

STATE OF MINNESOTA

# Journal of the Senate

EIGHTIETH LEGISLATURE

FIFTY-THIRD DAY

St. Paul, Minnesota, Monday, May 5, 1997

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

## CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rabbi Norman Cohen.

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

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

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

The President declared a quorum present.

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

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

April 10, 1997

The Honorable Allan H. Spear  
President of the Senate

Dear Sir:

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

MINNESOTA POLLUTION CONTROL AGENCY

Chester Wilander, Rt. 1, Box 208, Guthrie, Hubbard County, effective April 14, 1997, for a term expiring on the first Monday in January, 1999.

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

Warmest regards,  
Arne H. Carlson, Governor

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: 91, 256, 338, 244 and 442.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 2, 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. 1136:** A bill for an act relating to capital improvements; transferring responsibility for a family practice residency program from the city of Duluth to the Duluth economic development authority; amending Laws 1996, chapter 463, section 24, subdivision 3.

Senate File No. 1136 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 2, 1997

Mr. Solon moved that S.F. No. 1136 be laid on the table. The motion prevailed.

Mr. President:

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

**S.F. No. 97:** A bill for an act relating to health; providing for the isolation and detention of persons with active tuberculosis who pose an endangerment to the public health; establishing standards and procedures for isolation and detention; requiring reporting by licensed health professionals; modifying tuberculosis screening requirements; appropriating money; amending Minnesota Statutes 1996, section 144.445, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 144.

Senate File No. 97 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 2, 1997

Mr. Betzold moved that the Senate do not concur in the amendments by the House to S.F. No. 97, 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. 590:** A bill for an act relating to public utilities; adding a high voltage transmission line that crosses the state boundary to the definition of a large energy facility; amending Minnesota Statutes 1996, section 216B.2421, subdivision 2.

Senate File No. 590 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 2, 1997

Ms. Johnson, J.B. moved that the Senate do not concur in the amendments by the House to S.F. No. 590, 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. 435:** A bill for an act relating to motor vehicles; making technical changes to clarify that pickup truck with slip in camper may be registered depending upon its weight; eliminating authority for the appointment of corporations as deputy registrars; restricting telephonic access to certain information related to vehicle registration; allowing vehicle dealers 21 days to send purchase receipt to department of public safety if vehicle not sold; providing for display of fleet vehicle license plates; removing sunset date relating to recreational vehicle combination length; providing for appointment, duties, and discontinuance of appointment of driver's license agents; requiring adoption of rules; amending Minnesota Statutes 1996, sections 168.011, subdivision 25; 168.16; 168.33, subdivision 2; 168.345, subdivision 1; 168A.11, subdivision 2; 169.79; 169.81, subdivision 3c; 171.06, subdivision 4; 373.33; and 373.35, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 171; repealing Minnesota Statutes 1996, section 171.06, subdivision 4.

Senate File No. 435 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 2, 1997

Mr. Foley moved that the Senate do not concur in the amendments by the House to S.F. No. 435, 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. 1807:** A bill for an act relating to workers' compensation; changing certain reporting deadlines; modifying certain workers' compensation procedures; adding correctional officers to the presumption of occupational disease; amending Minnesota Statutes 1996, sections 79.55, subdivisions 9 and 10; 176.011, subdivision 15; and 176.191, subdivisions 1 and 5.

Senate File No. 1807 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 2, 1997

### CONCURRENCE AND REPASSAGE

Ms. Runbeck moved that the Senate concur in the amendments by the House to S.F. No. 1807 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1807 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Krentz	Neuville	Robling
Beckman	Higgins	Laidig	Novak	Runbeck
Belanger	Hottinger	Langseth	Oliver	Sams
Berg	Johnson, D.E.	Larson	Olson	Samuelson
Berglin	Johnson, D.H.	Lesewski	Ourada	Scheevel
Betzold	Johnson, D.J.	Lessard	Pappas	Scheid
Day	Johnson, J.B.	Limmer	Pariseau	Solon
Dille	Junge	Lourey	Piper	Spear
Fischbach	Kelley, S.P.	Marty	Pogemiller	Stumpf
Flynn	Kiscaden	Metzen	Price	Vickerman
Foley	Kleis	Moe, R.D.	Ranum	Wiener
Frederickson	Knutson	Morse	Robertson	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. 1316:** A bill for an act relating to state agencies; multimember agencies; changing certain publication dates and requirements; modifying registration requirements; changing the expiration date for certain multimember agencies; extending expiration dates for certain health-related advisory councils; extending certain advisory committees; exempting certain advisory councils and committees from expiration; setting expiration dates for certain advisory committees and commissions; adding a member to the food safety advisory committee; making technical changes; extending life of Mississippi river parkway commission to June 30, 2001; amending Minnesota Statutes 1996, sections 15.059, subdivision 5, and by adding a subdivision; 15.0597, subdivisions 2 and 3; 15.0599, subdivisions 1, 4, 5, and by adding a subdivision; 17.136; 17.49, subdivision 1; 18B.305, subdivision 3; 21.112, subdivision 2; 28A.20, subdivision 2, and by adding a subdivision; 31.95, subdivision 3a; 145.881, subdivision 1; 148.622, subdivision 3; 161.1419, subdivision 8; 214.32, subdivision 1; 245.697, subdivision 1; 254A.035, subdivision 2; and 254A.04; proposing coding for new law in Minnesota Statutes, chapters 15; and 147A.

Senate File No. 1316 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 2, 1997

Ms. Wiener moved that the Senate do not concur in the amendments by the House to S.F. No. 1316, 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. 473:** A bill for an act relating to human services; eliminating the Medicare certification requirement for home care providers; increasing the annual payment to counties for detoxification transportation; amending Minnesota Statutes 1996, sections 144A.46, subdivision 2; 254A.17, subdivision 3; 256B.055, subdivision 12; and 256B.071, subdivisions 1, 3, and 4.

Senate File No. 473 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 2, 1997

Ms. Berglin moved that the Senate do not concur in the amendments by the House to S.F. No. 473, 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. 995:** A bill for an act relating to retirement; revising various police state aid provisions to fully implement intended 1996 modifications; ratifying the calculation of certain 1996 police state aid amounts; modifying various fire state aid provisions; authorizing the exclusion of certain pipefitters from public employee retirement association membership; authorizing benefit increases for the Richfield fire department relief association; providing postretirement adjustments for retirees and benefit recipients of the Nashwauk police pension plan and the Eveleth police and fire retirement trust fund; clarifying the benefit floor for certain benefit recipients of the St. Paul police and fire consolidation accounts; providing alternative retirement coverage for transferred employees of the Jackson medical center, the Melrose hospital, and the Tracy municipal hospital; creating a trust for the state deferred compensation program; modifying the handling of sabbatical leave contributions by the teachers retirement association; modifying the timing of higher education supplemental retirement plan contributions; making administrative changes in the higher education individual retirement account plan and supplemental retirement plan; authorizing additional individual retirement account plans; modifying various economic actuarial assumptions; clarifying certain retirement dates; authorizing certain purchases of prior service credit; extending the volunteer firefighter flexible service pension maximums; modifying retirement coverage for transferred university academic health center employees; modifying tax-sheltered annuity programs for university and college employees; including additional classes of persons in definition of state employee; providing general statewide and local employee pension plan modifications; modifying investment reporting provisions; making miscellaneous retirement plan modifications; amending Minnesota Statutes 1996, sections 69.021, subdivisions 4, 5, 6, 7a, 8, 9, 10, and 11; 69.031, subdivisions 1, 3, and 5; 69.051, subdivisions 1, 1a, and 1b; 136F.45, by adding subdivisions; 352.01, subdivisions 2a and 2b; 352.96, subdivisions 2, 3, and 6; 352F.02, subdivisions 3, 6, and by adding subdivisions; 352F.03; 352F.04; 352F.05; 352F.06; 352F.07; 352F.08; 353.01, subdivision 2b; 353B.07, subdivision 3; 353B.08, subdivision 6; 353B.11, subdivisions 3, 4, and 5; 354.092, subdivisions 1, 3, and 4; 354B.21, subdivision 3; 354B.25, subdivision 5, and by adding a subdivision; 354C.11; 354C.12, subdivisions 1 and 4; 354D.02, subdivision 2; 354D.06; 354D.07; 354D.08, subdivisions 1, 2, 3, and 5; 356.20, by adding a subdivision; 356.215, subdivision 4d; 356.219; 423A.02, subdivision 2; 423B.06, subdivisions 1 and 1a; and 424A.02, subdivisions 3 and 10; Laws 1943, chapter 196, section 4, as amended; Laws 1965, chapter 705, section 1, subdivision 4; Laws 1967, chapter 798, sections 2 and 4; Laws 1992, chapter 563, section 5, as amended; and Laws 1996, chapter 408, article 8, sections 21, 22, subdivision 1, and 24; repealing Minnesota Statutes 1996, section 356.218; Laws 1995, chapter 262, article 1, sections 8, 9, 10, 11, and 12.

Senate File No. 995 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 2, 1997

Mr. Morse moved that S.F. No. 995 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 686, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 686 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 2, 1997

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 686

A bill for an act relating to landlord and tenant; prohibiting landlords from penalizing tenants solely for seeking police or emergency assistance; superseding inconsistent local regulation; authorizing the attorney general to investigate and prosecute violations; providing civil penalties; proposing coding for new law in Minnesota Statutes, chapter 504.

April 29, 1997

The Honorable Phil Carruthers  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

We, the undersigned conferees for H.F. No. 686, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 686 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [504.215] [TENANT'S RIGHT TO SEEK POLICE AND EMERGENCY ASSISTANCE.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) "Domestic abuse" has the meaning given in section 518B.01, subdivision 2.

(c) "Landlord" means the owner as defined in section 566.18, subdivision 3, the owner's agent, or a person acting under the owner's direction and control.

(d) "Tenant" has the meaning given in section 566.18, subdivision 2.

Subd. 2. [EMERGENCY CALLS PERMITTED.] (a) A landlord may not:

(1) bar or limit a tenant's right to call for police or emergency assistance in response to domestic abuse or any other conduct; or

(2) impose a penalty on a tenant for calling for police or emergency assistance in response to domestic abuse or any other conduct.

(b) A tenant may not waive and a landlord may not require the tenant to waive the tenant's right to call for police or emergency assistance.

Subd. 3. [LOCAL PREEMPTION.] This section preempts any inconsistent local ordinance or rule including, without limitation, any ordinance or rule that:

(1) requires an eviction after a specified number of calls by a tenant for police or emergency assistance in response to domestic abuse or any other conduct; or

(2) provides that calls by a tenant for police or emergency assistance in response to domestic abuse or any other conduct may be used to penalize or charge a fee to a landlord.

This subdivision shall not otherwise preempt any local ordinance or rule that penalizes a landlord for, or requires a landlord to abate, conduct on the premises that constitutes a nuisance or other disorderly conduct as defined by local ordinance or rule.

Subd. 4. [TENANT RESPONSIBILITY.] This section shall not be construed to condone or permit any breach of a lease or of law by a tenant including, but not limited to, disturbing the peace and quiet of other tenants, damage to property, and disorderly conduct.

Subd. 5. [TENANT REMEDIES.] A tenant may bring a civil action for a violation of this section and recover from the landlord \$250 or actual damages, whichever is greater, and reasonable attorney's fees.

Subd. 6. [ATTORNEY GENERAL AUTHORITY.] The attorney general has authority under section 8.31 to investigate and prosecute violations of this section.

#### Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1997, and applies to all leases entered into, modified, or renewed on or after that date. A provision in a current lease in conflict with section 1 is unenforceable on and after that effective date."

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

House Conferees: (Signed) Michael Paymar, Andy Dawkins, Peg Larsen

Senate Conferees: (Signed) Dave Johnson, David J. Ten Eyck, Mark Ourada

Mr. Johnson, D.H. moved that the foregoing recommendations and Conference Committee Report on H.F. No. 686 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.

H.F. No. 686 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### REPORTS OF COMMITTEES

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

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

**H.F. No. 1936** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1936	1823				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1936 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1936 and insert the language after the enacting clause of S.F. No. 1823, the second engrossment; further, delete the title of H.F. No. 1936 and insert the title of S.F. No. 1823, the second engrossment.

And when so amended H.F. No. 1936 will be identical to S.F. No. 1823, and further recommends that H.F. No. 1936 be given its second reading and substituted for S.F. No. 1823, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 858** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
858	920				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 858 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 858 and insert the language after the enacting clause of S.F. No. 920, the second engrossment; further, delete the title of H.F. No. 858 and insert the title of S.F. No. 920, the second engrossment.

And when so amended H.F. No. 858 will be identical to S.F. No. 920, and further recommends that H.F. No. 858 be given its second reading and substituted for S.F. No. 920, and that the Senate File be indefinitely postponed.

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

### SECOND READING OF HOUSE BILLS

H.F. Nos. 1936 and 858 were read the second time.



**MOTIONS AND RESOLUTIONS**

Mr. Betzold moved that the name of Mr. Foley be added as a co-author to S.F. No. 1939. The motion prevailed.

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

**S.F. No. 555:** A bill for an act relating to telecommunications; authorizing creation of telecommunication services purchasing cooperatives; proposing coding for new law in Minnesota Statutes, chapters 237; and 308A.

Mr. Kelley S.P. moved that the Senate do not concur in the amendments by the House to S.F. No. 555, 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.

**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.

H.F. Nos. 244, 243, 1755 and S.F. No. 254.

**SPECIAL ORDER**

**H.F. No. 244:** A bill for an act relating to the environment; modifying requirements relating to individual sewage treatment systems; amending Minnesota Statutes 1996, section 115.55, subdivisions 2, 3, 5, 6, 7, and by adding a subdivision.

Mr. Vickerman moved to amend H.F. No. 244, as amended pursuant to Rule 49, adopted by the Senate May 1, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 389.)

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1996, section 103D.335, subdivision 10, is amended to read:

Subd. 10. [WATER USE AND CONSERVATION.] The managers may regulate, conserve, and control the use and disposal of water, including the discharge of storm water, within the watershed district.

Sec. 2. Minnesota Statutes 1996, section 115.03, subdivision 5, is amended to read:

Subd. 5. [AGENCY AUTHORITY; NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.] Notwithstanding any other provisions prescribed in or pursuant to this chapter and, with respect to the pollution of waters of the state, in chapter 116, or otherwise, the agency shall have the authority to perform any and all acts minimally necessary including, but not limited to, the establishment and application of standards, procedures, rules, orders, variances, stipulation agreements, schedules of compliance, and permit conditions, consistent with and, therefore not less stringent than the provisions of the Federal Water Pollution Control Act, as amended, applicable to the participation by the state of Minnesota in the National Pollutant Discharge Elimination System (NPDES); provided that this provision shall not be construed as a limitation on any powers or duties otherwise residing with the agency pursuant to any provision of law. The commissioner may issue a state general permit to a watershed district allowing the watershed district to execute and enforce the state's NPDES storm water program."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Berg questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Mr. Stumpf moved to amend H.F. No. 244, as amended pursuant to Rule 49, adopted by the Senate May 1, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 389.)

Page 8, line 26, delete "a demonstration of"

Page 8, line 27, delete "need" and insert "providing documentation of the conditions listed in this paragraph"

The motion prevailed. So the amendment was adopted.

Mr. Stumpf then moved to amend H.F. No. 244, as amended pursuant to Rule 49, adopted by the Senate May 1, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 389.)

Page 5, line 35, after the period, insert "Any existing system that has at least two feet of soil separation and does not have any of the conditions in this paragraph need not be upgraded, repaired, or replaced nor have its use discontinued, notwithstanding any local ordinance to the contrary."

Page 6, delete lines 18 to 20

The motion prevailed. So the amendment was adopted.

Mr. Morse moved to amend the second Stumpf amendment to H.F. No. 244, adopted by the Senate May 5, 1997, as follows:

Page 1, line 9, delete the third comma

Page 1, line 10, delete everything before the period

The question was taken on the adoption of the Morse amendment to the second Stumpf amendment.

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

Those who voted in the affirmative were:

Anderson	Foley	Junge	Marty	Spear
Berglin	Frederickson	Kelley, S.P.	Morse	Vickerman
Betzold	Higgins	Krentz	Novak	
Cohen	Hottinger	Laidig	Price	
Flynn	Johnson, J.B.	Lourey	Ranum	

Those who voted in the negative were:

Beckman	Johnson, D.E.	Lessard	Pogemiller	Solon
Belanger	Johnson, D.H.	Limmer	Robertson	Stevens
Berg	Johnson, D.J.	Metzen	Robling	Stumpf
Day	Kleis	Murphy	Runbeck	Ten Eyck
Dille	Knutson	Neuville	Sams	Terwilliger
Fischbach	Langseth	Oliver	Samuelson	Wiener
Hanson	Larson	Olson	Scheevel	Wiger
Janezich	Lesewski	Pariseau	Scheid	

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

Mr. Dille moved to amend H.F. No. 244, as amended pursuant to Rule 49, adopted by the Senate May 1, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 389.)

Page 5, delete lines 11 to 15 and insert:

~~"(b) A compliance inspection under this subdivision is required~~ Prior to installation of a new or replacement system, as defined by agency rule, the installer must notify the local units of government of the date and time the system will be installed. A local unit of government is not required to have all new or replacement systems inspected prior to installation. The frequency and means of compliance inspection shall be determined by the applicable local ordinance. An installer must submit copies of plans and records to the local unit of government for all new construction or replacement of a system, as defined by agency rule systems."

Mr. Dille then moved to amend the Dille amendment to H.F. No. 244 as follows:

Page 1, line 12, delete "prior to installation"

The motion prevailed. So the amendment was adopted.

The question recurred on the adoption of the Dille amendment, as amended. The motion did not prevail. So the amendment, as amended, was not adopted.

H.F. No. 244 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	Krentz	Novak	Scheid
Beckman	Higgins	Laidig	Oliver	Solon
Belanger	Hottinger	Langseth	Olson	Spear
Berg	Janezich	Larson	Ourada	Stevens
Berglin	Johnson, D.E.	Lesewski	Pariseau	Stumpf
Betzold	Johnson, D.H.	Lessard	Pogemiller	Ten Eyck
Cohen	Johnson, D.J.	Limmer	Price	Terwilliger
Day	Johnson, J.B.	Lourey	Robertson	Vickerman
Dille	Junge	Marty	Robling	Wiener
Fischbach	Kelley, S.P.	Metzen	Runbeck	Wiger
Flynn	Kiscaden	Moe, R.D.	Sams	
Foley	Kleis	Morse	Samuelson	
Frederickson	Knutson	Murphy	Scheevel	

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

### SPECIAL ORDER

**H.F. No. 243:** A bill for an act relating to traffic regulations; requiring wheel flaps on truck tractors; regulating weight restrictions on vehicle axles; making technical changes; amending Minnesota Statutes 1996, sections 169.733, subdivision 1; 169.825, subdivision 8; and 299D.06.

Mr. Moe, R.D. moved to amend H.F. No. 243, the unofficial engrossment, as follows:

Page 1, after line 18, insert:

"ARTICLE 1

TRANSPORTATION FINANCING AND TECHNICAL CHANGES"

Page 14, after line 32, insert:

"ARTICLE 2

TEMPORARY GASOLINE AND SPECIAL FUELS TAX

Section 1. [ADDITIONAL GASOLINE EXCISE TAX.]

Notwithstanding Minnesota Statutes, section 296.02, or any other contrary provision of law, from July 1, 1997, through June 30, 1998, a gasoline excise tax, which is in addition to any other gasoline tax imposed by law, is imposed at the following rates:

- (1) E85 is taxed at the rate of .7 cents per gallon;
- (2) M85 is taxed at the rate of .6 cents per gallon; and
- (3) all other gasoline is taxed at the rate of one cent per gallon.

Sec. 2. [ADDITIONAL SPECIAL FUELS EXCISE TAX.]

Notwithstanding Minnesota Statutes, section 296.025, or any other contrary provision of law, from July 1, 1997, through June 30, 1998, a special fuel excise tax, which is in addition to any special fuel excise tax imposed by law, is imposed at the following rates:

- (1) liquefied petroleum gas or propane is taxed at the rate of .8 cents per gallon;
- (2) liquefied natural gas is taxed at the rate of .6 cents per gallon;
- (3) compressed natural gas is taxed at the rate of 8.7 cents per thousand cubic feet; or one cent per gasoline equivalent, as defined by the National Conference on Weights and Measures, which is .3 pounds of natural gas; and
- (4) all other special fuel is taxed at the same rate as the gasoline excise tax.

Sec. 3. [EFFECTIVE DATE.]

Article 2 is effective July 1, 1997, and applies to gasoline and undyed diesel fuel in distributor storage on that date.

ARTICLE 3  
APPROPRIATIONS

Section 1. [USE OF APPROPRIATED FUNDS.]

Subdivision 1. [DISTRIBUTION OF FUNDS.] The appropriations in this article must be distributed according to this section, notwithstanding Minnesota Statutes, sections 162.07, 162.08, 162.081, 162.13, or any law providing for a method of allocation or apportionment other than as specified herein.

Subd. 2. [COORDINATION WITH AGENCIES.] In distributing the money appropriated in this article, the commissioner of transportation shall cooperate and coordinate with the federal Highway Administration, Federal Emergency Management Agency, and department of public safety, division of emergency management.

Subd. 3. [MATCHING FUNDS.] The appropriations in this article must first be used to provide a match for federal funds applied to the repair and reconstruction of highways, streets, roads, and bridges due to damage caused by 1997 spring flooding.

Subd. 4. [REPAIR AND RECONSTRUCTION.] Any amounts not expended under subdivision 3 must be applied to projects for the repair and reconstruction of highways, streets, roads, and bridges damaged by 1997 spring flooding, which projects are not financed, in whole or in part, by federal funds. The commissioner of transportation shall allocate available amounts, within each specific appropriation, among counties, cities, and towns that request aid and submit supporting documentation requested by the commissioner. The commissioner may consult with the county screening board and municipal screening committee in making the allocations.

Subd. 5. [REVERSION OF UNSPENT FUNDS.] Any amounts which the commissioner of transportation determines are not needed for the purposes specified in subdivisions 3 and 4 shall

revert to the funds from which they were appropriated to be distributed according to the appropriate statutory formulas.

Sec. 2. [APPROPRIATIONS.]

Subdivision 1. [DEFINITION.] The appropriations in this article are available until expended, except as otherwise provided in section 1, subdivision 5, and are in addition to any other appropriations made in law.

Subd. 2. [TRUNK HIGHWAY FUND APPROPRIATION.] \$16,281,000 is appropriated from the trunk highway fund to the commissioner of transportation to be used as provided in section 1 for repair and reconstruction of trunk highways due to damage caused by 1997 spring flooding.

Subd. 3. [COUNTY STATE-AID HIGHWAY FUND APPROPRIATION.] \$7,439,000 is appropriated from the county state-aid highway fund to the commissioner of transportation to be used as provided in section 1 for repair and reconstruction of county state-aid highways due to damage caused by 1997 spring flooding.

Subd. 4. [COUNTY TURNBACK ACCOUNT APPROPRIATION.] \$864,000 is appropriated from the county turnback account in the county state-aid highway fund to the commissioner of transportation to be used as provided in section 1 for repairs and reconstruction purposes due to damage caused by the 1997 spring flooding. Of this amount, \$410,000 shall be used for township roads, \$216,000 shall be used for township bridges, and \$238,000 is added to the amount appropriated in subdivision 3 and shall be used on county state-aid highways.

Subd. 5. [TOWN ROAD ACCOUNT APPROPRIATION.] \$621,000 is appropriated from the town road account in the county state-aid highway fund to the commissioner of transportation to be used as provided in section 1 for repairs and reconstruction of town roads and bridges due to damage caused by 1997 spring flooding.

Subd. 6. [MUNICIPAL STATE-AID STREET FUND APPROPRIATION.] \$2,309,000 is appropriated from the municipal state-aid street fund to the commissioner of transportation to be used as provided in section 1 for repair and reconstruction of municipal state-aid streets due to damage caused by 1997 spring flooding.

Subd. 7. [MUNICIPAL TURNBACK ACCOUNT APPROPRIATION.] \$108,000 is appropriated from the municipal turnback account in the municipal state-aid street fund to the commissioner of transportation to be used as provided in section 1 for repair and reconstruction purposes due to damage caused by the 1997 spring flooding. This amount is added to the amount appropriated in subdivision 6 and shall be used on municipal state-aid streets.

Sec. 3. [EFFECTIVE DATE.]

Article 3 is effective the day following final enactment."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Langseth moved to amend H.F. No. 243, the unofficial engrossment, as follows:

Pages 1 to 3, delete section 1 and insert:

"Section 1. Minnesota Statutes 1996, section 162.07, subdivision 1, is amended to read:

Subdivision 1. [FORMULA.] After deducting for administrative costs and for the disaster account and research account and state park roads as heretofore provided, the remainder of the total sum provided for in section 162.06, subdivision 1, shall be identified as the an apportionment sum and an excess tax sum. The apportionment sum shall equal the amount of the remainder of the total sum, reduced by the excess tax sum as defined in subdivision 1a. The apportionment sum shall be apportioned by the commissioner to the several counties on the basis of the needs of the counties as determined in accordance with the following formula:

(1) An amount equal to ten percent of the apportionment sum shall be apportioned equally among the 87 counties.

(2) An amount equal to ten percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its motor vehicle registration for the calendar year preceding the one last past, determined by residence of registrants, bears to the total statewide motor vehicle registration.

(3) An amount equal to 30 percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its total lane-miles of approved county state-aid highways bears to the total lane-miles of approved statewide county state-aid highways. In 1997 and subsequent years no county may receive, as a result of an apportionment under this clause based on lane-miles rather than miles of approved county state-aid highways, an apportionment that is less than its apportionment in 1996.

(4) An amount equal to 50 percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its money needs bears to the sum of the money needs of all of the individual counties; provided, that the percentage of such amount that each county is to receive shall be adjusted so that each county shall receive in 1958 a total apportionment at least ten percent greater than its total 1956 apportionments from the state road and bridge fund; and provided further that those counties whose money needs are thus adjusted shall never receive a percentage of the apportionment sum less than the percentage that such county received in 1958.

Sec. 2. Minnesota Statutes 1996, section 162.07, is amended by adding a subdivision to read:

Subd. 1a. [DISTRIBUTION OF EXCESS TAX SUM.] The excess tax sum shall equal, for 1998 apportionments, the amount of the remainder of the total sum that was generated by two cents of the gasoline tax, and, for apportionments in 1999 and thereafter, the amount of the remainder of the total sum that was generated by two cents of the gasoline tax. The excess tax sum shall be distributed in accordance with the following formula:

(1) an amount equal to 40 percent of the excess tax sum shall be divided among the counties so that each county receives the percentage that its population bears to the population of the state; and

(2) an amount equal to 60 percent of the excess tax sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its money needs bears to the sum of the money needs of all of the individual counties."

Page 14, line 29, delete "Section 1 is" and insert "Sections 1 and 2 are"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Langseth then moved to amend the Langseth amendment to H.F. No. 243 as follows:

Page 2, line 18, delete "two" and insert "four"

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

### CALL OF THE SENATE

Mr. Frederickson imposed a call of the Senate for the balance of the proceedings on H.F. No. 243. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the Langseth amendment, as amended.

The roll was called, and there were yeas 33 and nays 29, as follows:

Those who voted in the affirmative were:

Beckman	Frederickson	Junge	Morse	Solon
Belanger	Higgins	Langseth	Murphy	Spear
Berg	Hottinger	Larson	Ourada	Stevens
Berglin	Janezich	Lesewski	Piper	Stumpf
Day	Johnson, D.E.	Lessard	Pogemiller	Vickerman
Dille	Johnson, D.J.	Lourey	Sams	
Flynn	Johnson, J.B.	Moe, R.D.	Scheevel	

Those who voted in the negative were:

Anderson	Johnson, D.H.	Laidig	Olson	Runbeck
Betzold	Kelley, S.P.	Limmer	Pariseau	Samuelson
Cohen	Kiscaden	Marty	Price	Scheid
Fischbach	Kleis	Metzen	Ranum	Wiener
Foley	Knutson	Novak	Robertson	Wiger
Hanson	Krentz	Oliver	Robling	

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

Ms. Runbeck moved to amend H.F. No. 243, the unofficial engrossment, as follows:

Pages 7 to 13, delete sections 7 to 11

Page 13, line 36, delete "Subdivision 1. [TRANSIT FUNDING.]"

Page 14, delete lines 7 to 13

Page 14, delete section 15

Page 14, line 27, delete everything after the period

Page 14, delete line 28

Page 14, line 29, delete everything before "Section"

Page 14, delete lines 31 and 32

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

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 33, as follows:

Those who voted in the affirmative were:

Berg	Kelley, S.P.	Limmer	Pariseau	Samuelson
Dille	Kiscaden	Marty	Ranum	Scheevel
Fischbach	Kleis	Metzen	Robertson	Scheid
Foley	Knutson	Novak	Robling	Stevens
Hanson	Krentz	Oliver	Runbeck	Wiener
Johnson, D.H.	Lesewski	Olson	Sams	Wiger

Those who voted in the negative were:

Anderson	Flynn	Junge	Morse	Solon
Beckman	Frederickson	Laidig	Murphy	Spear
Belanger	Higgins	Langseth	Ourada	Stumpf
Berglin	Hottinger	Larson	Pappas	Ten Eyck
Betzold	Janezich	Lessard	Piper	Vickerman
Cohen	Johnson, D.E.	Lourey	Pogemiller	
Day	Johnson, J.B.	Moe, R.D.	Price	

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

Mr. Kelley, S.P. moved to amend H.F. No. 243, the unofficial engrossment, as follows:

Page 14, line 5, delete "not"

The motion prevailed. So the amendment was adopted.

**RECONSIDERATION**

Having voted on the prevailing side, Mr. Moe, R.D. moved that the vote whereby the Langseth amendment, as amended, to H.F. No. 243 was adopted on May 5, 1997, be now reconsidered. The motion prevailed.

The question recurred on the Langseth amendment, as amended.

Mr. Johnson, D.E. moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 35 and nays 29, as follows:

Those who voted in the affirmative were:

Beckman	Frederickson	Junge	Morse	Scheevel
Belanger	Higgins	Langseth	Murphy	Solon
Berg	Hottinger	Larson	Ourada	Spear
Berglin	Janezich	Lesewski	Pappas	Stevens
Day	Johnson, D.E.	Lessard	Piper	Stumpf
Dille	Johnson, D.J.	Lourey	Pogemiller	Ten Eyck
Flynn	Johnson, J.B.	Moe, R.D.	Sams	Vickerman

Those who voted in the negative were:

Anderson	Johnson, D.H.	Laidig	Olson	Samuelson
Betzold	Kelley, S.P.	Limmer	Pariseau	Scheid
Cohen	Kiscaden	Marty	Ranum	Terwilliger
Fischbach	Kleis	Metzen	Robertson	Wiener
Foley	Knutson	Novak	Robling	Wiger
Hanson	Krentz	Oliver	Runbeck	

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

Mr. Foley moved to amend H.F. No. 243, the unofficial engrossment, as follows:

Page 3, after line 4, insert:

"Sec. 2. Minnesota Statutes 1996, section 169.14, subdivision 2, is amended to read:

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

- (1) 30 miles per hour in an urban district;
- (2) 65 miles per hour on non-interstate freeways and expressways, as defined in section 160.02, subdivision 16, ~~outside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;~~
- (3) 55 miles per hour in locations other than those specified in this section;
- (4) 70 miles per hour on interstate highways outside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;
- (5) 65 miles per hour on interstate highways inside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;
- (6) ten miles per hour in alleys; and
- (~~5~~) (7) 25 miles per hour in residential roadways if adopted by the road authority having jurisdiction over the residential roadway.



(b) A speed limit adopted under paragraph (a), clause (5) (7), is not effective unless the road authority has erected signs designating the speed limit and indicating the beginning and end of the residential roadway on which the speed limit applies."

Page 14, line 22, before "Minnesota" insert "(a)"

Page 14, after line 23, insert:

"(b) Minnesota Statutes 1996, section 169.14, subdivision 4a, is repealed. Any order of the commissioner of transportation issued under that subdivision is void."

Page 14, line 25, delete "12 to 14" and insert "2, 13 to 15, and 16, paragraph (b),"

Page 14, line 28, delete "7, 9 to 11, and 15" and insert "8, 10 to 12, and 16, paragraph (a),"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Johnson, D.E. questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Mr. Ten Eyck moved to amend H.F. No. 243, the unofficial engrossment, as follows:

Page 13, after line 22, insert:

"Sec. 12. Minnesota Statutes 1996, section 626.8463, subdivision 2, is amended to read:

Subd. 2. [QUOTA.] (a) Except as otherwise provided in paragraph (b), a law enforcement agency may have no more than two part-time peace officer positions, except that the agency may have up to the number of part-time peace officer positions recognized by the board as of January 1, 1985.

(b) The Hubbard county sheriff is authorized to have up to ten part-time peace officer positions. Each part-time peace officer position filled pursuant to this paragraph must be filled by a full-time peace officer within five years of the time the position is first filled by a part-time peace officer or the authorization under this paragraph for that particular part-time peace officer position expires."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Johnson, D.H. questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Ms. Kiscaden moved to amend H.F. No. 243, the unofficial engrossment, as follows:

Page 13, after line 22, insert:

"Sec. 12. [OPTIONAL CITY SALES; TAXES FOR TRANSIT.]

Subdivision 1. [SALES TAX AUTHORIZED.] Notwithstanding Minnesota Statutes, section 477A.016, or any other contrary provision of law, ordinance, or city charter, the governing body of any home rule charter or statutory city of the first or second class located outside of the metropolitan area defined in Minnesota Statutes, section 473.121, may, by ordinance, impose, for the purposes specified in subdivision 3, an additional sales tax of up to one-quarter of one percent on sales transactions taxable under Minnesota Statutes, chapter 297A, that occur within the city, and may also, by ordinance, impose an additional compensating use tax of up to one-quarter of one percent on uses of property within the city, the sale of which would be subject to the additional sales tax but for the fact that the property was sold outside the city.

Subd. 2. [ENFORCEMENT; COLLECTION; AND ADMINISTRATION OF TAXES.] (a) The city may provide for collection and enforcement of the taxes by ordinance or the city may enter into an agreement with the commissioner of revenue, providing for collection of the tax.

(b) If the city enters an agreement with the commissioner of revenue for collection of the tax, the sales tax imposed under this section must be reported and paid to the commissioner of revenue with the state sales taxes, and be subject to the same penalties, interest, and enforcement provisions. The proceeds of the tax, less refunds and a proportionate share of the cost of collection, shall be remitted at least quarterly to the city. The commissioner shall deduct from the proceeds remitted an amount that equals the direct and indirect department costs necessary to administer, audit, and collect the tax. The amount deducted shall be deposited in the general fund.

Subd. 3. [USE OF REVENUES.] Revenues received from taxes authorized by subdivision 1 must be used to pay the costs of collecting the taxes, and to pay to maintain, coordinate, and improve transit and paratransit services and transportation-related infrastructure in the area of the city."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 43, as follows:

Those who voted in the affirmative were:

Anderson	Johnson, D.E.	Limmer	Robertson	Wiger
Betzold	Kiscaden	Marty	Robling	
Fischbach	Krentz	Oliver	Runbeck	
Foley	Larson	Ourada	Stevens	
Frederickson	Lesewski	Ranum	Wiener	

Those who voted in the negative were:

Beckman	Higgins	Knutson	Olson	Scheid
Belanger	Hottinger	Laidig	Pappas	Solon
Berg	Janezich	Langseth	Pariseau	Spear
Berglin	Johnson, D.H.	Lessard	Piper	Stumpf
Cohen	Johnson, D.J.	Lourey	Pogemiller	Ten Eyck
Day	Johnson, J.B.	Metzen	Price	Terwilliger
Dille	Junge	Moe, R.D.	Sams	Vickerman
Flynn	Kelley, S.P.	Morse	Samuelson	
Hanson	Kleis	Murphy	Scheevel	

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

H.F. No. 243 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 34 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Johnson, J.B.	Morse	Solon
Beckman	Frederickson	Junge	Murphy	Spear
Belanger	Higgins	Langseth	Ourada	Stevens
Berg	Hottinger	Larson	Pappas	Stumpf
Berglin	Janezich	Lessard	Piper	Terwilliger
Cohen	Johnson, D.E.	Lourey	Pogemiller	Vickerman
Dille	Johnson, D.J.	Moe, R.D.	Scheid	

Those who voted in the negative were:

Betzold	Fischbach	Hanson	Kelley, S.P.	Kleis
Day	Foley	Johnson, D.H.	Kiscaden	Knutson

Krentz	Metzen	Price	Sams	Wiger
Laidig	Novak	Ranum	Samuelson	
Lesewski	Oliver	Robertson	Scheevel	
Limmer	Olson	Robling	Ten Eyck	
Marty	Pariseau	Runbeck	Wiener	

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

### SPECIAL ORDER

**H.F. No. 1755:** A bill for an act relating to local government; providing for procedures between the county housing and redevelopment authority and certain municipalities and municipal authorities; amending Minnesota Statutes 1996, section 383B.77, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 52 and nays 8, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Kiscaden	Lesewski	Pariseau	Scheevel	Stevens
Kleis	Olson	Robling		

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 254:** A bill for an act relating to game and fish; modifying certain fish habitat and propagation provisions; authorizing the commissioner to establish special hunts for youth; permitting youth residents to hunt deer without a license tag; authorizing rules to restrict airboats; modifying provisions relating to taking minnows; authorizing the commissioner to sell merchandise; providing purposes for the game and fish fund; modifying stamp provisions; modifying the procedure for vacating or modifying a state game refuge; defining terms; prohibiting airboats on certain lakes; permitting persons 65 years of age or older to take certain game with a crossbow; establishing shooting hours for migratory game birds; modifying license provisions; providing criminal penalties; appropriating money; amending Minnesota Statutes 1996, sections 17.4982, by adding subdivisions; 17.4983, by adding a subdivision; 17.4998; 84.0855; 97A.015, subdivisions 49, 53, and by adding a subdivision; 97A.045, subdivision 7; 97A.055, subdivision 1; 97A.075, subdivision 3; 97A.085, subdivision 8; 97A.101, by adding a subdivision; 97A.411, subdivisions 1 and 3; 97A.421, subdivision 1; 97A.465, subdivision 4; 97A.485, subdivision 9, and by adding a subdivision; 97B.035, subdivision 1; 97B.075; 97B.106; 97B.301, subdivision 6; 97B.655, subdivision 1; 97B.805, subdivision 2; 97C.035, subdivision 1; 97C.211, subdivision 1, and by adding a subdivision; 97C.505, by adding a subdivision; and 168.1291, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 1996, section 97A.111.

Mr. Laidig moved to amend S.F. No. 254 as follows:

Page 9, line 13, before "except" insert "for the 1997 season,"

Page 9, line 15, delete "minor or an adult accompanying a"

Page 9, line 16, delete "minor" and insert "youth hunter under the age of 16 who is accompanied by a nonhunting adult 18 years or older"

Page 9, line 17, after the period, insert "Notwithstanding section 97A.015, subdivision 47, the nonhunting adult may assist the youth hunter except that the nonhunting adult may not shoot or kill waterfowl while accompanying the youth hunter."

### CALL OF THE SENATE

Mr. Lessard imposed a call of the Senate for the balance of the proceedings on S.F. No. 254. 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 11 and nays 52, as follows:

Those who voted in the affirmative were:

Belanger	Flynn	Laidig	Morse	Runbeck
Berglin	Hottinger	Lourey	Oliver	Spear
Betzold				

Those who voted in the negative were:

Anderson	Johnson, D.E.	Langseth	Pappas	Scheid
Beckman	Johnson, D.H.	Larson	Pariseau	Solon
Berg	Johnson, D.J.	Lesewski	Piper	Stevens
Cohen	Johnson, J.B.	Lessard	Pogemiller	Stumpf
Dille	Junge	Limmer	Price	Ten Eyck
Fischbach	Kelley, S.P.	Marty	Ranum	Vickerman
Foley	Kelly, R.C.	Metzen	Robertson	Wiener
Frederickson	Kiscaden	Moe, R.D.	Robling	Wiger
Hanson	Kleis	Novak	Sams	
Higgins	Knutson	Olson	Samuelson	
Janezich	Krentz	Ourada	Scheevel	

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

Mr. Stumpf moved to amend S.F. No. 254 as follows:

Page 4, after line 3, insert:

"Sec. 7. Minnesota Statutes 1996, section 86B.313, subdivision 1, is amended to read:

Subdivision 1. [GENERAL REQUIREMENTS.] (a) In addition to requirements of other laws relating to watercraft, it is unlawful to operate or to permit the operation of a personal watercraft:

(1) without each person on board the personal watercraft wearing a United States Coast Guard approved Type I, II, III, or V personal flotation device;

(2) between sunset and 8:00 9:00 a.m.;

(3) at greater than slow-no wake speed within ~~400~~ 150 feet of:

(i) a shoreline, unless necessary to avoid a safety problem with other watercraft between 100 and 150 feet from the shoreline;

(ii) a dock,;

- (iii) a swimmer, or;
  - (iv) a raft used for swimming or diving raft; or
  - (v) a moored, anchored, or nonmotorized watercraft at ~~greater than slow no wake speed;~~
  - (4) while towing a person on water skis, a kneeboard, an inflatable craft, or any other device unless:
    - (i) an observer is on board; or
    - (ii) the personal watercraft is equipped with factory-installed or factory-specified accessory mirrors that give the operator a wide field of vision to the rear;
  - (5) without the lanyard-type engine cutoff switch being attached to the person, clothing, or personal flotation device of the operator, if the personal watercraft is equipped by the manufacturer with such a device;
  - (6) if any part of the spring-loaded throttle mechanism has been removed, altered, or tampered with so as to interfere with the return-to-idle system;
  - (7) to chase or harass wildlife;
  - (8) through emergent or floating vegetation at other than a slow-no wake speed;
  - (9) in a manner that unreasonably or unnecessarily endangers life, limb, or property, including weaving through congested watercraft traffic, jumping the wake of another watercraft within 100 feet of the other watercraft; or
  - (10) in any other manner that is not reasonable and prudent;
  - (11) while facing backwards; or
  - (12) without a personal watercraft rules decal, issued by the commissioner, attached to the personal watercraft so as to be in full view and readable by the operator while underway.
- (b) A political subdivision may waive the restrictions in paragraph (a), clause (3), items (i), (ii), (iv), and (v), paragraph (a), clauses (11) and (12), and subdivision 3a, for operators of personal watercraft participating in a race conducted pursuant to a permit issued by the political subdivision.

Sec. 8. Minnesota Statutes 1996, section 86B.313, subdivision 3, is amended to read:

Subd. 3. [OPERATOR'S PERMIT.] Except in the case of an emergency, a person 13 years of age or over but less than 18 years of age may not operate a personal watercraft, regardless of horsepower, without possessing a valid watercraft operator's permit as required by section 86B.305, unless there is a person ~~18~~ 21 years of age or older on board the craft. In addition to the permit requirement, a person 13 years of age operating a personal watercraft must maintain unaided observation by a person ~~18~~ 21 years of age or older. It is unlawful for the owner of a personal watercraft to permit the personal watercraft to be operated contrary to this subdivision.

Sec. 9. Minnesota Statutes 1996, section 86B.313, is amended by adding a subdivision to read:

Subd. 3a. [PERSONAL WATERCRAFT SAFETY CERTIFICATE.] (a) Except in the case of an emergency, a person born on or after January 1, 1979, may not operate or be permitted to operate a personal watercraft, regardless of horsepower, unless the person possesses a valid personal watercraft safety certificate issued by the commissioner. It is also unlawful for the owner of a personal watercraft to permit the personal watercraft to be operated contrary to this subdivision.

- (b) Persons less than 13 years of age may not be issued a personal watercraft safety certificate.
- (c) Persons 13 to 17 years of age may not be issued a personal watercraft safety certificate

unless they are in possession of a valid watercraft operator's permit from this state or their state of residence.

(d) The commissioner or designee may accept an equivalent personal watercraft safety certificate from another state or country.

(e) The personal watercraft safety certificate shall be revoked concurrently with a suspension of a motorboat operating privilege under sections 86B.331 and 86B.335 or a revocation of a watercraft operator's permit for persons 13 to 17 years of age.

(f) The following fees shall be charged to all persons, except law enforcement or other governmental employees who are assigned to use personal watercraft in their official capacity. Law enforcement or other governmental employees shall be issued the personal watercraft safety certificate at no cost after successfully completing the written test. All fees shall be deposited in the state treasury, credited to the water recreation account of the natural resources fund, and appropriated for the administration and enforcement of the personal watercraft safety program:

(1) original certificate, \$10; and

(2) duplicate certificate, \$5.

Sec. 10. Minnesota Statutes 1996, section 86B.313, subdivision 4, is amended to read:

Subd. 4. [DEALERS AND RENTAL OPERATIONS.] (a) A dealer of personal watercraft shall distribute a summary of the laws and rules governing the operation of personal watercraft and, upon request, shall provide instruction to a purchaser regarding:

(1) the laws and rules governing personal watercraft; and

(2) the safe operation of personal watercraft.

(b) A person who offers personal watercraft for rent:

(1) shall provide a summary of the laws and rules governing the operation of personal watercraft and provide instruction regarding the laws and rules and the safe operation of personal watercraft to each person renting a personal watercraft; and

(2) shall provide a United States Coast Guard approved Type I, II, III, or V personal flotation device and any other required safety equipment to all persons who rent a personal watercraft at no additional cost; and

(3) shall require that a personal watercraft safety certificate, when required under subdivision 3a, be shown each time a personal watercraft is rented and shall record the certificate number on the form required in paragraph (c).

(c) Each dealer of personal watercraft or person offering personal watercraft for rent shall have the person who purchases or rents a personal watercraft sign a form provided by the commissioner acknowledging that the purchaser or renter has been provided a copy of the laws and rules regarding personal watercraft operation and has read them. The form must be retained by the dealer or person offering personal watercraft for rent for a period of six months following the date of signature and must be made available for inspection by sheriff's deputies or conservation officers during normal business hours."

Page 12, after line 17, insert:

"(a) Effective July 1, 1997, the commissioner shall develop educational materials, administrative and testing procedures, and a records program to implement the personal watercraft safety certificate program under section 9 beginning January 1, 1998.

(b) Sections 7 to 10 are effective January 1, 1998."

Page 12, line 18, before "Section" insert "(c)"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Lessard moved to amend S.F. No. 254 as follows:

Page 12, after line 14, insert:

"Sec. 33. [GAME AND FISH FUND REPORT; 1997.]

In the 1997 report required under Minnesota Statutes, section 97A.055, subdivision 4, paragraph (a), clause (3), the commissioner must include:

(1) an analysis and discussion of the appropriate level of expenditure from the game and fish fund for field operations support, administrative management, statewide indirect costs, fleet management, ecological services, office rent, statewide communications, unemployment compensation, regional indirect costs, and workers' compensation;

(2) a comparison of expenditures for each of the purposes listed in clause (1) from all funds and accounts used by the department; and

(3) recommendations for changes in the allocation of funding from the game and fish fund for the purposes listed in clause (1)."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Johnson, J.B. moved to amend S.F. No. 254 as follows:

Page 4, after line 3, insert:

"Sec. 7. Minnesota Statutes 1996, section 84.82, subdivision 2, is amended to read:

Subd. 2. [APPLICATION, ISSUANCE, REPORTS, ADDITIONAL FEE.] (a) Application for registration or reregistration shall be made to the commissioner of natural resources, or the commissioner of public safety or an authorized deputy registrar of motor vehicles in such form as the commissioner of public safety shall prescribe, and shall state the legal name and address of every owner of the snowmobile and be signed by at least one owner.

(b) A person who purchases a snowmobile from a retail dealer shall make application for registration to the dealer at the point of sale. The dealer shall issue a temporary registration permit to each purchaser who applies to the dealer for registration. The temporary registration is valid for 60 days from the date of issue. Each retail dealer shall submit completed registration and fees to the deputy registrar at least once a week. Upon receipt of the application and the appropriate fee as hereinafter provided, such snowmobile shall be registered and a registration number assigned which shall be affixed to the snowmobile in such a clearly visible and permanent manner for enforcement purposes as the commissioner of natural resources shall prescribe.

(c) Each deputy registrar of motor vehicles acting pursuant to section 168.33, shall also be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with these accounting and procedural requirements.

(d) A fee of \$2 in addition to that otherwise prescribed by law shall be charged for:

(1) each snowmobile registered by the registrar or a deputy registrar and the additional fee shall be disposed of in the manner provided in section 168.33, subdivision 2; or

(2) each snowmobile registered by the commissioner and the additional fee shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund.

Sec. 8. Minnesota Statutes 1996, section 84.82, subdivision 3, is amended to read:

Subd. 3. [FEES FOR REGISTRATION.] (a) The fee for registration of each snowmobile, other than those used for an agricultural purpose, as defined in section 84.92, subdivision 1c, or those registered by a dealer or manufacturer pursuant to clause (b) or (c) shall be as follows: \$30 ~~\$45~~ for three years and \$4 for a duplicate or transfer.

(b) The total registration fee for all snowmobiles owned by a dealer and operated for demonstration or testing purposes shall be \$50 per year.

(c) The total registration fee for all snowmobiles owned by a manufacturer and operated for research, testing, experimentation, or demonstration purposes shall be \$150 per year. Dealer and manufacturer registrations are not transferable.

Sec. 9. [84.8205] [SNOWMOBILE STATE TRAIL PERMIT.]

No snowmobile shall be operated on a state recreational snowmobile trail unless the snowmobile operator has in possession a snowmobile state trail permit. The commissioner of natural resources shall issue a permit upon application and payment of a \$10 fee. The permit is valid from November 1 through April 30. Fees collected under this section shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund.

Sec. 10. Minnesota Statutes 1996, section 84.83, subdivision 3, is amended to read:

Subd. 3. [PURPOSES FOR THE ACCOUNT.] The money deposited in the account and interest earned on that money may be expended only as appropriated by law for in the following purposes manner:

(1) 50 percent annually for a grant-in-aid program to counties and municipalities for construction and, maintenance, and safety posting of snowmobile trails, of which 40 percent is for construction, trail grooming, and lease clarification, and no less than ten percent is for nongrooming trail safety improvements and snowmobile safety education;

(2) 25 percent annually for acquisition, development, and maintenance, and administration of state recreational snowmobile trails;

(3) ~~for snowmobile safety programs; and~~

(4) (3) 25 percent annually for the administration and enforcement of sections 84.81 to 84.90 snowmobile enforcement and safety education. The commissioner shall make grants to local law enforcement agencies for additional snowmobile enforcement initiatives above and beyond current levels of local law enforcement activities, as requested.

Sec. 11. [84.862] [SNOWMOBILE SAFETY CERTIFICATE REQUIRED.]

By October 1, 1999, snowmobile operators 18 years of age and younger must have completed the safety education and training course established in section 84.86 and must have in possession a snowmobile safety certificate issued by the commissioner. If an operator does not have the certificate in possession, the operator may produce the certificate within 72 hours after a peace officer requests the certificate.

Sec. 12. Minnesota Statutes 1996, section 84.87, subdivision 2, is amended to read:

Subd. 2. [OPERATION GENERALLY.] It shall be unlawful for any person to drive or operate any snowmobile in the following unsafe or harassing ways:

(a) (1) at a rate of speed greater than reasonable or proper under all the surrounding circumstances;



(b) (2) in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;

(e) (3) without a lighted head and taillight when required for safety; or

(d) (4) in any tree nursery or planting in a manner which damages or destroys growing stock.

Sec. 13. Minnesota Statutes 1996, section 84.872, is amended by adding a subdivision to read:

Subd. 1a. [HELMET REQUIRED.] (a) No person under the age of 18 shall operate or ride a snowmobile in this state without wearing protective headgear that complies with standards established by the commissioner of public safety.

(b) The provisions of this subdivision shall not apply to persons during their participation in a parade that has been granted a permit or other official authorization by a local unit of government.

Sec. 14. Minnesota Statutes 1996, section 84.873, is amended to read:

84.873 [SIGNAL FROM OFFICER TO STOP.]

It is unlawful for a snowmobile operator, after having received a visual or audible signal from any law enforcement officer to come to a stop, to (a) (1) operate a snowmobile in willful or wanton disregard of such signal, or (b) (2) interfere with or endanger the law enforcement officer or any other person or vehicle, ~~or (c) increase speed or attempt to flee or elude the officer.~~"

Page 12, after line 14, insert:

"Sec. 41. Minnesota Statutes 1996, section 296.16, subdivision 1, is amended to read:

Subdivision 1. [INTENT; GASOLINE USE.] All gasoline received in this state and all gasoline produced in or brought into this state except aviation gasoline and marine gasoline shall be determined to be intended for use in motor vehicles in this state.

Approximately 1-1/2 percent of all gasoline received in this state and 1-1/2 percent of all gasoline produced or brought into this state, except gasoline used for aviation purposes, is being used as fuel for the operation of motorboats on the waters of this state and of the total revenue derived from the imposition of the gasoline fuel tax for uses other than for aviation purposes, 1-1/2 percent of such revenues is the amount of tax on fuel used in motorboats operated on the waters of this state.

Approximately ~~three-fourths of~~ one percent in fiscal years 1998 and 1999, and ~~three-fourths of one percent thereafter,~~ of all gasoline received in and produced or brought into this state, except gasoline used for aviation purposes, is being used as fuel for the operation of snowmobiles in this state, and of the total revenue derived from the imposition of the gasoline fuel tax for uses other than for aviation purposes, ~~three-fourths of one percent in fiscal years 1998 and 1999, and three-fourths of one percent thereafter,~~ of such revenues is the amount of tax on fuel used in snowmobiles operated in this state.

Approximately 0.15 of one percent of all gasoline received in or produced or brought into this state, except gasoline used for aviation purposes, is being used for the operation of all-terrain vehicles in this state, and of the total revenue derived from the imposition of the gasoline fuel tax, 0.15 of one percent is the amount of tax on fuel used in all-terrain vehicles operated in this state.

Approximately 0.046 of one percent of all gasoline received or produced in or brought into this state, except gasoline used for aviation purposes, is being used for the operation of off-highway motorcycles in this state, and of the total revenue derived from the imposition of the gasoline fuel tax for uses other than for aviation purposes, 0.046 of one percent is the amount of tax on fuel used in off-highway motorcycles operated in this state.

Approximately .164 of one percent of all gasoline received or produced in or brought into this state, except gasoline used for aviation purposes, is being used for the off-road operation of off-road vehicles, as defined in section 84.797, in this state, and of the total revenue derived from

the imposition of the gasoline fuel tax for uses other than aviation purposes, .164 of one percent is the amount of tax on fuel used for off-road operation of off-road vehicles in this state.

Sec. 42. Minnesota Statutes 1996, section 609.487, is amended by adding a subdivision to read:

Subd. 2a. [MOTOR VEHICLE; DEFINITION.] "Motor vehicle" has the meaning given in section 169.01, subdivision 3, and includes the following recreational motor vehicles:

- (1) an off-highway motorcycle, as defined in section 84.787;
- (2) an off-road vehicle, as defined in section 84.797;
- (3) a snowmobile, as defined in section 84.81;
- (4) an all-terrain vehicle, as defined in section 84.92;
- (5) a motorboat, as defined in section 86B.005, subdivision 9;
- (6) any hovercraft or motor vehicle licensed for highway operation that is being used for an off-road recreational purpose; and
- (7) any other self-propelled vehicle or vehicle propelled or drawn by a self-propelled vehicle that is being used for recreational purposes."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Ms. Johnson, J.B. then moved to amend the Johnson, J.B. amendment to S.F. No. 254 as follows:

Page 3, line 19, after "operators" insert "under"

Page 3, line 20, delete "and younger"

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

Mr. Morse moved to amend the Johnson, J.B. amendment to S.F. No. 254 as follows:

Pages 2 and 3, delete section 10

Renumber the sections in sequence and correct the internal references

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

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

### **CONFERENCE COMMITTEE EXCUSED**

Pursuant to Rule 21, Mr. Johnson, D.J. moved that the following members be excused for a Conference Committee on H.F. No. 2163 at 3:20 p.m.:

Messrs. Johnson, D.J.; Hottinger; Vickerman; Belanger and Ms. Pappas. The motion prevailed.

Mr. Stumpf moved to amend the Johnson, J.B. amendment to S.F. No. 254, adopted by the Senate May 5, 1997, as follows:

Page 4, line 13, before the period, insert "or to a person operating a snowmobile on land that is owned by the person or the person's parents, grandparents, siblings, uncles, or aunts"

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

**CONFERENCE COMMITTEE EXCUSED**

Pursuant to Rule 21, Mr. Metzen moved that the following members be excused for a Conference Committee on H.F. No. 753 from 11:15 to 11:45 a.m.:

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

Mr. Price moved to amend S.F. No. 254 as follows:

Page 12, delete section 32 and insert:

"Sec. 32. Minnesota Statutes 1996, section 168.1291, is amended to read:

168.1291 [SPECIAL LICENSE PLATES; DESIGN.]

Subdivision 1. [DEFINITION.] For purposes of this section "special license plates" means license plates issued under sections 168.12, subdivisions 2b to 2e; 168.123; 168.129; and ~~168.1292; and 168.1296.~~

Subd. 2. [DESIGN OF SPECIAL LICENSE PLATES.] The commissioner shall design a single special license plate that will contain a unique number and a space for a unique symbol. The commissioner shall design a unique symbol related to the purpose of each special license plate. Any provision of sections 168.12, subdivisions 2b to 2e; 168.123; 168.129; and ~~168.1292; and 168.1296~~ that requires the placement of a specified letter or letters on a special license plate applies to those license plates only to the extent that the commissioner includes the letter or letters in the design. Where a law authorizing a special license plate contains a specific requirement for graphic design of that license plate, that requirement applies to the appropriate unique symbol the commissioner designs.

Subd. 3. [ISSUANCE OF SPECIAL LICENSE PLATES WITH UNIQUE SYMBOLS.] Notwithstanding section 168.12, subdivisions 2b to 2e; 168.123; 168.129; ~~or 168.1292; or 168.1296~~, beginning with special license plates issued in calendar year 1996 the commissioner shall issue each class of special license plates permanently marked with specific designs under those laws only until the commissioner's supply of those license plates is exhausted. Thereafter the commissioner shall issue under those laws only the license plate authorized under subdivision 2, with the appropriate unique symbol attached.

Subd. 4. [FEES.] Notwithstanding section 168.12, subdivisions 2b to 2e; 168.123; 168.129; ~~or 168.1292; or 168.1296~~, the commissioner shall charge a fee of \$10 for each set of license plates issued under this section.

Subd. 5. [APPLICATION.] This section does not apply to a special motorcycle license plate designed by the registrar under section 168.123, subdivision 1, clause (2).

Sec. 33. Minnesota Statutes 1996, section 168.1296, subdivision 1, is amended to read:

Subdivision 1. [GENERAL REQUIREMENTS AND PROCEDURES.] (a) The registrar shall issue special critical habitat license plates to an applicant who:

- (1) is an owner or joint owner of a passenger automobile, pickup truck, or van;
- (2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;
- (3) pays the registration tax required under section 168.013;
- (4) pays the fees required under this chapter;
- (5) contributes ~~at least a minimum of~~ a minimum of \$30 annually to the Minnesota critical habitat private sector matching account established in section 84.943; and
- (6) complies with laws and rules governing registration and licensing of vehicles and drivers.

(b) The critical habitat license application form must clearly indicate that the annual contribution specified under paragraph (a), clause (5), is a minimum contribution to receive the license plate and that the applicant may make an additional contribution to the account.

Sec. 34. [APPROPRIATION.]

Notwithstanding Minnesota Statutes, section 84.943, subdivision 3, \$65,000 is appropriated from the Minnesota critical habitat private sector matching account to the commissioner of public safety for costs of handling and manufacturing up to 10,000 special critical habitat license plates, as needed. Notwithstanding Minnesota Statutes, section 168.1296, subdivision 5, \$65,000 of the fees collected from applicants for the license plates must be deposited in the state treasury and credited to the Minnesota critical habitat private sector matching account. Fees collected in excess of \$65,000 must be deposited in the highway user tax distribution fund. This appropriation is available until expended."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mrs. Pariseau moved to amend S.F. No. 254 as follows:

Page 12, after line 14, insert:

"Sec. 33. [FIREARMS SAFETY PILOT PROGRAM.]

The commissioner of natural resources is authorized to establish a two-year firearms safety pilot demonstration program promoting awareness and understanding of the safe use and storage of firearms that is value-neutral concerning firearms ownership. The demonstration program shall be conducted in two school districts, one of which shall be located in the metropolitan area and one of which shall be conducted in outstate Minnesota. The commissioner shall submit a report to the legislature by January 15, 1999, regarding the efficacy of the program and recommending whether the commissioner should continue and expand the program."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Morse moved to amend the Johnson, J.B. amendment to S.F. No. 254, adopted by the Senate May 5, 1997, as follows:

Page 2, line 23, after "snowmobile" insert "that is not registered in this state"

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

S.F. No. 254 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 49 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kelley, S.P.	Lesewski	Oliver
Beckman	Flynn	Kelly, R.C.	Lessard	Ourada
Belanger	Foley	Kiscaden	Lourey	Pappas
Berg	Frederickson	Knutson	Marty	Pariseau
Berglin	Hanson	Krentz	Metzen	Piper
Betzold	Johnson, D.E.	Laidig	Moe, R.D.	Price
Cohen	Johnson, J.B.	Langseth	Morse	Ranum
Day	Junge	Larson	Murphy	Robling

Sams  
Samuelson

Solon  
Spear

Stevens  
Stumpf

Ten Eyck  
Wiener

Wiger

Mrs. Fischbach, Messrs. Kleis, Limmer and Scheevel voted in the negative.

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

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Pogemiller moved that the following members be excused for a Conference Committee on H.F. No. 1684 at 3:45 p.m.:

Mr. Pogemiller, Mrs. Scheid, Mr. Janezich, Mses. Olson and Robertson. The motion prevailed.

Mr. Solon moved that S.F. No. 1136 be taken from the table. The motion prevailed.

**S.F. No. 1136:** A bill for an act relating to capital improvements; transferring responsibility for a family practice residency program from the city of Duluth to the Duluth economic development authority; amending Laws 1996, chapter 463, section 24, subdivision 3.

### CONCURRENCE AND REPASSAGE

Mr. Solon moved that the Senate concur in the amendments by the House to S.F. No. 1136 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1136 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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

### MESSAGES FROM THE HOUSE

Mr. President:

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

**S.F. No. 457:** A bill for an act relating to professions; modifying provisions relating to the board of social work; providing civil penalties; amending Minnesota Statutes 1996, sections 13.99, subdivision 50; 148B.01, subdivisions 4 and 7; 148B.03; 148B.04, subdivisions 2, 3, and 4; 148B.06, subdivision 3; 148B.07; 148B.08, subdivision 2; 148B.18, subdivisions 4, 5, 11, and by adding subdivisions; 148B.19, subdivisions 1, 2, and 4; 148B.20, subdivision 1, and by adding a subdivision; 148B.21, subdivisions 3, 4, 5, 6, 7, and by adding a subdivision; 148B.215; 148B.22, by adding a subdivision; 148B.26, subdivision 1, and by adding a subdivision; 148B.27, subdivisions 1 and 2; and 148B.28, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 148B; repealing Minnesota Statutes 1996, sections 148B.01, subdivision 3; 148B.18, subdivisions 6 and 7; 148B.19, subdivision 3; and 148B.23.

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

McGuire, Paymar and Leppik.

Senate File No. 457 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1997

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1722, and repassed said bill in accordance with the report of the Committee, so adopted.

**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.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1997

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 543, and repassed said bill in accordance with the report of the Committee, so adopted.

**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.

Senate File No. 543 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1997

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 35, and repassed said bill in accordance with the report of the Committee, so adopted.

**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.

Senate File No. 35 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1997

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 277, and repassed said bill in accordance with the report of the Committee, so adopted.

**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.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 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. 309:** A bill for an act relating to state lands; authorizing the conveyance of tax-forfeited land bordering on public waters to the city of Mankato for no consideration; authorizing sale of certain tax-forfeited lands that border public water or natural wetlands in Cass county; authorizing public sale of certain tax-forfeited land that borders public water in Crow Wing county; authorizing public sale of certain tax-forfeited land that borders public water in Becker county; authorizing public sale of certain tax-forfeited land that borders public water in Aitkin county; authorizing sale of certain tax-forfeited land that borders public water in Mille Lacs county; authorizing sales of certain tax-forfeited lands bordering public waters in Cook county; authorizing the transfers of tax-forfeited lands in Washington county; authorizing the private sale of tax-forfeited land in Carlton county; authorizing private sale of certain state lands to wild rice lessees.

Senate File No. 309 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1997

Mr. Stevens moved that the Senate do not concur in the amendments by the House to S.F. No. 309, 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. 566:** A bill for an act relating to lawful gambling; authorizing certain groupings of paddleticket cards; increasing percentage of lawful gambling gross profits that may be spent for expenses; restricting authority of gambling control board to impose sanctions against lawful gambling premises permits for illegal gambling; increasing maximum bingo prices; amending Minnesota Statutes 1996, sections 297E.04, subdivision 3; 349.12, subdivision 26a; 349.15, subdivision 1; 349.155, by adding a subdivision; 349.16, by adding a subdivision; 349.163, subdivision 8; 349.211, subdivisions 1 and 2; and 609.761, by adding a subdivision.

Senate File No. 566 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1997

Mr. Vickerman moved that the Senate do not concur in the amendments by the House to S.F. No. 566, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 156, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 156 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 5, 1997

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 156

A bill for an act relating to state government; secretary of state; regulating filing fees and procedures; amending Minnesota Statutes 1996, sections 5.12; 5.23; 5.25, subdivision 1; 5A.03; 5A.04; 302A.821, subdivision 5; 303.14, subdivision 1; 308A.005, by adding a subdivision; 317A.821, subdivision 3; 317A.827, subdivision 1; 322A.03; 331A.02, subdivision 1; 336.9-403; 336.9-404; 336A.04, subdivision 4; and 514.08, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 5; repealing Minnesota Rules, part 3650.0030, subpart 8.

April 30, 1997

The Honorable Phil Carruthers  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

We, the undersigned conferees for H.F. No. 156, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 156 be further amended as follows:

Page 12, after line 8, insert:

"Sec. 14. Minnesota Statutes 1996, section 333.035, is amended to read:

333.035 [AMENDMENT OF CERTIFICATE.]



Within 60 days after the occurrence of any event which makes any statement in the last previous statement certificate filed incorrect, an amended certificate shall be filed and the amended certificate shall be published by the person conducting the business in the same manner as provided by section 333.01. If the amendment is made only to comply with a change in the law that occurred since the previous date of filing, publication is not required."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after the third semicolon, insert "333.035;"

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

House Conferees: (Signed) Nora Slawik, Doug Peterson, Bob Gunther

Senate Conferees: (Signed) David J. Ten Eyck, Don Betzold, David L. Knutson

Mr. Ten Eyck moved that the foregoing recommendations and Conference Committee Report on H.F. No. 156 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.

H.F. No. 156 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1409:

**H.F. No. 1409:** A bill for an act relating to agriculture; legislative review of feedlot permit rules; amending Minnesota Statutes 1996, section 116.07, subdivision 7.

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

Kubly, Peterson and Gunther have been appointed as such committee on the part of the House.

House File No. 1409 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 5, 1997

Mr. Sams moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1409, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2179, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2179 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 5, 1997

### SUSPENSION OF RULES

Mr. Moe, R.D. moved that Joint Rule 2.06 be suspended as it relates to the Conference Committee report on H.F. No. 2179. The motion prevailed.

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 2179

A bill for an act relating to education; formulating statewide testing and reporting system; requiring the state board of education to amend certain educational testing rules; proposing coding for new law in Minnesota Statutes, chapter 121.

May 2, 1997

The Honorable Phil Carruthers  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

We, the undersigned conferees for H.F. No. 2179, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 2179 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [121.1113] [STATEWIDE TESTING AND REPORTING SYSTEM.]

Subdivision 1. [STATEWIDE TESTING.] (a) The commissioner, with advice from experts with appropriate technical qualifications and experience and stakeholders, shall include in the comprehensive assessment system, for each grade level to be tested, a single statewide norm-referenced or criterion-referenced test, or a combination of a norm-referenced and a criterion-referenced test, which shall be highly correlated with the state's graduation standards and administered annually to all students in the third, fifth, and eighth grades. The commissioner shall establish one or more months during which schools shall administer the tests to students each school year. The Minnesota basic skills tests in reading and mathematics shall fulfill students' eighth grade testing requirements.

(b) In addition, at the secondary level, districts shall assess student performance in all required

learning areas and selected required standards within each area of the profiles of learning. The testing instruments and testing process shall be determined by the commissioner. The results shall be aggregated at the site and district level. The testing shall be administered beginning in the 1999-2000 school year and thereafter.

(c) The comprehensive assessment system shall include an evaluation of school site and school district performance levels during the 1997-1998 school year and thereafter using an established performance baseline developed from students' test scores under this section that records, at a minimum, students' unweighted mean test scores in each tested subject, a second performance baseline that reports, at a minimum, the same unweighted mean test scores of only those students enrolled in the school by January 1 of the previous school year, and a third performance baseline that reports the same unweighted test scores of all students except those students receiving limited English proficiency instruction. The evaluation also shall record separately, in proximity to the performance baselines, the percentages of students who are eligible to receive a free or reduced price school meal, demonstrate limited English proficiency, or are eligible to receive special education services.

(d) In addition to the testing and reporting requirements under paragraphs (a), (b), and (c), the commissioner, in consultation with the state board of education, shall include the following components in the statewide educational accountability and public reporting system:

(1) uniform statewide testing of all third, fifth, eighth, and post-eighth grade students with exemptions, only with parent or guardian approval, from the testing requirement only for those very few students for whom the student's individual education plan team under section 120.17, subdivision 2, determines that the student is incapable of taking a statewide test, or a limited English proficiency student under section 126.262, subdivision 2, if the student has been in the United States for fewer than 12 months and for whom special language barriers exist, such as the student's native language does not have a written form or the district does not have access to appropriate interpreter services for the student's native language;

(2) educational indicators that can be aggregated and compared across school districts and across time on a statewide basis;

(3) students' scores on the American College Test;

(4) participation in the National Assessment of Educational Progress so that the state can benchmark its performance against the nation and other states, and, where possible, against other countries, and contribute to the national effort to monitor achievement; and

(5) basic skills and advanced competencies connecting teaching and learning to high academic standards, assessment, and transitions to citizenship and employment.

(e) Districts must report exemptions under paragraph (d), clause (1), to the commissioner consistent with a format provided by the commissioner.

Subd. 2. [DEPARTMENT OF CHILDREN, FAMILIES, AND LEARNING ASSISTANCE.] The department of children, families, and learning shall contract for professional and technical services according to competitive bidding procedures under chapter 16B for purposes of this section.

Subd. 3. [REPORTING.] The commissioner shall report test data publicly and to stakeholders, including the three performance baselines developed from students' unweighted mean test scores in each tested subject and a listing of demographic factors that strongly correlate with student performance. The commissioner shall also report data that compares performance results among school sites, school districts, Minnesota and other states, and Minnesota and other nations. The commissioner shall disseminate to schools and school districts a more comprehensive report containing testing information that meets local needs for evaluating instruction and curriculum.

Sec. 2. [PASSING SCORE.]

(a) By September 1, 1997, the state board of education shall amend Minnesota Rules, part

3501.0180, subparts 2 and 3, to adjust the passing scores for the state mathematics and reading tests for students entering the ninth grade in 1998. This amendment must be done in the manner specified in Minnesota Statutes, section 14.386, paragraph (a).

(b) The state board of education may subsequently amend this rule according to the provisions of Minnesota Statutes, chapter 14.

Sec. 3. [REPORT.]

The commissioner of children, families, and learning shall report to the education committees of the legislature by February 1, 1998, that the proposed assessment process under section 1, subdivision 1, paragraph (b), appropriately measures students' performance on the profile of learning and can demonstrate that the proposed assessment process will be ready for statewide implementation beginning in the 1999-2000 school year.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to education; formulating a statewide testing and reporting system; requiring the state board of education to amend certain educational testing rules; proposing coding for new law in Minnesota Statutes, chapter 121."

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

House Conferees: (Signed) Joe Opatz, Lyndon R. Carlson, Alice Seagren

Senate Conferees: (Signed) Lawrence J. Pogemiller, Kenric J. Scheevel

Mr. Pogemiller moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2179 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.

H.F. No. 2179 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed 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. 435: Messrs. Foley, Frederickson and Marty.

S.F. No. 590: Mses. Johnson, J.B.; Krentz and Runbeck.

S.F. No. 473: Mses. Berglin, Piper and Kiscaden.

S.F. No. 1316: Ms. Wiener, Messrs. Morse and Stevens.

S.F. No. 97: Mr. Betzold, Mses. Berglin and Kiscaden.

S.F. No. 555: Messrs. Kelley, S.P.; Novak and Ourada.

S.F. No. 309: Messrs. Stevens, Sams and Ten Eyck.

S.F. No. 566: Mr. Vickerman, Mrs. Pariseau and Mr. Metzen.

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Morse moved that S.F. No. 995 be taken from the table. The motion prevailed.

**S.F. No. 995:** A bill for an act relating to retirement; revising various police state aid provisions to fully implement intended 1996 modifications; ratifying the calculation of certain 1996 police state aid amounts; modifying various fire state aid provisions; authorizing the exclusion of certain pipefitters from public employee retirement association membership; authorizing benefit increases for the Richfield fire department relief association; providing postretirement adjustments for retirees and benefit recipients of the Nashwauk police pension plan and the Eveleth police and fire retirement trust fund; clarifying the benefit floor for certain benefit recipients of the St. Paul police and fire consolidation accounts; providing alternative retirement coverage for transferred employees of the Jackson medical center, the Melrose hospital, and the Tracy municipal hospital; creating a trust for the state deferred compensation program; modifying the handling of sabbatical leave contributions by the teachers retirement association; modifying the timing of higher education supplemental retirement plan contributions; making administrative changes in the higher education individual retirement account plan and supplemental retirement plan; authorizing additional individual retirement account plans; modifying various economic actuarial assumptions; clarifying certain retirement dates; authorizing certain purchases of prior service credit; extending the volunteer firefighter flexible service pension maximums; modifying retirement coverage for transferred university academic health center employees; modifying tax-sheltered annuity programs for university and college employees; including additional classes of persons in definition of state employee; providing general statewide and local employee pension plan modifications; modifying investment reporting provisions; making miscellaneous retirement plan modifications; amending Minnesota Statutes 1996, sections 69.021, subdivisions 4, 5, 6, 7a, 8, 9, 10, and 11; 69.031, subdivisions 1, 3, and 5; 69.051, subdivisions 1, 1a, and 1b; 136F.45, by adding subdivisions; 352.01, subdivisions 2a and 2b; 352.96, subdivisions 2, 3, and 6; 352F.02, subdivisions 3, 6, and by adding subdivisions; 352F.03; 352F.04; 352F.05; 352F.06; 352F.07; 352F.08; 353.01, subdivision 2b; 353B.07, subdivision 3; 353B.08, subdivision 6; 353B.11, subdivisions 3, 4, and 5; 354.092, subdivisions 1, 3, and 4; 354B.21, subdivision 3; 354B.25, subdivision 5, and by adding a subdivision; 354C.11; 354C.12, subdivisions 1 and 4; 354D.02, subdivision 2; 354D.06; 354D.07; 354D.08, subdivisions 1, 2, 3, and 5; 356.20, by adding a subdivision; 356.215, subdivision 4d; 356.219; 423A.02, subdivision 2; 423B.06, subdivisions 1

and 1a; and 424A.02, subdivisions 3 and 10; Laws 1943, chapter 196, section 4, as amended; Laws 1965, chapter 705, section 1, subdivision 4; Laws 1967, chapter 798, sections 2 and 4; Laws 1992, chapter 563, section 5, as amended; and Laws 1996, chapter 408, article 8, sections 21, 22, subdivision 1, and 24; repealing Minnesota Statutes 1996, section 356.218; Laws 1995, chapter 262, article 1, sections 8, 9, 10, 11, and 12.

### CONCURRENCE AND REPASSAGE

Mr. Morse moved that the Senate concur in the amendments by the House to S.F. No. 995 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 995 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

#### Mr. Novak introduced--

**S.F. No. 1943:** A bill for an act relating to housing; requiring a report on providing residential rehabilitation loans in fully developed cities.

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

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

**S.F. No. 1944:** A bill for an act relating to taxation; authorizing tax abatements for property that has lost value due to flood damage; providing for state reimbursement to local units of government; authorizing delay of certain local government reports; creating a priority for flooded areas in allocation of low-income housing credits; appropriating money.

Referred to the Committee on Local and Metropolitan Government.

### MEMBERS EXCUSED

Mr. Cohen was excused from the Session of today from 10:00 to 10:45 a.m. Mr. Neuville was excused from the Session of today from 10:30 to 11:30 a.m. and at 12:00 noon. Mr. Ten Eyck was excused from the Session of today from 10:30 to 10:45 a.m. Mr. Knutson was excused from the Session of today from 10:30 to 11:30 a.m. Mr. Novak was excused from the Session of today from

11:00 a.m. to 12:00 noon and at 2:00 p.m. Mr. Kelly, R.C. was excused from the Session of today from 10:00 a.m. to 2:30 p.m. Ms. Pappas was excused from the Session of today from 12:00 noon to 12:30 and 1:20 to 1:45 p.m. Ms. Ranum was excused from the Session of today from 12:00 noon to 12:15 p.m. Mr. Terwilliger was excused from the Session of today from 1:20 to 2:10 and 2:30 to 4:25 p.m. Mr. Johnson, D.H. was excused from the Session of today from 3:30 to 4:00 p.m.

### **ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Tuesday, May 6, 1997. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate





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