

STATE OF MINNESOTA

# Journal of the Senate

EIGHTIETH LEGISLATURE

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FORTY-SIXTH DAY

St. Paul, Minnesota, Thursday, April 24, 1997

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

## CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Thomas Byrtus.

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

Anderson	Higgins	Laidig	Oliver	Scheevel
Beckman	Hottinger	Langseth	Olson	Scheid
Belanger	Janezich	Larson	Ourada	Spear
Berg	Johnson, D.E.	Lesewski	Pappas	Stevens
Berglin	Johnson, D.H.	Lessard	Pariseau	Stumpf
Betzold	Johnson, D.J.	Limmer	Piper	Ten Eyck
Cohen	Johnson, J.B.	Lourey	Pogemiller	Terwilliger
Day	Junge	Marty	Price	Vickerman
Dille	Kelley, S.P.	Metzen	Ranum	Wiener
Fischbach	Kelly, R.C.	Moe, R.D.	Robertson	Wiger
Flynn	Kiscaden	Morse	Robling	
Foley	Kleis	Murphy	Runbeck	
Frederickson	Knutson	Neuville	Sams	
Hanson	Krentz	Novak	Samuelson	

The President declared a quorum present.

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

## REPORTS FILED WITH THE SECRETARY OF THE SENATE

The following reports were received and filed with the Secretary of the Senate: Departments of Health and Commerce, Direct Contracting for Health Care Services, 1997; Department of Health, MinnesotaCare Growth Limit Implementation Report, 1997; Office of the Governor, State Legislature on Compulsive Gambling, 1997; Board on Aging, Annual Report, July 1, 1995 to June 30, 1996; Department of Health, Immunization Law Study, 1997; Trade and Economic Development, Public Facilities Authority, Annual Report, 1997; Department of Administration, Cost Comparison of Leased, Purchase of Existing and State Constructed Facility, 1997; Department of Trade and Economic Development, Contamination Cleanup Grant Report, 1997; Department of State Lottery, Annual Report and Financial Audit, 1996; Department of Transportation, Statewide Transportation Plan, 1997; City of St. Paul, Half Cent Sales Tax Collected, January 1995 through December 1996; Department of Human Services, Combining the Alternative Care Program and the Elderly Waiver Program, Feasibility Study, 1997; Departments of Human Services and Revenue, Tax Credit Express Pilot Project, 1997; Department of Human

Services, Cost Savings from Modified Background Study Process and Costs of Conducting Background Studies on Individuals Employed in Minnesota and Residing in a Neighboring State, 1997; Department of Human Services, TEFRA Advisory Committee Report, 1997; Department of Human Services, Estimate of the Need for Alcohol/Drug-Related Services for Adolescents in Minnesota: Implications for Managed Care Organizations and Health Care Providers, 1997; Department of Human Services, SSIS Linkages with Maxis and MMIS Computer Systems, 1997; Metropolitan Council, Metropolitan Area Municipal Water Supply Planning Process, 1997; Office of the State Auditor, Revenues, Expenditures, and Debt of Minnesota, Cities Under 2,500 in Population, 1995; Department of Human Services, New Chance Program, 1997; Department of Administration, Telecommuting Pilot Program Assessment, 1997; Department of Health, Building a Solid Foundation for Health: Public Health System Development, 1997; Department of Human Services; Minnesota Student Survey: Juvenile Correctional Facilities, 1995; Department of Human Services, Minnesota Student Survey: Alternative Schools and Learning Centers, 1996; Department of Human Services, Minnesota Student Survey: Chemical Dependency Treatment Programs, 1995/1996; Department of Human Services, Minnesota Student Survey: Residential Behavioral Treatment Facilities, 1996; Metropolitan Airports Commission, Annual Report, 1996.

### EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 23, 1997

The Honorable Allan H. Spear  
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 475, 539, 1527 and 145.

April 23, 1997

The Honorable Allan H. Spear  
President of the Senate

Dear President Spear:

It is my honor to inform you that I have allowed Resolution No. 3, S.F. No. 1675 to be filed without my signature.

Warmest regards,  
Arne H. Carlson, Governor

April 24, 1997

The Honorable Phil Carruthers  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1997 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1997	Date Filed 1997
1675		Res. No. 3	Without signature	April 23

475		48	1:25 p.m. April 23	April 23
	645	49	1:30 p.m. April 23	April 23
	108	50	1:32 p.m. April 23	April 23
539		51	1:27 p.m. April 23	April 23
1527		52	1:27 p.m. April 23	April 23
	255	53	1:34 p.m. April 23	April 23
	763	54	1:33 p.m. April 23	April 23
	1861	55	1:35 p.m. April 23	April 23
	356	56	1:40 p.m. April 23	April 23
145		66	2:03 p.m. April 23	April 23

Sincerely,  
Joan Anderson Growe  
Secretary of State

### 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. 465, 652 and 1025.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 23, 1997

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. 555:** A bill for an act relating to telecommunications; authorizing creation of telecommunication services purchasing cooperatives; proposing coding for new law in Minnesota Statutes, chapters 237; and 308A.

Senate File No. 555 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 23, 1997

Mr. Kelley, S.P. moved that S.F. No. 555 be laid on the table. The motion prevailed.

Mr. President:

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

**S.F. No. 1094:** A bill for an act relating to real estate; regulating compensation paid by licensees to tenants for referrals; amending Minnesota Statutes 1996, section 82.19, subdivision 3.

Senate File No. 1094 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 23, 1997

### CONCURRENCE AND REPASSAGE

Mrs. Scheid moved that the Senate concur in the amendments by the House to S.F. No. 1094 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1094 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 53 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Krentz	Neuville	Samuelson
Beckman	Higgins	Laidig	Oliver	Scheevel
Belanger	Hottinger	Langseth	Olson	Scheid
Berg	Janezich	Larson	Ourada	Spear
Berglin	Johnson, D.E.	Lesewski	Piper	Stevens
Betzold	Johnson, D.H.	Lessard	Pogemiller	Ten Eyck
Day	Kelley, S.P.	Lourey	Price	Vickerman
Dille	Kelly, R.C.	Metzen	Robertson	Wiener
Flynn	Kiscaden	Moe, R.D.	Robling	Wiger
Foley	Kleis	Morse	Runbeck	
Frederickson	Knutson	Murphy	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 that the House refuses to concur in the Senate amendments to House File No. 753:

**H.F. No. 753:** A bill for an act relating to financial institutions; authorizing facsimile or electronic filings and certifications; regulating the powers and structure of certain institutions; regulating consumer credit; modifying lending authority; regulating fees and charges; making technical and conforming changes; amending Minnesota Statutes 1996, sections 46.04, by adding a subdivision; 46.044, by adding a subdivision; 46.046, by adding a subdivision; 46.047, subdivision 2; 46.07, subdivision 2; 46.131, subdivision 2; 47.20, subdivisions 9 and 14; 47.55, subdivision 1; 47.56; 47.59, subdivisions 1 and 12; 47.61, subdivision 3; 48.01, subdivision 2; 48.09, by adding a subdivision; 48.15, subdivision 2; 48.24, subdivision 2, and by adding a subdivision; 48.512, by adding subdivisions; 48.61, subdivision 7, and by adding a subdivision; 49.215, subdivision 3; 49.33; 49.42; 50.245; 51A.38, subdivision 1; 52.04, subdivision 2a, and by adding a subdivision; 52.062, subdivision 1, and by adding a subdivision; 52.063; 52.064, by adding a subdivision; 52.201; 53.04, by adding a subdivision; 53.05; 53.09, subdivision 2a; 55.06, subdivision 1; 56.07; 56.10, subdivision 1; 56.131, subdivisions 1 and 4; 59A.08, subdivision 3, and by adding a subdivision; 59A.11, subdivisions 2 and 3; 62B.04, subdivision 1; 300.20, subdivision 2; 303.25, subdivision 5; 325F.68, subdivision 2; 332.21; 332.23, subdivisions 2 and 5; proposing coding for new law in Minnesota Statutes, chapter 48; repealing Minnesota Statutes 1996, sections 13.99, subdivision 13; 47.29; 47.31; 47.32; 49.47; 49.48; 50.03; 50.23; and 59A.14.

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

Kubly, Carlson and Abrams have been appointed as such committee on the part of the House.

House File No. 753 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 23, 1997

Mr. Metzen moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 753, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 686:

**H.F. No. 686:** A bill for an act relating to landlord and tenant; prohibiting landlords from penalizing tenants solely for seeking police or emergency assistance; superseding inconsistent local regulation; authorizing the attorney general to investigate and prosecute violations; providing civil penalties; proposing coding for new law in Minnesota Statutes, chapter 504.

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

Paymar, Dawkins and Larsen have been appointed as such committee on the part of the House.

House File No. 686 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 23, 1997

Mr. Johnson, D.H. moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 686, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2150:

**H.F. No. 2150:** A bill for an act relating to the organization and operation of state government; appropriating money for environmental, natural resource, and agricultural purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; amending Minnesota Statutes 1996, sections 17.76, by adding a subdivision; 32.394, subdivision 11; 32.415; 84.0273; 84.0887, subdivision 2; 84.794, subdivision 1; 84.803, subdivision 1; 84.927, subdivision 2; 85.015, by adding a subdivision; 85.22, subdivision 2a; 85A.04, subdivision 4; 86A.23; 86B.415, subdivision 9; 92.06, subdivision 4; 92.16, subdivision 1; 92.46, by adding a subdivision; 94.10, subdivision 2; 94.165; 97B.667; 103C.501, subdivision 6; 103F.378, subdivision 1; 115.03, subdivision 5; 115A.54, subdivision 2a; 116.07, by adding a subdivision; 296.421, subdivision 5; 300.111, by adding a subdivision; 308A.101, by adding a subdivision; 308A.201, by adding a subdivision; 325E.10, subdivision 2, and by adding subdivisions; 325E.11; 325E.112, subdivision 2; 373.01, subdivision 1; Laws 1995, chapter 220, section 19, subdivision 11; and Laws 1996, chapters 351, section 2; and 463, section 7, subdivision 24; proposing coding for new law in Minnesota Statutes, chapters 4; 17; 92; 115; 116; and 219; repealing Minnesota Statutes 1996, sections 1.31; 1.32; 1.33; 1.34; 1.35; 1.36; 1.37; 1.38; 1.39; 1.40; 84B.11; and 115A.9523; Laws 1995, chapters 77, section 3; and 220, section 21; Minnesota Rules, part 7009.0060.

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

Osthoff, Munger, Peterson, McCollum and Holsten have been appointed as such committee on the part of the House.

House File No. 2150 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 23, 1997

Mr. Morse moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2150, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce 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. 526:** A bill for an act relating to agriculture; providing for food handler certification; proposing coding for new law in Minnesota Statutes, chapter 31.

Senate File No. 526 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 23, 1997

Mrs. Pariseau moved that the Senate do not concur in the amendments by the House to S.F. No. 526, 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 refuses to concur in the Senate amendments to House File No. 2158:

**H.F. No. 2158:** A bill for an act relating to the organization and operation of state government; appropriating money for economic development and certain agencies of state government; establishing and modifying certain programs; providing for regulation of certain activities and practices; standardizing certain licensing service fees; establishing and modifying certain fees; modifying housing programs; establishing a task force; providing for a manufactured home park to be a conditional use; requiring reports; amending Minnesota Statutes 1996, sections 38.02, subdivisions 1, 2, and 3; 44A.01, subdivision 2; 60A.075, by adding a subdivision; 60A.23, subdivision 8; 60A.71, by adding a subdivision; 60K.06, subdivision 2; 65B.48, subdivision 3; 72B.04, subdivision 10; 79.253, subdivision 1; 79.255, by adding a subdivision; 79.361, subdivision 1; 79.371, by adding a subdivision; 82.21, subdivision 1; 82B.09, subdivision 1; 115A.908, subdivision 2; 115B.03, subdivision 5; 115C.021, by adding a subdivision; 115C.03, subdivision 9; 115C.08, subdivision 4; 115C.09, subdivision 3, and by adding a subdivision; 115C.13; 116J.551; 116J.552, subdivision 4; 116J.553, subdivision 2; 116J.554, subdivision 1; 116J.615, subdivision 1; 116L.04, subdivision 1; 116O.05, by adding a subdivision; 116O.122, subdivision 1; 138.91, by adding a subdivision; 155A.045, subdivision 1; 176.181, subdivision 2a; 268.022, subdivision 2; 268.362, subdivision 2; 268.38, subdivision 7; 268.63; 268.672, subdivision 6, and by adding subdivisions; 268.673, subdivisions 3, 4a, and 5; 268.6751, subdivision 1; 268.677, subdivision 1; 268.681; 268.917; 270.97; 298.22, by adding a subdivision; 326.86, subdivision 1; 394.25, by adding a subdivision; 446A.04, subdivision 5; 446A.081, subdivisions 1, 4, and 9; 446A.12, subdivision 1; 462.357, by adding a subdivision; 462A.05, subdivisions 14d, 30, 39, and by adding a subdivision; 462A.13; 462A.201, subdivision 2; 462A.205; 462A.206, subdivisions 2 and 4; 462A.207, subdivisions 1, 2, 3, 4, and 6; 462A.21, subdivision 12a; 469.303; and 469.305, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 45; 79; 116J; 268; 366; 462A; and 469; repealing Minnesota Statutes 1996, sections 115A.908, subdivision 3; 268.39; 268.672, subdivision 4; 268.673, subdivision 6; 268.676; 268.677, subdivisions 2 and 3; 268.678; 268.679, subdivision 3; 462A.05, subdivision 20; 462A.206, subdivision 5; and 462A.21, subdivisions 4k, 12, and 14.

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

Trimble, Clark, Jaros, Rhodes and Gunther have been appointed as such committee on the part of the House.

House File No. 2158 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 23, 1997

Mr. Beckman moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2158, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

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

**S.F. No. 1722:** A bill for an act relating to professions and occupations; defining pharmacy technician; amending Minnesota Statutes 1996, sections 151.01, by adding a subdivision; and 151.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 151.

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

Delmont, Bradley and Goodno.

Senate File No. 1722 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 23, 1997

Mr. President:

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

**S.F. No. 277:** A bill for an act relating to alcoholic beverages; providing for permits for alcoholic beverage manufacturer warehouses, central distribution centers, or holding facilities; providing certain purchase rights to certain retailers served by North Dakota wholesalers; allowing a municipality to authorize a holder of an on-sale intoxicating liquor license to dispense intoxicating liquor at community festivals; modifying liability insurance requirements for liquor retailers; allowing municipalities to authorize on-sale of 3.2 percent malt liquor at 10 a.m. on Sundays; modifying time of day restrictions for the off-sale of intoxicating liquor in municipal liquor stores in certain cities; authorizing the sale of intoxicating liquor at professional athletic events in the St. Paul civic center; authorizing the issuance of intoxicating liquor licenses to the division of parks and recreation of the city of St. Paul; authorizing the city of Moorhead to issue two additional on-sale licenses; authorizing the city of Spring Lake Park to issue one additional on-sale license; amending Minnesota Statutes 1996, sections 340A.404, subdivision 4; 340A.409, subdivisions 1 and 4; 340A.417; and 340A.504, subdivision 3; Laws 1969, chapter 783, section 1, subdivision 1, as amended; and Laws 1990, chapter 554, section 19; proposing coding for new law in Minnesota Statutes, chapter 340A.

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

Tunheim, Juhnke and Bradley.

Senate File No. 277 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 23, 1997

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1370, 735 and 1684.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 23, 1997

### FIRST READING OF HOUSE BILLS

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

**H.F. No. 1370:** A bill for an act relating to excavation notification; requiring notice of underground facilities in drawings for bid specifications or plans; amending Minnesota Statutes 1996, section 216D.04, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 546, now on General Orders.

**H.F. No. 735:** A bill for an act relating to civil commitment; clarifying and reorganizing portions of the commitment act; allowing the designated agency to consent to voluntary treatment for certain incompetent persons; creating a new standard for court-ordered early intervention to provide less intrusive treatment; modifying standards and procedures for the administration of neuroleptic medications; providing for access to records; amending the provisional discharge procedures; requiring medical documentation of a patient's refusal to be examined and allowing determination of need for treatment based on other information; prohibiting prepetition screeners from filing commitment petitions; limiting use of prepetition screening reports in unrelated proceedings; requiring distribution to specified parties; increasing time for return after provisional discharge; modifying provisions governing special review boards; increasing time for hearing appeals; changing provisions for state liens for cost of care; amending Minnesota Statutes 1996, sections 13.42, subdivisions 2 and 3; 55.10, subdivision 4; 246B.01, subdivisions 3 and 4; 253B.01; 253B.02, subdivisions 2, 4, 4a, 7, 9, 13, 14, 15, 18, 18a, 18b, and by adding subdivisions; 253B.03, subdivisions 1, 2, 3, 4, 5, 6, 6b, 7, 8, and by adding a subdivision; 253B.04; 253B.05, subdivisions 1, 2, 3, 4, and by adding a subdivision; 253B.06; 253B.07, subdivisions 1, 2, 2a, 3, 4, 5, 7, and by adding subdivisions; 253B.08, subdivisions 1, 2, 3, 5, and by adding subdivisions; 253B.09, subdivisions 1, 2, 3, 5, and by adding a subdivision; 253B.095; 253B.10; 253B.11, subdivision 2; 253B.12, subdivisions 1, 3, 4, and by adding a subdivision; 253B.13, subdivisions 1 and 2; 253B.14; 253B.15, subdivisions 1, 1a, 2, 3, 5, 10, and by adding subdivisions; 253B.16, subdivision 1; 253B.17, subdivisions 1 and 3; 253B.18, subdivisions 1, 2, 3, 4, 4a, 4b, 5, 6, 7, 9, 12, 14, 15, and by adding a subdivision; 253B.185, subdivision 4; 253B.19, subdivisions 1, 2, 3, and 5; 253B.20, subdivisions 1, 3, 4, 6, and 7; 253B.21, subdivision 4; 253B.22, subdivision 1; 253B.23, subdivisions 1, 4, 6, 7, and 9; 256.015, subdivisions 1, 2, and 4; 256B.042, subdivisions 1, 2, and 4; 256B.37, subdivision 1; 514.71; 514.980, subdivision 2; 514.981, subdivision 2; 514.982, subdivisions 1 and 2; 514.985; 524.1-201; 524.3-801; 524.3-1004; 524.3-1201; and 524.6-207; proposing coding for new law in Minnesota Statutes, chapter 253B; repealing Minnesota Statutes 1996, sections 253B.03, subdivisions 6c and 9; 253B.05, subdivisions 2a and 5; 253B.07, subdivision 6; 253B.08, subdivisions 4 and 6; 253B.091; 253B.12, subdivisions 5 and 8; 253B.13, subdivision 3; 253B.15, subdivisions 4 and 6; 253B.18, subdivision 4; 253B.21, subdivision 5; and 253B.23, subdivision 1a.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 53, now on General Orders.

**H.F. No. 1684:** A bill for an act relating to education; kindergarten through grade 12; providing



for general education; special programs; lifework development; education organization, cooperation, and facilities; education excellence; academic performance; education policy issues; libraries; technology; state agencies; conforming and technical amendments; school bus safety; appropriating money; amending Minnesota Statutes 1996, sections 16A.11, by adding a subdivision; 120.062, subdivisions 7 and 9; 120.0621, subdivisions 5a, 5b, 6, and by adding a subdivision; 120.064, subdivisions 3, 4, 4a, 5, 8, 11, 20a, and by adding subdivisions; 120.101, subdivision 5c, and by adding a subdivision; 120.17, subdivision 3a; 120.181; 121.11, subdivision 7c, and by adding a subdivision; 121.1115, by adding subdivisions; 121.15, by adding subdivisions; 121.155, by adding a subdivision; 121.602, subdivisions 1, 2, and 4; 121.611; 121.615, subdivisions 2, 3, 5, 6, 7, 8, 9, and 10; 121.703, subdivision 3; 121.904, subdivision 4a; 123.34, by adding a subdivision; 123.3514, subdivisions 4, 4a, 4c, 4e, 6c, 8, and by adding subdivisions; 123.39, subdivision 6; 123.799, subdivision 1; 123.7991, subdivisions 1 and 2; 123.935, subdivision 7; 124.155, subdivision 1; 124.17, subdivision 4, and by adding a subdivision; 124.193; 124.195, subdivisions 2, 7, 10, 11, and by adding a subdivision; 124.225, subdivisions 1, 3a, 7b, 7d, 7f, 8a, 10, 13, 14, 15, and 17; 124.226, subdivisions 4, 9, and 10; 124.2445; 124.2455; 124.248, subdivisions 1 and 3; 124.2613, subdivisions 3 and 6; 124.2727, subdivisions 6a, 6c, and 6d; 124.273, subdivisions 1d, 1e, 1f, and 5; 124.312, subdivisions 4 and 5; 124.313; 124.314, subdivisions 1 and 2; 124.3201, subdivisions 1, 2, 3, and 4; 124.321, subdivision 1; 124.323, subdivisions 1 and 2; 124.42, subdivision 4; 124.431, subdivisions 2 and 11; 124.45; 124.481; 124.573, subdivision 2f; 124.574, subdivisions 1, 2d, 2f, 5, 6, and 9; 124.646, subdivision 1; 124.83, subdivisions 1 and 2; 124.86, subdivision 2, and by adding a subdivision; 124.91, subdivisions 1 and 5; 124.912, subdivisions 1, 2, and 3; 124.916, subdivisions 1, 2, and 3; 124.918, subdivision 6; 124.95, subdivision 2; 124.961; 124A.03, subdivision 1c; 124A.036, subdivisions 5 and 6; 124A.04, subdivision 2; 124A.22, subdivisions 1, 2, as amended, 3, 6, 6a, 10, 11, 13b, and by adding a subdivision; 124A.225, subdivisions 1 and 4; 124A.23, subdivisions 1 and 3; 124A.26, subdivision 1; 124A.28; 124C.45, subdivision 1a; 124C.46, subdivisions 1 and 2; 124C.498, subdivision 2; 125.05, subdivisions 1c and 2; 125.12, subdivision 14; 126.22, subdivision 2; 126.23, subdivision 1; 126.77, subdivision 1; 126.82; 127.27, subdivision 10; 127.282; 128C.02, subdivision 2; 128C.08, subdivision 5; 134.155, subdivisions 2 and 3; 134.34, subdivision 4; 136A.233, by adding a subdivision; 169.01, subdivision 6; 169.447, subdivision 6; 169.4501, subdivisions 1 and 2; 169.4502, subdivisions 2, 7, 11, and by adding subdivisions; 169.4503, subdivisions 1, 2, 10, 13, 14, 17, 19, 23, 24, and by adding a subdivision; 169.4504, subdivision 1, and by adding a subdivision; 169.452; and 171.3215, subdivision 4; Laws 1991, chapter 265, article 1, section 30, as amended; Laws 1992, chapter 499, article 7, section 31; Laws 1995, First Special Session chapter 3, article 1, section 56; article 2, section 52; article 3, section 11, subdivisions 1, 2, and 5; article 11, section 21, subdivision 3; article 12, section 7, subdivision 1; Laws 1996, chapter 412, article 4, section 34, subdivision 4; and article 12, sections 8 and 11; proposing coding for new law in Minnesota Statutes, chapters 120; 121; 124; 126; and 127; proposing coding for new law as Minnesota Statutes, chapter 256J; repealing Minnesota Statutes 1996, sections 121.904, subdivision 4d; 124.177; 124.225, subdivisions 13, 14, 15, 16, and 17; 124.226, subdivisions 1, 3, 3a, 6, and 10; 124.3201, subdivisions 2a and 2b; 124A.22, subdivisions 2a, 13, and 13a; 124A.697; 124A.698; 124A.70; 124A.71; 124A.711; 124A.72; 124A.73; 126.113; 128B.10; 134.34, subdivision 4a; 134.46; 169.4502, subdivisions 6 and 9; 169.4503, subdivisions 3, 8, 9, 11, 12, and 22; and 169.454, subdivision 11; Laws 1993, chapter 146, article 5, section 20; Laws 1994, chapter 647, article 7, section 18; and Laws 1995, First Special Session chapter 3, article 12, section 8.

Mr. Moe, R.D. moved that H.F. No. 1684 be laid on the table. The motion prevailed.

## MOTIONS AND RESOLUTIONS

## SPECIAL ORDERS

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

S.F. Nos. 500 and 435.

**SPECIAL ORDER**

**S.F. No. 500:** A bill for an act relating to family support enforcement; adopting changes to the uniform interstate family support act; amending Minnesota Statutes 1996, sections 518C.101; 518C.205; 518C.207; 518C.304; 518C.305; 518C.306; 518C.307; 518C.501; 518C.603; 518C.605; 518C.606; 518C.611; 518C.612; and 518C.701; proposing coding for new law in Minnesota Statutes, chapter 518C.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Hanson	Langseth	Oliver	Samuelson
Beckman	Higgins	Larson	Olson	Scheid
Belanger	Hottinger	Lesewski	Ourada	Spear
Berg	Johnson, D.E.	Lessard	Pappas	Stevens
Berglin	Johnson, D.H.	Limmer	Pariseau	Ten Eyck
Betzold	Kelley, S.P.	Lourey	Piper	Terwilliger
Cohen	Kelly, R.C.	Marty	Pogemiller	Vickerman
Day	Kiscaden	Metzen	Price	Wiener
Dille	Kleis	Moe, R.D.	Robertson	Wiger
Flynn	Knutson	Morse	Robling	
Foley	Krentz	Murphy	Runbeck	
Frederickson	Laidig	Neuville	Sams	

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 435:** A bill for an act relating to motor vehicles; making technical changes to clarify that pickup truck with slip in camper may be registered depending upon its weight; restricting telephonic access to certain information related to vehicle registration; allowing vehicle dealers 21 days to send purchase receipt to department of public safety if vehicle not sold; providing for display of fleet vehicle license plates; providing for appointment, duties, and discontinuance of appointment of driver's license agents; requiring adoption of rules; amending Minnesota Statutes 1996, sections 168.011, subdivision 25; 168.345, subdivision 1; 168A.11, subdivision 2; 169.79; 171.06, subdivision 4; 373.33; and 373.35, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 171; repealing Minnesota Statutes 1996, section 171.06, subdivision 4.

Ms. Flynn moved to amend S.F. No. 435 as follows:

Page 3, after line 2, insert:

"Sec. 2. Minnesota Statutes 1996, section 168.16, is amended to read:

168.16 [REFUNDS; APPROPRIATION.]

After the tax upon any motor vehicle shall have been paid for any year, refund shall be made for errors made in computing the tax or fees and for the error on the part of an owner who may in error have registered a motor vehicle that was not before, nor at the time of registration, nor at any time thereafter during the current past year, subject to tax in this state as provided by section 168.012. Unless otherwise provided in this chapter, a claim for a refund of an overpayment of registration tax must be filed within 3-1/2 years from the date of payment. The refundment shall be made from any fund in possession of the registrar and shall be deducted from the registrar's

monthly report to the commissioner of finance. A detailed report of the refundment shall accompany the report. The former owner of a transferred vehicle by an assignment in writing endorsed upon the registration certificate and delivered to the registrar within the time provided herein may sell and assign to the new owner thereof the right to have the tax paid by the former owner accredited to the owner who duly registers the vehicle. Any owner at the time of such occurrence, whose vehicle is declared by an insurance company to be a total loss due to flood damage, permanently destroyed, or sold to the federal government, the state, or political subdivision thereof, and any owner who sells a rental motor vehicle and transfers the license plates issued to that motor vehicle under section 168.15, subdivision 3, shall upon filing a verified claim be entitled to a refund of the unused portion of the tax paid upon the vehicle, computed as follows:

(1) if the vehicle is registered under the calendar year system of registration, the refund is computed pro rata by the month, 1/12 of the annual tax paid for each month of the year remaining after the month in which the plates and certificate were returned to the registrar;

(2) in the case of a vehicle registered under the monthly series system of registration, the amount of the refund is equal to the sum of the amounts of the license fee attributable to those months remaining in the licensing period after the month in which the plates and certificate were returned to the registrar.

There is hereby appropriated to the persons entitled to a refund, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make the refund and payment. Refunds under this section to licensed motor vehicle lessors must be made annually in a manner the registrar determines."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 13, after the first semicolon, insert "168.16;"

The motion prevailed. So the amendment was adopted.

Mr. Marty moved to amend S.F. No. 435 as follows:

Page 3, after line 2, insert:

"Sec. 2. Minnesota Statutes 1996, section 168.33, subdivision 2, is amended to read:

Subd. 2. [POWERS REGARDING DEPUTY REGISTRARS.] The registrar may appoint, hire, and discharge and fix the compensation of the necessary employees, in the manner provided by law, as may be required to enable the registrar to properly carry out the duties imposed by this chapter. The registrar may appoint, and for cause discontinue, a deputy registrar for any statutory or home rule charter city as the public interest and convenience may require, without regard to whether the county auditor of the county in which the city is situated has been appointed as the deputy registrar for the county or has been discontinued as the deputy registrar for the county, and without regard to whether the county in which the city is situated has established a county license bureau which issues motor vehicle licenses as provided in section 373.32.

The registrar may appoint, and for cause discontinue, a deputy registrar for any statutory or home rule charter city as the public interest and convenience may require, if the auditor for the county in which the city is situated chooses not to accept appointment as the deputy registrar for the county or is discontinued as a deputy registrar, or if the county in which the city is situated has not established a county license bureau which issues motor vehicle licenses as provided in section 373.32. A person appointed by the registrar as a deputy registrar for any statutory or home rule charter city must be a resident of the county in which the city is situated.

The registrar may appoint, and for cause discontinue, the county auditor of each county as a deputy registrar. Upon approval of the county board, the auditor, with the approval of the director of motor vehicles, may appoint, and for cause discontinue, the clerk or equivalent officer of each statutory or home rule charter city or any other person as a deputy registrar as public interest and

convenience may require, regardless of the appointee's county of residence. At the request of the governing body of a statutory or home rule charter city, the auditor shall appoint, and may for cause discontinue, the clerk or equivalent officer of a city, or another officer or employee of the city designated by the governing body, as a deputy registrar:

(1) if the city is a county seat or, if not, is larger than the seat of the county in which it is situated; and

(2) no office of a deputy registrar is situated within the city or within 15 miles of the city by the most direct public route.

Notwithstanding any other provision, a person other than a county auditor or a director of a county license bureau, who was appointed by the registrar before August 1, 1976, as a deputy registrar for any statutory or home rule charter city, may continue to serve as deputy registrar and may be discontinued for cause only by the registrar. The county auditor who appointed the deputy registrars is responsible for the acts of deputy registrars appointed by the auditor. Each deputy, before entering upon the discharge of duties, shall take and subscribe an oath to faithfully discharge the duties and to uphold the laws of the state. If a deputy registrar appointed under this subdivision is not an officer or employee of a county or statutory or home rule charter city, the deputy shall in addition give bond to the state in the sum of \$10,000, or a larger sum as may be required by the registrar, conditioned upon the faithful discharge of duties as deputy registrar. ~~A corporation governed by chapter 302A may be appointed a deputy registrar. Upon application by an individual serving as a deputy registrar and the giving of the requisite bond as provided in this subdivision, personally assured by the individual or another individual approved by the commissioner of public safety, a corporation named in an application shall become the duly appointed and qualified successor to the deputy registrar. A deputy registrar may incorporate for business purposes, but an appointment as deputy registrar must be vested in an individual and not in the corporation.~~ Each deputy registrar appointed under this subdivision shall keep and maintain, in a convenient public place within or in close proximity to the place for which appointed, a registration and motor vehicle tax collection bureau, to be approved by the registrar, for the registration of motor vehicles and the collection of taxes on motor vehicles. The deputy registrar shall keep records and make reports to the registrar as the registrar, from time to time, may require. The records must be maintained at the facility of the deputy registrar. The records and facilities of the deputy registrar must at all times be open to the inspection of the registrar or the registrar's agents. The deputy registrar shall report to the registrar by the next working day following receipt all registrations made and taxes and fees collected by the deputy registrar. The filing fee imposed under subdivision 7 must be deposited in the treasury of the place for which appointed or, if not a public official, a deputy shall retain the filing fee, but the registration tax and any additional fees for delayed registration the deputy registrar has collected the deputy registrar shall deposit by the next working day following receipt in an approved state depository to the credit of the state through the state treasurer. The place for which the deputy registrar is appointed through its governing body must provide the deputy registrar with facilities and personnel to carry out the duties imposed by this subdivision if the deputy is a public official. In all other cases, the deputy shall maintain a suitable facility for serving the public."

Page 6, lines 3 and 6, delete "or"

Page 6, lines 4 and 7, delete "corporation"

Page 6, lines 13 and 14, delete "or corporation"

Page 6, after line 19, insert:

"(d) An agent may incorporate for business purposes, but an appointment as agent must be vested in an individual and not in the corporation."

Page 7, line 29, after "may" insert "not"

Page 7, line 30, delete "once" and delete "The agent"

Page 7, delete lines 31 to 33

Page 10, after line 5, insert:

"Sec. 13. [TRANSFER OF APPOINTMENTS.]

A deputy registrar may not sell or transfer the deputy's appointment. If an appointment as deputy registrar is held by a corporation on the effective date of this section, an officer or director of the corporation, or a person designated by an officer or director, must apply to the registrar for a transfer of the appointment to the applicant. The application must be received by the registrar by December 31, 1997."

Page 10, line 10, delete the first "6" and insert "7" and delete "9, 10, and 11" and insert "10, 11, and 12"

Page 10, line 11, after the period, insert "Section 2 is effective the day following final enactment and applies to appointments made after that date. Section 13 is effective the day following final enactment." and delete "5" and insert "6"

Page 10, line 12, delete "6" and insert "7" and delete "7, 8, and 12" and insert "8, 9, and 14"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "eliminating authority for the appointment of corporations as deputy registrars;"

Page 1, line 13, after the first semicolon, insert "168.33, subdivision 2;"

The motion prevailed. So the amendment was adopted.

Mr. Kleis moved to amend S.F. No. 435 as follows:

Page 4, after line 23, insert:

"Sec. 5. Minnesota Statutes 1996, section 169.81, subdivision 3c, is amended to read:

Subd. 3c. [RECREATIONAL VEHICLE COMBINATIONS.] Notwithstanding subdivision 3, a recreational vehicle combination may be operated without a permit if:

(1) the combination does not consist of more than three vehicles, and the towing rating of the pickup truck is equal to or greater than the total weight of all vehicles being towed;

(2) the combination does not exceed 60 feet in length;

(3) the camper-semitrailer in the combination does not exceed 28 feet in length ~~until August 1, 1997, and 26 feet thereafter;~~

(4) the operator of the combination is at least 18 years of age;

(5) the trailer carrying a watercraft meets all requirements of law;

(6) the trailers in the combination are connected to the pickup truck and each other in conformity with section 169.82; and

(7) the combination is not operated within the seven-county metropolitan area, as defined in section 473.121, subdivision 2, during the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m. on Mondays through Fridays."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "removing sunset date relating to recreational vehicle combination length;"

Page 1, line 14, after the second semicolon, insert "169.81, subdivision 3c;"

The motion prevailed. So the amendment was adopted.

Mr. Oliver moved to amend S.F. No. 435 as follows:

Page 3, after line 2, insert:

"Sec. 2. Minnesota Statutes 1996, section 168.33, subdivision 7, is amended to read:

Subd. 7. [FEES.] In addition to all other statutory fees and taxes, a filing fee of \$3.50 is imposed on every application accepted and processed by a deputy registrar; except that a filing fee may not be charged for a document returned for a refund or for a correction of an error made by the department or a deputy registrar and may not be charged for an application accepted and processed by the department's division of driver and vehicle services. The filing fee shall be shown as a separate item on all registration renewal notices sent out by the department of public safety. No filing fee or other fee may be charged for the permanent surrender of a certificate of title and license plates for a motor vehicle. ~~Filing fees collected under this subdivision by the registrar must be paid into the state treasury and credited to the highway user tax distribution fund, except fees for registrations of new motor vehicles. Filing fees collected for registrations of new motor vehicles must be paid into the state treasury with 50 percent of the money credited to the general fund and 50 percent credited to the highway user tax distribution fund.~~"

Page 10, line 11, after the period, insert "Section 2 is effective July 1, 1997."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 10 and nays 44, as follows:

Those who voted in the affirmative were:

Kleis	Limmer	Oliver	Pariseau	Runbeck
Larson	Neuville	Olson	Robertson	Scheevel

Those who voted in the negative were:

Anderson	Foley	Krentz	Morse	Samuelson
Beckman	Hanson	Laidig	Murphy	Scheid
Belanger	Higgins	Langseth	Ourada	Spear
Berg	Hottinger	Lesewski	Pappas	Ten Eyck
Berglin	Johnson, D.E.	Lessard	Piper	Terwilliger
Betzold	Junge	Lourey	Price	Vickerman
Cohen	Kelley, S.P.	Marty	Ranum	Wiener
Dille	Kelly, R.C.	Metzen	Robling	Wiger
Flynn	Knutson	Moe, R.D.	Sams	

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

S.F. No. 435 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Anderson	Day	Johnson, D.H.	Knutson	Limmer
Beckman	Dille	Johnson, D.J.	Krentz	Lourey
Belanger	Flynn	Junge	Laidig	Marty
Berg	Hanson	Kelley, S.P.	Langseth	Metzen
Berglin	Higgins	Kelly, R.C.	Larson	Moe, R.D.
Betzold	Hottinger	Kiscaden	Lesewski	Morse
Cohen	Johnson, D.E.	Kleis	Lessard	Murphy

Neuville	Pappas	Ranum	Samuelson	Ten Eyck
Novak	Pariseau	Robertson	Scheevel	Terwilliger
Oliver	Piper	Robling	Scheid	Vickerman
Olson	Pogemiller	Runbeck	Spear	Wiener
Ourada	Price	Sams	Stevens	Wiger

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

#### **Ms. Anderson, Mr. Knutson, Ms. Wiener, Piper and Pappas introduced--**

**S.F. No. 1927:** A bill for an act relating to taxation; providing income tax credits for costs paid or incurred to develop qualified child care programs and facilities and for foregone interest on debt related to qualified child care facilities; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes.

#### **Messrs. Vickerman; Moe, R.D.; Johnson, D.E.; Stumpf and Langseth introduced--**

**S.F. No. 1928:** A bill for an act relating to local government; allowing cities and counties to provide assistance to other Minnesota cities and counties for 1997 flood relief.

### SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 1928 and that the rules of the Senate be so far suspended as to give S.F. No. 1928 its second and third reading and place it on its final passage. The motion prevailed.

S.F. No. 1928 was read the second time.

S.F. No. 1928 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Higgins	Langseth	Oliver	Scheevel
Beckman	Hottinger	Larson	Olson	Scheid
Belanger	Johnson, D.E.	Lesewski	Ourada	Spear
Berg	Johnson, D.H.	Lessard	Pappas	Stevens
Berglin	Johnson, D.J.	Limmer	Pariseau	Ten Eyck
Betzold	Junge	Lourey	Piper	Terwilliger
Cohen	Kelley, S.P.	Marty	Price	Vickerman
Day	Kelly, R.C.	Metzen	Ranum	Wiener
Dille	Kiscaden	Moe, R.D.	Robertson	Wiger
Flynn	Kleis	Morse	Robling	
Foley	Knutson	Murphy	Runbeck	
Frederickson	Krentz	Neuville	Sams	
Hanson	Laidig	Novak	Samuelson	

So the bill passed and its title was agreed to.

## MOTIONS AND RESOLUTIONS - CONTINUED

### SPECIAL ORDERS

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

S.F. Nos. 985, 1074, H.F. No. 209, S.F. Nos. 651, 948, H.F. No. 282, S.F. Nos. 203, 1402, 473, H.F. No. 1383, S.F. Nos. 1097, 1487, 1316, 156, 453, 148, 912, H.F. No. 257, S.F. No. 1834, H.F. No. 271, S.F. Nos. 779, 1165, H.F. No. 317, S.F. Nos. 166 and 812.

### SPECIAL ORDER

**S.F. No. 985:** A bill for an act relating to crimes; driving while impaired; providing criminal penalties for persons operating recreational vehicles who refuse an alcohol test; increasing criminal penalties, minimum sentences, and administrative sanctions for persons driving motor vehicles and operating recreational vehicles with an alcohol concentration of 0.20 or more; providing more severe requirements concerning conditional release and electronic alcohol monitoring pending trial, alcohol use assessment and treatment, driver's license revocation, license plate impoundment, and vehicle forfeiture for persons driving motor vehicles and operating recreational vehicles with an alcohol concentration of 0.20 or more; authorizing the imposition of a penalty assessment of up to \$1,000 for persons driving motor vehicles with an alcohol concentration of 0.20 or more; redefining relevant evidence for operating a motorboat while under the influence of alcohol; including in the definition of prior DWI offenses, the offense of driving a commercial vehicle while impaired; authorizing peace officers to stop vehicles bearing special series license plates; enhancing criminal penalties for repeat violations involving commercial motor vehicles; clarifying the definition of commercial vehicle; clarifying that certain revocation period applies only to first-time DWI offenders; making technical correction allowing the commissioner of public safety to determine examination required for reinstatement of driving privileges; providing for petition for reinstatement of commercial driver's license following disqualification; clarifying applicable requirements for licensing commercial driver instructors; striking the requirement that a second chemical test be available to a person accused of driving while impaired; making various changes to the implied consent hearing process involving what must be stated in the petition, available discovery, and the scope of the hearing; requiring health professionals to report injuries resulting from motor vehicle accidents that involve alcohol or controlled substances; extending the period of time that a court may place an offender on probation for certain gross misdemeanor DWI violations; broadening the permissible uses of preliminary breath test results obtained in DWI situations; broadening the scope of the DWI forfeiture law to include certain implied consent license revocations; accelerating the applicability of the forfeiture law; authorizing an administrative forfeiture process; requiring courts to notify persons convicted of DWI offenses of possible vehicle forfeiture and plate impoundment for future offenses; making various technical changes; amending Minnesota Statutes 1996, sections 84.91, subdivisions 1, 2, 5, 7, 8, and by adding a subdivision; 84.911, subdivisions 2, 3, and 6; 84.912, subdivision 1; 86B.331, subdivisions 1, 2, 4, 5, 6, 7, 8, and by adding a subdivision; 86B.335, subdivisions 2, 3, 4, and 6; 86B.337, subdivision 1; 97B.066, subdivision 6, and by adding subdivisions; 168.042, subdivisions 1, 2, 4, 9, and 11; 169.01, subdivision 75; 169.121, subdivisions 1, 1c, 2, 3, 3a, 3b, 4, 6, and by adding a subdivision; 169.1211, subdivision 1, and by adding subdivisions; 169.1217; 169.123, subdivisions 3, 4, and 5c; 169.126, subdivision 1; 169.1261; 171.19; 171.30, by adding a subdivision; 364.09; 609.135, subdivision 2; 626.52; 626.53, subdivision 1; and 634.15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 168; repealing Minnesota Statutes 1996, section 86B.335, subdivisions 11 and 12.



Mr. Foley moved to amend S.F. No. 985 as follows:

Page 20, line 18, after "(h)," insert "subdivision 1a,"

Page 38, line 24, after "(h)," insert "subdivision 1a,"

Page 39, line 8, delete "subdivision 1, or"

Page 39, line 9, after "it" insert ", or section 169.129"

The motion prevailed. So the amendment was adopted.

Mr. Marty moved to amend S.F. No. 985 as follows:

Page 23, after line 24, insert:

"Sec. 32. Minnesota Statutes 1996, section 168.042, is amended by adding a subdivision to read:

Subd. 11a. [CHARGE FOR REINSTATEMENT OF REGISTRATION PLATES IN CERTAIN SITUATIONS.] When the registrar of motor vehicles reinstates a person's registration plates after impoundment for reasons other than those described in subdivision 11, the registrar shall charge the person \$25. Money raised under this subdivision must be paid into the state treasury and credited to the highway user tax distribution fund."

Page 55, after line 25, insert:

"Sec. 60. [PUBLIC AWARENESS CAMPAIGN.]

The commissioner of public safety shall implement a public awareness campaign to educate the public on the vehicle forfeiture law under Minnesota Statutes, section 169.1217, and the administrative plate impoundment law under Minnesota Statutes, section 168.042.

This campaign must focus on increasing the public's understanding of these laws, specifically the offenses that the laws cover and the time periods in which the offenses must occur to result in impoundment or forfeiture.

The commissioner may conduct the campaign by including information in future editions of the driver's manual and using public service announcements, advertisements, and any other methods deemed appropriate by the commissioner. The commissioner shall attempt to maximize the use of low-cost innovative methods to conduct the campaign."

Page 55, line 31, after the period, insert "Sections 32 and 60 are effective July 1, 1997."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Junge moved to amend S.F. No. 985 as follows:

Page 51, after line 28, insert:

"Sec. 54. Minnesota Statutes 1996, section 340A.503, subdivision 2, is amended to read:

Subd. 2. [PURCHASING.] It is unlawful for any person:

(1) to sell, barter, furnish, or give alcoholic beverages to a person under 21 years of age;

(2) under the age of 21 years to purchase or attempt to purchase any alcoholic beverage unless under the supervision of a responsible person over the age of 21 for training, education, or research purposes. Prior notification of the licensing authority is required unless the supervised alcohol purchase attempt is for professional research purposes; or

(3) to induce a person under the age of 21 years to purchase or procure any alcoholic beverage, or to lend or knowingly permit the use of the person's driver's license, permit, Minnesota identification card, or other form of identification by a person under the age of 21 years for the purpose of purchasing or attempting to purchase an alcoholic beverage.

If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of clause (1) that the defendant is the parent or guardian of the person under 21 years of age and that the defendant gave or furnished the alcoholic beverage to that person solely for consumption in the defendant's household."

Page 55, line 30, delete "54" and insert "55"

Page 55, line 31, after the second comma, insert "54," and delete "55 to 59" and insert "56 to 60"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Johnson, D.H. moved to amend S.F. No. 985 as follows:

Pages 53 to 55, delete sections 56 and 57

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

### CALL OF THE SENATE

Mr. Johnson, D.H. imposed a call of the Senate for the balance of the proceedings on S.F. No. 985. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 39 and nays 11, as follows:

Those who voted in the affirmative were:

Beckman	Johnson, D.H.	Lesewski	Ourada	Scheevel
Belanger	Johnson, D.J.	Lessard	Pariseau	Stevens
Berg	Kiscaden	Lourey	Price	Stumpf
Berglin	Kleis	Metzen	Ranum	Ten Eyck
Dille	Knutson	Morse	Robertson	Terwilliger
Hanson	Krentz	Neuville	Robling	Vickerman
Higgins	Laidig	Oliver	Runbeck	Wiener
Hottinger	Larson	Olson	Sams	

Those who voted in the negative were:

Betzold	Junge	Limmer	Piper	Scheid
Flynn	Kelley, S.P.	Marty	Pogemiller	Spear
Foley				

The motion prevailed. So the amendment was adopted.

S.F. No. 985 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Larson	Ourada	Scheid
Beckman	Johnson, D.E.	Lesewski	Pappas	Spear
Belanger	Johnson, D.H.	Lessard	Pariseau	Stevens
Berglin	Johnson, D.J.	Limmer	Piper	Stumpf
Betzold	Junge	Lourey	Pogemiller	Ten Eyck
Cohen	Kelley, S.P.	Marty	Price	Terwilliger
Dille	Kelly, R.C.	Metzen	Ranum	Vickerman
Flynn	Kiscaden	Moe, R.D.	Robertson	Wiener
Foley	Kleis	Morse	Robling	Wiger
Frederickson	Knutson	Neuville	Runbeck	
Hanson	Krentz	Oliver	Samuelson	
Higgins	Laidig	Olson	Scheevel	

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

### SPECIAL ORDER

**S.F. No. 1074:** A bill for an act relating to public employees; providing that public safety dispatchers are essential employees; amending Minnesota Statutes 1996, section 179A.03, subdivision 7.

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 49 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Laidig	Oliver	Sams
Belanger	Johnson, D.H.	Langseth	Olson	Samuelson
Berg	Johnson, D.J.	Larson	Ourada	Scheevel
Betzold	Junge	Lesewski	Pariseau	Stevens
Cohen	Kelley, S.P.	Limmer	Piper	Stumpf
Day	Kelly, R.C.	Marty	Price	Ten Eyck
Dille	Kiscaden	Metzen	Ranum	Terwilliger
Fischbach	Kleis	Morse	Robertson	Wiener
Foley	Knutson	Murphy	Robling	Wiger
Hanson	Krentz	Neuville	Runbeck	

Those who voted in the negative were:

Beckman	Flynn	Scheid	Spear	Vickerman
Berglin	Lourey			

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 209:** A bill for an act relating to human services; changing provisions for placement of children; amending Minnesota Statutes 1996, sections 257.071, subdivisions 1a and 7; 257.072, subdivisions 1, 2, 3, 4, 7, and 9; 259.29; 259.57, subdivision 2; 259.77; 260.181, subdivision 3; and 260.191, subdivision 1a.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Betzold	Fischbach	Frederickson	Johnson, D.E.
Beckman	Cohen	Flynn	Hanson	Johnson, D.J.
Berglin	Dille	Foley	Hottinger	Junge

Kelley, S.P.	Larson	Morse	Piper	Scheid
Kelly, R.C.	Lesewski	Murphy	Price	Stevens
Kiscaden	Lessard	Novak	Ranum	Stumpf
Kleis	Limmer	Oliver	Robertson	Ten Eyck
Knutson	Lourey	Olson	Robling	Terwilliger
Krentz	Marty	Ourada	Runbeck	Vickerman
Laidig	Metzen	Pappas	Sams	Wiener
Langseth	Moe, R.D.	Pariseau	Scheevel	Wiger

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 651:** A bill for an act relating to jails; establishing booking fees for local jails and procedures for collection; amending Minnesota Statutes 1996, section 641.12.

Mr. Knutson moved to amend S.F. No. 651 as follows:

Page 1, line 12, after "fee" insert "of \$10"

The motion prevailed. So the amendment was adopted.

S.F. No. 651 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 53 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Langseth	Oliver	Scheid
Beckman	Hanson	Larson	Olson	Spear
Belanger	Hottinger	Lesewski	Ourada	Stevens
Berg	Johnson, D.E.	Limmer	Pariseau	Stumpf
Betzold	Johnson, D.H.	Lourey	Price	Ten Eyck
Cohen	Kelley, S.P.	Marty	Ranum	Terwilliger
Day	Kiscaden	Metzen	Robertson	Vickerman
Dille	Kleis	Moe, R.D.	Robling	Wiener
Fischbach	Knutson	Morse	Runbeck	Wiger
Flynn	Krentz	Murphy	Sams	
Foley	Laidig	Novak	Scheevel	

Ms. Berglin voted in the negative.

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

### SPECIAL ORDER

**S.F. No. 948:** A bill for an act relating to human services; authorizing a jobs-plus welfare reform pilot project in Ramsey county; proposing coding for new law as Minnesota Statutes, chapter 256J.

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	Berglin	Dille	Frederickson	Janezich
Beckman	Betzold	Fischbach	Hanson	Johnson, D.E.
Belanger	Cohen	Flynn	Higgins	Johnson, D.H.
Berg	Day	Foley	Hottinger	Johnson, D.J.

Junge	Lesewski	Neuville	Ranum	Stumpf
Kelley, S.P.	Lessard	Novak	Robertson	Ten Eyck
Kelly, R.C.	Limmer	Oliver	Robling	Terwilliger
Kiscaden	Lourey	Olson	Runbeck	Vickerman
Kleis	Marty	Ourada	Sams	Wiener
Knutson	Metzen	Pariseau	Scheevel	Wiger
Krentz	Moe, R.D.	Piper	Scheid	
Laidig	Morse	Pogemiller	Spear	
Larson	Murphy	Price	Stevens	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 282:** A bill for an act relating to the metropolitan council; providing for appointment, discharge, and discipline of metropolitan transit police peace officers; amending Minnesota Statutes 1996, sections 473.125; 473.407, subdivision 4; and 626.84, 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Krentz	Novak	Runbeck
Beckman	Hanson	Laidig	Oliver	Sams
Belanger	Higgins	Larson	Olson	Scheevel
Berg	Hottinger	Lesewski	Ourada	Scheid
Berglin	Janezich	Lessard	Pappas	Spear
Betzold	Johnson, D.E.	Limmer	Pariseau	Stevens
Cohen	Johnson, D.H.	Lourey	Piper	Stumpf
Day	Junge	Marty	Pogemiller	Ten Eyck
Dille	Kelley, S.P.	Metzen	Price	Terwilliger
Fischbach	Kiscaden	Moe, R.D.	Ranum	Vickerman
Flynn	Kleis	Morse	Robertson	Wiener
Foley	Knutson	Murphy	Robling	Wiger

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 203:** A bill for an act relating to adoption; creating a fathers' adoption registry; amending adoption notice and consent provisions relating to fathers; appropriating money; amending Minnesota Statutes 1996, sections 13.99, by adding a subdivision; 257.352, subdivision 3, and by adding subdivisions; 259.49, subdivision 1; 260.221, subdivision 1, and by adding a subdivision; and 357.021, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 259; repealing Minnesota Statutes 1996, section 259.51.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Hanson	Johnson, D.J.	Krentz
Beckman	Day	Higgins	Junge	Laidig
Belanger	Dille	Hottinger	Kelley, S.P.	Langseth
Berg	Flynn	Janezich	Kiscaden	Larson
Berglin	Foley	Johnson, D.E.	Kleis	Lesewski
Betzold	Frederickson	Johnson, D.H.	Knutson	Lessard

Lourey	Oliver	Price	Samuelson	Terwilliger
Marty	Olson	Ranum	Scheevel	Vickerman
Metzen	Pappas	Robertson	Spear	Wiener
Morse	Pariseau	Robling	Stevens	Wiger
Murphy	Piper	Runbeck	Stumpf	
Novak	Pogemiller	Sams	Ten Eyck	

Mrs. Fischbach voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1402:** A bill for an act relating to crime; providing additional penalty enhancements for certain crimes motivated by bias; amending Minnesota Statutes 1996, sections 609.595, subdivisions 2 and 3; 609.749, subdivision 3; and 624.712, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1996, sections 609.2231, subdivision 4; and 609.595, subdivision 1a.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 50 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Laidig	Olson	Sams
Beckman	Higgins	Lesewski	Pappas	Scheevel
Belanger	Janezich	Lessard	Pariseau	Scheid
Berglin	Johnson, D.E.	Lourey	Piper	Spear
Betzold	Johnson, D.J.	Marty	Pogemiller	Stevens
Cohen	Kelley, S.P.	Metzen	Price	Ten Eyck
Fischbach	Kiscaden	Morse	Ranum	Terwilliger
Flynn	Kleis	Murphy	Robertson	Vickerman
Foley	Knutson	Novak	Robling	Wiener
Frederickson	Krentz	Oliver	Runbeck	Wiger

Mr. Berg voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 473:** A bill for an act relating to human services; eliminating the Medicare certification requirement for home care providers; amending Minnesota Statutes 1996, sections 144A.46, subdivision 2; 256B.055, subdivision 12; and 256B.071, subdivisions 1, 3, and 4.

Ms. Berglin moved to amend S.F. No. 473 as follows:

Page 8, line 19, delete "5" and insert "8"

The motion prevailed. So the amendment was adopted.

Ms. Berglin then moved to amend S.F. No. 473 as follows:

Page 2, after line 24, insert:

"Sec. 2. Minnesota Statutes 1996, section 254A.17, subdivision 3, is amended to read:

Subd. 3. [STATEWIDE DETOXIFICATION TRANSPORTATION PROGRAM.] The commissioner shall provide grants to counties, Indian reservations, other nonprofit agencies, or local detoxification programs for provision of transportation of intoxicated individuals to

detoxification programs, to open shelters, and to secure shelters as defined in section 254A.085 and, shelters serving intoxicated persons, including long term supportive housing facilities for chronic inebriates, and hospital emergency rooms. ~~In state fiscal years 1994, 1995, and 1996, funds shall be allocated to counties in proportion to each county's allocation in fiscal year 1993. In subsequent fiscal years, funds shall be allocated among counties annually in proportion to each county's average number of detoxification admissions for the prior two years, except that no county shall receive less than \$400. Unless a county has approved a grant of funds under this section, the commissioner shall make quarterly payments of detoxification funds to a county only after receiving an invoice describing the number of persons transported and the cost of transportation services for the previous quarter. The commissioner shall make an annual payment to counties for provision of transportation under this section. If appropriations are not sufficient to pay the allowed maximum per trip, the commissioner shall reduce the maximum payment per trip until payments do not exceed the appropriation. A county must make a good faith effort to provide the transportation service through the most cost-effective community-based agencies or organizations eligible to provide the service. The program administrator and all staff of the program must report to the office of the ombudsman for mental health and mental retardation within 24 hours of its occurrence, any serious injury, as defined in section 245.91, subdivision 6, or the death of a person admitted to the shelter. The ombudsman shall acknowledge in writing the receipt of all reports made to the ombudsman's office under this section. Acknowledgment must be mailed to the facility and to the county social service agency within five working days of the day the report was made. In addition, the program administrator and staff of the program must comply with all of the requirements of section 626.557, the vulnerable adults act."~~

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 473 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 53 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Langseth	Oliver	Scheevel
Beckman	Higgins	Larson	Olson	Spear
Berg	Hottinger	Lesewski	Pappas	Stevens
Berglin	Johnson, D.E.	Lessard	Pariseau	Stumpf
Betzold	Johnson, D.H.	Lourey	Piper	Ten Eyck
Cohen	Junge	Marty	Pogemiller	Terwilliger
Day	Kelley, S.P.	Metzen	Price	Vickerman
Fischbach	Kiscaden	Moe, R.D.	Robertson	Wiener
Flynn	Kleis	Morse	Robling	Wiger
Foley	Knutson	Murphy	Runbeck	
Frederickson	Krentz	Novak	Sams	

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

**SPECIAL ORDER**

**H.F. No. 1383:** A bill for an act relating to occupational safety and health; providing that certain notices are filed when placed in the United States mail; amending Minnesota Statutes 1996, section 182.661, subdivision 3b.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 52 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Lessard	Pariseau	Spear
Beckman	Johnson, D.E.	Lourey	Piper	Stevens
Berg	Johnson, D.H.	Marty	Pogemiller	Stumpf
Berglin	Junge	Metzen	Price	Ten Eyck
Betzold	Kelley, S.P.	Moe, R.D.	Ranum	Terwilliger
Cohen	Kiscaden	Morse	Robertson	Vickerman
Day	Kleis	Murphy	Robling	Wiener
Fischbach	Knutson	Novak	Runbeck	Wiger
Flynn	Krentz	Oliver	Sams	
Foley	Langseth	Olson	Scheevel	
Frederickson	Lesewski	Pappas	Scheid	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1097:** A bill for an act relating to transportation; creating revolving loan accounts for trunk highways, county state-aid highways, and municipal state-aid streets; creating transportation revolving loan fund for federally eligible transportation projects, managed by public facilities authority; adding commissioner of transportation as member of the authority; creating transportation committee; providing for rulemaking; appropriating money; amending Minnesota Statutes 1996, sections 161.04, by adding a subdivision; 162.06, by adding a subdivision; 162.07, subdivision 1; 162.12, by adding a subdivision; 162.13, subdivision 1; 446A.03, subdivision 1; and 446A.04, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 162; and 446A.

Ms. Pappas moved to amend S.F. No. 1097 as follows:

Page 1, line 26, delete "on"

Page 1, line 27, delete "I-35W"

Page 2, line 12, delete "on I-35W"

Page 2, line 17, after "state-aid" insert "highway"

Page 4, line 3, delete "on I-35W"

Page 6, line 9, delete "or nongovernmental"

Page 6, line 31, delete "or private"

Page 6, line 34, delete ", or the"

Page 7, line 7, delete "shall be" and insert "are"

Page 7, line 11, delete "on I-35W" and delete everything after the period

Page 7, delete lines 12 and 13

Page 7, line 16, delete "The transportation"

Page 7, delete line 17

Page 7, line 18, delete "transit account to" and insert "A highway account is established in the fund for highway projects. A transit account is established in the fund for transit capital projects. The transportation revolving loan fund shall"

Page 7, line 31, after "state-aid" insert "highway"

Page 8, line 25, delete "In addition to"



Page 8, line 26, delete everything before "the"

Page 10, line 26, after the first comma, insert "and" and delete everything after "terms" and insert a period

Page 10, delete lines 27 to 31

Page 10, line 36, delete everything after the period

Page 11, delete lines 1 to 5

Page 11, line 16, before the first "Sections" insert "(a)"

Page 11, after line 21, insert:

"(b) Notwithstanding paragraph (a), no provision of sections 1 to 10 may take effect until Minnesota has been notified by the United States Department of Transportation that it will be receiving a specific sum in federal funds that has been designated specifically for a state infrastructure bank."

Amend the title as follows:

Page 1, line 10, delete "appropriating money;"

The motion prevailed. So the amendment was adopted.

S.F. No. 1097 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 49 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Laidig	Olson	Scheid
Beckman	Higgins	Langseth	Pappas	Spear
Belanger	Johnson, D.E.	Lourey	Pariseau	Stevens
Berg	Johnson, D.H.	Marty	Piper	Stumpf
Betzold	Junge	Metzen	Pogemiller	Ten Eyck
Cohen	Kelley, S.P.	Moe, R.D.	Price	Terwilliger
Day	Kiscaden	Morse	Ranum	Vickerman
Fischbach	Kleis	Murphy	Robling	Wiener
Flynn	Knutson	Novak	Sams	Wiger
Foley	Krentz	Oliver	Scheevel	

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

### SPECIAL ORDER

**S.F. No. 1487:** A bill for an act relating to insurance; regulating health care policy rates; amending Minnesota Statutes 1996, section 62A.021, 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 51 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Frederickson	Junge	Krentz
Beckman	Day	Hanson	Kelley, S.P.	Laidig
Belanger	Fischbach	Higgins	Kiscaden	Langseth
Berg	Flynn	Johnson, D.H.	Kleis	Lessard
Betzold	Foley	Johnson, D.J.	Knutson	Metzen

Moe, R.D.	Pappas	Robertson	Spear	Wiener
Morse	Pariseau	Robling	Stevens	Wiger
Murphy	Piper	Sams	Stumpf	
Novak	Pogemiller	Samuelson	Ten Eyck	
Oliver	Price	Scheevel	Terwilliger	
Olson	Ranum	Scheid	Vickerman	

Mrs. Lourey and Mr. Marty voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1316:** A bill for an act relating to state agencies; multimember agencies; changing certain publication dates and requirements; modifying registration requirements; changing the expiration date for certain multimember agencies; extending expiration dates for certain health-related advisory councils; extending certain advisory committees; exempting certain advisory councils and committees from expiration; setting expiration dates for certain advisory committees and commissions; adding a member to the food safety advisory committee; making technical changes; extending life of Mississippi river parkway commission to June 30, 2001; amending Minnesota Statutes 1996, sections 15.059, subdivision 5, and by adding a subdivision; 15.0597, subdivisions 2 and 3; 15.0599, subdivisions 1, 4, 5, and by adding a subdivision; 17.136; 17.49, subdivision 1; 18B.305, subdivision 3; 21.112, subdivision 2; 28A.20, subdivision 2, and by adding a subdivision; 31.95, subdivision 3a; 145.881, subdivision 1; 148.622, subdivision 3; 161.1419, subdivision 8; 214.32, subdivision 1; 245.697, subdivision 1; 254A.035, subdivision 2; and 254A.04; proposing coding for new law in Minnesota Statutes, chapters 15; and 147A.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Lesewski	Pappas	Spear
Beckman	Hanson	Lessard	Pariseau	Stumpf
Belanger	Higgins	Lourey	Piper	Ten Eyck
Berg	Johnson, D.E.	Marty	Pogemiller	Terwilliger
Berglin	Johnson, D.J.	Metzen	Price	Vickerman
Betzold	Junge	Moe, R.D.	Robertson	Wiener
Cohen	Kelley, S.P.	Morse	Robling	Wiger
Day	Kleis	Murphy	Runbeck	
Fischbach	Knutson	Novak	Sams	
Flynn	Krentz	Oliver	Scheevel	
Foley	Laidig	Olson	Scheid	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 156:** A bill for an act relating to consumer protection; regulating interest payments on utility deposits; amending Minnesota Statutes 1996, section 325E.02.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 45 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Beckman	Belanger	Betzold	Cohen
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Day	Johnson, D.H.	Marty	Pariseau	Scheid
Fischbach	Junge	Metzen	Piper	Spear
Flynn	Kleis	Moe, R.D.	Price	Stumpf
Foley	Knutson	Morse	Robertson	Ten Eyck
Frederickson	Laidig	Murphy	Robling	Terwilliger
Hanson	Lesewski	Oliver	Runbeck	Vickerman
Higgins	Lessard	Olson	Sams	Wiener
Johnson, D.E.	Lourey	Pappas	Scheevel	Wiger

Those who voted in the negative were:

Berg	Johnson, D.J.	Kelley, S.P.	Krentz	Pogemiller
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So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 453:** A bill for an act relating to state finance; providing that SCORE block grants that are withheld may be carried forward by the office of environmental assistance; amending Minnesota Statutes 1996, section 115A.557, subdivision 3.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Hanson	Lessard	Pappas	Scheid
Beckman	Higgins	Lourey	Pariseau	Spear
Belanger	Johnson, D.E.	Marty	Piper	Stumpf
Betzold	Junge	Metzen	Pogemiller	Ten Eyck
Cohen	Kelley, S.P.	Moe, R.D.	Price	Terwilliger
Day	Kleis	Morse	Robertson	Vickerman
Fischbach	Knutson	Murphy	Robling	Wiener
Flynn	Krentz	Novak	Runbeck	Wiger
Foley	Laidig	Oliver	Sams	
Frederickson	Lesewski	Olson	Scheevel	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 148:** A bill for an act relating to economic development; increasing the revenue bonding authority of the public facilities authority; amending Minnesota Statutes 1996, section 446A.12, 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 50 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Laidig	Murphy	Robling
Beckman	Higgins	Larson	Novak	Runbeck
Belanger	Johnson, D.E.	Lesewski	Oliver	Sams
Berg	Johnson, D.H.	Lessard	Olson	Scheevel
Betzold	Johnson, D.J.	Limmer	Pappas	Scheid
Cohen	Junge	Lourey	Pariseau	Spear
Fischbach	Kelley, S.P.	Marty	Piper	Stumpf
Flynn	Kleis	Metzen	Pogemiller	Vickerman
Foley	Knutson	Moe, R.D.	Price	Wiener
Frederickson	Krentz	Morse	Robertson	Wiger

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 912:** A bill for an act relating to marriage dissolution; providing for parent education and cooperation for the children program pilot projects; requiring a notice; amending Minnesota Statutes 1996, sections 518.157; and 518.68, subdivision 2; repealing Minnesota Statutes 1996, section 256.996.

Mr. Murphy moved to amend S.F. No. 912 as follows:

Page 3, after line 22, insert:

"Sec. 2. Minnesota Statutes 1996, section 518.18, is amended to read:

518.18 [MODIFICATION OF ORDER.]

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

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

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

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

(i) both parties agree to the modification;

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

(iii) the child's present environment endangers the child's physical or emotional health or impairs the child's emotional development and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(iv) for a period of three months or longer there has been a pattern of persistent and willful denial of or interference with court-ordered visitation and it would be in the best interests of the child, as defined in section 518.17, to modify the custody order.

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

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

(f) If a custodial parent has been granted sole physical custody of a minor and the child subsequently lives with the noncustodial parent, and temporary sole physical custody has been

approved by the court or by a court-appointed referee, the court may suspend the noncustodial parent's child support obligation pending the final custody determination. The court's order denying the suspension of child support must include a written explanation of the reasons why continuation of the child support obligation would be in the best interests of the child."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

### CALL OF THE SENATE

Mr. Murphy imposed a call of the Senate for the balance of the proceedings on S.F. No. 912. The Sergeant at Arms was instructed to bring in the absent members.

Ms. Robertson moved to amend the Murphy amendment to S.F. No. 912 as follows:

Page 2, line 5, delete "for a period of three months or longer"

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

The question recurred on the Murphy amendment, as amended.

The roll was called, and there were yeas 44 and nays 11, as follows:

Those who voted in the affirmative were:

Beckman	Higgins	Langseth	Neuville	Sams
Belanger	Janezich	Larson	Olson	Scheevel
Berg	Johnson, D.E.	Lesewski	Ourada	Scheid
Day	Johnson, D.H.	Lessard	Pariseau	Spear
Dille	Johnson, D.J.	Limmer	Pogemiller	Stumpf
Fischbach	Kelly, R.C.	Marty	Price	Ten Eyck
Foley	Kleis	Metzen	Robertson	Terwilliger
Frederickson	Krentz	Morse	Robling	Vickerman
Hanson	Laidig	Murphy	Runbeck	

Those who voted in the negative were:

Anderson	Cohen	Kiscaden	Lourey	Piper
Berglin	Flynn	Knutson	Oliver	Ranum
Betzold				

The motion prevailed. So the Murphy amendment, as amended, was adopted.

S.F. No. 912 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Anderson	Frederickson	Laidig	Neuville	Robling
Beckman	Hanson	Langseth	Oliver	Runbeck
Belanger	Higgins	Larson	Olson	Sams
Berg	Janezich	Lesewski	Ourada	Scheevel
Betzold	Johnson, D.E.	Lessard	Pappas	Scheid
Cohen	Johnson, D.H.	Limmer	Pariseau	Spear
Day	Johnson, D.J.	Lourey	Piper	Stumpf
Dille	Kelly, R.C.	Marty	Pogemiller	Ten Eyck
Fischbach	Kleis	Metzen	Price	Terwilliger
Flynn	Knutson	Morse	Ranum	Vickerman
Foley	Krentz	Murphy	Robertson	Wiger

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

**SPECIAL ORDER**

**H.F. No. 257:** A bill for an act relating to health; establishing licensing requirements for the provision of ambulance service; establishing registration requirements for first responders; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 1996, section 144.802, subdivisions 1, 2, 3, 3b, 4, 5, and 6.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Laidig	Murphy	Runbeck
Beckman	Hanson	Langseth	Neuville	Sams
Belanger	Higgins	Larson	Oliver	Scheevel
Berg	Janezich	Lesewski	Olson	Scheid
Betzold	Johnson, D.E.	Lessard	Ourada	Stumpf
Cohen	Johnson, D.H.	Limmer	Pappas	Ten Eyck
Day	Johnson, D.J.	Lourey	Pariseau	Terwilliger
Dille	Kelly, R.C.	Marty	Price	Vickerman
Fischbach	Kleis	Metzen	Ranum	Wiger
Flynn	Knutson	Moe, R.D.	Robertson	
Foley	Krentz	Morse	Robling	

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 1834:** A bill for an act relating to agriculture; suspending the dairy trade practices laws during the month of June; amending Minnesota Statutes 1996, section 32.72, subdivision 2; repealing Minnesota Statutes 1996, section 32.73.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 52 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Laidig	Oliver	Sams
Beckman	Hanson	Langseth	Olson	Scheevel
Belanger	Higgins	Larson	Ourada	Scheid
Berg	Janezich	Lesewski	Pappas	Stumpf
Betzold	Johnson, D.E.	Lessard	Pariseau	Ten Eyck
Cohen	Johnson, D.H.	Limmer	Piper	Terwilliger
Day	Johnson, D.J.	Lourey	Price	Vickerman
Dille	Kelly, R.C.	Marty	Ranum	Wiger
Fischbach	Kleis	Metzen	Robertson	
Flynn	Knutson	Morse	Robling	
Foley	Krentz	Murphy	Runbeck	

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**H.F. No. 271:** A bill for an act relating to reemployment insurance; modifying wage reporting requirements for employers; amending Minnesota Statutes 1996, section 268.121.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Foley	Knutson	Morse	Robling
Beckman	Frederickson	Krentz	Neuville	Runbeck
Belanger	Hanson	Laidig	Oliver	Scheevel
Berg	Higgins	Larson	Olson	Scheid
Betzold	Janezich	Lesewski	Ourada	Stumpf
Cohen	Johnson, D.E.	Lessard	Pappas	Ten Eyck
Day	Johnson, D.H.	Limmer	Pariseau	Vickerman
Dille	Johnson, D.J.	Lourey	Price	Wiger
Fischbach	Kelly, R.C.	Marty	Ranum	
Flynn	Kleis	Metzen	Robertson	

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Lesewski moved that S.F. No. 1614, No. 68 on General Orders, be stricken and re-referred to the Committee on Crime Prevention. The motion prevailed.

### SPECIAL ORDER

**S.F. No. 779:** A bill for an act relating to crime; including government entities as victims for the purpose of restitution orders; providing criminal penalties; amending Minnesota Statutes 1996, sections 609.10; 609.125; and 611A.01.

Ms. Runbeck moved to amend S.F. No. 779 as follows:

Page 3, after line 30, insert:

"Sec. 4. Minnesota Statutes 1996, section 611A.045, subdivision 1, is amended to read:

Subdivision 1. [CRITERIA.] (a) The court, in determining whether to order restitution and the amount of the restitution, shall consider the following factors:

- (1) the amount of economic loss sustained by the victim as a result of the offense; and
- (2) the income, resources, and obligations of the defendant.

(b) If there is more than one victim of a crime, the court shall give priority to victims who are not governmental entities when ordering restitution."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 779 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 50 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Berg	Day	Flynn	Hanson
Beckman	Betzold	Dille	Foley	Higgins
Belanger	Cohen	Fischbach	Frederickson	Janezich

Johnson, D.E.	Langseth	Metzen	Pariseau	Sams
Johnson, D.H.	Larson	Morse	Piper	Scheevel
Johnson, D.J.	Lesewski	Murphy	Price	Scheid
Kelly, R.C.	Lessard	Oliver	Ranum	Ten Eyck
Kleis	Limmer	Olson	Robertson	Terwilliger
Knutson	Lourey	Ourada	Robling	Vickerman
Laidig	Marty	Pappas	Runbeck	Wiger

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

### SPECIAL ORDER

**S.F. No. 1165:** A bill for an act relating to natural resources; restricting the production of planting stock by the commissioner of natural resources; requiring public disclosure of information relating to the commissioner's production of planting stock; amending Minnesota Statutes 1996, sections 89.35, subdivision 1; 89.36, subdivision 1, and by adding a subdivision; and 89.37, subdivision 3, and by adding a subdivision.

Mr. Lessard moved to amend S.F. No. 1165 as follows:

Page 3, after line 6, insert:

"Sec. 6. [SPECIAL EXTENSION OF TIMBER PERMITS.]

Timber sale permits issued under Minnesota Statutes, sections 90.101, 90.121, 90.151, and 90.191, that would otherwise expire in 1997 are extended for one year. Extensions issued under this section shall be without interest, and any timber cut during the period of this extension or remaining uncut at the expiration of this extension shall be billed at the stumpage rates of the original sale. Extensions granted under Minnesota Statutes, section 90.193, from January 1, 1997, to the effective date of this section, due to a lack of suitable winter logging conditions or suitable economic conditions, shall be granted without interest, and any timber cut during the period of this extension or remaining uncut at the expiration of this extension shall be billed at the stumpage rate of the original sale.

Sec. 7. [EFFECTIVE DATE.]

Section 6 is effective the day following final enactment."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1165 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 47 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Knutson	Morse	Robling
Beckman	Frederickson	Laidig	Murphy	Runbeck
Belanger	Hanson	Langseth	Oliver	Scheevel
Berg	Higgins	Larson	Olson	Scheid
Betzold	Janezich	Lesewski	Ourada	Terwilliger
Cohen	Johnson, D.E.	Lessard	Pariseau	Vickerman
Day	Johnson, D.H.	Limmer	Piper	Wiger
Dille	Johnson, D.J.	Lourey	Price	
Fischbach	Kelly, R.C.	Marty	Ranum	
Flynn	Kleis	Metzen	Robertson	

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



**SPECIAL ORDER**

**H.F. No. 317:** A bill for an act relating to capital improvements; authorizing towns to exercise eminent domain and other powers for purposes of wastewater infrastructure; proposing coding for new law in Minnesota Statutes, chapter 444.

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 47 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Knutson	Murphy	Sams
Beckman	Hanson	Langseth	Oliver	Scheevel
Belanger	Higgins	Larson	Olson	Scheid
Berg	Janezich	Lesewski	Ourada	Ten Eyck
Betzold	Johnson, D.E.	Lessard	Pariseau	Terwilliger
Cohen	Johnson, D.H.	Limmer	Piper	Vickerman
Dille	Johnson, D.J.	Lourey	Price	Wiger
Fischbach	Junge	Marty	Robertson	
Flynn	Kelly, R.C.	Metzen	Robling	
Foley	Kleis	Morse	Runbeck	

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 166:** A bill for an act relating to motor vehicles; allowing sale 25 days after notice of vehicles impounded by Minneapolis, St. Paul, or Bloomington; amending Minnesota Statutes 1996, sections 168B.051, subdivision 2, and by adding a subdivision; 168B.06, subdivision 1; 168B.07, subdivision 1; and 168B.087, 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 52 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Langseth	Oliver	Sams
Beckman	Hanson	Larson	Olson	Scheevel
Belanger	Higgins	Lesewski	Ourada	Scheid
Berg	Janezich	Lessard	Pappas	Spear
Betzold	Johnson, D.E.	Limmer	Pariseau	Ten Eyck
Cohen	Johnson, D.H.	Lourey	Piper	Terwilliger
Day	Johnson, D.J.	Marty	Price	Vickerman
Dille	Junge	Metzen	Ranum	Wiger
Fischbach	Kelly, R.C.	Morse	Robertson	
Flynn	Kleis	Murphy	Robling	
Foley	Knutson	Novak	Runbeck	

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 812:** A bill for an act relating to public safety; clarifying certain provisions in the law governing community notification of the release of sex offenders; amending Minnesota Statutes 1996, section 244.052, subdivisions 3, 4, 5, and 6.

Mr. Kelly, R.C. moved to amend S.F. No. 812 as follows:

Page 6, delete lines 5 to 13 and insert:

"(2) if the offender is assigned to risk level II, the agency also may disclose the information to ~~the following agencies~~ individuals, agencies, and groups that the offender is likely to encounter, including, but not limited to, public and private educational institutions, day care establishments, and establishments and organizations that primarily serve individuals likely to be victimized by the offender;"

The motion prevailed. So the amendment was adopted.

S.F. No. 812 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 53 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Laidig	Novak	Runbeck
Beckman	Higgins	Langseth	Oliver	Sams
Belanger	Janezich	Larson	Olson	Scheevel
Berg	Johnson, D.E.	Lesewski	Ourada	Scheid
Betzold	Johnson, D.H.	Lessard	Pappas	Spear
Cohen	Johnson, D.J.	Limmer	Pariseau	Ten Eyck
Dille	Junge	Lourey	Piper	Terwilliger
Fischbach	Kelly, R.C.	Marty	Price	Vickerman
Flynn	Kleis	Metzen	Ranum	Wiger
Foley	Knutson	Morse	Robertson	
Frederickson	Krentz	Murphy	Robling	

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

**SPECIAL ORDERS**

Pursuant to Rule 10, Ms. Junge, designee of the Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately.

S.F. Nos. 1217, 90, 91, 294, 1006, 627, H.F. No. 756, S.F. Nos. 215, 735, 442 and H.F. No. 1637.

**SPECIAL ORDER**

**S.F. No. 1217:** A bill for an act relating to highways; authorizing counties to sell county state-aid highway bonds for construction of buildings and other facilities for the maintenance of county state-aid highways; amending Minnesota Statutes 1996, section 162.181, subdivisions 1 and 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 48 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Kelly, R.C.	Lessard	Oliver
Beckman	Flynn	Kleis	Limmer	Olson
Belanger	Foley	Knutson	Lourey	Pariseau
Berg	Frederickson	Krentz	Marty	Pogemiller
Betzold	Janezich	Laidig	Metzen	Price
Cohen	Johnson, D.E.	Langseth	Morse	Ranum
Day	Johnson, D.J.	Larson	Murphy	Robertson
Dille	Junge	Lesewski	Novak	Runbeck

Sams  
ScheevelScheid  
SpearTen Eyck  
Terwilliger

Vickerman

Wiger

Mr. Ourada and Mrs. Robling voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 90:** A bill for an act relating to legislative committees and commissions; updating statutory references to legislative committees; requiring certain appointments of members of the senate to be made by the subcommittee on committees of the committee on rules and administration; repealing references to abolished legislative commissions; amending Minnesota Statutes 1996, sections 3.30, subdivision 2; 3.303, subdivision 2; 3.754; 3.885, subdivision 1; 3.97, subdivision 2; 3.98, subdivisions 1 and 3; 8.15, subdivisions 3 and 4; 11A.041; 15.065; 15.16, subdivision 5; 15.161; 15.50, subdivisions 1 and 2; 15.95, subdivision 1; 15A.082, subdivision 2; 16A.011, subdivision 13; 16A.152, subdivision 6; 16A.19, subdivision 1; 16B.24, subdivisions 3, 3a, and 6; 16B.31, subdivision 3; 16B.335, subdivisions 1, 2, and 5; 16B.41, subdivision 2; 16B.87, subdivision 4; 16D.03, subdivision 3; 17B.15, subdivision 1; 18E.06; 43A.191, subdivision 3; 62R.25; 97A.0453; 115A.07, subdivisions 2 and 3; 115A.15, subdivision 5; 115A.158, subdivision 2; 115A.411, subdivision 1; 115A.55, subdivision 4; 115A.5501, subdivision 2; 115A.551, subdivisions 4 and 5; 115A.557, subdivision 4; 115A.965, subdivision 7; 115A.9651, subdivision 2; 115A.981, subdivision 3; 115B.20, subdivisions 1 and 6; 115B.43, subdivision 4; 115C.093; 115D.10; 116.072, subdivision 12; 116.125; 116C.712, subdivision 5; 116J.555, subdivision 2; 116J.581, subdivision 1; 116J.693, subdivision 2; 116O.03, subdivision 2; 116O.071, subdivision 3; 116O.09, subdivision 2; 116P.05, subdivision 1; 116P.08, subdivision 3; 116P.09, subdivision 7; 119B.17, subdivision 1; 121.703, subdivision 2; 124.078; 124.2131, subdivision 1; 135A.046, subdivision 3; 136F.60, subdivision 1; 136F.98, subdivision 1; 137.02, subdivision 3a; 138.763, subdivision 1; 144.056; 144.701, subdivision 4; 144A.071, subdivision 5; 144E.01, subdivision 2; 169.832, subdivision 13; 174.02, subdivision 6; 192.52; 240.18, subdivision 2; 240A.03, subdivision 15; 241.01, subdivision 5; 245.90; 252.50, subdivision 2; 253.015, subdivision 2; 256.014, subdivision 3; 256.031, subdivision 3; 256.736, subdivision 9; 256.9352, subdivision 3; 256.9657, subdivision 1c; 256B.0629, subdivision 3; 256B.69, subdivision 3a; 268.665, subdivision 2; 268.916; 270.0604, subdivision 4; 270.063; 270.0681, subdivision 2; 270.0682, subdivision 2; 270.71; 270.74; 273.1398, subdivision 2c; 299C.65, subdivision 2; 352.04, subdivision 3; 352B.02, subdivision 1c; 354.42, subdivision 5; 354A.12, subdivision 2b; 355.50; 356.88, subdivision 1; 393.07, subdivision 5; 446A.072, subdivision 11; 473.149, subdivision 6; 473.598, subdivision 3; 473.608, subdivision 12a; 473.845, subdivision 4; 473.846; and 473.848, subdivision 4; repealing Minnesota Statutes 1996, sections 3.873; 3.887; and 241.275, subdivision 5.

Mr. Lessard moved to amend S.F. No. 90 as follows:

Page 33, line 26, strike "July" and insert "November"

Page 35, line 11, strike "July" and insert "November"

Page 36, line 8, strike "July" and insert "November"

The motion prevailed. So the amendment was adopted.

S.F. No. 90 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 50 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson  
BeckmanBelanger  
BergBetzold  
CohenDay  
FischbachFlynn  
Foley

Frederickson	Knutson	Marty	Pariseau	Scheevel
Higgins	Krentz	Metzen	Piper	Scheid
Janezich	Laidig	Morse	Price	Spear
Johnson, D.E.	Larson	Murphy	Ranum	Ten Eyck
Johnson, D.H.	Lesewski	Novak	Robertson	Terwilliger
Johnson, D.J.	Lessard	Oliver	Robling	Vickerman
Junge	Limmer	Olson	Runbeck	Wiener
Kleis	Lourey	Pappas	Sams	Wiger

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

### SPECIAL ORDER

**S.F. No. 91:** A bill for an act relating to retirement; appropriating money as 1996 police state aid; ratifying the calculation of certain 1996 police state aid amounts.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 50 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Larson	Oliver	Runbeck
Beckman	Higgins	Lesewski	Olson	Sams
Berg	Janezich	Lessard	Ourada	Scheevel
Betzold	Johnson, D.E.	Limmer	Pappas	Spear
Cohen	Johnson, D.H.	Lourey	Pariseau	Stumpf
Day	Junge	Marty	Piper	Ten Eyck
Fischbach	Kleis	Metzen	Price	Terwilliger
Flynn	Knutson	Morse	Ranum	Vickerman
Foley	Krentz	Murphy	Robertson	Wiener
Frederickson	Laidig	Novak	Robling	Wiger

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 294:** A bill for an act relating to peace officers; requiring law enforcement agencies to do background investigations for applicants for employment as peace officers; requiring employers to disclose personnel records for law enforcement background investigations; providing immunity for employers who disclose information to law enforcement; requiring notice to the POST board when a background investigation is initiated; authorizing sharing of data on subjects of background investigations; amending Minnesota Statutes 1996, sections 13.41, subdivision 2a; 13.43, by adding a subdivision; 604A.31, subdivision 3; and 626.845, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 626.

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 53 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Kelley, S.P.	Limmer	Oliver
Beckman	Foley	Kleis	Lourey	Olson
Belanger	Frederickson	Knutson	Marty	Ourada
Betzold	Hanson	Krentz	Metzen	Pappas
Cohen	Higgins	Laidig	Morse	Pariseau
Day	Janezich	Larson	Murphy	Piper
Dille	Johnson, D.E.	Lesewski	Neuville	Pogemiller
Fischbach	Junge	Lessard	Novak	Price

Ranum  
Robertson  
Robling

Runbeck  
Sams  
Scheevel

Scheid  
Spear  
Stumpf

Ten Eyck  
Vickerman  
Wiener

Wiger

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1006:** A bill for an act relating to firefighters; authorizing certain background investigations; requiring disclosures of certain employment information; providing civil and criminal penalties; providing employers immunity for certain disclosures; amending Minnesota Statutes 1996, section 604A.31, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 299F.

Ms. Junge moved to amend S.F. No. 1006 as follows:

Page 3, after line 1, insert:

"Sec. 3. [CITY OF ROCHESTER; PROBATIONARY PERIOD FOR NEW FIREFIGHTERS UNDER CIVIL SERVICE COMMISSION.]

Notwithstanding Minnesota Statutes, section 420.08, to the contrary, in the city of Rochester no newly appointed firefighter, after satisfactory completion of basic firefighter I and II training courses and state certification, and after a period of no longer than 12 months' continuous employment thereafter, shall be removed or discharged except for cause upon written charges and after an opportunity to be heard in defense of charges as provided in Minnesota Statutes, chapter 420.

Sec. 4. [LOCAL APPROVAL.]

Section 3 is effective the day after the governing body of the city of Rochester complies with Minnesota Statutes, section 645.021, subdivision 3."

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Junge moved that S.F. No. 1006 be laid on the table. The motion prevailed.

### SPECIAL ORDER

**S.F. No. 627:** A bill for an act relating to civil actions; requiring certification of expert review in actions against certain professionals; proposing coding for new law in Minnesota Statutes, chapter 544.

Ms. Ranum moved to amend S.F. No. 627 as follows:

Page 3, line 27, delete "2, clause (2)" and insert "3, paragraph (b) or (c)"

The motion prevailed. So the amendment was adopted.

S.F. No. 627 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Anderson	Higgins	Langseth	Oliver	Samuelson
Beckman	Hottinger	Larson	Olson	Scheevel
Belanger	Janezich	Lesewski	Ourada	Scheid
Berg	Johnson, D.E.	Lessard	Pappas	Spear
Berglin	Johnson, D.H.	Limmer	Pariseau	Stevens
Betzold	Junge	Lourey	Piper	Ten Eyck
Day	Kelley, S.P.	Marty	Price	Terwilliger
Dille	Kiscaden	Metzen	Ranum	Vickerman
Fischbach	Kleis	Morse	Robertson	Wiener
Foley	Knutson	Murphy	Robling	Wiger
Frederickson	Krentz	Neuville	Runbeck	
Hanson	Laidig	Novak	Sams	

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

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Samuelson moved that the following members be excused for a Conference Committee on S.F. No. 1 from 12:00 noon to 1:00 p.m. and 2:10 to 3:15 p.m.:

Mses. Berglin, Kiscaden, Messrs. Hottinger, Stevens and Samuelson. The motion prevailed.

### SPECIAL ORDER

**H.F. No. 756:** A bill for an act relating to the state demographer; changing procedures for certain population and related estimates; amending Minnesota Statutes 1996, sections 4A.02; 379.02; and 414.01, subdivision 14; repealing Minnesota Statutes 1996, section 414.033, subdivision 9.

Mr. Knutson moved to amend H.F. No. 756, as amended pursuant to Rule 49, adopted by the Senate April 4, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 691.)

Page 4, line 3, delete "The state"

Page 4, line 4, delete "demographer shall then direct" and delete "to" and insert "shall"

Page 4, line 7, delete "and must be paid for by the county"

Page 4, line 23, delete "The" and strike "state demographer" and strike "shall"

Page 4, line 24, delete "direct" and delete "to" and insert "shall"

Page 4, lines 27 and 28, delete "and shall be paid for by the municipality"

The motion prevailed. So the amendment was adopted.

H.F. No. 756 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Anderson	Day	Hottinger	Kleis	Lessard
Beckman	Dille	Janezich	Knutson	Limmer
Belanger	Fischbach	Johnson, D.E.	Krentz	Lourey
Berg	Foley	Johnson, D.H.	Laidig	Marty
Berglin	Frederickson	Junge	Langseth	Metzen
Betzold	Hanson	Kelley, S.P.	Larson	Morse
Cohen	Higgins	Kiscaden	Lesewski	Murphy

Neuville	Pappas	Robertson	Scheevel	Vickerman
Novak	Pariseau	Robling	Scheid	Wiener
Oliver	Piper	Runbeck	Spear	Wiger
Olson	Price	Sams	Stevens	
Ourada	Ranum	Samuelson	Terwilliger	

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

### SPECIAL ORDER

**S.F. No. 215:** A bill for an act relating to state government; modifying previous appropriations for certain capital improvements; amending Laws 1994, chapter 643, sections 3, subdivision 2, and 15, subdivisions 2 and 4; Laws 1996, chapter 463, sections 13, subdivisions 2 and 4, and 24, subdivision 8.

Mr. Laidig moved to amend S.F. No. 215 as follows:

Page 2, after line 30, insert:

"Sec. 4. Laws 1996, chapter 463, section 3, subdivision 7, is amended to read:

Subd. 7. Twin Cities

(a) Architecture Renovation 9,000,000

Design, ~~renovate construct~~, furnish, and equip an addition to the architecture building and partially renovate the existing building.

(b) Haecker Hall Renovation 12,000,000

Design, renovate, furnish, and equip Haecker Hall and related space.

(c) Magnetic Resonance Research Building 3,500,000

Design, construct, furnish, and equip a new magnetic resonance research building.

(d) Minnesota Library Access Center 38,500,000

Construct, furnish, and equip the Minnesota library access center to house the university's archives and special collections, immigration history research center documents and collections, to store less frequently used library materials for state university, private college, city, county, and regional libraries in the state, and to house Minitex services.

(e) Molecular and Cellular Therapeutics Facility Remodeling 3,000,000

Remodel and equip the molecular and cellular therapeutics facility, including the modification of utilities, air filtration, and distribution systems, to accommodate new research programs."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Spear moved that S.F. No. 215 be laid on the table. The motion prevailed.

### SPECIAL ORDER

**S.F. No. 735:** A bill for an act relating to metropolitan government; allowing the metropolitan council to determine an allocation method for wastewater services; amending Minnesota Statutes 1996, sections 473.511, subdivision 4; 473.517; and 473.519.

Mrs. Robling moved that S.F. No. 735 be laid on the table. The motion prevailed.

### SPECIAL ORDER

**S.F. No. 442:** A bill for an act relating to utilities; modifying provisions relating to municipal utilities, cooperative electric cooperatives, and natural gas pipelines; regulating use of public rights-of-way by telecommunications carriers; creating task force; requiring rulemaking; amending Minnesota Statutes 1996, sections 237.04; 237.16, subdivision 1; and 237.74, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 237; and 238; repealing Minnesota Statutes 1996, section 237.163, subdivision 5.

Mr. Novak moved to amend S.F. No. 442 as follows:

Page 4, line 7, delete "recreational trail,"

Page 4, line 8, delete the second "in"

Page 4, line 9, delete "law or equity" and before "and" insert "for travel purposes"

Page 4, line 23, delete "or by a municipality" and insert "as defined in section 216B.02, a municipality, a municipal gas or power agency organized under chapter 453 or 453A," and after "or" insert "a"

Page 4, line 24, delete ", as those terms are defined in chapter 216B" and insert "organized under chapter 308A"

Page 5, line 25, delete "and"

Page 5, line 28, before the period, insert "; and

(10) impose reasonable penalties for unreasonable delays in construction"

Page 6, line 1, delete "performing surface restoration,"

Page 6, delete line 2

Page 6, line 3, delete "own surface restoration;"

Page 6, line 4, delete "and" and insert a semicolon

Page 6, line 5, after "performed" insert "after providing notice and the opportunity to correct the work"

Page 6, line 7, before the period, insert ", the fees and cost of litigation relating to the interpretation of this section or section 237.163 or any ordinance enacted under those sections, or the local unit of government's fees and costs related to appeals taken pursuant to section 4, subdivision 5"



Page 7, line 32, delete "or obstruction"

Page 7, line 33, delete "repair or"

Page 7, line 36, delete "or obstruction" and after the period, insert "Local government units that choose to perform their own surface restoration required as a result of the excavation may require telecommunications right-of-way users to reimburse the reasonable costs of that surface restoration."

Page 8, line 4, delete "In lieu of requiring the" and insert "If a"

Page 8, line 5, after "user" insert "elects not"

Page 8, line 6, after "fee" insert "in lieu of restoration"

Page 8, line 8, delete "an" and insert "the" and delete "or obstruction"

Page 8, line 33, after "any" insert "material"

Page 9, line 18, delete "can show that it" and insert "has"

Page 9, line 32, delete the second "the" and insert "a timely written"

Page 10, line 11, delete "cost of the" and insert "costs and fees of a single"

Page 10, line 12, delete "arbitration must" and insert "arbitrator shall"

Page 10, after line 13, insert:

"In the event there is a third arbitrator, each party shall bear the expense of its own arbitrator and shall jointly and equally bear with the other party the expense of the third arbitrator and of the arbitration.

Each party to the arbitration shall pay its own costs, disbursements, and attorney fees."

Page 10, line 20, delete "recoup" and insert "recover"

Page 10, line 21, delete "incurred, if any," and insert "caused by another entity's activity in the right-of-way"

Page 10, delete line 22

Page 10, line 23, delete everything before the period

Page 11, line 17, after "(1)" insert "unlawfully"

Page 11, line 33, after "obtain" insert "a" and delete "permits for excavations and" and insert "permit for an excavation or"

Page 11, delete line 34 and insert "obstruction of existing facilities within the public"

Page 11, line 35, delete "rights-of-way" and insert "right-of-way"

Page 11, delete line 36

Page 12, delete lines 1 to 5

Page 12, line 6, delete "(d)" and insert "(c)"

Page 12, line 11, delete "(e)" and insert "(d)"

Page 12, delete lines 20 to 22 and insert "March 1, 1998, statewide construction standards for the purposes of achieving substantial statewide uniformity in construction standards where appropriate, providing competitive neutrality among telecommunications right-of-way users, and permitting efficient use of technology. The standards shall govern:"

Page 12, line 28, delete "party" and insert "telecommunications right-of-way user"

Page 12, delete lines 30 to 33 and insert "a statewide standard."

(c) A local unit of government may not adopt an ordinance or other regulation that conflicts with a standard adopted by the commission for the purposes described in paragraph (a)."

Page 13, line 15, after the first "to" insert "provisioning of" and after "services" insert "in Minnesota"

Page 14, line 12, delete "January 15, 1998" and insert "November 1, 1997"

Page 14, after line 25, insert:

"Section 1 is effective August 1, 1998."

Page 14, line 26, delete "1" and insert "2"

Page 14, lines 29 and 32, after "upon" insert "the earlier of March 1, 1998, or the"

Page 14, line 31, delete "also"

The motion prevailed. So the amendment was adopted.

S.F. No. 442 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 49 and nays 1, as follows:

Those who voted in the affirmative were:

Beckman	Frederickson	Laidig	Novak	Runbeck
Belanger	Higgins	Larson	Oliver	Sams
Berg	Janezich	Lesewski	Olson	Scheevel
Betzold	Johnson, D.E.	Lessard	Ourada	Scheid
Cohen	Kelley, S.P.	Lourey	Pappas	Spear
Day	Kelly, R.C.	Marty	Piper	Ten Eyck
Dille	Kiscaden	Metzen	Price	Vickerman
Fischbach	Kleis	Morse	Ranum	Wiener
Flynn	Knutson	Murphy	Robertson	Wiger
Foley	Krentz	Neuville	Robling	

Mrs. Pariseau voted in the negative.

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

Mrs. Robling moved that S.F.No. 735 be taken from the table. The motion prevailed.

**SPECIAL ORDER**

**S.F. No. 735:** A bill for an act relating to metropolitan government; allowing the metropolitan council to determine an allocation method for wastewater services; amending Minnesota Statutes 1996, sections 473.511, subdivision 4; 473.517; and 473.519.

Mr. Kelley, S.P. moved to amend S.F. No. 735 as follows:

Page 3, lines 4 and 5, reinstate the stricken language and delete the new language

Page 3, lines 11 to 13, reinstate the stricken language

Page 3, line 14, reinstate the stricken "the metropolitan area as provided in subdivisions 2 to 6."

Page 3, line 20, delete "shall be allocated among and"

Page 3, delete lines 21 to 23

Page 3, line 24, delete "determined by the council." and delete "allocated costs" and insert "current costs to be allocated"

Page 3, line 27, reinstate the stricken "Subd. 2. [ALLOCATION OF TREATMENT, INTERCEPTOR COSTS"

Page 3, line 28, reinstate the stricken ".] Except as provided in subdivision 3, the"

Page 3, lines 29 to 32, reinstate the stricken language

Page 3, line 33, reinstate the stricken "during the budget year," and insert "according to an allocation method determined by the council."

Page 4, lines 16 to 36, reinstate the stricken language

Page 5, line 6, reinstate the stricken "3" and delete "1"

Page 5, line 20, delete the new language and reinstate the stricken language

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

S.F. No. 735 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 0, as follows:

Those who voted in the affirmative were:

Beckman	Higgins	Larson	Oliver	Sams
Belanger	Janezich	Lesewski	Olson	Scheid
Berg	Johnson, D.E.	Lessard	Ourada	Spear
Betzold	Johnson, D.H.	Limmer	Pariseau	Ten Eyck
Cohen	Johnson, J.B.	Lourey	Piper	Vickerman
Day	Junge	Marty	Pogemiller	Wiener
Dille	Kelley, S.P.	Metzen	Price	Wiger
Fischbach	Kiscaden	Morse	Ranum	
Flynn	Kleis	Murphy	Robertson	
Foley	Knutson	Neuville	Robling	
Hanson	Laidig	Novak	Runbeck	

So the bill passed and its title was agreed to.

Mr. Spear moved that S.F. No. 215 be taken from the table. The motion prevailed.

### SPECIAL ORDER

**S.F. No. 215:** A bill for an act relating to state government; modifying previous appropriations for certain capital improvements; amending Laws 1994, chapter 643, sections 3, subdivision 2, and 15, subdivisions 2 and 4; Laws 1996, chapter 463, sections 13, subdivisions 2 and 4, and 24, subdivision 8.

Mr. Spear moved to amend S.F. No. 215 as follows:

Page 3, line 50, after "a" insert "formerly"

The motion prevailed. So the amendment was adopted.

Ms. Kiscaden moved to amend S.F. No. 215 as follows:

Page 1, after line 21, insert:

"Sec. 2. Laws 1994, chapter 643, section 10, subdivision 10, as amended by Laws 1995, First Special Session chapter 2, article 1, section 42, is amended to read:

Subd. 10. Rochester Technical College University Center Rochester

1,200,000

This appropriation is to for predesign and design of an integrated campus in accordance with this subdivision. \$600,000 of this appropriation is available immediately. The remainder is available after a master academic plan has been approved under clause (3) and the technical college has been sold, remodeling of student support facilities, remodeling of facilities for joint academic programming, and construction of roads and other infrastructure to integrate the campus for the delivery of consolidated college, state university, and University of Minnesota programs at the University Center Rochester. Planning may include consideration of codevelopment of facilities with local units of government.

~~(1) The board of trustees of the Minnesota state colleges and universities may enter into an agreement for the sale of the Rochester Technical College. The sale is contingent on the approval of the board of trustees and a determination by the board of trustees that the sale is consistent with its priorities. The sale price shall equal the appraised value if sold to independent school district No. 535, Rochester, or, if sold to any other party, the sale price shall not be less than the appraised value.~~

~~It is the intent of the legislature that no technical college program reduction, apart from normal program review, shall occur as a result of this sale.~~

~~(2) The sale shall not cause the technical college to lease space or to move to any temporary site.~~

~~(3) Prior to the preparation of design documents, the post-secondary boards and the relevant campus staff shall jointly prepare a master academic plan for an integrated campus for the Rochester center facility. The boards shall consider the creation of a polytechnic university. The plan shall be submitted for review to the higher education finance divisions by January 16, 1996, and must be approved by the legislature before the remaining \$600,000 of the appropriation is available.~~

~~(4) The proceeds from the sale of the technical college are appropriated for the design and construction necessary to integrate technical~~

college programs into the Rochester center and to add or modify space where necessary. The new technical college program space must be attached to and must maximize the current services, space, and programs of the technical college, community college, state university, and University of Minnesota cooperative campus. The state board of trustees may not begin construction of this project until the legislature has approved the construction plans.

(5) The state board of trustees shall develop a plan to relocate to the Austin, Faribault, and other Southeastern Minnesota campuses all Rochester campus programs that are not essential to the integrated mission planned for the Rochester center facility. This plan must be completed prior to preparing design documents for the technical college addition to the Rochester center.

(6) The state board of trustees shall consider relocating the horticulture technology program from the Rochester campus to the Austin campus of Riverland technical college before the start of the 1995-1996 academic year."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 215 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Anderson	Frederickson	Kleis	Neuville	Robling
Beckman	Hanson	Knutson	Novak	Runbeck
Belanger	Higgins	Krentz	Oliver	Sams
Berg	Hottinger	Laidig	Olson	Scheid
Berglin	Janezich	Larson	Ourada	Spear
Betzold	Johnson, D.E.	Lesewski	Pappas	Stumpf
Cohen	Johnson, D.H.	Lessard	Pariseau	Ten Eyck
Day	Johnson, J.B.	Limmer	Piper	Vickerman
Dille	Junge	Lourey	Pogemiller	Wiener
Fischbach	Kelley, S.P.	Marty	Price	Wiger
Flynn	Kelly, R.C.	Metzen	Ranum	
Foley	Kiscaden	Morse	Robertson	

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

### SPECIAL ORDER

**H.F. No. 1637:** A bill for an act relating to insurance; adopting insurance-related recommendations of the arson task force; amending Minnesota Statutes 1996, sections 65A.296, subdivision 1; 65A.50, subdivision 13; 72A.20, subdivision 12; 72A.201, subdivision 8; 299F.053, subdivision 2; and 299F.054, subdivision 4.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Frederickson	Knutson	Neuville	Robling
Beckman	Hanson	Krentz	Novak	Runbeck
Belanger	Higgins	Laidig	Oliver	Sams
Berg	Hottinger	Langseth	Olson	Scheid
Berglin	Janezich	Larson	Ourada	Spear
Betzold	Johnson, D.E.	Lesewski	Pappas	Stumpf
Cohen	Johnson, D.H.	Lessard	Pariseau	Ten Eyck
Day	Johnson, J.B.	Lourey	Piper	Vickerman
Dille	Junge	Marty	Pogemiller	Wiener
Fischbach	Kelley, S.P.	Metzen	Price	Wiger
Flynn	Kelly, R.C.	Morse	Ranum	
Foley	Kleis	Murphy	Robertson	

So the bill passed and its title was agreed to.

### RECONSIDERATION

Mr. Sams moved that the vote whereby S.F. No. 435 was passed by the Senate on April 24, 1997, be now reconsidered.

### CALL OF THE SENATE

Mr. Sams imposed a call of the Senate for the balance of the proceedings on S.F. No. 435. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 28 and nays 32, as follows:

Those who voted in the affirmative were:

Beckman	Janezich	Larson	Murphy	Stumpf
Belanger	Johnson, D.H.	Lesewski	Ourada	Ten Eyck
Day	Kleis	Lessard	Pogemiller	Terwilliger
Dille	Knutson	Limmer	Robling	Vickerman
Fischbach	Laidig	Lourey	Sams	
Hanson	Langseth	Metzen	Stevens	

Those who voted in the negative were:

Anderson	Frederickson	Kelly, R.C.	Pariseau	Scheid
Berg	Higgins	Krentz	Piper	Spear
Berglin	Hottinger	Marty	Price	Wiener
Betzold	Johnson, D.E.	Morse	Ranum	Wiger
Cohen	Johnson, J.B.	Oliver	Robertson	
Flynn	Junge	Olson	Runbeck	
Foley	Kelley, S.P.	Pappas	Scheevel	

The motion did not prevail. So the vote was not reconsidered.

### SPECIAL ORDERS

Pursuant to Rule 10, Ms. Junge, designee of the Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately.

S.F. Nos. 1693 and 816.

### SPECIAL ORDER

**S.F. No. 1693:** A bill for an act relating to labor relations; requiring employers to recognize certain employee organizations; amending Minnesota Statutes 1996, section 179A.12, by adding a subdivision.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Hanson	Krentz	Neuville	Runbeck
Beckman	Higgins	Laidig	Oliver	Sams
Belanger	Hottinger	Langseth	Olson	Scheevel
Berg	Janezich	Larson	Ourada	Scheid
Berglin	Johnson, D.E.	Lesewski	Pappas	Spear
Betzold	Johnson, D.H.	Lessard	Pariseau	Stevens
Day	Johnson, J.B.	Limmer	Piper	Stumpf
Dille	Junge	Lourey	Pogemiller	Ten Eyck
Fischbach	Kelley, S.P.	Marty	Price	Terwilliger
Flynn	Kelly, R.C.	Metzen	Ranum	Vickerman
Foley	Kleis	Morse	Robertson	Wiener
Frederickson	Knutson	Murphy	Robling	Wiger

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 816:** A bill for an act relating to animals; allowing veterinarians to dock horses; repealing requirements for the care of equine animals; repealing restrictions on clipped animals; changing dog house specifications; amending Minnesota Statutes 1996, sections 343.25; and 343.40, subdivision 2; repealing Minnesota Statutes 1996, sections 343.26; and 346.38, subdivision 4.

Mr. Dille moved to amend S.F. No. 816 as follows:

Page 2, line 5, delete "that is"

Page 2, line 6, delete the new language and strike the old language

Page 2, after line 14, insert:

"Sec. 3. Minnesota Statutes 1996, section 346.38, subdivision 4, is amended to read:

Subd. 4. [SHELTER.] Equines must be provided a minimum of free choice protection or constructed shelter from direct rays of the sun when temperatures exceed 95 degrees Fahrenheit, from wind, and from freezing precipitation have available natural or constructed shelter during extreme weather conditions. Natural or Constructed shelters must be of sufficient size to provide the necessary protection. Constructed shelters must be structurally sound, free of injurious matter, maintained in good repair, and ventilated."

Page 2, line 25, delete "sections" and insert "section" and delete "and 346.38,"

Page 2, line 26, delete "subdivision 4, are" and insert ", is"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Piper moved to amend S.F. No. 816 as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1996, section 343.01, subdivision 1, is amended to read:

Subdivision 1. [FORMATION AUTHORIZED.] A state federation of county and district societies for the prevention of cruelty to animals and people may be created as a corporation under chapter 317A for the purpose provided in section 343.06. The federation may appoint representatives in any county where no active county or district society exists for the purpose of receiving and accounting for funds from any source, and may also appoint agents at large to carry out the work of the federation throughout the state. The federation and all county and district societies may appoint agents for the purpose of investigating or otherwise assisting lawfully empowered officials in the prosecution of persons charged with cruelty to animals and people. Appointed agents must have training and experience in activities relating to prevention of cruelty to animals or enforcement of laws relating to cruelty to animals and people. The federation may make bylaws as are necessary to implement its authority under this chapter and under chapter 317A."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Frederickson questioned whether the amendment was germane.

The President ruled that the amendment was germane.

The question was taken on the adoption of the amendment. The motion did not prevail. So the amendment was not adopted.

Mr. Belanger moved to amend S.F. No. 816 as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1996, section 343.22, subdivision 1, is amended to read:

Subdivision 1. [REPORTING.] Any person who has reason to believe that a violation of this chapter has taken place or is taking place may apply to any court having jurisdiction over actions alleging violation of that section for a warrant and for investigation. The court shall examine under oath the person so applying and any witnesses the applicant produces and the court shall take their affidavits in writing. The affidavits must set forth facts tending to establish the grounds for believing a violation of this chapter has occurred or is occurring, or probable cause to believe that a violation exists. If the court is satisfied of the existence of the grounds of the application, or that there is probable cause to believe a violation exists, it shall issue a signed search warrant and order for investigation to a peace officer in the county. The order shall command the officer to proceed promptly to the location of the alleged violation. ~~The order may command that a doctor of veterinary medicine accompany the officer~~ If a warrant is issued before a judicial hearing, the order must command that a Minnesota licensed doctor of veterinary medicine with no financial connection to the county or its agents must accompany the officer serving the warrant."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Betzold moved to amend S.F. No. 816 as follows:



Page 1, line 13, reinstate the stricken language and before the reinstated "A" insert "Except when performed by a licensed veterinarian,"

Page 1, lines 14 to 26, reinstate the stricken language and delete the new language

Ms. Anderson moved to amend the Betzold amendment to S.F. No. 816 as follows:

Page 1, delete lines 5 and 6 and insert:

"Page 1, lines 14 to 16, reinstate the stricken language

Page 1, line 17, reinstate the stricken "misdemeanor."

Page 1, lines 24 to 26, delete the new language"

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

The question recurred on the Betzold amendment, as amended.

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

Those who voted in the affirmative were:

Anderson	Frederickson	Knutson	Morse	Runbeck
Beckman	Hanson	Krentz	Murphy	Sams
Belanger	Higgins	Laidig	Neuville	Samuelson
Berg	Hottinger	Langseth	Oliver	Scheevel
Berglin	Janezich	Larson	Olson	Scheid
Betzold	Johnson, D.E.	Lesewski	Ourada	Spear
Cohen	Johnson, D.H.	Lessard	Pappas	Stevens
Day	Johnson, J.B.	Limmer	Piper	Stumpf
Dille	Kelley, S.P.	Lourey	Pogemiller	Terwilliger
Fischbach	Kelley, R.C.	Marty	Ranum	Vickerman
Flynn	Kiscaden	Metzen	Robertson	Wiener
Foley	Kleis	Moe, R.D.	Robling	Wiger

The motion prevailed. So the Betzold amendment, as amended, was adopted.

Mr. Betzold moved to amend S.F. No. 816 as follows:

Pages 1 and 2, delete section 2

Renumber the sections in sequence

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 3 and nays 57, as follows:

Mr. Betzold, Mses. Piper and Ranum voted in the affirmative.

Those who voted in the negative were:

Beckman	Higgins	Laidig	Novak	Scheevel
Belanger	Hottinger	Langseth	Oliver	Scheid
Berg	Janezich	Larson	Olson	Spear
Berglin	Johnson, D.E.	Lesewski	Ourada	Stevens
Cohen	Johnson, D.H.	Lessard	Pappas	Stumpf
Day	Johnson, J.B.	Limmer	Pariseau	Terwilliger
Dille	Junge	Lourey	Pogemiller	Vickerman
Fischbach	Kelley, S.P.	Marty	Price	Wiener
Flynn	Kelley, R.C.	Metzen	Robertson	Wiger
Foley	Kleis	Morse	Robling	
Frederickson	Knutson	Murphy	Runbeck	
Hanson	Krentz	Neuville	Sams	

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

S.F. No. 816 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Anderson	Higgins	Laidig	Oliver	Scheevel
Beckman	Hottinger	Langseth	Olson	Scheid
Belanger	Janezich	Larson	Ourada	Spear
Berg	Johnson, D.E.	Lesewski	Pappas	Stevens
Berglin	Johnson, D.H.	Lessard	Pariseau	Stumpf
Cohen	Johnson, J.B.	Limmer	Pogemiller	Terwilliger
Day	Junge	Lourey	Price	Vickerman
Dille	Kelley, S.P.	Metzen	Ranum	Wiener
Fischbach	Kelly, R.C.	Moe, R.D.	Robertson	Wiger
Flynn	Kiscaden	Morse	Robling	
Foley	Kleis	Murphy	Runbeck	
Frederickson	Knutson	Neuville	Sams	
Hanson	Krentz	Novak	Samuelson	

Mr. Betzold voted in the negative.

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that H.F. No. 1684 be taken from the table. The motion prevailed.

**H.F. No. 1684:** A bill for an act relating to education; kindergarten through grade 12; providing for general education; special programs; lifework development; education organization, cooperation, and facilities; education excellence; academic performance; education policy issues; libraries; technology; state agencies; conforming and technical amendments; school bus safety; appropriating money; amending Minnesota Statutes 1996, sections 16A.11, by adding a subdivision; 120.062, subdivisions 7 and 9; 120.0621, subdivisions 5a, 5b, 6, and by adding a subdivision; 120.064, subdivisions 3, 4, 4a, 5, 8, 11, 20a, and by adding subdivisions; 120.101, subdivision 5c, and by adding a subdivision; 120.17, subdivision 3a; 120.181; 121.11, subdivision 7c, and by adding a subdivision; 121.1115, by adding subdivisions; 121.15, by adding subdivisions; 121.155, by adding a subdivision; 121.602, subdivisions 1, 2, and 4; 121.611; 121.615, subdivisions 2, 3, 5, 6, 7, 8, 9, and 10; 121.703, subdivision 3; 121.904, subdivision 4a; 123.34, by adding a subdivision; 123.3514, subdivisions 4, 4a, 4c, 4e, 6c, 8, and by adding subdivisions; 123.39, subdivision 6; 123.799, subdivision 1; 123.7991, subdivisions 1 and 2; 123.935, subdivision 7; 124.155, subdivision 1; 124.17, subdivision 4, and by adding a subdivision; 124.193; 124.195, subdivisions 2, 7, 10, 11, and by adding a subdivision; 124.225, subdivisions 1, 3a, 7b, 7d, 7f, 8a, 10, 13, 14, 15, and 17; 124.226, subdivisions 4, 9, and 10; 124.2445; 124.2455; 124.248, subdivisions 1 and 3; 124.2613, subdivisions 3 and 6; 124.2727, subdivisions 6a, 6c, and 6d; 124.273, subdivisions 1d, 1e, 1f, and 5; 124.312, subdivisions 4 and 5; 124.313; 124.314, subdivisions 1 and 2; 124.3201, subdivisions 1, 2, 3, and 4; 124.321, subdivision 1; 124.323, subdivisions 1 and 2; 124.42, subdivision 4; 124.431, subdivisions 2 and 11; 124.45; 124.481; 124.573, subdivision 2f; 124.574, subdivisions 1, 2d, 2f, 5, 6, and 9; 124.646, subdivision 1; 124.83, subdivisions 1 and 2; 124.86, subdivision 2, and by adding a subdivision; 124.91, subdivisions 1 and 5; 124.912, subdivisions 1, 2, and 3; 124.916, subdivisions 1, 2, and 3; 124.918, subdivision 6; 124.95, subdivision 2; 124.961; 124A.03, subdivision 1c; 124A.036, subdivisions 5 and 6; 124A.04, subdivision 2; 124A.22, subdivisions 1, 2, as amended, 3, 6, 6a, 10, 11, 13b, and by adding a subdivision; 124A.225, subdivisions 1 and 4; 124A.23, subdivisions 1 and 3; 124A.26, subdivision 1; 124A.28; 124C.45, subdivision 1a; 124C.46, subdivisions 1 and 2; 124C.498, subdivision 2; 125.05, subdivisions 1c and 2; 125.12, subdivision 14; 126.22, subdivision 2; 126.23, subdivision 1; 126.77, subdivision 1; 126.82; 127.27, subdivision 10; 127.282; 128C.02, subdivision 2; 128C.08, subdivision 5; 134.155, subdivisions 2 and 3; 134.34, subdivision 4; 136A.233, by adding a subdivision; 169.01, subdivision 6; 169.447, subdivision 6;

169.4501, subdivisions 1 and 2; 169.4502, subdivisions 2, 7, 11, and by adding subdivisions; 169.4503, subdivisions 1, 2, 10, 13, 14, 17, 19, 23, 24, and by adding a subdivision; 169.4504, subdivision 1, and by adding a subdivision; 169.452; and 171.3215, subdivision 4; Laws 1991, chapter 265, article 1, section 30, as amended; Laws 1992, chapter 499, article 7, section 31; Laws 1995, First Special Session chapter 3, article 1, section 56; article 2, section 52; article 3, section 11, subdivisions 1, 2, and 5; article 11, section 21, subdivision 3; article 12, section 7, subdivision 1; Laws 1996, chapter 412, article 4, section 34, subdivision 4; and article 12, sections 8 and 11; proposing coding for new law in Minnesota Statutes, chapters 120; 121; 124; 126; and 127; proposing coding for new law as Minnesota Statutes, chapter 256J; repealing Minnesota Statutes 1996, sections 121.904, subdivision 4d; 124.177; 124.225, subdivisions 13, 14, 15, 16, and 17; 124.226, subdivisions 1, 3, 3a, 6, and 10; 124.3201, subdivisions 2a and 2b; 124A.22, subdivisions 2a, 13, and 13a; 124A.697; 124A.698; 124A.70; 124A.71; 124A.711; 124A.72; 124A.73; 126.113; 128B.10; 134.34, subdivision 4a; 134.46; 169.4502, subdivisions 6 and 9; 169.4503, subdivisions 3, 8, 9, 11, 12, and 22; and 169.454, subdivision 11; Laws 1993, chapter 146, article 5, section 20; Laws 1994, chapter 647, article 7, section 18; and Laws 1995, First Special Session chapter 3, article 12, section 8.

### SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 1684 and that the rules of the Senate be so far suspended as to give H.F. No. 1684 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 1684 was read the second time.

Mr. Pogemiller moved to amend H.F. No. 1684 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 1684, and insert the language after the enacting clause, and the title, of S.F. No. 1925, the third engrossment.

The motion prevailed. So the amendment was adopted.

H.F. No. 1684 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 48 and nays 16, as follows:

Those who voted in the affirmative were:

Beckman	Hanson	Larson	Olson	Samuelson
Belanger	Higgins	Lesewski	Ourada	Scheevel
Berg	Hottinger	Lessard	Pappas	Scheid
Berglin	Janezich	Limmer	Pariseau	Spear
Cohen	Johnson, D.E.	Lourey	Piper	Stevens
Day	Johnson, J.B.	Moe, R.D.	Pogemiller	Stumpf
Dille	Junge	Morse	Ranum	Vickerman
Fischbach	Kelly, R.C.	Murphy	Robertson	Wiger
Flynn	Kiscaden	Neuville	Robling	
Frederickson	Knutson	Oliver	Sams	

Those who voted in the negative were:

Anderson	Kelley, S.P.	Laidig	Metzen	Runbeck
Betzold	Kleis	Langseth	Novak	Terwilliger
Foley	Krentz	Marty	Price	Wiener
Johnson, D.H.				

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

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

**MESSAGES FROM THE HOUSE**

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. 1881:** A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and other agencies with certain conditions; regulating certain activities and practices; providing for fees; establishing revolving account; requiring a study; amending Minnesota Statutes 1996, sections 16B.335, subdivision 1; 161.082, by adding a subdivision; 168.011, subdivision 9; 168.018; 168A.29, subdivision 1; 169.974, subdivision 2; 171.06, subdivision 2a; 171.13, by adding a subdivision; 173.13, subdivision 4; 296.16, subdivision 1; 360.015, by adding a subdivision; 360.017, subdivision 1; and 457A.04, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 299A; repealing Minnesota Statutes 1996, section 299D.10.

Senate File No. 1881 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 23, 1997

Ms. Johnson, J.B. moved that the Senate do not concur in the amendments by the House to S.F. No. 1881, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

**REPORTS OF COMMITTEES**

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

**Mr. Cohen from the Committee on State Government Finance, to which was referred**

**H.F. No. 664:** A bill for an act relating to state government; adding authority for the board of water and soil resources to accept and administer federal grants, donations, gifts, and other contributions to achieve authorized objectives of the agency; amending Minnesota Statutes 1996, sections 103B.101, subdivision 9; and 103C.401, subdivision 1.

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

**Mr. Cohen from the Committee on State Government Finance, to which was re-referred**

**S.F. No. 1486:** A bill for an act relating to retirement; various public pension plans and retirement programs; including seasonal revenue department employees in general state employee retirement plan coverage; modifying various pension provisions relating to the Minnesota state colleges and universities, the higher education individual retirement account plan, and the higher education supplemental retirement plan; requiring a study by the state board of investment on tax-sheltered annuities and the evaluation of insurance companies providing tax-sheltered

annuities; providing for the requalification for police and paid firefighter relief association amortization state aid in certain instances; clarifying the handling of unclaimed money and property obtained by the Minneapolis police department; modifying the retirement date for certain Hibbing high school teachers; revising and streamlining the investment performance reporting requirements of various public pension plans; modifying penalty provisions for noncompliance with investment performance reporting requirements; authorizing certain Minnesota correctional facility-Red Wing employees to elect correctional state employee retirement plan coverage; authorizing various correctional employees to transfer prior eligible service credit to the correctional state employee retirement plan; authorizing certain Minnesota state colleges and universities faculty a limited exemption from the general state employees retirement plan reemployed annuitant earnings limitation; authorizing the teachers retirement association to accept a beneficiary designation change form filed late; authorizing certain public employees retirement association disabilitants to purchase service credit for a period of uncredited St. Paul parks and recreation division employment; amending Minnesota Statutes 1996, sections 69.051, subdivisions 1, 1a, and 1b; 136F.45, by adding subdivisions; 352.01, subdivisions 2a and 2b; 354B.21, subdivision 3; 354C.11; 356.20, by adding a subdivision; 356.219; 423A.02, subdivision 2; 423B.06, subdivisions 1 and 1a; 424A.02, subdivision 10; and Laws 1996, chapter 408, article 8, sections 21, 22, subdivision 1, and 24; repealing Minnesota Statutes 1996, section 356.218; and Laws 1995, chapter 262, article 1, sections 8, 9, 10, 11, and 12.

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

**Mr. Cohen from the Committee on State Government Finance, to which was re-referred**

**S.F. No. 1351:** A bill for an act relating to public employment; making technical changes; modifying definitions; modifying certain arbitration procedures; ratifying certain labor agreements; amending Minnesota Statutes 1996, sections 3.855, subdivision 2; 43A.06, subdivision 1; 179A.03, subdivision 14; 179A.10, subdivision 1; 179A.11, subdivision 1; and 179A.16, subdivision 1.

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

Page 9, line 7, delete everything after "other"

Page 9, lines 8 to 12, delete the new language and insert "unless, before the commissioner certifies issues in dispute, either party specifies in writing that the arbitrator or panel is required to resolve the issues in dispute between the parties as submitted by the commissioner, or the parties agree in writing to restrict the arbitrator or panel to selecting between the final offers of the parties on each impasse item."

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

**Mr. Cohen from the Committee on State Government Finance, to which was re-referred**

**S.F. No. 738:** A bill for an act relating to community-based land use planning; establishing goals; establishing a county community-based planning process; establishing a municipal community-based planning process; sunsetting the municipal board; establishing an alternative dispute resolution process; appropriating money; amending Minnesota Statutes 1996, sections 115.49, by adding a subdivision; 394.23; 394.24, subdivision 1; 414.0325, subdivision 1; 414.033, subdivisions 2b, 11, and 12; 462.352, subdivisions 5, 6, and by adding a subdivision; and 462.357, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 4A; 394; 414; 462; 473; and 572A; repealing Minnesota Statutes 1996, section 414.033, subdivision 2a.

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

Page 1, line 21, delete "10" and insert "11"

Page 5, after line 30, insert:

"Subd. 8. [PLANNING AUTHORITY.] Nothing in this section shall be construed to prohibit

or limit a county's authority to prepare and adopt a comprehensive plan and official controls under this chapter."

Page 13, line 26, before "committee" insert "subcommittee on committees of the"

Page 14, line 7, before "committee" insert "subcommittee on committees of the"

Page 14, line 26, delete "\$....." and insert "\$750,000"

Page 15, lines 2 and 9, delete "expended" and insert "June 30, 2000"

Page 15, line 3, delete "\$....." and insert "\$750,000"

Page 15, line 10, delete "\$....." and insert "\$230,000"

Page 15, line 11, after "1998" insert "and \$235,000 is appropriated in fiscal year 1999"

Page 15, line 14, delete "This appropriation is"

Page 15, line 15, delete "available until expended."

Page 21, line 4, after "board" insert "or its successor" in both places

Page 21, line 7, after "board" insert "or its successor"

Page 21, line 10, delete "section 462.3535" and insert "chapter 462"

Page 21, line 16, after "objection" insert "pursuant to this chapter"

Page 21, line 21, after "objection" insert "with the municipal board"

Page 22, line 34, after the second "of" insert "filing"

Page 23, line 33, after "office" insert "or the bureau"

Page 25, lines 17, 19, 26, and 32, delete "annexing"

Page 26, lines 4 and 6, delete "annexing"

Page 26, line 28, after "appealed" insert "by an aggrieved party"

Page 29, after line 5, insert:

"Subd. 5. [ORDERLY ANNEXATIONS WITHIN A DESIGNATED AREA.] For orderly annexations within a designated area under section 414.0325, which require a hearing, the arbitration panel may order the annexation: (1) if it finds that the subject area is now or is about to become urban or suburban in character and that the annexing municipality is capable of providing the services required by the area within a reasonable time; (2) if it finds that the existing township form of government is not adequate to protect the public health, safety, and welfare; or (3) if it finds that annexation would be in the best interests of the subject area. The board may deny the annexation if it conflicts with any provision of the joint agreement. The board may alter the boundaries of the proposed annexation by increasing or decreasing the area so as to include that property within the designated area which is in need of municipal services or will be in need of municipal services.

If the annexation is denied, no proceeding for the annexation of substantially the same area may be initiated within two years from the date of the board's order unless the new proceeding is initiated by a majority of the area's property owners and the petition is supported by affected parties to the resolution. In all cases, the arbitration panel shall set forth the factors which are the basis for the decision."

Page 29, line 6, delete "5" and insert "6"

Page 29, line 16, delete "6" and insert "7"

Page 30, line 9, delete "7" and insert "8"

Page 30, line 14, delete "board" and insert "arbitration panel"

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

### SECOND READING OF SENATE BILLS

S.F. Nos. 1486, 1351 and 738 were read the second time.

### SECOND READING OF HOUSE BILLS

H.F. No. 664 was read the second time.

### MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Runbeck moved that her name be stricken as co-author to S.F. No. 655. The motion prevailed.

Mr. Knutson moved that the name of Mr. Terwilliger be added as a co-author to S.F. No. 1785. The motion prevailed.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

#### **Messrs. Samuelson; Larson; Moe, R.D.; Johnson, D.E. and Langseth introduced--**

**S.F. No. 1929:** A bill for an act relating to flood relief; appropriating money for loans or grants to be paid for homes or class three property in disaster areas substantially damaged by the floods of 1997.

Referred to the Committee on State Government Finance.

#### **Messrs. Moe, R.D.; Langseth; Frederickson; Stumpf and Johnson, D.E. introduced--**

**S.F. No. 1930:** A bill for an act relating to highway construction; increasing the gasoline and special fuel excise tax rates; allocating funds for repair and reconstruction of highways and roads damaged by 1997 spring flooding; appropriating money.

Referred to the Committee on Taxes.

#### **Mr. Pogemiller introduced--**

**S.F. No. 1931:** A bill for an act relating to education; recodifying kindergarten through grade 12 education statutes; amending Minnesota Statutes 1996, sections 120.02; 120.06; 120.062, subdivisions 3, 4, 5, 6, 7, and 8a; 120.0621; 120.064; 120.075; 120.0751; 120.0752; 120.101, subdivisions 5, 5a, 5c, 7, 8, 9, and 10; 120.102; 120.103, subdivisions 3, 4, 5, and 6; 120.105; 120.11; 120.14; 120.73; 120.74; 120.75; 120.76; 120.80; 121.1601, by adding a subdivision; 122.01; 122.02; 122.03; 122.21; 122.22; 122.23; 122.241; 122.242; 122.243; 122.245, subdivision 2; 122.246; 122.247, subdivisions 2 and 2a; 122.248; 122.25; 122.32; 122.34; 122.355; 122.41; 122.43; 122.44; 122.45; 122.46; 122.47; 122.48; 122.531, subdivisions 1, 2c, 5a, and 9; 122.5311, subdivision 1; 122.532, subdivisions 2, 3a, and 4; 122.535; 122.541; 122.895; 122.91; 122.93,

subdivisions 3 and 8; 122.95; 123.11; 123.12; 123.13; 123.15; 123.33; 123.335; 123.34; 123.35, subdivisions 1, 2, 3, 4, 6, 7, 8c, 9b, 11, 12, 15, 20, and by adding subdivisions; 123.36; 123.37; 123.38; 123.39; 123.63; 123.64; 123.66; 123.75, subdivisions 2, 3, and 5; 123.751; 125.03; 125.05, subdivisions 1, 1a, 1c, 6, and 8; 125.06; 125.09; 125.11; 125.12, subdivisions 1a, 2, 2a, 3, 3b, 4, 6, 6a, 6b, 7, 8, 9, 9a, 10, 11, 13, and 14; 125.121; 125.13; 125.135; 125.138; 125.16; 125.17; 125.18; 125.182; 125.183; 125.184; 125.185; 125.187; 125.188, subdivisions 1, 3, and 5; 125.1885, subdivision 5; 125.189; 125.1895, subdivision 4; 125.211, subdivision 2; 125.230, subdivisions 4, 6, and 7; 125.231, subdivision 3; 125.53; 125.54; 125.60; 125.611; 125.62, subdivisions 2, 3, and 7; 125.623, subdivision 3; 125.80; 126.05; 126.14; 126.1995; 129C.10, subdivisions 3, 3a, 3b, 4, and 6; and 129C.15; proposing coding for new law in Minnesota Statutes, chapters 120; 121; 122; 123; 125; and 129C; proposing coding for new law as Minnesota Statutes, chapters 120A; 120B; and 124D; repealing Minnesota Statutes 1996, sections 120.0112; 120.03; 120.05; 120.08; 120.1045; 120.17; 120.1701; 120.172; 120.173; 120.181; 120.1811; 120.182; 120.183; 120.185; 120.187; 120.188; 120.189; 120.190; 120.59; 120.60; 120.61; 120.62; 120.63; 120.64; 120.65; 120.66; 120.67; 120.71; 120.72; 121.11, subdivisions 5, 7c, 7d, 12, and 14; 121.1115; 121.155; 121.166; 121.17; 121.203; 121.207; 121.585; 121.602; 121.608; 121.611; 121.615; 121.70; 121.701; 121.702; 121.703; 121.704; 121.705; 121.706; 121.707; 121.708; 121.709; 121.710; 121.831; 121.835; 121.8355; 121.85; 121.88; 121.882; 121.885; 121.904; 121.906; 121.908; 121.911; 121.912; 121.9121; 121.914; 121.915; 121.917; 121.935; 122.52; 122.532, subdivision 1; 123.35, subdivisions 5, 8, 8a, 8b, 9, 10, 13, 17, 19a, 19b, and 21; 123.351; 123.3513; 123.3514; 123.40; 123.41; 123.42; 123.582; 123.681; 123.70; 123.701; 123.702; 123.704; 123.7045; 123.71; 123.72; 123.76; 123.77; 123.78; 123.79; 123.799; 123.7991; 123.7992; 123.801; 123.805; 123.931; 123.932; 123.933; 123.935; 123.936; 123.9361; 123.9362; 123.937; 123.947; 123.951; 123.97; 123.972; 124.01; 124.06; 124.07; 124.078; 124.079; 124.08; 124.09; 124.10; 124.12; 124.14; 124.15; 124.155; 124.17; 124.175; 124.177; 124.18; 124.19; 124.193; 124.195; 124.196; 124.2131; 124.2134; 124.2139; 124.214; 124.223; 124.225; 124.226; 124.227; 124.239; 124.242; 124.2442; 124.2445; 124.245; 124.2455; 124.248; 124.255; 124.26; 124.2601; 124.2605; 124.261; 124.2613; 124.2615; 124.2711; 124.2712; 124.2713; 124.2714; 124.2715; 124.2716; 124.2725; 124.2726; 124.2727; 124.2728; 124.273; 124.276; 124.278; 124.311; 124.312; 124.313; 124.314; 124.32; 124.3201; 124.3202; 124.321; 124.322; 124.323; 124.35; 124.36; 124.37; 124.38; 124.381; 124.39; 124.40; 124.41; 124.42; 124.431; 124.44; 124.45; 124.46; 124.472; 124.473; 124.474; 124.476; 124.477; 124.478; 124.479; 124.48; 124.481; 124.491; 124.492; 124.493; 124.494; 124.4945; 124.4946; 124.495; 124.511; 124.573; 124.574; 124.625; 124.63; 124.646; 124.6462; 124.6469; 124.647; 124.6471; 124.6472; 124.648; 124.71; 124.72; 124.73; 124.74; 124.75; 124.755; 124.76; 124.82; 124.829; 124.83; 124.84; 124.85; 124.86; 124.90; 124.91; 124.912; 124.914; 124.916; 124.918; 124.95; 124.961; 124.97; 124A.02; 124A.029; 124A.03; 124A.0311; 124A.032; 124A.034; 124A.035; 124A.036; 124A.04; 124A.22; 124A.225; 124A.23; 124A.24; 124A.26; 124A.28; 124A.29; 124A.291; 124A.292; 124A.30; 124A.31; 124A.697; 124A.698; 124A.70; 124A.71; 124A.711; 124A.72; 124A.73; 124C.07; 124C.08; 124C.09; 124C.10; 124C.11; 124C.12; 124C.41; 124C.45; 124C.46; 124C.47; 124C.48; 124C.49; 124C.498; 124C.55; 124C.56; 124C.57; 124C.58; 124C.60; 124C.71; 124C.72; 124C.73; 124C.74; 124C.77; 125.70; 125.701; 125.702; 125.703; 125.704; 125.705; 126.113; 126.115; 126.12; 126.13; 126.15; 126.151; 126.20; 126.202; 126.21; 126.22; 126.23; 126.235; 126.237; 126.239; 126.261; 126.262; 126.264; 126.265; 126.266; 126.267; 126.269; 126.36; 126.43; 126.45; 126.46; 126.47; 126.48; 126.49; 126.50; 126.501; 126.51; 126.52; 126.531; 126.54; 126.55; 126.56; 126.681; 126.69; 126.699; 126.70; 126.72; 126.77; 126.78; 126.82; 126.84; 126A.01; 126A.06; 126B.01; 126B.03; 126B.06; 126B.10; 127.01; 127.02; 127.03; 127.04; 127.05; 127.06; 127.08; 127.09; 127.10; 127.11; 127.12; 127.13; 127.15; 127.16; 127.17; 127.19; 127.20; 127.21; 127.23; 127.25; 127.26; 127.27; 127.28; 127.281; 127.282; 127.29; 127.30; 127.31; 127.311; 127.32; 127.33; 127.34; 127.35; 127.36; 127.37; 127.38; 127.39; 127.40; 127.41; 127.411; 127.412; 127.413; 127.42; 127.43; 127.44; 127.45; 127.455; 127.46; 127.47; and 127.48.

Referred to the Committee on Children, Families and Learning.



**MEMBERS EXCUSED**

Mr. Solon was excused from the Session of today. Mr. Johnson, D.J. was excused from the Session of today at 2:10 p.m. Mr. Terwilliger was excused from the Session of today from 8:00 to 8:40 a.m. Ms. Ranum was excused from the Session of today from 8:00 to 8:55 a.m. Mr. Johnson, D.J. was excused from the Session of today from 8:00 to 9:15 a.m. Mr. Novak was excused from the Session of today from 8:00 to 9:00 and 10:00 to 11:00 a.m. and 3:15 to 4:05 p.m. Mrs. Pariseau was excused from the Session of today from 8:00 to 8:35 a.m. Mrs. Fischbach was excused from the Session of today from 8:00 to 10:40 a.m. Ms. Higgins was excused from the Session of today from 8:00 to 8:30 and 10:30 to 11:30 a.m. Mr. Limmer was excused from the Session of today from 11:20 a.m. to 12:15 p.m. Ms. Anderson was excused from the Session of today from 10:00 to 10:30 a.m. Ms. Pappas was excused from the Session of today from 10:00 to 11:00 a.m. Mr. Ourada was excused from the Session of today from 11:25 a.m. to 12:50 p.m. Mr. Janezich was excused from the Session of today from 11:00 a.m. to 1:00 p.m. Mr. Kelley, S.P. was excused from the Session of today from 12:30 to 1:45 p.m. Ms. Wiener was excused from the Session of today from 12:50 to 2:40 p.m. Ms. Junge was excused from the Session of today from 12:00 noon to 1:30 p.m. Mr. Neuville was excused from the Session of today from 11:30 a.m. to 2:30 p.m. Mr. Pogemiller was excused from the Session of today from 1:10 to 1:40 and 1:55 to 2:55 p.m. Ms. Johnson, J.B. was excused from the Session of today from 8:00 a.m. to 2:55 p.m. Mr. Moe, R.D. was excused from the Session of today from 11:50 a.m. to 3:50 p.m. Ms. Hanson was excused from the Session of today from 2:30 to 2:45 p.m. Mr. Ten Eyck was excused from the Session of today from 3:30 to 4:15 p.m. Mr. Lessard was excused from the Session today from 1:00 to 1:45 p.m.

**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m., Friday, April 25, 1997. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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