

STATE OF MINNESOTA

# Journal of the Senate

EIGHTIETH LEGISLATURE

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FIFTY-SECOND DAY

St. Paul, Minnesota, Friday, May 2, 1997

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

## CALL OF THE SENATE

Mr. Price 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. William Neal Matthews.

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

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

The President declared a quorum present.

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

## MEMBERS EXCUSED

Mr. Larson and Ms. Wiener were excused from the Session of today.

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

May 1, 1997

The Honorable Phil Carruthers  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1997 Session of the State

Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1997	Date Filed 1997
1		85	2:12 p.m. April 30	April 30

Sincerely,  
Joan Anderson Growe  
Secretary of State

May 1, 1997

The Honorable Allan H. Spear  
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 1928.

Warmest regards,  
Arne H. Carlson, Governor

May 2, 1997

The Honorable Phil Carruthers  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

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

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1997	Date Filed 1997
1928	271	74	4:02 p.m. May 1	May 1
		75	4:00 p.m. May 1	May 1
	1075	76	4:04 p.m. May 1	May 1
	601	78	4:06 p.m. May 1	May 1
	1162	79	4:10 p.m. May 1	May 1

Sincerely,  
Joan Anderson Growe  
Secretary of State

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 329, 525, 1179, 854, 1693, 683, 399 and 1165.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 1, 1997

Mr. President:

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

**S.F. No. 741:** A bill for an act relating to health; regulating the practice of respiratory care; establishing the requirements for registration and regulation of respiratory care practitioners; providing for continuing education, fees, reporting obligations, disciplinary actions, and for an advisory council; providing criminal penalties; proposing coding for new law as Minnesota Statutes, chapter 147C; repealing Minnesota Rules, parts 4762.0010; 4762.0020; 4762.0030; 4762.0040; 4762.0050; 4762.0060; 4762.0065; 4762.0070; 4762.0080; 4762.0090; 4762.0100; 4762.0200; and 4762.0300.

Senate File No. 741 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 1, 1997

**CONCURRENCE AND REPASSAGE**

Mr. Kelley, S.P. moved that the Senate concur in the amendments by the House to S.F. No. 741 and that the bill be placed on its repassage as amended. The motion prevailed.

**S.F. No. 741:** A bill for an act relating to health; regulating the practice of respiratory care; establishing the requirements for registration and regulation of respiratory care practitioners; providing for continuing education, fees, reporting obligations, disciplinary actions, and for an advisory council; providing criminal penalties; creating a physician assistant advisory council; proposing coding for new law in Minnesota Statutes, chapter 147A; proposing coding for new law as Minnesota Statutes, chapter 147C; repealing Minnesota Rules, parts 4762.0010; 4762.0020; 4762.0030; 4762.0040; 4762.0050; 4762.0060; 4762.0065; 4762.0070; 4762.0080; 4762.0090; 4762.0100; 4762.0200; and 4762.0300.

Was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Belanger	Hottinger	Langseth	Novak	Sams
Berg	Johnson, D.E.	Lesewski	Oliver	Scheevel
Betzold	Johnson, D.H.	Lessard	Olson	Scheid
Day	Johnson, J.B.	Limmer	Ourada	Solon
Fischbach	Kelley, S.P.	Lourey	Pariseau	Spear
Flynn	Kelly, R.C.	Marty	Piper	Stevens
Foley	Kiscaden	Metzen	Price	Ten Eyck
Frederickson	Kleis	Moe, R.D.	Robertson	Terwilliger
Hanson	Knutson	Morse	Robling	Vickerman
Higgins	Krentz	Neuville	Runbeck	Wiger

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

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

Senate File No. 735 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 1, 1997

Mrs. Robling moved that the Senate do not concur in the amendments by the House to S.F. No. 735, 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. 156:** A bill for an act relating to consumer protection; regulating interest payments on utility deposits; amending Minnesota Statutes 1996, section 325E.02.

Senate File No. 156 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 1, 1997

### CONCURRENCE AND REPASSAGE

Mr. Sams moved that the Senate concur in the amendments by the House to S.F. No. 156 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 156 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 53 and nays 1, as follows:

Those who voted in the affirmative were:

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

Ms. Krentz voted in the negative.

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

**S.F. No. 575:** A bill for an act relating to employment; modifying requirements for drug and alcohol testing; clarifying provisions on review of personnel records by employees; setting a limit for penalties on unpaid OSHA fines; providing the criminal penalty of gross misdemeanor for an assault on an occupational safety and health investigator; amending Minnesota Statutes 1996, sections 181.953, subdivision 6; 181.961, subdivision 6; 182.666, subdivision 7; and 609.2231, subdivision 6.

Senate File No. 575 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 1, 1997

Ms. Runbeck moved that the Senate do not concur in the amendments by the House to S.F. No. 575, 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. 536:** A bill for an act relating to public nuisances; adding to the definition of nuisance and the list of acts constituting a public nuisance; amending Minnesota Statutes 1996, sections 617.81, subdivision 2; and 617.88.

Senate File No. 536 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 1, 1997

Mr. Moe, R.D. moved that S.F. No. 536 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 858 and 1936.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 1, 1997

### FIRST READING OF HOUSE BILLS

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

**H.F. No. 858:** A bill for an act relating to health; regulating health plans; providing for certain

disclosures; amending Minnesota Statutes 1996, sections 62J.04, subdivisions 1, 1a, and 3; 62J.041; and 62J.042, subdivisions 2, 3, and 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 920, now on General Orders.

**H.F. No. 1936:** A bill for an act relating to labor relations; requiring arbitration in certain circumstances; establishing procedures; providing penalties; amending Minnesota Statutes 1996, sections 179.06, by adding a subdivision; and 179A.16, subdivision 3, and by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1823, now on General Orders.

## MOTIONS AND RESOLUTIONS

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Belanger moved that the following members be excused for a Conference Committee on H.F. No. 753 at 9:00 to 10:30 a.m.:

Messrs. Metzen, Solon and Belanger. The motion prevailed.

S.F. No. 277 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 277

A bill for an act relating to alcoholic beverages; providing for permits for alcoholic beverage manufacturer warehouses, central distribution centers, or holding facilities; providing certain purchase rights to certain retailers served by North Dakota wholesalers; allowing a municipality to authorize a holder of an on-sale intoxicating liquor license to dispense intoxicating liquor at community festivals; modifying liability insurance requirements for liquor retailers; allowing municipalities to authorize on-sale of 3.2 percent malt liquor at 10 a.m. on Sundays; modifying time of day restrictions for the off-sale of intoxicating liquor in municipal liquor stores in certain cities; authorizing the sale of intoxicating liquor at professional athletic events in the St. Paul civic center; authorizing the issuance of intoxicating liquor licenses to the division of parks and recreation of the city of St. Paul; authorizing the city of Moorhead to issue two additional on-sale licenses; authorizing the city of Spring Lake Park to issue one additional on-sale license; amending Minnesota Statutes 1996, sections 340A.404, subdivision 4; 340A.409, subdivisions 1 and 4; 340A.417; and 340A.504, subdivision 3; Laws 1969, chapter 783, section 1, subdivision 1, as amended; and Laws 1990, chapter 554, section 19; proposing coding for new law in Minnesota Statutes, chapter 340A.

May 1, 1997

The Honorable Allan H. Spear  
President of the Senate

The Honorable Phil Carruthers  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 277, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 277 be further amended as follows:

Delete everything after the enacting clause and insert:

## "ARTICLE 1

## ALCOHOLIC BEVERAGE REGULATION

## Section 1. [340A.3021] [IMPORTATION RESTRICTIONS.]

Subdivision 1. [DELIVERY TO WHOLESALER ONLY.] (a) No person may consign, ship, or deliver alcoholic beverages to any place in Minnesota except to a licensed wholesaler's warehouse, if the alcoholic beverages:

- (1) were manufactured outside Minnesota; and
- (2) have not previously been unloaded into a licensed wholesaler's warehouse in Minnesota.

(b) No person may ship or consign into Minnesota any alcoholic beverages manufactured outside the state unless the alcoholic beverages are continuously in the possession of a motor carrier of property as defined in section 221.011, subdivision 47, or a common carrier as defined in section 218.011, subdivision 2, or are carried in a motor vehicle owned, leased, or rented by a wholesaler licensed under this chapter, between the time the alcoholic beverages are introduced into Minnesota and the time they are unloaded into a licensed wholesaler's warehouse.

Subd. 2. [EXCEPTIONS.] Subdivision 1 does not apply to:

- (1) alcoholic beverages passing through Minnesota in interstate commerce;
- (2) alcoholic beverages imported into Minnesota by individuals for personal use in the amounts permitted under section 297C.09 or 340A.417; and
- (3) a holder of a manufacturer's warehouse permit.

Subd. 3. [CONFORMITY WITH FEDERAL AND STATE REGULATIONS.] No manufacturer, importer, or wholesaler licensed under this chapter may introduce into Minnesota or sell in Minnesota any bottle or other container containing alcoholic beverages unless the alcoholic beverages are packaged, labeled, and sold in conformity with all applicable federal and state regulations.

Subd. 4. [SOLICITATIONS PROHIBITED.] No person may send or mail, or cause to be sent or mailed any letter, postcard, circular, catalog, pamphlet, or similar publication for delivery into Minnesota that is intended to solicit an order for alcoholic beverages to be shipped to any location into Minnesota other than a licensed wholesaler's warehouse.

Subd. 5. [CAUSE OF ACTION.] In addition to any penalties provided in this chapter, a person who is adversely affected by a violation of this section may bring an action in a court of appropriate jurisdiction to seek damages or injunctive relief. On a finding by the court that a person has violated or is violating this section, the court may enjoin the violation or violations. Any person licensed under this chapter is presumed to be adversely affected by a violation of this section.

## Sec. 2. [340A.3055] [MANUFACTURER'S WAREHOUSE PERMIT.]

Subdivision 1. [PERMIT REQUIRED.] No brewer, malt liquor manufacturer, or intoxicating liquor manufacturer may import alcoholic beverages to a central warehouse, central distribution center, or holding area in Minnesota that the brewer or manufacturer owns or leases unless the brewer or manufacturer has obtained from the commissioner a manufacturer's warehouse permit for the facility. A manufacturer's warehouse permit allows a brewer or manufacturer to import alcoholic beverages for storage at the facility for which the permit is issued. No person other than a licensed wholesaler, or a motor carrier of property as defined in section 221.011, subdivision 47, or a common carrier as defined in section 218.011, subdivision 2, acting on behalf of a brewer, malt liquor manufacturer, intoxicating liquor manufacturer, or licensed wholesaler, may accept delivery from or pick up alcoholic beverages from the facility. A licensed wholesaler may distribute alcoholic beverages only from the wholesaler's warehouse.

Subd. 2. [ELIGIBILITY.] A permit under this section may be issued only to a brewer, malt liquor manufacturer, or intoxicating liquor manufacturer:

- (1) whose manufacturing facility or facilities are located outside Minnesota; and
- (2) who holds a valid importer's license under section 340A.302.

Subd. 3. [FEE.] The annual fee for a permit under this section is \$1,000.

Subd. 4. [RESTRICTION ON SALE AND DELIVERIES.] A holder of a permit under this section may sell alcoholic beverages stored in a facility to which a permit has been issued under this section only to:

- (1) a wholesaler licensed under this chapter;
- (2) a wholesaler licensed in another state; or
- (3) an out-of-state or out-of-country entity that sells alcoholic beverages at wholesale or retail.

Subd. 5. [REPORTS.] A holder of a permit under this section must report monthly to the commissioner of revenue, in a form and at a time the commissioner prescribes:

- (1) all alcoholic beverages imported into Minnesota and delivered to the permit holder's facility; and
- (2) all sales of alcoholic beverages made from the facility.

Reports to the commissioner of revenue under this subdivision shall remain confidential unless a manufacturer authorizes the release of a report.

Sec. 3. Minnesota Statutes 1996, section 340A.404, subdivision 4, is amended to read:

Subd. 4. [SPECIAL PROVISIONS; SPORTS, CONVENTIONS, OR CULTURAL FACILITIES; COMMUNITY FESTIVALS.] (a) The governing body of a municipality may authorize a holder of a retail on-sale intoxicating liquor license issued by the municipality or by an adjacent municipality to dispense intoxicating liquor at any convention, banquet, conference, meeting, or social affair conducted on the premises of a sports, convention, or cultural facility owned by the municipality or instrumentality thereof having independent policy making and appropriating authority and located within the municipality. The licensee must be engaged to dispense intoxicating liquor at an event held by a person or organization permitted to use the premises, and may dispense intoxicating liquor only to persons attending the event. The licensee may not dispense intoxicating liquor to any person attending or participating in an amateur athletic event held on the premises.

(b) The governing body of a municipality may authorize a holder of a retail on-sale intoxicating liquor license issued by the municipality to dispense intoxicating liquor off premises at a community festival held within the municipality. The authorization shall specify the area in which the intoxicating liquor must be dispensed and consumed, and shall not be issued unless the licensee demonstrates that it has liability insurance as prescribed by section 340A.409 to cover the event.

Sec. 4. Minnesota Statutes 1996, section 340A.404, is amended by adding a subdivision to read:

Subd. 13. [HOLDERS OF MULTIPLE ON-SALE LICENSES; UNIFORM LICENSING PERIODS.] Notwithstanding any local ordinance or other law, a local government unit may adjust the licensing period for any holder of multiple on-sale alcoholic beverage licenses in the state, upon request of the licensee. The local government unit may charge a fee for an adjustment of the licensing period.

Sec. 5. Minnesota Statutes 1996, section 340A.409, subdivision 1, is amended to read:



Subdivision 1. [INSURANCE REQUIRED.] No retail license may be issued, maintained or renewed unless the applicant demonstrates proof of financial responsibility with regard to liability imposed by section 340A.801. The issuing authority must submit to the commissioner the applicant's proof of financial responsibility. This subdivision does not prohibit a local unit of government from requiring higher insurance or bond coverages, or a larger deposit of cash or securities. The minimum requirement for proof of financial responsibility may be given by filing:

(1) a certificate that there is in effect for the license period an insurance policy issued by an insurer required to be licensed under section 60A.07, subdivision 4, or by an insurer recognized as an eligible surplus lines carrier pursuant to section 60A.206 or pool providing at least \$50,000 of coverage because of bodily injury to any one person in any one occurrence, \$100,000 because of bodily injury to two or more persons in any one occurrence, \$10,000 because of injury to or destruction of property of others in any one occurrence, \$50,000 for loss of means of support of any one person in any one occurrence, and \$100,000 for loss of means of support of two or more persons in any one occurrence;

(2) a bond of a surety company with minimum coverages as provided in clause (1); or

(3) a certificate of the state treasurer that the licensee has deposited with the state treasurer \$100,000 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of \$100,000.

This subdivision does not prohibit an insurer from providing the coverage required by this subdivision in combination with other insurance coverage.

An annual aggregate policy limit for dram shop insurance of not less than \$300,000 per policy year may be included in the policy provisions.

A liability insurance policy required by this section must provide that it may not be canceled for:

(1) any cause, except for nonpayment of premium, by either the insured or the insurer unless the canceling party has first given 30 days' notice in writing to the issuing authority of intent to cancel the policy; and

(2) nonpayment of premium unless the canceling party has first given ten days' notice in writing to the issuing authority of intent to cancel the policy.

Sec. 6. Minnesota Statutes 1996, section 340A.409, subdivision 4, is amended to read:

Subd. 4. [INSURANCE NOT REQUIRED.] Subdivision 1 does not apply to licensees who by affidavit establish that:

(1) they are on-sale 3.2 percent malt liquor licensees with sales of less than ~~\$10,000~~ \$25,000 of 3.2 percent malt liquor for the preceding year;

(2) they are off-sale 3.2 percent malt liquor licensees with sales of less than ~~\$20,000~~ \$50,000 of 3.2 percent malt liquor for the preceding year;

(3) they are holders of on-sale wine licenses with sales of less than ~~\$10,000~~ \$25,000 for wine for the preceding year; or

(4) they are holders of temporary wine licenses issued under law.

Sec. 7. Minnesota Statutes 1996, section 340A.417, is amended to read:

340A.417 [SHIPMENTS INTO MINNESOTA.]

(a) Notwithstanding section 297C.09 or any provision of this chapter, a winery licensed in a state which affords Minnesota wineries an equal reciprocal shipping privilege, or a winery located in Minnesota, may ship, for personal use and not for resale, not more than two cases of wine, containing a maximum of nine liters per case, in any calendar year to any resident of Minnesota age 21 or over. Delivery of a shipment under this section may not be deemed a sale in this state.

(b) The shipping container of any wine sent ~~into or out of Minnesota~~ under this section must be clearly labeled to indicate that the package cannot be delivered to a person under the age of 21 years.

(c) No person may (1) advertise shipments authorized under this section, ~~or~~ (2) by advertisement or otherwise, solicit shipments authorized by this section, or (3) accept orders for shipments authorized by this section by use of the Internet. No shipper located outside Minnesota may advertise such interstate reciprocal wine shipments in Minnesota.

(d) It is not the intent of this section to impair the distribution of wine through distributors or importing distributors, but only to permit shipments of wine for personal use.

(e) No criminal penalty may be imposed on a person for a violation of this section other than a violation described in paragraph (f) or (g). Whenever it appears to the commissioner that any person has engaged in any act or practice constituting a violation of this section, and the violation is not within two years of any previous violation of this section, the commissioner shall issue and cause to be served upon the person an order requiring the person to cease and desist from violating this section. The order must give reasonable notice of the rights of the person to request a hearing and must state the reason for the entry of the order. Unless otherwise agreed between the parties, a hearing shall be held not later than seven days after the request for the hearing is received by the commissioner after which and within 20 days after the receipt of the administrative law judge's report and subsequent exceptions and argument, the commissioner shall issue an order vacating the cease and desist order, modifying it, or making it permanent as the facts require. If no hearing is requested within 30 days of the service of the order, the order becomes final and remains in effect until modified or vacated by the commissioner. All hearings shall be conducted in accordance with the provisions of chapter 14. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the person shall be deemed in default, and the proceeding may be determined against the person upon consideration of the cease and desist order, the allegations of which may be deemed to be true.

(f) Any person who violates this section within two years of a violation for which a cease and desist order was issued under paragraph (e), is guilty of a misdemeanor.

(g) Any person who commits a third or subsequent violation of this section, including a violation for which a cease and desist order was issued under paragraph (c), within any subsequent two-year period is guilty of a gross misdemeanor.

Sec. 8. Minnesota Statutes 1996, section 340A.504, subdivision 3, is amended to read:

Subd. 3. [INTOXICATING LIQUOR; SUNDAY SALES; ON-SALE.] (a) A restaurant, club, bowling center, or hotel with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 12:00 noon on Sundays and 1:00 a.m. on Mondays.

(b) The governing body of a municipality may after one public hearing by ordinance permit a restaurant, hotel, bowling center, or club to sell ~~intoxicating liquor~~ alcoholic beverages for consumption on the premises in conjunction with the sale of food between the hours of 10:00 a.m. on Sundays and 1:00 a.m. on Mondays, provided that the licensee is in conformance with the Minnesota clean air act.

(c) An establishment serving intoxicating liquor on Sundays must obtain a Sunday license. The license must be issued by the governing body of the municipality for a period of one year, and the fee for the license may not exceed \$200.

(d) A city may issue a Sunday intoxicating liquor license only if authorized to do so by the voters of the city voting on the question at a general or special election. A county may issue a Sunday intoxicating liquor license in a town only if authorized to do so by the voters of the town as provided in paragraph (e). A county may issue a Sunday intoxicating liquor license in unorganized territory only if authorized to do so by the voters of the election precinct that contains the licensed premises, voting on the question at a general or special election.

(e) An election conducted in a town on the question of the issuance by the county of Sunday sales licenses to establishments located in the town must be held on the day of the annual election of town officers.

(f) Voter approval is not required for licenses issued by the metropolitan airports commission or common carrier licenses issued by the commissioner. Common carriers serving intoxicating liquor on Sunday must obtain a Sunday license from the commissioner at an annual fee of \$50, plus \$20 for each duplicate.

Sec. 9. Laws 1969, chapter 783, section 1, subdivision 1, as amended by Laws 1971, chapter 498, section 1, as amended by Laws 1973, chapter 396, section 1, is amended to read:

Section 1. [ST. PAUL, CITY OF; CIVIC CENTER; LIQUOR LICENSE.]

Subdivision 1. In addition to the licenses now authorized by law, and notwithstanding any provision of law to the contrary contained in the charter or ordinances of such city, or statutes applicable to such city, the city of St. Paul is authorized to issue an "on sale" liquor license for the premises known and used as the St. Paul civic center. The license so authorized may be vested, with the prior approval of the civic center authority, in any person, firm or corporation who has contracted for the use of the civic center premises for an event or a caterer of such person, firm or corporation approved by the civic center authority. The license may be vested in such person, firm, corporation or caterer notwithstanding the fact that such person, firm, corporation or caterer may hold another "on sale" license in its own right, but such license vested by the authority shall expire upon termination of the contracted event. The fee for such license to the authority shall be fixed by the governing body of the city of St. Paul. Such liquor license shall be issued in accordance with the statutes applicable to the issuance of "on sale" liquor licenses in cities of the first class not inconsistent herewith and in accordance with the charter and ordinances of the city of St. Paul not inconsistent herewith and shall limit the sale of intoxicating liquor to patrons of the entire civic center complex who gather therein for any convention, banquet, conference, meeting, professional athletic or sporting event, theatrical event or social affair, but shall prohibit the sale of: (1) intoxicating liquor to the public or to any persons attending or participating in any amateur athletic event other than an intercollegiate athletic event being held on the civic center premises; and (2) intoxicating liquor other than malt liquor to the public or to any persons attending or participating in an intercollegiate athletic event at the civic center premises.

Sec. 10. Laws 1990, chapter 554, section 19, is amended to read:

Sec. 19. [CITY OF ST. PAUL; WINE AND BEER LICENSES.]

Subdivision 1. [LICENSE AUTHORIZED.] The city of St. Paul may issue on-sale nonintoxicating malt liquor licenses ~~and, on-sale wine licenses, and on-sale intoxicating liquor licenses~~ to the city's division of parks and recreation. The licenses authorize the sale or service of wine or, nonintoxicating malt liquor, or intoxicating liquor on property owned by the city and under the jurisdiction of the division by:

- (1) employees of the city;
- (2) persons holding a permit from the division to conduct an event and sell or serve wine or, nonintoxicating malt liquor, or intoxicating liquor to persons attending the event; or
- (3) persons who have contracted with the city to sell or serve wine or, nonintoxicating malt liquor, or intoxicating liquor on such property.

Subd. 2. [PERMITS; CONTRACTS.] (a) Permits issued by the city under subdivision 1, clause (2), and contracts entered into by the city under subdivision 1, clause (3), must provide for:

- (1) the duration of the permit or contract;
- (2) the premises or area in which sales or service of wine or, nonintoxicating malt liquor, or intoxicating liquor will be made;

(3) the persons to whom such sales or service will be made;

(4) the days and hours in which such sales or service will be made; and

(5) obtaining by the permit holder or contracted vendor of such liquor liability insurance or bond, or both, as the city considers necessary to protect the city's interest as the holder of the license.

(b) A permit may be issued or a contract entered into under this section with a person who does not hold a license issued under Minnesota Statutes, chapter 340A, for the retail sale of alcoholic beverages.

(c) The division may, without notice or hearing, refuse to issue a permit under subdivision 1, clause (2).

Subd. 3. [CITY COUNCIL APPROVAL.] The St. Paul city council must approve each:

(1) facility at which wine ~~or~~, nonintoxicating malt liquor, or intoxicating liquor will be sold or served by city employees;

(2) permit issued under subdivision 1, clause (2); and

(3) contract entered into under subdivision 1, clause (3).

Subd. 4. [APPLICABILITY OF GENERAL LAW.] All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to licenses issued under this section. Licenses authorized by this section are in addition to any other licenses authorized by law.

Sec. 11. [CITY OF MOORHEAD; LIQUOR LICENSES.]

The city of Moorhead may issue two on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section.

Sec. 12. [CITY OF DULUTH; OFF-SALE HOURS.]

Notwithstanding any other law, the city of Duluth may by ordinance permit the off-sale of intoxicating liquor until 10:00 p.m. on Monday through Saturday.

Sec. 13. [CITY OF PROCTOR; OFF-SALE HOURS.]

Notwithstanding any other law, the city of Proctor may by ordinance permit the off-sale of intoxicating liquor until 10:00 p.m. on Monday through Saturday.

Sec. 14. [CITY OF HERMANTOWN; OFF-SALE HOURS.]

Notwithstanding any other law, the city of Hermantown may by ordinance permit the off-sale of intoxicating liquor until 10:00 p.m. on Monday through Saturday.

Sec. 15. [CITY OF SPRING LAKE PARK; LIQUOR LICENSES.]

The city of Spring Lake Park may issue one on-sale intoxicating liquor license in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license authorized under this section.

Sec. 16. [EFFECTIVE DATE.]

Sections 2, 3, and 8 are effective the day following final enactment.

Section 9 is effective upon approval by the St. Paul city council and compliance with Minnesota Statutes, section 645.021, subdivision 3.

Section 10 is effective upon approval by the Saint Paul city council and compliance with Minnesota Statutes, section 645.021.

Section 11 is effective upon approval by the Moorhead city council and compliance with Minnesota Statutes, section 645.021.

Section 12 is effective upon approval by the Duluth city council and compliance with Minnesota Statutes, section 645.021.

Section 13 is effective upon approval by the Proctor city council and compliance with Minnesota Statutes, section 645.021.

Section 14 is effective upon approval by the Hermantown city council and compliance with Minnesota Statutes, section 645.021.

Section 15 is effective upon approval by the Spring Lake Park city council and compliance with Minnesota Statutes, section 645.021.

## ARTICLE 2

### ALCOHOL AND GAMBLING ENFORCEMENT

Section 1. Minnesota Statutes 1996, section 16B.54, subdivision 2, is amended to read:

Subd. 2. [VEHICLES.] (a) [ACQUISITION FROM AGENCY; APPROPRIATION.] The commissioner may direct an agency to make a transfer of a passenger motor vehicle or truck currently assigned to it. The transfer must be made to the commissioner for use in the central motor pool. The commissioner shall reimburse an agency whose motor vehicles have been paid for with funds dedicated by the constitution for a special purpose and which are assigned to the central motor pool. The amount of reimbursement for a motor vehicle is its average wholesale price as determined from the midwest edition of the National Automobile Dealers Association official used car guide.

(b) [PURCHASE.] To the extent that funds are available for the purpose, the commissioner may purchase or otherwise acquire additional passenger motor vehicles and trucks necessary for the central motor pool. The title to all motor vehicles assigned to or purchased or acquired for the central motor pool is in the name of the department of administration.

(c) [TRANSFER AT AGENCY REQUEST.] On the request of an agency, the commissioner may transfer to the central motor pool any passenger motor vehicle or truck for the purpose of disposing of it. The department or agency transferring the vehicle or truck must be paid for it from the motor pool revolving account established by this section in an amount equal to two-thirds of the average wholesale price of the vehicle or truck as determined from the midwest edition of the National Automobile Dealers Association official used car guide.

(d) [VEHICLES; MARKING.] The commissioner shall provide for the uniform marking of all motor vehicles. Motor vehicle colors must be selected from the regular color chart provided by the manufacturer each year. The commissioner may further provide for the use of motor vehicles without marking by:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the division of criminal apprehension, ~~the division of liquor control,~~ the division of alcohol and gambling enforcement, and arson investigators of the division of fire marshal in the department of public safety;
- (4) the financial institutions division of the department of commerce;
- (5) the division of disease prevention and control of the department of health;
- (6) the state lottery;
- (7) criminal investigators of the department of revenue;

- (8) state-owned community service facilities in the department of human services;
- (9) the investigative staff of the department of economic security; and
- (10) the office of the attorney general.

Sec. 2. Minnesota Statutes 1996, section 43A.34, subdivision 4, is amended to read:

Subd. 4. [STATE PATROL, CONSERVATION AND CRIME BUREAU OFFICERS EXEMPTED.] Notwithstanding any provision to the contrary, (a) conservation officers and crime bureau officers who were first employed on or after July 1, 1973, and who are members of the state patrol retirement fund by reason of their employment, and members of the Minnesota state patrol division and alcohol and gambling enforcement divisions division of the department of public safety who are members of the state patrol retirement association by reason of their employment, shall not continue employment after attaining the age of 60 years, except for a fractional portion of one year that will enable the employee to complete the employee's next full year of allowable service as defined pursuant to section 352B.01, subdivision 3; and (b) conservation officers and crime bureau officers who were first employed and are members of the state patrol retirement fund by reason of their employment before July 1, 1973, shall not continue employment after attaining the age of 70 years.

Sec. 3. Minnesota Statutes 1996, section 299A.02, subdivision 1, is amended to read:

Subdivision 1. [~~DIRECTOR OF DIVISION OF LIQUOR CONTROL CONFLICT OF INTEREST.~~] No employee of the department of public safety or the department of revenue having any responsibility for the administration or enforcement of Laws 1985, chapter 305, articles 2 to 11 chapter 297C or 340A shall have a direct or indirect interest, except through ownership or investment in pension or mutual funds, in the manufacture, transportation or sale of intoxicating liquor or any malt or vinous beverages, intoxicating, nonintoxicating, or commercial or industrial alcohol. The commissioner of public safety or the commissioner of revenue may remove an employee in the unclassified civil service for any intentional violation of any provision in ~~Laws 1985, chapter 305, articles 2 to 11 of chapter 297C or 340A.~~ Intentional violation of the preceding sections a provision of chapter 297C or 340A by a classified employee of one of the departments may be grounds for removal of that employee pursuant to section 43A.33.

Sec. 4. Minnesota Statutes 1996, section 299A.02, subdivision 2, is amended to read:

Subd. 2. [GENERAL POWERS.] The commissioner shall administer and enforce the provisions of ~~Laws 1985, chapter 305, articles 2 to 11 chapters 297C and 340A~~ through the director of alcohol and gambling enforcement, except for those provisions thereof for which administration and enforcement are reserved to the commissioner of revenue.

Sec. 5. Minnesota Statutes 1996, section 299A.02, subdivision 3, is amended to read:

Subd. 3. [REPORTS; RULES.] The commissioner shall have power to require periodic factual reports from all licensed importers, manufacturers, wholesalers and retailers of intoxicating liquors and to make all reasonable rules to effect the object of ~~Laws 1985, chapter 305, articles 2 to 11 chapters 297C and 340A.~~ The rules shall include provisions for assuring the purity of intoxicating liquors and the true statement of its contents and proper labeling thereof with regard to all forms of sale. No rule may require the use of new containers in aging whiskey. No rule may require cordials or liqueurs to contain in excess of 2-1/2 percent by weight of sugar or dextrose or both.

Sec. 6. Minnesota Statutes 1996, section 299L.01, subdivision 1, is amended to read:

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

(b) "Division" means the division of alcohol and gambling enforcement.

(c) "Commissioner" means the commissioner of public safety.

(d) "Director" means the director of alcohol and gambling enforcement.

(e) "Manufacturer" means a person who assembles from raw materials or subparts a gambling device for sale or use in Minnesota.

(f) "Distributor" means a person who sells, offers to sell, or otherwise provides a gambling device to a person in Minnesota.

(g) "Used gambling device" means a gambling device five or more years old from the date of manufacture.

(h) "Test" means the process of examining a gambling device to determine its characteristics or compliance with the established requirements of any jurisdiction.

(i) "Testing facility" means a person in Minnesota who is engaged in the testing of gambling devices for use in any jurisdiction.

Sec. 7. Minnesota Statutes 1996, section 299L.01, subdivision 2, is amended to read:

Subd. 2. [ESTABLISHED; CONSOLIDATION WITH LIQUOR CONTROL.] Effective October 1, 1996, the duties and powers of the division of gambling enforcement is a are transferred to the division of alcohol and gambling enforcement in the department of public safety, under the control and supervision of a director, appointed by the commissioner and serving at the commissioner's pleasure in the unclassified service. The director must be a person who is licensed or eligible to be licensed as a peace officer under sections 626.84 to 626.863.

Sec. 8. Minnesota Statutes 1996, section 299L.02, subdivision 4, is amended to read:

Subd. 4. [OTHER GAMBLING.] The director of gambling enforcement shall cooperate with all state and local agencies in the detection and apprehension of unlawful gambling.

Sec. 9. Minnesota Statutes 1996, section 299L.02, subdivision 5, is amended to read:

Subd. 5. [BACKGROUND CHECKS.] In any background check required to be conducted by the division of gambling enforcement under this chapter, chapter 240, 349, 349A, or section 3.9221, the director may, or shall when required by law, require that fingerprints be taken and the director may forward the fingerprints to the Federal Bureau of Investigation for the conducting of a national criminal history check. The director may charge a fee for fingerprint recording and investigation under section 3.9221.

Sec. 10. Minnesota Statutes 1996, section 299L.03, subdivision 1, is amended to read:

Subdivision 1. [INSPECTIONS; ACCESS.] In conducting any inspection authorized under this chapter or chapter 240, 349, or 349A, the employees of the division of gambling enforcement employees have free and open access to all parts of the regulated business premises, and may conduct the inspection at any reasonable time without notice and without a search warrant. For purposes of this subdivision, "regulated business premises" means premises where:

(1) lawful gambling is conducted by an organization licensed under chapter 349 or by an organization exempt from licensing under section 349.166;

(2) gambling equipment is manufactured, sold, distributed, or serviced by a manufacturer or distributor licensed under chapter 349;

(3) records required to be maintained under chapter 240, 297E, 349, or 349A are prepared or retained;

(4) lottery tickets are sold by a lottery retailer under chapter 340A;

(5) races are conducted by a person licensed under chapter 240; or

(6) gambling devices are manufactured, distributed, or tested, including places of storage under section 299L.07.

Sec. 11. Minnesota Statutes 1996, section 299L.03, subdivision 5, is amended to read:

Subd. 5. [ARREST POWERS.] The director may designate certain division employees ~~within the division of gambling enforcement~~ who are authorized to arrest or investigate any person who is suspected of violating any provision of chapter 240, 349, or 349A, or is suspected of committing any crime involving gambling, and to conduct searches and seizures to enforce any of those laws. Any employee authorized by this subdivision to make an arrest must be licensed under sections 626.84 to 626.863.

Sec. 12. Minnesota Statutes 1996, section 299L.03, subdivision 7, is amended to read:

Subd. 7. [OTHER POWERS.] Nothing in this chapter limits the authority of the ~~division of gambling enforcement~~ to exercise any other power specified under chapter 240, 340A, 349, or 349A.

Sec. 13. Minnesota Statutes 1996, section 340A.201, is amended to read:

340A.201 [LIQUOR CONTROL AUTHORITY.]

Subdivision 1. [1976 SUCCESSOR.] The commissioner of public safety is the successor to the commissioner of liquor control with respect to the powers and duties vested in the latter as of February 6, 1976, except for those powers and duties transferred to the commissioner of revenue. Any proceeding, court action, prosecution, or other business undertaken or commenced as of February 6, 1976, by the commissioner of liquor control is assigned to the commissioners of public safety and revenue as appropriate and may be completed by them.

Subd. 2. [DELEGATION; 1996 CONSOLIDATION; DIVISION DIRECTOR.] Effective October 1, 1996, the duties and powers vested previously in the commissioner of public safety and delegated to the department's division of liquor control are delegated and transferred to, and consolidated with, the division of alcohol and gambling enforcement of the department of public safety, under the supervision of a director appointed by the commissioner and serving in the unclassified service at the pleasure of the commissioner.

Sec. 14. [RESPONSIBILITIES TRANSFERRED AND CONSOLIDATED INTO DIVISION OF ALCOHOL AND GAMBLING ENFORCEMENT.]

Subdivision 1. [RESPONSIBILITIES TRANSFERRED.] The responsibilities of the division of liquor control and the division of gambling enforcement are transferred and consolidated into the division of alcohol and gambling enforcement in the department of public safety, under the supervision of a director in the unclassified service appointed by the commissioner of public safety and serving at the commissioner's pleasure. The term "responsibilities" includes powers, duties, rights, obligations, and other authority imposed by law on the former divisions. The term "new division" means the division of alcohol and gambling enforcement and "former divisions" means the division of liquor control and the division of gambling enforcement.

Subd. 2. [CONTINUATION.] The new division is a continuation of the former divisions as to those responsibilities and matters within the jurisdiction of the former divisions that are transferred to the new division. Following a transfer the new division shall carry out the assigned responsibilities as though the responsibilities of the former division had not been transferred. A transfer is not a new authority for the purpose of succession to all responsibilities of the former divisions as constituted at the time of the transfer.

Subd. 3. [RULES.] Rules adopted pursuant to responsibilities that are transferred to the new division remain effective and shall be enforced until amended or repealed in accordance with law by the commissioner of public safety. The rulemaking authority of the commissioner of public safety, that existed to implement the responsibilities that are transferred from the former divisions, is retained by the commissioner.

Subd. 4. [COURT ACTIONS.] Any proceeding, court action, prosecution, or other business or matter pending on the effective date of a transfer of responsibilities may be conducted and completed under the authority of the commissioner of public safety in the same manner, under the



same terms and conditions, and with the same effect as though it involved or were commenced and conducted or completed prior to the transfer.

Subd. 5. [CONTRACTS; RECORDS.] The former divisions whose responsibilities are transferred shall give all contracts, books, maps, plans, papers, records, and property of every description relating to the transferred responsibilities and within its jurisdiction or control to the new division. The new division shall accept the material presented. The transfer shall be made in accordance with the directions of the new division.

Subd. 6. [UNEXPENDED FUNDS.] The unexpended balance of any appropriation to a former division for the purposes of any responsibilities that are transferred to the new division are reappropriated to the new division under the same conditions as the original appropriation, effective retroactively to October 1, 1996.

Subd. 7. [PERSONNEL.] The position of director of the division of liquor control is abolished. The person occupying the position of director of gambling enforcement becomes the director of alcohol and gambling enforcement, a position in the unclassified service. The director serves at the pleasure of the commissioner of public safety. All other classified and unclassified positions associated with the responsibilities being transferred are transferred with their incumbents to the new division. Personnel changes are effective retroactively to October 1, 1996. Nothing in this subdivision abrogates or modifies the rights now enjoyed by affected employees under the managerial or commissioner's plan under Minnesota Statutes, section 43A.18, or the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.

Sec. 15. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall change the terms "division of gambling enforcement," "division of liquor control," "director of gambling enforcement," "director of the division of liquor control," and similar terms referring to either of those divisions or directors to "division of alcohol and gambling enforcement" or "director of alcohol and gambling enforcement," as appropriate:

(1) where found in Minnesota Statutes, chapters 299L, 340A, 349, and 349A, and Minnesota Statutes, sections 10A.01, subdivision 18; 13.99, subdivision 92a; 240.06, subdivisions 3 and 8; 240.07, subdivision 2; 240.08, subdivision 3; 240.09, subdivision 3a; 240.21; 297E.13, subdivision 5; 297E.16, subdivision 2; 352B.01, subdivision 2; 626.05, subdivision 2; 626.13; and 626.84, subdivision 1; and

(2) where found in Minnesota Rules.

Sec. 16. [EFFECTIVE DATE.]

Sections 1 to 14 are effective retroactively to October 1, 1996."

Delete the title and insert:

"A bill for an act relating to alcoholic beverages; providing for permits for alcoholic beverage manufacturer warehouses, central distribution centers, or holding facilities; allowing a municipality to authorize a holder of an on-sale intoxicating liquor license to dispense intoxicating liquor at community festivals; allowing uniform licensing periods for holders of multiple on-sale licenses; modifying liability insurance requirements for liquor retailers; modifying shipping restrictions for certain wineries; allowing municipalities to authorize on-sale of 3.2 percent malt liquor at 10 a.m. on Sundays; authorizing the sale of intoxicating liquor at professional athletic events in the St. Paul civic center; authorizing the issuance of intoxicating liquor licenses to the division of parks and recreation of the city of St. Paul; authorizing the city of Moorhead to issue additional on-sale licenses; modifying time of day restrictions for the off-sale of intoxicating liquor in municipal liquor stores in certain cities; authorizing the city of Spring Lake Park to issue an additional on-sale license; consolidating divisions in the department of public safety; providing civil and criminal penalties; amending Minnesota Statutes 1996, sections 16B.54, subdivision 2; 43A.34, subdivision 4; 299A.02, subdivisions 1, 2, and 3; 299L.01, subdivisions 1 and 2; 299L.02, subdivisions 4 and 5; 299L.03, subdivisions 1, 5, and 7; 340A.201; 340A.404, subdivision 4, and

by adding a subdivision; 340A.409, subdivisions 1 and 4; 340A.417; and 340A.504, subdivision 3; Laws 1969, chapter 783, section 1, subdivision 1, as amended; and Laws 1990, chapter 554, section 19; proposing coding for new law in Minnesota Statutes, chapter 340A."

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

Senate Conferees: (Signed) Sam G. Solon, Deanna L. Wiener, William V. Belanger, Jr.

House Conferees: (Signed) Jim Tunheim, Al Juhnke, Fran Bradley

Mr. Solon moved that the foregoing recommendations and Conference Committee Report on S.F. No. 277 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 277 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 53 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Stumpf voted in the negative.

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

## MOTIONS AND RESOLUTIONS - CONTINUED

### SPECIAL ORDERS

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

S.F. Nos. 637 and 1023.

### SPECIAL ORDER

**S.F. No. 637:** A bill for an act relating to retirement; increasing pension benefit accrual rates; adjusting financing for pension plans; adding supplemental financial conditions information for pension funds; reducing appropriations; modifying or establishing various pension aids; appropriating money; amending Minnesota Statutes 1996, sections 3.85, subdivisions 11 and 12; 3A.02, subdivisions 1 and 4; 3A.03, subdivision 1; 3A.07; 11A.18, subdivision 9; 69.011, subdivisions 1, 2, and by adding a subdivision; 69.021, subdivisions 7a and 10; 69.031, subdivision 5; 352.01, subdivision 25; 352.04, subdivisions 2 and 3; 352.115, subdivision 3; 352.72, subdivision 2; 352.92, subdivisions 1 and 2; 352.93, subdivisions 2, 3, and by adding a subdivision; 352.95, subdivisions 1 and 5; 352B.02, subdivisions 1a and 1c; 352B.08, subdivisions

2 and 2a; 352B.10, subdivision 1; 352B.30, by adding a subdivision; 352C.031, subdivision 4; 352C.033; 352D.02, subdivisions 1 and 2; 352D.04, subdivisions 1 and 2; 353.01, subdivision 37; 353.27, subdivisions 2 and 3a; 353.29, subdivision 3; 353.651, subdivision 3; 353.656, subdivision 1; 353.71, subdivision 2; 353A.08, subdivisions 1 and 2; 353A.083, by adding a subdivision; 354.05, subdivision 38; 354.42, subdivisions 2, 3, and 5; 354.44, subdivision 6, and by adding a subdivision; 354.53, subdivision 1; 354.55, subdivision 11; 354A.011, subdivision 15a; 354A.12, subdivisions 1, 2a, 3a, and 3c; 354A.31, subdivisions 4 and 4a; 356.20, subdivision 2; 356.215, subdivisions 2, 4d, and 4g; 356.217; 356.30, subdivisions 1 and 3; 356.32, subdivision 2; 422A.06, subdivision 8; 422A.151; 423B.01, subdivision 9, and by adding a subdivision; 423B.06, by adding a subdivision; 423B.07; 423B.09, subdivision 1, and by adding a subdivision; 423B.10, subdivision 1; 423B.15, subdivisions 2, 3, 6, and by adding a subdivision; and 490.124, subdivisions 1 and 5; Laws 1965, chapter 519, section 1, as amended; Laws 1979, chapter 109, section 1, as amended; Laws 1989, chapter 319, article 19, section 7, subdivisions 1, as amended, 3, 4, as amended, and 7; and Laws 1993, chapter 125, article 1, section 1, proposing coding for new law in Minnesota Statutes, chapters 124; 273; 352; 352C; 354A; 355; and 356; repealing Minnesota Statutes 1996, sections 124.195, subdivision 12; 124.2139; 353C.01; 353C.02; 353C.03; 353C.04; 353C.05; 353C.06; 353C.07; 353C.08; 353C.09; 353C.10; 354A.12, subdivision 2b; 356.70; and 356.88, subdivision 2; and Laws 1985, chapter 259, section 3; and Laws 1993, chapter 336, article 3, section 1.

Mr. Stevens moved to amend S.F. No. 637 as follows:

Page 66, after line 30, insert:

"Sec. 65. Minnesota Statutes 1996, section 490.123, subdivision 1a, is amended to read:

Subd. 1a. [MEMBER CONTRIBUTION RATES.] (a) ~~A judge who is covered by the federal old age, survivors, disability, and health insurance program shall contribute to the fund from each salary payment a sum equal to 6.27 that percent of salary which is equal to one-half of the normal cost and administrative expense funding requirements of the retirement plan disclosed in the most recent actuarial valuation of the plan performed by the actuary retained by the legislative commission on pensions and retirement prepared under section 356.215.~~

~~(b) A judge not so covered shall contribute to the fund from each salary payment a sum equal to 8.15 percent of salary~~ The member contribution rate must be calculated by the executive director of the Minnesota state retirement system. An increase or decrease in the member contribution rate is effective as of the January 1 next following the date of the applicable actuarial valuation.

(c) The contribution under this subdivision is payable by salary deduction.

Sec. 66. Minnesota Statutes 1996, section 490.123, subdivision 1b, is amended to read:

Subd. 1b. [EMPLOYER CONTRIBUTION RATE.] (a) The employer contribution rate on behalf of a judge is ~~22 the percent of salary equal to the balance of the actuarial funding requirements of the retirement plan disclosed in the most recent actuarial valuation of the plan performed by the actuary retained by the legislative commission on pensions and retirement prepared under section 356.215.~~

~~(b) The employer contribution rate must be calculated by the executive director of the Minnesota state retirement system. An increase or decrease is effective on the same date as the associated increase or decrease in the member contribution rate under subdivision 1a, paragraph (b).~~

The employer contribution must be paid by the state court administrator and is payable at the same time as member contributions under subdivision 1a are remitted."

Page 71, line 3, delete "73" and insert "75"

Reorder the sections in sequence and correct the internal references

Amend the title accordingly

Pursuant to Rule 22, Mr. Johnson, D.H. moved that he be excused from voting on all questions pertaining to S.F. No. 637. The motion prevailed.

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

Mr. Morse moved to amend S.F. No. 637 as follows:

Page 70, after line 26, insert:

"Sec. 73. [TERMINATION DATE; CERTAIN TEACHERS.]

Notwithstanding Minnesota Statutes, section 354.44, subdivision 4, for purposes of eligibility for retirement benefits from the teachers retirement association, the termination date of a teacher terminating active teaching service at the end of the school year in a school where the school year was disrupted by flooding during the first half of calendar year 1997 must be determined by the closing date of the school calendar in effect immediately before the flooding."

Page 71, line 3, delete "and" and delete "73" and insert "72, and 74"

Page 71, line 5, after the period, insert "Section 73 is effective the day following final enactment."

The motion prevailed. So the amendment was adopted.

Mr. Kleis moved to amend S.F. No. 637 as follows:

Page 71, delete section 1 and insert:

"Section 1. [3A.15] [MEMBERS EXCLUDED FROM COVERAGE.]

This chapter does not apply to a person first elected to the house of representatives or senate in 1998 or thereafter. The service of persons first elected in 1998 or thereafter is employment subject to sections 355.01 to 355.08, and under the authority of those sections the governor shall enter an agreement with the secretary of health and human services consistent with the provisions of United States Code, title 42, section 418, to extend the benefits of the federal old age, survivors, and disability insurance system to those persons.

If a member first elected before 1998 made contributions into the legislators' retirement plan under this chapter before the effective date of this section and elects to opt out of coverage under the legislators' retirement plan, the director, upon request of the member, shall transfer all contributions to the appropriate fund so that the member receives social security credit in the same manner as any other employee of the state or a political subdivision of the state."

Page 72, line 34, delete "a member of the legislature;"

Page 72, line 35, delete "(6)"

Page 73, line 5, delete "(7)" and insert "(6)"

Page 73, line 10, delete "(8)" and insert "(7)"

Page 73, line 19, delete "(9)" and insert "(8)"

Page 73, line 27, delete "(10)" and insert "(9)"

Page 73, line 30, delete "(11)" and insert "(10)"

Page 73, line 34, delete "(12)" and insert "(11)"

Page 73, line 36, delete "(13)" and insert "(12)"

Page 74, line 2, delete "(14)" and insert "(13)"

- Page 74, line 3, delete "(15)" and insert "(14)"
- Page 76, delete lines 1 to 8
- Page 76, line 9, delete "LEGISLATORS AND"
- Page 76, line 16, delete everything after the second period
- Page 76, delete line 17
- Page 76, line 18, delete "Subd. 4."
- Page 76, line 22, delete "5" and insert "4"
- Page 76, line 30, delete "legislators and for"
- Page 76, line 34, delete "legislators and to"
- Page 77, lines 3 and 5, delete "legislators and"
- Page 77, line 11, delete "legislators"
- Page 77, delete line 12
- Page 77, delete lines 15 to 25
- Page 77, line 26, delete "(c)" and insert "(b)"
- Page 78, line 4, delete "the legislators retirement plan or"
- Page 78, line 5, delete ", whichever applies,"
- Page 78, lines 6 and 11, delete "legislator or"
- Page 78, line 16, delete "the legislators retirement"
- Page 78, line 17, delete "plan or" and delete ", whichever"
- Page 78, line 18, delete "applies,"
- Page 78, line 25, delete "legislators or" and delete the comma
- Page 78, line 26, delete everything before the period
- Page 78, line 31, delete "the senate, the house of representatives, or"
- Page 78, line 32, delete ", whichever applies"
- Page 78, line 36, delete "legislators"
- Page 79, line 1, delete "or"
- Page 79, line 8, delete "legislator or" and delete "or the senate,"
- Page 79, line 9, delete "the house of representatives,"
- Page 79, line 12, delete everything after "(a)"
- Page 79, delete line 13
- Page 79, line 14, delete "section and"
- Page 79, line 21, delete "member of the legislature or a"
- Page 79, line 24, delete "member of the legislature or a"

Page 79, line 30, delete "A member of the legislature or"

Page 79, line 33, delete "3A.03, subdivision 2, or" and delete "whichever"

Page 79, line 34, delete "applies," and delete "a member of the"

Page 79, line 35, delete "legislature or"

Amend the title accordingly

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

Mr. Novak moved to amend S.F. No. 637 as follows:

Pages 71 to 80, delete article 2

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

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 10 and nays 51, as follows:

Those who voted in the affirmative were:

Belanger	Junge	Novak	Sams	Solon
Cohen	Langseth	Pappas	Samuelson	Wiger

Those who voted in the negative were:

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

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

Mr. Kelly, R.C. moved to amend S.F. No. 637 as follows:

Page 76, after line 8, insert

"Sec. 7. Minnesota Statutes 1996, section 354.05, subdivision 2, is amended to read:

Subd. 2. [TEACHER.] (a) "Teacher" means:

(1) a person who renders service as a teacher, supervisor, principal, superintendent, librarian, nurse, counselor, social worker, therapist, or psychologist in the public schools of the state located outside of the corporate limits of the cities of ~~the first class as those cities were so classified on January 1, 1979~~ Duluth and Minneapolis, or outside of the city of St. Paul, if first employed after December 31, 1997, or in the state colleges and universities system, or in any charitable, penal, or correctional institutions of a governmental subdivision, or who is engaged in educational administration in connection with the state public school system, including the state colleges and university system, but excluding the University of Minnesota, whether the position be a public office or an employment, not including members or officers of any general governing or managing board or body;

(2) an employee of the teachers retirement association unless the employee is covered by the Minnesota state retirement system by virtue of prior employment by the association;

(3) a person who renders teaching service on a part-time basis and who also renders other services for a single employing unit. In such cases, the executive director shall determine whether all or none of the combined service is covered by the association, however a person whose teaching service comprises at least 50 percent of the combined employment salary is a member of the association for all services with the single employing unit.

(b) The term does not mean:

(1) an employee described in section 352D.02, subdivision 1a, who is hired after the effective date of Laws 1986, chapter 458;

(2) a person who works for a school or institution as an independent contractor as defined by the Internal Revenue Service;

(3) a person employed in subsidized on-the-job training, work experience or public service employment as an enrollee under the federal Comprehensive Employment and Training Act from and after March 30, 1978, unless the person has, as of the later of March 30, 1978, or the date of employment, sufficient service credit in the retirement association to meet the minimum vesting requirements for a deferred retirement annuity, or the employer agrees in writing on forms prescribed by the executive director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal Comprehensive Training and Employment Act, or the person agrees in writing on forms prescribed by the executive director to make the required employer contribution in addition to the required employee contribution;

(4) a person holding a part-time adult supplementary technical college license who renders part-time teaching service in a technical college if (i) the service is incidental to the regular nonteaching occupation of the person; and (ii) the applicable technical college stipulates annually in advance that the part-time teaching service will not exceed 300 hours in a fiscal year and retains the stipulation in its records; and (iii) the part-time teaching service actually does not exceed 300 hours in a fiscal year; or

(5) a person exempt from licensure pursuant to section 125.031.

Sec. 8. Minnesota Statutes 1996, section 354A.011, subdivision 27, is amended to read:

Subd. 27. [TEACHER.] "Teacher" means any person who renders service in a public school district located in the corporate limits of ~~one of the cities of the first class which was so classified on January 1, 1979 Duluth or Minneapolis, or any person who first began rendering service in a public school district in the corporate limits of the city of St. Paul before January 1, 1998, as any of the following:~~

(a) a full-time employee in a position for which a valid license from the state department of children, families, and learning is required;

(b) an employee of the teachers retirement fund association located in the city of the first class unless the employee has exercised the option pursuant to Laws 1955, chapter 10, section 1, to retain membership in the Minneapolis employees retirement fund established pursuant to chapter 422A;

(c) a part-time employee in a position for which a valid license from the state department of children, families, and learning is required; or

(d) a part-time employee in a position for which a valid license from the state department of children, families, and learning is required who also renders other nonteaching services for the school district unless the board of trustees of the teachers retirement fund association determines that the combined employment is on the whole so substantially dissimilar to teaching service that the service shall not be covered by the association.

The term shall not mean any person who renders service in the school district as any of the following:

- (1) an independent contractor or the employee of an independent contractor;
- (2) an employee who is a full-time teacher covered by another teachers retirement fund association established pursuant to this chapter or chapter 354;
- (3) an employee exempt from licensure pursuant to section 125.031;
- (4) an employee who is a teacher in a technical college located in ~~a city of the first class Duluth or Minneapolis~~ unless the person elects coverage by the applicable first class city teacher retirement fund association under section 354B.21, subdivision 2; ~~or~~
- (5) an employee who is a part-time teacher in a technical college in ~~a city of the first class Duluth or Minneapolis~~ and who has elected coverage by the applicable first class city teacher retirement fund association under section 354B.21, subdivision 2, but (i) the teaching service is incidental to the regular nonteaching occupation of the person; (ii) the applicable technical college stipulates annually in advance that the part-time teaching service will not exceed 300 hours in a fiscal year; and (iii) the part-time teaching actually does not exceed 300 hours in the fiscal year to which the certification applies; or
- (6) an employee who was initially employed as a teacher by independent school district No. 625 after December 31, 1997.

Sec. 9. Minnesota Statutes 1996, section 354A.05, is amended to read:

**354A.05 [MEMBERSHIP IN A TEACHERS RETIREMENT ASSOCIATION IN A CITY OF THE FIRST CLASS.]**

(a) Teachers contributing to the respective teachers retirement fund association, as provided in this chapter and the articles of incorporation and the bylaws of the association, are entitled to the benefit of coverage by or entitlement to annuities or benefits from the association.

(b) ~~All teachers in a city of the first class in which there exists a teachers retirement fund association employed by independent school district No. 709 or special school district No. 1 are members of that the respective teachers retirement fund association and participate in the benefits provided by the special retirement fund.~~

(c) Teachers initially employed by independent school district No. 625 before January 1, 1998, are members of the St. Paul teachers retirement plan and participate in the benefits provided by the special retirement fund. Teachers initially employed by independent school district No. 625 after December 31, 1997, are members of the teachers retirement association established under chapter 354."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

**CALL OF THE SENATE**

Mr. Terwilliger imposed a call of the Senate for the balance of the proceedings on S.F. No. 637. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 39, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Knutson	Neuville	Spear
Berg	Kelly, R.C.	Lourey	Pappas	Stevens
Betzold	Kiscaden	Marty	Robertson	Wiger
Cohen	Kleis	Morse	Scheid	



Those who voted in the negative were:

Beckman	Hottinger	Lesewski	Olson	Samuelson
Belanger	Johnson, D.E.	Lessard	Ourada	Scheevel
Berglin	Johnson, D.J.	Limmer	Pariseau	Solon
Day	Johnson, J.B.	Metzen	Piper	Stumpf
Fischbach	Junge	Moe, R.D.	Price	Ten Eyck
Frederickson	Kelley, S.P.	Murphy	Robling	Terwilliger
Hanson	Krentz	Novak	Runbeck	Vickerman
Higgins	Laidig	Oliver	Sams	

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

S.F. No. 637 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

**S.F. No. 1023:** A bill for an act relating to taxation; imposing a fee on motor vehicle rentals; providing for a rebate of the fee to motor vehicle lessors to compensate for motor vehicle registration fees paid by lessors; appropriating money; amending Minnesota Statutes 1996, section 297A.135.

Ms. Anderson moved to amend S.F. No. 1023 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [168.019] [FEE AUTHORIZED.]

Subdivision 1. [FEE IMPOSED; DESIGNATION.] Lessors of motor vehicles in this state may charge a fee, not to exceed three percent of the charge for the rental of the vehicle, to their customers to reimburse the lessors for the cost of registering the vehicle under this chapter. The fee may be designated on the statement of charges presented by the lessor to the customer as "a fee authorized by the state of Minnesota for the registration of rental cars."

Subd. 2. [PAYMENT OF EXCESS FEES.] By March 31 of the year following the end of a calendar year during which a lessor has imposed a fee under subdivision 1, the lessor must report to the commissioner of revenue, in the form required by the commissioner, on the amount of the fee collected. If the amount of the fee collected during the previous year exceeds the amount of motor vehicle registration taxes paid under chapter 168 during the same period, the lessor shall remit the excess to the commissioner of revenue at the time when the report is submitted."

Amend the title as follows:

Page 1, line 2, delete "imposing" and insert "authorizing"

Page 1, delete lines 3 to 7 and insert "rentals to compensate for the cost of the registration of this vehicle; proposing coding for new law in Minnesota Statutes, chapter 168."

Mr. Stevens moved to amend the Anderson amendment to S.F. No. 1023 as follows:

Page 1, line 21, after the period, insert "The commissioner of revenue shall annually transfer to the highway user tax distribution fund an amount equal to the difference between the fees collected and remitted by lessors and rebates paid to lessors."

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

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

S.F. No. 1023 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 53 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Scheevel voted in the negative.

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

### RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 12:30 p.m. The motion prevailed.

The hour of 12:30 p.m. having arrived, the President called the Senate to order.

### CALL OF THE SENATE

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Junge moved that S.F. No. 316, No. 8 on General Orders, be stricken and re-referred to the Committee on Commerce. The motion prevailed.

Ms. Junge moved that S.F. No. 599, No. 16 on General Orders, be stricken and re-referred to the Committee on Transportation. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 638 a Special Order to be heard immediately.

**SPECIAL ORDER**

**S.F. No. 638:** A bill for an act relating to the environment; petroleum release compensation fund; creating a petroleum tank upgrade assistance program; extending the authority of the commissioner of the pollution control agency to issue liability assurances in certain situations; extending the repealer of the program; amending Minnesota Statutes 1996, sections 115C.08, subdivision 4; 115C.09, subdivision 3; and 115C.13; proposing coding for new law in Minnesota Statutes, chapter 116J.

Mr. Morse moved to amend S.F. No. 638 as follows:

Page 8, line 20, delete "department" and insert "commissioner"

Page 8, line 22, delete "agency" and insert "commissioner"

Page 8, line 29, delete "such" and insert "the"

Page 9, line 27, delete "an average of" and insert "at least"

Page 10, line 4, after "residents" insert a comma

Page 17, line 1, delete "a minimum of" and insert "up to"

Page 17, delete line 28 and insert "~~be publicly promoted.~~"

Page 18, delete line 10 and insert "~~located in each county.~~"

The motion prevailed. So the amendment was adopted.

Mr. Morse moved to amend S.F. No. 638 as follows:

Page 11, lines 6 and 7, delete the new language

Page 11, lines 10 to 15, delete the new language

Page 11, line 18, before the period, insert ", up to a limit of \$5,000 per system or connection to a cluster system"

Page 14, line 24, before "Up" insert "For purposes of grants awarded under this section, the definition of "individual on-site treatment system" in Minnesota Statutes, section 116.18, subdivision 3c, paragraph (b), also includes an alternative discharging sewage system serving one or more dwellings and other establishments that discharges less than 10,000 gallons of water per day and uses any treatment and disposal methods other than subsurface soil treatment and disposal, as permitted under Minnesota Statutes, section 115.58."

Page 14, after line 29, insert:

"Section 1. Minnesota Statutes 1996, section 115A.916, is amended to read:

(a) A person may not knowingly place motor oil, brake fluid, power steering fluid, transmission fluid, motor oil filters, or motor vehicle antifreeze:

(1) in solid waste or in a solid waste management facility other than a recycling facility or a household hazardous waste collection facility;

(2) in or on the land, unless approved by the agency; or

(3) in or on the waters of the state or in a stormwater or wastewater collection or treatment system.

(b) For the purposes of this section, "antifreeze" does not include small amounts of antifreeze contained in water used to flush the cooling system of a vehicle after the antifreeze has been drained and does not include deicer that has been used on the exterior of a vehicle.

(c) For businesses that purchase or use an annual average of over ~~150~~ 50 gallons of motor vehicle antifreeze per month for on-site installation in motor vehicles, this section does not apply to antifreeze placed in a wastewater collection system that includes a publicly owned treatment works that is permitted by the agency until December 31, ~~1996~~ 1997. For businesses that purchase or use an annual average of ~~150~~ 50 gallons or less of motor vehicle antifreeze per month for on-site installation in motor vehicles, this section does not apply to antifreeze placed in a wastewater collection system that includes a publicly owned treatment works that is permitted by the agency until ~~December 31, 1997~~ July 1, 1998.

(d) Notwithstanding paragraph (a), motor oil filters and portions of motor oil filters may be processed at a permitted mixed municipal solid waste resource recovery facility that directly burns the waste if:

(1) the facility is subject to an industrial waste management plan that addresses management of motor oil filters and the owner or operator of the facility can demonstrate to the satisfaction of the commissioner that the facility is in compliance with that plan;

(2) the facility recovers ferrous metal after incineration for recycling as part of its operation; and

(3) the motor oil filters are collected separately from mixed municipal solid waste and are not combined with it except for the purpose of incinerating the waste.

(e) The commissioner of the pollution control agency, industry organizations representing automotive repair businesses, antifreeze recycling businesses, and environmental organizations shall work together to develop and promote opportunities to recycle waste motor vehicle antifreeze and to review the impact of alternative antifreeze disposal or recycling methods on businesses and the environment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Oliver moved to amend S.F. No. 638 as follows:

Page 10, delete line 22 and insert:

"\$6,900,000"

Page 10, line 23, delete "year 1999"

Page 10, line 28, delete "Of this amount, \$7,000,000 for the" and insert "This amount"

Page 10, line 29, delete "biennium"

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

S.F. No. 638 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Anderson	Fischbach	Johnson, D.E.	Kleis	Limmer
Belanger	Flynn	Johnson, D.H.	Knutson	Lourey
Berglin	Foley	Johnson, D.J.	Krentz	Marty
Betzold	Frederickson	Johnson, J.B.	Laidig	Metzen
Cohen	Hanson	Junge	Langseth	Moe, R.D.
Day	Higgins	Kelley, S.P.	Lesewski	Morse
Dille	Janezich	Kelly, R.C.	Lessard	Murphy

Neuville	Pappas	Robling	Solon	Vickerman
Novak	Piper	Runbeck	Spear	Wiger
Oliver	Pogemiller	Sams	Stumpf	
Olson	Price	Scheevel	Ten Eyck	
Ourada	Ranum	Scheid	Terwilliger	

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

### RECESS

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

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

### APPOINTMENTS

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

S.F. No. 575: Mses. Runbeck, Higgins and Mr. Janezich.

S.F. No. 735: Mrs. Robling, Ms. Higgins and Mr. Kelley, S.P.

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Berglin moved that S.F. No. 536 be taken from the table. The motion prevailed.

**S.F. No. 536:** A bill for an act relating to public nuisances; adding to the definition of nuisance and the list of acts constituting a public nuisance; amending Minnesota Statutes 1996, sections 617.81, subdivision 2; and 617.88.

### CONCURRENCE AND REPASSAGE

Ms. Berglin moved that the Senate concur in the amendments by the House to S.F. No. 536 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 536 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 35 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 35

A bill for an act relating to elections; permitting the election of soil and water conservation district supervisors from single-member districts in the counties of Ramsey and Washington; amending Minnesota Statutes 1996, section 103C.311.

April 3, 1997

The Honorable Allan H. Spear  
President of the Senate

The Honorable Phil Carruthers  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 35, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 35 be further amended as follows:

Page 2, line 16, after the period, insert "The districts must be drawn by the county board of the county containing the largest area of the soil and water conservation district, in consultation with the district board and with the approval of the state board."

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

Senate Conferees: (Signed) Charles W. Wiger, Carol Flynn, Linda Runbeck

House Conferees: (Signed) Betty McCollum, Tom Osthoff, Mark Holsten

Mr. Wiger moved that the foregoing recommendations and Conference Committee Report on S.F. No. 35 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 35 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

S.F. No. 543 and the Conference Committee Report thereon were reported to the Senate.

**CONFERENCE COMMITTEE REPORT ON S.F. NO. 543**

A bill for an act relating to agriculture; changing certain license requirements; repealing the interstate compact on agricultural grain marketing; amending Minnesota Statutes 1996, sections 17A.04, subdivision 1; 231.01, subdivision 5; 236.01, subdivision 3; and 236.02, subdivisions 1 and 2; repealing Minnesota Statutes 1996, sections 236A.01; and 236A.02.

April 23, 1997

The Honorable Allan H. Spear  
President of the Senate

The Honorable Phil Carruthers  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 543, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 543 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1996, section 17A.04, subdivision 1, is amended to read:

Subdivision 1. [LICENSING PROVISIONS.] Licenses shall be issued to livestock market agencies and public stockyards annually and shall expire on December 31 each year, renewable annually thereafter. A separate license must be obtained for each separate geographical location even though operated under the same management or same person, partnership, firm, corporation, or livestock market. The license issued to a livestock market agency and public stockyard shall be conspicuously posted at the licensee's place of business. Licenses shall be required for livestock dealers and their agents for the period beginning July 1 each year and ending June 30. The license issued to a livestock dealer or the agent of a livestock dealer shall be carried by the person so licensed. The livestock dealer shall be responsible for the acts of the dealer's agents. Licensed livestock market agencies, public stockyards, and livestock dealers shall be responsible for the faithful performance of duty of the public livestock weighers at their places of business. The license issued to a livestock market agency, public stockyard or livestock dealer or agent of a livestock dealer is not transferable. The operation of livestock market agencies, livestock dealers, agents and packers at a public stockyard are exempt from sections 17A.01 to 17A.091, and 17A.12 to 17A.17.

Sec. 2. Minnesota Statutes 1996, section 18B.30, is amended to read:

18B.30 [PESTICIDE USE LICENSE REQUIREMENT.]

A person may not use ~~or supervise the use of~~ a restricted use pesticide without a license or certification required under sections 18B.29 to 18B.35 and the use may only be done under conditions prescribed by the commissioner.

Sec. 3. Minnesota Statutes 1996, section 18B.36, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] (a) Except for a licensed commercial or noncommercial applicator, only a certified private applicator may use a restricted use pesticide to produce an agricultural commodity:

(1) as a traditional exchange of services without financial compensation; or

(2) on a site owned, rented, or managed by the person or the person's employees; or

(3) when the private applicator is one of two or fewer specified individuals employed as agricultural labor as defined by section 268.04, subdivision 12, paragraph (15), clause (a), and the owner or operator is a certified private applicator or is licensed as a noncommercial applicator.

(b) A private applicator may not purchase a restricted use pesticide without presenting a certified private applicator card or the card number.

Sec. 4. Minnesota Statutes 1996, section 231.01, subdivision 5, is amended to read:

Subd. 5. [WAREHOUSE OPERATOR.] The term "warehouse operator," as used in this chapter, means and includes every corporation, company, association, joint stock company or association, firm, partnership, or individual, their trustees, assignees, or receivers appointed by any court, controlling, operating, or managing within this state directly or indirectly, any building or structure, or any part thereof, or any buildings or structures, or any other property, and using the same for the storage or warehousing of goods, wares, or merchandise for compensation, or who shall hold itself out as being in the storage or warehouse business, or as offering storage or warehouse facilities, or advertise for, solicit or accept goods, wares, or merchandise for storage for compensation, but shall not include persons, corporations, or other parties operating ~~open-air~~ storage facilities containing minerals, ores, steel, or rock products such as, but not limited to, aggregates, clays, railroad ballast, iron ore, copper ore, nickel ore, limestone, coal, and salt or operating grain or cold storage warehouses, or storing on a seasonal basis boats, boating accessories, recreational vehicles or recreational equipment or facilities in which the party storing goods rents and occupies space as a tenant and the entire risk of loss is with the tenant pursuant to written contract between the landlord and tenant.

Sec. 5. Minnesota Statutes 1996, section 236.01, subdivision 3, is amended to read:

Subd. 3. [GRAIN BANK.] "Grain bank" means a feed-processing plant that receives and stores grain, the equivalent of which, except as is otherwise permitted by section 236.04, it processes and returns to the grain's owner in amounts, at intervals, and with added ingredients that are mutually agreeable to the grain's owner and the person operating the plant. "Grain bank" does not include a seed cleaning plant.

Sec. 6. Minnesota Statutes 1996, section 236.02, subdivision 1, is amended to read:

Subdivision 1. [LICENSING REQUIREMENT.] A person who (1) operates an establishment that processes grain into feed and (2) is licensed to buy grain as a ~~public or~~ private local grain warehouse operator under section ~~232.22~~ 223.17 may obtain a license to operate a grain bank. A person licensed under section 232.22 to operate a public grain warehouse is not required to obtain a separate grain bank license. No person may conduct a grain bank without a grain bank license or a public grain warehouse operator's license.

Sec. 7. Minnesota Statutes 1996, section 236.02, subdivision 2, is amended to read:

Subd. 2. [ISSUANCE.] A grain bank license must be obtained from the department. The department may issue a grain bank license when the applicant has complied with the bond requirements of sections 236.01 to 236.09. A grain bank license is required in addition to a license to buy grain as a ~~public or~~ private local grain warehouse operator and permits the licensee to conduct a grain bank in accordance with sections 236.01 to 236.09.

Sec. 8. [REPEALER.]

Minnesota Statutes 1996, sections 236A.01; and 236A.02, are repealed.

Sec. 9. [EFFECTIVE DATE.]

Section 4 is effective the day following final enactment."

Delete the title and insert:



"A bill for an act relating to agriculture; changing certain license requirements; clarifying certain terms; repealing the interstate compact on agricultural grain marketing; amending Minnesota Statutes 1996, sections 17A.04, subdivision 1; 18B.30; 18B.36, subdivision 1; 231.01, subdivision 5; 236.01, subdivision 3; and 236.02, subdivisions 1 and 2; repealing Minnesota Statutes 1996, sections 236A.01; and 236A.02."

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

Senate Conferees: (Signed) Steve Dille, Dallas C. Sams, Charles A. Berg

House Conferees: (Signed) Al Juhnke, Carol Molnau, Stephen G. Wenzel

Mr. Dille moved that the foregoing recommendations and Conference Committee Report on S.F. No. 543 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 543 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

#### **MOTIONS AND RESOLUTIONS - CONTINUED**

S.F. No. 1722 and the Conference Committee Report thereon were reported to the Senate.

#### **CONFERENCE COMMITTEE REPORT ON S.F. NO. 1722**

A bill for an act relating to professions and occupations; defining pharmacy technician; amending Minnesota Statutes 1996, sections 151.01, by adding a subdivision; and 151.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 151.

April 29, 1997

The Honorable Allan H. Spear  
President of the Senate

The Honorable Phil Carruthers  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1722, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 1722 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1996, section 151.01, is amended by adding a subdivision to read:

Subd. 15a. [PHARMACY TECHNICIAN.] The term "pharmacy technician" means a person not licensed as a pharmacist or a pharmacist intern, who assists the pharmacist in the preparation and dispensing of medications by performing computer entry of prescription data and other manipulative tasks. A pharmacy technician shall not perform tasks specifically reserved to a licensed pharmacist or requiring professional judgment.

Sec. 2. Minnesota Statutes 1996, section 151.06, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY; RULES.] (a) [POWERS AND DUTIES.] The board of pharmacy shall have the power and it shall be its duty:

- (1) to regulate the practice of pharmacy;
- (2) to regulate the manufacture, wholesale, and retail sale of drugs within this state;
- (3) to regulate the identity, labeling, purity, and quality of all drugs and medicines dispensed in this state, using the United States Pharmacopeia and the National Formulary, or any revisions thereof, or standards adopted under the federal act as the standard;
- (4) to enter and inspect by its authorized representative any and all places where drugs, medicines, medical gases, or veterinary drugs or devices are sold, vended, given away, compounded, dispensed, manufactured, wholesaled, or held; it may secure samples or specimens of any drugs, medicines, medical gases, or veterinary drugs or devices after paying or offering to pay for such sample; it shall be entitled to inspect and make copies of any and all records of shipment, purchase, manufacture, quality control, and sale of these items provided, however, that such inspection shall not extend to financial data, sales data, or pricing data;
- (5) to examine and license as pharmacists all applicants whom it shall deem qualified to be such;
- (6) to license wholesale drug distributors;
- (7) to deny, suspend, revoke, or refuse to renew any registration or license required under this chapter, to any applicant or registrant or licensee upon any of the following grounds:
  - (i) fraud or deception in connection with the securing of such license or registration;
  - (ii) in the case of a pharmacist, conviction in any court of a felony;
  - (iii) in the case of a pharmacist, conviction in any court of an offense involving moral turpitude;
  - (iv) habitual indulgence in the use of narcotics, stimulants, or depressant drugs; or habitual indulgence in intoxicating liquors in a manner which could cause conduct endangering public health;
  - (v) unprofessional conduct or conduct endangering public health;
  - (vi) gross immorality;
  - (vii) employing, assisting, or enabling in any manner an unlicensed person to practice pharmacy;
  - (viii) conviction of theft of drugs, or the unauthorized use, possession, or sale thereof;
  - (ix) violation of any of the provisions of this chapter or any of the rules of the state board of pharmacy;

(x) in the case of a pharmacy license, operation of such pharmacy without a pharmacist present and on duty;

(xi) in the case of a pharmacist, physical or mental disability which could cause incompetency in the practice of pharmacy;

(xii) in the case of a pharmacist, the suspension or revocation of a license to practice pharmacy in another state; or

(xiii) in the case of a pharmacist, aiding suicide or aiding attempted suicide in violation of section 609.215 as established by any of the following:

(A) a copy of the record of criminal conviction or plea of guilty for a felony in violation of section 609.215, subdivision 1 or 2;

(B) a copy of the record of a judgment of contempt of court for violating an injunction issued under section 609.215, subdivision 4;

(C) a copy of the record of a judgment assessing damages under section 609.215, subdivision 5; or

(D) a finding by the board that the person violated section 609.215, subdivision 1 or 2. The board shall investigate any complaint of a violation of section 609.215, subdivision 1 or 2;

(8) to employ necessary assistants and make rules for the conduct of its business; and

(9) to register pharmacy technicians; and

(10) to perform such other duties and exercise such other powers as the provisions of the act may require.

(b) [TEMPORARY SUSPENSION.] In addition to any other remedy provided by law, the board may, without a hearing, temporarily suspend a license for not more than 60 days if the board finds that a pharmacist has violated a statute or rule that the board is empowered to enforce and continued practice by the pharmacist would create an imminent risk of harm to others. The suspension shall take effect upon written notice to the pharmacist, specifying the statute or rule violated. At the time it issues the suspension notice, the board shall schedule a disciplinary hearing to be held under the administrative procedure act. The pharmacist shall be provided with at least 20 days notice of any hearing held under this subdivision.

(c) [RULES.] For the purposes aforesaid, it shall be the duty of the board to make and publish uniform rules not inconsistent herewith for carrying out and enforcing the provisions of this chapter. The board shall adopt rules regarding prospective drug utilization review and patient counseling by pharmacists. A pharmacist in the exercise of the pharmacist's professional judgment, upon the presentation of a new prescription by a patient or the patient's caregiver or agent, shall perform the prospective drug utilization review required by rules issued under this subdivision.

### Sec. 3. [151.102] [PHARMACY TECHNICIAN.]

A pharmacy technician may assist a pharmacist in the practice of pharmacy by performing nonjudgmental tasks and works under the personal and direct supervision of the pharmacist. A pharmacist may supervise two technicians, as long as the pharmacist assumes responsibility for all the functions performed by the technicians. Nothing in this section prohibits the board of pharmacy from operating according to established rules setting ratios of technicians to pharmacists greater than two to one for the functions specified in rule. The delegation of any duties, tasks, or functions by a pharmacist to a pharmacy technician is subject to continuing review and becomes the professional and personal responsibility of the pharmacist who directed the pharmacy technician to perform the duty, task, or function."

Delete the title and insert:

"A bill for an act relating to professions and occupations; defining and regulating pharmacy technicians; amending Minnesota Statutes 1996, sections 151.01, by adding a subdivision; and 151.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 151."

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

Senate Conferees: (Signed) Dallas C. Sams, Don Samuelson, Dick Day

House Conferees: (Signed) Mike Delmont, Fran Bradley, Kevin Goodno

Mr. Sams moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1722 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1722 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

Ms. Hanson moved that S.F. No. 635, No. 17 on General Orders, be stricken and returned to its author. The motion prevailed.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

**Mr. Betzold introduced--**

**S.F. No. 1939:** A bill for an act relating to retirement; extending a deadline for certain members of the teachers retirement association.

Referred to the Committee on Governmental Operations and Veterans.

**Mr. Price introduced--**

**S.F. No. 1940:** A bill for an act relating to courts; children in need of protection or services; modifying the definition of child in need of protection or services; amending Minnesota Statutes 1996, section 260.015, subdivision 2a.

Referred to the Committee on Judiciary.

**Messrs. Foley, Betzold, Limmer and Morse introduced--**

**S.F. No. 1941:** A bill for an act relating to metropolitan government; abolishing the metropolitan mosquito control district; repealing Minnesota Statutes 1996, sections 473.701; 473.702; 473.703; 473.704; 473.705; 473.706; 473.711; 473.712; 473.714; 473.715; and 473.716.

Referred to the Committee on Local and Metropolitan Government.

**Messrs. Marty, Limmer, Morse, Price and Hottinger introduced--**

**S.F. No. 1942:** A bill for an act relating to sports; providing for a process to construct, fund, maintain, and govern a major league baseball facility without the use of public funds; providing for powers and duties of the governing entity; authorizing the issuance of bonds and other debt obligations; amending Minnesota Statutes 1996, section 473.551, subdivision 1, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Local and Metropolitan Government.

### MEMBERS EXCUSED

Messrs. Beckman, Berg and Samuelson were excused from the Session of today at 12:30 p.m. Mr. Hottinger was excused from the Session of today at 10:40 a.m. Ms. Robertson was excused from the Session of today at 1:00 p.m. Mr. Stumpf was excused from the Session of today from 8:00 to 8:45 a.m. Mr. Dille was excused from the Session of today from 8:00 to 9:00 a.m. Mr. Pogemiller was excused from the Session of today from 8:00 to 9:15 a.m. Ms. Berglin and Mr. Johnson, D.J. were excused from the Session of today from 8:00 to 9:30 a.m. Mr. Cohen was excused from the Session of today from 8:00 to 9:40 a.m. Ms. Anderson was excused from the Session of today from 8:00 to 10:30 a.m. Mr. Janezich was excused from the Session of today from 8:30 to 11:30 a.m. Ms. Ranum was excused from the Session of today from 8:00 to 11:15 a.m. Mr. Murphy was excused from the Session of today from 8:35 to 8:45 a.m. and 12:30 to 1:30 p.m. Mrs. Pariseau was excused from the Session of today from 1:50 to 2:05 p.m.

### ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, May 5, 1997. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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