent possible, fully cooperated with the agency in responding to the release; and

~~(4) if the responsible person is an operator, the person exercised due care with regard to operation of the tank, including maintaining inventory control procedures.~~

(3) the state and federal rules and regulations applicable to the condition or operation of the tank when the noncompliance caused or failed to mitigate the release.

(g) The reimbursement ~~shall~~ may be reduced as much as 100 percent for failure by the responsible person to comply with the requirements in paragraph ~~(f)~~ (i), clauses (1) to ~~(4)~~ (3). In determining the amount of the reimbursement reduction, the board shall consider:

(1) the likely reasonable determination by the agency of the environmental impact of the noncompliance;

(2) whether the noncompliance was negligent, knowing, or willful;

(3) the deterrent effect of the award reduction on other tank owners and operators; and

(4) the amount of reimbursement reduction recommended by the commissioner.

(h) A person may assign the right to receive reimbursement to each lender who advanced funds to pay the costs of the corrective action or to each contractor or consultant who provided corrective action services. An assignment must be made by filing with the board a document, in a form prescribed by the board, indicating the identity of the responsible person, the identity of the assignee, the dollar amount of the assignment, and the location of the corrective action. An assignment signed by the responsible person is valid unless terminated by filing a termination with the board, in a form prescribed by the board, which must include the written concurrence of the assignee. The board shall maintain an index of assignments filed under this paragraph. The board shall pay the reimbursement to the responsible person and to one or more assignees by a multiparty check. The board has no liability to a responsible person for a payment under an assignment meeting the requirements of this paragraph.

Sec. 6. Minnesota Statutes 1994, section 115C.09, subdivision 3b, is amended to read:

Subd. 3b. [VOLUNTEER ELIGIBILITY.] (a) Notwithstanding subdivisions 1 to 3, a person may apply to the board for partial reimbursement under subdivision 3 who:

- (1) is not a responsible person under section 115C.02;
- (2) holds legal or equitable title to the property where a release occurred; and
- (3) incurs reimbursable costs on or after May 23, 1989.

(b) A person eligible for reimbursement under this subdivision must, to the maximum extent possible, comply with the same conditions and requirements of reimbursement as those imposed by this section on a responsible person.

(c) The board may reduce the reimbursement to a person eligible under this subdivision if the person acquired legal or equitable title to the property from a responsible person who failed to comply with the provisions of subdivision 3, paragraph (4) (i), except that the board may not reduce the reimbursement to a mortgagee who acquires title to the property through foreclosure or receipt of a deed in lieu of foreclosure.

Sec. 7. Minnesota Statutes 1994, section 115C.09, subdivision 3c, is amended to read:

Subd. 3c. [RELEASE AT REFINERIES AND TANK FACILITIES NOT ELIGIBLE FOR REIMBURSEMENT.] (a) Notwithstanding other provisions of subdivisions 1 to 3b, a reimbursement may not be made under this section for costs associated with a release:

- (1) from a tank located at a petroleum refinery; or
- (2) from a tank facility, including a pipeline terminal, with more than 1,000,000 gallons of total petroleum storage capacity at the tank facility.

(b) Paragraph (a), clause (2), does not apply to reimbursement for costs associated with a release from a tank facility:

- (1) owned or operated by a person engaged in the business of mining iron ore or taconite;
- (2) owned by a political subdivision that acquired the tank facility prior to May 23, 1989; or
- (3) owned by a person:
 - (i) who acquired the tank facility prior to May 23, 1989;
 - (ii) who did not use the tank facility for the bulk storage of petroleum; and
 - (iii) who is not affiliated with the party who used the tank facility for the bulk storage of petroleum.

If reimbursement is made to a person described in clause (3), the lesser of the following constitutes an environmental lien under sections 514.671 to 514.676 on the property subject to the release:

- (1) the amount of the reimbursement; or
- (2) the value of the property.

Sec. 8. [115C.092] [TANK REMOVALS; PAYMENT FOR PREREMOVAL SITE ASSESSMENT.]

Subdivision 1. [PREREMOVAL SITE ASSESSMENT; REIMBURSEMENT.] (a) Preremoval site assessment costs which are in compliance with the requirements of this chapter and with rules promulgated under this chapter shall be reimbursable. The applicant shall obtain written competitive proposals for the preremoval site assessment on a form prescribed by the board utilizing as appropriate tasks and costs established in rules promulgated under this chapter governing the initial site assessment.

(b) If contamination is found at the site, the board shall reimburse an applicant upon submission of the applicant's first application for reimbursement under section 115C.09, subdivision 2. If no contamination is found at the site, the board shall reimburse the applicant upon provision by the applicant of documentation that the tank or tanks have been removed from the site.

(c) Notwithstanding any provision in this subdivision to the contrary, the board shall not reimburse for a preremoval site assessment which is done for the purposes of facilitating a property transfer. The board shall presume that a preremoval site assessment is done for the purposes of facilitating a property transfer if the property is transferred within three months of incurring preremoval site assessment costs.

Subd. 2. [REQUIREMENTS OF A PREREMOVAL SITE ASSESSMENT.] The preremoval site assessment shall include a preremoval site assessment report to the tank owner as prescribed in subdivision 3 and (1) three borings if one tank is to be removed, or (2) five borings if more than one tank is to be removed. The placement of the borings shall be based on the tank system location, estimated depth and gradient of groundwater, and the maximum probability of encountering evidence of petroleum contamination.

Subd. 3. [REPORT TO TANK OWNER.] The consultant shall prepare a preremoval site assessment report, which must include the following:

(1) a summary of any unusual site features affecting the preremoval site assessment and subsequent corrective action;

(2) the opinion of the consultant as to the presence and relative magnitude of any petroleum contamination on the site;

(3) the recommendation of the consultant as to whether further corrective action is needed, including groundwater remediation;

(4) the recommendation of the consultant as to whether the contaminated soil, if any, should be excavated and the volume of soil that should be excavated;

(5) a statement as to whether a petroleum tank release was reported to the agency and the date and time of that report, if any; and

(6) the signature of the consultant or contractor, and the date the report was prepared.

If further corrective action is recommended by the consultant, the preremoval site assessment report and any additional information gathered by the consultant during the assessment shall be used for securing competitive bids or proposals on forms prescribed by the board to implement corrective actions at the site, consistent with rules promulgated under this chapter.

Subd. 4. [BID AND INVOICE FORMS; AGENCY FACT SHEETS.] Within 60 days of the effective date of this section, the board shall prescribe a preremoval site assessment bid and invoice form as described in subdivision 1 and the agency shall publish fact sheets applicable to the preremoval site assessment.

Sec. 9. Minnesota Statutes 1994, section 115C.11, subdivision 1, is amended to read:

Subdivision 1. [REGISTRATION.] (a) All consultants and contractors who perform corrective action services must register with the board in order to participate in the petroleum tank release cleanup program.

(b) The board must maintain a list of all registered consultants and a list of all registered contractors including an identification of the services offered.

(c) An applicant who applies for reimbursement must use a All corrective action services must be performed by registered consultant consultants and contractor in order to be eligible for reimbursement contractors.

(d) The commissioner must inform any person who notifies the agency of a release under section 115.061 that the person must use a registered consultant or contractor to qualify for reimbursement and that a list of registered consultants and contractors is available from the board.

(e) Work Reimbursement for corrective action services performed by an unregistered consultant or contractor is ineligible for reimbursement subject to reduction under section 115C.09, subdivision 3, paragraph (i).

~~(f) Work~~ (e) Corrective action services performed by a consultant or contractor prior to being removed from the registration list may be reimbursed without reduction by the board.

~~(g) (f)~~ If the information in an application for registration becomes inaccurate or incomplete in any material respect, the registered consultant or contractor must promptly file a corrected application with the board.

~~(h) (g)~~ Registration is effective on the date a complete application is received by the board. The board may reimburse without reduction the cost of work performed by an unregistered contractor if the contractor performed the work within 30 days of the effective date of registration.

Sec. 10. Minnesota Statutes 1994, section 115C.12, is amended to read:

115C.12 [APPEAL OF REIMBURSEMENT DETERMINATION.]

Subdivision 1. [APPEAL FROM DETERMINATION OF COMMISSIONER OF COMMERCE.] ~~(a) A person may appeal to the board within 90 days after notice of a reimbursement determination made under section 115C.09 by submitting a written notice setting forth the specific basis for the appeal.~~

~~(b) The board shall consider the appeal within 90 days of the notice of appeal. The board shall notify the appealing party of the date of the meeting at which the appeal will be heard at least 30 days before the date of the meeting.~~

~~(c) The board's decision must be based on the written record and written arguments and submissions unless the board determines that oral argument is necessary to aid the board in its decision making. Any written submissions must be delivered to the board at least 15 days before the meeting at which the appeal will be heard. Any request for the presentation of oral argument must be in writing and submitted along with the notice of appeal. An applicant for reimbursement may appeal to the board a reimbursement determination made by the commissioner of commerce under authority delegated by the board according to section 115C.09, subdivision 10. The commissioner of commerce shall send written notification of the reimbursement determination by first class United States mail to the applicant for reimbursement at the applicant's last known address. The applicant for reimbursement must file written notice with the board of an appeal of a reimbursement determination made by the commissioner of commerce within 60 days of the date that the commissioner of commerce sends written notice to the applicant of the reimbursement determination. The board shall consider the appeal within 90 days of receipt of the written notice of appeal by the applicant for reimbursement.~~

Subd. 2. [APPEAL FROM DECISION OF THE BOARD.] (a) An applicant for reimbursement may appeal a reimbursement determination of the board as a contested case under chapter 14. An applicant for reimbursement must provide written notification to the board of a request for a contested case within 30 days of the date that the board makes a reimbursement determination.

(b) This subdivision applies to reimbursement determinations made by the board as a result of an appeal to the board under subdivision 1 and reimbursement determinations made by the board when the board has not delegated its authority to make reimbursement determinations.

Sec. 11. Minnesota Statutes 1994, section 115C.13, is amended to read:

115C.13 [REPEALER.]

Sections 115C.01, 115C.02, 115C.021, 115C.03, 115C.04, 115C.045, 115C.05, 115C.06, 115C.065, 115C.07, 115C.08, 115C.09, 115C.092, 115C.10, 115C.11, and 115C.12, are repealed effective June 30, 2000.

Sec. 12. [116.481] [MONITORING.]

Subdivision 1. [MEASUREMENT OF TANK CAPACITY.] (a) By September 1, 1996, all aboveground tanks of 2,000 gallons or more used for storage and subsequent resale of petroleum products must be equipped with:

(1) a gauge in working order that shows the current level of product in the tank; or

(2) an audible or visual alarm which alerts the person delivering fuel into the tank that the tank is within 100 gallons of capacity.

(b) In lieu of the equipment specified in paragraph (a), the owner or operator of a tank may use a manual method of measurement which accurately determines the amount of product in the tank and the amount of capacity available to be used. This information must be readily available to anyone delivering fuel into the tank prior to delivery. Documentation that a tank has the available capacity for the amount of product to be delivered must be transmitted to the person making the delivery.

Subd. 2. [CONTENTS LABELED.] (a) By December 1, 1995, all aboveground tanks governed by this section must be numbered and labeled as to the tank contents, total capacity, and capacity in volume increments of 500 gallons or less.

(b) Piping connected to the tank must be labeled with the product carried at the point of delivery and at the tank inlet. Manifolder delivery points must have all valves labeled as to product distribution.

Subd. 3. [SITE DIAGRAM.] (a) All tanks at a facility shall be shown on a site diagram which is permanently mounted in an area accessible to delivery personnel. The diagram shall show the number, capacity, and contents of tanks and the location of piping, valves, storm sewers, and other information necessary for emergency response, including the facility owner's or operator's telephone number.

(b) Prior to delivering product into an underground or aboveground tank, delivery personnel shall:

(1) consult the site diagram, where applicable, for proper delivery points, tank and piping locations, and valve settings;

(2) visually inspect the tank, piping, and valve settings to determine that the product being delivered will flow only into the appropriate tank; and

(3) determine, using equipment and information available at the site, that the available capacity of the tank is sufficient to hold the amount being delivered.

Delivery personnel must remain in attendance during delivery.

Subd. 4. [CAPACITY OF TANK.] A tank may not be filled from a transport vehicle compartment containing more than the available capacity of the tank, unless the hose of the transport vehicle is equipped with a manually operated shut-off nozzle.

Subd. 5. [EXEMPTION.] Aboveground and underground tanks located at refineries, pipeline terminals, and river terminals are exempt from this section.

Sec. 13. [EFFECTIVE DATE.]

Sections 2 and 8 are effective the day following final enactment. All other sections are effective as of August 1, 1995. Sections 2 and 8 apply only to preremoval site assessments begun on or after the effective date."

Delete the title and insert:

"A bill for an act relating to petroleum tank release cleanup fund; providing for payment for a site assessment prior to tank removal; modifying reimbursement provisions; adding requirements for tank monitoring; amending Minnesota Statutes 1994, sections 115C.02, subdivision 11, and by adding a subdivision; 115C.03, subdivision 10; 115C.09, subdivisions 2, 3, 3b, and 3c; 115C.11, subdivision 1; 115C.12; and 115C.13; proposing coding for new law in Minnesota Statutes, chapters 115C; and 116."

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

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

S.F. No. 1051: A bill for an act relating to emergency telephone services; requiring provider of cellular telephone services to include in its billings a notice regarding 911 calls; making technical changes; amending Minnesota Statutes 1994, sections 403.02, subdivision 1; 403.07, subdivision 1; and 403.09; proposing coding for new law in Minnesota Statutes, chapter 403.

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

Page 2, line 13, delete "in each billing" and insert "at the time of initial subscription and at least once annually thereafter"

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

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

H.F. No. 1101: A bill for an act relating to water law; making miscellaneous technical corrections to water law; delegation of permit authority; minimal impact permits; removal of hazardous dams; amending Minnesota Statutes 1994, sections 103F.215, subdivision 1; 103F.221, subdivision 1; 103G.005, subdivision 14; 103G.105; 103G.111, subdivision 1; 103G.121, subdivision 1; 103G.135; 103G.245, subdivisions 3 and 5; 103G.271, subdivision 2; 103G.275, subdivision 1; 103G.295, subdivision 4; 103G.301, subdivision 2; 103G.315, subdivisions 12 and 15; 103G.511, subdivision 12; 103G.515, by adding a subdivision; and 103G.611, subdivision 3.

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

Page 7, line 23, delete "November" and insert "June"

Page 8, after line 14, insert:

"Sec. 19. [CONSTRUCTION OF SEAWALL BY HENNEPIN COUNTY ON LAKE MINNETONKA.]

Notwithstanding Minnesota Statutes, section 103G.245, subdivision 1, the commissioner of natural resources shall issue a public waters work permit authorizing Hennepin county to construct a new seawall at the site of the county's water patrol building located at Spring Park Bay on Lake Minnetonka, provided that the new seawall may not extend more than 15 feet further into the lake than the existing seawall."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "law"

Page 1, line 5, after "dams;" insert "requiring the commissioner of natural resources to issue a permit authorizing Hennepin county to construct a seawall on Lake Minnetonka;"

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

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

S.F. No. 629: A bill for an act relating to housing; establishing a rental tax equity pilot project in the city of Brooklyn Park; appropriating money.

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

Page 2, line 6, after "(a)" insert "The Brooklyn Park city council shall adopt by resolution guidelines for implementation of the program under this section.

(b)"

Page 2, line 10, delete "(b)" and insert "(c)"

Page 2, line 12, delete "(c)" and insert "(d)"

Page 2, line 16, delete "(d)" and insert "(e)"

Page 2, line 23, delete "(e)" and insert "(f)"

Page 2, line 25, delete "(f)" and insert "(g)"

Page 2, line 29, delete "(g)" and insert "(h)"

Page 3, line 4, delete "(h)" and insert "(i)"

Page 3, delete lines 7 and 8

Page 4, line 31, delete ", and is limited to \$1,000,000" and after the period, insert "Reimbursement is limited to a total of \$1,000,000 for both years and shall be allocated to a year according to the certifications made by the city."

Page 4, after line 35, insert:

"Subd. 10. [NO RENT INCREASE.] A landlord who receives a credit under subdivision 9, may not increase the rent charged for the unit for which the credit is provided during the taxes payable year in which the credit is provided."

Page 4, line 36, delete "10" and insert "11"

Page 5, line 3, delete "housing" and insert "jobs, energy and community development"

Page 5, line 9, delete "11" and insert "12"

Page 6, line 4, delete "1998" and insert "1997"

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

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

H.F. No. 1055: A bill for an act relating to waters; eliminating the position of board of water and soil resources secretary; increasing board members' compensation; duties of advisory committees; rule approval procedure; guidelines for management plans; exemptions from review; appeals from rules, permit decisions, and orders; informal dispute resolution; assessment basis; amending Minnesota Statutes 1994, sections 103D.011, subdivision 21; 103D.101, subdivision 4; 103D.205, subdivisions 1 and 4; 103D.221, subdivision 2; 103D.255, subdivision 1; 103D.261, subdivision 1; 103D.271, subdivisions 2 and 4; 103D.305, subdivision 1; 103D.311, subdivision 4; 103D.315, subdivisions 1, 8, and 11; 103D.321, subdivision 2; 103D.331; 103D.335, subdivisions 5, 6, and 13; 103D.341, subdivision 2; 103D.351; 103D.401, subdivisions 1 and 2; 103D.405, subdivision 1; 103D.515, subdivision 4; 103D.531; 103D.535, subdivisions 1, 4, and 5; 103D.537; 103D.611, subdivisions 1, 4, and 5; 103D.621, subdivision 4; 103D.625, subdivisions 3 and 4; 103D.631, subdivision 2; 103D.635, subdivisions 1 and 3; 103D.705, subdivision 1; 103D.711, subdivision 2; 103D.715, subdivision 3; 103D.721, subdivision 2; 103D.741, subdivision 1; 103D.745, subdivisions 2 and 3; 103D.811, subdivisions 1 and 3; 103D.901, subdivisions 2, 4, and 5; 103D.905, subdivisions 3 and 5; 103D.921, subdivisions 1 and 3; and 103D.925; proposing coding for new law in Minnesota Statutes, chapter 103D.

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

Page 1, delete section 1

Page 8, after line 7, insert:

"Sec. 18. Minnesota Statutes 1994, section 103D.335, subdivision 11, is amended to read:

Subd. 11. [ACQUISITION OF PROPERTY.] The managers may acquire by gift, purchase,

taking under the procedures of this chapter, or by the right of eminent domain, necessary real and personal property. The watershed district may acquire property outside the watershed district where necessary for a water supply system."

Page 8, after line 12, insert:

"Sec. 20. Minnesota Statutes 1994, section 103D.335, is amended by adding a subdivision to read:

Subd. 25. [WATER RESOURCE MANAGEMENT ACTIVITIES.] The managers may conduct studies and monitoring of water resources within the watershed district and implement water resource management programs."

Page 19, after line 14, insert:

"Sec. 45. Minnesota Statutes 1994, section 103D.715, subdivision 4, is amended to read:

Subd. 4. [BENEFITS AND DAMAGES TO STATE LAND.] For all watershed district projects, benefits and damages to property owned by the state or a state agency, held and used for the purposes described in sections 103E.025 and 103E.315, subdivision 1, must be determined as using the procedure provided in sections 103E.025 and 103E.315, subdivision 1, as they are applicable."

Page 19, after line 23, insert:

"Sec. 47. Minnesota Statutes 1994, section 103D.721, subdivision 3, is amended to read:

Subd. 3. [STATE PROPERTY.] For all watershed district projects, benefits and damages to property owned by the state or a state agency that is held and used for the purposes described in sections 103E.025 and 103E.315, subdivision 1, shall be determined as using the procedure provided in sections 103E.025 and 103E.315, subdivision 1, as they are applicable."

Page 24, after line 33, insert:

"Sec. 61. Minnesota Statutes 1994, section 117.011, is amended to read:

117.011 [RIGHT OF EMINENT DOMAIN.]

All bodies, public or private, who have the right of eminent domain, when exercising the right, shall do so in the manner prescribed by this chapter, even though a different procedure may be provided by charter provisions, ordinance or statute, but nothing herein shall apply to the taking of property under laws relating to drainage or to town roads when those laws themselves expressly provide for the taking and specifically prescribe the procedure. The taking of property for a project undertaken by a watershed district under chapter 103D or for a project undertaken by a drainage authority under chapter 103E may be carried out under the procedure provided by those chapters.

Sec. 62. [EFFECTIVE DATE.]

Sections 18, 45, 47, and 61 are effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after the second semicolon, insert "clarifying procedures that must be used when taking property for watershed district projects;"

Page 1, line 9, delete everything after "sections"

Page 1, line 16, delete "and" and insert "11," and after "13" insert ", and by adding a subdivision"

Page 1, line 24, delete everything before the second semicolon and insert "subdivisions 3 and 4; 103D.721, subdivisions 2 and 3"

Page 1, line 28, delete the second "and" and after the second semicolon, insert "and 117.011;"

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

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

S.F. No. 1253: A bill for an act relating to commerce; modifying the petroleum tank release cleanup program in the department of commerce; limiting the amount of the deductible required on residential and small business sites; establishing registration requirements for consultants and contractors; amending Minnesota Statutes 1994, sections 115C.02, by adding a subdivision; 115C.09, subdivision 3; and 115C.11, subdivision 1.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

Section 1. Minnesota Statutes 1994, section 115C.11, subdivision 1, is amended to read:

Subdivision 1. [REGISTRATION.] (a) All consultants and contractors must register with the board in order to participate in the petroleum tank release cleanup program. In order to register, consultants and contractors must meet and demonstrate compliance with the following criteria:

(1) provide a signed statement to the board verifying agreement to abide by this chapter and the rules adopted under it and to include a signed statement with each claim that all costs claimed by the consultant or contractor are a true and accurate account of services performed;

(2) provide a signed statement that the consultant or contractor shall make available for inspection and audit records requested by the board for field or financial audits under the scope of this chapter;

(3) certify knowledge of the requirements of this chapter and the rules adopted under it;

(4) obtain and maintain professional liability coverage, including pollution impairment liability;
and

(5) agree to submit to the board a certificate or certificates verifying the existence of the required insurance coverage for all subcontractors who performed work included in a claim along with any request for reimbursement.

(b) The board must maintain a list of all registered consultants and a list of all registered contractors including an identification of the services offered.

(c) An applicant who applies for reimbursement must use a registered consultant and contractor in order to be eligible for reimbursement.

(d) The commissioner must inform any person who notifies the agency of a release under section 115.061 that the person must use a registered consultant or contractor to qualify for reimbursement and that a list of registered consultants and contractors is available from the board.

(e) Work performed by an unregistered consultant or contractor is ineligible for reimbursement.

(f) Work performed by a consultant or contractor prior to being removed from the registration list may be reimbursed by the board.

(g) If the information in an application for registration becomes inaccurate or incomplete in any material respect, the registered consultant or contractor must promptly file a corrected application with the board.

(h) Registration is effective on the date a complete application is received by the board. The board may reimburse the cost of work performed by an unregistered contractor if the contractor performed the work within 30 days of the effective date of registration.

ARTICLE 2

Section 1. Minnesota Statutes 1994, section 88.171, subdivision 2, is amended to read:

Subd. 2. [PROHIBITED MATERIALS.] No person shall conduct, cause, or permit open burning of oils, rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke including, but not limited to, tires, railroad ties, chemically treated lumber, composite shingles, tar paper, insulation, composition board, sheetrock, wiring, paint, or paint filters. Except as specifically authorized by the commissioner of the pollution control agency as an emergency response to an oil spill, no person shall conduct, cause, or permit open burning of oil.

Sec. 2. Minnesota Statutes 1994, section 115E.01, is amended by adding a subdivision to read:

Subd. 3a. [DAMAGES.] "Damages" means damages of any kind for which liability may exist under the laws of this state resulting from, arising out of, or related to the discharge or threatened discharge of hazardous substances or oil.

Sec. 3. Minnesota Statutes 1994, section 115E.01, is amended by adding a subdivision to read:

Subd. 11a. [RESPONSE AREA.] "Response area" means the area designated by the federal on-scene coordinator, the commissioner of the pollution control agency, or the commissioner of agriculture in which response to a discharge is occurring.

Sec. 4. Minnesota Statutes 1994, section 115E.01, is amended by adding a subdivision to read:

Subd. 11b. [RESPONSE COSTS.] "Response costs" means the costs of response that are incurred after a discharge of oil or hazardous substances has occurred, or, where there is a substantial threat of discharge of oil or hazardous substances, the costs to prevent, minimize, or mitigate a discharge.

Sec. 5. Minnesota Statutes 1994, section 115E.01, is amended by adding a subdivision to read:

Subd. 11c. [RESPONSIBLE PARTY.] "Responsible party" means a responsible party as defined in section 1001 of the Oil Pollution Act of 1990.

Sec. 6. Minnesota Statutes 1994, section 115E.04, subdivision 2, is amended to read:

Subd. 2. [TIMING.] (a) A person required to be prepared under section 115E.03, other than a person who owns or operates a motor vehicle, rolling stock, or a facility that stores less than 250,000 gallons of oil or a hazardous substance, shall complete the response plan required by this section by March 1, 1993, unless one of the commissioners orders the person to demonstrate preparedness at an earlier date under section 115E.05. ~~Plans must be updated every three years. Plans must be updated before three years following a significant discharge, upon significant change in vessel or facility operation or ownership, upon significant change in the national or area contingency plans under the Oil Pollution Act of 1990, or upon change in the capabilities or role of a person named in a plan who has an important response role.~~

(b) A person who owns or operates a motor vehicle, rolling stock, or a facility that stores less than 250,000 gallons of oil or a hazardous substance shall complete the response plan required by this section by January 1, 1994.

(c) Plans required under section 115E.04 or 115E.045 must be updated every three years. Plans must be updated before three years following a significant discharge, upon significant change in vessel or facility operation or ownership, upon significant change in the national or area contingency plans under the Oil Pollution Act of 1990, or upon change in the capabilities or role of a person named in a plan who has an important response role.

Sec. 7. Minnesota Statutes 1994, section 115E.06, is amended to read:

115E.06 [GOOD SAMARITAN.]

(a) A person listed in this paragraph who is rendering assistance in response to a discharge of a hazardous substance or oil is not liable for response costs that result from actions taken or failed to

be taken in the course of the assistance unless the person is grossly negligent or engages in willful misconduct:

(1) a member of a cooperative or community awareness and emergency response group in compliance with standards in rules adopted by the pollution control agency;

(2) an employee or official of the political subdivision where the response takes place, or a political subdivision that has a mutual aid agreement with that subdivision;

(3) a member or political subdivision sponsor of a hazardous materials incident response team or special chemical assessment team designated by the commissioner of the department of public safety;

(4) a person carrying out the directions of: (i) the commissioner of the pollution control agency, the commissioner of agriculture, the commissioner of natural resources, or the commissioner of public safety; or (ii) the United States Coast Guard or Environmental Protection Agency on-scene coordinator consistent with a national contingency plan under the Oil Pollution Act of 1990; and

(5) a for-hire response contractor.

(b) This section does not exempt from liability responsible persons with respect to the discharge under chapter 115B or 115C or responsible parties with respect to the discharge under chapter 18B or 18D.

Sec. 8. Minnesota Statutes 1994, section 115E.061, is amended to read:

115E.061 [RESPONDER IMMUNITY; OIL DISCHARGES.]

(a) ~~Notwithstanding any other law, a person identified in section 115E.06, paragraph (a), who is rendering care, assistance, or advice in response to a discharge or threat of discharge of oil is not liable for response costs or damages that result from actions taken or failed to be taken in the course of rendering the care, assistance, or advice in accordance consistent with the national contingency plan under the Oil Pollution Act of 1990, or as otherwise directed by the federal on-scene coordinator, the commissioner of the pollution control agency, the commissioner of agriculture, the commissioner of natural resources, or the commissioner of public safety.~~

(b) Paragraph (a) does not apply:

(1) to a responsible ~~person under chapter 115B or 115C~~ party;

(2) with respect to personal injury or wrongful death; or

(3) if the person rendering assistance is grossly negligent or engages in willful misconduct; or

(4) to a discharge that occurs outside the response area or after the response.

(c) Nothing in this section relieves a responsible party from liability the responsible party otherwise has for the initial discharge or threat of discharge that necessitated the response.

(d) Nothing in this section relieves a responsible party from the following duties:

(1) to take steps to prevent discharges under section 115E.02;

(2) to be prepared for discharges under section 115E.03, subdivision 1; or

(3) duties under section 115.061.

(e) A responsible party is liable for any response costs and damages that another person is relieved of under paragraph (a)."

Amend the title as follows:

Page 1, line 4, delete from "limiting" through page 1, line 5, to "sites;"

Page 1, line 7, after the first semicolon, insert "modifying provisions relating to liability for discharges of oil and hazardous substances;"

Page 1, delete lines 8 and 9 and insert "sections 88.171, subdivision 2; 115C.11, subdivision 1; 115E.01, by adding subdivisions; 115E.04, subdivision 2; 115E.06; and 115E.061."

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

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

S.F. No. 1089: A bill for an act relating to traffic regulations; allowing turn on red arrow traffic signal, under certain conditions; regulating speed limits in residential areas; providing for disposition of proceeds of fines collected for violation of work zone speed limits; making technical changes; amending Minnesota Statutes 1994, sections 169.06, subdivision 5; and 169.14, subdivisions 2 and 5d; repealing Minnesota Statutes 1994, section 169.01, subdivision 81.

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

Pages 1 to 5, delete sections 1 and 2 and insert:

"Section 1. Minnesota Statutes 1994, section 116.07, subdivision 2a, is amended to read:

Subd. 2a. [EXEMPTIONS FROM STANDARDS.] No standards adopted by any state agency for limiting levels of noise in terms of sound pressure which may occur in the outdoor atmosphere shall apply to (1) ~~segments of trunk highways constructed with federal interstate substitution money, provided that all reasonably available noise mitigation~~ an existing or newly constructed segment of a freeway or expressway, as defined in section 160.02, provided that all reasonable measures, as approved by the commissioners of the department of transportation and the pollution control agency, are employed to abate noise, (2) an existing or newly constructed segment of a highway that is not operated as a freeway or expressway, (3) ~~skeet, trap or shooting sports clubs,~~ or (3) ~~the holding of~~ (4) motor vehicle race events conducted at a facility specifically designed for that purpose that was in operation on or before July 1, 1983. Nothing herein shall prohibit a local unit of government or a public corporation with the power to make rules for the government of its real property from regulating the location and operation of skeet, trap or shooting sports clubs, or ~~the holding of~~ motor vehicle race events conducted at a facility specifically designed for that purpose that was in operation on or before July 1, 1983.

Sec. 2. Minnesota Statutes 1994, section 160.02, is amended by adding a subdivision to read:

Subd. 16. [FREEWAY OR EXPRESSWAY.] "Freeway" or "expressway" means a divided, controlled-access highway with four or more lanes.

Sec. 3. Minnesota Statutes 1994, section 161.125, subdivision 1, is amended to read:

Subdivision 1. [IMPLEMENTATION.] The commissioner of transportation shall, ~~in accordance with the department's program, implement sound a noise abatement study and noise abatement measures within or along the perimeter of any interstate or trunk highway within freeways and expressways in incorporated areas located within the metropolitan area or any municipality whenever the noise level attributable to vehicular traffic at the abutting residential property line is in excess of the federal noise standards. The commissioner shall utilize federal matching funds available for constructing and maintaining sound abatement measures. No standard adopted by any state agency for limiting levels of noise in terms of sound pressure in the outdoor atmosphere shall apply to any interstate highway, or to any trunk highway segment constructed or reconstructed with federal interstate substitution funds, provided that all reasonable mitigating measures are used to abate noise contingent on the availability of funding, in accordance with section 116.07, subdivision 2a. The commissioner shall report to the legislature by February 1 of each year on noise abatement studies and measures undertaken during the previous calendar year and planned for the next three years under this subdivision.~~

Page 6, delete section 4

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon and insert "exempting highways, freeways, and expressways from noise limits; requiring noise abatement study and measures for freeways and expressways contingent on available funding; requiring annual noise abatement report;"

Page 1, delete lines 3 and 4

Page 1, delete lines 7 to 10 and insert "amending Minnesota Statutes 1994, sections 116.07, subdivision 2a; 160.02, by adding a subdivision; 161.125, subdivision 1; and 169.14, subdivision 5d."

And when so amended the bill do pass. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

SECOND READING OF SENATE BILLS

S.F. Nos. 507, 1051 and 1253 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1101 and 1055 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Solon moved that his name be stricken as a co-author to S.F. No. 1410. The motion prevailed.

Messrs. Moe, R.D. and Johnson, D.E. introduced--

Senate Concurrent Resolution No. 8: A Senate concurrent resolution relating to adjournment for more than three days.

BE IT RESOLVED by the Senate of the State of Minnesota, the House of Representatives concurring:

1. Upon its adjournment on Thursday, April 13, 1995, the Senate may set its next day of meeting more than three days after the day of adjournment.
2. Upon its adjournment on Thursday, April 13, 1995, the House of Representatives may set its next day of meeting more than three days after the day of adjournment.
3. Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate consents to the adjournment of the House of Representatives for more than three days.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Merriam moved that the report from the Committee on Finance, relating to the appointment of Laura M. King as the Commissioner of the Department of Finance, reported March 6, 1995, be taken from the table. The motion prevailed.

Mr. Merriam moved that the foregoing report and the appointment be re-referred to the Committee on Finance. The motion prevailed.

Ms. Hanson moved that S.F. No. 255 be withdrawn from the Committee on Crime Prevention and re-referred to the Committee on Finance. The motion prevailed.

MEMBERS EXCUSED

Mr. Stumpf was excused from the Session of today. Mr. Chmielewski was excused from the Session of today at 11:00 a.m. Ms. Pappas was excused from the Session of today from 9:30 to 10:30 a.m. Ms. Berglin was excused from the Session of today from 9:30 to 10:00 a.m. Mr. Kroening was excused from the Session of today from 9:30 to 10:10 a.m. Mr. Laidig was excused from the Session of today from 9:30 to 11:00 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Wednesday, April 12, 1995. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

