

STATE OF MINNESOTA

Journal of the Senate

SEVENTY-NINTH LEGISLATURE

NINETY-SECOND DAY

St. Paul, Minnesota, Wednesday, March 6, 1996

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

Mr. Betzold imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. David Lillejord.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

March 1, 1996

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. 2813, 2584, 2802 and 2596.

Warmest regards,
Arne H. Carlson, Governor

March 1, 1996

The Honorable Irv Anderson
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 1996 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 1996	Date Filed 1996
2813		291	8:40 a.m. March 1	March 1
2584		292	8:36 a.m. March 1	March 1
2802		293	8:32 a.m. March 1	March 1
2596		294	8:34 a.m. March 1	March 1

Sincerely,
Joan Anderson Growe
Secretary of State

March 4, 1996

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. 2020, 2166, 1925, 1800 and 2009.

Warmest regards,
Arne H. Carlson, Governor

March 4, 1996

The Honorable Irv Anderson
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 1996 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 1996	Date Filed 1996
	2365	295	11:10 a.m. March 4	March 4
2020		296	11:12 a.m. March 4	March 4
2166		297	11:15 a.m. March 4	March 4

1925	298	11:17 a.m. March 4	March 4
1800	299	11:20 a.m. March 4	March 4
2009	300	11:28 a.m. March 4	March 4

Sincerely,
Joan Anderson Growe
Secretary of State

MOTIONS AND RESOLUTIONS

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

SPECIAL ORDER

S.F. No. 2410: A bill for an act relating to data practices; providing for the classification of and access to government data; clarifying data provisions; prohibiting agreements limiting the disclosure and discussion of personnel data; requiring notice and approval of employment settlements by the commissioner of employee relations; modifying the requirements for health care provider identification numbers; establishing procedures for disclosing certain nonpublic data to related group purchasers; requiring the office of mental health practice to establish procedures for the exchange of information; authorizing the release of certain birth information on unwed mothers to family service collaboratives; regulating the disclosure of personal information contained in motor vehicle records; amending Minnesota Statutes 1994, sections 13.03, subdivision 4; 13.37, by adding a subdivision; 13.43, by adding subdivisions; 13.82, subdivision 13, and by adding a subdivision; 43A.04, by adding a subdivision; 62J.51, by adding subdivisions; 62J.56, subdivision 2; 62J.60, subdivisions 2 and 3; 144.225, subdivision 2, and by adding a subdivision; 145.64, by adding a subdivision; 148B.66, by adding a subdivision; 168.346; and 171.12, subdivision 7, and by adding a subdivision; Minnesota Statutes 1995 Supplement, sections 13.43, subdivision 2; 13.46, subdivision 2; 62J.451, subdivisions 7, 9, and 12; 62J.54, subdivisions 1, 2, and 3; 62J.58; 62Q.03, subdivision 9; and 268.12, subdivision 12; proposing coding for new law in Minnesota Statutes, chapter 13.

Ms. Ranum moved to amend S.F. No. 2410 as follows:

Page 25, after line 2, insert:

"Sec. 29. Minnesota Statutes 1995 Supplement, section 144.335, subdivision 3a, is amended to read:

Subd. 3a. [PATIENT CONSENT TO RELEASE OF RECORDS; LIABILITY.] (a) A provider, or a person who receives health records from a provider, may not release a patient's health records to a person without a signed and dated consent from the patient or the patient's legally authorized representative authorizing the release, unless the release is specifically authorized by law. Except as provided in paragraph (c), a consent is valid for one year or for a lesser period specified in the consent or for a different period provided by law.

(b) This subdivision does not prohibit the release of health records:

(1) for a medical emergency when the provider is unable to obtain the patient's consent due to the patient's condition or the nature of the medical emergency; or

(2) to other providers within related health care entities when necessary for the current treatment of the patient.

(c) Notwithstanding paragraph (a), if a patient explicitly gives informed consent to the release of health records for the purposes and pursuant to the restrictions in clauses (1) and (2), the consent does not expire after one year for:

(1) the release of health records to a provider who is being advised or consulted with in connection with the current treatment of the patient;

(2) the release of health records to an accident and health insurer, health service plan corporation, health maintenance organization, or third-party administrator for purposes of payment of claims, fraud investigation, or quality of care review and studies, provided that:

(i) the use or release of the records complies with sections 72A.49 to 72A.505;

(ii) further use or release of the records in individually identifiable form to a person other than the patient without the patient's consent is prohibited; and

(iii) the recipient establishes adequate safeguards to protect the records from unauthorized disclosure, including a procedure for removal or destruction of information that identifies the patient.

(d) ~~Until June 1, 1996,~~ Paragraph (a) does not prohibit the release of health records to qualified personnel solely for purposes of medical or scientific research, if the patient has not objected to a release for research purposes and the provider who releases the records makes a reasonable effort to determine that:

(i) (1) the use or disclosure does not violate any limitations under which the record was collected;

(ii) (2) the use or disclosure in individually identifiable form is necessary to accomplish the research or statistical purpose for which the use or disclosure is to be made;

(iii) (3) the recipient has established and maintains adequate safeguards to protect the records from unauthorized disclosure, including a procedure for removal or destruction of information that identifies the patient; and

(iv) (4) further use or release of the records in individually identifiable form to a person other than the patient without the patient's consent is prohibited.

(e) A provider who releases health records to an external researcher under paragraph (d) shall:

(1) for health records generated after January 1, 1997, notify patients that health records may be released for research purposes and that the patient may object to the release;

(2) document the release in the patient's health record in a manner that enables the patient to learn the name and affiliation of the person to whom the record is released, date of the release, and to the extent practicable, a description of the records that were released; and

(3) at the request of the patient, provide information on how the patient may contact the researcher to whom the health record was released and the date it was released.

(f) A person who negligently or intentionally releases a health record in violation of this subdivision, or who forges a signature on a consent form, or who obtains under false pretenses the consent form or health records of another person, or who, without the person's consent, alters a consent form, is liable to the patient for compensatory damages caused by an unauthorized release, plus costs and reasonable attorney's fees.

(g) Upon the written request of a spouse, parent, child, or sibling of a patient being evaluated for or diagnosed with mental illness, a provider shall inquire of a patient whether the patient wishes to authorize a specific individual to receive information regarding the patient's current and proposed course of treatment. If the patient so authorizes, the provider shall communicate to the designated individual the patient's current and proposed course of treatment. Paragraph (a) applies to consents given under this paragraph."

Page 31, after line 25, insert:

"Sec. 36. [EFFECTIVE DATE.]

The amendment to Minnesota Statutes, section 144.335, subdivision 3a, paragraph (d), in section 29, is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Ms. Anderson moved to amend the Ranum amendment to S.F. No. 2410 as follows:

Page 2, after line 36, insert:

"In other cases where a provider releases health records as authorized by law without patient consent, the release must be documented in the patient's health record."

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

The question recurred on the adoption of the Ranum amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Ms. Ranum moved to amend S.F. No. 2410 as follows:

Page 23, line 30, after "to" insert "the county social services or public health member of"

The motion prevailed. So the amendment was adopted.

Mr. Neuville moved to amend S.F. No. 2410 as follows:

Page 23, line 10, before the period, insert "or whether certain data may be released to a family services collaborative under paragraph (d)"

Page 23, line 32, before the period, insert "if the mother authorized the disclosure on the birth registration form"

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

Mr. Price moved to amend S.F. No. 2410 as follows:

Page 2, after line 18, insert:

"Sec. 2. Minnesota Statutes 1994, section 13.32, subdivision 5, is amended to read:

Subd. 5. [DIRECTORY INFORMATION.] (a) Subject to paragraph (b), information designated as directory information pursuant to the provisions of United States Code, title 20, section 1232g and Code of Federal Regulations, title 34, section 99.37 which are in effect on July 1, 1993, is public data on individuals. When conducting the directory information designation and notice process required by federal law, an educational agency or institution shall give parents and students conspicuous notice of the right to refuse to let the agency or institution designate any or all data about the student as directory information.

(b) An educational agency or institution may designate only the following as directory information:

- (1) name, height, and weight of individual members of athletic teams;
- (2) name of recipient and the name of an award or scholarship received; and
- (3) names of participants in officially recognized school activities."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Knutson requested division of the amendment as follows:

First portion:

Page 2, after line 18, insert:

"Sec. 2. Minnesota Statutes 1994, section 13.32, subdivision 5, is amended to read:

Subd. 5. [DIRECTORY INFORMATION.] Information designated as directory information pursuant to the provisions of United States Code, title 20, section 1232g and Code of Federal Regulations, title 34, section 99.37 which are in effect on July 1, 1993, is public data on individuals. When conducting the directory information designation and notice process required by federal law, an educational agency or institution shall give parents and students conspicuous notice of the right to refuse to let the agency or institution designate any or all data about the student as directory information."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Second portion:

Page 2, after line 18, insert:

"Sec. 2. Minnesota Statutes 1994, section 13.32, subdivision 5, is amended to read:

Subd. 5. [DIRECTORY INFORMATION.] (a) Subject to paragraph (b), information designated as directory information pursuant to the provisions of United States Code, title 20, section 1232g and Code of Federal Regulations, title 34, section 99.37 which are in effect on July 1, 1993, is public data on individuals.

(b) An educational agency or institution may designate only the following as directory information:

- (1) name, height, and weight of individual members of athletic teams;
- (2) name of recipient and the name of an award or scholarship received; and
- (3) names of participants in officially recognized school activities."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

The question was taken on the adoption of the second portion of the Price amendment.

The roll was called, and there were yeas 6 and nays 49, as follows:

Those who voted in the affirmative were:

Berglin	Johnston	Krentz	Price	Spear
Flynn				

Those who voted in the negative were:

Anderson	Hanson	Kroening	Neuville	Riveness
Beckman	Hottinger	Langseth	Novak	Robertson
Belanger	Johnson, D.E.	Larson	Oliver	Runbeck
Berg	Johnson, D.J.	Lesewski	Olson	Sams
Betzold	Johnson, J.B.	Limmer	Pappas	Scheevel
Chandler	Kelly	Marty	Pariseau	Stevens
Cohen	Kiscaden	Merriam	Piper	Terwilliger
Day	Kleis	Metzen	Pogemiller	Vickerman
Dille	Knutson	Mondale	Ranum	Wiener
Fischbach	Kramer	Morse	Reichgott Junge	

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

Mr. Knutson moved to amend S.F. No. 2410 as follows:

Page 27, line 10, delete the first "the"

Page 28, line 18, delete the first "the"

The motion prevailed. So the amendment was adopted.

Ms. Ranum moved to amend S.F. No. 2410 as follows:

Page 1, after line 32, insert:

"ARTICLE 1
DATA PRACTICES"

Page 31, after line 25, insert:

"ARTICLE 2
CRIMINAL JUSTICE INFORMATION SYSTEMS"

Section 1. Minnesota Statutes 1994, section 13.02, is amended by adding a subdivision to read:

Subd. 3a. [CRIMINAL JUSTICE AGENCIES.] "Criminal justice agencies" means all state and local prosecution authorities, all state and local law enforcement agencies, the sentencing guidelines commission, the bureau of criminal apprehension, the department of corrections, and all probation officers who are not part of the judiciary.

Sec. 2. Minnesota Statutes 1994, section 260.161, subdivision 1, is amended to read:

Subdivision 1. [RECORDS REQUIRED TO BE KEPT.] (a) The juvenile court judge shall keep such minutes and in such manner as the court deems necessary and proper. Except as provided in paragraph (b), the court shall keep and maintain records pertaining to delinquent adjudications until the person reaches the age of 28 years and shall release the records on an individual to another juvenile court that has jurisdiction of the juvenile, to a requesting adult court for purposes of sentencing, or to an adult court or juvenile court as required by the right of confrontation of either the United States Constitution or the Minnesota Constitution. The juvenile court shall provide, upon the request of any other juvenile court, copies of the records concerning adjudications involving the particular child. The court also may provide copies of records concerning delinquency adjudications, on request, to law enforcement agencies, probation officers, and corrections agents if the court finds that providing these records serves public safety or is in the best interests of the child. The records have the same data classification in the hands of the agency receiving them as they had in the hands of the court.

The court shall also keep an index in which files pertaining to juvenile matters shall be indexed under the name of the child. After the name of each file shall be shown the file number and, if ordered by the court, the book and page of the register in which the documents pertaining to such file are listed. The court shall also keep a register properly indexed in which shall be listed under the name of the child all documents filed pertaining to the child and in the order filed. The list shall show the name of the document and the date of filing thereof. The juvenile court legal records shall be deposited in files and shall include the petition, summons, notice, findings, orders, decrees, judgments, and motions and such other matters as the court deems necessary and proper. Unless otherwise provided by law, all court records shall be open at all reasonable times to the inspection of any child to whom the records relate, and to the child's parent and guardian.

(b) The court shall retain records of the court finding that a juvenile committed an act that would be a violation of, or an attempt to violate, ~~section 609.342, 609.343, 609.344, or 609.345, a felony or gross misdemeanor level offense~~ until the offender reaches the age of 28. ~~If the offender commits another violation of sections 609.342 to 609.345 a felony as an adult, or the court convicts a child as an extended jurisdiction juvenile, the court shall retain the juvenile records for as long as the records would have been retained if the offender had been an adult at the time of the juvenile offense. This paragraph does not apply unless the juvenile was provided counsel as required by section 260.155, subdivision 2.~~

Sec. 3. Minnesota Statutes 1994, section 260.161, subdivision 1a, is amended to read:

Subd. 1a. ~~[RECORD OF ADJUDICATIONS; NOTICE TO BUREAU OF CRIMINAL APPREHENSION FINDINGS.]~~ (a) The juvenile court shall forward to the Bureau of Criminal Apprehension the following data on juveniles adjudicated delinquent for having committed felony-level criminal sexual conduct in juvenile petitions involving felony- or gross misdemeanor-level offenses:

- (1) the name and birth date of the juvenile;
- (2) the ~~type of act for which the juvenile was adjudicated delinquent~~ petitioned and date of the offense; and
- (3) the date and county of ~~the adjudication~~ where the petition was filed.

(b) Upon completion of the court proceedings, the court shall forward the court's finding and case disposition to the bureau. Notwithstanding section 138.17, if the petition was dismissed or the juvenile was not found to have committed a gross misdemeanor or felony-level offense, the bureau and a person who received the data from the bureau shall destroy all data relating to the petition. The bureau shall notify a person who received the data that the data must be destroyed.

(c) The bureau shall retain data on a juvenile found to have committed a felony- or gross misdemeanor-level offense until the offender reaches the age of 28. If the offender commits another a felony violation of sections 609.342 to 609.345 as an adult, the bureau shall retain the data for as long as the data would have been retained if the offender had been an adult at the time of the juvenile offense.

~~(e)~~ (d) The juvenile court shall forward to the bureau, the sentencing guidelines commission, and the department of corrections the following data on individuals convicted as extended jurisdiction juveniles:

- (1) the name and birthdate of the offender;
- (2) the crime committed by the offender and the date of the crime; and
- (3) the date and county of the conviction; and
- (4) the case disposition.

The court shall notify the bureau, the sentencing guidelines commission, and the department of corrections whenever it executes an extended jurisdiction juvenile's adult sentence under section 260.126, subdivision 5.

~~(d)~~ (e) The bureau, sentencing guidelines commission, and the department of corrections shall retain the extended jurisdiction juvenile data for as long as the data would have been retained if the offender had been an adult at the time of the offense. Data retained on individuals under this subdivision are private data under section 13.02, except that extended jurisdiction juvenile data becomes public data under section 13.87, subdivision 2, when the juvenile court notifies the bureau that the individual's adult sentence has been executed under section 260.126, subdivision 5.

Sec. 4. Minnesota Statutes 1994, section 299C.095, is amended to read:

299C.095 ~~[SYSTEM FOR IDENTIFICATION OF ADJUDICATED JUVENILES~~ JUVENILE OFFENDERS.]

(a) The bureau shall establish a system for recording the data on adjudicated juveniles received from the juvenile courts under section 260.161, subdivision 1a administer and maintain the computerized juvenile history record system based on section 260.161 and other statutes requiring the reporting of data on juveniles. The data in the system are private data as defined in section 13.02, subdivision 12, but are accessible to criminal justice agencies as defined in section 13.02, subdivision 3a, to all trial courts and appellate courts, to a person who has access to the juvenile court records as provided in section 260.161 or under court rule.

(b) The bureau shall not disseminate a juvenile history record in connection with a background check required by statute or rule and performed on a licensee, license applicant, or employment applicant. A consent for release of information from an individual who is the subject of a juvenile history is not effective and the bureau shall not release a juvenile history record and shall not release information in a manner that reveals the existence of the record. This provision does not apply to background checks performed under section 624.713."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Anderson moved to amend S.F. No. 2410 as follows:

Page 26, after line 16, insert:

"Sec. 31. Minnesota Statutes 1994, section 150A.081, is amended to read:

150A.081 [ACCESS TO MEDICAL DATA.]

Subdivision 1. [ACCESS TO DATA ON LICENSEE OR REGISTRANT.] When the board has probable cause to believe that a licensee's or registrant's condition meets a ground listed in section 150A.08, subdivision 1, clause (4) or (8), it may, notwithstanding sections 13.42, 144.651, or any other law limiting access to medical data, obtain medical or health records ~~relating to~~ on the licensee or registrant without the ~~person's~~ licensee's or registrant's consent. The medical data may be requested from a provider, as defined in section 144.335, subdivision 1, paragraph (b), an insurance company, or a government agency. A provider, insurance company, or government agency shall comply with a written request of the board under this subdivision and is not liable in any action for damages for releasing the data requested by the board if the data are released under the written request, unless the information is false and the entity providing the information knew, or had reason to believe, the information was false.

Subd. 2. [ACCESS TO DATA ON PATIENTS.] The board has access to medical records of a patient treated by a licensee or registrant under review if the patient signs a written consent permitting access. If the patient has not given consent, the licensee or registrant must delete data from which a patient may be identified before releasing medical records to the board.

Subd. 3. [DATA CLASSIFICATION; RELEASE OF CERTAIN HEALTH DATA NOT REQUIRED.] Information obtained under this ~~subdivision~~ section is classified as private data on individuals under chapter 13. Under this ~~subdivision~~ section, the commissioner of health is not required to release health data collected and maintained under section 13.38."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S.F. No. 2410 as follows:

Page 4, line 25, after "means" insert ":

(1)"

Page 4, line 26, before the period, insert ":

(2) members of boards or commissions required by law to be appointed by the governor or other elective officers;

(3) executive or administrative heads of departments, bureaus, divisions, or institutions; and

(4) employees of a political subdivision who report to and are directly supervised by the governing body of the political subdivision"

The motion prevailed. So the amendment was adopted.

S.F. No. 2410 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 48 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Knutson	Mondale	Ranum
Beckman	Frederickson	Kramer	Morse	Reichgott Junge
Belanger	Hottinger	Krentz	Murphy	Robertson
Berg	Janezich	Kroening	Novak	Runbeck
Berglin	Johnson, D.E.	Lesewski	Oliver	Sams
Betzold	Johnson, D.J.	Limmer	Pappas	Spear
Chandler	Johnson, J.B.	Marty	Pariseau	Terwilliger
Cohen	Kelly	Merriam	Piper	Wiener
Day	Kiscaden	Metzen	Pogemiller	
Fischbach	Kleis	Moe, R.D.	Price	

Those who voted in the negative were:

Dille	Johnston	Scheevel	Stevens	Vickerman
Hanson	Neuville			

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

NOTICE OF RECONSIDERATION

Ms. Lesewski gave notice of intention to move for reconsideration of S.F. No. 2410.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2213 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2213: A bill for an act relating to public safety; providing for enforcement of requirement that drivers provide proof of automobile insurance; permitting drivers to avoid penalties by providing proof of insurance on date of first court appearance rather than within ten days after officer's demand for proof; amending Minnesota Statutes 1994, sections 169.791, subdivisions 2a, 3, and 4; and 169.792, subdivisions 1, 2, 3, 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Kelly	Lesewski	Novak
Beckman	Flynn	Kiscaden	Limmer	Oliver
Belanger	Frederickson	Kleis	Marty	Olson
Berg	Hanson	Knutson	Merriam	Pappas
Berglin	Hottinger	Kramer	Metzen	Pariseau
Betzold	Janezich	Krentz	Moe, R.D.	Piper
Chandler	Johnson, D.E.	Kroening	Mondale	Pogemiller
Cohen	Johnson, D.J.	Laidig	Morse	Price
Day	Johnson, J.B.	Langseth	Murphy	Ranum
Dille	Johnston	Larson	Neuville	Reichgott Junge

Robertson
Runbeck
Sams

Samuelson
Scheevel

Solon
Spear

Stevens
Terwilliger

Vickerman
Wiener

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Neuville in the chair.

After some time spent therein, the committee arose, and Mr. Neuville reported that the committee had considered the following:

S.F. No. 2192 and H.F. Nos. 2483, 2858, 2526, 2938, 2401, 2509, 2391, 2285, which the committee recommends to pass.

H.F. No. 2044, which the committee recommends to pass, subject to the following motion:

Ms. Anderson moved that the amendment made to H.F. No. 2044 by the Committee on Rules and Administration in the report adopted February 15, 1996, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

S.F. No. 1875, which the committee recommends to pass with the following amendments offered by Ms. Runbeck:

Ms. Runbeck moved to amend S.F. No. 1875 as follows:

Page 2, after line 12, insert:

"Sec. 2. [CONTRACT FOR HEALTH CARE STUDIES.]

The Minnesota health care commission shall contract with the Institute for Health Services Research at the University of Minnesota over a period of three years to complete the following studies:

(1) a study of the effects of the MinnesotaCare antitrust exemption on mergers and consolidations in the state and on the costs of health care;

(2) a study to identify the factors, such as insurance mandates and antitrust legislation, that may limit the effectiveness of managed competition in the health care field;

(3) a study to determine the effects of limited community rating on access to health insurance; and

(4) a study of:

(i) legislation and the effects of legislation in other states making children legally responsible for the care of aging parents; and

(ii) the feasibility of similar legislation in Minnesota.

Sec. 3. [APPROPRIATION.]

\$370,000 is appropriated from the health care access fund to the commissioner of health for the purpose of administering section 18, and shall be available until June 30, 1999."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Ms. Runbeck then moved to amend the Runbeck amendment to S.F. No. 1875 as follows:

Page 1, delete section 3

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

Ms. Runbeck then moved to amend the Runbeck amendment to S.F. No. 1875 as follows:

Page 1, line 4, delete "with"

Page 1, delete line 5

Page 1, line 6, delete "Minnesota"

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

The question recurred on the adoption of the Runbeck amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

H.F. No. 2788, which the committee recommends to pass with the following amendment offered by Mr. Frederickson:

Amend H.F. No. 2788, as amended pursuant to Rule 49, adopted by the Senate February 22, 1996, as follows:

(The text of the amended House File is identical to S.F. No. 2591.)

Page 1, after line 21, insert:

"Sec. 2. Minnesota Statutes 1994, section 340A.411, subdivision 1, is amended to read:

Subdivision 1. [ON-SALE LICENSES.] On-sale ~~nonintoxicating~~ 3.2 percent malt liquor licenses may only be issued to drugstores, restaurants, hotels, clubs, bowling centers, and establishments used exclusively for the sale of 3.2 percent malt liquor with the incidental sale of tobacco and soft drinks.

Sec. 3. Minnesota Statutes 1994, section 340A.411, is amended by adding a subdivision to read:

Subd. 3. [TERMINOLOGY.] A political subdivision may not issue a 3.2 percent malt liquor license that includes the term "nonintoxicating liquor."

Sec. 4. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall change the words "nonintoxicating liquor" wherever they appear in Minnesota Statutes and Minnesota Rules to "3.2 percent malt liquor."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2054, which the committee recommends to pass with the following amendments offered by Mr. Kelly:

Page 2, line 31, delete "to educate" and insert "information that educates"

Page 2, line 32, delete "concerning" and insert "about"

Page 3, line 2, delete "August" and insert "June"

Mr. Kelly then moved to amend the Kelly amendment to S.F. No. 2054 as follows:

Page 1, line 5, delete "June" and insert "September"

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

The question recurred on the adoption of the Kelly amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

H.F. No. 2846, which the committee recommends to pass with the following amendments offered by Messrs. Sams, Ourada, Ms. Krentz, Messrs. Murphy, Samuelson and Merriam:

Mr. Sams moved to amend H.F. No. 2846, as amended pursuant to Rule 49, adopted by the Senate February 19, 1996, as follows:

(The text of the amended House File is identical to S.F. No. 2544.)

Page 1, line 18, before the period, insert "and must reserve to the state an easement 66 feet in width, measured from the ordinary high water level of Union Creek, for trout stream management"

Page 8, line 16, before "under" insert "to the owner of adjoining land"

Page 8, line 19, before the period, insert "and must provide that the land reverts to the state if the purchaser, or any successor to the purchaser, conveys the land as a separate parcel"

Page 9, line 15, delete "Sections 1, 2, 3, 6, and 7 are" and insert "This act is"

The motion prevailed. So the amendment was adopted.

Mr. Ourada moved to amend H.F. No. 2846, as amended pursuant to Rule 49, adopted by the Senate February 19, 1996, as follows:

(The text of the amended House File is identical to S.F. No. 2544.)

Page 9, after line 13, insert:

"Sec. 8. [SALE OF TAX-FORFEITED LAND; SHERBURNE COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Sherburne county may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282, subject to any additional conditions or limitations provided in this section.

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

(c) The lands that may be conveyed are located in Sherburne county described as follows:

(1) That part of government Lot 5 described as follows: North 200 feet of the South 300 feet of that part of said Government Lot 5 that lies between the Township Road running in a Northerly and Southerly direction across said Government Lot 5 and the brook running across said Lot 5 in Section 30, Township 35, Range 26, Baldwin Township, to be subject to reversion to the state if the purchaser of the land is the owner of adjoining land, and the purchaser, or any successor to the purchaser, subsequently conveys the land separately from the adjoining land.

(2) That part of the East Half of the Northeast Quarter of Section 24, Township 35, Range 27, described as follows: Beginning at a point on the East Line of said Northeast Quarter 894 feet South of the Northeast Corner of said Northeast Quarter; thence in a Southwesterly direction to a point on the West Line of said East Half of Northeast Quarter a distance of 756 feet North of the Southwest corner of said East Half of Northeast Quarter; thence South along said West Line a distance of 756 feet to the Southwest corner thereof; thence East along said South Line of said East Half of Northeast Quarter to the Southeast Corner of said East Half of Northeast Quarter; thence North along said East Line to the point of beginning, excepting therefrom the following described tract: Beginning at the Southeast corner of said East Half of Northeast Quarter; thence North along the East Line of said East Half of Northeast Quarter a distance of 650 feet; thence West parallel with the South Line thereof a distance of 580 feet; thence South parallel with the East Line of Northeast Quarter a distance of 650 feet to the South Line thereof; thence East along said South Line a distance of 580 feet to the point of beginning. This parcel is to be subject to reversion to the state if any of the following events occur:

(i) permanent buildings are built on the land; or

(ii) fill is placed on the land.

(3) That part of Government Lot 3, Section 3, Township 34, Range 29, lying North of the Elk River, Clear Lake Township, to be subject to reversion to the state if any of the following events occur:

(i) permanent buildings are built on the land; or

(ii) fill is placed on the land.

(4) Lot 25, Block 1, Ann Lake Beach in Section 15, Township 34, Range 29, Orrock Township, to be subject to reversion to the state if the purchaser of the land is the owner of adjoining land, and the purchaser, or any successor to the purchaser, subsequently conveys the land separately from the adjoining land.

(5) The East Half of the Southeast Quarter of Section 3, Township 35 North, Range 29 West in Palmer Township.

(6) Outlot A, Second Fremont Lake Shores, Section 9, Township 34, Range 26, City of Zimmerman, to be subject to reversion to the state if:

(i) fill is placed on the land; or

(ii) the purchaser of the land is the owner of adjoining land, and the purchaser, or any successor to the purchaser, subsequently conveys the land separately from the adjoining land.

(d) The county has determined that the county's land management interests would best be served if these lands were returned to private ownership."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Krenty moved to amend H.F. No. 2846, as amended pursuant to Rule 49, adopted by the Senate February 19, 1996, as follows:

(The text of the amended House File is identical to S.F. No. 2544.)

Page 9, after line 13, insert:

"Sec. 8. [PRIVATE SALE OF TAX-FORFEITED LAND; WASHINGTON COUNTY.]

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, Washington county may convey by private sale the tax-forfeited land that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The land described in paragraph (c) may be sold by private sale to the owners at the time of the forfeiture. The conveyance must be in a form approved by the attorney general for a consideration equal to the aggregate of delinquent taxes and assessments computed under Minnesota Statutes, section 282.251, together with penalties, interest, and costs that accrued or would have accrued if the property had not forfeited to the state.

(c) The land that may be conveyed consists of two parcels in the city of Forest Lake, identified as PID Numbers 32288-2120 and 32288-2125, that forfeited for failure to pay taxes on August 17, 1994.

(d) The owners of the property, which was used to provide garage units for residential property, were not notified of the tax delinquency and forfeiture because the names on the notices required under law to be sent to persons with an interest in the property were addressed to the wrong person."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Murphy moved to amend H.F. No. 2846, as amended pursuant to Rule 49, adopted by the Senate February 19, 1996, as follows:

(The text of the amended House File is identical to S.F. No. 2544.)

Page 9, after line 13, insert:

"Sec. 8. [CONVEYANCE OF STATE LAND TO THE CITY OF HASTINGS.]

(a) Notwithstanding Minnesota Statutes, chapter 94, the commissioner of administration shall convey the land described in paragraph (c) to the city of Hastings for no consideration.

(b) The conveyance must be in a form approved by the attorney general and must provide that the land reverts to the state if it is not used for park or open space purposes.

(c) The land to be conveyed is described as follows:

That part of the SE 1/4 of the SE 1/4 of Section 27 all in the Township 115 North, Range 17 West, described as follows:

Commencing at the SE corner of Section 27, T115N, R17W, that point also being the NE corner of Section 34, T115N, R17W; thence S 0 degrees 57 minutes 58 seconds E bearing assumed along the east line of said Section 34, a distance of 787.06 feet, said point being on the center line of State Trunk Highway No. 291; thence S 86 degrees 15 minutes 45 seconds W, along said center line, a distance of 345.69 feet; thence on a tangential curve, concave to the south, having a radius of 1340.66 feet, a central angle of 13 degrees 36 minutes 06 seconds, a distance of 318.27 feet; thence S 72 degrees 39 minutes 39 seconds W a distance of 58.26 feet; thence on a tangential curve, concave to the north, having a radius of 2646.12 feet, a central angle of 3 degrees 51 minutes 27 seconds, a distance of 178.15 feet; thence S 76 degrees 31 minutes 06 seconds W a distance of 89.11 feet; thence on a tangential curve, concave to the south, having a radius of 612.91 feet, a central angle of 12 degrees 11 minutes 29 seconds, a distance of 130.42 feet; thence N 8 degrees 30 minutes 15 seconds E, not tangent to the last described curve, a distance of 60.65 feet, thence S 74 degrees 46 minutes 37 seconds W a distance of 243.67 feet, said point being on the west line of the NE 1/4 of the NE 1/4 of said Section 34; thence N 0 degrees 52 minutes 19 seconds W along said west line, a distance of 986.45 feet to the northwest corner of said NE 1/4 of NE 1/4; thence N 1 degree 06 minutes 56 seconds W along the west line of the SE 1/4 of SE 1/4 of said Section 27, a distance of 332.85 feet to the point of beginning of the land described herein;

thence N 89 degrees 05 minutes 10 seconds E a distance of 159.26 feet; thence N 0 degrees 00 minutes 10 seconds W a distance of 136.38 feet; thence N 46 degrees 06 minutes 57 seconds W a distance of 91.01 feet; thence N 89 degrees 52 minutes 48 seconds W a distance of 97.58 feet, said point being on the west line of said SE 1/4 of the SE 1/4, thence S 1 degree 06 minutes 56 seconds E along said west line to the point of beginning.

(d) The veterans homes board has determined that it no longer has any use for the property, which is surrounded by land owned by the city of Hastings."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 5, after "counties" insert "; requiring the conveyance of certain state land to the city of Hastings"

The motion prevailed. So the amendment was adopted.

Mr. Samuelson moved to amend H.F. No. 2846, as amended pursuant to Rule 49, adopted by the Senate February 19, 1996, as follows:

(The text of the amended House File is identical to S.F. No. 2544.)

Page 9, after line 13, insert:

"Sec. 8. [SALE OF STATE SCHOOL TRUST LAND.]

(a) Notwithstanding Minnesota Statutes, section 89.01, subdivision 5, the commissioner of natural resources may sell as otherwise provided by law the parcel of state school trust land described in paragraph (c).

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

(c) The land that may be sold is in Crow Wing county and is described as:

That part of the Northeast Quarter of the Northeast Quarter of Section 36, Township 136, Range 28, Crow Wing County, Minnesota described as follows:

Beginning at the northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 36; thence South 85 degrees 10 minutes 00 seconds East, assumed bearing along the north line of said Northeast Quarter of the Northeast Quarter 1355.56 feet to the northeast corner of said Northeast Quarter of the Northeast Quarter, also being the centerline of a Township Road; thence North 89 degrees 50 minutes 32 seconds West along the centerline of said Township Road a distance of 899.40 feet; thence North 89 degrees 38 minutes 31 seconds West along said centerline a distance of 451.28 feet to the west line of said Northeast Quarter of the Northeast Quarter; thence North 0 degrees 02 minutes 00 seconds West along the west line of said Northeast Quarter of the Northeast Quarter a distance of 108.91 feet to the point of beginning.

Subject to easements for township roads and other easements, reservations or restrictions of record, if any.

(d) The commissioner of natural resources has determined due to recent survey information and the township road location and easement that the parcel is not suitable for public land management."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 5, after "counties" insert "; authorizing the sale of certain trust lands in Crow Wing county"

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend H.F. No. 2846, as amended pursuant to Rule 49, adopted by the Senate, February 19, 1996, as follows:

(The text of the amended House File is identical to S.F. No. 2544.)

Page 7, delete line 36

Page 8, delete line 1

Page 8, line 2, delete "(2)" and insert "(1)"

Page 8, line 3, after the semicolon, insert "and"

Page 8, line 4, delete "(3)" and insert "(2)"

Page 8, line 5, delete "; and" and insert a period

Page 8, delete lines 6 to 8

The motion prevailed. So the amendment was adopted.

On motion of Ms. Reichgott Junge, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Ms. Reichgott Junge moved that the Senate revert to the Orders of Business of Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills. The motion prevailed.

REPORTS OF COMMITTEES

Ms. Reichgott Junge moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

S.F. No. 1827: A bill for an act relating to employment; establishing and modifying certain salary limits; amending Minnesota Statutes 1994, sections 15A.081, subdivision 8; 15A.083, subdivisions 5, 6a, and 7; 43A.17, subdivisions 1, 3, and by adding a subdivision; 85A.02, subdivision 5a; and 298.22, subdivision 1; Minnesota Statutes 1995 Supplement, sections 3.855, subdivision 3; 43A.18, subdivision 4; and 349A.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 15A; repealing Minnesota Statutes 1994, section 43A.18, subdivision 5; and Minnesota Statutes 1995 Supplement, section 15A.081, subdivisions 1, 7, and 7b.

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

Page 2, line 32, delete "4" and insert "5"

Page 4, line 15, delete "Executive director" and insert "Director"

Page 4, after line 34, insert:

"Executive director, agricultural utilization research institute;"

Page 5, line 10, before the period, insert ";

Member, transportation regulation board"

Pages 5 and 6, delete sections 5 and 6

Page 9, after line 22, insert:

"Sec. 10. Minnesota Statutes 1994, section 177.24, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT.] (a) For purposes of this subdivision, the terms defined in this paragraph have the meanings given them.

(1) "Large employer" means an enterprise whose annual gross volume of sales made or business done is not less than ~~\$362,500~~ \$500,000 (exclusive of excise taxes at the retail level that are separately stated) and covered by the Minnesota fair labor standards act, sections 177.21 to 177.35.

(2) "Small employer" means an enterprise whose annual gross volume of sales made or business done is less than ~~\$362,500~~ \$500,000 (exclusive of excise taxes at the retail level that are separately stated) and covered by the Minnesota fair labor standards act, sections 177.21 to 177.35.

(b) Except as otherwise provided in sections 177.21 to 177.35, every large employer must pay each employee wages at a rate of at least ~~\$4.25 an hour beginning January 1, 1991~~ \$4.75 an hour

beginning October 1, 1996, and at least \$5.10 an hour beginning October 1, 1997. Every small employer must pay each employee at a rate of at least \$4 an hour beginning January 1, 1991 \$4.50 an hour beginning October 1, 1996, and at least \$4.85 an hour beginning October 1, 1997.

(c) A large employer must pay each employee at a rate of at least the minimum wage set by this section or federal law without the reduction for training wage or full-time student status allowed under federal law."

Pages 11 and 12, delete section 15

Page 12, line 33, delete "7, 11, and 12" and insert "5, 9, and 11"

Page 12, line 35, delete "8 to 10 and 13 to 17" and insert "6 to 8 and 12 to 15"

Page 12, after line 36, insert:

"Section 10 is effective October 1, 1996."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "increasing the minimum wage;"

Page 1, line 5, delete "subdivisions 5, 6a, and 7" and insert "subdivision 5"

Page 1, line 6, after the second semicolon, insert "177.24, subdivision 1;"

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

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

H.F. No. 1404: A bill for an act relating to transportation; allowing commissioner of transportation to act as agent to accept federal money for nonpublic organizations for transportation purposes; increasing maximum lump sum utility adjustment amount allowed for relocating utility facility; eliminating percentage limit for funding transportation research projects and providing for federal research funds and research partnerships; allowing counties more authority in disbursing certain state-aid highway funds; exempting charter buses from certain requirements of truck weight enforcement operations; regulating erection of highway signs identifying entrance into municipality; eliminating requirement to have permit identifying number affixed to highway billboard; providing for use and maintenance of hydrants located within right-of-way of public roads; eliminating legislative route No. 331 from trunk highway system and turning it back to the jurisdiction of Fillmore county; making technical corrections; amending Minnesota Statutes 1994, sections 161.085; 161.36, subdivisions 1, 2, 3, and 4; 161.46, subdivision 3; 161.53; 162.08, subdivisions 4 and 7; 162.14, subdivision 6; 169.85; 173.02, subdivision 6; 173.07, subdivision 1; 174.04; and 222.37, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 173; repealing Minnesota Statutes 1994, sections 161.086; 161.115, subdivision 262.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 161.085, is amended to read:

161.085 [APPROPRIATION FROM TURNBACK ACCOUNTS.]

Moneys in the county turnback account and the municipal turnback account are hereby appropriated annually to the commissioner of transportation for the purposes of carrying out the terms of sections 161.081 to ~~161.086~~ 161.084.

Sec. 2. Minnesota Statutes 1994, section 161.36, subdivision 1, is amended to read:

Subdivision 1. [COMMISSIONER TO COOPERATE WITH THE U.S. GOVERNMENT.] The commissioner may cooperate with the government of the United States and any agency or department thereof in the construction, improvement, enhancement, and maintenance of ~~roads and bridges~~ transportation in the state of Minnesota and may comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of federal moneys upon such roads and bridges.

Sec. 3. Minnesota Statutes 1994, section 161.36, subdivision 2, is amended to read:

Subd. 2. [FEDERAL AID, ACCEPTANCE; COMMISSIONER AS AGENT.] The commissioner may accept federal moneys and other moneys, either public or private, for and in behalf of the state of Minnesota or any governmental subdivision thereof, or any nonpublic organization, for the construction, improvement, enhancement, or maintenance of ~~roads and bridges~~ transportation upon such terms and conditions as are or may be prescribed by the laws of the United States and any rules or regulations made thereunder, and is authorized to act as an agent of any that governmental subdivision of the state of Minnesota or nonpublic organization upon the its request of such subdivision in accepting the moneys in its behalf for road or bridge transportation purposes, in acquiring right-of-way therefor, and in contracting for the construction, improvement, enhancement, or maintenance of ~~roads or bridges~~ transportation financed either in whole or in part by federal moneys. The governing body of any such subdivision or nonpublic organization is authorized to designate the commissioner as its agent for such purposes and to enter into an agreement with the commissioner prescribing the terms and conditions of the agency in accordance herewith and with federal laws, rules and regulations.

Sec. 4. Minnesota Statutes 1994, section 161.36, subdivision 3, is amended to read:

Subd. 3. [COMMISSIONER AS AGENT IN CERTAIN CASES.] The commissioner may act as the agent of any political subdivision of the state, or any nonpublic organization, as provided herein, for the construction of ~~roads and bridges~~ transportation toward the construction of which no federal aid is available in the event that the construction adjoins, is connected, or in the judgment of the commissioner can be best and most economically performed in connection with construction upon which federal aid is available and upon which the commissioner is then acting as agent.

Sec. 5. Minnesota Statutes 1994, section 161.36, subdivision 4, is amended to read:

Subd. 4. [STATE LAWS TO GOVERN.] All contracts for the construction, improvement, enhancement, or maintenance of ~~roads or bridges~~ transportation made by the commissioner as the agent of any governmental subdivision, or any nonpublic organization, shall be made pursuant to the laws of the state of Minnesota governing the making of contracts for the construction, improvement, enhancement, and maintenance of ~~roads and bridges~~ transportation on the trunk highway system of the state; provided, where the construction, improvement, enhancement, or maintenance of any road or bridge transportation is financed wholly with federal moneys, the commissioner as the agent of any the governmental subdivision or nonpublic organization may let contracts in the manner prescribed by the federal authorities acting under the laws of the United States and any rules or regulations made thereunder, notwithstanding any state law to the contrary.

Sec. 6. Minnesota Statutes 1994, section 161.46, subdivision 3, is amended to read:

Subd. 3. [LUMP SUM SETTLEMENTS.] The commissioner may enter into agreements with a utility for the relocation of utility facilities providing for the payment by the state of a lump sum based on the estimated cost of relocation when the lump sum so agreed upon does not exceed \$25,000 ~~\$100,000~~.

Sec. 7. Minnesota Statutes 1994, section 161.53, is amended to read:

161.53 [RESEARCH ACTIVITIES.]

The commissioner may set aside for transportation research in each fiscal year up to ~~one~~ two percent of the total amount of all funds appropriated to the commissioner other than county state-aid and municipal state-aid highway funds. The commissioner shall spend this money for (1)

research to improve the design, construction, maintenance, management, and environmental compatibility of transportation systems; (2) research on transportation policies that enhance energy efficiency and economic development; (3) programs for implementing and monitoring research results; and (4) development of transportation education and outreach activities. Of all funds appropriated to the commissioner other than state-aid funds, the commissioner shall spend 0.1 percent, but not exceeding \$800,000 in any fiscal year, for research and related activities performed by the center for transportation studies of the University of Minnesota. The center shall establish a technology transfer and training center for Minnesota transportation professionals.

Sec. 8. Minnesota Statutes 1994, section 162.08, subdivision 4, is amended to read:

Subd. 4. [PURPOSES; OTHER USES OF MUNICIPAL ACCOUNT ALLOCATION.] (a) Except as provided in subdivision 3, money so apportioned and allocated to each county shall be used for aid in the establishment, location, construction, reconstruction, improvement, and maintenance of the county state-aid highway system within each county, including the expense of sidewalks, commissioner-approved signals and safety devices on county state-aid highways, and systems that permit an emergency vehicle operator to activate a green traffic signal for the emergency vehicle; provided, that in the event of hardship, or in the event that the county state-aid highway system of any county is improved to the standards set forth in the commissioner's rules, a portion of the money apportioned other than the money allocated for expenditures within cities having a population of less than 5,000, may be used on other roads within the county with the consent and in accordance with the commissioner's rules.

(b) If the portion of the county state-aid highway system lying within cities having a population of less than 5,000 is improved to the standard set forth in the commissioner's rules, a portion of the money credited to the municipal account may be used on other county highways or other streets lying within such cities. Upon the authorization of the commissioner, a county may expend accumulated municipal account funds on county state-aid highways within the county outside of cities having a population of less than 5,000. The commissioner shall authorize the expenditure if:

(a) (1) the county submits a written request to the commissioner and holds a hearing within 30 days of the request to receive and consider any objections by the governing bodies of cities within the county having a population of less than 5,000; and

(b) (2) no written objection is filed with the commissioner by any such city within 14 days of that hearing as provided in this subdivision.

The county shall notify all of the cities of the public hearing by certified mail and shall notify the commissioner in writing of the results of the hearing and any objections to the use of the funds as requested by the county.

(c) If, within 14 days of the hearing under paragraph (b), a city having a population of less than 5,000 files a written objection with the commissioner identifying a specific county state-aid highway within the city which is requested for improvement, the commissioner shall investigate the nature of the requested improvement. Notwithstanding paragraph (b) clause (b) (2), the commissioner may authorize the expenditure requested by the county if:

(1) the identified highway is not deficient in meeting minimum state-aid street standards; or

(2) the county shows evidence that the identified highway has been programmed for construction in the county's five-year capital improvement budget in a manner consistent with the county's transportation plan; or

(3) there are conditions created by or within the city and beyond the control of the county that prohibit programming or constructing the identified highway.

(d) Notwithstanding any contrary provisions of paragraph (b) or (c), accumulated balances in excess of two years of municipal account apportionments may be spent on projects located outside of municipalities under 5,000 population when approved solely by resolution of the county board.

(e) Authorization by the commissioner for use of municipal account funds on county state-aid

highways outside of cities having a population of less than 5,000 shall be applicable only to the county's accumulated and current year allocation. Future municipal account allocations shall be used as directed by law unless subsequent requests are made by the county and approved by the commissioner, or approved by resolution of the county board, as applicable, in accordance with the applicable provisions of this section.

Sec. 9. Minnesota Statutes 1994, section 162.08, subdivision 7, is amended to read:

Subd. 7. [ADVANCES OTHER THAN TO MUNICIPAL ACCOUNT.] Any county may make advances from any available funds for the purpose of expediting the construction, reconstruction, improvement and maintenance of its county state-aid highway system. ~~Total advances, together with any advances to the municipal account, as provided in subdivisions 5 and 6, shall never exceed 40 percent of the county's last apportionment preceding the first advance.~~ Advances made by any county as provided herein, other than advances made to the municipal account, shall be repaid out of subsequent apportionments to the county's maintenance or construction account in accordance with the commissioner's rules.

Sec. 10. Minnesota Statutes 1994, section 162.14, subdivision 6, is amended to read:

Subd. 6. [ADVANCES.] Any such city, ~~except cities of the first class,~~ may make advances from any funds available to it for the purpose of expediting the construction, reconstruction, improvement, or maintenance of its municipal state-aid street system; provided that such advances shall not exceed the city's total estimated apportionment for the three years following the year the advance is made. Advances made by any such city shall be repaid out of subsequent apportionments made to such city in accordance with the commissioner's rules.

Sec. 11. Minnesota Statutes 1994, section 169.85, is amended to read:

169.85 [WEIGHING; PENALTY.]

The driver of a vehicle which has been lawfully stopped may be required by a peace officer to submit the vehicle and load to a weighing by means of portable or stationary scales, and the peace officer may require that the vehicle be driven to the nearest available scales if the distance to the scales is no further than five miles, or if the distance from the point where the vehicle is stopped to the vehicle's destination is not increased by more than ten miles as a result of proceeding to the nearest available scales. Official traffic control devices as authorized by section 169.06 may be used to direct the driver to the nearest scale. When a truck weight enforcement operation is conducted by means of portable or stationary scales and signs giving notice of the operation are posted within the highway right-of-way and adjacent to the roadway within two miles of the operation, the driver of a truck or combination of vehicles registered for or weighing in excess of 12,000 pounds, ~~and the driver of a charter bus, except a bus registered in Minnesota,~~ shall proceed to the scale site and submit the vehicle to weighing and inspection.

Upon weighing a vehicle and load, as provided in this section, an officer may require the driver to stop the vehicle in a suitable place and remain standing until a portion of the load is removed that is sufficient to reduce the gross weight of the vehicle to the limit permitted under section 169.825. A suitable place is a location where loading or tampering with the load is not prohibited by federal, state, or local law, rule or ordinance. A driver may be required to unload a vehicle only if the weighing officer determines that (a) on routes subject to the provisions of section 169.825, the weight on an axle exceeds the lawful gross weight prescribed by section 169.825, by 2,000 pounds or more, or the weight on a group of two or more consecutive axles in cases where the distance between the centers of the first and last axles of the group under consideration is ten feet or less exceeds the lawful gross weight prescribed by section 169.825, by 4,000 pounds or more; or (b) on routes designated by the commissioner in section 169.832, subdivision 11, the overall weight of the vehicle or the weight on an axle or group of consecutive axles exceeds the maximum lawful gross weights prescribed by section 169.825; or (c) the weight is unlawful on an axle or group of consecutive axles on a road restricted in accordance with section 169.87. Material unloaded must be cared for by the owner or driver of the vehicle at the risk of the owner or driver.

A driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing as required in this section, or who fails or refuses, when directed by an officer upon a weighing of

the vehicle, to stop the vehicle and otherwise comply with the provisions of this section, is guilty of a misdemeanor.

Sec. 12. Minnesota Statutes 1995 Supplement, section 169.862, is amended to read:

169.862 [PERMITS FOR WIDE LOADS OF BALED AGRICULTURAL PRODUCTS.]

The commissioner of transportation with respect to highways under the commissioner's jurisdiction, and local authorities with respect to highways under their jurisdiction, may issue an annual permit to enable a vehicle carrying round bales of hay, straw, or cornstalks, with a total outside width of the vehicle or the load not exceeding 11-1/2 feet, to be operated on public streets and highways. The commissioner of transportation and local authorities may issue an annual permit to enable a vehicle, having a maximum width of 102 inches, carrying a first haul of square bales of straw, each bale having a minimum size of four feet by four feet by eight feet, with a total outside width of the load not exceeding 12 feet, to be operated on public streets and highways between August 1 and ~~December~~ March 1 within 35 miles of the border between this state and the state of North Dakota. The commissioner of transportation and local authorities may issue an annual permit to enable a vehicle carrying square bales of hay, each with an outside dimension of not less than three feet by four feet by seven feet, with a total height of the loaded vehicle not exceeding 15 feet, to be operated on those public streets and highways designated in the permit. Permits issued under this section are governed by the applicable provisions of section 169.86 except as otherwise provided herein and, in addition, carry the following restrictions:

(a) The vehicles may not be operated between sunset and sunrise, when visibility is impaired by weather, fog, or other conditions rendering persons and vehicles not clearly visible at a distance of 500 feet, or on Sunday from noon until sunset, or on the days the following holidays are observed: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

(b) The vehicles may not be operated on interstate highways.

(c) The vehicles may not be operated on a trunk highway with a pavement less than 24 feet wide.

(d) A vehicle operated under the permit must be equipped with a retractable or removable mirror on the left side so located that it will reflect to the driver a clear view of the highway for a distance of at least 200 feet to the rear of the vehicle.

(e) A vehicle operated under the permit must display red, orange, or yellow flags, 18 inches square, as markers at the front and rear and on both sides of the load. The load must be securely bound to the transporting vehicle.

(f) Farm vehicles not for hire carrying round baled hay less than 20 miles are exempt from the requirement to obtain a permit. All other requirements of this section apply to vehicles transporting round baled hay.

The fee for the permit is \$24.

Sec. 13. Minnesota Statutes 1994, section 173.07, subdivision 1, is amended to read:

Subdivision 1. [FORMS; CONTENT; ~~IDENTIFYING NUMBER.~~] Application for permits or renewals thereof for the placement and maintenance of advertising devices within scenic areas shall be on forms prescribed by the commissioner and shall contain such information as the commissioner may require. No advertising device shall be placed without the consent of the owner or occupant of the land, and adequate proof of such consent shall be submitted to the commissioner at the time application is made for such permits or renewals. ~~There shall be furnished with each permit an identifying number which shall be affixed by the permit holder to the advertising device in accordance with rules of the commissioner of transportation.~~

Sec. 14. Minnesota Statutes 1994, section 174.04, is amended to read:

174.04 [FINANCIAL ASSISTANCE; APPLICATIONS; DISBURSEMENT.]

Subdivision 1. [REVIEW OF APPLICATION.] Any state agency which receives an application from a regional development commission, metropolitan council, public transit commission, airport commission, port authority or other political subdivision of the state, or any nonpublic organization, for financial assistance for transportation planning, capital expenditures or operations to any state or federal agency, shall first submit the application to the commissioner of transportation. The commissioner shall review the application to determine whether it contains matters that substantially affect the statewide transportation plan and priorities. If the application does not contain such matters, the commissioner shall within 15 days after receipt return the application to the applicant political subdivision or nonpublic organization for forwarding to the appropriate agency. If the application contains such matters, the commissioner shall review and comment on the application as being consistent with the plan and priorities. The commissioner shall return the application together with comments within 45 days after receipt to the applicant political subdivision or nonpublic organization for forwarding with the commissioner's comments to the appropriate agency.

Subd. 2. [DESIGNATED AGENT.] A regional development commission, metropolitan council, public transit commission, airport commission, port authority, or any other political subdivision of the state, or any nonpublic organization, may designate the commissioner as its agent to receive and disburse funds by entering into an agreement with the commissioner prescribing the terms and conditions of the receipt and expenditure of the funds in accordance with federal and state laws, rules, and regulations.

Subd. 3. [EXCEPTIONS.] The provisions of this section shall not be construed as altering or amending in any way the funding procedures specified in section 161.36, 360.016 or 360.0161.

Sec. 15. Minnesota Statutes 1995 Supplement, section 221.0355, subdivision 5, is amended to read:

Subd. 5. [HAZARDOUS WASTE TRANSPORTERS.] (a) A carrier with its principal place of business in Minnesota or who designates Minnesota as its base state shall file a disclosure statement with and obtain a permit from the commissioner that specifically authorizes the transportation of hazardous waste before transporting a hazardous waste in Minnesota. A carrier that designates another participating state as its base state shall file a disclosure statement with and obtain a permit from that state that specifically authorizes the transportation of hazardous waste before transporting a hazardous waste in Minnesota. A registration is valid for one year from the date a notice of registration form is issued and a permit is valid for three years from the date issued or until a carrier fails to renew its registration, whichever occurs first.

(b) A disclosure statement must include the information contained in part III of the uniform application. A person who has direct management responsibility for a carrier's hazardous waste transportation operations shall submit a full set of the person's fingerprints, with the carrier's disclosure statement, for identification purposes and to enable the commissioner to determine whether the person has a criminal record. The commissioner shall send the person's fingerprints to the Federal Bureau of Investigation and shall request the bureau to conduct a check of the person's criminal record. The commissioner shall not issue a notice of registration or permit to a hazardous waste transporter who has not made a full and accurate disclosure of the required information or paid the fees required by this subdivision. Making a materially false or misleading statement in a disclosure statement is prohibited.

(c) The commissioner shall assess a carrier the actual costs incurred by the commissioner for conducting the uniform program's required investigation of the information contained in a disclosure statement.

(d) A permit under this subdivision becomes a license under section 221.035, subdivision 1, on August 1, ~~1996~~ 1997, and is subject to the provisions of section 221.035 until it expires.

Sec. 16. Minnesota Statutes 1995 Supplement, section 221.0355, subdivision 15, is amended to read:

Subd. 15. [HAZARDOUS WASTE LICENSES.] (a) From October 1, 1994, until August 1, ~~1996~~ 1997, the commissioner shall not register hazardous material transporters under section

221.0335 or license hazardous waste transporters under section 221.035. A person who is licensed under section 221.035 need not obtain a permit under subdivision 4 or 5 for the transportation of hazardous waste in Minnesota, until the person's license has expired. A carrier wishing to transport hazardous waste in another participating state shall obtain a permit under the uniform program authorizing the transportation.

(b) The commissioner may refund fees paid under section 221.035, minus a proportional amount calculated on a monthly basis for each month that a hazardous waste transporter license was valid, to a person who was issued a hazardous waste transporter license after May 5, 1994, who applied for a permit authorizing the transportation of hazardous waste under subdivisions 4 and 5 before October 1, 1994, and who was subsequently issued that permit under the uniform program.

Sec. 17. Minnesota Statutes 1994, section 222.37, subdivision 1, is amended to read:

Subdivision 1. [USE REQUIREMENTS.] Any water power, telegraph, telephone, pneumatic tube, pipeline, community antenna television, cable communications or electric light, heat, or power company, or fire department may use public roads for the purpose of constructing, using, operating, and maintaining lines, subways, canals, or conduits, hydrants, or dry hydrants, for their business, but such lines shall be so located as in no way to interfere with the safety and convenience of ordinary travel along or over the same; and, in the construction and maintenance of such line, subway, canal, or conduit, hydrants, or dry hydrants, the company shall be subject to all reasonable regulations imposed by the governing body of any county, town or city in which such public road may be. If the governing body does not require the company to obtain a permit, a company shall notify the governing body of any county, town, or city having jurisdiction over a public road prior to the construction or major repair, involving extensive excavation on the road right-of-way, of the company's equipment along, over, or under the public road, unless the governing body waives the notice requirement. A waiver of the notice requirement must be renewed on an annual basis. For emergency repair a company shall notify the governing body as soon as practical after the repair is made. Nothing herein shall be construed to grant to any person any rights for the maintenance of a telegraph, telephone, pneumatic tube, community antenna television system, cable communications system, or light, heat, or power system, or hydrant system within the corporate limits of any city until such person shall have obtained the right to maintain such system within such city or for a period beyond that for which the right to operate such system is granted by such city.

Sec. 18. Laws 1994, chapter 589, section 8, is amended to read:

Sec. 8. [REPEALER.]

Minnesota Statutes 1992, section 221.033, subdivision 4, is repealed. Section 5 is repealed effective August 1, ~~1996~~ 1997.

Sec. 19. [REPEALER.]

Minnesota Statutes 1994, sections 161.086; and 161.115, subdivision 262, are repealed."

Amend the title as follows:

Page 1, line 24, delete "173.02,"

Page 1, line 25, delete "subdivision 6;"

Page 1, line 26, delete everything after the semicolon

Page 1, line 27, delete everything before "repealing" and insert "Minnesota Statutes 1995 Supplement, sections 169.862; and 221.0355, subdivisions 5 and 15; Laws 1994, chapter 589, section 8;"

Page 1, line 28, after the semicolon, insert "and"

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

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

H.F. No. 2276: 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 1994, 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. Merriam from the Committee on Finance, to which was re-referred

H.F. No. 2321: A bill for an act relating to the metropolitan airports commission; prohibiting free parking; amending Minnesota Statutes 1994, section 473.608, by adding a subdivision.

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

Amend the report from the Committee on Metropolitan and Local Government, adopted by the Senate February 29, 1996, as follows:

Page 1, line 15, after "parking" insert ", other than valet underground parking,"

Page 1, line 16, delete "and members"

Page 1, line 17, after "parking" insert ", other than valet underground parking,"

Page 1, line 19, delete everything after "persons"

Page 1, delete line 20

Page 1, line 25, delete "otherwise accounted for" and insert "shall account for it in another manner"

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

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

S.F. No. 2169: A bill for an act relating to motor carrier regulation; abolishing transportation regulation board; changing regulations relating to common carriers by rail, motor carriers, passenger carriers, and pipeline carriers; setting fees and penalties; amending Minnesota Statutes 1994, sections 169.26, by adding a subdivision; 218.031, subdivision 8; 218.041, subdivisions 4 and 6; 218.071, subdivision 1; 219.074, subdivisions 1 and 2; 219.14, subdivision 1; 219.20, subdivision 2, and by adding a subdivision; 219.22; 219.24; 219.402; 219.98; 221.011, subdivision 15, and by adding subdivisions; 221.021; 221.022; 221.025; 221.041, subdivisions 1, 2, and 3; 221.051, subdivision 1; 221.061; 221.071, subdivision 2; 221.081; 221.091; 221.111; 221.124; 221.131, as amended; 221.141, subdivisions 1 and 4; 221.185; 221.281; 221.291, subdivisions 4 and 5; 222.632; and 231.01, subdivision 5; Minnesota Statutes 1995 Supplement, sections 15A.081, subdivision 1; 221.031, subdivision 1; and 221.132; proposing coding for new law in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1994, sections 174A.01; 174A.02; 174A.03; 174A.04; 174A.05; 174A.06; 218.021; 218.025; 218.031, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, 10, and 11; 218.041, subdivisions 1, 2, 7, and 8; 219.383, subdivisions 1 and 2; 219.55; 219.558; 219.559; 219.56; 219.661; 219.662; 219.681; 219.69; 219.691; 219.692; 219.695; 219.70; 219.71; 219.741; 219.743; 219.751; 219.755; 219.85; 219.97, subdivision 7; 221.011, subdivisions 2b, 8, 10, 12, 14, 20, 21, 24, 25, 28, 35, 36, 38, 39, 40, 41, 44, 45, and 46; 221.0315; 221.051, subdivision 2; 221.072; 221.101; 221.111; 221.122; 221.123; 221.131, subdivisions 1, 2, 2a, 4, and 5; 221.141, subdivision 6; 221.151; 221.152; 221.153; 221.161; 221.165; 221.171; 221.172; 221.185, subdivision 9; 221.241; 221.293; 221.296; 221.54; 221.55; and 222.633.

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

Page 4, line 18, strike "it" and insert "the commissioner"

Page 6, line 2, strike "it" and insert "the commissioner"

Page 6, line 6, delete the new language

Page 6, line 32, strike "it" and insert "the commissioner"

Page 7, line 3, delete "commissioner" and strike "on"

Page 7, line 4, strike "its own motion" and insert "commissioner"

Page 7, line 10, strike "crossing protected" and insert "railroad company or responsible unit of government to protect the crossing"

Page 7, line 11, strike "it" and insert "the commissioner"

Page 7, delete lines 12 and 13 and insert "~~company to separate the grades~~ vacation, consolidation, or separation of the grade crossing under section 219.074."

Page 8, line 2, strike "upon" and insert "by" and strike "commissioner's own motion" and insert "commissioner"

Page 8, line 26, strike everything after the period

Page 8, lines 27 to 30, delete the new language and strike the old language

Page 8, after line 30, insert:

"Sec. 16. Minnesota Statutes 1994, section 221.011, subdivision 7, is amended to read:

Subd. 7. [CERTIFICATE.] "Certificate" means the certificate of public convenience and necessity issued under section 221.071 to a regular route common carrier of passengers ~~a class-I motor carrier, or a petroleum carrier.~~"

Page 9, line 3, delete everything after "or" and insert "personal transportation service"

Page 9, line 4, delete the new language

Page 9, line 26, reinstate the stricken "certificate or"

Page 9, line 35, after the stricken period, insert "The commissioner may suspend, revoke, or deny renewal of a certificate or carrier registration for serious or repeated violations of this chapter."

Page 10, line 1, after "carrier" insert ", other than a regular route common carrier of passengers,"

Page 10, line 3, after the period, insert "A person shall indicate in the registration statement whether the person intends to transport household goods or to transport passengers to or from an airport subject to the jurisdiction of the metropolitan airports commission."

Page 10, line 16, delete "expires on August 1" and insert "is valid for one year from the date issued"

Page 10, line 17, delete "is subject" and insert "must comply with"

Page 10, line 18, delete "to"

Page 10, line 30, delete "between July 1 and August 1 of"

Page 11, line 1, after "221.021" insert "or a certificate under section 221.071"

Page 11, line 11, after "business" insert "and the records required by this chapter"

Page 11, line 14, after "drivers" insert "criminal" and delete the first comma and insert "and" and delete ", and"

Page 11, line 15, delete "drug testing"

Page 11, line 18, after "(6)" insert "in the case of a carrier registered under section 221.021,"

Page 11, line 22, before the comma, insert "or annually registering vehicles under section 221.131"

Page 11, line 27, after "221.0314" insert "or accept for filing proof that such an inspection was conducted within the previous 30 days by a qualified vehicle inspector certified by the department of public safety"

Page 11, line 30, after "drivers" insert "criminal" and delete the first comma and insert "and" and delete ", and"

Page 11, line 31, delete "drug testing"

Page 11, line 34, after "(6)" insert "in the case of a carrier registered under section 221.021,"

Page 11, after line 34, insert:

"Sec. 23. [221.0215] [SERVICE RESTRICTIONS.]

No person may transport household goods for hire without a valid registration receipt issued under section 221.021 indicating that the person has registered to provide household goods transportation."

Page 12, line 6, reinstate the stricken "A"

Page 12, lines 7 and 8, reinstate the stricken language

Page 12, line 9, reinstate the stricken "charter service" and insert ", as defined in Code of Federal Regulations, title 49, section 604.5," and reinstate the stricken "without first having"

Page 12, line 10, after the stricken "carrier" insert "complied with Code of Federal Regulations, title 49, part 604" and reinstate the stricken period and delete "Transportation services under"

Page 12, lines 11 to 13, delete the new language

Page 15, after line 29, insert:

"Sec. 27. Minnesota Statutes 1994, section 221.0314, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY.] (a) Intrastate motor carriers, private carriers, and persons providing intrastate transportation described in section 221.025, must comply with the rules incorporated in this section to the extent required by ~~section~~ sections 221.021 and 221.031. Every carrier and its officers, agents, representatives, and ~~employees responsible~~ for managing, maintaining, equipping, operating, or driving motor vehicles, or hiring, supervising, training, assigning, or dispatching drivers, must be instructed in and comply with the rules incorporated in this section and shall require that its agents, representatives, drivers, and employees comply.

(b) In the rules incorporated in subdivisions 2 to 11:

(1) the term "motor carrier" means a carrier required to comply with this section by section 221.021 or 221.031;

(2) a reference to a federal agency or office means the Minnesota department of transportation; and

(3) a reference to a federal administrative officer means the commissioner of the Minnesota department of transportation."

Page 18, after line 27, insert:

"Sec. 33. Minnesota Statutes 1994, section 221.071, subdivision 1, is amended to read:

Subdivision 1. [CONSIDERATIONS; TEMPORARY CERTIFICATES; AMENDING.] If the board commissioner finds from the evidence that the petitioner is fit and able to properly perform the services proposed and that public convenience and necessity require the granting of the petition or a part of the petition, if the commissioner shall issue a certificate of public convenience and necessity to the petitioner. In determining whether a certificate should be issued, the board commissioner shall give primary consideration to the interests of the public that might be affected, to the transportation service being furnished by a railroad which may be affected by the granting of the certificate, and to the effect which the service essential to the communities which might be affected by the granting of the certificate. The board commissioner may issue a certificate as applied for or issue it for a part only of the authority sought and may attach to the authority granted terms and conditions as in its judgment public convenience and necessity may require. If the petitioner is seeking authority to operate regular route transit service wholly within the seven-county metropolitan area with operating assistance provided by the metropolitan council, the board commissioner shall consider only whether the petitioner is fit and able to perform the proposed service. The operating authority granted to such a petitioner must be the operating authority for which the petitioner is receiving operating assistance from the metropolitan council. A carrier receiving operating assistance from the metropolitan council may amend the certificate to provide for additional routes by filing a copy of the amendment with the board commissioner, and approval of the amendment by the board is not required if the additional service is provided with operating assistance from the metropolitan council.

The board commissioner may grant a temporary certificate, ex parte, valid for a period not exceeding 180 days, upon a showing that no regular route common carrier ~~or petroleum carrier~~ of passengers is then authorized to serve on the route sought, that no other petition is on file with the board commissioner covering the route, and that a need for the proposed service exists.

A certificate may be amended by the board commissioner on ex parte petition and payment of a \$25 fee to the commissioner, to grant an additional or alternate route if there is no other means of transportation over the proposed additional route or between its termini, and the proposed additional route does not exceed ten miles in length."

Page 18, line 32, strike the comma

Page 18, line 33, strike "subdivision 3"

Page 20, line 22, delete "221.0211" and insert "221.021"

Pages 20 and 21, delete section 33 and insert:

"Sec. 37. Minnesota Statutes 1994, section 221.122, is amended to read:

221.122 [COMPLIANCE WITH ORDERS GRANTING PERMITS ~~OR~~ CERTIFICATES.]

Subdivision 1. [REGISTRATION, INSURANCE, AND FILING REQUIREMENTS.] An order issued by the board commissioner which grants a certificate ~~or permit~~ must contain a service date. The person to whom the order granting the certificate ~~or permit~~ is issued shall do the following within 45 days from the service date of the order:

(1) register vehicles which will be used to provide transportation under the ~~permit or~~ certificate with the commissioner and pay the vehicle registration fees required by law;

(2) file and maintain insurance or bond as required by sections section 221.141 and 221.296 and rules of the commissioner ~~and board~~; and

(3) file rates and tariffs as required by sections section 221.041 and 221.161 and rules of the commissioner ~~and board~~.

Subd. 2. [TIME EXTENSION.] The commissioner may extend the time for compliance with the requirements of subdivision 1. The person to whom the order was issued shall request the extension in writing and shall state the reasons for requesting the extension. The commissioner may not grant an extension of more than 45 days.

Subd. 3. [FAILURE TO COMPLY.] An order of the board granting a certificate or permit to operate as a motor carrier takes effect on the date of compliance with the requirements of subdivision 1. Failure of the person to whom the order was issued to comply with the requirements of subdivision 1 within 45 days from the service date of the order, or within the extended time for compliance if an extension was granted by the commissioner, makes the order null and void upon the expiration of the time for compliance."

Page 21, line 27, delete "motor"

Page 21, line 28, delete "carriers providing" and delete "transportation" and insert "carriers"

Page 22, line 14, delete from "1994" through page 22, line 15, to "23" and insert "1995 Supplement, section 221.131"

Page 22, line 17, strike "CARRIER VEHICLE REGISTRATION"

Page 23, line 30, strike "Subd. 3."

Page 24, line 18, strike "subdivision 2 or 3,"

Page 24, lines 20 and 28, strike "permit or"

Page 24, lines 21, 23, and 25, reinstate the stricken "motor"

Page 25, lines 6 and 14, reinstate the stricken "motor"

Page 25, line 21, delete "passenger" and insert "motor" and after "carrier" insert "of passengers"

Page 25, line 22, delete "the federal Motor Vehicle Safety Act" and insert "Code of Federal Regulations, title 49, part 387.33, as amended"

Page 25, line 24, delete "passenger" and insert "motor" and after "carrier" insert "of passengers"

Page 25, line 25, after "effect" insert "and on file with the commissioner"

Page 25, line 27, after "all" insert "passenger transportation service the carrier agrees to perform in the state and all"

Page 25, line 31, delete the first "to"

Page 26, after line 14, insert:

"Sec. 43. Minnesota Statutes 1994, section 221.172, subdivision 10, is amended to read:

Subd. 10. [RETAINED THREE YEARS.] A shipping document or record described in subdivisions ~~subdivision 2 to 9~~, or a copy of it, must be retained by the carrier for at least three years from the date on the shipping document or record. ~~A carrier may keep a shipping record described in subdivisions 3 to 9 by any technology that prevents the alteration, modification, or erasure of the underlying data and will enable production of an accurate and unaltered paper copy.~~ A carrier shall keep a shipping record in a manner that will make it readily accessible and shall have a means of identifying and producing a legible paper copy for inspection by the commissioner upon request."

Page 26, line 22, after "221.021" insert "or certificate issued under 221.071"

Page 26, line 27, strike "sections" and insert "section"

Page 26, line 28, strike "and 221.296"

Page 26, line 31, reinstate the stricken "motor"

Page 27, line 4, strike "or renew permits"

Page 27, line 8, reinstate the stricken "motor"

Page 27, line 20, reinstate the stricken "motor"

Page 28, line 4, strike "relating to"

Page 28, line 5, strike "bonds and insurance,"

Page 29, line 3, before "The" insert "Except in cases involving the transportation of hazardous materials or hazardous waste,"

Page 29, line 5, before the period, insert "relating to the regulation of motor carriers"

Page 31, line 27, delete ", where it appears in" and insert a period

Page 31, delete lines 28 to 30

Page 32, line 4, delete ", where it appears in Minnesota Statutes," and insert a period

Page 32, delete lines 5 to 7

Page 32, line 8, delete everything after "3."

Page 32, line 9, delete "38"

Page 32, line 11, before "wherever" insert "or commissioner"

Page 32, line 17, delete "sections 1 to 38" and insert "this act"

Page 32, line 22, delete "16" and insert "17"

Page 34, after line 10, insert:

"Sec. 54. [APPROPRIATION.]

\$182,000 is appropriated from the trunk highway fund to the commissioner of transportation to carry out the transportation regulation responsibilities assigned to the commissioner by this act, to be available for the fiscal year ending June 30, 1997."

Page 34, line 14, after "9," insert "and" and delete ", and 11"

Page 34, line 19, after "28," insert "32,"

Page 34, line 20, after "46;" insert "221.0313;"

Page 34, line 21, delete "221.122" and insert "221.121"

Page 34, line 24, after "221.172" insert ", subdivisions 3, 4, 5, 6, 7, 8, and 9"

Page 34, line 27, delete "Sections 1 to 42 are" and insert "This act is"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "appropriating money;"

Page 1, line 12, delete "subdivision" and insert "subdivisions 7 and"

Page 1, line 13, before "221.041," insert "221.0314, subdivision 1;"

Page 1, line 14, delete the second "subdivision" and insert "subdivisions 1 and"

Page 1, line 15, delete "221.111" and insert "221.122" and delete "221.131, as"

Page 1, line 16, delete "amended;" and before "221.185;" insert "221.172, subdivision 10;"

Page 1, line 20, after the first semicolon, insert "221.131;"

Page 1, lines 24 and 25, delete "10, and 11" and insert "and 10"

Page 1, line 31, before "35," insert "32," and after the semicolon, insert "221.0313;"

Page 1, line 33, delete "221.122" and insert "221.121"

Page 1, line 35, after "221.172" insert ", subdivisions 3, 4, 5, 6, 7, 8, and 9"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1827 and 2169 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1404, 2276 and 2321 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Beckman moved that the name of Mr. Hottinger be added as a co-author to S.F. No. 2012. The motion prevailed.

Mr. Lessard moved that the name of Mr. Sams be added as a co-author to S.F. No. 2466. The motion prevailed.

Mr. Moe, R.D. introduced--

Senate Resolution No. 106: A Senate resolution recognizing Phi Theta Kappa, the international honor society for two-year colleges.

Referred to the Committee on Rules and Administration.

RECONSIDERATION

Ms. Reichgott Junge moved that the vote whereby S.F. No. 2410 was passed by the Senate on March 6, 1996, be now reconsidered.

S.F. No. 2410: A bill for an act relating to data practices; providing for the classification of and access to government data; clarifying data provisions; prohibiting agreements limiting the disclosure and discussion of personnel data; requiring notice and approval of employment settlements by the commissioner of employee relations; modifying the requirements for health care provider identification numbers; establishing procedures for disclosing certain nonpublic data to related group purchasers; requiring the office of mental health practice to establish procedures for the exchange of information; authorizing the release of certain birth information on unwed mothers to family service collaboratives; regulating the disclosure of personal information contained in motor vehicle records; amending Minnesota Statutes 1994, sections 13.03, subdivision 4; 13.37, by adding a subdivision; 13.43, by adding subdivisions; 13.82, subdivision 13, and by adding a subdivision; 43A.04, by adding a subdivision; 62J.51, by adding subdivisions; 62J.56, subdivision 2; 62J.60, subdivisions 2 and 3; 144.225, subdivision 2, and by adding a subdivision; 145.64, by adding a subdivision; 148B.66, by adding a subdivision; 168.346; and 171.12, subdivision 7, and by adding a subdivision; Minnesota Statutes 1995 Supplement, sections 13.43, subdivision 2; 13.46, subdivision 2; 62J.451, subdivisions 7, 9, and 12; 62J.54, subdivisions 1, 2, and 3; 62J.58; 62Q.03, subdivision 9; and 268.12, subdivision 12; proposing coding for new law in Minnesota Statutes, chapter 13.

CALL OF THE SENATE

Ms. Reichgott Junge imposed a call of the Senate for the balance of the proceedings on S.F. No. 2410. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Ms. Reichgott Junge motion.

The roll was called, and there were yeas 21 and nays 39, as follows:

Those who voted in the affirmative were:

Belanger	Kiscaden	Lesewski	Pariseau	Terwilliger
Dille	Kleis	Limmer	Robertson	
Fischbach	Kramer	Neuville	Runbeck	
Frederickson	Laidig	Oliver	Scheevel	
Johnston	Larson	Olson	Stevens	

Those who voted in the negative were:

Anderson	Hanson	Kroening	Murphy	Riveness
Beckman	Hottinger	Langseth	Novak	Sams
Berg	Janezich	Lessard	Pappas	Samuelson
Berglin	Johnson, D.J.	Marty	Piper	Solon
Betzold	Johnson, J.B.	Merriam	Pogemiller	Spear
Chandler	Kelly	Metzen	Price	Vickerman
Day	Knutson	Mondale	Ranum	Wiener
Flynn	Krentz	Morse	Reichgott Junge	

The motion did not prevail.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Hottinger and Ms. Runbeck introduced--

S.F. No. 2870: A bill for an act relating to workers' compensation; modifying provisions on cessation of self-insurance; amending Minnesota Statutes 1995 Supplement, section 79A.06, subdivision 5.

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

MEMBERS EXCUSED

Messrs. Chmielewski, Finn and Stumpf were excused from the Session of today. Mr. Cohen was excused from the Session of today at 3:40 p.m. Messrs. Laidig, Murphy and Samuelson were excused from the Session of today from 12:00 noon to 2:30 p.m. Mr. Lessard was excused from the Session of today from 2:00 to 2:30 p.m.

ADJOURNMENT

Ms. Reichgott Junge moved that the Senate do now adjourn until 9:30 a.m., Thursday, March 7, 1996. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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