

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIRST LEGISLATURE

SIXTY-FOURTH DAY

St. Paul, Minnesota, Thursday, May 13, 1999

The Senate met at 9:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Richard Keene Smith.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

May 11, 1999

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 184, 1357, 2234, 411, 1115, 1746, 376 and 1268.

Sincerely,
Jesse Ventura, Governor

May 12, 1999

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1999 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1999	Date Filed 1999
184		139	1:35 p.m. May 11	May 11
1357		140	1:38 p.m. May 11	May 11
2234		141	1:40 p.m. May 11	May 11
411		142	1:42 p.m. May 11	May 11
1115		143	1:45 p.m. May 11	May 11
1746		144	1:47 p.m. May 11	May 11
376		145	1:49 p.m. May 11	May 11
1268		146	1:50 p.m. May 11	May 11
	174	147	1:52 p.m. May 11	May 11
	70	148	1:54 p.m. May 11	May 11

Sincerely,
Mary Kiffmeyer
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 145: A bill for an act relating to ethics in government; clarifying and simplifying the law related to lobbyist registration, conflicts of interest, and campaign finance; eliminating invalid provisions; amending Minnesota Statutes 1998, sections 10A.01; 10A.02, as amended; 10A.03; 10A.04; 10A.05; 10A.06; 10A.065, subdivisions 1, 1a, and 3; 10A.08; 10A.09; 10A.10; 10A.11; 10A.12; 10A.13; 10A.14; 10A.15; 10A.16; 10A.17; 10A.18; 10A.19; 10A.20; 10A.22, subdivisions 6 and 7; 10A.23; 10A.24; 10A.241; 10A.242; 10A.25; 10A.255, subdivisions 1 and 3; 10A.265; 10A.27; 10A.275, subdivision 1; 10A.28; 10A.29; 10A.30, subdivision 1; 10A.31; 10A.315; 10A.321; 10A.322; 10A.323; 10A.324, subdivisions 1 and 3; 10A.34; 200.02, by adding a subdivision; and 290.06, subdivision 23; proposing coding for new law in Minnesota Statutes, chapter 10A; repealing Minnesota Statutes 1998, sections 10A.065, subdivision 5; 10A.22, subdivisions 1, 4, and 5; 10A.255, subdivision 2; 10A.275, subdivisions 2 and 3; 10A.324, subdivisions 2 and 4; 10A.325; 10A.335; 10A.40; 10A.41; 10A.42; 10A.43; 10A.44; 10A.45; 10A.46; 10A.47; 10A.48; 10A.49; 10A.50; and 10A.51.

Senate File No. 145 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1999

Senator Marty moved that the Senate do not concur in the amendments by the House to S.F. No. 145, 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 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. 685: A bill for an act relating to telecommunications; deregulating coin-operated or public pay telephones under state law; authorizing the public utilities commission to assess administrative penalties for anticompetitive activities by telecommunication providers; amending Minnesota Statutes 1998, section 237.5799; proposing coding for new law in Minnesota Statutes, chapter 237.

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

Wolf, Gunther and Carruthers.

Senate File No. 685 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1999

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. 1485: A bill for an act relating to professions; modifying provisions of the board of architecture, engineering, land surveying, landscape architecture, geoscience, and interior design relating to fees and continuing education; increasing penalties; amending Minnesota Statutes 1998, section 326.111, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Rules, part 1800.0500, subpart 3.

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

Seifert, J.; Davids and Huntley.

Senate File No. 1485 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1999

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. 1636: A bill for an act relating to governmental operations; providing for regulatory relief for local units of government; proposing coding for new law in Minnesota Statutes, chapter 14.

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

Knoblach, Cassell and Hilty.

Senate File No. 1636 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1999

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. 2017, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2017: A bill for an act relating to public employment; making technical and administrative changes; modifying definitions; redesigning administrative procedures for certain pilot projects; amending Minnesota Statutes 1998, sections 13.43, subdivision 2; 43A.02, subdivisions 11 and 33; 43A.04, subdivision 4; 43A.06, subdivision 8; 43A.07, subdivisions 4 and 6; 43A.13, subdivision 3; 43A.15, subdivision 6, and by adding a subdivision; 43A.17, subdivision 8; 43A.18, subdivision 1; 43A.19, subdivision 3; 43A.20; 43A.317, subdivisions 3 and 4; and 43A.421; Laws 1995, chapter 248, article 13, section 2, subdivisions 5, as amended, and 6, as amended; repealing Minnesota Statutes 1998, sections 43A.13, subdivision 9; 43A.40; 43A.41; 43A.42; 43A.43, subdivision 2; 43A.44; 43A.45; 43A.46; and 43A.465; Laws 1995, chapter 248, article 13, section 2, subdivision 8; Minnesota Rules, parts 3910.0100; 3910.0200; 3910.0300; 3910.0400; 3910.0500; 3910.0600; 3910.0700; 3910.0800; 3910.0900; 3910.1000; 3910.1100; 3910.1200; 3910.1300; 3910.1400; 3910.1500; 3910.1600; and 3910.1700.

Senate File No. 2017 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1999

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. 556, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 556: A bill for an act relating to municipal power agencies; limiting liability for recreational purposes; amending Minnesota Statutes 1998, section 604A.24.

Senate File No. 556 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1999

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. 841, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 841: A bill for an act relating to insurance; providing an alternative benefit plan for small employers; authorizing a small employer alternative benefit plan pilot project; modifying certain health plan company requirements; amending Minnesota Statutes 1998, sections 62L.02, subdivision 16; 62L.05, subdivision 5, and by adding a subdivision; 62Q.095, subdivision 1; and 62Q.51, subdivision 4.

Senate File No. 841 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1999

REPORTS OF COMMITTEES

Senator Junge moved that the Committee Reports at the Desk be now adopted, with the exception of the reports pertaining to appointments. The motion prevailed.

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

H.F. No. 1195 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.
1195	2029				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1195 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1195 and insert the language after the enacting clause of S.F. No. 2029, the first engrossment; further, delete the title of H.F. No. 1195 and insert the title of S.F. No. 2029, the first engrossment.

And when so amended H.F. No. 1195 will be identical to S.F. No. 2029, and further recommends that H.F. No. 1195 be given its second reading and substituted for S.F. No. 2029, 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.

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

H.F. No. 1608 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.
1608	1966				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1608 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1608 and insert the language after the enacting clause of S.F. No. 1966, the second engrossment; further, delete the title of H.F. No. 1608 and insert the title of S.F. No. 1966, the second engrossment.

And when so amended H.F. No. 1608 will be identical to S.F. No. 1966, and further recommends that H.F. No. 1608 be given its second reading and substituted for S.F. No. 1966, 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.

Senators Piper, Pogemiller and Stumpf from the Committee on Children, Families and Learning, to which was referred the following appointment as reported in the Journal for March 4, 1999:

DEPARTMENT OF CHILDREN, FAMILIES, AND LEARNING
COMMISSIONER

Christine Jax

Report the same back with the recommendation that the appointment be confirmed.

Senator Junge moved that the foregoing committee report be laid on the table. The motion prevailed.

Senators Piper, Pogemiller and Stumpf from the Committee on Children, Families and Learning, to which were referred the following appointments as reported in the Journal for January 7, 1999:

BOARD OF THE LOLA AND RUDY PERPICH
MINNESOTA CENTER FOR ARTS EDUCATION

James Bowlus
Ruth Grendahl
John C. Kim
Julie L. Nash
Ellen Palmer

BOARD OF TEACHING

Michele Conners
Patricia Hugoson

Report the same back with the recommendation that the appointments be confirmed.

Senator Junge moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

H.F. Nos. 1195 and 1608 were read the second time.

MOTIONS AND RESOLUTIONS

S.F. No. 1382 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 1382

A bill for an act relating to crime prevention; repealing provisions and striking language related to the enhanced gross misdemeanor DWI crime; expanding the gross misdemeanor DWI crime, probationary period, and mandatory sentencing provisions; requiring mandatory consecutive sentences for certain DWI-related offenses; amending Minnesota Statutes 1998, sections 169.121, subdivisions 1c, 3, and 3d; 169.129, subdivision 1; 609.02, subdivision 2; 609.035, subdivision 2; 609.105, subdivisions 1 and 3; 609.135, subdivision 2; and 609.15, subdivision 2; repealing Minnesota Statutes 1998, sections 169.121, subdivision 3e; 169.129, subdivision 2; and 609.02, subdivision 2a.

May 7, 1999

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1382, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment.

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

Senate Conferees: (Signed) Allan H. Spear, Dave Kleis, Leo T. Foley

House Conferees: (Signed) Kevin Goodno, Matt Entenza, Doug Fuller

Senator Spear moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1382 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1382 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 746 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 746

A bill for an act relating to local government; permitting Grand Rapids to hold their general election in November.

May 12, 1999

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 746, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 746 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [GRAND RAPIDS TOWNSHIP; NOVEMBER GENERAL ELECTION.]

Grand Rapids Township may designate the first Tuesday after the first Monday in November of either the even-numbered or the odd-numbered year as the date of the town general election. The ordinance or resolution changing the date of the town general election must include a plan to shorten or lengthen the terms of office to provide for an orderly transition to the November election schedule. The ordinance or resolution changing the date of the town general election may be proposed by the town board or by a resolution of the electors adopted at the annual meeting and is effective upon an affirmative vote of the electors at the next town general election. Town supervisors elected at a November election shall serve three-year terms and shall serve until a successor is elected and qualified.

Sec. 2. [CITY OF GRAND RAPIDS PUBLIC UTILITIES COMMISSION; MEMBERSHIP.]

Notwithstanding Minnesota Statutes, section 412.341, the city of Grand Rapids may by ordinance increase the Grand Rapids public utilities commission membership to five members. The ordinance increasing the commission membership must provide for the initial terms of the additional members so that no more than two positions on the commission are open for appointment in any year.

Sec. 3. [LOCAL APPROVAL NOT REQUIRED.]

This act is effective without local approval as provided in Minnesota Statutes, section 645.023."

Delete the title and insert:

"A bill for an act relating to local government; permitting Grand Rapids Township to hold its general election in November; permitting the city of Grand Rapids to increase the membership of its public utilities commission to five members."

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

Senate Conferees: (Signed) Bob Lessard, Jim Vickerman, Dennis R. Frederickson

House Conferees: (Signed) Loren A. Solberg, Elaine Harder, Mary Ellen Otremba

Senator Lessard moved that the foregoing recommendations and Conference Committee Report on S.F. No. 746 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 746 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

- | | | | | |
|--------------|---------------|----------|------------|-------------|
| Belanger | Higgins | Laidig | Ourada | Scheid |
| Berg | Hottinger | Langseth | Pappas | Spear |
| Berglin | Johnson, D.E. | Lesewski | Pariseau | Stevens |
| Betzold | Johnson, D.J. | Lessard | Piper | Stumpf |
| Cohen | Johnson, J.B. | Limmer | Pogemiller | Ten Eyck |
| Day | Junge | Lourey | Price | Terwilliger |
| Dille | Kelley, S.P. | Marty | Ranum | Vickerman |
| Fischbach | Kierlin | Metzen | Robertson | Wiener |
| Flynn | Kiscaden | Murphy | Robling | Wiger |
| Foley | Kleis | Neuville | Runbeck | Ziegler |
| Frederickson | Knutson | Novak | Samuelson | |
| Hanson | Krentz | Oliver | Scheevel | |

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 23 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 23

A bill for an act relating to family law; repealing the administrative process for support orders; establishing a child support magistrate system; amending Minnesota Statutes 1998, sections 357.021, subdivision 1a; 484.70, subdivision 1; 518.54, by adding a subdivision; 518.551, subdivisions 9, 12, 13, and 14; 518.575, subdivision 1; 518.616, subdivision 1; and 552.05, subdivision 10; Laws 1998, chapter 338, section 8; proposing coding for new law in Minnesota Statutes, chapters 484; and 518; repealing Minnesota Statutes 1998, sections 518.5511; and 518.5512.

May 11, 1999

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 23, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 23 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

EXPEDITED ADMINISTRATIVE PROCEDURES AND JUDICIAL PROCESS

Section 1. Minnesota Statutes 1998, section 484.70, subdivision 1, is amended to read:

Subdivision 1. [APPOINTMENT.] The chief judge of the judicial district may appoint one or more suitable persons to act as referees. Referees shall hold office at the pleasure of the judges of the district court and shall be learned in the law, except that persons holding the office of referee on January 1, 1983, may continue to serve under the terms and conditions of their appointment. All referees are subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3, and are not limited to assignment to family, probate, juvenile or special term court. ~~Part time referees holding office in the second judicial district pursuant to this subdivision shall cease to hold office on July 31, 1984.~~

Sec. 2. [484.702] [EXPEDITED CHILD SUPPORT HEARING PROCESS.]

Subdivision 1. [CREATION; SCOPE.] (a) The supreme court shall create an expedited child support hearing process to establish, modify, and enforce child support; and enforce maintenance, if combined with child support. The process must be designed to handle child support and paternity matters in compliance with federal law.

(b) All proceedings establishing, modifying, or enforcing support orders; and enforcing maintenance orders, if combined with a support proceeding, must be conducted in the expedited process if the case is a IV-D case. Cases that are not IV-D cases may not be conducted in the expedited process.

(c) This section does not prevent a party, upon timely notice to the public authority, from commencing an action or bringing a motion in district court for the establishment, modification, or

enforcement of support, or enforcement of maintenance orders if combined with a support proceeding, where additional issues involving domestic abuse, establishment or modification of custody or visitation, or property issues exist as noticed by the complaint, motion, counter motion, or counter action.

(d) At the option of the county, the expedited process may include contempt actions or actions to establish parentage.

(e) The expedited process should meet the following goals:

(1) be streamlined and uniform statewide and result in timely and consistent issuance of orders;

(2) be accessible to the parties without the need for an attorney and minimize litigation;

(3) be a cost-effective use of limited financial resources; and

(4) comply with applicable federal law.

(f) For purposes of this section, "IV-D case" has the meaning given in section 518.54.

Subd. 2. [ADMINISTRATION.] (a) The state court administrator shall provide for the administration of the expedited child support hearing process in each judicial district.

(b) Until June 30, 2000, the office of administrative hearings and the state court administrator may enter into contracts to provide one or more administrative law judges to serve as child support magistrates and for administrative and case management support. The title to all personal property used in the administrative child support process mutually agreed upon by the office of administrative hearings and the office of the state court administrator must be transferred to the state court administrator for use in the expedited child support process.

Subd. 3. [APPOINTMENT OF CHILD SUPPORT MAGISTRATES.] The chief judge of each judicial district may appoint one or more suitable persons to act as child support magistrates for the expedited child support hearing process, with the confirmation of the supreme court. A child support magistrate appointed to serve in the expedited child support process, whether hired on a full-time, part-time, or contract basis, is a judicial officer under section 43A.02, subdivision 25, and is an employee of the state under section 3.732 for purposes of section 3.736 only.

Subd. 4. [TRAINING AND QUALIFICATIONS OF CHILD SUPPORT MAGISTRATES.] The supreme court may:

(1) provide training for individuals who serve as child support magistrates for the expedited child support hearing process;

(2) establish minimum qualifications for child support magistrates; and

(3) establish a policy for evaluating and removing child support magistrates.

Subd. 5. [RULES.] The supreme court, in consultation with the conference of chief judges, shall adopt rules to implement the expedited child support hearing process under this section.

Sec. 3. Minnesota Statutes 1998, section 484.72, is amended by adding a subdivision to read:

Subd. 6. [EXPEDITED CHILD SUPPORT PROCESS.] Notwithstanding subdivisions 1 and 4, hearings and proceedings conducted in the expedited child support process under section 484.702 may be reported by use of electronic recording equipment provided that the equipment meets the minimum standards promulgated by the state court administrator. Electronic recording equipment must be operated and monitored by a person who meets the minimum qualifications promulgated by the state court administrator.

Sec. 4. [518.178] [VISITATION AND SUPPORT REVIEW HEARING.]

Upon motion of either party, the court shall conduct a hearing to review compliance with the

visitation and child support provisions set forth in a decree of dissolution or legal separation or an order that establishes child custody, visitation, and support rights and obligations of parents. The state court administrator shall prepare, and each court administrator shall make available, simplified pro se forms for reviewing visitation and child support disputes. The court may impose any visitation enforcement remedy available under sections 518.175 and 518.1751, and any support enforcement remedy available under section 518.551.

Sec. 5. Minnesota Statutes 1998, section 518.54, is amended by adding a subdivision to read:

Subd. 14. [IV-D CASE.] "IV-D case" means a case where a party has assigned to the state rights to child support because of the receipt of public assistance as defined in section 256.741 or has applied for child support services under title IV-D of the Social Security Act, United States Code, title 42, section 654(4).

Sec. 6. Minnesota Statutes 1998, section 518.551, subdivision 9, is amended to read:

Subd. 9. [ASSIGNMENT OF RIGHTS; JUDGMENT.] (a) The public agency responsible for child support enforcement is joined as a party in each case in which rights are assigned under section 256.741, subdivision 2. The court administrator shall enter and docket a judgment obtained by operation of law under section 548.091, subdivision 1, in the name of the public agency to the extent that the obligation has been assigned. When arrearages are reduced to judgment under circumstances in which section 548.091 is not applicable, the court shall grant judgment in favor of, and in the name of, the public agency to the extent that the arrearages are assigned. After filing notice of an assignment with the court administrator, who shall enter the notice in the docket, the public agency may enforce a judgment entered before the assignment of rights as if the judgment were granted to it, and in its name, to the extent that the arrearages in that judgment are assigned.

(b) The public authority is a real party in interest in any IV-D case where there has been an assignment of support. In all other IV-D cases, the public authority has a pecuniary interest, as well as an interest in the welfare of the children involved in those cases. The public authority may intervene as a matter of right in those cases to assure that child support orders are obtained and enforced which provide for an appropriate and accurate level of child, medical, and child care support. If the public authority participates in a IV-D case where the action taken by the public authority requires the use of an attorney's services, the public authority shall be represented by an attorney consistent with the provisions in section 518.255.

Sec. 7. [518.5513] [PUBLIC AUTHORITY PROCEDURES FOR CHILD AND MEDICAL SUPPORT ORDERS AND PARENTAGE ORDERS.]

Subdivision 1. [GENERAL.] The public authority may use the provisions of this section in cases in which support rights are assigned under section 256.741, subdivision 2, or where the public authority is providing services under an application for child support services.

Subd. 2. [ROLE OF NONATTORNEY EMPLOYEES; GENERAL PROVISIONS.] (a) The county attorney shall review and approve as to form and content all pleadings and other legal documents prepared by nonattorney employees of the county agency for use in the expedited child support process.

(b) Under the direction of, and in consultation with, the county attorney, nonattorney employees of the county agency shall have authority to perform the following legal duties:

(1) meet and confer with parties by mail, telephone, electronic, or other means regarding legal issues;

(2) explain to parties the purpose, procedure, and function of the expedited child support process and the role and authority of nonattorney employees of the county agency regarding legal issues;

(3) prepare pleadings, including, but not limited to, summonses and complaints, notices, motions, subpoenas, orders to show cause, proposed orders, administrative orders, and stipulations and agreements;

(4) issue administrative subpoenas;

(5) prepare judicial notices;

(6) negotiate settlement agreements;

(7) attend and participate as a witness in hearings and other proceedings and, if requested by the child support magistrate, present evidence, agreements and stipulations of the parties, and any other information deemed appropriate by the magistrate;

(8) participate in such other activities and perform such other duties as delegated by the county attorney; and

(9) exercise other powers and perform other duties as permitted by statute or court rule.

(c) Nonattorney employees of the county agency may perform the following duties without direction from the county attorney:

(1) gather information on behalf of the public authority;

(2) prepare financial worksheets;

(3) obtain income information from the department of economic security and other sources;

(4) serve documents on parties;

(5) file documents with the court;

(6) meet and confer with parties by mail, telephone, electronic, or other means regarding nonlegal issues;

(7) explain to parties the purpose, procedure, and function of the expedited child support process and the role and authority of nonattorney employees of the county agency regarding nonlegal issues; and

(8) perform such other routine nonlegal duties as assigned.

(d) Performance of the duties prescribed in paragraphs (b) and (c) by nonattorney employees of the county agency does not constitute the unauthorized practice of law for purposes of section 481.02.

Subd. 3. [PREPARATION OF FINANCIAL WORKSHEET.] (a) In cases involving establishment or modification of a child support order, a nonattorney employee of the public authority shall prepare a financial worksheet that contains:

(1) names and addresses of the parties;

(2) Social Security numbers of the parties;

(3) number of members in household of each party and dependents of the parties;

(4) names and addresses of the parties' employers;

(5) net income of the parties as defined in section 518.551, subdivision 5, with the authorized deductions itemized;

(6) amounts and sources of any other earnings and income of the parties;

(7) health insurance coverage of parties; and

(8) any other information relevant to the determination of child or medical support under section 518.171 or 518.551, subdivision 5.

(b) In preparing the financial worksheet, the nonattorney employee of the public authority shall

obtain any income information available to the public authority from the department of economic security and serve this information on the parties. The information must be filed with the court or child support magistrate at least five days before any hearing involving child support, medical support, or child care reimbursement issues.

Subd. 4. [NONCONTESTED MATTERS.] Under the direction of the county attorney and based on agreement of the parties, nonattorney employees may prepare a stipulation, findings of fact, conclusions of law, and proposed order. The documents must be approved and signed by the county attorney as to form and content before submission to the court or child support magistrate for approval.

Subd. 5. [ADMINISTRATIVE AUTHORITY.] (a) The public authority may take the following actions relating to establishment of paternity or to establishment, modification, or enforcement of support orders, without the necessity of obtaining an order from any judicial or administrative tribunal:

(1) recognize and enforce orders of child support agencies of other states;

(2) upon request for genetic testing by a child, parent, or any alleged parent, and using the procedure in paragraph (b), order the child, parent, or alleged parent to submit to blood or genetic testing for the purpose of establishing paternity;

(3) subpoena financial or other information needed to establish, modify, or enforce a child support order and request sanctions for failure to respond to a subpoena;

(4) upon notice to the obligor, obligee, and the appropriate court, direct the obligor or other payor to change the payee to the central collections unit under sections 518.5851 to 518.5853;

(5) order income withholding of child support under section 518.6111;

(6) secure assets to satisfy the debt or arrearage in cases in which there is a support debt or arrearage by:

(i) intercepting or seizing periodic or lump sum payments from state or local agencies, including reemployment insurance, workers' compensation payments, judgments, settlements, lotteries, and other lump sum payments;

(ii) attaching and seizing assets of the obligor held in financial institutions or public or private retirement funds; and

(iii) imposing liens in accordance with section 548.091 and, in appropriate cases, forcing the sale of property and the distribution of proceeds;

(7) for the purpose of securing overdue support, increase the amount of the monthly support payments by an additional amount equal to 20 percent of the monthly support payment to include amounts for debts or arrearages; and

(8) subpoena an employer or payor of funds to provide promptly information on the employment, compensation, and benefits of an individual employed by that employer as an employee or contractor, and to request sanctions for failure to respond to the subpoena as provided by law.

(b) A request for genetic testing by a child, parent, or alleged parent must be supported by a sworn statement by the person requesting genetic testing alleging paternity, which sets forth facts establishing a reasonable possibility of the requisite sexual contact between the parties, or denying paternity, and setting forth facts establishing a reasonable possibility of the nonexistence of sexual contact between the alleged parties. The order for genetic tests may be served anywhere within the state and served outside the state in the same manner as prescribed by law for service of subpoenas issued by the district court of this state. If the child, parent, or alleged parent fails to comply with the genetic testing order, the public authority may seek to enforce that order in district court through a motion to compel testing. No results obtained through genetic testing done in response to an order issued under this section may be used in any criminal proceeding.

(c) Subpoenas may be served anywhere within the state and served outside the state in the same manner as prescribed by law for service of process of subpoenas issued by the district court of this state. When a subpoena under this subdivision is served on a third-party recordkeeper, written notice of the subpoena shall be mailed to the person who is the subject of the subpoenaed material at the person's last known address within three days of the day the subpoena is served. This notice provision does not apply if there is reasonable cause to believe the giving of the notice may lead to interference with the production of the subpoenaed documents.

(d) A person served with a subpoena may make a written objection to the public authority or court before the time specified in the subpoena for compliance. The public authority or the court shall cancel or modify the subpoena, if appropriate. The public authority shall pay the reasonable costs of producing the documents, if requested.

(e) Subpoenas are enforceable in the same manner as subpoenas of the district court. Upon motion of the county attorney, the court may issue an order directing the production of the records. Failure to comply with the court order may subject the person who fails to comply to civil or criminal contempt of court.

(f) The administrative actions under this subdivision are subject to due process safeguards, including requirements for notice, opportunity to contest the action, and opportunity to appeal the order to the judge, judicial officer, or child support magistrate.

Subd. 6. [SHARING OF INFORMATION.] The public authority may share available and relevant information on the parties in order to perform its duties under this section or under supreme court rules governing the expedited child support hearing process under section 484.702, subject to the limitations of sections 256.87, subdivision 8; 257.70; and 518.005, subdivision 5.

Sec. 8. Minnesota Statutes 1998, section 552.05, subdivision 10, is amended to read:

~~Subd. 10. [FORMS.] The commissioner of human services shall supreme court is requested to develop statutory forms for use as required under this chapter. In developing these forms, the commissioner shall consult with the attorney general, representatives of financial institutions, and legal services. The commissioner shall report back to the legislature by February 1, 1998, with recommended forms to be included in this chapter.~~

Sec. 9. [TRANSITIONAL PROVISIONS.]

Judicial districts are encouraged to utilize the existing expertise of child support administrative law judges in appointing child support magistrates under section 2 in order to facilitate the transfer of these functions to the judicial branch.

Sec. 10. Laws 1998, chapter 338, section 8, is amended to read:

Sec. 8. [EVALUATION AND RECOMMENDATIONS.]

The supreme court, in consultation with the commissioner of human services, in consultation with and the commissioner's advisory committee for child support enforcement, shall evaluate the extent to which the administrative process has met the legislative mandate to develop and implement an administrative process that is simple, streamlined, informal, uniform throughout the state, and accessible to parties without counsel expedited process. Notwithstanding Minnesota Statutes, section 13.46, the supreme court has access to private data on parties to the expedited process for purposes of doing this evaluation. The evaluation shall determine the extent to which the expedited process meets the goals set forth in Minnesota Statutes, section 484.702, and the level of satisfaction with the expedited process reported by parents who have participated in the process. Results shall be reported, to the extent possible, statewide and by judicial district. The commissioner shall legislature requests that the supreme court present recommendations for further progress towards these mandates the legislative goals. The evaluation and recommendations shall should be presented to the legislature by December 15, 1999 2000.

ARTICLE 2

ADMINISTRATIVE PROCESS REPEAL

Section 1. Minnesota Statutes 1998, section 13B.06, subdivision 1, is amended to read:

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

(a) "Account" means a demand deposit account, checking or negotiable withdraw order account, savings account, time deposit account, or money market mutual fund.

(b) "Account information" means the type of account, the account number, whether the account is singly or jointly owned, and in the case of jointly owned accounts the name and address of the nonobligor account owner if available.

(c) "Financial institution" means any of the following that do business within the state:

(1) federal or state commercial banks and federal or state savings banks, including savings and loan associations and cooperative banks;

(2) federal and state chartered credit unions;

(3) benefit associations;

(4) life insurance companies;

(5) safe deposit companies; and

(6) money market mutual funds.

(d) "Obligor" means an individual who is in arrears in court-ordered child support or maintenance payments, or both, in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments, and is not in compliance with a written payment agreement regarding both current support and arrearages approved by the court, ~~an administrative law judge~~ a child support magistrate, or the public authority.

(e) "Public authority" means the public authority responsible for child support enforcement.

Sec. 2. Minnesota Statutes 1998, section 168A.20, subdivision 4, is amended to read:

Subd. 4. [SATISFACTION OF LIEN FOR CHILD SUPPORT.] If the secured party is a public authority or a child support or maintenance obligee with a lien under section 168A.05, subdivision 8, upon either the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of the owner, or the execution by the owner of a written payment agreement determined to be acceptable by the court, ~~an administrative law judge~~ a child support magistrate, the public authority, or the obligee, within 15 days the secured party shall execute a release of security interest on the form prescribed by the department and mail or deliver the notification with release to the owner or any person who delivers to the secured party an authorization from the owner to receive the release.

Sec. 3. Minnesota Statutes 1998, section 171.186, subdivision 1, is amended to read:

Subdivision 1. [SUSPENSION.] The commissioner shall suspend a person's driver's license or operating privileges without a hearing upon receipt of a court order or notice from a public authority responsible for child support enforcement that states that the driver is in arrears in court-ordered child support or maintenance payments, or both, in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments, and is not in compliance with a written payment agreement regarding both current support and arrearages approved by a court, ~~an administrative law judge~~ a child support magistrate, or the public authority responsible for child support enforcement, in accordance with section 518.551, subdivision 13.

Sec. 4. Minnesota Statutes 1998, section 171.186, subdivision 3, is amended to read:

Subd. 3. [DURATION.] A license or operating privilege must remain suspended and may not be reinstated, nor may a license be subsequently issued to the person, until the commissioner receives notice from the court, ~~an administrative law judge~~ a child support magistrate, or public

authority responsible for child support enforcement that the person is in compliance with all current orders of support or written payment agreements regarding both current support and arrearages. A fee may not be assessed for reinstatement of a license under this section.

Sec. 5. Minnesota Statutes 1998, section 214.101, subdivision 1, is amended to read:

Subdivision 1. [COURT ORDER; HEARING ON SUSPENSION.] (a) For purposes of this section, "licensing board" means a licensing board or other state agency that issues an occupational license.

(b) If a licensing board receives an order from a court or ~~an administrative law judge~~ a child support magistrate or a notice from a public authority responsible for child support enforcement under section 518.551, subdivision 12, dealing with suspension of a license of a person found by the court or the public authority to be in arrears in child support or maintenance payments, or both, the board shall, within 30 days of receipt of the order or public authority notice, suspend the license as directed by the order or notice.

Sec. 6. Minnesota Statutes 1998, section 214.101, subdivision 4, is amended to read:

Subd. 4. [VERIFICATION OF PAYMENTS.] A board may not issue, reinstate, or renew a license of a person who has been suspended or is the subject of an order or notice under this section until it receives notification from the court, ~~administrative law judge~~ child support magistrate, or public authority that referred the matter to the board confirming that the applicant is not in arrears in either child support or maintenance payments, or confirming that the person is in compliance with a written payment plan regarding both current support and arrearages.

Sec. 7. Minnesota Statutes 1998, section 357.021, subdivision 1a, is amended to read:

Subd. 1a. [TRANSMITTAL OF FEES TO STATE TREASURER.] (a) Every person, including the state of Minnesota and all bodies politic and corporate, who shall transact any business in the district court, shall pay to the court administrator of said court the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the court administrator shall transmit the fees monthly to the state treasurer for deposit in the state treasury and credit to the general fund.

(b) In a county which has a screener-collector position, fees paid by a county pursuant to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the fees first to reimburse the county for the amount of the salary paid for the screener-collector position. The balance of the fees collected shall then be forwarded to the state treasurer for deposit in the state treasury and credited to the general fund. In a county in the eighth judicial district which has a screener-collector position, the fees paid by a county shall be transmitted monthly to the state treasurer for deposit in the state treasury and credited to the general fund. A screener-collector position for purposes of this paragraph is an employee whose function is to increase the collection of fines and to review the incomes of potential clients of the public defender, in order to verify eligibility for that service.

(c) No fee is required under this section from the public authority or the party the public authority represents in an action for:

(1) child support enforcement or modification, medical assistance enforcement, or establishment of parentage in the district court, ~~or child or medical support enforcement conducted by an administrative law judge in an administrative hearing under section 518.5511, or in a proceeding under section 484.702;~~

(2) civil commitment under chapter 253B;

(3) the appointment of a public conservator or public guardian or any other action under chapters 252A and 525;

(4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or recovery of overpayments of public assistance;

- (5) court relief under chapter 260;
 - (6) forfeiture of property under sections 169.1217 and 609.531 to 609.5317;
 - (7) recovery of amounts issued by political subdivisions or public institutions under sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37, and 260.251, or other sections referring to other forms of public assistance;
 - (8) restitution under section 611A.04; or
 - (9) actions seeking monetary relief in favor of the state pursuant to section 16D.14, subdivision 5.
- (d) The fees collected for child support modifications under subdivision 2, clause (13), must be transmitted to the county treasurer for deposit in the county general fund. The fees must be used by the county to pay for child support enforcement efforts by county attorneys.

Sec. 8. Minnesota Statutes 1998, section 518.171, subdivision 4, is amended to read:

Subd. 4. [EFFECT OF ORDER.] (a) The order is binding on the employer or union and the health and dental insurance plan when service under subdivision 3 has been made. In the case of an obligor who changes employment and is required to provide health coverage for the child, a new employer that provides health care coverage shall enroll the child in the obligor's health plan upon receipt of an order or notice for health insurance, unless the obligor contests the enrollment. The obligor may contest the enrollment on the limited grounds that the enrollment is improper due to mistake of fact or that the enrollment meets the requirements of section 518.64, subdivision 2. If the obligor chooses to contest the enrollment, the obligor must do so no later than 15 days after the employer notifies the obligor of the enrollment, by doing all of the following:

(1) filing a request for contested hearing according to section ~~518.5511, subdivision 3a~~ 484.702;

(2) serving a copy of the request for contested hearing upon the public authority and the obligee; and

(3) securing a date for the contested hearing no later than 45 days after the notice of enrollment.

(b) The enrollment must remain in place during the time period in which the obligor contests the withholding.

An employer or union that is included under ERISA may not deny enrollment based on exclusionary clauses described in section 62A.048. Upon application of the obligor according to the order or notice, the employer or union and its health and dental insurance plan shall enroll the minor child as a beneficiary in the group insurance plan and withhold any required premium from the obligor's income or wages. If more than one plan is offered by the employer or union, the child shall be enrolled in the least costly health insurance plan otherwise available to the obligor that is comparable to a number two qualified plan. If the obligor is not enrolled in a health insurance plan, the employer or union shall also enroll the obligor in the chosen plan if enrollment of the obligor is necessary in order to obtain dependent coverage under the plan. Enrollment of dependents and the obligor shall be immediate and not dependent upon open enrollment periods. Enrollment is not subject to the underwriting policies described in section 62A.048.

(c) An employer or union that willfully fails to comply with the order is liable for any health or dental expenses incurred by the dependents during the period of time the dependents were eligible to be enrolled in the insurance program, and for any other premium costs incurred because the employer or union willfully failed to comply with the order. An employer or union that fails to comply with the order is subject to contempt under section 518.615 and is also subject to a fine of \$500 to be paid to the obligee or public authority. Fines paid to the public authority are designated for child support enforcement services.

(d) Failure of the obligor to execute any documents necessary to enroll the dependent in the

group health and dental insurance plan will not affect the obligation of the employer or union and group health and dental insurance plan to enroll the dependent in a plan. Information and authorization provided by the public authority responsible for child support enforcement, or by the custodial parent or guardian, is valid for the purposes of meeting enrollment requirements of the health plan. The insurance coverage for a child eligible under subdivision 5 shall not be terminated except as authorized in subdivision 5.

Sec. 9. Minnesota Statutes 1998, section 518.551, subdivision 12, is amended to read:

Subd. 12. [OCCUPATIONAL LICENSE SUSPENSION.] (a) Upon motion of an obligee, if the court finds that the obligor is or may be licensed by a licensing board listed in section 214.01 or other state, county, or municipal agency or board that issues an occupational license and the obligor is in arrears in court-ordered child support or maintenance payments or both in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments and is not in compliance with a written payment agreement regarding both current support and arrearages approved by the court, ~~an administrative law judge, a child support magistrate, or the public authority, the administrative law judge, or the court~~ shall direct the licensing board or other licensing agency to suspend the license under section 214.101. The court's order must be stayed for 90 days in order to allow the obligor to execute a written payment agreement regarding both current support and arrearages. The payment agreement must be approved by either the court or the public authority responsible for child support enforcement. If the obligor has not executed or is not in compliance with a written payment agreement regarding both current support and arrearages after the 90 days expires, the court's order becomes effective. If the obligor is a licensed attorney, the court shall report the matter to the lawyers professional responsibility board for appropriate action in accordance with the rules of professional conduct. The remedy under this subdivision is in addition to any other enforcement remedy available to the court.

(b) If a public authority responsible for child support enforcement finds that the obligor is or may be licensed by a licensing board listed in section 214.01 or other state, county, or municipal agency or board that issues an occupational license and the obligor is in arrears in court-ordered child support or maintenance payments or both in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments and is not in compliance with a written payment agreement regarding both current support and arrearages approved by the court, ~~an administrative law judge, a child support magistrate, or the public authority, the court, an administrative law judge, or the public authority~~ shall direct the licensing board or other licensing agency to suspend the license under section 214.101. If the obligor is a licensed attorney, the public authority may report the matter to the lawyers professional responsibility board for appropriate action in accordance with the rules of professional conduct. The remedy under this subdivision is in addition to any other enforcement remedy available to the public authority.

(c) At least 90 days before notifying a licensing authority or the lawyers professional responsibility board under paragraph (b), the public authority shall mail a written notice to the license holder addressed to the license holder's last known address that the public authority intends to seek license suspension under this subdivision and that the license holder must request a hearing within 30 days in order to contest the suspension. If the license holder makes a written request for a hearing within 30 days of the date of the notice, ~~either a court hearing or a contested administrative proceeding or a hearing under section 484.702~~ must be held ~~under section 518.5511, subdivision 4~~. Notwithstanding any law to the contrary, the license holder must be served with 14 days' notice in writing specifying the time and place of the hearing and the allegations against the license holder. The notice may be served personally or by mail. If the public authority does not receive a request for a hearing within 30 days of the date of the notice, and the obligor does not execute a written payment agreement regarding both current support and arrearages approved by the public authority within 90 days of the date of the notice, the public authority shall direct the licensing board or other licensing agency to suspend the obligor's license under paragraph (b), or shall report the matter to the lawyers professional responsibility board.

(d) ~~The administrative law judge, on behalf of~~ The public authority, or the court shall notify the lawyers professional responsibility board for appropriate action in accordance with the rules of professional responsibility conduct or order the licensing board or licensing agency to suspend the license if the judge finds that:

(1) the person is licensed by a licensing board or other state agency that issues an occupational license;

(2) the person has not made full payment of arrearages found to be due by the public authority; and

(3) the person has not executed or is not in compliance with a payment plan approved by the court, ~~an administrative law judge~~, a child support magistrate, or the public authority.

(e) Within 15 days of the date on which the obligor either makes full payment of arrearages found to be due by the court or public authority or executes and initiates good faith compliance with a written payment plan approved by the court, ~~an administrative law judge~~, a child support magistrate, or the public authority, the court, ~~an administrative law judge~~, a child support magistrate, or the public authority responsible for child support enforcement shall notify the licensing board or licensing agency or the lawyers professional responsibility board that the obligor is no longer ineligible for license issuance, reinstatement, or renewal under this subdivision.

(f) In addition to the criteria established under this section for the suspension of an obligor's occupational license, a court, ~~an administrative law judge~~, a child support magistrate, or the public authority may direct the licensing board or other licensing agency to suspend the license of a party who has failed, after receiving notice, to comply with a subpoena relating to a paternity or child support proceeding. Notice to an obligor of intent to suspend must be served by first class mail at the obligor's last known address. The notice must inform the obligor of the right to request a hearing. If the obligor makes a written request within ten days of the date of the hearing, a ~~contested administrative proceeding hearing~~ hearing must be held under section 518.5511, subdivision 4. At the hearing, the only issues to be considered are mistake of fact and whether the obligor received the subpoena.

(g) The license of an obligor who fails to remain in compliance with an approved payment agreement may be suspended. Notice to the obligor of an intent to suspend under this paragraph must be served by first class mail at the obligor's last known address and must include a notice of hearing. The notice must be served upon the obligor not less than ten days before the date of the hearing. If the obligor appears at the hearing and the judge determines that the obligor has failed to comply with an approved payment agreement, the judge shall notify the occupational licensing board or agency to suspend the obligor's license under paragraph (c). If the obligor fails to appear at the hearing, the public authority may notify the occupational or licensing board to suspend the obligor's license under paragraph (c).

Sec. 10. Minnesota Statutes 1998, section 518.551, subdivision 13, is amended to read:

Subd. 13. [DRIVER'S LICENSE SUSPENSION.] (a) Upon motion of an obligee, which has been properly served on the obligor and upon which there has been an opportunity for hearing, if a court finds that the obligor has been or may be issued a driver's license by the commissioner of public safety and the obligor is in arrears in court-ordered child support or maintenance payments, or both, in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments and is not in compliance with a written payment agreement regarding both current support and arrearages approved by the court, ~~an administrative law judge~~, a child support magistrate, or the public authority, the court shall order the commissioner of public safety to suspend the obligor's driver's license. The court's order must be stayed for 90 days in order to allow the obligor to execute a written payment agreement regarding both current support and arrearages, which payment agreement must be approved by either the court or the public authority responsible for child support enforcement. If the obligor has not executed or is not in compliance with a written payment agreement regarding both current support and arrearages after the 90 days expires, the court's order becomes effective and the commissioner of public safety shall suspend the obligor's driver's license. The remedy under this subdivision is in addition to any other enforcement remedy available to the court. An obligee may not bring a motion under this paragraph within 12 months of a denial of a previous motion under this paragraph.

(b) If a public authority responsible for child support enforcement determines that the obligor

has been or may be issued a driver's license by the commissioner of public safety and the obligor is in arrears in court-ordered child support or maintenance payments or both in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments and not in compliance with a written payment agreement regarding both current support and arrearages approved by the court, ~~an administrative law judge,~~ a child support magistrate, or the public authority, the public authority shall direct the commissioner of public safety to suspend the obligor's driver's license. The remedy under this subdivision is in addition to any other enforcement remedy available to the public authority.

(c) At least 90 days prior to notifying the commissioner of public safety according to paragraph (b), the public authority must mail a written notice to the obligor at the obligor's last known address, that it intends to seek suspension of the obligor's driver's license and that the obligor must request a hearing within 30 days in order to contest the suspension. If the obligor makes a written request for a hearing within 30 days of the date of the notice, ~~either a court hearing or a contested administrative proceeding~~ must be held under ~~section 518.5511, subdivision 4.~~ Notwithstanding any law to the contrary, the obligor must be served with 14 days' notice in writing specifying the time and place of the hearing and the allegations against the obligor. The notice may be served personally or by mail. If the public authority does not receive a request for a hearing within 30 days of the date of the notice, and the obligor does not execute a written payment agreement regarding both current support and arrearages approved by the public authority within 90 days of the date of the notice, the public authority shall direct the commissioner of public safety to suspend the obligor's driver's license under paragraph (b).

(d) At a hearing requested by the obligor under paragraph (c), and on finding that the obligor is in arrears in court-ordered child support or maintenance payments or both in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments, the district court ~~or the administrative law judge~~ or child support magistrate shall order the commissioner of public safety to suspend the obligor's driver's license or operating privileges unless the court or ~~administrative law judge~~ child support magistrate determines that the obligor has executed and is in compliance with a written payment agreement regarding both current support and arrearages approved by the court, ~~an administrative law judge,~~ a child support magistrate, or the public authority.

(e) An obligor whose driver's license or operating privileges are suspended may provide proof to the public authority responsible for child support enforcement that the obligor is in compliance with all written payment agreements regarding both current support and arrearages. Within 15 days of the receipt of that proof, the public authority shall inform the commissioner of public safety that the obligor's driver's license or operating privileges should no longer be suspended.

(f) On January 15, 1997, and every two years after that, the commissioner of human services shall submit a report to the legislature that identifies the following information relevant to the implementation of this section:

- (1) the number of child support obligors notified of an intent to suspend a driver's license;
- (2) the amount collected in payments from the child support obligors notified of an intent to suspend a driver's license;
- (3) the number of cases paid in full and payment agreements executed in response to notification of an intent to suspend a driver's license;
- (4) the number of cases in which there has been notification and no payments or payment agreements;
- (5) the number of driver's licenses suspended; and
- (6) the cost of implementation and operation of the requirements of this section.

(g) In addition to the criteria established under this section for the suspension of an obligor's driver's license, a court, ~~an administrative law judge,~~ a child support magistrate, or the public authority may direct the commissioner of public safety to suspend the license of a party who has

failed, after receiving notice, to comply with a subpoena relating to a paternity or child support proceeding. Notice to an obligor of intent to suspend must be served by first class mail at the obligor's last known address. The notice must inform the obligor of the right to request a hearing. If the obligor makes a written request within ten days of the date of the hearing, a ~~contested administrative proceeding must be held under section 518.5511, subdivision 4~~ hearing must be held. At the hearing, the only issues to be considered are mistake of fact and whether the obligor received the subpoena.

(h) The license of an obligor who fails to remain in compliance with an approved payment agreement may be suspended. Notice to the obligor of an intent to suspend under this paragraph must be served by first class mail at the obligor's last known address and must include a notice of hearing. The notice must be served upon the obligor not less than ten days before the date of the hearing. If the obligor appears at the hearing and the judge determines that the obligor has failed to comply with an approved payment agreement, the judge shall notify the department of public safety to suspend the obligor's license under paragraph (c). If the obligor fails to appear at the hearing, the public authority may notify the department of public safety to suspend the obligor's license under paragraph (c).

Sec. 11. Minnesota Statutes 1998, section 518.551, subdivision 14, is amended to read:

Subd. 14. [MOTOR VEHICLE LIEN.] (a) Upon motion of an obligee, if a court finds that the obligor is a debtor for a judgment debt resulting from nonpayment of court-ordered child support or maintenance payments, or both, in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments, the court shall order the commissioner of public safety to enter a lien in the name of the obligee or in the name of the state of Minnesota, as appropriate, in accordance with section 168A.05, subdivision 8, unless the court finds that the obligor is in compliance with a written payment agreement regarding both current support and arrearages approved by the court, ~~an administrative law judge, a child support magistrate, or the public authority~~. The court's order must be stayed for 90 days in order to allow the obligor to execute a written payment agreement regarding both current support and arrearages, which agreement shall be approved by either the court or the public authority responsible for child support enforcement. If the obligor has not executed or is not in compliance with a written payment agreement regarding both current support and arrearages approved by the court, ~~an administrative law judge, a child support magistrate, or the public authority~~ within the 90-day period, the court's order becomes effective and the commissioner of public safety shall record the lien on any motor vehicle certificate of title subsequently issued in the name of the obligor. The remedy under this subdivision is in addition to any other enforcement remedy available to the court.

(b) If a public authority responsible for child support enforcement determines that the obligor is a debtor for judgment debt resulting from nonpayment of court-ordered child support or maintenance payments, or both, in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments, the public authority shall direct the commissioner of public safety to enter a lien in the name of the obligee or in the name of the state of Minnesota, as appropriate, under section 168A.05, subdivision 8, on any motor vehicle certificate of title subsequently issued in the name of the obligor unless the public authority determines that the obligor is in compliance with a written payment agreement regarding both current support and arrearages approved by the court, ~~an administrative law judge, a child support magistrate, or the public authority~~. The remedy under this subdivision is in addition to any other enforcement remedy available to the public agency.

(c) At least 90 days prior to notifying the commissioner of public safety pursuant to paragraph (b), the public authority must mail a written notice to the obligor at the obligor's last known address, that it intends to record a lien on any motor vehicle certificate of title subsequently issued in the name of the obligor and that the obligor must request a hearing within 30 days in order to contest the action. If the obligor makes a written request for a hearing within 30 days of the date of the notice, ~~either a court hearing or a contested administrative proceeding must be held under section 518.5511, subdivision 4~~. Notwithstanding any law to the contrary, the obligor must be served with 14 days' notice in writing specifying the time and place of the hearing and the

allegations against the obligor. The notice may be served personally or by mail. If the public authority does not receive a request for a hearing within 30 days of the date of the notice and the obligor does not execute or is not in compliance with a written payment agreement regarding both current support and arrearages approved by the public authority within 90 days of the date of the notice, the public authority shall direct the commissioner of public safety to record the lien under paragraph (b).

(d) At a hearing requested by the obligor under paragraph (c), and on finding that the obligor is in arrears in court-ordered child support or maintenance payments or both in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments, the district court or ~~the administrative law judge~~ child support magistrate shall order the commissioner of public safety to record the lien unless the court or ~~administrative law judge~~ child support magistrate determines that the obligor has executed and is in compliance with a written payment agreement regarding both current support and arrearages determined to be acceptable by the court, ~~an administrative law judge,~~ a child support magistrate, or the public authority.

(e) An obligor may provide proof to the court or the public authority responsible for child support enforcement that the obligor is in compliance with all written payment agreements regarding both current support and arrearages or that the value of the motor vehicle is less than the exemption provided under section 550.37. Within 15 days of the receipt of that proof, the court or public authority shall either execute a release of security interest under section 168A.20, subdivision 4, and mail or deliver the release to the owner or other authorized person or shall direct the commissioner of public safety not to enter a lien on any motor vehicle certificate of title subsequently issued in the name of the obligor in instances where a lien has not yet been entered.

(f) Any lien recorded against a motor vehicle certificate of title under this section and section 168A.05, subdivision 8, attaches only to the nonexempt value of the motor vehicle as determined in accordance with section 550.37. The value of a motor vehicle must be determined in accordance with the retail value described in the N.A.D.A. Official Used Car Guide, Midwest Edition, for the current year, or in accordance with the purchase price as defined in section 297B.01, subdivision 8.

Sec. 12. Minnesota Statutes 1998, section 518.553, is amended to read:

518.553 [PAYMENT AGREEMENTS.]

In proposing or approving proposed written payment agreements for purposes of section 518.551, the court, ~~an administrative law judge~~ a child support magistrate, or the public authority shall take into consideration the amount of the arrearages, the amount of the current support order, any pending request for modification, and the earnings of the obligor. The court, ~~administrative law judge~~ child support magistrate, or public authority shall consider the individual financial circumstances of each obligor in evaluating the obligor's ability to pay any proposed payment agreement and shall propose a reasonable payment agreement tailored to the individual financial circumstances of each obligor.

Sec. 13. Minnesota Statutes 1998, section 518.575, subdivision 1, is amended to read:

Subdivision 1. [MAKING NAMES PUBLIC.] At least once each year, the commissioner of human services, in consultation with the attorney general, shall publish a list of the names and other identifying information of no more than 25 persons who (1) are child support obligors, (2) are at least \$10,000 in arrears, (3) are not in compliance with a written payment agreement regarding both current support and arrearages approved by the court, ~~an administrative law judge,~~ a child support magistrate, or the public authority, (4) cannot currently be located by the public authority for the purposes of enforcing a support order, and (5) have not made a support payment except tax intercept payments, in the preceding 12 months.

Identifying information may include the obligor's name, last known address, amount owed, date of birth, photograph, the number of children for whom support is owed, and any additional information about the obligor that would assist in identifying or locating the obligor. The commissioner and attorney general may use posters, media presentations, electronic technology,

and other means that the commissioner and attorney general determine are appropriate for dissemination of the information, including publication on the Internet. The commissioner and attorney general may make any or all of the identifying information regarding these persons public. Information regarding an obligor who meets the criteria in this subdivision will only be made public subsequent to that person's selection by the commissioner and attorney general.

Before making public the name of the obligor, the department of human services shall send a notice to the obligor's last known address which states the department's intention to make public information on the obligor. The notice must also provide an opportunity to have the obligor's name removed from the list by paying the arrearage or by entering into an agreement to pay the arrearage, or by providing information to the public authority that there is good cause not to make the information public. The notice must include the final date when the payment or agreement can be accepted.

The department of human services shall obtain the written consent of the obligee to make the name of the obligor public.

Sec. 14. Minnesota Statutes 1998, section 518.5853, subdivision 6, is amended to read:

Subd. 6. [TRANSMITTAL OF ORDER TO THE LOCAL AGENCY BY THE TRIBUNAL.] The tribunal shall transmit a copy of the order establishing or modifying the payment, and a copy of the automatic income withholding order, to the local child support agency within two working days of the approval of the order by the judge or ~~administrative law judge~~ child support magistrate or other person or entity authorized to sign the automatic withholding order.

Sec. 15. Minnesota Statutes 1998, section 518.6111, subdivision 2, is amended to read:

Subd. 2. [APPLICATION.] This section applies to all support orders issued by a court or an administrative tribunal and orders for or notices of withholding issued by the public authority according to section ~~518.5512, subdivision 5, paragraph (a), clause (4)~~ 518.5513, subdivision 6, paragraph (a), clause (5).

Sec. 16. Minnesota Statutes 1998, section 518.6111, subdivision 7, is amended to read:

Subd. 7. [SUBSEQUENT INCOME WITHHOLDING.] (a) This subdivision applies to support orders that do not contain provisions for income withholding.

(b) For cases in which the public authority is providing child support enforcement services to the parties, the income withholding under this subdivision shall take effect without prior judicial notice to the obligor and without the need for judicial or administrative hearing. Withholding shall result when:

(1) the obligor requests it in writing to the public authority;

(2) the obligee or obligor serves on the public authority a copy of the notice of income withholding, a copy of the court's order, an application, and the fee to use the public authority's collection services; or

(3) the public authority commences withholding according to section ~~518.5512, subdivision 5, paragraph (a), clause (4)~~ 518.5513, subdivision 6, paragraph (a), clause (5).

(c) For cases in which the public authority is not providing child support services to the parties, income withholding under this subdivision shall take effect when an obligee requests it by making a written motion to the court and the court finds that previous support has not been paid on a timely consistent basis or that the obligor has threatened expressly or otherwise to stop or reduce payments.

(d) Within two days after the public authority commences withholding under this subdivision, the public authority shall send to the obligor at the obligor's last known address, notice that withholding has commenced. The notice shall include the information provided to the payor of funds in the notice of withholding.

Sec. 17. Minnesota Statutes 1998, section 518.6111, subdivision 8, is amended to read:

Subd. 8. [CONTEST.] (a) The obligor may contest withholding under subdivision 7 on the limited grounds that the withholding or the amount withheld is improper due to mistake of fact. If the obligor chooses to contest the withholding, the obligor must do so no later than 15 days after the employer commences withholding, by doing all of the following:

(1) file a request for ~~contested hearing according to section 518.5511, subdivision 3a~~ an expedited child support hearing under section 484.702, and include in the request the alleged mistake of fact;

(2) serve a copy of the request for contested hearing upon the public authority and the obligee; and

(3) secure a date for the contested hearing no later than 45 days after receiving notice that withholding has commenced.

(b) The income withholding must remain in place while the obligor contests the withholding.

(c) If the court finds a mistake in the amount of the arrearage to be withheld, the court shall continue the income withholding, but it shall correct the amount of the arrearage to be withheld.

Sec. 18. Minnesota Statutes 1998, section 518.6111, subdivision 14, is amended to read:

Subd. 14. [TERMINATION BY THE PUBLIC AUTHORITY.] If the public authority determines that income withholding is no longer applicable, the public authority shall notify the obligee and the obligor of intent to terminate income withholding.

Five days following notification to the obligee and obligor, the public authority shall issue a notice to the payor of funds terminating income withholding, without a requirement for a court order unless the obligee has requested ~~a contested hearing under section 518.5511, subdivision 3a~~ an expedited child support hearing under section 484.702.

Sec. 19. Minnesota Statutes 1998, section 518.616, subdivision 1, is amended to read:

Subdivision 1. [COURT ORDER.] For any support order being enforced by the public authority, the public authority may seek a court order requiring the obligor to seek employment if:

(1) employment of the obligor cannot be verified;

(2) the obligor is in arrears in court-ordered child support or maintenance payments or both in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments; and

(3) the obligor is not in compliance with a written payment plan.

Upon proper notice being given to the obligor, the court may enter a seek employment order if it finds that the obligor has not provided proof of gainful employment and has not consented to an order for income withholding under section 518.6111 or entered into a written payment plan approved by the court, ~~an administrative law judge~~, a child support magistrate, or the public authority.

Sec. 20. Minnesota Statutes 1998, section 518.617, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS.] If a person against whom an order or decree for support has been entered under this chapter, chapter 256, or a comparable law from another jurisdiction, is in arrears in court-ordered child support or maintenance payments in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments and is not in compliance with a written payment plan approved by the court, ~~an administrative law judge~~ a child support magistrate, or the public authority, the person may be cited and punished by the court for contempt under section 518.64, chapter 588, or this section. Failure to comply with a seek employment order entered under section 518.616 is evidence of willful failure to pay support.

Sec. 21. Minnesota Statutes 1998, section 518.641, subdivision 2, is amended to read:

Subd. 2. [CONDITIONS.] No adjustment under this section may be made unless the order provides for it and until the following conditions are met:

(a) the obligee serves notice of the application for adjustment by mail on the obligor at the obligor's last known address at least 20 days before the effective date of the adjustment;

(b) the notice to the obligor informs the obligor of the date on which the adjustment in payments will become effective;

(c) after receipt of notice and before the effective day of the adjustment, the obligor fails to request a hearing on the issue of whether the adjustment should take effect, and ex parte, to stay imposition of the adjustment pending outcome of the hearing; or

(d) the public authority sends notice of its application for adjustment to the obligor at the obligor's last known address at least 20 days before the effective date of the adjustment, and the notice informs the obligor of the date on which the adjustment will become effective and the procedures for contesting the adjustment according to section ~~518.5512~~ 484.702.

Sec. 22. Minnesota Statutes 1998, section 552.05, subdivision 4, is amended to read:

Subd. 4. [PROCESS TO REQUEST HEARING.] If the judgment debtor elects to request a hearing on any issue specified in subdivision 6, the judgment debtor shall complete the applicable portion of the exemption and right to hearing notice, sign it under penalty of perjury, and deliver one copy to the public authority within 14 days of the date postmarked on the correspondence mailed to the judgment debtor containing the exemption and right to hearing notice. Upon timely receipt of a request for hearing, funds not claimed to be exempt by the judgment debtor remain subject to the execution levy. Within seven days after the date postmarked on the envelope containing the executed request for hearing mailed to the public authority, or the date of personal delivery of the executed request for hearing to the public authority, the public authority shall either notify the financial institution to release the exempt portion of the funds to the judgment debtor or ~~schedule a contested administrative proceeding under section 518.5511~~ an expedited child support hearing under section 484.702 and notify the judgment debtor of the time and place of the scheduled hearing.

Sec. 23. Minnesota Statutes 1998, section 552.05, subdivision 5, is amended to read:

Subd. 5. [DUTIES OF PUBLIC AUTHORITY IF HEARING IS REQUESTED.] Within seven days of the receipt of a request for hearing or a claim of exemption to which the public authority does not consent, the public authority shall ~~schedule a contested administrative proceeding under section 518.5511~~ an expedited child support hearing under section 484.702. The hearing must be scheduled to occur within five business days. The public authority shall send written notice of the hearing date, time, and place to the judgment debtor by first class mail. The hearing may be conducted by telephone, audiovisual means or other electronic means, at the discretion of the administrative law judge. If the hearing is to be conducted by telephone, audiovisual means, or other electronic means, the public authority shall provide reasonable assistance to the judgment debtor to facilitate the submission of all necessary documentary evidence to the administrative law judge, including access to the public authority's facsimile transmission machine.

Sec. 24. [REPEALER.]

Minnesota Statutes 1998, sections 518.5511; and 518.5512, are repealed.

Sec. 25. [EFFECTIVE DATE; APPLICATION.]

This act is effective July 1, 1999."

Delete the title and insert:

"A bill for an act relating to family law; repealing the administrative process for support orders;

establishing a child support magistrate system; authorizing child support and visitation review hearings; amending Minnesota Statutes 1998, sections 13B.06, subdivision 1; 168A.20, subdivision 4; 171.186, subdivisions 1 and 3; 214.101, subdivisions 1 and 4; 357.021, subdivision 1a; 484.70, subdivision 1; 484.72, by adding a subdivision; 518.171, subdivision 4; 518.54, by adding a subdivision; 518.551, subdivisions 9, 12, 13, and 14; 518.553; 518.575, subdivision 1; 518.5853, subdivision 6; 518.6111, subdivisions 2, 7, 8, and 14; 518.616, subdivision 1; 518.617, subdivision 1; 518.641, subdivision 2; and 552.05, subdivisions 4, 5, and 10; Laws 1998, chapter 338, section 8; proposing coding for new law in Minnesota Statutes, chapters 484; and 518; repealing Minnesota Statutes 1998, sections 518.5511; and 518.5512."

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

Senate Conferees: (Signed) Leo T. Foley, Richard J. Cohen, David L. Knutson

House Conferees: (Signed) Len Biernat, Jim Seifert, Steve Smith

Senator Foley moved that the foregoing recommendations and Conference Committee Report on S.F. No. 23 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 23 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1636 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 1636

A bill for an act relating to governmental operations; providing for regulatory relief for local units of government; proposing coding for new law in Minnesota Statutes, chapter 14.

May 12, 1999

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1636, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 1636 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [14.091] [PETITION; UNIT OF LOCAL GOVERNMENT.]

(a) The elected governing body of a statutory or home-rule city or a county may petition for amendment or repeal of a rule or a specified portion of a rule. The petition must be adopted by resolution of the elected governing body and must be submitted in writing to the agency and to the office of administrative hearings, must specify what amendment or repeal is requested, and must demonstrate that one of the following has become available since the adoption of the rule in question:

- (1) significant new evidence relating to the need for or reasonableness of the rule; or
- (2) less costly or intrusive methods of achieving the purpose of the rule.

(b) Within 30 days of receiving a petition, an agency shall reply to the petitioner in writing stating either that the agency, within 90 days of the date of the reply, will give notice under section 14.389 of intent to adopt the amendment or repeal requested by the petitioner or that the agency does not intend to amend or repeal the rule and has requested the office of administrative hearings to review the petition. If the agency intends to amend or repeal the rule in the manner requested by the petitioner, the agency must use the process under section 14.389 to amend or repeal the rule. Section 14.389, subdivision 5, applies.

(c) Upon receipt of an agency request under paragraph (b), the chief administrative law judge shall assign an administrative law judge, who was not involved when the rule or portion of a rule that is the subject of the petition was adopted or amended, to review the petition to determine whether the petitioner has complied with the requirements of paragraph (a). The petitioner, the agency, or any interested person, at the option of any of them, may submit written material for the assigned administrative law judge's consideration within ten days of the chief administrative law judge's receipt of the agency request. The administrative law judge shall dismiss the petition if the judge determines that:

- (1) the petitioner has not complied with the requirements of paragraph (a);
- (2) the rule is required to comply with a court order; or
- (3) the rule is required by federal law or is required to maintain authority to administer a federal program.

(d) If the administrative law judge assigned by the chief administrative law judge determines that the petitioner has complied with the requirements of paragraph (a), the administrative law judge shall conduct a hearing and issue a decision on the petition within 120 days of its receipt by the office of administrative hearings. The agency shall give notice of the hearing in the same manner required for notice of a proposed rule hearing under section 14.14, subdivision 1a. At the public hearing, the agency shall make an affirmative presentation of facts establishing the need for and reasonableness of the rule or portion of the rule in question. If the administrative law judge determines that the agency has not established the continued need for and reasonableness of the rule or portion of the rule, the rule or portion of the rule does not have the force of law, effective 90 days after the administrative law judge's decision, unless the agency has before then published notice in the State Register of intent to amend or repeal the rule in accordance with paragraph (e).

(e) The agency may amend or repeal the rule in the manner requested by the petitioner, or in another manner that the administrative law judge has determined is needed and reasonable. Amendments under this paragraph may be adopted under the expedited process in section 14.389. Section 14.389, subdivision 5, applies to this adoption. If the agency uses the expedited process

and no public hearing is required, the agency must complete the amendment or repeal of the rule within 90 days of the administrative law judge's decision under paragraph (d). If a public hearing is required, the agency must complete the amendment or repeal of the rule within 180 days of the administrative law judge's decision under paragraph (d). A rule or portion of a rule that is not amended or repealed in the time prescribed by this paragraph does not have the force of law upon expiration of the deadline. A rule that is amended within the time prescribed in this paragraph has the force of law, as amended.

(f) The chief administrative law judge shall report the decision under paragraph (d) within 30 days to the chairs of the house and senate committees having jurisdiction over governmental operations and the chairs of the house and senate committees having jurisdiction over the agency whose rule or portion of a rule was the subject of the petition.

(g) The chief administrative law judge shall assess a petitioner half the cost of processing a petition and conducting a public hearing under paragraph (d).

(h) This section expires July 31, 2001."

Delete the title and insert:

"A bill for an act relating to governmental operations; providing for regulatory relief for local units of government; proposing coding for new law in Minnesota Statutes, chapter 14."

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

Senate Conferees: (Signed) LeRoy A. Stumpf, John C. Hottinger, Martha R. Robertson

House Conferees: (Signed) Jim Knoblach, George Cassell, Bill Hilty

Senator Stumpf moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1636 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1636 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED**SPECIAL ORDERS**

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

H.F. No. 2425, S.F. No. 60, H.F. Nos. 1940, 595, 1778, 1932, 420, 1621 and 1024.

SPECIAL ORDER

H.F. No. 2425: A bill for an act relating to landlord and tenant; recodifying the landlord and tenant law; amending Minnesota Statutes 1998, sections 72A.20, subdivision 23; 82.24, subdivision 7; 144.9504, subdivision 7; 144A.13, subdivision 2; 144D.06; 216C.30, subdivision 5; 299C.67, subdivisions 5 and 7; 299C.69; 327C.02, subdivision 2a; 327C.03, subdivision 4; 327C.10, subdivision 1; 327C.11, subdivision 1; 363.033; 462A.05, subdivision 15; 462C.05, subdivision 8; 469.156; 471A.03, subdivision 6; 481.02, subdivision 3; 484.013, subdivision 2; 487.17; 487.24; 488A.01, subdivisions 4a and 5; 488A.11; 488A.18, subdivisions 4 and 6; 491A.01, subdivision 9; 514.977; 515B.3-116; 515B.4-111; 576.01, subdivision 2; 609.33, subdivision 6; and 609.5317, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 504B; repealing Laws 1998, chapter 253, sections 1 to 79.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Senator Solon moved that the following members be excused for a Conference Committee on H.F. No. 1079 from 9:00 to 9:35 a.m.:

Senators Solon, Metzen and Larson. The motion prevailed.

SPECIAL ORDER

S.F. No. 60: A bill for an act relating to elections; defining certain terms; changing the name of the state partisan primary to the state party nominating election; requiring candidates to demonstrate party support before being listed on a party's ballot; moving the state party

nominating election and primary from September to June; changing certain procedures, terms, and deadlines; amending Minnesota Statutes 1998, sections 10A.255, subdivisions 1 and 3; 10A.31, subdivision 6; 10A.321; 10A.322, subdivision 1; 10A.323; 200.02, by adding a subdivision; 202A.14; 202A.19; 204B.08, subdivisions 1 and 2; 204B.09, subdivision 1; 204B.10, subdivisions 2, 3, and 4; 204B.11, subdivision 2; 204B.12, subdivision 1; 204B.33; 204D.03, subdivision 1; 204D.08, subdivision 4; 205.065, subdivision 1; and 205A.03, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 204B.

Senator Flynn moved to amend S.F. No. 60 as follows:

Page 5, line 29, delete "second Saturday in" and insert "end of"

Page 7, lines 16 to 22, delete the new language and strike the old language

Page 7, lines 33 to 36, delete the new language and strike the old language

Page 8, lines 1 to 11, delete the new language and strike the old language

Page 8, line 18, before the period, insert "or convention"

Page 8, lines 19 to 31, delete the new language and strike the old language

The motion prevailed. So the amendment was adopted.

Senator Johnson, D.J. moved to amend S.F. No. 60 as follows:

Pages 8 to 10, delete sections 10 to 12

Page 11, lines 4 and 5, delete the new language

Pages 11 to 13, delete sections 14 to 17

Page 15, lines 2 to 4, delete the new language

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Robertson requested division of the Johnson, D.J. amendment as follows:

First portion:

Pages 8 to 10, delete sections 10 to 12

Page 11, lines 4 and 5, delete the new language

Pages 11 to 13, delete sections 14 to 17

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the first portion of the Johnson, D.J. amendment.

The roll was called, and there were yeas 37 and nays 25, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, D.E.	Larson	Robertson	Terwilliger
Berg	Johnson, D.J.	Lesewski	Robling	Vickerman
Day	Kierlin	Lessard	Sams	Wiener
Dille	Kiscaden	Limmer	Samuelson	Wiger
Fischbach	Kleis	Metzen	Scheevel	Ziegler
Frederickson	Knutson	Murphy	Solon	
Hanson	Laidig	Neuville	Stevens	
Janezich	Langseth	Pariseau	Stumpf	

Those who voted in the negative were:

Anderson	Foley	Kelley, S.P.	Ourada	Ranum
Berglin	Higgins	Krentz	Pappas	Runbeck
Betzold	Hottinger	Lourey	Piper	Scheid
Cohen	Johnson, J.B.	Marty	Pogemiller	Spear
Flynn	Junge	Oliver	Price	Ten Eyck

The motion prevailed. So the first portion of the Johnson, D.J. amendment was adopted.

Second portion:

Page 15, lines 2 to 4, delete the new language

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the second portion of the Johnson, D.J. amendment.

The roll was called, and there were yeas 34 and nays 30, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, D.E.	Langseth	Oliver	Solon
Berg	Johnson, D.J.	Larson	Pariseau	Stevens
Day	Johnson, J.B.	Lesewski	Robling	Terwilliger
Dille	Kierlin	Lessard	Runbeck	Vickerman
Fischbach	Kiscaden	Limmer	Sams	Wiener
Frederickson	Kleis	Metzen	Samuelson	Ziegler
Janezich	Laidig	Neuville	Scheevel	

Those who voted in the negative were:

Anderson	Hanson	Knutson	Ourada	Robertson
Berglin	Higgins	Krentz	Pappas	Scheid
Betzold	Hottinger	Lourey	Piper	Spear
Cohen	Johnson, D.H.	Marty	Pogemiller	Stumpf
Flynn	Junge	Murphy	Price	Ten Eyck
Foley	Kelley, S.P.	Novak	Ranum	Wiger

The motion prevailed. So the second portion of the Johnson, D.J. amendment was adopted.

Senator Marty moved to amend S.F. No. 60 as follows:

Page 14, line 12, reinstate the stricken language

Page 14, line 13, reinstate the stricken "September" and delete "June"

Amend the title as follows:

Page 1, line 6, delete everything after the semicolon

Page 1, line 7, delete everything before "changing"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 34, as follows:

Those who voted in the affirmative were:

Berg	Johnson, D.E.	Knutson	Neuville	Robling
Berglin	Johnson, J.B.	Lesewski	Oliver	Scheevel
Day	Kelley, S.P.	Limmer	Ourada	Solon
Dille	Kierlin	Marty	Pariseau	Stevens
Fischbach	Kiscaden	Metzen	Piper	Stumpf
Janezich	Kleis	Murphy	Pogemiller	Ziegler

Those who voted in the negative were:

Anderson	Hanson	Laidig	Price	Spear
Belanger	Higgins	Langseth	Ranum	Ten Eyck
Betzold	Hottinger	Larson	Robertson	Terwilliger
Cohen	Johnson, D.H.	Lessard	Runbeck	Vickerman
Flynn	Johnson, D.J.	Lourey	Sams	Wiener
Foley	Junge	Novak	Samuelson	Wiger
Frederickson	Krentz	Pappas	Scheid	

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

Senator Day moved to amend S.F. No. 60 as follows:

Pages 5 to 8, delete sections 8 and 9 and insert:

"Sec. 8. Minnesota Statutes 1998, section 202A.192, is amended to read:

202A.192 [USE OF PUBLIC FACILITIES.]

Every statutory city, home rule charter city, county, town, school district and other public agency, including the university of Minnesota and other public colleges and universities, shall make their facilities available for the holding of ~~precinct caucuses and legislative district or county~~ conventions required by this chapter. A charge for the use of the facilities may be imposed in an amount that does not exceed the lowest amount charged to any public or private group."

Page 16, after line 7, insert:

"Sec. 24. [REPEALER.]

Minnesota Statutes 1998, sections 202A.14; 202A.15; 202A.155; 202A.156; 202A.16; 202A.18; 202A.19; and 202A.20, are repealed."

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 23 and nays 41, as follows:

Those who voted in the affirmative were:

Belanger	Frederickson	Laidig	Robling	Terwilliger
Berg	Johnson, D.E.	Larson	Sams	Vickerman
Day	Kierlin	Lesewski	Samuelson	Ziegler
Dille	Kiscaden	Lessard	Scheevel	
Fischbach	Knutson	Robertson	Stevens	

Those who voted in the negative were:

Anderson	Johnson, D.H.	Limmer	Pappas	Spear
Berglin	Johnson, D.J.	Lourey	Pariseau	Stumpf
Betzold	Johnson, J.B.	Marty	Piper	Ten Eyck
Cohen	Junge	Metzen	Pogemiller	Wiener
Flynn	Kelley, S.P.	Murphy	Price	Wiger
Foley	Kelly, R.C.	Neuville	Ranum	
Higgins	Kleis	Novak	Runbeck	
Hottinger	Krentz	Oliver	Scheid	
Janezich	Langseth	Ourada	Solon	

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

Senator Laidig moved to amend S.F. No. 60 as follows:

Page 8, after line 31, insert:

"Sec. 10. Minnesota Statutes 1998, section 204B.03, is amended to read:

204B.03 [MANNER OF NOMINATION.]

Candidates of a major political party for any partisan office except presidential elector and all candidates for nonpartisan office shall apply for a place on the primary state party nominating election ballot by filing an affidavit of candidacy as provided in section 204B.06, and ~~except as otherwise provided in section 204D.07, subdivision 3,~~ shall be nominated by the state party nominating election and the state primary. Candidates for any partisan office who do not seek the nomination of a major political party shall be nominated by nominating petition as provided in sections 204B.07 and 204B.08 and by the state primary, and, except for presidential elector candidates, shall file an affidavit of candidacy as provided in section 204B.06.

Sec. 11. Minnesota Statutes 1998, section 204B.04, subdivision 2, is amended to read:

Subd. 2. [CANDIDATES SEEKING NOMINATION BY PRIMARY.] No individual who seeks nomination for any partisan office at a state party nominating election or for a nonpartisan office at a primary shall be nominated for the same office by nominating petition, except as otherwise provided for ~~partisan offices in section 204D.10, subdivision 2,~~ and for nonpartisan offices in section 204B.13, subdivision 4."

Page 11, line 6, delete "and" and insert "shall be filed not more than ten weeks nor less than eight weeks before the state party nominating election."

Page 11, line 12, delete "general election" and insert "primary"

Page 12, line 20, strike "primary" and insert "state party nominating election"

Page 13, line 16, before "primary" insert "state party nominating election or"

Page 14, delete section 20 and insert:

"Sec. 22. Minnesota Statutes 1998, section 204C.21, subdivision 3, is amended to read:

Subd. 3. [PRIMARY.] At a primary the election judges shall first ~~separate the partisan ballots by major political party and then~~ count the votes for each office on the partisan primary ballot as provided in subdivision 1. The nonpartisan primary ballots shall be counted separately after the partisan primary ballots have been counted.

Sec. 23. Minnesota Statutes 1998, section 204C.32, subdivision 1, is amended to read:

Subdivision 1. [COUNTY CANVASS.] The county canvassing board shall meet at the county auditor's office on or before the third day following the state primary. After taking the oath of office, the canvassing board shall publicly canvass the election returns delivered to the county auditor. The board shall complete the canvass no later than the third day following the state primary and shall promptly prepare and file with the county auditor a report that states:

- (a) The number of individuals voting at the election in the county, and in each precinct;
- (b) The number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct;
- (c) For each major political party, the names of the candidates running for each partisan office and the number of votes received by each candidate in the county and in each precinct;
- (d) The names of the candidates ~~of each major political party~~ for partisan office who are nominated; and
- (e) The number of votes received by each of the candidates for nonpartisan office in each precinct in the county and the names of the candidates nominated for nonpartisan office.

Upon completion of the canvass, the county auditor shall mail or deliver a notice of nomination to each nominee voted for only in that county. The county auditor shall transmit one of the certified copies of the county canvassing board report for state and federal offices to the secretary of state by express mail or similar service immediately upon conclusion of the county canvass.

Sec. 24. Minnesota Statutes 1998, section 204D.03, subdivision 1, is amended to read:

Subdivision 1. [STATE PARTY NOMINATING ELECTION; STATE PRIMARY.] (a) The state party nominating election shall be held on the first Tuesday in June in each even-numbered year to select the nominees of the major political parties to be placed on the primary ballot for partisan offices.

(b) The state primary shall be held on the first Tuesday after the second Monday in September in each even-numbered year to select the nominees of the major political parties for partisan offices and the nominees for nonpartisan offices to be filled at the state general election, other than presidential electors.

Sec. 25. Minnesota Statutes 1998, section 204D.05, subdivision 1, is amended to read:

Subdivision 1. [STATE PARTISAN PRIMARY PARTY NOMINATING ELECTION BALLOT.] The state partisan primary party nominating election ballot shall contain the names of the candidates seeking the nomination of each major political party for the partisan offices filled at the state general election.

Subd. 1a. [STATE PARTISAN PRIMARY BALLOT.] The state partisan primary ballot shall contain the name of the candidate of each major political party who received the highest number of votes at the state party nominating election and the name of any other candidate nominated by petition.

Sec. 26. Minnesota Statutes 1998, section 204D.08, subdivision 1, is amended to read:

Subdivision 1. [FORM.] Except as provided in this section, state party nominating election ballots and state primary ballots shall be printed in the same manner as state general election ballots as far as practicable. A sufficient number shall be printed for each precinct and ward in the state.

The secretary of state shall adopt rules for the format and preparation of the state party nominating election ballot and the state primary ballot.

Sec. 27. Minnesota Statutes 1998, section 204D.08, subdivision 2, is amended to read:

Subd. 2. [BLANK LINES PROHIBITED.] At a state party nominating election or primary election, no blank lines shall be provided for writing in the names of individuals whose names do not appear on the state party nominating election or primary ballot."

Pages 15 and 16, delete sections 22 to 24 and insert:

"Sec. 29. Minnesota Statutes 1998, section 204D.08, is amended by adding a subdivision to read:

Subd. 5a. [STATE PARTISAN PRIMARY BALLOT.] The state partisan primary ballot shall be headed by the words "State Partisan Primary Ballot." The ballot shall be printed on white paper.

The candidates for senator in Congress shall be listed first, candidates for representative in Congress second, candidates for state senator third, candidates for state representative fourth and then candidates for state office in the order specified by the secretary of state.

Sec. 30. Minnesota Statutes 1998, section 204D.10, is amended to read:

204D.10 [PRIMARY RESULTS; NOMINEES.]

Subdivision 1. [PARTISAN OFFICES; NOMINEES.] The candidate for nomination of a major political party for a partisan office on the state partisan primary ballot who receives the highest number of votes shall be the nominee of that political party for that office, except as otherwise provided in subdivision 2.

Subd. 2. [PARTY PRIMARY; TEN PERCENT REQUIREMENT.] If at the state primary any

individual seeking a major political party's nomination for an office receives a number of votes equal to ten percent of the average of the votes cast at the last state general election for state officers of that major political party within the district for which the office is voted, then all candidates of that major political party who receive the highest vote for an office are the nominees of that major political party. If none of the candidates of a major political party receive the required ten percent, then no candidates are nominated, and all the candidates of that major political party may be nominated by nominating petition as provided in sections 204B.07 to 204B.09. For the purposes of this subdivision, "state officers" mean the governor, lieutenant governor, secretary of state, state auditor, state treasurer, and attorney general.

Subd. 3. ~~[NONPARTISAN OFFICES; NOMINEES.]~~ The candidates for each office on the state and county partisan and nonpartisan primary ballot ballots receiving the highest and the next highest number of votes shall be the nominees for that office. When more than one individual is to be elected to the same nonpartisan office, the number of nominees shall be equal to twice the number of individuals to be elected, and that number of candidates receiving the highest number of votes shall be the nominees for that office.

Sec. 31. Minnesota Statutes 1998, section 204D.20, subdivision 1, is amended to read:

Subdivision 1. ~~[SPECIAL PRIMARY.]~~ Except as provided in subdivision 2, the candidates of the major political parties to fill a vacancy shall be nominated at a special primary. The candidate of each party who receives two candidates who receive the highest number of votes at the special primary shall be nominated without reference to the ten percent requirement of section 204D.10, subdivision 2.

Sec. 32. Minnesota Statutes 1998, section 204D.20, subdivision 2, is amended to read:

Subd. 2. ~~[NO SPECIAL PRIMARY; WHEN.]~~ No special primary shall be held to nominate candidates to fill a vacancy if only one individual from each major political party files two individuals file as a candidate candidates for that party's nomination. In that case, the individuals who have filed are nominated.

Sec. 33. ~~[REPEALER.]~~

Minnesota Statutes 1998, sections 204D.07, subdivision 2; and 204D.13, subdivision 2, are repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Laidig then moved to amend the Laidig amendment to S.F. No. 60 as follows:

Page 3, line 9, delete "first" and insert "third"

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

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

S.F. No. 60 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 37 and nays 27, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Hottinger	Krentz	Metzen
Belanger	Foley	Johnson, D.H.	Langseth	Novak
Berglin	Frederickson	Johnson, D.J.	Larson	Oliver
Betzold	Hanson	Junge	Lessard	Pappas
Cohen	Higgins	Kelly, R.C.	Lourey	Piper

Pogemiller	Robertson	Solon	Stumpf	Wiener
Price	Runbeck	Spear	Vickerman	Wiger
Ranum	Sams			

Those who voted in the negative were:

Berg	Johnson, J.B.	Laidig	Ourada	Stevens
Day	Kelley, S.P.	Lesewski	Pariseau	Terwilliger
Dille	Kierlin	Limmer	Robling	Ziegler
Fischbach	Kiscaden	Marty	Samuelson	
Janezich	Kleis	Murphy	Scheevel	
Johnson, D.E.	Knutson	Neuville	Scheid	

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

SPECIAL ORDER

H.F. No. 1940: A bill for an act relating to utilities; modifying requirements for renewable energy development funding; specifying that certain required expenditures are recoverable; providing a siting preference for certain wind energy facilities; amending Minnesota Statutes 1998, sections 116C.779; 216B.1645; and 216B.2423, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Senator Johnson, D.J. moved that the following members be excused for a Conference Committee on H.F. No. 2420 at 11:40 a.m.:

Senators Johnson, D.J.; Belanger; Vickerman; Murphy and Hottinger. The motion prevailed.

SPECIAL ORDER

H.F. No. 595: A bill for an act relating to economic development; imposing a specific standard of proof for certain petrofund reimbursement reductions; providing reimbursement for certain bulk petroleum plants upgrading or closing aboveground storage tanks; regulating the cleanup of contaminated land; modifying the application of the Uniform Fire Code to aboveground tanks; providing a regulatory exception for underground tanks on farms; appropriating money; amending Minnesota Statutes 1998, sections 115C.08, subdivision 4; 115C.09, subdivision 3, and by adding a subdivision; 116J.562, subdivision 2; and 116J.567; proposing coding for new law in Minnesota Statutes, chapter 299F.

Senator Novak moved to amend H.F. No. 595, as amended pursuant to Rule 49, adopted by the Senate May 12, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 365.)

Page 11, after line 13, insert:

"Sec. 8. [299F.014] [ABOVEGROUND PETROLEUM STORAGE TANKS NOT USED FOR DISPENSING TO THE PUBLIC; TANK VEHICLES.]

(a) Any rule of the commissioner of public safety that adopts provisions of the Uniform Fire Code relating to aboveground tanks for petroleum storage that are not used for dispensing to the public is superseded by Minnesota Rules, chapter 7151, in regard to: secondary containment, substance transfer areas, tank and piping standards, overfill protection, corrosion protection, leak detection, labeling, monitoring, maintenance, recordkeeping, and decommissioning. If Minnesota Rules, chapter 7151, do not address an issue relating to aboveground tanks for petroleum storage that are not used for dispensing to the public, any applicable provision of the Uniform Fire Code 1997 Edition shall apply.

(b) A motorized tank vehicle used to transport petroleum products may be parked within 500 feet of a residence if the vehicle is parked at an aboveground tank facility used for dispensing petroleum into cargo tanks for sale at another location.

Sec. 9. [UNDERGROUND TANKS ON FARMS.]

An owner or operator of a registered underground storage tank located on a farm in the state who fails to remove the underground storage tank in compliance with the requirements of Minnesota Rules, chapter 7150, before December 22, 2000, shall not be subject to any penalties under state law for failure to comply with the removal requirements of Minnesota Rules, chapter 7150, with regard to a tank located on a farm."

Page 11, line 14, delete "8" and insert "10"

Page 11, line 15, after "6" insert "and 9"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 595 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H.F. No. 1778: A bill for an act relating to telecommunications; providing for telecommunications pricing plans for state government under oversight of public utilities commission; proposing coding for new law in Minnesota Statutes, chapter 237.

Senator Novak moved to amend H.F. No. 1778, as amended pursuant to Rule 49, adopted by the Senate May 5, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 1785.)

Page 2, after line 34, insert:

"Sec. 2. Laws 1997, chapter 123, section 11, is amended to read:

Sec. 11. [REPEALER.]

Section 4, subdivision 5, paragraph (b), is repealed, effective June 30, 1999."

Page 2, line 35, delete "2" and insert "3"

Page 2, line 36, delete "Section 1 is" and insert "Sections 1 and 2 are"

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "correcting a repealer; amending Laws 1997, chapter 123, section 11;"

The motion prevailed. So the amendment was adopted.

H.F. No. 1778 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H.F. No. 1932: A bill for an act relating to insurance; regulating rental vehicle coverages; requiring a study of rental car availability; amending Minnesota Statutes 1998, sections 60K.03, subdivision 7; and 72A.125, subdivisions 1 and 2.

Senator Scheid moved to amend H.F. No. 1932, as amended pursuant to Rule 49, adopted by the Senate May 10, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 1607.)

Page 3, line 21, after the period, insert "An auto rental company offering insurance products for sale shall conduct a training program for its agents or employees, which must be submitted to the commissioner for approval."

The motion prevailed. So the amendment was adopted.

Senator Pappas moved to amend H.F. No. 1932, as amended pursuant to Rule 49, adopted by the Senate May 10, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 1607.)

Page 4, after line 30, insert:

"Sec. 4. [ATTORNEY GENERAL STUDY.]

The attorney general shall study whether an auto rental company that discriminates in the rental of vehicles against persons at least 21 years of age solely on the basis of the person's age, is justified in doing so based on increased loss rates for such rentals. The study shall also review how, if any, loss rates are affected by the gender of the renter."

Amend the title accordingly

Senator Foley questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Pappas moved to amend H.F. No. 1932, as amended pursuant to Rule 49, adopted by the Senate May 10, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 1607.)

Page 4, after line 30, insert:

"Sec. 4. [STUDY OF RENTAL CAR AVAILABILITY.]

The commissioner of commerce shall study the effects of potential legislation which would prohibit an auto rental company that discriminates in the rental of vehicles against persons at least 21 years of age solely on the basis of the person's age, or on the basis of gender, from offering or selling personal effects insurance or liability insurance. The commissioner shall include information on the availability of rental vehicles to persons who may be affected by such discrimination, the added costs, if any, of renting to them, and the effects of permitting the auto rental company to charge higher rates to affected persons to the extent justified by the cost of insurance or self-insurance. The commissioner shall report to the legislature on the results of the study by February 15, 2000."

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 14 and nays 39, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Kleis	Lourey	Ranum
Berglin	Kelley, S.P.	Krentz	Pappas	Wiger
Flynn	Kelly, R.C.	Laidig	Pogemiller	

Those who voted in the negative were:

Berg	Frederickson	Kierlin	Lessard	Pariseau
Betzold	Hanson	Kiscaden	Limmer	Price
Cohen	Johnson, D.E.	Knutson	Metzen	Robertson
Dille	Johnson, D.H.	Langseth	Neuville	Robling
Fischbach	Johnson, J.B.	Larson	Oliver	Runbeck
Foley	Junge	Lesewski	Ourada	Sams

Scheevel
Scheid

Spear
Stevens

Stumpf
Ten Eyck

Terwilliger
Wiener

Ziegler

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

H.F. No. 1932 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 51 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Pappas

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

SPECIAL ORDER

H.F. No. 420: A bill for an act relating to cities; modifying the authority to establish a housing improvement area; amending Minnesota Statutes 1998, sections 428A.11, subdivision 6, and by adding subdivisions; 428A.13, subdivisions 1 and 3; 428A.14, subdivision 1; 428A.15; 428A.16; 428A.17; and 428A.19; repealing Minnesota Statutes 1998, section 428A.21.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1621: A bill for an act relating to the environment; modifying provisions relating to judicial review of agency decisions; modifying requirements for incinerator monitors; amending Minnesota Statutes 1998, sections 115.05, subdivision 11; and 116.85, subdivision 3.

Senator Higgins moved to amend H.F. No. 1621, as amended pursuant to Rule 49, adopted by the Senate May 5, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 1734.)

Page 2, after line 17, insert:

"Sec. 3. [REPORT ON OZONE EMISSIONS.]

The commissioner of the pollution control agency, in consultation with state agencies, public officials, citizens, environmental interest groups, and private industry stakeholders, must investigate strategies to reduce emissions of ozone-forming chemicals and toxic air pollutants from motor vehicles and other nonpoint sources in the Twin Cities metropolitan area. By January 15, 2000, the commissioner must submit a progress report to the chairs of the senate and house committees with jurisdiction over environmental issues and the chairs of the senate and house committees with jurisdiction over transportation issues. The commissioner may not implement any of the strategies in the report unless additional funds are appropriated for these activities."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "requiring a report on ozone emissions;"

The motion prevailed. So the amendment was adopted.

H.F. No. 1621 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H.F. No. 1024: A bill for an act relating to tax-exempt bond allocations; providing for certain eligibility, scoring system, income and purchase price limits, and reservation of authority; amending Minnesota Statutes 1998, sections 474A.02, subdivision 23a; 474A.045; 474A.061, subdivisions 2a, 2b, and 4; and 474A.091, subdivision 5.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Berglin	Cohen	Dille	Flynn
Berg	Betzold	Day	Fischbach	Foley

Frederickson	Kierlin	Lourey	Pogemiller	Stevens
Hanson	Kiscaden	Marty	Price	Stumpf
Higgins	Kleis	Metzen	Ranum	Ten Eyck
Janezich	Knutson	Neuville	Robertson	Terwilliger
Johnson, D.E.	Krentz	Novak	Robling	Wiener
Johnson, D.H.	Laidig	Oliver	Runbeck	Wiger
Johnson, J.B.	Langseth	Ourada	Sams	Ziegler
Junge	Larson	Pappas	Scheevel	
Kelley, S.P.	Lesewski	Pariseau	Scheid	
Kelly, R.C.	Limmer	Piper	Spear	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the 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. 516: A bill for an act relating to elections and ethics; clarifying definitions; giving the board of campaign finance and public disclosure jurisdiction over the ban on gifts to local officials; facilitating reports of last-minute contributions; clarifying campaign finance requirements; increasing certain campaign contribution and spending limits; requiring return of public subsidies under certain conditions; making advisory opinions public data; clarifying certain definitions and prohibitions; clarifying and authorizing exceptions to the ban on gifts; providing civil penalties; providing for updated voter records; amending Minnesota Statutes 1998, sections 10A.01, subdivisions 7, 11, and 18; 10A.02, subdivisions 11, 12, and 13; 10A.03, subdivision 3; 10A.04, subdivisions 5 and 7; 10A.065, subdivisions 1, 3, and by adding a subdivision; 10A.071; 10A.08; 10A.09, subdivisions 3 and 7; 10A.14, subdivision 4; 10A.15, subdivisions 3, 5, and by adding a subdivision; 10A.20, subdivisions 2, 3, 5, 12, and by adding a subdivision; 10A.23; 10A.25, subdivisions 2 and 10; 10A.255, subdivision 1; 10A.27, subdivision 10; 10A.29; 10A.31, subdivisions 7 and 10; 10A.315; 10A.322, subdivisions 1 and 4; 10A.324, subdivision 1; 10A.34; 200.02, by adding a subdivision; 201.13, by adding a subdivision; 211A.02, subdivision 2; 211A.12; 290.06, subdivision 23; and 471.895; proposing coding for new law in Minnesota Statutes, chapter 211A.

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

Knoblach; Seifert, M. and Wenzel.

Senate File No. 516 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1999

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. 233, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 233: A bill for an act relating to real property; providing for definite and specific descriptions for certain easements; applying the requirement retroactively to all easements

whenever created; providing that certain deficiency judgment requirements do not apply to property that is not used for agricultural production by the mortgagor; amending Minnesota Statutes 1998, sections 300.045; and 582.30, subdivision 1.

Senate File No. 233 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1999

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. 1204, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1204: A bill for an act relating to the state building code; clarifying the supervision of the state fire marshal; modifying elevator installation provisions; amending Minnesota Statutes 1998, sections 16B.61, subdivision 2; and 16B.745, subdivision 3.

Senate File No. 1204 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1999

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. 851, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 851: A bill for an act relating to local government; removing the expiration of corporations created by political subdivisions; establishing a task force to develop legislation relating to establishment of corporations by political subdivisions; amending Minnesota Statutes 1998, section 465.715, subdivision 1a.

Senate File No. 851 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1999

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. 2044, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2044: A bill for an act relating to gambling; authorizing dice games in retail establishments licensed to sell alcoholic beverages under certain circumstances; amending Minnesota Statutes 1998, sections 340A.410, subdivision 5; and 609.761, by adding a subdivision.

Senate File No. 2044 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1999

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. 726, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 726 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1999

CONFERENCE COMMITTEE REPORT ON H.F. NO. 726

A bill for an act relating to capital improvements; providing standards for state assistance to capital improvement projects of political subdivisions; proposing coding for new law in Minnesota Statutes, chapter 16A.

May 10, 1999

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 726, 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. 726 be further amended as follows:

Page 1, delete subdivision 2 and insert:

"Subd. 2. [BUDGET REQUEST.] A political subdivision that requests an appropriation of state money for a local capital improvement project is encouraged to submit a preliminary request to the commissioner of finance by June 15 of an odd-numbered year to ensure its full consideration. The final request must be submitted by November 1. The requests must be submitted in the form and with the supporting documentation required by the commissioner of finance. All requests timely received by the commissioner must be forwarded to the legislature, along with agency requests, by the deadline established in section 16A.11, subdivision 1."

Page 2, delete lines 12 to 14

Renumber the clauses in sequence

Pages 2 and 3, delete subdivision 4 and insert:

"Subd. 4. [FUNDING.] (a) The state share of a project covered by this section must be no more than half the total cost of the project, including predesign, design, construction, furnishings, and equipment, except as provided in paragraph (b). This subdivision does not apply to a project proposed by a school district or other school organization.

(b) The state share may be more than half the total cost of a project if the project is deemed needed as a result of a disaster or to prevent a disaster or is located in a political subdivision with a very low average net tax capacity.

(c) Nothing in this section prevents the governor from recommending, or the legislature from considering or funding, projects that do not meet the deadlines in subdivision 2 or the criteria in this subdivision or subdivision 3 when the governor or the legislature determines that there is a compelling reason for the recommendation or funding.

Sec. 2. [REQUESTS SUBMITTED IN 1999.]

Notwithstanding Minnesota Statutes, section 16A.86, subdivision 2, a preliminary request from a political subdivision under that subdivision in 1999 need not be submitted until September 15, 1999."

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

House Conferees: (Signed) Jim Knoblach, Ray Vandever, Henry J. Kalis

Senate Conferees: (Signed) Richard J. Cohen, Deanna L. Wiener, Gary W. Laidig

Senator Cohen moved that the foregoing recommendations and Conference Committee Report on H.F. No. 726 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. 726 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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 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. 1762: A bill for an act relating to transportation; modifying state contract requirements; allowing department of transportation to contract for land surveying; clarifying requirements for notaries and filing corrections to maps and plats relating to highways; providing for transfer of certain revolving loan accounts to transportation revolving loan fund; correcting trunk highway route description; modifying filing requirements for highway route location orders; increasing dollar amount for contracts negotiated by commissioner of transportation for highway construction or maintenance work; modifying provisions for estimates and agency costs relating to county state-aid highway and municipal state-aid street funds; authorizing commissioner of transportation to determine dates for seasonal load restrictions; modifying provision requiring certification for disbursement from state transportation fund; requiring commissioner of transportation to be responsible for design, construction, and operation of commuter rail; establishing design approval process for commuter rail; creating commuter rail corridor coordinating committee; changing period of hours of service exemption for drivers transporting sugar beets; authorizing commissioner to convey excess rail bank corridor land to state agency or political subdivision; modifying provisions governing state grants for local airports; limiting powers and duties of counties with respect to light rail and commuter rail transit planning; modifying deadlines for metropolitan transit performance evaluation reports by metropolitan council; establishing priority order for light rail transit construction; requiring metropolitan council to develop regional master plan for transit; making technical corrections; appropriating money; amending Minnesota Statutes 1998, sections 16C.05, subdivision 2; 16C.09; 160.085, subdivisions 1 and 1a; 161.04, subdivision 3, and by adding a subdivision; 161.115, subdivision 164; 161.16,

subdivision 2; 161.32, subdivision 2; 162.06, subdivisions 1, 2, and 6; 162.12, subdivisions 1, 2, and 5; 169.87, subdivision 2; 174.02, by adding a subdivision; 174.50, subdivision 5; 221.0314, subdivision 9a; 222.63, subdivision 4; 360.0151, subdivision 2; 360.032, subdivision 1a; 360.305, subdivision 4; 398A.04, subdivision 2; 446A.085, subdivisions 3 and 6; 473.1466; 473.399; 473.3993, subdivision 3; and 473.3994, subdivisions 3, 4, and 10; Laws 1998, chapter 404, section 17, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 174; repealing Minnesota Statutes 1998, sections 169.832, subdivision 13; 473.3994, subdivision 12; and 473.3998.

Senate File No. 1762 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1999

Senator Flynn moved that the Senate do not concur in the amendments by the House to S.F. No. 1762, 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.

RECESS

Senator Junge 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

Senator 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. 145: Senators Marty, Scheid and Ourada.

S.F. No. 1831: Senators Anderson, Neuville and Spear.

S.F. No. 369: Senators Piper, Lesewski and Foley.

Senator Junge moved that the foregoing appointments be approved. The motion prevailed.

MEMBERS EXCUSED

Senators Moe, R.D. and Olson were excused from the Session of today. Senator Pappas was excused from the Session of today from 9:00 to 9:35 a.m. Senators Anderson and Johnson, D.H. were excused from the Session of today from 9:00 to 9:45 a.m. Senator Kelly, R.C. was excused from the Session of today from 9:30 to 10:45 a.m. Senator Berglin was excused from the Session of today from 9:35 to 10:15 a.m. Senator Ten Eyck was excused from the Session of today from 10:20 to 10:35 a.m. Senator Hanson was excused from the Session of today from 11:10 to 11:25 a.m. Senator Samuelson was excused from the Session of today at 11:30 a.m. Senator Robertson was excused from the Session of today from 11:30 to 11:40 a.m. Senator Janezich was excused from the Session of today from 11:50 a.m. to 12:15 p.m. Senator Lessard was excused from the Session of today at 12:30 p.m. Senator Sams was excused from the Session of today from 12:35 to 12:45 p.m.

ADJOURNMENT

Senator Junge moved that the Senate do now adjourn until 9:00 a.m., Friday, May 14, 1999. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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