

STATE OF MINNESOTA

# Journal of the Senate

EIGHTIETH LEGISLATURE

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ONE HUNDRED FOURTH DAY

St. Paul, Minnesota, Thursday, April 2, 1998

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

## CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Per Nilsen.

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

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

The President declared a quorum present.

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

## MEMBERS EXCUSED

Ms. Olson was excused from the Session of today.

## 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. 1169:** A bill for an act relating to personal watercraft; increasing restrictions on personal watercraft; imposing additional requirements on renters and dealers of personal watercraft; exempting emergency, safety, and enforcement watercraft from certain watercraft

restrictions; amending Minnesota Statutes 1996, sections 86B.313, subdivisions 1, 3, and 4; and 86B.805, by adding a subdivision.

Senate File No. 1169 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 1, 1998

Mr. Stumpf moved that the Senate do not concur in the amendments by the House to S.F. No. 1169, and that a Conference Committee of 5 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. 535:** A bill for an act relating to the metropolitan council; providing for service redesign and employee compensation for exceeding redesign plan goals; establishing a pilot project for greater efficiency in the provision of metropolitan council services; proposing coding for new law in Minnesota Statutes, chapter 473.

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

McElroy, Evans and McCollum.

Senate File No. 535 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 1, 1998

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. 2407:** A bill for an act relating to drivers' licenses; establishing youth-oriented driver improvement clinics; establishing a graduated licensing system with provisional license phase; restricting driving privileges for holders of instruction permits and provisional licenses and requiring violation-free period before advancement to next license stage; making technical changes; appropriating money; amending Minnesota Statutes 1996, sections 120.73, subdivision 1; 169.89, subdivision 5; 169.971, subdivision 1, and by adding a subdivision; 169.972; 169.973, subdivision 1; 171.01, subdivision 14; 171.04, subdivision 1; 171.05, subdivision 2, and by adding subdivisions; 171.06, subdivision 1; 171.10, subdivision 1; 171.12, subdivision 3; 171.16, subdivision 5; 171.17, subdivisions 2 and 3; 171.172; 171.173; 171.174; 171.20, subdivision 3; 171.27; and 171.39; Minnesota Statutes 1997 Supplement, sections 171.041; 171.06, subdivisions 2 and 4; and 171.171; proposing coding for new law in Minnesota Statutes, chapter 171.

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

Chaudhary, Stanek and Juhnke.

Senate File No. 2407 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 1, 1998

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. 3345, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 3345:** A bill for an act relating to criminal justice; appropriating money for the judicial branch, public safety, corrections, criminal justice, crime prevention programs, and related purposes; modifying various fees, assessments, and surcharges; implementing, clarifying, and modifying certain criminal and juvenile provisions; prescribing, clarifying, and modifying certain penalty provisions; establishing, clarifying, expanding, and making permanent various pilot programs, grant programs, task forces, working groups, reports, and studies; providing for the collection, maintenance, and reporting of certain data; expanding, clarifying, and modifying the powers of the commissioner of corrections; making various changes to the 1997 omnibus criminal justice funding bill; providing for the coordination of services for disasters; clarifying and modifying certain laws involving public defenders; appropriating public defender reimbursements to the board of public defense; requesting the supreme court to amend the Rules of Criminal Procedure; accelerating the repeal of the automobile theft prevention program; limiting the entities that must have an affirmative action plan approved by the commissioner of human rights; conveying state land to the city of Faribault; amending Minnesota Statutes 1996, sections 3.739, subdivision 1; 12.09, by adding a subdivision; 13.99, by adding a subdivision; 168.042, subdivisions 12 and 15; 169.121, subdivision 5a; 171.16, subdivision 3; 241.01, subdivision 7, and by adding a subdivision; 242.32, subdivision 1; 244.05, subdivision 7; 299C.06; 299C.09; 299F.04, by adding a subdivision; 357.021, by adding subdivisions; 488A.03, subdivision 11; 588.01, subdivision 3; 609.3241; 611.14; 611.20, subdivision 3; 611.26, subdivisions 2 and 3; and 611.27, subdivisions 1 and 7; Minnesota Statutes 1997 Supplement, sections 97A.065, subdivision 2; 168.042, subdivision 11a; 171.29, subdivision 2; 241.277, subdivisions 6, 9, and by adding a subdivision; 357.021, subdivision 2; 363.073, subdivision 1; 401.13; 609.101, subdivision 5; 609.113, subdivision 3; and 611.25, subdivision 3; amending Laws 1996, chapter 408, article 2, section 16; and Laws 1997, chapter 239, article 1, sections 7 and 12; proposing coding for new law in Minnesota Statutes, chapters 169; 241; 299C; 609; and 611A; repealing Minnesota Statutes 1996, sections 609.101, subdivision 1; 609.563, subdivision 2; 611.216, subdivision 1a; 611.26, subdivision 9; 611.27, subdivision 2; and 626.861; Minnesota Statutes 1997 Supplement, section 611.27, subdivision 4.

Senate File No. 3345 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 1, 1998

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. 2532, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 2532:** A bill for an act relating to children; clarifying certain terms and applicability of certain programs; providing for licensing assistance, outreach, and training; allowing grants for school-age child care programs; allowing certain grants for statewide adult basic education; changing child care licensing requirements for employers; providing for review of certain orders by the commissioner of children, families, and learning; establishing a cash flow account for energy assistance funds; allowing migrant and seasonal farmworkers to carry out community action programs; changing provisions for family day care licensure; appropriating money; amending Minnesota Statutes 1996, sections 119B.10, by adding a subdivision; 119B.13, subdivision 3; 119B.18, subdivision 2, and by adding subdivisions; 119B.19, subdivisions 1, 4, and by adding subdivisions; 120.1701, subdivision 5; 121.8355, by adding a subdivision; 124.26, subdivision 1c; 245A.14, subdivision 4; 256.045, subdivision 6, and by adding a subdivision; 268.52, subdivisions 1 and 2; and 268.54, subdivision 2; Minnesota Statutes 1997 Supplement, sections 119B.01, subdivision 16; 119B.061, subdivisions 1, 2, 3, and 4; 119B.075; 119B.10, subdivision 1; 119B.13, subdivision 6; 119B.21, subdivisions 2, 4, 5, and 11; 256.045, subdivision 7; 268.53, subdivision 5; and 466.01, subdivision 1; Laws 1997, chapters 162, article 1, section 18, subdivision 8; article 3, section 8, subdivision 3; and article 4, section 63, subdivisions 2 and 3; 248, section 47, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 119B; and 268.

Senate File No. 2532 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 1, 1998

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. 3354, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 3354:** A bill for an act relating to the organization and operation of state government; appropriating money for the general administrative expenses of state government; modifying provisions relating to state government operations; modifying budget preparation provisions; providing for reimbursement of the health care access fund; amending Minnesota Statutes 1996, sections 3.3005, by adding a subdivision; 16A.055, subdivision 6; 16A.10, as amended; 16A.11, subdivision 3, and by adding a subdivision; 16A.501; 16A.72; 16B.04, subdivision 4; 16B.30; 17.03, subdivision 11; 43A.04, subdivision 1a; 43A.317, subdivision 8; 45.012; 84.027, subdivision 14; 116.03, subdivision 2a; 116J.011; 144.05, subdivision 2; 174.02, subdivision 1a; 175.001, subdivision 6; 190.09, subdivision 2; 196.05, subdivision 2; 216A.07, subdivision 6; 268.0122, subdivision 6; 270.02, subdivision 3a; 299A.01, subdivision 1a; 352D.12; 363.05, subdivision 3; and 469.177, subdivision 11; Minnesota Statutes 1997 Supplement, sections 16A.11, subdivision 1; 120.0111; 241.01, subdivision 3b; and 245.03, subdivision 2; Laws 1994, chapter 632, article 3, section 12, as amended; Laws 1997 chapter 202, article 1, section 11; and Laws 1997, Second Special Session chapter 2, section 8; proposing coding for new law in Minnesota Statutes, chapters 16B; 214; and 325G; repealing Minnesota Statutes 1996, sections 3.971, subdivision 3; 15.90; 15.91; and 15.92; Minnesota Statutes 1997 Supplement, sections 16A.11, subdivision 3c; and 241.015.

Senate File No. 3354 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 1, 1998

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2970:

**H.F. No. 2970:** A bill for an act relating to retirement; various retirement plans; adjusting pension coverage for certain privatized public hospital employees; providing for voluntary deduction of health insurance premiums from certain annuities; providing for increased survivor benefits relating to certain public employees murdered in the line of duty; authorizing certain service credit purchases; specifying prior service credit purchase payment amount determination procedures increasing salaries of various judges; modifying other judicial salaries; modifying the judges retirement plan member and employer contribution rates; authorizing the transfer of certain prior retirement contributions from the legislators retirement plan and from the elective state officers retirement plan; creating a contribution transfer account in the general fund of the state; appropriating money; reformulating the Columbia Heights volunteer firefighters relief association plan as a defined contribution plan under the general volunteer fire law; restructuring the Columbia Heights volunteer firefighter relief association board; modifying various higher education retirement plan provisions; modifying administrative expense provisions for various public pension plans; expanding the teacher retirement plans part-time teaching positions eligible to participate in the qualified full-time service credit for part-time teaching service program; making certain Minneapolis fire department relief association survivor benefit options retroactive; providing increased disability benefit coverage for certain local government correctional facility employees; increasing local government correctional employee and employer contribution rates; providing increased survivor benefits to certain Minneapolis employee retirement fund survivors; authorizing certain Hennepin county regional park employees to change retirement plan membership; modifying benefit increase provision for Eveleth police and firefighters; modifying

the length of the actuarial services contract of the legislative commission on pensions and retirement; modifying the scope of quadrennial projection valuations; amending Minnesota Statutes 1996, sections 3A.13; 136F.45, by adding a subdivision; 136F.48; 352.96, subdivision 4; 352D.09, subdivision 7; 352D.12; 353D.05, subdivision 3; 354.445; 354.66, subdivisions 2 and 3; 354A.094, subdivisions 2 and 3; 354B.23, by adding a subdivision; 354C.12, by adding a subdivision; 383B.52; 422A.23, subdivision 2; and 490.123, subdivisions 1a and 1b; Minnesota Statutes 1997 Supplement, sections 3.85, subdivision 11; 15A.083, subdivisions 5, 6a, and 7; 354B.25, subdivisions 1a and 5; 354C.12, subdivision 4; and 356.215, subdivision 2; Laws 1995, chapter 262, article 10, section 1; and Laws 1997, Second Special Session chapter 3, section 16; proposing new law for coding in Minnesota Statutes, chapter 356; repealing Minnesota Statutes 1996, sections 11A.17, subdivisions 10a and 14; and 352D.09, subdivision 8; Minnesota Statutes 1997 Supplement, section 136F.45, subdivision 3.

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

Kahn, Jefferson and Mares have been appointed as such committee on the part of the House.

House File No. 2970 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 1, 1998

Mr. Morse moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2970, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

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

**S.F. No. 2775:** A bill for an act relating to children; proposing an amendment to the Minnesota Constitution by adding a new article XV, and by renumbering certain sections; renaming the permanent school fund as the children's endowment fund; maximizing the long-term total return to the fund; requiring a work group to propose a governance structure for the endowment; proposing coding for new law as Minnesota Statutes, chapter 119C.

Senate File No. 2775 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 31, 1998

Mr. Hottinger moved that the Senate do not concur in the amendments by the House to S.F. No. 2775, and that a Conference Committee of 5 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.

## MOTIONS AND RESOLUTIONS

S.F. No. 3298 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 3298

A bill for an act relating to the organization and operation of state government; appropriating money for transportation, public safety, and other purposes; redistributing five percent of highway

user tax distribution fund; creating flexible highway, town road, and town bridge accounts; exempting air ambulance aircraft from registration and tax; establishing midtown planning and coordination board; establishing dealer licensing and motor vehicle registration enforcement task force; requiring vehicle registration and insurance study; amending Minnesota Statutes 1996, sections 161.081, subdivision 1, and by adding a subdivision; 161.082, subdivisions 1 and 2a; 162.081, subdivision 1; 169.733, subdivision 1; 169.825, subdivision 8; and 360.653; Laws 1997, chapter 159, article 1, section 2, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 473.

March 17, 1998

The Honorable Allan H. Spear  
President of the Senate

The Honorable Phil Carruthers  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 3298, 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. 3298 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

TRANSPORTATION APPROPRIATIONS

Section 1. [TRANSPORTATION AND OTHER AGENCIES APPROPRIATIONS.]

The sums in the columns headed "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified to be available for the fiscal years indicated for each purpose.

SUMMARY BY FUND

	1998	1999
General Fund	\$ -0-	\$ 344,000
Trunk Highway Fund	200,000	50,637,000
Highway User Tax Distribution Fund	-0-	50,000

APPROPRIATIONS  
Available for the Year  
Ending June 30  
1998                      1999

Sec. 2. DEPARTMENT OF PUBLIC SAFETY	\$ 200,000	\$ 4,170,000
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Summary by Fund

General	-0-	294,000
Trunk Highway	200,000	3,826,000
Highway User Tax Distribution Fund	-0-	50,000

(a) State Patrol

Summary by Fund

General	-0-	294,000
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Trunk Highway	-0-	3,591,000
Highway User Tax Distribution Fund	-0-	50,000

These appropriations are added to the appropriation in Laws 1997, chapter 159, article 1, section 4, subdivision 3.

\$50,000 from the highway user tax distribution fund is for the vehicle registration and insurance study.

\$294,000 from the general fund for fiscal year 1999 is for additional capitol complex security staff.

\$200,000 from the trunk highway fund for fiscal year 1998 is for additional state patrol flight time to enhance law enforcement efforts through airborne enforcement.

\$2,697,000 from the trunk highway fund for fiscal year 1999 is for 29 additional state troopers and related support staff.

\$694,000 from the trunk highway fund for fiscal year 1999 is for replacement and maintenance of state patrol communications equipment.

(b) Driver and Vehicle Services

200,000	235,000
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\$200,000 for fiscal year 1998 and \$235,000 for fiscal year 1999 are added to the appropriations in Laws 1997, chapter 159, article 1, section 4, subdivision 4, for driver's license and identification card cost increases. This appropriation is from the trunk highway fund.

Sec. 3. DEPARTMENT OF  
TRANSPORTATION

-0-	46,861,000
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Summary by Fund

General	-0-	50,000
Trunk Highway	-0-	46,811,000

(a) State Road Construction

-0-	40,000,000
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\$40,000,000 is appropriated from the trunk highway fund for state road construction in fiscal year 1999 and is added to the appropriation in Laws 1997, chapter 159, article 1, section 2, subdivision 7, clause (a). The commissioner shall report to the legislature by January 2, 1999, on actual and planned expenditures of this appropriation.

The commissioner shall consider utilizing fibrous matting products manufactured in this

state, in the course of highway construction, maintenance, and improvement, when these products are similar in price and quality to fibrous matting products manufactured outside this state.

(b) Design Engineering  
and Construction Engineering

-0- 6,800,000

\$6,800,000 is appropriated in fiscal year 1999 from the trunk highway fund for design engineering and construction engineering and is added to the appropriations in Laws 1997, chapter 159, article 1, section 2, subdivision 7, clauses (d) and (e), as needed.

(c) Aeronautics

-0- 61,000

Summary by Fund

General	-0-	50,000
Trunk Highway	-0-	11,000

\$50,000 from the general fund and \$11,000 from the trunk highway fund for fiscal year 1999 are appropriated for transfer to the state airports fund to reimburse the fund for air transportation services.

Sec. 4. [STUDY; BLUE LIGHTS ON EMERGENCY VEHICLES.]

(a) The commissioner of public safety shall study the feasibility and desirability of allowing emergency vehicles to display blue lights to the front and rear of the vehicles, and shall make recommendations concerning the types of vehicles that should be allowed to display or be prohibited from displaying blue lights. The study must include:

- (1) the safety implications of allowing blue lights to the front and rear of emergency vehicles;
- (2) the safety implications of various lighting configurations for emergency vehicles and road maintenance equipment; and
- (3) the cost to the department of transportation and local road authorities of complying with the commissioner's recommendation concerning the use of blue lights on road maintenance equipment.

(b) The commissioner shall report to the governor and legislature on the results of the study not later than January 15, 1999.

Sec. 5. [DEALER LICENSING AND MOTOR VEHICLE REGISTRATION ENFORCEMENT TASK FORCE.]

Subdivision 1. [ESTABLISHED IN DEPARTMENT OF PUBLIC SAFETY.] The dealer licensing and motor vehicle registration enforcement task force is established in the department of public safety. In consultation with the chief of the state patrol, the commissioner of public safety shall designate four members of the patrol to carry out the investigatory responsibilities of the task force. The commissioner shall provide the task force with necessary staff and equipment support.

Subd. 2. [INVESTIGATIONS.] The task force shall investigate activity by persons engaged in the sale and registration of motor vehicles in violation of Minnesota law, specifically Minnesota Statutes, sections 168.27; 168A.30; 297B.035, subdivision 3; and 325F.664 to 325F.6643.



Subd. 3. [EXPIRATION OF TASK FORCE.] The task force expires July 1, 2000.

Sec. 6. [VEHICLE REGISTRATION AND INSURANCE STUDY.]

Subdivision 1. [PURPOSE OF STUDY.] The commissioner of public safety, in conjunction with the dealer licensing and motor vehicle registration enforcement task force, and with representatives of the insurance industry, shall conduct a study to determine:

(1) the incidence of private passenger vehicles domiciled in this state but registered in other states in violation of Minnesota vehicle registration laws; and

(2) the number of uninsured motorists in this state.

Subd. 2. [STUDY ELEMENTS.] The study must include an evaluation of the cost effectiveness and feasibility of:

(1) exchanging tax, vehicle registration, and driver's license information with other states;

(2) utilizing a private vendor computer database to enforce the state's vehicle registration and mandatory automobile insurance laws; and

(3) ensuring that vehicles domiciled in this state are registered in this state.

Subd. 3. [REPORT.] The commissioner shall report to the governor and legislature by February 15, 1999.

Sec. 7. Minnesota Statutes 1996, section 169.733, subdivision 1, is amended to read:

Subdivision 1. [VEHICLES GENERALLY.] Every truck, truck-tractor, trailer, semitrailer, pole trailer, and rear-end dump truck, excepting rear-end dump farm trucks and military vehicles of the United States, shall be provided with wheel flaps or other suitable protection above and behind the rearmost wheels of the vehicle or combination of vehicles to prevent, as far as practicable, such wheels from throwing dirt, water, or other materials on the windshields of vehicles which follow. Such flaps or protectors shall be at least as wide as the tires they are protecting and shall have a ground clearance of not more than one-fifth of the horizontal distance from the center of the rearmost axle to the flap under any conditions of loading or operation of the motor vehicle.

Sec. 8. Minnesota Statutes 1996, section 169.825, subdivision 8, is amended to read:

Subd. 8. [PNEUMATIC-TIRED VEHICLES.] No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state:

(a) Where the gross weight on any wheel exceeds 9,000 pounds, except that on designated local routes and state trunk highways the gross weight on any single wheel shall not exceed 10,000 pounds;

(b) Where the gross weight on any single axle exceeds 18,000 pounds, except that on designated local routes and state trunk highways the gross weight on any single axle shall not exceed 20,000 pounds;

(c) Where the maximum wheel load:

(1) on the foremost and rearmost steering axles, exceeds 600 pounds per inch of tire width or the manufacturer's recommended load, whichever is less; or

(2) on other axles, exceeds 500 pounds per inch of tire width or the manufacturer's recommended load, whichever is less;

Clause (2) applies to new vehicles manufactured after August 1, 1991. For vehicles manufactured before August 2, 1991, the maximum weight per inch of tire width is 600 pounds per inch or the manufacturer's recommended load, whichever is less, until August 1, 1996. After July 31, 1996, clause (2) applies to all vehicles regardless of date of manufacture.

(d) Where the gross weight on any axle of a tridem exceeds 15,000 pounds, except that for vehicles to which an additional axle has been added prior to June 1, 1981, the maximum gross weight on any axle of a tridem may be up to 16,000 pounds provided the gross weight of the tridem combination does not exceed 39,900 pounds where the first and third axles of the tridem are spaced nine feet apart.

(e) Where the gross weight on any group of axles exceeds the weights permitted under this section with any or all of the interior axles disregarded, and with an exterior axle disregarded if the exterior axle is a variable load axle that is not carrying its intended weight, and their gross weights subtracted from the gross weight of all axles of the group under consideration.

Sec. 9. Minnesota Statutes 1996, section 360.024, is amended to read:

360.024 [AIR TRANSPORTATION SERVICES, COST REIMBURSEMENT SERVICE CHARGES.]

The commissioner shall charge users of air transportation services provided by the commissioner for all direct operating costs, ~~including salaries and acquisition of~~ excluding pilot salary and aircraft acquisition costs. All receipts for these services shall be deposited in the air transportation services account in the state airports fund and are appropriated to the commissioner to pay all these direct air service operating costs, ~~including salaries. Receipts to cover the cost of acquisition of aircraft must be transferred and credited to the account or fund whose assets were used for the acquisition.~~

Sec. 10. Minnesota Statutes 1996, section 360.653, is amended to read:

360.653 [AIRCRAFT, EXEMPTIONS.]

The following aircraft, under the conditions specified, shall be exempt from the registration and the tax provided by sections 360.511 to 360.67.

(1) Any aircraft held by a dealer listed and used as provided in section 360.63, except that aircraft held by dealers on October 1, of each year, shall be registered and the entire tax provided by sections 360.511 to 360.67 shall be paid for the portion of the fiscal year, prorated on a monthly basis remaining after the aircraft came into the possession of the dealer. It is further provided that a dealer who has previously had aircraft on withholding may register such aircraft in September of each fiscal year by payment of an amount equal to one-third of the annual tax, which tax shall be applicable for the months of September through December and in January the dealer may again list these aircraft on the dealer's withholding form.

(2) Aircraft remaining in the possession of aircraft manufacturers ten months after completion shall become subject to the tax provided by sections 360.511 to 360.67. The tax shall be computed from the expiration of the ten months period and shall be prorated on a monthly basis.

(3) Aircraft while in the hands of aircraft refitters for the purpose of being refitted or modified or both, and while being refitted or modified or both.

(4) Aircraft licensed under section 144E.12 and used exclusively to provide air ambulance service.

Sec. 11. Laws 1997, chapter 159, article 1, section 2, subdivision 2, is amended to read:

Subd. 2. Aeronautics	18,296,000	17,958,000
Summary by Fund		
Airports	17,896,000	17,958,000
General	400,000	-0-

The amounts that may be spent from this appropriation for each activity are as follows:

(a) Airport Development and Assistance

1998	1999
12,948,000	12,948,000

\$12,846,000 the first year and \$12,846,000 the second year are for navigational aids, construction grants, and maintenance grants. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

These appropriations must be spent in accordance with Minnesota Statutes, section 360.305, subdivision 4.

\$12,000 the first year and \$12,000 the second year are for maintenance of the Pine Creek Airport.

\$90,000 the first year and \$90,000 the second year are for air service grants. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

(b) Aviation Support	
4,880,000	4,941,000

\$65,000 the first year and \$65,000 the second year are for the civil air patrol.

\$200,000 the first year and \$200,000 the second year are for the air service marketing program under Minnesota Statutes, section 360.0151.

(c) Air Transportation Services	
468,000	69,000

#### Summary by Fund

Airports	68,000	69,000
General	400,000	-0-

\$400,000 the first year is from the general fund for refurbishing a federal surplus jet airplane for state ownership and use.

Sec. 12. [EFFECTIVE DATE.]

Section 11 and all provisions appropriating money for the fiscal year ending June 30, 1998, are effective the day following final enactment.

## ARTICLE 2

### TRANSPORTATION DEVELOPMENT

Section 1. Minnesota Statutes 1996, section 161.081, subdivision 1, is amended to read:

Subdivision 1. [DISTRIBUTION OF FIVE PERCENT.] Pursuant to article 14, section 5, of the constitution, five percent of the net highway user tax distribution fund is set aside, and apportioned as follows:

(1) 28 percent to the trunk highway fund;

(2) 64 percent to a separate account in the county state-aid highway fund to be known as the county turnback account, which account in the state treasury is hereby created;

~~(3) 8 percent to a separate account in the municipal state-aid street fund to be known as the municipal turnback account, which account in the state treasury is hereby created.~~

That apportionment is further distributed as follows:

- (1) 30.5 percent to the town road account created in section 162.081;
- (2) 16 percent to the town bridge account, which is created in the state treasury; and
- (3) 53.5 percent to the flexible highway account created in subdivision 3.

Sec. 2. Minnesota Statutes 1996, section 161.081, is amended by adding a subdivision to read:

Subd. 3. [FLEXIBLE HIGHWAY ACCOUNT; TURNBACK ACCOUNTS.] (a) The flexible highway account is created in the state treasury. Money in the account may be used either for the restoration of former trunk highways that have reverted to counties or to statutory or home rule charter cities or for regular trunk highway purposes.

(b) For purposes of this subdivision, "restoration" means the level of effort required to improve the route that will be turned back to an acceptable condition as determined by agreement made between the commissioner and the county or city before the route is turned back.

(c) The commissioner shall review the need for funds to restore highways that have been or will be turned back and the need for funds for the trunk highway system. The commissioner shall determine, on a biennial basis, the percentage of this flexible account to be used for county turnbacks, for municipal turnbacks, and for regular trunk highway projects. The commissioner shall make this determination only after meeting and holding discussions with committees selected by the statewide associations of both county commissioners and municipal officials.

(d) Money that will be used for the restoration of trunk highways that have reverted or that will revert to cities must be deposited in the municipal turnback account, which is created in the state treasury.

(e) Money that will be used for the restoration of trunk highways that have reverted or that will revert to counties must be deposited in the county turnback account, which is created in the state treasury.

(f) As part of each biennial budget submission to the legislature, the commissioner shall describe how the money in the flexible highway account will be apportioned among the county turnback account, the municipal turnback account, and the trunk highway fund.

(g) Money apportioned from the flexible highway account to the trunk highway fund must be used for state road construction and engineering costs.

Sec. 3. Minnesota Statutes 1996, section 161.082, subdivision 1, is amended to read:

Subdivision 1. [RULES.] Except as hereinafter provided in this section and in section 161.081, all money accruing to the county turnback account shall be expended in accordance with rules of the commissioner of transportation in paying a county for the restoration of former trunk highways, or portions thereof, that have reverted to the county in accordance with law, and have become a part of the county state-aid highway system.

Sec. 4. Minnesota Statutes 1996, section 161.082, subdivision 2a, is amended to read:

Subd. 2a. [TOWN BRIDGES AND CULVERTS; TOWN ROAD ACCOUNT.] An amount equal to 25 percent of the county turnback (a) Money in the town bridge account must be expended on town road bridge structures that are ten feet or more in length and on town road culverts that replace existing town road bridges. In addition, if the present bridge structure is less than ten feet in length but a hydrological survey indicates that the replacement bridge structure or culvert must be ten feet or more in length, then the bridge or culvert is eligible for replacement funds.

(b) In addition, if a culvert that replaces a deficient bridge is in a county comprehensive water

plan approved by the board of water and soil resources and the department of natural resources, the costs of the culvert and roadway grading other than surfacing are eligible for replacement funds up to the cost of constructing a replacement bridge.

~~(c) The expenditures on bridge structures and culverts may be on a matching basis, and if on a matching basis, not more than 90 percent of the cost of a bridge structure or culvert may be paid from the county turnback account. and may be for 100 percent of the cost of the replacement structure or culvert or for 100 percent of the cost of rehabilitating the existing structure.~~

~~(d) The town bridge account may be used to pay the costs to abandon an existing bridge that is deficient and in need of replacement, but where no replacement will be made. It may also be used to pay the costs to construct a road or street to facilitate the abandonment of an existing bridge determined by the commissioner to be deficient, if the commissioner determines that construction of the road or street is more cost efficient than replacing the existing bridge.~~

(e) When bridge approach construction work exceeds \$10,000 in costs, or when the county engineer determines that the cost of the replacement culverts alone will not exceed \$20,000, the town shall be eligible for financial assistance from the town bridge account. Financial assistance shall be requested by resolution of the county board and shall be limited to:

(1) 100 percent of the cost of the bridge approach work that is in excess of \$10,000; or

(2) 100 percent of the cost of the replacement culverts when the cost does not exceed \$20,000 and the town board agrees to be responsible for all the other costs, which may include costs for structural removal, installation, and permitting. The replacement structure design and costs shall be approved and certified by the county engineer, but need not be subsequently approved by the department of transportation.

~~An amount equal to 47.5 percent of the county turnback account must be set aside as a town road account and~~ (f) Money in the town road account must be distributed as provided in section 162.081.

Sec. 5. Minnesota Statutes 1996, section 162.081, subdivision 1, is amended to read:

~~Subdivision 1. [ACCOUNT CREATED.] A town road account is created in the county state-aid highway fund, consisting of the amounts transferred from the county turnback account as provided in section 161.082.~~

Sec. 6. Minnesota Statutes 1996, section 162.09, subdivision 1, is amended to read:

Subdivision 1. [CREATION; MILEAGE LIMITATION; RULES.] There is created a municipal state-aid street system within statutory and home rule charter cities having a population of 5,000 or more. The extent of the municipal state-aid street system for a city shall not exceed: (1) 20 percent of the total miles of city streets and county roads within the jurisdiction of that city, plus (2) the mileage of all trunk highways reverted or turned back to the jurisdiction of the city pursuant to law on and after July 1, 1965, plus (3) the mileage of county highways reverted or turned back to the jurisdiction of the city pursuant to law on or after May 11, 1994. For purposes of this subdivision, the total miles of city streets and county roads within the jurisdiction of a city includes all miles of county highways turned back to that city's jurisdiction on or after May 11, 1994. The system shall be established, located, constructed, reconstructed, improved, and maintained as public highways within such cities under rules, not inconsistent with this section, made and promulgated by the commissioner as hereinafter provided.

Sec. 7. [473.910] [MIDTOWN PLANNING AND COORDINATION BOARD.]

Subdivision 1. [ESTABLISHED.] The midtown planning and coordination board is established.

Subd. 2. [PURPOSE.] The purpose of the board is to do planning for the Lake Street corridor area along with and including neighborhoods one-half mile on either side of Lake Street in Minneapolis from the western city limits to the Mississippi river, and to do planning and coordination for economic development, transportation, and residential renewal, with the cooperation of affected government, civic, business, and neighborhood entities.

Subd. 3. [MEMBERSHIP.] The board shall be composed of 13 members. Three members must be appointed by the Minneapolis city council from among its members; three by the Hennepin county board, from among its members; one by the Minneapolis park board, from among its members; one by the metropolitan council, from among its members; two members of the public appointed by the Minneapolis city council; two members of the public appointed by the Hennepin county board; and one member appointed by the member of Congress from the fifth district or the member's designee. The public members must reside or do business in the affected area.

Subd. 4. [OFFICERS.] The chair of the board shall be elected by, and from among, the members of the board for a one-year term. The chair shall preside at meetings of the board, if present, and shall perform all other duties assigned by the board or by law. The board shall elect officers in addition to the chair as it deems necessary for the conduct of its duties.

Subd. 5. [MEMBERSHIP TERMS.] The terms of the members shall be three years with the terms ending on June 30, 2001.

Subd. 6. [COMPENSATION AND MEMBERSHIP.] Compensation of members, removal of members, and filling of membership vacancies is governed by section 15.0575, if not covered in this section.

Subd. 7. [DURATION.] The board continues to exist until expressly abolished by law.

Sec. 8. [473.912] [POWERS OF BOARD.]

Subdivision 1. [GENERAL POWERS.] The board has all powers that may be necessary or convenient to enable it to perform the duties and responsibilities imposed on it by law. The powers include the specific powers enumerated in this section.

Subd. 2. [GIFTS AND APPROPRIATIONS.] The board may accept gifts; apply for and use grants of money or other property from the United States, the state, or any person for any board purpose, and may enter into agreements required in connection therewith; and may hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, or agreement relating to it.

Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 5 are effective July 1, 1999. Section 6 is effective August 1, 1998, for municipal state-aid apportionments in calendar year 1999 and subsequent years. Sections 7 and 8 are effective July 1, 1998."

Delete the title and insert:

"A bill for an act relating to the organization and operation of state government; appropriating money for transportation, public safety, and other purposes; requiring studies and reports; establishing a task force on dealer licensing and motor vehicle registration enforcement in the state patrol; requiring wheel flaps on truck-tractors; regulating weight restrictions on vehicle axles; providing an exemption from aircraft registration; regulating state air transportation charges; distributing five percent of the highway user tax distribution fund to town road account, town bridge account, and flexible highway account; modifying calculation of mileage for city streets and county roads; establishing midtown planning and coordination board; amending Minnesota Statutes 1996, sections 161.081, subdivision 1, and by adding a subdivision; 161.082, subdivisions 1 and 2a; 162.081, subdivision 1; 162.09, subdivision 1; 169.733, subdivision 1; 169.825, subdivision 8; 360.024; and 360.653; Laws 1997, chapter 159, article 1, section 2, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 473."

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

Senate Conferees: (Signed) Janet B. Johnson, Carol Flynn, Paula E. Hanson, Mark Ourada, Claire A. Robling

House Conferees: (Signed) Bernard L. "Bernie" Lieder, Sharon Marko, Carol Molnau, William Kuisle

Ms. Johnson, J.B. moved that the foregoing recommendations and Conference Committee Report on S.F. No. 3298 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. 3298 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 1, as follows:

Those who voted in the affirmative were:

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

Ms. Runbeck voted in the negative.

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

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1378 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 1378

A bill for an act relating to government data practices; modifying the Data Practices Act; providing for data privacy for certain audit information; classifying certain law enforcement data; providing for the classification of and access to government data; providing that certain documents may be classified as nonpublic data until negotiations with vendors and best and final offers are received; making technical and clarifying changes to tax disclosure provisions; amending Minnesota Statutes 1996, sections 13.794, subdivision 1; 13.82, by adding subdivisions; 13.85, subdivision 2; 13.99, by adding subdivisions; 171.12, subdivision 1; 270B.02, subdivision 3; 270B.03, subdivision 6; 270B.12, subdivision 6; and 629.341, subdivision 4; Minnesota Statutes 1997 Supplement, sections 13.46, subdivision 2; 260.161, subdivision 1; 268.19; 270B.01, subdivision 8; 299C.095, subdivision 2; and 471A.03, subdivision 3; repealing Minnesota Statutes 1996, section 270.10, subdivision 3.

April 1, 1998

The Honorable Allan H. Spear  
President of the Senate

The Honorable Phil Carruthers  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1378, 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. 1378 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1997 Supplement, section 13.37, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section, the following terms have the meanings given them.

(a) "Security information" means government data the disclosure of which would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury. "Security information" includes crime prevention block maps and lists of volunteers who participate in community crime prevention programs and their home addresses and telephone numbers.

(b) "Trade secret information" means government data, including a formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the affected individual or organization, (2) that is the subject of efforts by the individual or organization that are reasonable under the circumstances to maintain its secrecy, and (3) that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

(c) "Labor relations information" means management positions on economic and noneconomic items that have not been presented during the collective bargaining process or interest arbitration, including information specifically collected or created to prepare the management position.

(d) "Parking space leasing data" means the following government data on an applicant for, or lessee of, a parking space: residence address, home telephone number, beginning and ending work hours, place of employment, ~~and~~ work telephone number, and location of the parking space.

(e) "Internal competitive proposal" means a proposal to provide government services that is prepared by the staff of a political subdivision in competition with proposals solicited by the political subdivision from the private sector.

Sec. 2. Minnesota Statutes 1997 Supplement, section 13.46, subdivision 2, is amended to read:

Subd. 2. [GENERAL.] (a) Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used, or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:

(1) according to section 13.05;

(2) according to court order;

(3) according to a statute specifically authorizing access to the private data;

(4) to an agent of the welfare system, including a law enforcement person, attorney, or investigator acting for it in the investigation or prosecution of a criminal or civil proceeding relating to the administration of a program;

(5) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;

(6) to administer federal funds or programs;

(7) between personnel of the welfare system working in the same program;

(8) the amounts of cash public assistance and relief paid to welfare recipients in this state, including their names, social security numbers, income, addresses, and other data as required, upon request by the department of revenue to administer the property tax refund law, supplemental housing allowance, early refund of refundable tax credits, and the income tax. "Refundable tax credits" means the dependent care credit under section 290.067, the Minnesota working family



credit under section 290.0671, the property tax refund under section 290A.04, and, if the required federal waiver or waivers are granted, the federal earned income tax credit under section 32 of the Internal Revenue Code;

(9) ~~to between the department of human services and the Minnesota department of economic security for the purpose of monitoring the eligibility of the data subject for reemployment insurance, for any employment or training program administered, supervised, or certified by that agency, or for the purpose of administering any rehabilitation program, whether alone or in conjunction with the welfare system, and to verify receipt of energy assistance for the telephone assistance plan or to monitor and evaluate the statewide Minnesota family investment program by exchanging data on recipients and former recipients of food stamps, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L;~~

(10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons;

(11) data maintained by residential programs as defined in section 245A.02 may be disclosed to the protection and advocacy system established in this state according to Part C of Public Law Number 98-527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person;

(12) to the county medical examiner or the county coroner for identifying or locating relatives or friends of a deceased person;

(13) data on a child support obligor who makes payments to the public agency may be disclosed to the higher education services office to the extent necessary to determine eligibility under section 136A.121, subdivision 2, clause (5);

(14) participant social security numbers and names collected by the telephone assistance program may be disclosed to the department of revenue to conduct an electronic data match with the property tax refund database to determine eligibility under section 237.70, subdivision 4a;

(15) the current address of a recipient of aid to families with dependent children or Minnesota family investment program-statewide may be disclosed to law enforcement officers who provide the name of the recipient and notify the agency that:

(i) the recipient:

(A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempt to commit a crime that is a felony under the laws of the jurisdiction from which the individual is fleeing; or

(B) is violating a condition of probation or parole imposed under state or federal law;

(ii) the location or apprehension of the felon is within the law enforcement officer's official duties; and

(iii) the request is made in writing and in the proper exercise of those duties;

(16) the current address of a recipient of general assistance or general assistance medical care may be disclosed to probation officers and corrections agents who are supervising the recipient and to law enforcement officers who are investigating the recipient in connection with a felony level offense;

(17) information obtained from food stamp applicant or recipient households may be disclosed to local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the Food Stamp Act, according to Code of Federal Regulations, title 7, section 272.1(c);

(18) the address, social security number, and, if available, photograph of any member of a household receiving food stamps shall be made available, on request, to a local, state, or federal law enforcement officer if the officer furnishes the agency with the name of the member and notifies the agency that:

(i) the member:

(A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing;

(B) is violating a condition of probation or parole imposed under state or federal law; or

(C) has information that is necessary for the officer to conduct an official duty related to conduct described in subitem (A) or (B);

(ii) locating or apprehending the member is within the officer's official duties; and

(iii) the request is made in writing and in the proper exercise of the officer's official duty;

(19) certain information regarding child support obligors who are in arrears may be made public according to section 518.575;

(20) data on child support payments made by a child support obligor and data on the distribution of those payments excluding identifying information on obligees may be disclosed to all obligees to whom the obligor owes support, and data on the enforcement actions undertaken by the public authority and, the status of those actions, and data on the income of the obligor or obligee may be disclosed to the other party;

(21) data in the work reporting system may be disclosed under section 256.998, subdivision 7;

(22) to the department of children, families, and learning for the purpose of matching department of children, families, and learning student data with public assistance data to determine students eligible for free and reduced price meals, meal supplements, and free milk according to United States Code, title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to produce accurate numbers of students receiving aid to families with dependent children or Minnesota family investment program-statewide as required by section 124.175; and to allocate federal and state funds that are distributed based on income of the student's family; and to verify receipt of energy assistance for the telephone assistance plan;

(23) the current address and telephone number of program recipients and emergency contacts may be released to the commissioner of health or a local board of health as defined in section 145A.02, subdivision 2, when the commissioner or local board of health has reason to believe that a program recipient is a disease case, carrier, suspect case, or at risk of illness, and the data are necessary to locate the person; or

(24) to other state agencies, statewide systems, and political subdivisions of this state, including the attorney general, and agencies of other states, interstate information networks, federal agencies, and other entities as required by federal regulation or law for the administration of the child support enforcement program;

(25) to personnel of public assistance programs as defined in section 256.741, for access to the child support system database for the purpose of administration, including monitoring and evaluation of those public assistance programs; or

(26) to monitor and evaluate the statewide Minnesota family investment program by exchanging data between the departments of human services and children, families, and learning, on recipients and former recipients of food stamps, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L.

(b) Information on persons who have been treated for drug or alcohol abuse may only be disclosed according to the requirements of Code of Federal Regulations, title 42, sections 2.1 to 2.67.

(c) Data provided to law enforcement agencies under paragraph (a), clause (15), (16), (17), or (18), or paragraph (b), are investigative data and are confidential or protected nonpublic while the investigation is active. The data are private after the investigation becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

(d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but is not subject to the access provisions of subdivision 10, paragraph (b).

Sec. 3. Minnesota Statutes 1996, section 13.794, subdivision 1, is amended to read:

Subdivision 1. [CONFIDENTIAL DATA OR PROTECTED NONPUBLIC DATA.] Data, notes, and preliminary drafts of reports created, collected, and maintained by the internal audit offices of state agencies and political subdivisions, or persons performing audits for state agencies and political subdivisions, and relating to an audit or investigation are confidential data on individuals or protected nonpublic data until the final report has been published or the audit or investigation is no longer being pursued actively., except that the data shall be disclosed as required to comply with section 6.67 or 609.456. This section does not limit in any way:

(1) the state auditor's access to government data of political subdivisions or data, notes, or preliminary drafts of reports of persons performing audits for political subdivisions; or

(2) the public or a data subject's access to data classified by section 13.43.

Sec. 4. Minnesota Statutes 1996, section 13.82, is amended by adding a subdivision to read:

Subd. 3b. [DOMESTIC ABUSE DATA.] The written police report required by section 629.341, subdivision 4, of an alleged incident described in section 629.341, subdivision 1, and arrest data, request for service data, and response or incident data described in subdivision 2, 3, or 4 that arise out of this type of incident or out of an alleged violation of an order for protection must be released upon request at no cost to an organization designated by the Minnesota center for crime victims services, the department of corrections, or the department of public safety as providing services to victims of domestic abuse. The executive director or the commissioner of the appropriate state agency shall develop written criteria for this designation in consultation with the battered women's advisory council.

Sec. 5. Minnesota Statutes 1996, section 13.85, subdivision 2, is amended to read:

Subd. 2. [PRIVATE DATA.] Unless the data are summary data or arrest data, or a statute specifically provides a different classification, corrections and detention data on individuals are classified as private pursuant to section 13.02, subdivision 12, to the extent that the release of the data would either (a) disclose personal, medical, psychological, or financial information, or personal information not related to their lawful confinement or detention or (b) endanger an individual's life.

Sec. 6. Minnesota Statutes 1996, section 13.99, is amended by adding a subdivision to read:

Subd. 97b. [CAPITAL INTENSIVE PUBLIC SERVICE PROPOSALS AND NEGOTIATION DOCUMENTS.] Proposals received from vendors, and all government data received from vendors or generated by a municipality relating to negotiations with vendors, for capital intensive public services are classified under section 471A.03, subdivision 3.

Sec. 7. Minnesota Statutes 1996, section 13.99, is amended by adding a subdivision to read:

Subd. 114a. [DOMESTIC ABUSE POLICE REPORTS.] Police reports on domestic incidents are classified under section 629.341.

Sec. 8. Minnesota Statutes 1996, section 168.346, is amended to read:

168.346 [PRIVACY OF NAME OR RESIDENCE ADDRESS.]

(a) The registered owner of a motor vehicle may request in writing that the owner's residence address or name and residence address be classified as private data on individuals, as defined in

section 13.02, subdivision 12. The commissioner shall grant the classification upon receipt of a signed statement by the owner that the classification is required for the safety of the owner or the owner's family, if the statement also provides a valid, existing address where the owner consents to receive service of process. The commissioner shall use the mailing address in place of the residence address in all documents and notices pertaining to the motor vehicle. The residence address or name and residence address and any information provided in the classification request, other than the mailing address, are private data on individuals and may be provided to requesting law enforcement agencies, probation and parole agencies, and public authorities, as defined in section 518.54, subdivision 9.

(b) An individual registered owner of a motor vehicle must be informed in a clear and conspicuous manner on the forms for issuance or renewal of titles and registrations, that the owner's personal information may be disclosed to any person who makes a request for the personal information, and that, except for uses permitted by United States Code, title 18, section 2721, clause (b), the registered owner may prohibit disclosure of the personal information by so indicating on the form. For purposes of this paragraph, access by requesters making requests described in section 168.345, subdivision 4, is deemed to be related to public safety.

(c) At the time of registration or renewal, the individual registered owner of a motor vehicle must also be informed in a clear and conspicuous manner on forms that the owner's personal information may be used, rented, or sold solely for bulk distribution by organizations for business purposes including surveys, marketing, and solicitation. The commissioner shall implement methods and procedures that enable the registered owner to request that bulk surveys, marketing, or solicitation not be directed to the owner. If the registered owner so requests, the commissioner shall implement the request in a timely manner and the personal information may not be so used.

(d) To the extent permitted by United States Code, title 18, section 2721, data on individuals provided to register a motor vehicle is public data on individuals and shall be disclosed as permitted by United States Code, title 18, section 2721, clause (b).

Sec. 9. Minnesota Statutes 1996, section 171.12, subdivision 1, is amended to read:

Subdivision 1. [LICENSES FILED IN ALPHABETICAL ORDER.] The department shall file every application for a driver's license received by it and shall maintain suitable indices containing, in alphabetical order:

- (1) all applications denied and the reason for denial;
- (2) all applications granted; and
- (3) the name of every person whose license has been suspended, revoked, or canceled or who has been disqualified from operating a commercial motor vehicle by the department, and after each name the reasons for the action.

Notwithstanding section 260.161, data revealing that the reason for the action under clause (3) is an order of the juvenile court are accessible to the public.

Sec. 10. Minnesota Statutes 1997 Supplement, section 260.161, subdivision 1, is amended to read:

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

or is in the best interests of the child. Until July 1, 1999, juvenile court delinquency proceeding records of adjudications, court transcripts, and delinquency petitions, including any probable cause attachments that have been filed or police officer reports relating to a petition, must be released to requesting law enforcement agencies and prosecuting authorities for purposes of investigating and prosecuting violations of section 609.229, provided that psychological or mental health reports may not be included with those records. ~~The records have the same data classification in the hands of the agency receiving them as they had in the hands of the court~~ the records may release the records only as permitted under this section or authorized by law.

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

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

Sec. 11. Minnesota Statutes 1997 Supplement, section 268.19, is amended to read:

268.19 [INFORMATION.]

~~(a) Except as hereinafter otherwise provided by this section, data gathered from any employing unit employer or individual pursuant to the administration of sections 268.03 to 268.23, and from any determination as to the benefit rights of any individual are private data on individuals or nonpublic data not on individuals as defined in section 13.02, subdivisions 9 and 12, and may not be disclosed except pursuant to a court order or section 13.05. These data may be disseminated to and used by the following agencies without the consent of the subject of the data:~~

~~(a) (1) state and federal agencies specifically authorized access to the data by state or federal law;~~

~~(b) (2) any agency of this Minnesota or any other state; or any federal agency charged with the administration of an employment security law or the maintenance of a system of public employment offices;~~

~~(c) (3) local human rights groups agencies within the state which Minnesota that have enforcement powers;~~

~~(d) (4) the department of revenue shall have access to department of economic security private data on individuals and nonpublic data not on individuals only to the extent necessary for enforcement of Minnesota tax laws;~~

~~(e) (5) public and private agencies responsible for administering publicly financed assistance programs for the purpose of monitoring the eligibility of the program's recipients;~~

~~(f) (6) the department of labor and industry on an interchangeable basis with the department of economic security subject to the following limitations and notwithstanding any law to the contrary:~~

~~(1) (i) the department of economic security shall have access to private data on individuals and nonpublic data not on individuals for uses consistent with the administration of its duties under sections 268.03 to 268.23; and~~

(2) (ii) the department of labor and industry shall have access to private data on individuals and nonpublic data not on individuals for uses consistent with the administration of its duties under state Minnesota law;

(g) (7) the department of trade and economic development may have access to private data on individual ~~employing units~~ employers and nonpublic data not on individual ~~employing units~~ employers for its internal use only; when received by the department of trade and economic development, the data remain private data on individuals or nonpublic data;

(h) (8) local and state welfare agencies for monitoring the eligibility of the data subject for assistance programs, or for any employment or training program administered by those agencies, whether alone, in combination with another welfare agency, or in conjunction with the department of ~~economic security~~ or to monitor and evaluate the statewide Minnesota family investment program by providing data on recipients and former recipients of food stamps, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L;

(i) (9) local, state, and federal law enforcement agencies for the sole purpose of ascertaining the last known address and employment location of the data subject, provided the data subject is the subject of a criminal investigation; and

(j) (10) the department of health may have access to private data on individuals and nonpublic data not on individuals solely for the purposes of epidemiologic investigations.

(b) Data on individuals and ~~employing units~~ which employers that are collected, maintained, or used by the department in an investigation pursuant to section 268.182 are confidential as to data on individuals and protected nonpublic data not on individuals as defined in section 13.02, subdivisions 3 and 13, and shall not be disclosed except pursuant to statute or court order or to a party named in a criminal proceeding, administrative or judicial, for preparation of a defense.

(c) Tape recordings and transcripts of recordings of proceedings conducted in accordance with section 268.105 and exhibits received into evidence at those proceedings are private data on individuals and nonpublic data not on individuals and shall be disclosed only pursuant to the administration of section 268.105, or pursuant to a court order.

~~Aggregate data about employers compiled from individual job orders placed with the department of economic security are private data on individuals and nonpublic data not on individuals as defined in section 13.02, subdivisions 9 and 12, if the commissioner determines that divulging the data would result in disclosure of the identity of the employer.~~

(d) The department may disseminate an employer's name, address, industry code, occupations employed, and the number of employees by ranges of not less than 100 for the purpose of assisting individuals using the Minnesota workforce center system in obtaining employment.

(e) The general aptitude test battery and the nonverbal aptitude test battery as administered by the department are also ~~classified as~~ private data on individuals or nonpublic data.

(f) Data on individuals collected, maintained, or created because an individual applies for benefits or services provided by the energy assistance and weatherization programs administered by the department of ~~economic security~~ is private data on individuals and shall not be disseminated except pursuant to section 13.05, subdivisions 3 and 4.

(g) Data gathered by the department pursuant to the administration of sections 268.03 to 268.23 shall not be made the subject or the basis for any suit in any civil proceedings, administrative or judicial, unless the action is initiated by the department.

Sec. 12. Minnesota Statutes 1997 Supplement, section 270B.01, subdivision 8, is amended to read:

Subd. 8. [MINNESOTA TAX LAWS.] For purposes of this chapter only, unless expressly stated otherwise, "Minnesota tax laws" means the taxes, refunds, and fees administered by or paid to the commissioner under chapters 115B (except taxes imposed under sections 115B.21 to

115B.24), 289A (except taxes imposed under sections 298.01, 298.015, and 298.24), 290, 290A, 291, 297A, and 297H and sections 295.50 to 295.59, or any similar Indian tribal tax administered by the commissioner pursuant to any tax agreement between the state and the Indian tribal government, and includes any laws for the assessment, collection, and enforcement of those taxes, refunds, and fees.

Sec. 13. Minnesota Statutes 1996, section 270B.02, subdivision 3, is amended to read:

Subd. 3. [CONFIDENTIAL DATA ON INDIVIDUALS; PROTECTED NONPUBLIC DATA.] (a) Except as provided in paragraph (b), the name or existence of an informer, informer letters, and other unsolicited data, in whatever form, given to the department of revenue by a person, other than the data subject, who informs that a specific taxpayer is not or may not be in compliance with tax laws, or nontax laws administered by the department of revenue, including laws not listed in section 270B.01, subdivision 8, are confidential data on individuals or protected nonpublic data as defined in section 13.02, subdivisions 3 and 13.

(b) Data under paragraph (a) may be disclosed with the consent of the informer or upon a written finding by a court that the information provided by the informer was false and that there is evidence that the information was provided in bad faith. This subdivision does not alter disclosure responsibilities or obligations under the rules of criminal procedure.

Sec. 14. Minnesota Statutes 1996, section 270B.03, subdivision 6, is amended to read:

Subd. 6. [INVESTIGATIVE DATA.] Notwithstanding For purposes of any law to the contrary, the disclosure of administered by the department of revenue, including laws not listed in section 270B.01, subdivision 8, investigative data collected or created by the department of revenue in order to prepare a case against a person, whether known or unknown, for the commission of a crime is governed by section 13.82, subdivision 5, confidential or protected nonpublic during an investigation. When the investigation becomes inactive, as defined in section 13.82, subdivision 5, the previous classifications otherwise applicable under any other laws become effective.

Sec. 15. Minnesota Statutes 1996, section 270B.12, subdivision 6, is amended to read:

Subd. 6. [DEPARTMENT OF REVENUE EMPLOYEES; ATTORNEY GENERAL.] Returns and return information may shall be open to inspection by or disclosure to an employee or agent of the department of revenue and the attorney general only for the purpose of and to the extent necessary to administer tax laws.

Sec. 16. Minnesota Statutes 1997 Supplement, section 299C.095, subdivision 2, is amended to read:

Subd. 2. [RETENTION.] (a) Notwithstanding section 138.17, the bureau shall retain juvenile history records for the time periods provided in this subdivision. Notwithstanding contrary provisions of paragraphs (b) to (e), all data in a juvenile history record must be retained for the longest time period applicable to any item in the individual juvenile history record. If, before data are destroyed under this subdivision, the subject of the data is convicted of a felony as an adult, the individual's juvenile history record must be retained for the same time period as an adult criminal history record.

(b) Juvenile history data on a child who was arrested must be destroyed six months after the arrest if the child has not been referred to a diversion program and no petition has been filed against the child by that time.

(c) Juvenile history data on a child against whom a delinquency petition was filed and subsequently dismissed must be destroyed upon receiving notice from the court that the petition was dismissed.

(d) Juvenile history data on a child who was referred to a diversion program or against whom a delinquency petition has been filed and continued for dismissal must be destroyed when the child reaches age 21.

(e) Juvenile history data on a child against whom a delinquency petition was filed and

continued without adjudication, or a child who was found to have committed a felony or gross misdemeanor-level offense, must be destroyed when the child reaches age 28. If the offender commits a felony violation as an adult, the bureau shall retain the data for as long as the data would have been retained if the offender had been an adult at the time of the juvenile offense.

(f) The bureau shall retain extended jurisdiction juvenile data on an individual received under section 260.161, subdivision 1a, paragraph (c), for as long as the data would have been retained if the offender had been an adult at the time of the offense.

(g) Data retained on individuals under this subdivision are private data under section 13.02, except that extended jurisdiction juvenile data become public data under section 13.87, subdivision 2, when the juvenile court notifies the bureau that the individual's adult sentence has been executed under section 260.126, subdivision 5.

(h) A person who receives data on a juvenile under paragraphs (b) to (e) from the bureau shall destroy the data according to the schedule in this subdivision, unless the person has access to the data under other law. The bureau shall include a notice of the destruction schedule with all data it disseminates on juveniles.

Sec. 17. Minnesota Statutes 1997 Supplement, section 471A.03, subdivision 3, is amended to read:

Subd. 3. [PROCUREMENT PROCEDURES.] The municipality may agree under the service contract that the private vendor will acquire, construct, alter, repair, or maintain any and all related facilities without compliance with any competitive bidding requirements. The municipality may enter into the service contract only after requesting from two or more private vendors proposals for the furnishing of the capital intensive public services under terms and conditions the municipality determines to be fair and reasonable. After making the request and receiving any proposals in response to the request, the municipality may negotiate the service contract with any private vendor that responds to the request for proposals. The municipality, at its discretion, may classify all or portions of any (1) proposals received from vendors, and (2) government data received from vendors or generated by the municipality relating to negotiations with the vendors, as nonpublic data under section 13.02, subdivision 9, or as protected nonpublic data under section 13.02, subdivision 13, until completion of negotiations with all the vendors and, if the municipality solicits a best and final offer from one or more vendors, until the offers are received from all vendors who are requested to submit such an offer.

Sec. 18. Minnesota Statutes 1996, section 629.341, subdivision 4, is amended to read:

Subd. 4. [REPORT REQUIRED.] Whenever a peace officer investigates an allegation that an incident described in subdivision 1 has occurred, whether or not an arrest is made, the officer shall make a written police report of the alleged incident. The report must contain at least the following information: the name, address and telephone number of the victim, if provided by the victim, a statement as to whether an arrest occurred, the name of the arrested person, and a brief summary of the incident. Data that identify a victim who has made a request under section 13.82, subdivision 10, paragraph (d), and that are private data under that subdivision, shall be private in the report required by this section. A copy of this report must be provided upon request, at no cost, to organizations designated by the Minnesota crime victims services center, the department of public safety, or the commissioner of corrections that are providing services to victims of domestic abuse. The officer shall submit the report to the officer's supervisor or other person to whom the employer's rules or policies require reports of similar allegations of criminal activity to be made.

Sec. 19. [TRIBAL HEALTH DATA.]

All data created, collected, received, or maintained by the commissioner of health in conjunction and cooperation with a federally recognized Indian tribe with an enrolled membership of under 550 individuals and which relate to cancer incidence among tribal members are private data on individuals as defined in Minnesota Statutes, section 13.02.

Sec. 20. [LEGISLATIVE SUBPOENA; DISCLOSURE OF CHILD PROTECTION DATA.]



(a) Notwithstanding Minnesota Statutes, section 626.556, subdivision 11, or any other law to the contrary governing access to government data, data on individuals related to investigations and assessments under Minnesota Statutes, section 626.556, must be released in response to a legislative subpoena issued by a standing legislative committee under Minnesota Statutes, section 3.153.

(b) This section expires on July 1, 1999.

Sec. 21. [REPEALER.]

Minnesota Statutes 1996, section 270.10, subdivision 3, is repealed.

Sec. 22. [REVISOR'S INSTRUCTION.]

In the next edition of Minnesota Statutes, the revisor must renumber section 13.794 as 13.392 or otherwise include it among appropriate sections that refer to both state agencies and political subdivisions in Minnesota Statutes, chapter 13.

Sec. 23. [EFFECTIVE DATES.]

Sections 2, clause (25); 6; 12 to 15; 17; 20; and 21 are effective the day following final enactment.

Sections 3 and 22 are effective July 1, 1998."

Delete the title and insert:

"A bill for an act relating to government data practices; providing for the classification of and access to government data; providing for data privacy for certain audit information; classifying certain law enforcement data; providing that certain documents may be classified as nonpublic data until negotiations with vendors and best and final offers are received; making technical and clarifying changes to tax disclosure provisions; amending Minnesota Statutes 1996, sections 13.794, subdivision 1; 13.82, by adding a subdivision; 13.85, subdivision 2; 13.99, by adding subdivisions; 168.346; 171.12, subdivision 1; 270B.02, subdivision 3; 270B.03, subdivision 6; 270B.12, subdivision 6; and 629.341, subdivision 4; Minnesota Statutes 1997 Supplement, sections 13.37, subdivision 1; 13.46, subdivision 2; 260.161, subdivision 1; 268.19; 270B.01, subdivision 8; 299C.095, subdivision 2; and 471A.03, subdivision 3; repealing Minnesota Statutes 1996, section 270.10, subdivision 3."

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

Senate Conferees: (Signed) Don Betzold, David L. Knutson, Deanna L. Wiener

House Conferees: (Signed) Mary Jo McGuire, Bill Macklin, Wesley J. "Wes" Skoglund

Mr. Betzold moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1378 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. 1378 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	Betzold	Flynn	Hottinger	Junge
Beckman	Cohen	Foley	Janezich	Kelley, S.P.
Belanger	Day	Frederickson	Johnson, D.E.	Kelly, R.C.
Berg	Dille	Hanson	Johnson, D.J.	Kiscaden
Berglin	Fischbach	Higgins	Johnson, J.B.	Kleis

Knutson	Lourey	Oliver	Robling	Spear
Krentz	Marty	Ourada	Runbeck	Stevens
Langseth	Metzen	Pappas	Sams	Stumpf
Larson	Moe, R.D.	Pariseau	Samuelson	Ten Eyck
Lesewski	Morse	Price	Scheevel	Vickerman
Lessard	Murphy	Ranum	Scheid	Wiener
Limmer	Neuville	Robertson	Solon	Wiger

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

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2751 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 2751

A bill for an act relating to employment; requiring an accommodation to certain nursing mothers; providing that breast-feeding is excepted from the crime of indecent exposure; amending Minnesota Statutes 1996, section 617.23; proposing coding for new law in Minnesota Statutes, chapter 181.

March 24, 1998

The Honorable Allan H. Spear  
President of the Senate

The Honorable Phil Carruthers  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2751, 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. 2751 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [181.939] [NURSING MOTHER.]

An employer must provide reasonable unpaid break time each day to an employee who needs to express breast milk for her infant child. The break time must, if possible, run concurrently with any break time already provided to the employee. An employer is not required to provide break time under this section if to do so would unduly disrupt the operations of the employer.

The employer must make reasonable efforts to provide a room or other location, in close proximity to the work area, other than a toilet stall, where the employee can express her milk in privacy. The employer would be held harmless if reasonable effort has been made.

For the purposes of this section, "employer" means a person or entity that employs one or more employees and includes the state and its political subdivisions.

Sec. 2. Minnesota Statutes 1996, section 617.23, is amended to read:

617.23 [INDECENT EXPOSURE; PENALTIES.]

(a) A person is guilty of a misdemeanor who in any public place, or in any place where others are present:

(1) willfully and lewdly exposes the person's body, or the private parts thereof;

(2) procures another to expose private parts; or

(3) engages in any open or gross lewdness or lascivious behavior, or any public indecency other than behavior specified in clause (1) or (2) or this clause.

(b) A person is guilty of a gross misdemeanor if:

(1) the person violates this section in the presence of a minor under the age of 16; or

(2) the person violates this section after having been previously convicted of violating this section, sections 609.342 to 609.3451, or a statute from another state in conformity with any of those sections.

(c) A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person violates paragraph (b), clause (1), after having been previously convicted of or adjudicated delinquent for violating paragraph (b), clause (1); section 609.3451, subdivision 1, clause (2); or a statute from another state in conformity with paragraph (b), clause (1), or section 609.3451, subdivision 1, clause (2).

(d) It is not a violation of this section for a woman to breast feed."

Delete the title and insert:

"A bill for an act relating to employment; requiring an accommodation to certain nursing mothers; providing that breast feeding is excepted from the crime of indecent exposure; amending Minnesota Statutes 1996, section 617.23; proposing coding for new law in Minnesota Statutes, chapter 181."

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

Senate Conferees: (Signed) Ellen R. Anderson, Jane Krentz, Claire A. Robling

House Conferees: (Signed) Mindy Greiling, Jim Farrell, Kathy Tingelstad

Ms. Anderson moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2751 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. 2751 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 49 and nays 11, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Knutson	Morse	Scheid
Beckman	Higgins	Krentz	Murphy	Solon
Berg	Hottinger	Langseth	Ourada	Spear
Berglin	Janezich	Lesewski	Pappas	Stevens
Betzold	Johnson, D.E.	Lessard	Price	Stumpf
Cohen	Johnson, D.J.	Limmer	Ranum	Ten Eyck
Dille	Johnson, J.B.	Lourey	Robling	Vickerman
Flynn	Junge	Marty	Runbeck	Wiener
Foley	Kelly, R.C.	Metzen	Sams	Wiger
Frederickson	Kleis	Moe, R.D.	Samuelson	

Those who voted in the negative were:

Belanger	Kiscaden	Neuville	Pariseau	Scheevel
Day	Larson	Oliver	Robertson	Terwilliger
Fischbach				

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

S.F. No. 2118 and the Conference Committee Report thereon were reported to the Senate.

**CONFERENCE COMMITTEE REPORT ON S.F. NO. 2118**

A bill for an act relating to elections; authorizing experimental balloting procedures in Hennepin county; amending Minnesota Statutes 1996, section 203B.02, by adding a subdivision.

March 31, 1998

The Honorable Allan H. Spear  
President of the Senate

The Honorable Phil Carruthers  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2118, 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. 2118 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1996, section 203B.02, is amended by adding a subdivision to read:

Subd. 1b. [MINNEAPOLIS PILOT PROJECT.] Until January 1, 2004, any eligible voter in the city of Minneapolis may vote by absentee ballot without qualification by submitting a written request to the Hennepin county auditor, notwithstanding the provisions of subdivision 1. The application for absentee ballots must include the voter's name, residence address in the city, address to which the ballots are to be mailed, the date of the request, and the voter's signature.

The county auditor shall maintain a record of the number of applications for absentee ballots submitted under this subdivision. Using this information, the secretary of state shall prepare an annual report to the legislature on the implementation of this subdivision.

Assistance to voters in marking absentee ballots is subject to section 204C.15, subdivision 1.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to elections; authorizing experimental balloting procedures for voters in the city of Minneapolis; amending Minnesota Statutes 1996, section 203B.02, by adding a subdivision."

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

Senate Conferees: (Signed) Linda I. Higgins, Linda Scheid, Martha R. Robertson

House Conferees: (Signed) Richard H. Jefferson, Joe Mullery

Ms. Higgins moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2118 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. 2118 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 42 and nays 21, as follows:

Those who voted in the affirmative were:

Anderson	Janezich	Larson	Pappas	Spear
Beckman	Johnson, D.H.	Lessard	Pogemiller	Stumpf
Berglin	Johnson, D.J.	Lourey	Price	Ten Eyck
Betzold	Johnson, J.B.	Marty	Ranum	Vickerman
Cohen	Junge	Metzen	Robertson	Wiener
Flynn	Kelley, S.P.	Moe, R.D.	Sams	Wiger
Foley	Kelly, R.C.	Morse	Samuelson	
Hanson	Krentz	Murphy	Scheid	
Higgins	Langseth	Novak	Solon	

Those who voted in the negative were:

Belanger	Frederickson	Lesewski	Pariseau	Terwilliger
Berg	Johnson, D.E.	Limmer	Robling	
Day	Kiscaden	Neuville	Runbeck	
Dille	Kleis	Oliver	Scheevel	
Fischbach	Knutson	Ourada	Stevens	

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

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

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

### **MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2736, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2736 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 2, 1998

### **CONFERENCE COMMITTEE REPORT ON H.F. NO. 2736**

A bill for an act relating to counties; authorizing gifts to certain food distribution organizations; amending Minnesota Statutes 1996, section 465.039.

April 1, 1998

The Honorable Phil Carruthers  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

We, the undersigned conferees for H.F. No. 2736, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

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

House Conferees: (Signed) Bill Hilty, Carlos Mariani, William Kuisle

Senate Conferees: (Signed) Becky Lourey, Jim Vickerman, Claire A. Robling

Mrs. Lourey moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2736 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. 2736 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### RECESS

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

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

### APPOINTMENTS

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

S.F. No. 1169: Mr. Stumpf, Ms. Johnson, J.B.; Messrs. Larson, Sams and Johnson, D.E.

S.F. No. 2775: Mr. Hottinger, Ms. Robertson, Mr. Belanger, Ms. Higgins and Piper.

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

### MEMBERS EXCUSED

Ms. Junge was excused from the Session of today from 9:00 to 9:30 a.m. Messrs. Johnson, D.H.; Novak and Pogemiller were excused from the Session of today from 9:00 to 10:00 a.m. Mr. Johnson, D.J. was excused from the Session of today from 9:30 to 9:45 a.m.

**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Friday, April 3, 1998. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate





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