

STATE OF MINNESOTA

Journal of the Senate

SEVENTY-NINTH LEGISLATURE

ONE HUNDREDTH DAY

St. Paul, Minnesota, Monday, March 18, 1996

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Chue Vang.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

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 | Stumpf |
| Fischbach | Knutson | Moe, R.D. | Price | Terwilliger |
| Flynn | Kramer | Mondale | Ranum | Vickerman |
| Frederickson | Krentz | Morse | Reichgott Junge | Wiener |

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 1775.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 15, 1996

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2834:

H.F. No. 2834: A bill for an act relating to watercraft; modifying the requirements for operation of a motor boat by a youth; modifying the provisions for operation of a personal watercraft by a youth; amending Minnesota Statutes 1994, sections 86B.305, subdivisions 1 and 2; and 86B.313, subdivision 2.

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

Hasskamp, Bakk and Ozment have been appointed as such committee on the part of the House.

House File No. 2834 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 15, 1996

Ms. Johnson, J.B. moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2834, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2298:

H.F. No. 2298: A bill for an act relating to government efficiency; extending the effective period of certain exemptions granted by the board of government innovation and cooperation; granting independent school district No. 2134, United South Central, a waiver from a law related to elections; amending Minnesota Statutes 1995 Supplement, section 465.797, subdivision 5.

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

Marko, Jefferson and Abrams have been appointed as such committee on the part of the House.

House File No. 2298 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 15, 1996

Mr. Beckman moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2298, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2478:

H.F. No. 2478: A bill for an act relating to consumer protection; restricting the provision of immigration services; regulating notaries public; providing penalties; proposing coding for new law in Minnesota Statutes, chapters 325E; and 359.

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

Mariani, Entenza and Greiling have been appointed as such committee on the part of the House.

House File No. 2478 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 15, 1996

Ms. Pappas moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2478, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 3273.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 15, 1996

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 3273: A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of bonds; appropriating money; amending Minnesota Statutes 1994, sections 16B.24, subdivision 6a; 16B.335, subdivision 3, and by adding a subdivision; 41B.19, subdivision 1; 94.16, subdivision 3; 124C.73, subdivision 1; 134.45, subdivision 5; 268.917; and 475.58, by adding a subdivision; Minnesota Statutes 1995 Supplement, sections 473.894, subdivision 11; and 473.901, subdivision 1; Laws 1994, chapter 643, sections 19, subdivision 8, as amended; 21, subdivision 4, as amended; and 35, subdivision 3; Laws 1995, First Special Session chapter 2, article 1, section 13; proposing coding for new law in Minnesota Statutes, chapters 116J; 243; 268; and 446A; repealing Minnesota Statutes 1994, sections 446A.071, subdivisions 1, 3, 4, 5, 6, 7, and 8; Minnesota Statutes 1995 Supplement, sections 446A.071, subdivision 2; Laws 1994, chapter 643, section 24, subdivision 3.

Mr. Moe, R.D. moved that H.F. No. 3273 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

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

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

H.F. No. 3012 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

| GENERAL ORDERS | | CONSENT CALENDAR | | CALENDAR | |
|----------------|----------|------------------|----------|----------|----------|
| H.F. No. | S.F. No. | H.F. No. | S.F. No. | H.F. No. | S.F. No. |
| 3012 | 2365 | | | | |

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 3012 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3012 and insert the language after the enacting clause of S.F. No. 2365, the second engrossment; further, delete the title of H.F. No. 3012 and insert the title of S.F. No. 2365, the second engrossment.

And when so amended H.F. No. 3012 will be identical to S.F. No. 2365, and further

recommends that H.F. No. 3012 be given its second reading and substituted for S.F. No. 2365, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 66 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

| GENERAL ORDERS | | CONSENT CALENDAR | | CALENDAR | |
|----------------|----------|------------------|----------|----------|----------|
| H.F. No. | S.F. No. | H.F. No. | S.F. No. | H.F. No. | S.F. No. |
| 66 | 891 | | | | |

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 66 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 66 and insert the language after the enacting clause of S.F. No. 891, the third engrossment; further, delete the title of H.F. No. 66 and insert the title of S.F. No. 891, the third engrossment.

And when so amended H.F. No. 66 will be identical to S.F. No. 891, and further recommends that H.F. No. 66 be given its second reading and substituted for S.F. No. 891, and that the Senate File be indefinitely postponed.

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

SECOND READING OF HOUSE BILLS

H.F. Nos. 3012 and 66 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Price moved that the name of Mr. Laidig be added as a co-author to S.F. No. 2876. The motion prevailed.

Mr. Ourada introduced--

Senate Resolution No. 112: A Senate resolution congratulating the St. Michael-Albertville High School wrestling team on winning the 1996 State High School Class A Wrestling Championship.

Referred to the Committee on Rules and Administration.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

Mr. Merriam, for the Committee on Finance, introduced--

S.F. No. 2879: A bill for an act relating to public administration; authorizing spending to

acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of bonds; requiring payment for debt service; appropriating money, with certain conditions; amending Minnesota Statutes 1994, sections 16A.632, by adding a subdivision; 16A.641, subdivision 8; 16A.695, by adding a subdivision; 16B.24, subdivision 6; 16B.335, subdivision 3; 41B.19, subdivision 1; 84.033; 124.493, by adding a subdivision; 134.45, subdivision 6; and 135A.046, subdivision 3; Minnesota Statutes 1995 Supplement, sections 16A.28, subdivision 5; 16B.335, subdivisions 1 and 2; 134.45, subdivision 2; 240A.09; and 473.901, subdivision 1; Laws 1990, chapter 535, section 3, subdivision 3; Laws 1994, chapter 643, section 11, subdivision 11, as amended; 23, subdivision 20; 27, subdivision 2; and 79, subdivision 8; Laws 1995, First Special Session chapter 2, article 1, section 13; proposing coding for new law in Minnesota Statutes, chapters 446A; and 473; repealing Minnesota Statutes 1994, sections 15.50, subdivision 5; 116.162, as amended; and 446A.071, subdivisions 1, 3, 4, 5, 6, 7, and 8; Minnesota Statutes 1995 Supplement, section 446A.071, subdivision 2; Laws 1994, chapter 643, section 24, subdivision 3.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 2879 and that the rules of the Senate be so far suspended as to give S.F. No. 2879 its second reading. The motion prevailed.

S.F. No. 2879 was read the second time.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2879 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2879: A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of bonds; requiring payment for debt service; appropriating money, with certain conditions; amending Minnesota Statutes 1994, sections 16A.632, by adding a subdivision; 16A.641, subdivision 8; 16A.695, by adding a subdivision; 16B.24, subdivision 6; 16B.335, subdivision 3; 41B.19, subdivision 1; 84.033; 124.493, by adding a subdivision; 134.45, subdivision 6; and 135A.046, subdivision 3; Minnesota Statutes 1995 Supplement, sections 16A.28, subdivision 5; 16B.335, subdivisions 1 and 2; 134.45, subdivision 2; 240A.09; and 473.901, subdivision 1; Laws 1990, chapter 535, section 3, subdivision 3; Laws 1994, chapter 643, section 11, subdivision 11, as amended; 23, subdivision 20; 27, subdivision 2; and 79, subdivision 8; Laws 1995, First Special Session chapter 2, article 1, section 13; proposing coding for new law in Minnesota Statutes, chapters 446A; and 473; repealing Minnesota Statutes 1994, sections 15.50, subdivision 5; 116.162, as amended; and 446A.071, subdivisions 1, 3, 4, 5, 6, 7, and 8; Minnesota Statutes 1995 Supplement, section 446A.071, subdivision 2; Laws 1994, chapter 643, section 24, subdivision 3.

Mr. Stevens moved to amend S.F. No. 2879 as follows:

Page 48, after line 36, insert:

"Sec. 56. [ADDITIONAL REIMBURSEMENT UNDER THE LANDFILL CLEANUP PROGRAM.]

(a) \$785,000 of the appropriation in Laws 1994, chapter 639, article 3, section 4, subdivision 1, is for payment to Benton county to reimburse the county for amounts paid to Morrison county in settlement of a lawsuit for environmental response costs at the greater Morrison landfill.

(b) To be eligible for payment under paragraph (a), Benton county shall agree to reimburse its political subdivisions proportionately for any amounts paid to the county in connection with settlement of the lawsuit."

Renumber the sections in sequence and correct the internal references
Amend the title accordingly

CALL OF THE SENATE

Mr. Riveness imposed a call of the Senate for the balance of the proceedings on S.F. No. 2879. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 28 and nays 36, as follows:

Those who voted in the affirmative were:

| | | | | |
|---------------|----------|----------|-----------|-------------|
| Belanger | Kiscaden | Lessard | Ourada | Solon |
| Day | Kleis | Limmer | Pariseau | Stevens |
| Dille | Knutson | Metzen | Robertson | Stumpf |
| Fischbach | Kramer | Neuville | Runbeck | Terwilliger |
| Frederickson | Larson | Oliver | Sams | |
| Johnson, D.E. | Lesewski | Olson | Scheevel | |

Those who voted in the negative were:

| | | | | |
|----------|---------------|-----------|-----------------|-----------|
| Anderson | Hanson | Kroening | Novak | Samuelson |
| Beckman | Hottinger | Laidig | Pappas | Spear |
| Berg | Janezich | Langseth | Piper | Vickerman |
| Berglin | Johnson, D.J. | Marty | Pogemiller | Wiener |
| Betzold | Johnson, J.B. | Merriam | Price | |
| Chandler | Johnston | Moe, R.D. | Ranum | |
| Cohen | Kelly | Mondale | Reichgott Junge | |
| Flynn | Krentz | Morse | Riveness | |

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

Mr. Lessard moved to amend S.F. No. 2879 as follows:

Page 13, line 55, delete "\$4,500,000" and insert "\$4,250,000"

Page 13, after line 61, insert:

"Subd. 21. Forest Road and
Bridge Projects

250,000

For reconstruction, resurfacing, replacement, or construction of improvements of a capital nature to state forest roads and bridges throughout the state. The commissioner shall determine project priorities as appropriate based upon need."

Mr. Morse moved to amend the Lessard amendment to S.F. No. 2879 as follows:

Page 1, after line 1, insert:

"Page 13, line 44, delete "7,250,000" and insert "7,000,000"

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

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

Mr. Cohen moved to amend S.F. No. 2879 as follows:

Page 39, delete section 41 and insert:

"Sec. 41. [129D.17] [SURVEY OF ARTS FACILITY NEEDS.]

The board of the arts shall survey the nonprofit arts community in this state to assess the need for capital to further the acquisition and betterment of nonprofit arts facilities statewide. The board shall report their findings to the commissioners of administration and finance by June 15 of each odd-numbered year for their use in preparing the governor's capital budget request. The board shall also report their findings to the chairs of the state government finance divisions in the senate and house of representatives."

The motion prevailed. So the amendment was adopted.

Mr. Dille moved to amend S.F. No. 2879 as follows:

Page 19, line 31, after the period, insert "The appropriations from these highway funds are not available until the appropriation from the bond proceeds fund has been exhausted."

The motion prevailed. So the amendment was adopted.

Mr. Pogemiller moved to amend S.F. No. 2879 as follows:

Page 3, line 27, delete "(a)"

Page 3, delete lines 30 to 38

Page 4, delete lines 42 to 45

Page 5, line 51, delete "5, item (b)," and delete "13,"

Reorder the subdivisions in sequence and correct the internal references

Page 6, line 47, delete "40,900,000" and insert "38,900,000"

Page 7, after line 5, insert:

| | |
|-----------------------|------------|
| "Subd. 6. Steam Plant | 28,000,000 |
|-----------------------|------------|

Construct a replacement steam plant outside the portion of the Mississippi river critical area designated in Minnesota Statutes, section 116G.15, that is within the St. Anthony Falls historic district."

Reorder the subdivisions in sequence

Page 9, line 51, delete "6,879,000" and insert "6,379,000"

Page 11, line 36, delete "9,500,000" and insert "8,500,000"

Page 16, line 36, delete "24,000,000" and insert "20,000,000"

Page 22, line 36, delete "8,711,000" and insert "6,711,000"

Page 23, delete lines 29 to 37

Reorder the subdivisions in sequence

Page 26, line 4, delete "14,500,000" and insert "9,500,000"

Page 26, line 52, delete "89,000,000" and insert "86,000,000"

Page 29, line 52, delete "9,000,000" and insert "8,000,000"

Correct the section totals and the appropriation summary accordingly

Mr. Pogemiller moved to amend the Pogemiller amendment to S.F. No. 2879 as follows:

Page 1, delete lines 2 to 7

Page 1, delete lines 28 to 30 and insert:

"Page 47, line 49, reinstate the stricken language and delete the new language

Page 47, lines 51 and 52, delete the new language

Correct the section totals, the appropriation summary, and the bond sale authorization accordingly"

The question was taken on the adoption of the Pogemiller amendment to the Pogemiller amendment.

The roll was called, and there were yeas 24 and nays 39, as follows:

Those who voted in the affirmative were:

| | | | | |
|----------|---------------|----------|-----------------|-----------|
| Anderson | Hanson | Krentz | Olson | Robertson |
| Berglin | Janezich | Kroening | Pappas | Runbeck |
| Betzold | Johnson, D.J. | Limmer | Pogemiller | Solon |
| Chandler | Kelly | Merriam | Ranum | Spear |
| Flynn | Kramer | Oliver | Reichgott Junge | |

Those who voted in the negative were:

| | | | | |
|--------------|---------------|-----------|----------|-------------|
| Belanger | Johnson, D.E. | Larson | Murphy | Sams |
| Berg | Johnson, J.B. | Lesewski | Neuville | Samuelson |
| Cohen | Johnston | Lessard | Novak | Scheevel |
| Day | Kiscaden | Marty | Ourada | Stevens |
| Dille | Kleis | Metzen | Pariseau | Stumpf |
| Fischbach | Knutson | Moe, R.D. | Piper | Terwilliger |
| Frederickson | Laidig | Mondale | Price | Wiener |
| Hottinger | Langseth | Morse | Riveness | |

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

Mr. Pogemiller moved to amend the Pogemiller amendment to S.F. No. 2879 as follows:

Page 1, delete lines 18, 20, 21, 22, and 25 to 27

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

Mr. Pogemiller withdrew his original amendment.

Mr. Moe, R.D. moved that S.F. 2879 be laid on the table. The motion prevailed.

Mr. Moe, R.D. moved that H.F. No. 3273 be taken from the table. The motion prevailed.

H.F. No. 3273: A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of bonds; appropriating money; amending Minnesota Statutes 1994, sections 16B.24, subdivision 6a; 16B.335, subdivision 3, and by adding a subdivision; 41B.19, subdivision 1; 94.16, subdivision 3; 124C.73, subdivision 1; 134.45, subdivision 5; 268.917; and 475.58, by adding a subdivision; Minnesota Statutes 1995 Supplement, sections 473.894, subdivision 11; and 473.901, subdivision 1; Laws 1994, chapter 643, sections 19, subdivision 8, as amended; 21, subdivision 4, as amended; and 35, subdivision 3; Laws 1995, First Special Session chapter 2, article 1, section 13; proposing coding for new law in Minnesota Statutes, chapters 116J; 243; 268; and 446A; repealing Minnesota Statutes 1994, sections 446A.071, subdivisions 1, 3, 4, 5, 6, 7, and 8; Minnesota Statutes 1995 Supplement, sections 446A.071, subdivision 2; Laws 1994, chapter 643, section 24, subdivision 3.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 3273 and that the rules of the Senate

be so far suspended as to give H.F. No. 3273 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 3273 was read the second time.

Mr. Riveness moved to amend H.F. No. 3273 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 3273, and insert the language after the enacting clause, and the title, of S.F. No. 2879, as introduced, and as amended by the Senate March 18, 1996.

The motion prevailed. So the amendment was adopted.

H.F. No. 3273 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 55 and nays 8, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

| | | | | |
|-----------|---------|--------|----------|---------|
| Fischbach | Kleis | Limmer | Scheevel | Stevens |
| Kiscaden | Knutson | Metzen | | |

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

MOTIONS AND RESOLUTIONS - CONTINUED

SPECIAL ORDERS

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, moved that the following bills be designated a Special Orders Calendar. The motion prevailed.

H.F. No. 2419, S.F. No. 2686 and H.F. No. 1404.

SPECIAL ORDER

H.F. No. 2419: A bill for an act relating to alternative energy; clarifying a mandate for certain utilities to generate electric power using biomass fuel; amending Minnesota Statutes 1995 Supplement, section 216B.2424.

Mr. Novak moved to amend H.F. No. 2419, as amended pursuant to Rule 49, adopted by the Senate March 12, 1996, as follows:

(The text of the amended House File is identical to S.F. No. 2238.)

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1995 Supplement, section 216B.2424, is amended to read:
216B.2424 [BIOMASS POWER MANDATE.]

Subdivision 1. [FARM GROWN CLOSED-LOOP BIOMASS.] For the purposes of this section, "farm grown closed-loop biomass" means biomass, as defined in section 216C.051, subdivision 7, that:

(1) is intentionally cultivated, harvested, and prepared for use, in whole or in part, as a fuel for the generation of electricity; and

(2) is fired in an electric generating facility that is located within 200 miles of the site of the biomass production so that the negative environmental impacts in the host region of the facility resulting from transporting and combusting the biomass are offset in that region by the total environmental benefits of the biomass production.

Among the biomass fuel sources that meet the requirements of clauses (1) and (2) are poplar, aspen, willow, switch grass, sorghum, alfalfa, and cultivated prairie grass.

Subd. 2. [EXEMPTION.] (a) A biomass project proposing to use, as its regular fuel over the life of the project, short rotation woody crops, may use as an interim fuel agricultural waste and other biomass which is not farm grown closed-loop biomass for up to six years; provided, the project developer demonstrates the project will use farm grown closed-loop biomass as its regular fuel after the interim period and provided the location of the biomass production meets the requirements of subdivision 1, clause (2).

(b) Over the duration of the contract of a biomass power facility selected to satisfy the mandate in subdivision 3, fuel sources that are not biomass may be used to satisfy up to 25 percent of the fuel requirements of a biomass power facility selected to satisfy the biomass power mandate in subdivision 3.

Subd. 3. [MANDATE.] A public utility, as defined in section 216B.02, subdivision 4, that operates a nuclear-powered electric generating plant within this state must construct and operate, purchase, or contract to construct and operate (1) by December 31, 1998, 50 megawatts of electric energy installed capacity generated by farm grown closed-loop biomass scheduled to be operational by December 31, 2001; and (2) by December 31, 1998, an additional 75 megawatts of installed capacity so generated scheduled to be operational by December 31, 2002. Of the total 125 megawatts of biomass electric energy installed capacity required under this section, no more than 75 megawatts may be provided by a single project. Of the 75 megawatts of biomass electric energy installed capacity required under clause (2), no more than 25 megawatts of this capacity may be provided by a St. Paul district heating and cooling system cogeneration facility utilizing waste wood as a primary fuel source. The St. Paul district heating and cooling system cogeneration facility need not use biomass that complies with the definition in subdivision 1. The public utility must accept and consider on an equal basis with other proposals a proposal to satisfy the requirements of this section that includes a project that exceeds the megawatt capacity requirements of either clause (1) or (2) and that proposes to sell the excess capacity to the public utility or to other purchasers.

Sec. 2. Laws 1995, chapter 220, section 14, is amended to read:

Sec. 14. AGRICULTURAL UTILIZATION
RESEARCH INSTITUTE

4,330,000 4,330,000

Summary by Fund

| | | |
|-----------------|-----------|-----------|
| General | 4,130,000 | 4,130,000 |
| Special Revenue | 200,000 | 200,000 |

\$200,000 each year is for a grant to the natural resources research institute for hybrid tree management research and development of an implementation plan for establishing hybrid tree

plantations in the state. This appropriation is available to the extent matched by \$2 of nonstate money contributions, either cash or in-kind, for each \$1 of state money.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Amend the title accordingly

Mr. Lessard moved to amend the Novak amendment to H.F. No. 2419 as follows:

Page 1, line 23, after "grass," insert "peat,"

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

Mr. Hottinger moved to amend the Novak amendment to H.F. No. 2419 as follows:

Page 1, line 31, delete from "and" through page 1, line 33, to "(2)"

The question was taken on the adoption of the Hottinger amendment to the Novak amendment.

The roll was called, and there were yeas 23 and nays 39, as follows:

Those who voted in the affirmative were:

| | | | | |
|----------|---------------|-----------|-----------------|--------|
| Anderson | Frederickson | Marty | Piper | Solon |
| Berglin | Hottinger | Merriam | Price | Spear |
| Betzold | Janezich | Moe, R.D. | Ranum | Wiener |
| Chandler | Johnson, D.J. | Mondale | Reichgott Junge | |
| Flynn | Johnson, J.B. | Morse | Robertson | |

Those who voted in the negative were:

| | | | | |
|-----------|---------------|----------|----------|-------------|
| Beckman | Johnson, D.E. | Kroening | Murphy | Sams |
| Belanger | Johnston | Laidig | Neuville | Samuelson |
| Berg | Kelly | Langseth | Novak | Scheevel |
| Cohen | Kiscaden | Larson | Oliver | Stevens |
| Day | Kleis | Lesewski | Olson | Stumpf |
| Dille | Knutson | Lessard | Pariseau | Terwilliger |
| Fischbach | Kramer | Limmer | Riveness | Vickerman |
| Hanson | Krentz | Metzen | Runbeck | |

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

The question recurred on the adoption of the Novak amendment. The motion prevailed. So the amendment was adopted.

H.F. No. 2419 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 54 and nays 9, as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|---------------|-----------|------------|-------------|
| Beckman | Johnson, D.E. | Laidig | Morse | Robertson |
| Belanger | Johnson, D.J. | Langseth | Murphy | Runbeck |
| Berg | Johnson, J.B. | Larson | Neuville | Sams |
| Chandler | Johnston | Lesewski | Novak | Samuelson |
| Cohen | Kelly | Lessard | Oliver | Scheevel |
| Day | Kiscaden | Limmer | Olson | Solon |
| Dille | Kleis | Marty | Ourada | Stevens |
| Fischbach | Knutson | Merriam | Pariseau | Stumpf |
| Frederickson | Kramer | Metzen | Pogemiller | Terwilliger |
| Hanson | Krentz | Moe, R.D. | Price | Vickerman |
| Janezich | Kroening | Mondale | Riveness | |

Those who voted in the negative were:

| | | | | |
|---------------------|------------------|--------------------|----------------|--------|
| Anderson Berglin | Betzold Flynn | Hottinger Piper | Ranum Spear | Wiener |
|---------------------|------------------|--------------------|----------------|--------|

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

SPECIAL ORDER

S.F. No. 2686: A bill for an act relating to evidence; allowing police testimony on information from confidential informants in forcible entry and unlawful detainer actions; amending Minnesota Statutes 1994, section 566.07.

Mr. Kelly moved that S.F. No. 2686 be laid on the table. The motion prevailed.

SPECIAL ORDER

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.

Mr. Langseth moved to amend H.F. No. 1404, the unofficial engrossment, as follows:

Amend the title as follows:

Page 1, line 7, delete "eliminating" and insert "increasing"

Page 1, line 13, delete everything after the semicolon

Page 1, line 14, delete everything before "eliminating" and insert "changing allowable dates for transporting certain wide loads carrying baled straw;"

Page 1, line 16, after the semicolon, insert "extending sunset date for hazardous waste transporters program;"

The motion prevailed. So the amendment was adopted.

Mr. Langseth then moved to amend H.F. No. 1404, the unofficial engrossment, as follows:

Page 7, after line 8, insert:

"Sec. 11. Minnesota Statutes 1994, section 169.07, is amended to read:

169.07 [UNAUTHORIZED SIGNS.]

No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of

traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit, upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit (1) the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs, or (2) the temporary placement by auctioneers licensed or exempt from licensing under section 330.01, for a period of not more than eight consecutive hours, on or adjacent to the right-of-way of a highway not more than four signs directing motorists to the location of an auction. ~~The signs must conform to standards for size, content, placement, and location for such signs promulgated by the commissioner of transportation. The rules may require a permit for each such sign but no fee may be charged for the permit.~~

Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance, and the authority having jurisdiction over the highways is hereby empowered to remove the same, or cause it to be removed, without notice."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Vickerman moved to amend H.F. No. 1404, the unofficial engrossment, as follows:

Page 14, after line 2, insert:

"Sec. 18. Minnesota Statutes 1994, section 326.338, subdivision 4, is amended to read:

Subd. 4. [PROTECTIVE AGENT.] A person who for a fee, reward, or other valuable consideration undertakes any of the following acts is considered to be engaged in the business of protective agent:

(1) providing guards, private patrol, or other security personnel to protect persons or their property or to prevent the theft, unlawful taking of goods, merchandise, or money, or to prevent the misappropriation or concealment of goods, merchandise, money, or other valuable things, or to procure the return of those things;

(2) physically responding to any alarm signal device, burglar alarm, television camera, still camera, or a mechanical or electronic device installed or used to prevent or detect burglary, theft, shoplifting, pilferage, losses, or other security measures;

(3) providing armored car services for the protection of persons or property;

(4) controlling motor traffic on public streets, roads, and highways for the purpose of escorting a funeral procession and oversized loads; or

(5) providing management and control of crowds for the purpose of safety and protection.

A person covered by this subdivision may perform the traffic control duties in clause (4) in place of a police officer when a special permit is required, provided that the protective agent is first-aid qualified."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Riveness moved to amend H.F. No. 1404, the unofficial engrossment, as follows:

Page 11, after line 20, insert:

"Sec. 15. Minnesota Statutes 1994, section 221.031, is amended by adding a subdivision to read:

Subd. 10. [CONDUCTING PHYSICAL EXAMINATION.] (a) A physical examination certificate, as required by Code of Federal Regulations, title 49, sections 391.41 to 391.49, is sufficient to satisfy the requirements set forth in those regulations if issued by a doctor of medicine, doctor of osteopathy, doctor of chiropractic, or advanced practice nurse duly licensed in this state. Any health care provider performing a physical examination for the purpose stated in this subdivision is allowed to perform only those procedures within the provider's scope of practice as provided in chapters 147 and 148 and rules promulgated thereto.

(b) A motor carrier may specify that the certificate referred to in paragraph (a) be issued by a specific health care provider as a condition to employment as a driver."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Betzold questioned whether the amendment was germane.

The President ruled that the amendment was germane.

CALL OF THE SENATE

Ms. Pappas imposed a call of the Senate for the balance of the proceedings on H.F. No. 1404. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Betzold moved to amend the Riveness amendment to H.F. No. 1404 as follows:

Page 1, lines 10 and 11, delete "doctor of chiropractic,"

The question was taken on the adoption of the Betzold amendment to the Riveness amendment.

The roll was called, and there were yeas 11 and nays 46, as follows:

Those who voted in the affirmative were:

| | | | | |
|---------|---------------|----------|---------|---------|
| Berglin | Frederickson | Kiscaden | Merriam | Runbeck |
| Betzold | Johnson, D.E. | Larson | Oliver | Spear |
| Cohen | | | | |

Those who voted in the negative were:

| | | | | |
|-----------|---------------|-----------|-----------------|-----------|
| Anderson | Janezich | Langseth | Ourada | Sams |
| Beckman | Johnson, D.J. | Lesewski | Pappas | Samuelson |
| Belanger | Johnson, J.B. | Lessard | Pariseau | Scheevel |
| Berg | Johnston | Limmer | Piper | Solon |
| Chandler | Kleis | Marty | Pogemiller | Stevens |
| Day | Knutson | Metzen | Price | Vickerman |
| Fischbach | Kramer | Moe, R.D. | Ranum | |
| Flynn | Krentz | Neuville | Reichgott Junge | |
| Hanson | Kroening | Novak | Riveness | |
| Hottinger | Laidig | Olson | Robertson | |

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

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

The roll was called, and there were yeas 36 and nays 24, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|---------------|----------|------------|-----------|
| Anderson | Johnson, D.J. | Langseth | Olson | Samuelson |
| Beckman | Johnson, J.B. | Lessard | Pappas | Scheevel |
| Berg | Johnston | Limmer | Pariseau | Solon |
| Chandler | Kleis | Marty | Piper | Vickerman |
| Day | Kramer | Metzen | Pogemiller | |
| Fischbach | Krentz | Morse | Price | |
| Flynn | Kroening | Neuville | Riveness | |
| Janezich | Laidig | Novak | Sams | |

Those who voted in the negative were:

| | | | | |
|--------------|---------------|-----------|-----------------|-------------|
| Belanger | Hottinger | Lesewski | Ranum | Stevens |
| Berglin | Johnson, D.E. | Merriam | Reichgott Junge | Stumpf |
| Betzold | Kiscaden | Moe, R.D. | Robertson | Terwilliger |
| Cohen | Knutson | Oliver | Runbeck | Wiener |
| Frederickson | Larson | Ourada | Spear | |

The motion prevailed. So the amendment was adopted.

Ms. Johnston moved to amend H.F. No. 1404, the unofficial engrossment, as follows:

Page 14, after line 2, insert:

"Sec. 18. Minnesota Statutes 1995 Supplement, section 275.065, subdivision 3, is amended to read:

Subd. 3. [NOTICE OF PROPOSED PROPERTY TAXES.] (a) The county auditor shall prepare and the county treasurer shall deliver after November 10 and on or before November 24 each year, by first class mail to each taxpayer at the address listed on the county's current year's assessment roll, a notice of proposed property taxes and, in the case of a town, final property taxes.

(b) The commissioner of revenue shall prescribe the form of the notice.

(c) The notice must inform taxpayers that it contains the amount of property taxes each taxing authority other than a town proposes to collect for taxes payable the following year and, for a town, the amount of its final levy. It must clearly state that each taxing authority, including regional library districts established under section 134.201, and including the metropolitan taxing districts as defined in paragraph (i), but excluding all other special taxing districts and towns, will hold a public meeting to receive public testimony on the proposed budget and proposed or final property tax levy, or, in case of a school district, on the current budget and proposed property tax levy. It must clearly state the time and place of each taxing authority's meeting and an address where comments will be received by mail.

(d) The notice must state for each parcel:

(1) the market value of the property as determined under section 273.11, and used for computing property taxes payable in the following year and for taxes payable in the current year; and, in the case of residential property, whether the property is classified as homestead or nonhomestead. The notice must clearly inform taxpayers of the years to which the market values apply and that the values are final values;

(2) by county, city or town, school district excess referenda levy, remaining school district levy, regional library district, if in existence, the total of the metropolitan special taxing districts as defined in paragraph (i) and the sum of the remaining special taxing districts, and as a total of the taxing authorities, including all special taxing districts, the proposed or, for a town, final net tax on the property for taxes payable the following year and the actual tax for taxes payable the current year. For the purposes of this subdivision, "school district excess referenda levy" means school district taxes for operating purposes approved at referendums, including those taxes based on net tax capacity as well as those based on market value. "School district excess referenda levy" does not include school district taxes for capital expenditures approved at referendums or school district taxes to pay for the debt service on bonds approved at referenda. In the case of the city of Minneapolis, the levy for the Minneapolis library board and the levy for Minneapolis park and recreation shall be listed separately from the remaining amount of the city's levy. In the case of a parcel where tax increment or the fiscal disparities areawide tax applies, the proposed tax levy on the captured value or the proposed tax levy on the tax capacity subject to the areawide tax must each be stated separately and not included in the sum of the special taxing districts; and

(3) the increase or decrease in the amounts in clause (2) from taxes payable in the current year to proposed or, for a town, final taxes payable the following year, expressed as a dollar amount and as a percentage.

(e) The notice must clearly state that the proposed or final taxes do not include the following:

(1) special assessments;

(2) levies approved by the voters after the date the proposed taxes are certified, including bond referenda, school district levy referenda, and levy limit increase referenda;

(3) amounts necessary to pay cleanup or other costs due to a natural disaster occurring after the date the proposed taxes are certified;

(4) amounts necessary to pay tort judgments against the taxing authority that become final after the date the proposed taxes are certified; and

(5) the contamination tax imposed on properties which received market value reductions for contamination.

(f) Except as provided in subdivision 7, failure of the county auditor to prepare or the county treasurer to deliver the notice as required in this section does not invalidate the proposed or final tax levy or the taxes payable pursuant to the tax levy.

(g) If the notice the taxpayer receives under this section lists the property as nonhomestead and the homeowner provides satisfactory documentation to the county assessor that the property is owned and has been used as the owner's homestead prior to June 1 of that year, the assessor shall reclassify the property to homestead for taxes payable in the following year.

(h) In the case of class 4 residential property used as a residence for lease or rental periods of 30 days or more, the taxpayer must either:

(1) mail or deliver a copy of the notice of proposed property taxes to each tenant, renter, or lessee; or

(2) post a copy of the notice in a conspicuous place on the premises of the property.

The notice must be mailed or posted by the taxpayer by November 27 or within three days of receipt of the notice, whichever is later. A taxpayer may notify the county treasurer of the address of the taxpayer, agent, caretaker, or manager of the premises to which the notice must be mailed in order to fulfill the requirements of this paragraph.

(i) For purposes of this subdivision, subdivisions 5a and 6, "metropolitan special taxing districts" means the following taxing districts in the seven-county metropolitan area that levy a property tax for any of the specified purposes listed below:

(1) metropolitan council under section 473.132, 473.167, 473.249, 473.325, 473.446, 473.521, 473.547, or 473.834;

(2) metropolitan airports commission under section 473.667, 473.671, or 473.672; and

(3) metropolitan mosquito control commission under section 473.711.

(j) For taxes levied in 1996, payable in 1997 only, in the case of a statutory or home rule charter city or town that exercises the local levy option provided in section 473.388, subdivision 7, the notice of its proposed taxes may include a statement of the amount by which its proposed tax increase for taxes payable in 1997 is attributable to its exercise of that option, together with a statement that the levy of the metropolitan council was decreased by a similar amount because of the exercise of that option.

For purposes of this section, any levies made by the regional rail authorities in the county of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington under chapter 398A shall be included with the appropriate county's levy and shall be discussed at that county's public hearing.

Sec. 19. Minnesota Statutes 1994, section 473.388, subdivision 5, is amended to read:

Subd. 5. [OTHER ASSISTANCE.] A city or town receiving assistance or levying a transit tax

under this section may also receive assistance from the council under section 473.384. In applying for assistance under that section an applicant must describe the portion of the its available local transit funds which are not obligated to subsidize its replacement transit service and which the applicant proposes to use to subsidize additional service. An applicant which has exhausted its available local transit funds may use any other local subsidy funds to complete the required local share.

Sec. 20. Minnesota Statutes 1994, section 473.388, is amended by adding a subdivision to read:

Subd. 7. [LOCAL LEVY OPTION.] (a) A statutory or home rule charter city or town that is eligible for assistance under this section, in lieu of receiving the assistance, may levy a tax for payment of the operating and capital expenditures for transit and other related activities and to provide for payment of obligations issued by the municipality for such purposes, provided that the tax must be sufficient to maintain the level of transit service provided in the municipality in the previous year.

(b) The transit tax revenues derived by the municipality may not exceed:

(1) for taxes levied in 1996, the maximum available local transit funds for the municipality in 1996 under section 473.446, calculated as if the percentage of transit tax revenues for the municipality were 88 percent instead of 90 percent, and multiplied by the municipality's market value adjustment ratio; and

(2) for taxes levied in 1997 and later years, the maximum transit tax that the municipality may have levied in the previous year under this subdivision, multiplied by the municipality's market value adjustment ratio.

The commissioner of revenue shall certify the municipality's levy limitation under this subdivision to the municipality by August 1 of the levy year. The tax, including any penalties, interest, and costs, must be accumulated and kept in a separate fund to be known as the "replacement transit fund."

(c) To enable the municipality to receive revenues described in clauses (2) and (3) of the definition of "tax revenues" in section 473.388, subdivision 4, that would otherwise be lost if the municipality's transit tax levy was not treated as a successor levy to that made by the council under section 473.446:

(1) 88 percent of the council's 1995 nondebt spread levy shall be treated as levied by the municipality, and not the council, for purposes of section 473F.08, subdivision 3, for the purpose of determining its local tax rate for the preceding year; and

(2) there shall be paid to the municipality instead of the council 88 percent of the revenues described in clause (3) of the definition of "tax revenues" in section 473.388, subdivision 4.

(d) Any transit taxes levied under this subdivision are not subject to, or counted towards, any limit hereafter imposed by law on the levy of taxes upon taxable property within any municipality unless the law specifically includes the transit tax.

(e) This subdivision is consistent with the transit redesign plan. Eligible municipalities opting to levy the transit tax under this subdivision shall continue to meet the regional performance standards established by the council.

(f) Within the designated Americans with Disabilities Act area, metro mobility remains the obligation of the state.

Sec. 21. Minnesota Statutes 1995 Supplement, section 473.446, subdivision 1, is amended to read:

Subdivision 1. [TAXATION WITHIN TRANSIT TAXING DISTRICT.] For the purposes of sections 473.405 to 473.449 and the metropolitan transit system, except as otherwise provided in this subdivision and section 22, the council shall levy each year upon all taxable property within the metropolitan transit taxing district, defined in subdivision 2, a transit tax consisting of:

(a) an amount which shall be used for payment of the expenses of operating transit and paratransit service and to provide for payment of obligations issued by the council under section 473.436, subdivision 6;

(b) an additional amount, if any, the council determines to be necessary to provide for the full and timely payment of its certificates of indebtedness and other obligations outstanding on July 1, 1985, to which property taxes under this section have been pledged; and

(c) an additional amount necessary to provide full and timely payment of certificates of indebtedness, bonds, including refunding bonds or other obligations issued or to be issued under section 473.39 by the council for purposes of acquisition and betterment of property and other improvements of a capital nature and to which the council has specifically pledged tax levies under this clause.

The property tax levied by the council for general purposes under clause paragraph (a) must not exceed the following amount for the years specified:

(1) for taxes payable in 1995, the council's property tax levy limitation for general transit purposes is equal to the former regional transit board's property tax levy limitation for general transit purposes under this subdivision, for taxes payable in 1994, multiplied by an index for market valuation changes equal to the total market valuation of all taxable property located within the metropolitan transit taxing district for the current taxes payable year divided by the total market valuation of all taxable property located within the metropolitan transit taxing district for the previous taxes payable year; and

(2) for taxes payable in 1996 and subsequent years, the product of (i) the council's property tax levy limitation for general transit purposes for the previous year determined under this subdivision multiplied, before any reductions under clause (iii), by (ii) an index for market valuation changes equal to the total market valuation of all taxable property located within the metropolitan transit taxing district for the current taxes payable year divided by the total market valuation of all taxable property located within the metropolitan transit taxing district for the previous taxes payable year, reduced by (iii) any amount levied by a municipality under section 20.

For the taxes payable year 1995, the index for market valuation changes shall be multiplied by an amount equal to the sum of the regional transit board's property tax levy limitation for the taxes payable year 1994 and \$160,665. The \$160,665 increase shall be a permanent adjustment to the levy limit base used in determining the regional transit board's property tax levy limitation for general purposes for subsequent taxes payable years.

For the purpose of determining the council's property tax levy limitation for general transit purposes under this subdivision, "total market valuation" means the total market valuation of all taxable property within the metropolitan transit taxing district without valuation adjustments for fiscal disparities (chapter 473F), tax increment financing (sections 469.174 to 469.179), and high voltage transmission lines (section 273.425).

The county auditor shall reduce the tax levied pursuant to this ~~subdivision~~ section and section 473.388 on all property within statutory and home rule charter cities and towns that receive full-peak service and limited off-peak service by an amount equal to the tax levy that would be produced by applying a rate of 0.510 percent of net tax capacity on the property. The county auditor shall reduce the tax levied pursuant to this ~~subdivision~~ section and section 473.388 on all property within statutory and home rule charter cities and towns that receive limited peak service by an amount equal to the tax levy that would be produced by applying a rate of 0.765 percent of net tax capacity on the property. The amounts so computed by the county auditor shall be submitted to the commissioner of revenue as part of the abstracts of tax lists required to be filed with the commissioner under section 275.29. Any prior year adjustments shall also be certified in the abstracts of tax lists. The commissioner shall review the certifications to determine their accuracy and may make changes in the certification as necessary or return a certification to the county auditor for corrections. The commissioner shall pay to the council and to the municipalities levying under section 20 the amounts certified by the county auditors on the dates provided in section 273.1398, apportioned between the council and the municipality in the same proportion as the total transit levy is apportioned within the municipality. There is annually appropriated from

the general fund in the state treasury to the department of revenue the amounts necessary to make these payments.

For the purposes of this subdivision, "full-peak and limited off-peak service" means peak period regular route service, plus weekday midday regular route service at intervals longer than 60 minutes on the route with the greatest frequency; and "limited peak period service" means peak period regular route service only.

For the purposes of property taxes payable in the following year, the council shall annually determine which cities and towns qualify for the 0.510 percent or 0.765 percent tax capacity rate reduction and shall certify this list to the county auditor of the county wherein such cities and towns are located on or before September 15. No changes may be made to the annual list after September 15.

Sec. 22. Minnesota Statutes 1994, section 473.446, is amended by adding a subdivision to read:

Subd. 1b. [DEDUCTION OF LOCAL TRANSIT LEVY FOR ELIGIBLE MUNICIPALITIES.] (a) The maximum the council may levy for general purposes under subdivision 1, paragraph (a), upon taxable property within a municipality levying taxes under section 20 for replacement transit service is the transit tax levied within the municipality in the previous year, multiplied by the municipality's market value adjustment ratio, minus the amount to be levied by the municipality under section 20 for the current levy year.

(b) For purposes of (1) determining the amount the council may levy for general purposes under subdivision 1, paragraph (a), within any municipality levying taxes under section 20 for replacement transit service, and (2) calculating the amount of the levy to be allocated to each county, the council and the county auditor shall, after 1995, deduct from the part of the levy that would otherwise be allocated to the municipality the amount by which that part exceeds the maximum amount of taxes the council may levy within the municipality under this subdivision. After making the deduction, the council and the county auditor shall reallocate to the taxable property located within the metropolitan transit taxing district, other than a municipality providing replacement transit service, the amount by which the council's tax levy within the municipality was reduced. The council shall notify the county auditor no later than October 1 of each year of the amount of the deduction for each municipality providing replacement transit service located in the county.

(c) For purposes of this subdivision and section 20:

(1) "municipality" means a municipality levying taxes under section 20 for replacement transit service;

(2) "market value adjustment ratio" means the index for market valuation changes described in section 473.446, as applied to individual municipalities; and

(3) "tax revenues" has the meaning given the term in section 473.388, subdivision 4.

Sec. 23. Minnesota Statutes 1995 Supplement, section 473.446, subdivision 8, is amended to read:

Subd. 8. [STATE REVIEW.] The commissioner of revenue shall certify the council's levy limitation under this section to the council by August 1 of the levy year. The council must certify its proposed property tax levy under this section to the commissioner of revenue by September 1 of the levy year. The commissioner of revenue shall annually determine whether the property tax for transit purposes certified by the council for levy following the adoption of its proposed budget is within the levy limitation imposed by subdivision 1 and section 22. The commissioner shall also annually determine whether the transit tax imposed on all taxable property within the metropolitan transit area but outside of the metropolitan transit taxing district is within the levy limitation imposed by subdivision 1a. The determination must be completed prior to September 10 of each year. If current information regarding market valuation in any county is not transmitted to the commissioner in a timely manner, the commissioner may estimate the current market valuation within that county for purposes of making the calculations."

Page 14, after line 10, insert:

"Sec. 26. [EFFECTIVE DATE.]

Sections 18 to 23 are effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 44 and nays 14, as follows:

Those who voted in the affirmative were:

| | | | | |
|---------------|---------------|----------|-----------------|-------------|
| Beckman | Johnson, D.J. | Larson | Novak | Runbeck |
| Belanger | Johnson, J.B. | Lesewski | Oliver | Sams |
| Berg | Johnston | Lessard | Olson | Scheevel |
| Day | Kleis | Limmer | Ourada | Solon |
| Dille | Knutson | Merriam | Pariseau | Stevens |
| Fischbach | Kramer | Metzen | Price | Terwilliger |
| Hanson | Krentz | Mondale | Reichgott Junge | Vickerman |
| Janezich | Laidig | Morse | Riveness | Wiener |
| Johnson, D.E. | Langseth | Neuville | Robertson | |

Those who voted in the negative were:

| | | | | |
|----------|-----------|----------|--------|-----------|
| Anderson | Cohen | Kiscaden | Pappas | Samuelson |
| Berglin | Flynn | Kroening | Piper | Spear |
| Betzold | Hottinger | Marty | Ranum | |

The motion prevailed. So the amendment was adopted.

Mr. Dille moved to amend H.F. No. 1404, the unofficial engrossment, as follows:

Page 7, after line 8, insert:

"Sec. 11. Minnesota Statutes 1994, section 169.686, subdivision 1, is amended to read:

Subdivision 1. [SEAT BELT REQUIREMENT.] A properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by:

- (1) the driver of a passenger vehicle or commercial motor vehicle;
- (2) a passenger riding in the front seat of a passenger vehicle or commercial motor vehicle; and
- (3) a passenger riding in any seat of a passenger vehicle who is older than three but younger than 11 years of age.

A person who is 15 years of age or older and who violates clause (1) or (2) is subject to a fine of \$25. The driver of the passenger vehicle or commercial motor vehicle in which the violation occurred is subject to a \$25 fine for a violation of clause (2) or (3) by a child of the driver under the age of 15 or any child under the age of 11. ~~A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation other than a violation involving motor vehicle equipment.~~ The department of public safety shall not record a violation of this subdivision on a person's driving record."

Page 14, after line 10, insert:

"Sec. 21. [EFFECTIVE DATE.]

Section 11 is effective August 1, 1996, and applies to violations committed on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 39, as follows:

Those who voted in the affirmative were:

| | | | | |
|----------|-----------|----------|------------|--------|
| Belanger | Hottinger | Laidig | Novak | Spear |
| Berglin | Kelly | Langseth | Pappas | Wiener |
| Cohen | Knutson | Marty | Piper | |
| Dille | Krentz | Merriam | Pogemiller | |
| Flynn | Kroening | Mondale | Riveness | |

Those who voted in the negative were:

| | | | | |
|--------------|---------------|-----------|-----------------|-------------|
| Anderson | Janezich | Lesewski | Olson | Samuelson |
| Beckman | Johnson, D.E. | Lessard | Ourada | Scheevel |
| Berg | Johnson, J.B. | Limmer | Pariseau | Solon |
| Betzold | Johnston | Metzen | Price | Stevens |
| Day | Kiscaden | Moe, R.D. | Reichgott Junge | Stumpf |
| Fischbach | Kleis | Morse | Robertson | Terwilliger |
| Frederickson | Kramer | Neuville | Runbeck | Vickerman |
| Hanson | Larson | Oliver | Sams | |

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

Mr. Sams moved to amend H.F. No. 1404, the unofficial engrossment, as follows:

Page 1, after line 30, insert:

"Section 1. Minnesota Statutes 1994, section 160.83, is amended by adding a subdivision to read:

Subd. 5. [LIABILITY.] A rustic road may be maintained at a level less than the minimum standards required for state-aid highways, roads, and streets, but must be maintained at the level required to serve anticipated traffic volumes. Where a road has been designated by resolution as a rustic road and speed limits have been posted under subdivision 1, the road authority with jurisdiction over the road, and its officers and employees, are exempt from liability for any tort claim for injury to person or property arising from travel on the rustic road related to its maintenance, design, or condition if:

(1) the maintenance, design, or condition is consistent with the anticipated use as described in subdivision 2; and

(2) the maintenance, design, or condition is not grossly negligent.

Nothing in this subdivision exempts a road authority from its duty to maintain bridges under chapter 165 or other applicable law."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Scheevel moved to amend H.F. No. 1404, the unofficial engrossment, as follows:

Page 7, after line 8, insert:

"Sec. 11. Minnesota Statutes 1994, section 169.14, subdivision 2, is amended to read:

Subd. 2. [SPEED LIMITS.] (a) Where no special hazard exists the following speeds shall be lawful, but any speeds in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that the speed limit within any municipality shall be a maximum limit and any speed in excess thereof shall be unlawful:

- (1) 30 miles per hour in an urban district;
- (2) 65 miles per hour ~~in other locations during the daytime~~ on any highway with physically separated roadways;
- (3) 55 miles per hour ~~in such other locations during the nighttime~~ other than those specified in this section;
- (4) ten miles per hour in alleys; and
- (5) 25 miles per hour in residential roadways if adopted by the road authority having jurisdiction over the residential roadway.

(b) A speed limit adopted under paragraph (a), clause (5), is not effective unless the road authority has erected signs designating the speed limit and indicating the beginning and end of the residential roadway on which the speed limit applies.

(c) ~~"Daytime" means from a half hour before sunrise to a half hour after sunset, except at any time when due to weather or other conditions there is not sufficient light to render clearly discernible persons and vehicles at a distance of 500 feet. "Nighttime" means at any other hour or at any time when due to weather or other conditions there is not sufficient light to render clearly discernible persons and vehicles at a distance of 500 feet.~~

Sec. 12. Minnesota Statutes 1995 Supplement, section 169.14, subdivision 5d, is amended to read:

Subd. 5d. [SPEED ZONING IN WORK ZONES; SURCHARGE.] (a) The commissioner, on trunk highways and temporary trunk highways, and local authorities, on streets and highways under their jurisdiction, may authorize the use of reduced maximum speed limits in highway work zones. The commissioner or local authority is not required to conduct an engineering and traffic investigation before authorizing a reduced speed limit in a highway work zone.

(b) The minimum highway work zone speed limit is 20 miles per hour. The work zone speed limit must not reduce the established speed limit on the affected street or highway by more than 15 miles per hour, except that the highway work zone speed limit shall not exceed 40 miles per hour. Highway work zone speed limits are effective on erection of appropriate regulatory speed limit signs. The signs must be removed or covered when they are not required. A speed greater than the posted highway work zone speed limit is unlawful.

(c) For purposes of this subdivision, "highway work zone" means a segment of highway or street where a road authority or its agent is constructing, reconstructing, or maintaining the physical structure of the roadway, its shoulders, or features adjacent to the roadway, including underground and overhead utilities and highway appurtenances.

(d) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person who violates a speed limit established under paragraph (b), or who violates any other provision of this section ~~or section 169.141~~ while in a highway work zone, is assessed an additional surcharge equal to the amount of the fine imposed for the speed violation, but not less than \$25."

Page 10, after line 4, insert:

"Sec. 15. Minnesota Statutes 1994, section 169.983, is amended to read:

169.983 [SPEEDING VIOLATIONS; CREDIT CARD PAYMENT OF FINES.]

The officer who issues a citation for a violation by a person who does not reside in Minnesota of section 169.14 ~~or 169.141~~ shall give the defendant the option to plead guilty to the violation upon issuance of the citation and to pay the fine to the issuing officer with a credit card.

The commissioner of public safety shall adopt rules to implement this section, including specifying the types of credit cards that may be used.

Sec. 16. Minnesota Statutes 1994, section 169.99, subdivision 1b, is amended to read:

Subd. 1b. [SPEED.] The uniform traffic ticket must provide a blank or space wherein an officer who issues a citation for a violation of section ~~169.141~~ 169.14, subdivision 2, paragraph (a), clause (2) or (3), must specify whether the speed was greater than ten miles per hour in excess of the lawful speed designated under that section.

Sec. 17. Minnesota Statutes 1994, section 171.12, subdivision 6, is amended to read:

Subd. 6. [CERTAIN CONVICTIONS NOT RECORDED.] The department shall not keep on the record of a driver any conviction for a violation of section ~~169.141~~ 169.14, subdivision 2, paragraph (a), clause (2) or (3), unless the violation consisted of a speed greater than ten miles per hour in excess of the lawful speed designated under that section."

Page 14, line 9, delete "and"

Page 14, line 10, before the comma, insert "; and 169.141" and after the period, insert "Any order issued under Minnesota Statutes, section 169.141, is void."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Morse moved to amend the Scheevel amendment to H.F. No. 1404 as follows:

Page 3, line 19, delete "(2) or"

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

Mr. Frederickson requested division of the Scheevel amendment as follows:

First portion:

Page 7, after line 8, insert:

"Sec. 11. Minnesota Statutes 1994, section 169.14, subdivision 2, is amended to read:

Subd. 2. [SPEED LIMITS.] (a) Where no special hazard exists the following speeds shall be lawful, but any speeds in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that the speed limit within any municipality shall be a maximum limit and any speed in excess thereof shall be unlawful:

(1) 30 miles per hour in an urban district;

(2) 65 miles per hour ~~in other locations during the daytime~~ on any highway with physically separated roadways;

(3) 55 miles per hour in ~~such other locations during the nighttime~~ other than those specified in this section;

(4) ten miles per hour in alleys; and

(5) 25 miles per hour in residential roadways if adopted by the road authority having jurisdiction over the residential roadway.

(b) A speed limit adopted under paragraph (a), clause (5), is not effective unless the road authority has erected signs designating the speed limit and indicating the beginning and end of the residential roadway on which the speed limit applies.

(c) "~~Daytime~~" means from a half hour before sunrise to a half hour after sunset, except at any time when due to weather or other conditions there is not sufficient light to render clearly discernible persons and vehicles at a distance of 500 feet. "~~Nighttime~~" means at any other hour or at any time when due to weather or other conditions there is not sufficient light to render clearly discernible persons and vehicles at a distance of 500 feet.

Sec. 12. Minnesota Statutes 1995 Supplement, section 169.14, subdivision 5d, is amended to read:

Subd. 5d. [SPEED ZONING IN WORK ZONES; SURCHARGE.] (a) The commissioner, on trunk highways and temporary trunk highways, and local authorities, on streets and highways under their jurisdiction, may authorize the use of reduced maximum speed limits in highway work zones. The commissioner or local authority is not required to conduct an engineering and traffic investigation before authorizing a reduced speed limit in a highway work zone.

(b) The minimum highway work zone speed limit is 20 miles per hour. The work zone speed limit must not reduce the established speed limit on the affected street or highway by more than 15 miles per hour, except that the highway work zone speed limit shall not exceed 40 miles per hour. Highway work zone speed limits are effective on erection of appropriate regulatory speed limit signs. The signs must be removed or covered when they are not required. A speed greater than the posted highway work zone speed limit is unlawful.

(c) For purposes of this subdivision, "highway work zone" means a segment of highway or street where a road authority or its agent is constructing, reconstructing, or maintaining the physical structure of the roadway, its shoulders, or features adjacent to the roadway, including underground and overhead utilities and highway appurtenances.

(d) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person who violates a speed limit established under paragraph (b), or who violates any other provision of this section ~~or section 169.141~~ while in a highway work zone, is assessed an additional surcharge equal to the amount of the fine imposed for the speed violation, but not less than \$25."

Page 10, after line 4, insert:

"Sec. 15. Minnesota Statutes 1994, section 169.983, is amended to read:

169.983 [SPEEDING VIOLATIONS; CREDIT CARD PAYMENT OF FINES.]

The officer who issues a citation for a violation by a person who does not reside in Minnesota of section 169.14 ~~or 169.141~~ shall give the defendant the option to plead guilty to the violation upon issuance of the citation and to pay the fine to the issuing officer with a credit card.

The commissioner of public safety shall adopt rules to implement this section, including specifying the types of credit cards that may be used.

Second portion:

Sec. 16. Minnesota Statutes 1994, section 169.99, subdivision 1b, is amended to read:

Subd. 1b. [SPEED.] The uniform traffic ticket must provide a blank or space wherein an officer who issues a citation for a violation of section ~~169.141~~ 169.14, subdivision 2, paragraph (a), clause (2) or (3), must specify whether the speed was greater than ten miles per hour in excess of the lawful speed designated under that section.

Sec. 17. Minnesota Statutes 1994, section 171.12, subdivision 6, is amended to read:

Subd. 6. [CERTAIN CONVICTIONS NOT RECORDED.] The department shall not keep on the record of a driver any conviction for a violation of section ~~169.141~~ 169.14, subdivision 2, paragraph (a), clause (2) or (3), unless the violation consisted of a speed greater than ten miles per hour in excess of the lawful speed designated under that section."

Page 14, line 9, delete "and"

Page 14, line 10, before the comma, insert "; and 169.141" and after the period, insert "Any order issued under Minnesota Statutes, section 169.141, is void."

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 Scheevel amendment.

The roll was called, and there were yeas 40 and nays 24, as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|---------------|-----------|----------|-------------|
| Belanger | Hanson | Kramer | Morse | Robertson |
| Berg | Janezich | Langseth | Neuville | Runbeck |
| Betzold | Johnson, D.E. | Lesewski | Oliver | Scheevel |
| Cohen | Johnston | Lessard | Olson | Solon |
| Day | Kelly | Limmer | Ourada | Spear |
| Dille | Kiscaden | Marty | Pariseau | Stevens |
| Fischbach | Kleis | Metzen | Piper | Stumpf |
| Frederickson | Knutson | Moe, R.D. | Riveness | Terwilliger |

Those who voted in the negative were:

| | | | | |
|-----------|---------------|---------|-----------------|-----------|
| Anderson | Johnson, D.J. | Larson | Pappas | Sams |
| Beckman | Johnson, J.B. | Merriam | Pogemiller | Samuelson |
| Berglin | Krentz | Mondale | Price | Vickerman |
| Flynn | Kroening | Murphy | Ranum | Wiener |
| Hottinger | Laidig | Novak | Reichgott Junge | |

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

Mr. Morse moved to amend the second portion of the Scheevel amendment to H.F. No. 1404 as follows:

Page 3, lines 11 and 19, delete "(2) or"

Mr. Scheevel withdrew the second portion of his amendment.

Mr. Stevens moved to amend H.F. No. 1404, the unofficial engrossment, as follows:

Page 1, after line 30, insert:

"Section 1. Minnesota Statutes 1994, section 115A.9651, as amended by Laws 1995, chapter 247, article 1, section 28, is amended to read:

115A.9651 [TOXICS IN SPECIFIED PRODUCTS; ENFORCEMENT.]

Subdivision 1. [PROHIBITION.] (a) Except as provided in subdivisions 2 and 3, after January 1, 1997, no person may distribute for sale or use in this state any ink, dye, pigment, paint, or fungicide manufactured after September 1, 1994, into which lead, cadmium, mercury, or hexavalent chromium has been intentionally introduced.

(b) For the purposes of this subdivision, "intentionally introduce" means to deliberately use a metal listed in paragraph (a) as an element during manufacture or distribution of an item listed in paragraph (a). Intentional introduction does not include the incidental presence of any of the prohibited elements.

(c) The concentration of a listed metal in an item listed in paragraph (a) may not exceed 100 parts per million.

Subd. 2. [TEMPORARY EXEMPTION PRODUCT REVIEW.] (a) Subdivision 1 does not apply to an item listed in that subdivision ~~1 is exempt from this section until July 1, 1998, if, by August 1, 1996,~~ the manufacturer of the item submitted submits a product review report to the commissioner ~~a written request for an exemption by August 1, 1994~~ that the commissioner determines complies with clauses (1) to (3) and the manufacturer complies with the other requirements of this subdivision. The request report must include at least:

(1) an explanation of why compliance is not technically feasible at the time of the request the technical and economic feasibility of removing a listed metal from the item by July 1, 1998;

(2) how the manufacturer will comply by July 1, 1997; and a summary of public health and environmental regulations that affect use and disposal of the item;

(3) a summary of any data or reports known to the manufacturer on public health and environmental impacts of the use and disposal of the item; and

(4) the name, address, and telephone number of a person the commissioner can contact for further information.

~~(b) By September 1, 1994, A person who uses an item listed in subdivision 1, into which one of the listed metals has been intentionally introduced, may submit, on behalf of the manufacturer, a request for temporary exemption only a product review report to the commissioner if the manufacturer fails to submit an exemption request a report as provided in paragraph (a). The request report must include:~~

~~(1) an explanation of why the person must continue to use the item and a discussion of potential alternatives;~~

~~(2) an explanation of why it is not technically feasible at the time of the request to formulate or manufacture the technical and economic feasibility of formulating or manufacturing the item without intentionally introducing a listed metal by July 1, 1998;~~

~~(3) that the person will seek alternatives to using the item by July 1, 1997, if it still contains an intentionally introduced listed metal a summary of public health and environmental regulations that affect the person's use and disposal of the item; and~~

~~(4) a summary of any data or reports known to the user on public health or environmental impacts of the use and disposal of the item; and~~

~~(5) the name, address, and telephone number of a person the commissioner can contact for further information.~~

~~(c) A person who submits a request for temporary exemption under paragraph (b) may submit a request for a temporary exemption after September 1, 1994, for an item that the person will use as an alternative to the item for which the request was originally made as long as the new item has a total concentration level of all the listed metals that is significantly less than in the original item. An exemption under this paragraph expires July 1, 1998, and the person who requests it must submit the progress description required in paragraph (e) By August 1, 1996, a manufacturer that submits a product review report under paragraph (a) must submit a report to the commissioner describing any progress made in removing the listed metal from the item and stating whether the manufacturer anticipates removal of the listed metal by July 1, 1998.~~

~~(d) By October 1, 1994, and annually thereafter if requests are received under paragraph (c), the commissioner shall submit to the legislative commission on waste management a list of manufacturers and persons that have requested an exemption under this subdivision and the items for which exemptions were sought, along with copies of the requests By October 1, 1996, a person that submits a report under paragraph (b) must submit a report to the commissioner describing any progress made to eliminate or replace the item containing the listed metal and stating whether the use of the item will be eliminated by July 1, 1998.~~

~~(e) By July 1, 1996, each manufacturer on the list shall submit to the commissioner a description of the progress the manufacturer has made toward compliance with subdivision 1, and the date compliance has been achieved or the date on or before July 1, 1998, by which the manufacturer anticipates achieving compliance. By July 1, 1996, each person who has requested an exemption under paragraph (b) or (c) shall submit to the commissioner:~~

~~(1) a description of progress made to eliminate the listed metal or metals from the item or progress made by the person to find a replacement item that does not contain an intentionally introduced listed metal; and~~

~~(2) the date or anticipated date the item is or will be free of intentionally introduced metals or the date the person has stopped or will stop using the item.~~

~~By October 1, 1996, the commissioner shall submit to the legislative commission a summary of the progress made by the manufacturers and other persons and any recommendations for appropriate legislative or other action to ensure that products are not distributed in the state after July 1, 1998, that violate subdivision 1. By December 1, 1996, the commissioner shall submit to~~

the environment and natural resources committees of the legislature a report on progress made by the manufacturers and other persons to eliminate the use of the metals listed in subdivision 1. The report must include recommendations on whether the legislature should ban the sale or use of any of the items listed in subdivision 1 that contain a listed metal. Any recommendation for a product ban must address the risks posed by the use and disposal of the product to the public health and the environment and the costs of a product ban.

Subd. 3. [APPLICATION; ENFORCEMENT.] (a) This section does not apply to art supplies.

(b) This section may be enforced under sections 115.071 and 116.072. The attorney general or the commissioner of the agency shall coordinate enforcement of this section with the director of the office."

Page 14, after line 7, insert:

"Sec. 20. [TOXICS IN PRODUCTS; EXEMPTION REQUESTS.]

Exemption requests received by the commissioner of the pollution control agency under Minnesota Statutes 1994, section 115A.9651, are deemed to be product review reports for the purposes of section 1, subdivision 2, paragraph (a) or (b). The commissioner shall notify each person that submitted an exemption request of any additional information needed to comply with section 1, subdivision 2, paragraph (a) or (b). The additional information must be submitted to the commissioner by September 1, 1996."

Page 14, after line 10, insert:

"Sec. 22. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Marty questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Ms. Johnston moved to amend H.F. No. 1404, the unofficial engrossment, as follows:

Page 7, after line 8, insert:

"Sec. 11. Minnesota Statutes 1994, section 168.123, subdivision 1, is amended to read:

Subdivision 1. [GENERAL REQUIREMENTS; FEES.] (a) On payment of a fee of \$10 for each set of two plates, or for a single plate in the case of a motorcycle plate, payment of the registration tax required by law, and compliance with other laws relating to the registration and licensing of a passenger automobile, pickup truck, van, self-propelled recreational equipment, or motorcycle, as applicable, the registrar shall issue:

(1) special license plates to an applicant who served in the active military service in a branch of the armed forces of the United States or of a nation or society allied with the United States in conducting a foreign war, was discharged under honorable conditions, and is an owner or joint owner of a motor vehicle included within the definition of a passenger automobile or which is, pickup truck, van, or self-propelled recreational equipment, on payment of a fee of \$10 for each set of two plates, payment of the registration tax required by law, and compliance with other laws relating to registration and licensing of motor vehicles and drivers; or

(2) a special motorcycle license plate as described in subdivision 2, paragraph (a), or another special license plate designed by the commissioner of public safety to an applicant who is a Vietnam veteran who served after July 1, 1961, and before July 1, 1978, and who served in the active military service in a branch of the armed forces of the United States in conducting a foreign war, was discharged under honorable conditions, and is an owner or joint owner of a motorcycle. Plates issued under this clause must be the same size as standard motorcycle license plates.

(b) The additional fee of \$10 is payable for each set of plates, is payable only when the plates are issued, and is not payable in a year in which tabs or stickers are issued instead of number plates. An applicant must not be issued more than two sets of plates for vehicles listed in paragraph (a) and owned or jointly owned by the applicant.

(c) The veteran shall have a certified copy of the veteran's discharge papers, indicating character of discharge, at the time of application. If an applicant served in the active military service in a branch of the armed forces of a nation or society allied with the United States in conducting a foreign war and is unable to obtain a record of that service and discharge status, the commissioner of veterans affairs may certify the applicant as qualified for the veterans' license plates provided under this section.

Sec. 12. Minnesota Statutes 1994, section 168.123, subdivision 4, is amended to read:

Subd. 4. [PLATE TRANSFERS.] (a) On payment of a fee of \$5, plates issued under ~~this section~~ subdivision 1, paragraph (a), clause (1), may be transferred to another motor vehicle passenger automobile, pickup truck, van, or self-propelled recreational equipment owned or jointly owned by the person to whom the plates were issued.

(b) On payment of a fee of \$5, a plate issued under subdivision 1, paragraph (a), clause (2), may be transferred to another motorcycle owned or jointly owned by the person to whom the plate was issued."

Page 10, after line 4, insert:

"Sec. 15. Minnesota Statutes 1995 Supplement, section 171.04, subdivision 1, is amended to read:

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

(1) To any person who is under the age of 16 years; to any person under 18 years unless such person shall have successfully completed a course in driver education, including both classroom and behind-the-wheel instruction, approved by the state board of education for courses offered through the public schools, or, in the case of a course offered by a private, commercial driver education school or institute, by the department of public safety; except when such person has completed a course of driver education in another state or has a previously issued valid license from another state or country; nor to any person under 18 years unless the application of license is approved by either parent when both reside in the same household as the minor applicant, otherwise the parent or spouse of the parent having custody or with whom the minor is living in the event there is no court order for custody, or guardian having the custody of such minor, or in the event a person under the age of 18 has no living father, mother or guardian, the license shall not be issued to such person unless the application therefor is approved by the person's employer. Driver education courses offered in any public school shall be open for enrollment to persons between the ages of 15 and 18 years residing in the school district or attending school therein. Any public school offering driver education courses may charge an enrollment fee for the driver education course which shall not exceed the actual cost thereof to the public school and the school district. The approval required herein shall contain a verification of the age of the applicant;

(2) To any person who is under the age of 18 years unless the person has applied for, been issued, and possessed the appropriate instruction permit for a minimum of six months;

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

~~(3)~~ (4) To any person whose license has been revoked except upon furnishing proof of financial responsibility in the same manner as provided in the Minnesota no-fault automobile insurance act and if otherwise qualified;

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

~~(5)~~ (6) To any person who has been adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation, and has not been restored to capacity, unless the department is satisfied that such person is competent to operate a motor vehicle with safety to persons or property;

~~(6)~~ (7) To any person who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

~~(7)~~ (8) To any person who is required under the provisions of the Minnesota no-fault automobile insurance act of this state to deposit proof of financial responsibility and who has not deposited such proof;

~~(8)~~ (9) To any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare;

~~(9)~~ (10) To any person when, in the opinion of the commissioner, such person is afflicted with or suffering from such physical or mental disability or disease as will affect such person in a manner to prevent the person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways; nor to a person who is unable to read and understand official signs regulating, warning, and directing traffic;

~~(10)~~ (11) To a child for whom a court has ordered denial of driving privileges under section 260.191, subdivision 1, or 260.195, subdivision 3a, until the period of denial is completed; or

~~(11)~~ (12) To any person whose license has been canceled, during the period of cancellation.

Sec. 16. Minnesota Statutes 1994, section 171.05, is amended by adding a subdivision to read:

Subd. 2a. [PERMIT FOR SIX MONTHS.] An applicant who has applied for and received an instruction permit pursuant to subdivision 2 must possess the instruction permit for not less than six months before qualifying for a driver's license."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Ms. Pappas requested division of the amendment as follows:

First portion:

Page 7, after line 8, insert:

"Sec. 11. Minnesota Statutes 1994, section 168.123, subdivision 1, is amended to read:

Subdivision 1. [GENERAL REQUIREMENTS; FEES.] (a) On payment of a fee of \$10 for each set of two plates, or for a single plate in the case of a motorcycle plate, payment of the registration tax required by law, and compliance with other laws relating to the registration and licensing of a passenger automobile, pickup truck, van, self-propelled recreational equipment, or motorcycle, as applicable, the registrar shall issue:

(1) special license plates to an applicant who served in the active military service in a branch of the armed forces of the United States or of a nation or society allied with the United States in conducting a foreign war, was discharged under honorable conditions, and is an owner or joint owner of a motor vehicle included within the definition of a passenger automobile or which is, pickup truck, van, or self-propelled recreational equipment, on payment of a fee of \$10 for each set of two plates, payment of the registration tax required by law, and compliance with other laws relating to registration and licensing of motor vehicles and drivers; or

(2) a special motorcycle license plate as described in subdivision 2, paragraph (a), or another special license plate designed by the commissioner of public safety to an applicant who is a

Vietnam veteran who served after July 1, 1961, and before July 1, 1978, and who served in the active military service in a branch of the armed forces of the United States in conducting a foreign war, was discharged under honorable conditions, and is an owner or joint owner of a motorcycle. Plates issued under this clause must be the same size as standard motorcycle license plates.

(b) The additional fee of \$10 is payable for each set of plates, is payable only when the plates are issued, and is not payable in a year in which tabs or stickers are issued instead of number plates. An applicant must not be issued more than two sets of plates for vehicles listed in paragraph (a) and owned or jointly owned by the applicant.

(c) The veteran shall have a certified copy of the veteran's discharge papers, indicating character of discharge, at the time of application. If an applicant served in the active military service in a branch of the armed forces of a nation or society allied with the United States in conducting a foreign war and is unable to obtain a record of that service and discharge status, the commissioner of veterans affairs may certify the applicant as qualified for the veterans' license plates provided under this section.

Sec. 12. Minnesota Statutes 1994, section 168.123, subdivision 4, is amended to read:

Subd. 4. [PLATE TRANSFERS.] (a) On payment of a fee of \$5, plates issued under ~~this section~~ subdivision 1, paragraph (a), clause (1), may be transferred to another motor vehicle passenger automobile, pickup truck, van, or self-propelled recreational equipment owned or jointly owned by the person to whom the plates were issued.

(b) On payment of a fee of \$5, a plate issued under subdivision 1, paragraph (a), clause (2), may be transferred to another motorcycle owned or jointly owned by the person to whom the plate was issued."

Second portion:

Page 10, after line 4, insert:

"Sec. 15. Minnesota Statutes 1995 Supplement, section 171.04, subdivision 1, is amended to read:

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

(1) To any person who is under the age of 16 years; to any person under 18 years unless such person shall have successfully completed a course in driver education, including both classroom and behind-the-wheel instruction, approved by the state board of education for courses offered through the public schools, or, in the case of a course offered by a private, commercial driver education school or institute, by the department of public safety; except when such person has completed a course of driver education in another state or has a previously issued valid license from another state or country; nor to any person under 18 years unless the application of license is approved by either parent when both reside in the same household as the minor applicant, otherwise the parent or spouse of the parent having custody or with whom the minor is living in the event there is no court order for custody, or guardian having the custody of such minor, or in the event a person under the age of 18 has no living father, mother or guardian, the license shall not be issued to such person unless the application therefor is approved by the person's employer. Driver education courses offered in any public school shall be open for enrollment to persons between the ages of 15 and 18 years residing in the school district or attending school therein. Any public school offering driver education courses may charge an enrollment fee for the driver education course which shall not exceed the actual cost thereof to the public school and the school district. The approval required herein shall contain a verification of the age of the applicant;

(2) To any person who is under the age of 18 years unless the person has applied for, been issued, and possessed the appropriate instruction permit for a minimum of six months;

(3) To any person whose license has been suspended during the period of suspension except that a suspended license may be reinstated during the period of suspension upon the licensee

furnishing proof of financial responsibility in the same manner as provided in the Minnesota no-fault automobile insurance act;

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

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

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

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

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

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

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

(10) (11) To a child for whom a court has ordered denial of driving privileges under section 260.191, subdivision 1, or 260.195, subdivision 3a, until the period of denial is completed; or

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

Sec. 16. Minnesota Statutes 1994, section 171.05, is amended by adding a subdivision to read:

Subd. 2a. [PERMIT FOR SIX MONTHS.] An applicant who has applied for and received an instruction permit pursuant to subdivision 2 must possess the instruction permit for not less than six months before qualifying for a driver's license."

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

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

RECONSIDERATION

Having voted on the prevailing side, Ms. Anderson moved that the vote whereby the Dille amendment to H.F. No. 1404 was not adopted on March 18, 1996, be now reconsidered.

The question was taken on the adoption of the motion.

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

Those who voted in the affirmative were:

| | | | | |
|----------|-----------|-----------|-----------------|-------------|
| Anderson | Hottinger | Langseth | Murphy | Riveness |
| Belanger | Johnston | Limmer | Novak | Spear |
| Berglin | Kelly | Marty | Pappas | Terwilliger |
| Cohen | Knutson | Merriam | Piper | Wiener |
| Dille | Krentz | Moe, R.D. | Pogemiller | |
| Flynn | Kroening | Mondale | Ranum | |
| Hanson | Laidig | Morse | Reichgott Junge | |

Those who voted in the negative were:

| | | | | |
|--------------|---------------|----------|-----------|-----------|
| Beckman | Johnson, D.E. | Lesewski | Pariseau | Solon |
| Berg | Johnson, D.J. | Lessard | Price | Stevens |
| Betzold | Johnson, J.B. | Metzen | Robertson | Stumpf |
| Day | Kiscaden | Neuville | Runbeck | Vickerman |
| Fischbach | Kleis | Oliver | Sams | |
| Frederickson | Kramer | Olson | Samuelson | |
| Janezich | Larson | Ourada | Scheevel | |

The motion did not prevail.

Ms. Johnston moved to amend the Johnston amendment to H.F. No. 1404 as follows:

Page 4, after line 34, insert:

"Page 14, after line 10, insert:

"Sec. 24. [EFFECTIVE DATE.]

Sections 15 and 16 are effective February 1, 1997."

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

Mr. Scheevel moved to amend H.F. No. 1404, the unofficial engrossment, as follows:

Page 10, after line 4, insert:

"Sec. 13. Minnesota Statutes 1994, section 169.99, subdivision 1b, is amended to read:

Subd. 1b. [SPEED.] The uniform traffic ticket must provide a blank or space wherein an officer who issues a citation for a violation of section ~~169.141~~ 169.14, subdivision 2, paragraph (a), clause (3), must specify whether the speed was greater than ten miles per hour in excess of the lawful speed designated under that section.

Sec. 14. Minnesota Statutes 1994, section 171.12, subdivision 6, is amended to read:

Subd. 6. [CERTAIN CONVICTIONS NOT RECORDED.] The department shall not keep on the record of a driver any conviction for a violation of section ~~169.141~~ 169.14, subdivision 2, paragraph (a), clause (3), unless the violation consisted of a speed greater than ten miles per hour in excess of the lawful speed designated under that section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Dille moved to amend H.F. No. 1404, the unofficial engrossment, as follows:

Page 7, after line 8, insert:

"Sec. 11. Minnesota Statutes 1994, section 169.686, subdivision 1, is amended to read:

Subdivision 1. [SEAT BELT REQUIREMENT.] A properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by:

(1) the driver of a passenger vehicle or commercial motor vehicle;

(2) a passenger riding in the front seat of a passenger vehicle or commercial motor vehicle; and

(3) a passenger riding in any seat of a passenger vehicle who is older than three but younger than 11 years of age.

A person who is 15 years of age or older and who violates clause (1) or (2) is subject to a fine of \$25. The driver of the passenger vehicle or commercial motor vehicle in which the violation occurred is subject to a \$25 fine for a violation of clause (2) or (3) by a child of the driver under the age of 15 or any child under the age of 11. ~~A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation other than a violation involving motor vehicle equipment.~~ The department of public safety shall not record a violation of this subdivision on a person's driving record."

Page 14, after line 10, insert:

"Sec. 21. [EFFECTIVE DATE.]

Section 11 is effective December 1, 1996, and applies to violations committed on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 33, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|----------|-----------|-----------------|----------|
| Anderson | Johnston | Marty | Pappas | Riveness |
| Belanger | Knutson | Merriam | Piper | Spear |
| Berglin | Krentz | Moe, R.D. | Pogemiller | Wiener |
| Dille | Kroening | Mondale | Price | |
| Flynn | Laidig | Novak | Ranum | |
| Hottinger | Langseth | Oliver | Reichgott Junge | |

Those who voted in the negative were:

| | | | | |
|--------------|---------------|----------|-----------|-------------|
| Beckman | Janezich | Lesewski | Ourada | Solon |
| Berg | Johnson, D.E. | Lessard | Pariseau | Stevens |
| Betzold | Johnson, J.B. | Limmer | Robertson | Stumpf |
| Day | Kiscaden | Metzen | Runbeck | Terwilliger |
| Fischbach | Kleis | Morse | Sams | Vickerman |
| Frederickson | Kramer | Neuville | Samuelson | |
| Hanson | Larson | Olson | Scheevel | |

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

H.F. No. 1404 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 46 and nays 18, as follows:

Those who voted in the affirmative were:

| | | | | |
|---------------|---------------|-----------|-----------------|-------------|
| Beckman | Johnson, D.J. | Limmer | Pariseau | Spear |
| Belanger | Johnson, J.B. | Metzen | Piper | Stevens |
| Berg | Johnston | Moe, R.D. | Pogemiller | Stumpf |
| Cohen | Kelly | Mondale | Price | Terwilliger |
| Day | Kiscaden | Morse | Reichgott Junge | Vickerman |
| Fischbach | Kleis | Neuville | Riveness | Wiener |
| Frederickson | Kramer | Oliver | Robertson | |
| Hanson | Langseth | Olson | Runbeck | |
| Janezich | Lesewski | Ourada | Scheevel | |
| Johnson, D.E. | Lessard | Pappas | Solon | |

Those who voted in the negative were:

| | | | | |
|----------|-----------|----------|---------|-----------|
| Anderson | Flynn | Kroening | Merriam | Sams |
| Berglin | Hottinger | Laidig | Murphy | Samuelson |
| Betzold | Knutson | Larson | Novak | |
| Dille | Krentz | Marty | Ranum | |

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 840: A bill for an act relating to elections; campaign finance; changing the treatment of spending limits and public subsidy in certain cases; amending Minnesota Statutes 1994, section 10A.25, subdivision 10; repealing Minnesota Statutes 1994, section 10A.324, subdivision 5.

Senate File No. 840 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 18, 1996

Mr. Cohen moved that the Senate do not concur in the amendments by the House to S.F. No. 840, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 1885: A bill for an act relating to human services; clarifying foster care payment and placement; clarifying adoption assistance; defining egregious harm in the juvenile code; amending the parental rights termination statute; amending Minnesota Statutes 1994, sections 256E.08, by adding a subdivision; 257.071, subdivision 1a, and by adding subdivisions; 257.072, subdivisions 1, 5, and 8; 257.0725; 259.67, subdivisions 4 and 6; 259.77; 260.015, by adding a subdivision; and 260.181, subdivision 3; Minnesota Statutes 1995 Supplement, sections 256.045, subdivision 3; and 260.221, subdivision 1; Laws 1995, chapter 207, article 1, section 2, subdivision 4.

Senate File No. 1885 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 18, 1996

Mr. Knutson moved that the Senate do not concur in the amendments by the House to S.F. No. 1885, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 1919: A bill for an act relating to reemployment insurance; making technical and administrative changes; amending Minnesota Statutes 1994, sections 268.04, subdivisions 2, 4, and by adding a subdivision; 268.06, subdivisions 5 and 24; 268.07; 268.072, subdivisions 2, 3, and 5; 268.073, subdivisions 3, 4, and 7; 268.074, subdivision 4; 268.08, as amended; 268.09, subdivision 2; 268.12, by adding a subdivision; 268.16, subdivision 4; 268.164, subdivisions 1 and 2; and 268.23; Minnesota Statutes 1995 Supplement, sections 268.041; 268.06, subdivision 20; 268.09, subdivision 1; 268.105, by adding a subdivision; 268.161, subdivision 9; and 268.18, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1994, sections 268.04, subdivisions 18 and 24; 268.10, subdivision 1; and 268.231; Minnesota Statutes 1995 Supplement, section 268.10, subdivision 2; Laws 1994, chapter 503, section 5.

Senate File No. 1919 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 18, 1996

Ms. Runbeck moved that the Senate do not concur in the amendments by the House to S.F. No. 1919, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 2123: A bill for an act relating to children; clarifying the procedures peace officers must follow when deciding where to place a child placed on a health and welfare hold; requiring certain notices; clarifying the duties of related persons receiving a child on a 72-hour health and welfare hold; clarifying the reporting procedures and requirements for the placing officer to notify the county agency and the court; changing certain emergency licensing procedures; authorizing certain petitions and appearances; specifying review in certain cases; amending Minnesota Statutes 1994, sections 257.02; 257.03; 260.015, subdivision 14; 260.165, subdivision 3, and by adding a subdivision; 260.171, subdivision 2; 260.173, subdivision 2; Minnesota Statutes 1995 Supplement, section 245A.035, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 257.

Senate File No. 2123 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 18, 1996

Mr. Terwilliger moved that the Senate do not concur in the amendments by the House to S.F. No. 2123, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

REPORTS OF COMMITTEES

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

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

H.F. No. 2218: A bill for an act relating to state government; modifying performance report requirements; requiring that interagency bills be paid promptly; prohibiting state agencies from undertaking capital improvements without legislative authority; conforming certain leased space requirements to existing law; requiring that state agencies comply with certain information policy office requirements regarding information systems equipment and data collection; modifying revolving fund authority; increasing resource recovery goals; modifying collection requirements; amending Minnesota Statutes 1994, sections 16A.055, subdivision 1; 16A.124, subdivision 7, and by adding a subdivision; 16B.30; 16B.31, subdivision 6; 16B.41, by adding a subdivision; 16B.48, subdivision 2; and 115A.151; Minnesota Statutes 1995 Supplement, sections 15.91, subdivision 2; and 115A.15, subdivision 9.

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

Page 4, line 11, delete the new language and reinstate the stricken language

Page 6, line 17, delete "separate"

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

SECOND READING OF HOUSE BILLS

H.F. No. 2218 was read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Pogemiller moved that S.F. No. 247 be taken from the table and placed on General Orders. The motion prevailed.

S.F. No. 247: A bill for an act relating to elections; requiring certain special primaries and elections to be conducted by mail; amending Minnesota Statutes 1994, sections 204D.19, subdivisions 2 and 3; 204D.20, subdivision 1; 204D.21, subdivisions 2 and 3; 204D.22, subdivision 3; and 204D.23, subdivision 2.

Mr. Hottinger moved that S.F. No. 2337, No. 8 on General Orders, be stricken and re-referred to the Committee on Jobs, Energy and Community Development. The motion prevailed.

Mr. Hottinger moved that S.F. No. 2818, No. 25 on General Orders, be stricken and re-referred to the Committee on Governmental Operations and Veterans. The motion prevailed.

RECESS

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

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

APPOINTMENTS

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

H.F. No. 2834: Ms. Johnson, J.B.; Mr. Merriam and Ms. Olson.

H.F. No. 2478: Ms. Pappas, Mr. Kelly and Mr. Robertson.

H.F. No. 2298: Messrs. Beckman, Vickerman and Marty.

S.F. No. 2123: Mr. Terwilliger, Ms. Berglin and Mr. Spear.

S.F. No. 1919: Mses. Runbeck, Ranum and Mr. Metzen.

S.F. No. 1885: Mr. Knutson, Ms. Berglin and Mr. Cohen.

S.F. No. 840: Messrs. Cohen, Marty and Day.

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

MEMBERS EXCUSED

Messrs. Chmielewski and Finn were excused from the Session of today. Mr. Chandler was excused from the Session of today at 2:45 p.m. Mr. Murphy was excused from the Session of today from 2:00 to 3:00 p.m.

The following member was excused from today's Session for a brief periods of time: Mr. Johnson, D.J.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Tuesday, March 19, 1996. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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