

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIRST LEGISLATURE

SEVENTY-NINTH DAY

St. Paul, Minnesota, Tuesday, February 29, 2000

The Senate met at 11:45 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by Senator Dean E. Johnson.

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

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

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

Senators Dille, Neuville, Robertson, Runbeck and Stevens were 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 House Files, herewith transmitted: H.F. Nos. 3164, 3236 and 3338.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 28, 2000

FIRST READING OF HOUSE BILLS

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

H.F. No. 3164: A bill for an act relating to Washington county; increasing its housing and redevelopment authority to seven members.

Referred to the Committee on Local and Metropolitan Government.

H.F. No. 3236: A bill for an act relating to health; modifying provisions for issuing certified copies of vital records; amending Minnesota Statutes 1998, section 144.225, subdivision 7.

Referred to the Committee on Health and Family Security.

H.F. No. 3338: A bill for an act relating to Scott county; authorizing the county board to reorganize and delegate the duties of certain county offices; amending Laws 1997, chapter 90.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2907, now on General Orders.

REPORTS OF COMMITTEES

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

Senator Hottinger from the Committee on Health and Family Security, to which was referred

S.F. No. 2631: A bill for an act relating to human services; clarifying admissions criteria for the Ah-Gwah-Ching center; requiring the center to provide information on and promote the use of the geriatric rapid assessment stabilization program; proposing coding for new law in Minnesota Statutes, chapter 251.

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

Page 1, line 10, delete everything after the first period and insert "[OPERATION.]"

Page 1, line 11, delete "legislature that" and before "continue" insert "shall"

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

Senator Vickerman from the Committee on Local and Metropolitan Government, to which was referred

S.F. No. 2789: A bill for an act relating to counties; authorizing certain compensation to coroner, deputy coroner, coroner's investigator, or medical examiner; amending Minnesota Statutes 1998, section 382.18.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Vickerman from the Committee on Local and Metropolitan Government, to which was referred

S.F. No. 2685: A bill for an act authorizing group insurance protection for metropolitan intercounty association; amending Minnesota Statutes 1998, section 471.61, subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Vickerman from the Committee on Local and Metropolitan Government, to which was referred

S.F. No. 3064: A bill for an act relating to local government; clarifying that the town of Silver may elect to join the Moose Lake area fire protection district in whole but not in part; authorizing issuance of equipment certificates by the fire protection district; amending Laws 1987, chapter 402, section 2, subdivisions 1, 4, and 5.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Ranum from the Committee on Judiciary, to which was referred

S.F. No. 2742: A bill for an act relating to family law; clarifying and rearranging certain child support provisions; changing time for filing a notice to remove; eliminating certain requirements; amending Minnesota Statutes 1998, section 542.16, subdivision 1; Minnesota Statutes 1999 Supplement, sections 518.171, subdivision 1; and 518.551, subdivision 5; repealing Minnesota Statutes 1998, sections 518.147; and 518.583.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 518.55, subdivision 4, is amended to read:

Subd. 4. ~~[DETERMINATION OF CONTROLLING ORDER.]~~ (a) If more than one child support order involving the same obligor and child exists in this state, the last order issued is controlling, provided the court had jurisdiction over the parties. Issuance of a child support order automatically suspends all previous orders and no enforcement action may be taken under those orders, except for the recovery of arrearages that accrued before the effective date of the new order and applicable interest.

(b) The public authority or a party may request the district court to determine a the controlling order in situations in which more than one order involving the same obligor and child exists.

Sec. 2. Minnesota Statutes 1999 Supplement, section 518.6111, subdivision 5, is amended to read:

Subd. 5. [PAYOR OF FUNDS RESPONSIBILITIES.] (a) An order for or notice of withholding is binding on a payor of funds upon receipt. Withholding must begin no later than the first pay period that occurs after 14 days following the date of receipt of the order for or notice of withholding. In the case of a financial institution, preauthorized transfers must occur in accordance with a court-ordered payment schedule.

(b) A payor of funds shall withhold from the income payable to the obligor the amount specified in the order or notice of withholding and amounts specified under subdivisions 6 and 9 and shall remit the amounts withheld to the public authority within seven business days of the date the obligor is paid the remainder of the income. The payor of funds shall include with the remittance the social security number of the obligor, the case type indicator as provided by the public authority and the date the obligor is paid the remainder of the income. The obligor is considered to have paid the amount withheld as of the date the obligor received the remainder of the income. A payor of funds may combine all amounts withheld from one pay period into one payment to each public authority, but shall separately identify each obligor making payment.

(c) A payor of funds shall not discharge, or refuse to hire, or otherwise discipline an employee as a result of wage or salary withholding authorized by this section. A payor of funds shall be liable to the obligee for any amounts required to be withheld. A payor of funds that fails to withhold or transfer funds in accordance with this section is also liable to the obligee for interest on the funds at the rate applicable to judgments under section 549.09, computed from the date the funds were required to be withheld or transferred. A payor of funds is liable for reasonable attorney fees of the obligee or public authority incurred in enforcing the liability under this

paragraph. A payor of funds that has failed to comply with the requirements of this section is subject to contempt sanctions under section 518.615. If the payor of funds is an employer or independent contractor and violates this subdivision, a court may award the obligor twice the wages lost as a result of this violation. If a court finds a payor of funds violated this subdivision, the court shall impose a civil fine of not less than \$500.

(d) If a single employee is subject to multiple withholding orders or multiple notices of withholding for the support of more than one child, the payor of funds shall comply with all of the orders or notices to the extent that the total amount withheld from the obligor's income does not exceed the limits imposed under the Consumer Credit Protection Act, United States Code, title 15, section 1673(b), giving priority to amounts designated in each order or notice as current support as follows:

(1) if the total of the amounts designated in the orders for or notices of withholding as current support exceeds the amount available for income withholding, the payor of funds shall allocate to each order or notice an amount for current support equal to the amount designated in that order or notice as current support, divided by the total of the amounts designated in the orders or notices as current support, multiplied by the amount of the income available for income withholding; and

(2) if the total of the amounts designated in the orders for or notices of withholding as current support does not exceed the amount available for income withholding, the payor of funds shall pay the amounts designated as current support, and shall allocate to each order or notice an amount for past due support, equal to the amount designated in that order or notice as past due support, divided by the total of the amounts designated in the orders or notices as past due support, multiplied by the amount of income remaining available for income withholding after the payment of current support.

The commissioner of human services shall implement procedures to notify a payor of funds of the income withholding limits imposed by the Consumer Credit Protection Act and shall provide technical assistance in implementing these requirements.

(e) When an order for or notice of withholding is in effect and the obligor's employment is terminated, the obligor and the payor of funds shall notify the public authority of the termination within ten days of the termination date. The termination notice shall include the obligor's home address and the name and address of the obligor's new payor of funds, if known.

(f) A payor of funds may deduct one dollar from the obligor's remaining salary for each payment made pursuant to an order for or notice of withholding under this section to cover the expenses of withholding.

Sec. 3. Minnesota Statutes 1998, section 542.16, subdivision 1, is amended to read:

Subdivision 1. ~~[INITIAL DISQUALIFICATION.] Any party, or the party's attorney, to a cause pending in a district court, within one day after it is ascertained which judge is to preside at the trial or hearing thereof, or at the hearing of any motion or order to show cause, except for a proceeding under section 484.702, may make and file with the court administrator in which the action is pending and serve on the opposite party a notice to remove. The notice must be served and filed within ten days after the party receives notice of which judge or judicial officer is to preside at the trial or hearing, or, if no notice of a hearing is served with the summons, then within the time to answer the summons, whichever is later. Thereupon without any further act or proof, the chief judge of the judicial district shall assign any other judge of any court within the district to preside at the trial of the cause or the hearing of the motion or order to show cause, and the cause shall be continued on the calendar, until the assigned judge can be present. In criminal actions the notice to remove shall be made and filed with the court administrator by the defendant, or the defendant's attorney, not less than two days before the expiration of the time allowed by law to prepare for trial and in any of those cases the presiding judge shall be incapacitated to try the cause. In criminal cases, the chief judge, for the purpose of securing a speedy trial, may change the place of trial to another county.~~

Sec. 4. [MEDICAL SUPPORT RECOMMENDATIONS.]

The commissioner of human services, in consultation with the commissioner's advisory committee, shall study and make recommendations for changes to the medical support statutes under Minnesota Statutes, chapter 518. The commissioner shall consider the medical support recommendations from the federal medical support workgroup created in the Federal Child Support Performance and Incentive Act of 1997, Public Law Number 105-200, section 401.

The commissioner shall submit legislative recommendations to the chairs of the senate judiciary committee and the house civil law committee by January 15, 2001.

Sec. 5. [REPEALER.]

Minnesota Statutes 1998, sections 144.225; 518.147; and 518.583, are repealed.

Delete the title and insert:

"A bill for an act relating to family law; changing the time for filing a notice to remove; requiring a study of medical support statutes; eliminating certain requirements; amending Minnesota Statutes 1998, sections 518.55, subdivision 4; and 542.16, subdivision 1; Minnesota Statutes 1999 Supplement, section 518.6111, subdivision 5; repealing Minnesota Statutes 1998, sections 144.225; 518.147; and 518.583."

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

Senator Ranum from the Committee on Judiciary, to which was referred

S.F. No. 2794: A bill for an act relating to family law; modifying provisions under the expedited child support process; amending Minnesota Statutes 1999 Supplement, section 518.5513, subdivisions 1 and 3.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1999 Supplement, section 518.5513, subdivision 1, is amended to read:

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

Sec. 2. Minnesota Statutes 1999 Supplement, section 518.5513, subdivision 3, is amended to read:

Subd. 3. ~~[PREPARATION OF FINANCIAL WORKSHEET CONTENTS OF PLEADINGS.]~~
(a) In cases involving establishment or modification of a child support order, ~~a nonattorney employee of the public authority shall prepare a financial worksheet that contains~~ the initiating party shall include the following information, if known, in the pleadings:

- (1) ~~names and~~ names and, addresses, and dates of birth of the parties;
- (2) Social Security numbers of the parties and the minor children of the parties;
- (3) ~~number of members in household of each party and dependents of the parties~~ other support obligations of the obligor;
- (4) names and addresses of the parties' employers;
- (5) net income of the parties as defined in section 518.551, subdivision 5, with the authorized deductions itemized;
- (6) amounts and sources of any other earnings and income of the parties;

(7) health insurance coverage of parties; and

(8) types and amounts of public assistance received by the parties, including Minnesota family investment plan, child care assistance, medical assistance, MinnesotaCare, title IV-E foster care, or other form of assistance as defined in section 256.741, subdivision 1; and

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

~~(b) In preparing the financial worksheet~~ For all matters scheduled in the expedited process, whether or not initiated by the public authority, the nonattorney employee of the public authority shall ~~obtain any income~~ file with the court and serve on the parties the following information:

(1) information pertaining to the income of the parties available to the public authority from the department of economic security ~~and serve this information on;~~

(2) a statement of the monthly amount of child support, medical support, child care, and arrears currently being charged the obligor on Minnesota IV-D cases;

(3) a statement of the types and amount of any public assistance, as defined in section 256.741, subdivision 1, received by the parties; and

(4) any other information relevant to the determination of support that is known to the public authority and that has not been otherwise provided by the parties.

The information must be filed with the court or child support magistrate at least five days before any hearing involving child support, medical support, or child care reimbursement issues.

Sec. 3. [INSTRUCTION TO THE REVISOR.]

The revisor of statutes shall change the headnote for Minnesota Statutes, section 518.5513, to "Procedures for child and medical support orders and parentage orders in the expedited process."

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

Senator Ranum from the Committee on Judiciary, to which was referred

S.F. No. 2473: A bill for an act relating to family law; child custody; altering the standards for modifying sole physical custody of a child; amending Minnesota Statutes 1998, sections 518.175, subdivision 3; and 518.18.

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

Page 1, line 14, delete "shall" and insert "may" and after "standard" insert "consistent with section 518.17 and"

Page 1, line 15, after the comma, insert "provided that both parties were represented by counsel when the agreement was approved,"

Page 2, line 25, before the semicolon, insert ", provided the standard is consistent with section 518.17 and both parties were represented by counsel when the agreement was approved"

Page 3, delete lines 16 to 18 and insert:

"Sections 1 and 2 are effective August 1, 2000, and apply to written agreements approved by a court before, on, or after that date."

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

Senator Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2735: A bill for an act relating to the environment; modifying the drycleaner environmental response and reimbursement law; amending Minnesota Statutes 1998, section 115B.49, subdivision 4, as amended, and by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 3174: A bill for an act relating to public lands; modifying a land conveyance in Itasca county; amending Laws 1999, chapter 161, section 30.

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

Page 2, after line 2, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

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

Senator Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 3378: A bill for an act relating to game and fish; extending authorization to take two deer in certain counties; amending Laws 1993, chapter 273, section 1, as amended.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 97B.301, subdivision 4, is amended to read:

Subd. 4. [TAKING MORE THAN ONE DEER.] (a) The commissioner may, by rule, allow a person to take more than one deer. The commissioner shall prescribe the conditions for taking the additional deer including:

- (1) taking by firearm or archery;
- (2) obtaining additional licenses; and
- (3) payment of a fee not more than the fee for a firearms deer license; and
- (4) the total number of deer that an individual may take.

(b) In Kittson, Lake of the Woods, Marshall, Pennington, and Roseau counties, a person may obtain one firearms deer license and one archery deer license in the same license year, and may take one deer under each license. The commissioner may limit the use of this provision in certain years to protect the deer population in the area.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to natural resources, game, and fish; making the experimental two-deer license in certain counties permanent; amending Minnesota Statutes 1998, section 97B.301, subdivision 4."

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

Senator Spear from the Committee on Crime Prevention, to which was referred

S.F. No. 3310: A bill for an act relating to crime prevention; specifying that the board of public defense may be required by courts to pay certain costs related to providing a criminal defense; expanding the authority of the commissioner of natural resources to support search and rescue operations; requiring the development of criteria regarding search and rescue operations; appropriating money; amending Minnesota Statutes 1998, sections 88.12, subdivision 2; and 611.21; Laws 1999, chapter 231, section 5, subdivision 4.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 88.12, subdivision 2, is amended to read:

Subd. 2. [CONTRACTS FOR SERVICES FOR FORESTRY OR WILDFIRE PREVENTION WORK; COMMISSIONS TO PERSONS EMPLOYED.] The commissioner is hereby authorized and empowered to contract for or accept the services of any and all persons whose aid is available, temporarily or otherwise, in forestry or wildfire prevention work, either gratuitously or for compensation not in excess of the limits provided by law with respect to the employment of labor by the commissioner. At the request of another emergency response agency, trained forestry wildfire fighting resources may be used to support search and rescue operations. The commissioner may issue a commission, or other written evidence of authority, to any such person whose services are so arranged for; and may thereby empower such person to act, temporarily or otherwise, as fire warden, or in any other capacity, with such powers and duties as may be specified in the commission or other written evidence of authority, but not in excess of the powers conferred by law on forest officers.

Sec. 2. Laws 1999, chapter 231, section 5, subdivision 4, is amended to read:

Subd. 4. Forest Management

34,670,000	35,175,000	
	Summary	by Fund
General	34,207,000	34,701,000
Natural Resources	463,000	474,000

\$3,599,000 the first year and \$3,688,000 the second year are for presuppression and suppression costs of emergency fire fighting and other costs incurred under Minnesota Statutes, section 88.12, subdivision 2, related to search and rescue operations. If the appropriation for either year is insufficient to cover all costs of suppression and search and rescue operations, the amount necessary to pay for emergency fire fighting these expenses during the biennium is appropriated from the general fund. If money is spent under the appropriation in the preceding sentence, the commissioner of natural resources shall, by 15 days after the end of the following quarter, report on how the money was spent to the chairs of the house of representatives ways and means committee, the environment and agriculture budget division of the senate environment and natural resources committee, and the house of representatives environment and natural resources finance committee. The appropriations may not be transferred.

\$722,000 the first year and \$724,000 the second year are for programs and practices on state, county, and private lands to regenerate and protect Minnesota's white pine. Up to \$280,000 of the appropriation in each year may be used by the commissioner to provide 50 percent matching funds to implement cultural practices for white pine management on nonindustrial, private forest lands at rates specified in the Minnesota stewardship incentives program manual. Up to \$150,000 of the appropriation in each year may be used by the commissioner to provide funds to implement cultural practices for white pine management on county-administered lands through grant agreements with individual counties, with priorities for areas that experienced wind damage in July 1995. \$40,000 each year is for a study of the natural regeneration process of white pine. The remainder of the funds in each fiscal year will be available to the commissioner for white pine regeneration and protection on department-administered lands.

The commissioner may contract with and make grants to nonprofit agencies to carry out the purposes, plans, and programs of the office of youth programs, Minnesota conservation corps.

\$61,000 the first year and \$62,000 the second year are for the focus on community forests program, to provide communities with natural resources technical assistance.

\$225,000 the first year is for grants to local community forest ecosystem health programs. This appropriation is available until June 30, 2001. The commissioner of natural resources shall allocate individual grants of up to \$25,000 to local communities that match the grants with nonstate money to undertake projects that improve the health of forest ecosystems, including insect and disease suppression programs, community-based forest health education programs, and other arboricultural treatments.

\$100,000 the first year and \$100,000 the second year are an increase in the base appropriation for the Minnesota conservation corps program activities.

\$500,000 each year is for the activities of the forest resources council. This is a one-time appropriation.

Sec. 3. [DEVELOPMENT OF SEARCH AND RESCUE OPERATIONS CRITERIA.]

(a) By July 1, 2000, the superintendent of the bureau of criminal apprehension and the commissioner of natural resources shall develop criteria for determining the types of search and rescue operations that may be supported under sections 1 and 2.

(b) By July 1, 2000, the superintendent and commissioner shall report the criteria developed to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice and environment and natural resources funding.

Sec. 4. [EFFECTIVE DATES.]

Section 3 is effective the day following final enactment. Sections 1 and 2 are effective July 1, 2000."

Delete the title and insert:

"A bill for an act relating to crime prevention; expanding the authority of the commissioner of natural resources to support search and rescue operations; requiring the development of criteria regarding search and rescue operations; amending Minnesota Statutes 1998, section 88.12, subdivision 2; Laws 1999, chapter 231, section 5, subdivision 4."

And when so amended the bill do pass and be re-referred to the Committee on Environment and Natural Resources. Amendments adopted. Report adopted.

Senator Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2919: A bill for an act relating to telecommunications; modifying and recodifying telecommunications laws; appropriating money; amending Minnesota Statutes 1998, section 13.71, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 237A; repealing Minnesota Statutes 1998, sections 237.01; 237.011; 237.02; 237.03; 237.035; 237.04; 237.05; 237.06; 237.065; 237.067; 237.068; 237.069; 237.07; 237.071; 237.072; 237.075; 237.076; 237.081; 237.082; 237.09; 237.10; 237.11; 237.115; 237.12; 237.121; 237.14; 237.15; 237.16; 237.162; 237.163; 237.164; 237.17; 237.18; 237.19; 237.20; 237.21; 237.22; 237.23; 237.231; 237.24; 237.25; 237.26; 237.27; 237.28; 237.295; 237.30; 237.33; 237.34; 237.35; 237.36; 237.37; 237.38; 237.39; 237.40; 237.44; 237.45; 237.46; 237.461, subdivision 1; 237.47; 237.49; 237.50; 237.51, subdivisions 1 and 5; 237.52; 237.53; 237.54; 237.55; 237.56; 237.57; 237.58; 237.59; 237.60; 237.61; 237.62; 237.625; 237.626; 237.63; 237.64; 237.65; 237.66; 237.661; 237.662; 237.663; 237.67; 237.68; 237.69; 237.70, subdivisions 1, 2, 3, 5, 6, and 7; 237.701; 237.71; 237.711; 237.73; 237.74; 237.75; 237.76; 237.761; 237.762; 237.763; 237.764; 237.765; 237.766; 237.767; 237.768; 237.769; 237.770; 237.771; 237.772; 237.773; 237.774; 237.775; 237.79; 237.80; 237.81; 238.01; 238.02; 238.03; 238.08; 238.081; 238.082; 238.083; 238.084; 238.086; 238.11; 238.12; 238.15; 238.16; 238.17; 238.18; 238.22, subdivisions 1, 2, 4, 5, 6, 7, 8, and 9; 238.23; 238.24; 238.241; 238.242; 238.25; 238.26; 238.27; 238.35; 238.36; 238.37; 238.38; 238.39; 238.40; 238.41; 238.42; and 238.43; Minnesota Statutes 1999 Supplement, sections 237.036; 237.066; 237.461, subdivisions 2, 3, and 4; 237.462; 237.51, subdivision 5a; 237.5799; 237.70, subdivision 4a; and 238.22, subdivision 3; Minnesota Rules, parts 7817.0100; 7817.0200; 7817.0300; 7817.0400; 7817.0500; 7817.0600; 7817.0700; 7817.0800; 7817.0900; and 7817.1000.

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

Delete everything after the enacting clause and insert:

"Section 1. [TELECOMMUNICATIONS REFORM; WORK GROUP.]

An administrative law judge experienced in telecommunications and utility law must be designated by the chief administrative law judge to convene and facilitate a work group to prepare proposed legislation reforming the state's telecommunication law. The reform proposal shall use as a basis for discussion the major telecommunication reform proposals introduced or heard during the 2000 legislative session. The work group must also consider other means of ensuring access to advanced services in rural Minnesota.

The work group must be convened by June 1, 2000. The work group must include any members desiring to participate but the administrative law judge must ensure that invitations to join the work group are issued to persons who represent:

- (1) the department of commerce;
- (2) the office of the attorney general;
- (3) long-distance carriers;
- (4) competitive local service companies;
- (5) incumbent local service companies;
- (6) rural telephone companies;
- (7) cable providers;
- (8) local government;
- (9) consumers of telecommunication services;
- (10) a resident from rural Minnesota; and
- (11) a labor representative from the telecommunications industry.

The work group shall operate in an informal manner without formal rules of procedure. The work group need not issue any report except drafts of proposed legislation supported by any substantial part of the group.

The departments of commerce and revenue and the public utilities commission must cooperate with the work group, including timely responding to requests for information.

Upon request of the chief administrative law judge, the charges of the office of administrative hearings under this section shall be assessed pursuant to Minnesota Statutes, section 237.295, subdivision 2. The assessment is not subject to the percent limit on assessments against companies under Minnesota Statutes, section 237.295, subdivision 2. The costs cannot exceed \$25,000. The assessment collected is appropriated to the office of administrative hearings. For purposes of calculating the cost incurred, the chief administrative law judge shall use the hourly rate that is charged to state agencies for the services of an administrative law judge in a contested case hearing.

The work group must submit copies of proposed legislation to the committees of the legislature having primary jurisdiction over telecommunication issues by December 1, 2000."

Delete the title and insert:

"A bill for an act relating to telecommunications; establishing a work group to discuss and propose changes in telecommunication law."

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

Senator Marty from the Committee on Election Laws, to which was re-referred

S.F. No. 2968: A bill for an act relating to lake improvement districts; modifying provisions relating to lake improvement districts; amending Minnesota Statutes 1998, sections 103B.551, subdivision 1; and 103B.555, subdivision 1.

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

Page 1, line 17, before the period, insert "except that the duties assigned to the board of water and soil resources under sections 103C.301 and 103C.305 are assigned to the commissioner of natural resources under this section"

And when so amended the bill do pass and be re-referred to the Committee on Local and Metropolitan Government. Amendments adopted. Report adopted.

Senator Flynn from the Committee on Transportation, to which was referred

S.F. No. 2936: A bill for an act relating to transportation; providing for advertising and receiving highway construction and maintenance bids over the Internet; allowing interest on repayment of money advanced to department of transportation for interregional transportation corridor development; modifying provisions for speed limits in highway work zones; transferring responsibility for distributing certain funds for highway safety to commissioner of public safety; transferring responsibilities from transportation regulation board to commissioner of transportation; making technical and clarifying changes; modifying provisions relating to statewide communications system; providing for fees; amending Minnesota Statutes 1998, sections 161.32, subdivisions 1, 1a, 1b, and 1e; 169.14, subdivision 5d; 174.02, subdivisions 4 and 5; 174.10, subdivisions 1, 3, and 4; 174A.02, subdivisions 1 and 2; 174A.04; 219.402; Minnesota Statutes 1999 Supplement, sections 171.29, subdivision 2; 174.70, subdivisions 2 and 3; 174A.02, subdivision 4; 174A.06; 221.031, subdivision 1; amending Laws 1999, chapter 238, article 1, section 2, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 161; repealing Minnesota Statutes 1998, sections 174A.01; 174A.02, subdivision 5; 174A.03; 174A.05; 219.383; 219.558; 219.559; 219.56; 219.681; 219.69; 219.691; 219.692; 219.695; 219.70; 219.71; 219.741; 219.743; 219.751; 219.755; 219.85; 219.97; 222.633; Minnesota Statutes 1999 Supplement, section 174.70, subdivision 1; Minnesota Rules, part 8850.6900.

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

Pages 1 to 3, delete sections 1 to 4 and insert:

"Section 1. Minnesota Statutes 1998, section 161.24, subdivision 4, is amended to read:

Subd. 4. [ACCESS TO ISOLATED PROPERTY.] When the establishment, construction, or reconstruction of a trunk highway closes off any other highway or street, including a city streets street, private road, or entrance at the boundary of such the trunk highway, the commissioner may, in mitigation of damages, or in the interest of safety and convenient public travel, construct a road either within the limits of the trunk highway, or without outside the limits of the trunk highway, connecting the closed-off closed-off highway, street, private road, or entrance with another public highway. In determining whether to build the road within or without outside the limits of the trunk highway, the commissioner may take into consideration economy to the state and local traffic needs. The commissioner, in mitigation of damages, may connect the closed-off closed-off private road with the remaining portion of the private road or with another private road. All lands necessary therefor for that purpose may be acquired by purchase, gift, or condemnation. Notwithstanding section 161.43 or 161.44, the commissioner may convey and quitclaim a fee title or easement held or owned by the state in land used to connect with a private road to the property owners served by the road."

Page 4, line 7, delete the new language

Page 4, lines 12 to 16, reinstate the stricken language

Page 4, after line 22, insert:

"(c) Notwithstanding paragraph (b), on divided highways, the commissioner or local authority may establish a highway work zone speed limit that does not exceed 55 miles per hour."

Page 4, line 23, strike "(c)" and insert "(d)"

Page 4, line 29, strike "(d)" and insert "(e)"

Page 4, line 31, after "(b)" insert "or (c)"

Page 9, line 23, after "providers" insert "and telecommunications infrastructure developers"

Page 12, strike lines 25 to 27

Page 12, line 28, strike "(2)" and insert "(1)"

Page 12, line 29, strike "(3)" and insert "(2)"

Page 12, line 32, strike "(4)" and insert "(3)"

Page 13, line 1, strike "(5)" and insert "(4)"

Page 13, line 3, strike "(6)" and insert "(5)"

Page 13, after line 8, insert:

"Sec. 17. Minnesota Statutes 1998, section 218.031, subdivision 2, is amended to read:

Subd. 2. [INFORMATION FURNISHED COMMISSIONER.] Every common carrier shall furnish to the commissioner:

~~(1) All schedules of rates, fares and charges, every part and classification thereof, together with minimum weights and rules with respect thereto, and any and all amendments, modifications or changes therein.~~

~~(2) All information duly required in blanks and forms furnished by the commissioner.~~

~~(3) A copy of all annual reports and valuation data furnished to the Interstate Commerce Commission not later than June 30th, covering the preceding calendar year, together with any additional information regarding valuation of its properties requested by the commissioner.~~

~~(4) a report of accidents, wrecks and casualties occurring in this state in such manner and form and at such times as prescribed by the commissioner. All such reports administered by the department of public safety shall be received and administered in accordance with the provisions of section 169.09, subdivision 13. All other reports shall be open to public inspection but shall not be admissible in evidence in any suit or action for damages growing out of such accident, wreck or casualty.~~

~~(5) All tariff agreements or arrangements with other carriers.~~

~~(6) All joint schedules of rates, fares or classifications.~~

Sec. 18. Minnesota Statutes 1998, section 218.041, subdivision 4, is amended to read:

Subd. 4. [COMMISSIONER DUTIES UPON PETITION.] The commissioner shall, upon petition:

~~(1) At all points of intersection and crossings of different railroads, or where two railroads are not more than one-half mile apart, and at all terminals, prescribe ample facilities by track connection, joint use of tracks, freight platforms and depots, warehouses, docks over which general merchandise is handled and forwarded, and other necessary appliances and conveniences for the transfer, forwarding and handling of general merchandise and parcel freight between such railroads and between such railroads and such docks, warehouses and vessels at such docks.~~

~~(2) Determine the proportionate share of each company in the cost of providing connecting and transfer facilities in the event the companies fail to agree.~~

~~(3) Direct construction, maintenance and operation at any points prescribed by law of all side tracks and reasonable facilities connecting any road with any grain warehouse or mill, dock, wharf, coal yard, quarry, brick or lime kiln, sand or gravel pit, crushed rock or concrete plant, or manufactory adjacent thereto, and prescribe the terms therefor.~~

~~(4) Prescribe reasonable rules for handling property, passenger, baggage, express and mail, partly over privately owned rights-of-way and partly over highways, so that reasonable and adequate accommodations and service may be afforded.~~

~~(5) Prescribe the extent to which any designated carrier, upon its petition, may be relieved from the operation of the principles established by section 218.021, subdivision 1, clauses (5), (6) and (7).~~

~~(6),~~ direct the repair, reconstruction or replacement of any inadequate or unsafe trackage, structure or facility.

Upon receipt of a petition for action pursuant to this subdivision the commissioner shall give notice to all persons known to it to have an interest in the matter and publish notice of the petition in the State Register. The commissioner may grant the petition 30 days' after notice has been fully made. If the commissioner receives a written objection to the petition from any person within 20 days after the notice of filing has been fully made, the exemption shall be granted or denied only after a contested case hearing has been held on the matter. The commissioner may elect to hold a contested case hearing if no objections to the petition or application are received. If a timely objection is not received and the commissioner declines to act without hearing, the petitioner may request within 30 days of receiving a notice of denial, and shall be granted, a contested case hearing on the application.

Sec. 19. Minnesota Statutes 1998, section 218.041, subdivision 5, is amended to read:

Subd. 5. [INVESTIGATIVE AND ENFORCEMENT DUTIES.] The commissioner shall:

(1) investigate and determine whether any common carriers are granting rebates or, in any other particular, failing to comply with laws or with orders, rules or directives of the commissioner; and

~~(2) appear and press before the Interstate Commerce Commission any petition, whether filed by a resident of the state or otherwise, charging any common carrier doing business in this state with any violation of the Interstate Commerce Act of the United States, whenever the department deems the matter to be one of public interest;~~

~~(3) institute and prosecute all actions and proceedings in the appropriate courts for the enforcement of the provisions of this chapter, the orders, rules and directives of the commissioner issued thereunder and any violations thereof.~~

Sec. 20. Minnesota Statutes 1998, section 218.041, subdivision 6, is amended to read:

Subd. 6. [INVESTIGATIVE, ADMINISTRATIVE, AND RULEMAKING POWERS.] In the exercise of powers granted in this chapter, the commissioner may:

(1) subpoena books, papers or accounts kept by any regulated business within or without the state, or compel production of verified copies;

(2) prepare all forms or blanks for the purpose of obtaining information which the commissioner may deem necessary or useful for the proper exercise of the authority and duties of the commissioner in connection with regulated businesses, and prescribe the time and manner within which the blanks and forms shall be completed and filed;

(3) inspect, at all reasonable times, and copy the books, records, memoranda, correspondence or other documents and records of any business under the commissioner's jurisdiction; and

(4) examine, under oath, any officer, agent or employee of a business under the commissioner's jurisdiction concerning ~~its business and affairs;~~ and

~~(5) prescribe rules, duly promulgated in accordance with chapter 14, relating to rates, care in handling and other livestock transportation matters~~ any matter within the commissioner's jurisdiction.

Sec. 21. Minnesota Statutes 1999 Supplement, section 219.074, subdivision 2, is amended to read:

Subd. 2. [CROSSING VACATION PROGRAM.] On or before July 1, 1992, and on or before July 1 of each of the next four years, and as necessary afterward, the commissioner shall develop a

list of grade crossings proposed to be vacated. The list must be developed by applying the standards set forth in the rules adopted under section 219.073. Grade crossings that are part of an abandonment, closing, or removal ~~under section 219.741~~ may not be included in the list. The commissioner shall notify the public officials having the necessary authority and the railway companies operating the railroads of the proposed vacations. Either affected party may request a hearing. If requested, the commissioner shall hold a contested case hearing applying in its determination the rules developed under section 219.073. If after the hearing the commissioner determines that the vacation is consistent with the standards adopted under section 219.073, the commissioner may order the crossing vacated. If a request for a hearing on a particular crossing is not received within 30 days of the publication in the State Register, the commissioner shall order the crossing vacated.

Sec. 22. Minnesota Statutes 1998, section 219.384, subdivision 2, is amended to read:

Subd. 2. [PENALTY.] A railroad company, road authority, or property owner that fails to comply with this section within 30 days after being notified in writing is subject to a fine of \$50 for each day that the condition is uncorrected. This penalty may be recovered in ~~the manner provided in section 219.97, subdivision 5~~ a civil action brought by the attorney general or by the county attorney of the county through or into which the railroad extends."

Page 14, after line 23, insert:

"Sec. 25. Minnesota Statutes 1998, section 446A.085, as amended by Laws 1999, chapter 230, sections 34 and 35, is amended to read:

446A.085 [TRANSPORTATION REVOLVING LOAN FUND.]

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

(a) [ACT.] "Act" means the National Highway System Designation Act of 1995, Public Law Number 104-59, as amended.

(b) [BORROWER.] "Borrower" means the state, counties, cities, and other governmental entities eligible under the act and state law to apply for and receive loans from the transportation revolving loan fund, ~~the trunk highway revolving loan account, the county state-aid highway revolving loan account, and the municipal state-aid street revolving loan account.~~

(c) [DEPARTMENT.] "Department" means the department of transportation.

(d) [LOAN.] "Loan" means financial assistance provided for all or part of the cost of a project including money disbursed in anticipation of reimbursement or repayment, loan guarantees, lines of credit, credit enhancements, equipment financing leases, bond insurance, or other forms of financial assistance.

(e) [TRANSPORTATION COMMITTEE.] "Transportation committee" means a committee of the Minnesota public facilities authority, acting on behalf of the Minnesota public facilities authority, consisting of the commissioner of the department of trade and economic development, the commissioner of finance, and the commissioner of transportation.

Subd. 2. [PURPOSE.] The purpose of the transportation revolving loan fund, ~~the trunk highway revolving loan account, the county state-aid highway revolving loan account, and the municipal state-aid street revolving loan account~~ is to provide loans and matching money for public transportation projects eligible for financing or aid under any federal act or program, or state law, including, without limitation, the study of the feasibility of construction, reconstruction, resurfacing, restoring, rehabilitation, or replacement of transportation facilities; acquisition of right-of-way; and maintenance, repair, improvement, or construction of city, town, county, or state highways, roads, streets, rights-of-way, bridges, tunnels, railroad-highway crossings, drainage structures, signs, maintenance and operation facilities, guardrails, and protective structures used in connection with highways or transit projects. Enhancement items, including without limitation bicycle paths, ornamental lighting, and landscaping, are eligible for financing provided they are an

integral part of overall project design and construction of a federal-aid highway. Money in the fund may not be used for any toll facilities project or congestion-pricing project.

Subd. 3. [ESTABLISHMENT OF FUND.] A transportation revolving loan fund is established to make loans for the purposes described in subdivision 2. A highway account is established in the fund for highway projects eligible under United States Code, title 23. A transit account is established in the fund for transit capital projects eligible under United States Code, title 49. A state funds general loan account is established in the fund for transportation projects eligible under state law but not under title 23. Other accounts may be established in the fund as necessary for its management and administration. The transportation revolving loan fund shall receive federal money under the act and money from any source. Money received under this section must be paid to the state treasurer and credited to the transportation revolving loan fund. Money in the fund is annually appropriated to the ~~commissioner~~ authority and does not lapse. The fund must be credited with investment income, and with repayments of principal and interest, except for servicing fees assessed under sections 446A.04, subdivision 5, and 446A.11, subdivision 8.

Subd. 4. [MANAGEMENT OF FUND AND ACCOUNTS.] The authority shall manage and administer the transportation revolving loan fund, ~~the trunk highway revolving loan account, the county state-aid highway revolving loan account, and the municipal state-aid street revolving loan account~~ and individual accounts in the fund. For those purposes, the authority may exercise all powers provided in this chapter.

Subd. 5. [TRANSFER OF MONEY.] With the consent of the transportation committee, the commissioner of transportation may transfer money from the trunk highway revolving loan account to the trunk highway fund, from the county state-aid highway revolving loan account to the county state-aid highway fund, and from the municipal state-aid street revolving loan account to the municipal state-aid street fund.

Subd. 6. [TRANSPORTATION COMMITTEE.] The transportation committee may authorize the making of loans to borrowers by the authority for transportation purposes authorized by the act or this section, without further action by the authority. The authority may not make loans for transportation purposes without the approval of the transportation committee. Each project must be certified by the commissioner of transportation before its consideration by the transportation committee.

Subd. 7. [APPLICATIONS.] Applicants for loans must submit an application to the transportation committee on forms prescribed by the transportation committee. The applicant must provide the following information:

- (1) the estimated cost of the project and the amount of the loan sought;
- (2) other possible sources of funding in addition to loans sought from the transportation revolving loan fund, ~~the trunk highway revolving loan account, the county state-aid highway revolving loan account, or the municipal state-aid street revolving loan account;~~
- (3) the proposed methods and sources of funds to be used for repayment of loans received; and
- (4) information showing the financial status and ability of the borrower to repay loans.

Subd. 8. [CERTIFICATION OF PROJECTS.] The commissioner of transportation shall consider the following information when evaluating projects to certify for funding to the transportation committee:

- (1) a description of the nature and purpose of the proposed transportation project including an explanation of the need for the project and the reasons why it is in the public interest;
- (2) the relationship of the project to the area transportation improvement program, the approved statewide transportation improvement program, and to any other transportation plans required under state or federal law;
- (3) the estimated cost of the project and the amount of loans sought;

(4) proposed sources of funding in addition to loans sought from the transportation revolving loan fund, ~~the trunk highway revolving loan account, the county state-aid highway revolving loan account, or municipal state-aid street revolving loan account;~~

(5) ~~the need for the project as part of the overall transportation system;~~

(6) the overall economic impact of the project; and

~~(7)~~ (6) the extent to which completion of the project will improve the movement of people and freight.

Subd. 9. [LOAN CONDITIONS.] When making loans from the transportation revolving loan fund, ~~the trunk highway revolving loan account, the county state-aid highway revolving loan account, or the municipal state-aid street revolving loan account,~~ the transportation committee shall comply with the conditions applicable provisions of the act and state law. In addition, a loan made under this section must:

(1) bear interest at or below market rates or as otherwise specified in federal law;

(2) have a repayment term not longer than 30 years;

(3) be fully amortized no later than 30 years after project completion;

(4) be subject to repayment of principal and interest beginning not later than five years after the facility financed with a loan has been completed, or in the case of a highway project, five years after the facility has opened to traffic; and

~~(5) be made disbursed for specific project elements only after all federal environmental requirements applicable to the project have been complied with and all federal environmental requirements have been met.~~

Subd. 10. [LOANS IN ANTICIPATION OF FUTURE APPORTIONMENTS.] A loan may be made to a county, or to a statutory or home rule charter city having a population of 5,000 or more, in anticipation of repayment of the loan from sums that will be apportioned to a county from the county state-aid highway fund under section 162.07 or to a city from the municipal state-aid street fund under section 162.14.

Subd. 11. [PAYMENT BY COUNTY OR CITY.] Notwithstanding the allocation provisions of section 162.08 for counties, and the apportionment provisions of section 162.14 for cities, sums apportioned under section 162.13 to a statutory or home rule charter city, or under section 162.07 to a county, that has loan repayments due to the transportation revolving loan fund, ~~the trunk highway revolving loan account, the county state-aid highway revolving loan account, or the municipal state-aid street revolving loan account~~ shall be paid by the commissioner of transportation to the appropriate loan fund or account to offset the loan repayments that are due.

Subd. 12. [RULES OF TRANSPORTATION COMMITTEE AND AUTHORITY.] The commissioner of the department of trade and economic development shall adopt administrative rules specifying the procedures that will be used for the administration of the duties of the transportation committee and authority. The rules must include criteria, standards, and procedures that will be used for making loans, determining interest rates to be charged on loans, the amount of project financing to be provided, the collateral that will be required, the requirements for dedicated sources of revenue or income streams to ensure repayment of loans, and the length of repayment terms.

Subd. 13. [AUTHORITY AND RULES OF DEPARTMENT.] The commissioner of transportation shall establish, adopt rules for, and implement a program to identify, assist with the development of, and certify projects eligible for loans under the act to the transportation committee. Until rules are adopted by the commissioner of transportation, the commissioner of transportation may certify to the transportation committee any project that has been reviewed through an approved planning process that qualifies the project to be included in the statewide transportation program or amended into the statewide transportation improvement program.

Subd. 14. [JOINT RULES.] The commissioner of the department of trade and economic development and the commissioner of transportation may adopt a single set of rules."

Page 19, line 10, delete "1 to 12" and insert "5 to 9"

Page 19, line 24, delete everything after "sections" and insert "5 to 9, 12 to 16, 23, 24, 27, and 29."

Page 19, delete line 25

Page 19, line 27, delete "(a)"

Page 19, line 28, delete "219.383;" and insert "218.021; 218.025; 218.031, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, and 10; 218.041, subdivisions 1, 2, 7, and 8;"

Page 19, line 30, before "and" insert "222.631; 222.632;"

Page 19, delete lines 32 to 36

Page 20, delete line 2 and insert:

"Sections 10, 11, and 26 are effective"

Page 20, line 3, delete everything after the period

Page 20, delete lines 4 and 5

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to transportation; allowing the commissioner of transportation to convey interest in certain land to property owners; allowing interest on repayment of money advanced to department of transportation for interregional transportation corridor development; modifying provisions for speed limits in highway work zones; transferring responsibility for distributing certain funds for highway safety to commissioner of public safety; transferring responsibilities from transportation regulation board to commissioner of transportation; modifying transportation revolving loan fund provisions; making technical and clarifying changes; modifying provisions relating to statewide communications system; amending Minnesota Statutes 1998, sections 161.24, subdivision 4; 169.14, subdivision 5d; 174.02, subdivisions 4 and 5; 174.10, subdivisions 1, 3, and 4; 174A.02, subdivisions 1 and 2; 174A.04; 218.031, subdivision 2; 218.041, subdivisions 4, 5, and 6; 219.384, subdivision 2; 219.402; and 446A.085, as amended; Minnesota Statutes 1999 Supplement, sections 171.29, subdivision 2; 174.70, subdivisions 2 and 3; 174A.02, subdivision 4; 174A.06; 219.074, subdivision 2; and 221.031, subdivision 1; amending Laws 1999, chapter 238, article 1, section 2, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 161; repealing Minnesota Statutes 1998, sections 174A.01; 174A.02, subdivision 5; 174A.03; 174A.05; 218.021; 218.025; 218.031, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, and 10; 218.041, subdivisions 1, 2, 7, and 8; 219.558; 219.559; 219.56; 219.681; 219.69; 219.691; 219.692; 219.695; 219.70; 219.71; 219.741; 219.743; 219.751; 219.755; 219.85; 219.97; 222.631; 222.632; and 222.633."

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

Senator Flynn from the Committee on Transportation, to which was referred

S.F. No. 3023: A bill for an act relating to motor vehicles; modifying vehicle registration and titling provisions; modifying vehicle registration plate impoundment provisions; modifying interstate commercial vehicle registration provisions to conform to interstate registration plan; making technical and clarifying changes; amending Minnesota Statutes 1998, sections 168.012, subdivision 7; 168.013, by adding a subdivision; 168.017, subdivision 3; 168.042, subdivisions 1, 2, 9, 12, and by adding a subdivision; 168.09, subdivision 6; 168.1235, subdivisions 1 and 4;

168.1291; 168.13; 168.187, subdivision 8; 168.31, subdivision 4; 168.33, subdivision 7; 168.54, subdivisions 5 and 6; 168A.03; 168A.06; 168A.13; 168A.14; 168A.31, subdivision 1; and 171.20, subdivision 4; Minnesota Statutes 1999 Supplement, sections 168.15, subdivision 1; 168.16; and 171.29, subdivision 2; repealing Minnesota Statutes 1998, section 168.1292.

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

Page 2, delete section 2

Pages 3 to 6, delete sections 4 to 8

Page 16, after line 31, insert:

"Sec. 20. Minnesota Statutes 1998, section 169.122, subdivision 1, is amended to read:

Subdivision 1. [ACT PROHIBITED.] No person shall drink or consume ~~intoxicating liquors an~~ alcoholic beverage, distilled spirit, or 3.2 percent malt liquors liquor in any motor vehicle when ~~such~~ the vehicle is upon a public highway.

Sec. 21. Minnesota Statutes 1998, section 169.122, subdivision 2, is amended to read:

Subd. 2. [POSSESSION PROHIBITED.] (a) No person shall have in possession while in a private motor vehicle upon a public highway, any bottle or receptacle containing ~~intoxicating liquor an~~ alcoholic beverage, distilled spirit, or 3.2 percent malt liquor ~~which that~~ that has been opened, or the seal broken, or the contents of ~~which~~ which have been partially removed.

(b) For purposes of this section, "possession" means either that the person had actual possession of the bottle or receptacle or that the person consciously exercised dominion and control over the bottle or receptacle. This subdivision does not apply to a bottle or receptacle that is in the trunk of the vehicle if it is equipped with a trunk, or that is in another area of the vehicle not normally occupied by the driver and passengers if the vehicle is not equipped with a trunk.

Sec. 22. Minnesota Statutes 1998, section 169.122, subdivision 3, is amended to read:

Subd. 3. [LIABILITY OF NONPRESENT OWNER.] (a) ~~It shall be is~~ is unlawful for the owner of any private motor vehicle or the driver, if the owner ~~be is~~ is not then present in the motor vehicle, to keep or allow to be kept in a motor vehicle when ~~such~~ the vehicle is upon the public highway any bottle or receptacle containing ~~intoxicating liquors an~~ alcoholic beverage, distilled spirit, or 3.2 percent malt liquors ~~which liquor~~ that has been opened, or the seal broken, or the contents of ~~which~~ which have been partially removed ~~except when such~~.

(b) ~~This subdivision does not apply to a bottle or receptacle shall be kept that is~~ is in the trunk of the motor vehicle when ~~such~~ the vehicle is equipped with a trunk, or ~~kept that is~~ is in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk.

(c) A utility compartment or glove compartment ~~shall be is~~ is deemed to be within the area occupied by the driver and passengers.

Sec. 23. Minnesota Statutes 1998, section 169.443, subdivision 3, is amended to read:

Subd. 3. [WHEN SIGNALS NOT USED.] School bus drivers shall not activate the prewarning flashing amber signals or flashing red signals and shall not use the stop arm signal:

(1) in special school bus loading areas where the bus is entirely off the traveled portion of the roadway and where no other motor vehicle traffic is moving or is likely to be moving within 20 feet of the bus;

(2) when directed not to do so, in writing, by the local school board;

(3) when a school bus is being used on a street or highway for purposes other than the actual transportation of school children to or from school or a school-approved activity, except as provided in subdivision 8;

(4) at railroad grade crossings; and

(5) when loading and unloading ~~people~~ school children at designated school bus stops where school children are not required to cross the street or highway, while the bus is completely off the traveled portion of a separated, one-way roadway that has adequate shoulders. The driver shall drive the bus completely off the traveled portion of this roadway before loading or unloading ~~people~~ school children. A school bus stop is designated under this clause if the transportation director of the school district in which the bus stop is located, in consultation with the road authority, certifies the integrity of the shoulder and the safety of the location for loading and unloading school children. Each designated school bus stop must be documented and approved by the school board.

Sec. 24. Minnesota Statutes 1998, section 169.68, is amended to read:

169.68 [HORN, SIREN.]

(a) Every motor vehicle when operated upon a highway shall ~~shall~~ must be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, ~~but no~~. However, the horn or other warning device shall ~~shall~~ must not emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with the horn, but shall not otherwise use ~~sueh~~ the horn when upon a highway.

~~No~~ (b) A vehicle shall ~~shall~~ must not be equipped with, ~~nor shall any~~ and a person shall ~~not~~ not use upon a vehicle, any siren, whistle, or bell, except as otherwise permitted in this section.

(c) It is permissible, but not required, ~~that for~~ any commercial vehicle to be equipped with a theft alarm signal device ~~which is~~, so arranged that it cannot be used by the driver as an ordinary warning signal.

(d) All authorized emergency vehicles shall ~~shall~~ must be equipped with a siren capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type ~~approved by the department of public safety, but such~~ conforming to the federal certification standards for sirens, ~~as determined by the General Services Administration. However, the siren shall~~ must not be used except when ~~sueh~~ the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which latter events the driver of ~~sueh~~ the vehicle shall sound the siren when necessary to warn pedestrians and other drivers of the vehicle's approach ~~thereof~~."

Page 19, after line 17, insert:

"Sec. 27. Minnesota Statutes 1998, section 325E.15, is amended to read:

325E.15 [TRANSFER OF MOTOR VEHICLE; MILEAGE DISCLOSURE.]

No person shall transfer a motor vehicle without disclosing in writing to the transferee the true mileage registered on the odometer reading or that the actual mileage is unknown if the odometer reading is known by the transferor to be different from the true mileage. ~~The registrar of motor vehicles shall adopt, pursuant to the Administrative Procedure Act, rules not inconsistent with sections 325E.13 to 325E.16 or regulations contained in Code of Federal Regulations, title 49, sections 580.1 to 580.17, as amended through October 1, 1998, implementing Title IV of the Federal Motor Vehicle Information and Cost Savings Act or any rules promulgated thereunder prescribing~~ prescribe the manner in which ~~sueh~~ written disclosure shall ~~must~~ must be made in this state and are adopted by reference. No transferor shall violate any ~~rules~~ regulations adopted under this section or knowingly give a false statement to a transferee in making any disclosure required by ~~sueh~~ the regulations."

Page 19, after line 19, insert:

"Sec. 29. [EFFECTIVE DATE.]

Sections 20 to 22 are effective the day after final enactment, for offenses committed after final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

Page 1, line 4, delete everything before "modifying"

Page 1, line 6, after the semicolon, insert "conforming state open bottle law to federal law; allowing exception to requirement of school bus drivers to activate school bus stop signals; adopting federal odometer regulations; modifying provisions to conform to federal standards for emergency vehicle siren; combining responsibility for all driver education programs with commissioner of public safety; regulating satisfactions of judgment on automobile liability claims; allowing driver's license to be renewed within five years of expiration without written examination;"

Page 1, line 9, delete "168.013, by adding a subdivision;"

Page 1, line 10, delete everything after the semicolon

Page 1, line 11, delete "subdivision;"

Page 1, line 15, delete "and" and insert "169.122, subdivisions 1, 2, and 3; 169.443, subdivision 3; 169.68;"

Page 1, line 16, after the semicolon, insert "and 325E.15;"

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

Senator Sams from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 3645: A resolution memorializing the United States Congress to immediately begin the process of repealing and rewriting the Freedom to Farm Act, putting in place economic safety nets and export tools designed to protect small and mid-sized agricultural producers from low commodity prices and weather-related disasters.

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

Page 1, line 11, delete "eliminated" and insert "reduced"

Page 1, delete lines 19 to 21

Page 1, line 24, delete "and" and insert a comma and after "exports," insert "and other factors,"

Page 2, line 6, delete "a" and insert "an adequate"

Page 2, line 9, delete "corporate"

Page 2, delete line 10 and insert "farms"

Page 2, line 11, delete "\$460,000"

Page 2, line 13, delete "repeal" and insert "rewrite"

Page 2, line 16, after "with" insert "improved"

Page 2, line 26, delete "existing anticompetitive,"

Amend the title as follows:

Page 1, line 3, delete "repealing and"

Page 1, line 4, after "place" insert "improved"

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

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

H.F. No. 2722 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2722	2502		

and that the above Senate File be indefinitely postponed.

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2631, 2789, 2685, 3064, 2742, 2794, 2473, 2735, 3174, 3378, 2919, 2936, 3023 and 3645 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 2722 was read the second time.

MOTIONS AND RESOLUTIONS

Senator Junge moved that the name of Senator Kleis be added as a co-author to S.F. No. 2396. The motion prevailed.

Senator Berglin moved that the name of Senator Lourey be added as a co-author to S.F. No. 2545. The motion prevailed.

Senator Kinkel moved that the name of Senator Pariseau be added as a co-author to S.F. No. 2664. The motion prevailed.

Senator Kelley, S.P. moved that the names of Senators Novak and Limmer be added as co-authors to S.F. No. 3038. The motion prevailed.

Senator Piper moved that the name of Senator Marty be added as a co-author to S.F. No. 3326. The motion prevailed.

Senator Higgins moved that the name of Senator Langseth be added as a co-author to S.F. No. 3340. The motion prevailed.

Senator Scheid moved that the name of Senator Pappas be added as a co-author to S.F. No. 3342. The motion prevailed.

Senator Olson moved that the name of Senator Laidig be added as a co-author to S.F. No. 3473. The motion prevailed.

Senator Marty moved that the name of Senator Laidig be added as a co-author to S.F. No. 3572. The motion prevailed.

Senator Wiger moved that the name of Senator Janezich be added as a co-author to S.F. No. 3634. The motion prevailed.

Senator Anderson moved that the name of Senator Wiger be added as a co-author to S.F. No. 3640. The motion prevailed.

Senator Lessard moved that S.F. No. 276 be withdrawn from the Committee on Jobs, Energy and Community Development and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Senator Johnson, D.J. moved that S.F. No. 2777 be withdrawn from the Committee on Jobs, Energy and Community Development and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Senator Samuelson moved that S.F. No. 2832 be withdrawn from the Committee on Health and Family Security and re-referred to the Committee on Children, Families and Learning. The motion prevailed.

Senator Pogemiller moved that S.F. No. 86 be taken from the table. The motion prevailed.

S.F. No. 86: A bill for an act relating to education; providing for technical and other changes to kindergarten through grade 12 education provisions; amending Minnesota Statutes 1998, sections 120B.05; 120B.11, subdivision 5; 121A.25, subdivision 1; 123A.22, subdivisions 6 and 7; 123A.27; 123A.48, subdivision 19; 123A.485, subdivision 1; 123B.14, subdivision 5; 123B.31; 123B.70, subdivision 1; 123B.86, subdivision 1; 123B.88, subdivisions 1, 13, and 22; 123B.95, subdivision 2; 124D.11, subdivision 5; 124D.114; 124D.21; 124D.38, subdivision 9; 124D.40; 124D.41; 124D.42, subdivisions 4, 6, and 7; 124D.43; 124D.45, subdivisions 1 and 2; 124D.454, subdivision 8; 124D.53, subdivision 2; 124D.61; 124D.70; 124D.81, subdivision 1; 124D.83, subdivision 2; 124D.895; 124D.896; 125A.62, subdivision 1; 125A.77, subdivision 1; 125A.79, subdivision 1; 126C.05, subdivisions 4 and 5; 126C.10, subdivision 9; 126C.14; 126C.15, subdivision 3; 126C.16, subdivisions 1 and 2; 126C.22, subdivision 4; 126C.41, subdivision 1; 126C.44; 126C.48, subdivisions 2 and 5; 127A.41, subdivision 1; 127A.45, subdivision 13; and 127A.49, subdivisions 2 and 3; Laws 1998, chapter 398, article 5, section 50, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 120A; repealing Minnesota Statutes 1998, sections 123B.92, subdivision 10; 124D.128, subdivision 4; 124D.38, subdivision 10; and 124D.45, subdivision 3; Laws 1995, First Special Session chapter 3, article 5, section 9; Laws 1997, chapter 192, section 19.

CONCURRENCE AND REPASSAGE

Senator Pogemiller moved that the Senate concur in the amendments by the House to S.F. No. 86 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 86: A bill for an act relating to education; providing for technical and other changes to kindergarten through grade 12 education provisions; amending Minnesota Statutes 1998, sections 120B.11, subdivision 5; 121A.25, subdivision 1; 123A.22, subdivisions 6 and 7; 123A.27; 123A.48, subdivision 19; 123A.485, subdivision 1; 123B.14, subdivision 5; 123B.31; 123B.70, subdivision 1; 123B.86, subdivision 1; 123B.88, subdivisions 1, 13, and 22; 123B.95, subdivision 2; 124D.11, subdivision 5; 124D.114; 124D.21; 124D.38, subdivision 9; 124D.40; 124D.41; 124D.42, subdivisions 4, 6, and 7; 124D.43; 124D.45, subdivisions 1 and 2; 124D.454, subdivision 8; 124D.53, subdivision 2; 124D.61; 124D.81, subdivision 1; 124D.83, subdivision 2; 124D.895; 124D.896; 126C.14; 126C.16, subdivisions 1 and 2; 126C.22, subdivision 4; 126C.41, subdivision 1; 126C.48, subdivisions 2 and 5; and 127A.41, subdivision 1; Minnesota Statutes 1999 Supplement sections 125A.79, subdivision 1; 126C.10, subdivision 9; 126C.15, subdivision 3; 126C.44; and 127A.45, subdivision 13; Laws 1998, chapter 398, article 5, section 50, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 120A; repealing

Minnesota Statutes 1998, sections 124D.128, subdivision 4; 124D.38, subdivision 10; and 124D.45, subdivision 3; Laws 1995, First Special Session chapter 3, article 5, section 9; Laws 1997, chapter 192, section 19.

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

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

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Kelly, R.C. introduced--

S.F. No. 3646: A bill for an act relating to retirement; public employees retirement association employer privatization; adding St. Paul civic center authority as an "other public employing unit"; amending Minnesota Statutes 1999 Supplement, section 353F.02, subdivision 5.

Referred to the Committee on Governmental Operations and Veterans.

Senator Murphy introduced--

S.F. No. 3647: A bill for an act relating to family law; providing for visitation enforcement; allowing court to impose certain penalties for contempt of court; amending Minnesota Statutes 1998, section 518.175, subdivision 6.

Referred to the Committee on Judiciary.

Senator Murphy introduced--

S.F. No. 3648: A bill for an act relating to state government; designating the timber wolf as the state mammal; proposing coding for new law in Minnesota Statutes, chapter 1.

Referred to the Committee on Environment and Natural Resources.

Senators Ziegler; Moe, R.D. and Day introduced--

S.F. No. 3649: A bill for an act relating to agriculture; providing funding for Farmamerica - Minnesota's Agricultural Interpretive Center; appropriating money.

Referred to the Committee on Agriculture and Rural Development.

Senators Murphy; Johnson, D.J.; Frederickson and Olson introduced--

S.F. No. 3650: A bill for an act relating to taxation; providing that revenues from the solid waste management tax be used for solid waste management activities; amending Minnesota Statutes 1998, section 297H.13, subdivision 2.

Referred to the Committee on Taxes.

Senators Piper, Janezich, Lesewski, Lourey and Foley introduced--

S.F. No. 3651: A bill for an act relating to housing; appropriating money for transitional housing and affordable housing.

Referred to the Committee on Children, Families and Learning.

Senator Pogemiller introduced--

S.F. No. 3652: A bill for an act relating to education; establishing a task force on school governance and management.

Referred to the Committee on Children, Families and Learning.

Senator Samuelson introduced--

S.F. No. 3653: A bill for an act relating to education finance; authorizing funding for full-day kindergarten programs in independent school district No. 482, Little Falls; appropriating money.

Referred to the Committee on Children, Families and Learning.

Senators Solon and Johnson, D.J. introduced--

S.F. No. 3654: A bill for an act relating to transportation; modifying provisions on transit operating assistance; amending Minnesota Statutes 1999 Supplement, section 174.24, subdivision 3b.

Referred to the Committee on Transportation.

Senators Johnson, D.E. and Frederickson introduced--

S.F. No. 3655: A bill for an act relating to capital investment; amending a grant purpose to the McLeod West school district No. 2887; amending Laws 1998, chapter 404, section 5, subdivision 11, as amended.

Referred to the Committee on Children, Families and Learning.

Senators Kleis, Cohen, Runbeck, Scheid and Frederickson introduced--

S.F. No. 3656: A bill for an act relating to state budget process; establishing a commission to review state budget practices and recommend changes to implement performance based budgeting.

Referred to the Committee on Governmental Operations and Veterans.

Senators Terwilliger; Belanger; Flynn; Johnson, D.E. and Langseth introduced--

S.F. No. 3657: A bill for an act relating to capital improvements; authorizing spending for

public improvements of a capital nature; allowing payment of trunk highway bonds and interest from any source of funds; authorizing annual gasoline tax rate adjustment; authorizing issuance of trunk highway bonds; appropriating money for transportation improvements; amending Minnesota Statutes 1998, sections 167.51, subdivision 2; and 296A.07, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 270.

Referred to the Committee on Transportation.

Senators Knutson and Larson introduced--

S.F. No. 3658: A bill for an act relating to health; specifying the circumstances under which information held by health maintenance organizations may be disclosed; amending Minnesota Statutes 1999 Supplement, section 13.99, subdivision 19; Minnesota Statutes 1998, section 72A.491, subdivision 17; proposing coding for new law in Minnesota Statutes, chapter 62D; repealing Minnesota Statutes 1998, section 62D.14, subdivision 4.

Referred to the Committee on Health and Family Security.

Senators Kiscaden, Neuville, Wiger, Scheid and Pappas introduced--

S.F. No. 3659: A bill for an act relating to education; authorizing a school nurse to administer nonprescription drugs or medications; amending Minnesota Statutes 1998, section 121A.22, subdivisions 2 and 3; Minnesota Statutes 1999 Supplement, section 148.235, by adding a subdivision.

Referred to the Committee on Children, Families and Learning.

Senators Terwilliger, Piper, Junge, Lessard and Foley introduced--

S.F. No. 3660: A bill for an act relating to health; appropriating money for suicide prevention.

Referred to the Committee on Health and Family Security.

Senators Dille and Frederickson introduced--

S.F. No. 3661: A bill for an act relating to taxes; exempting sales of construction materials used to remodel and improve the McLeod county courthouse; amending Minnesota Statutes 1998, section 297A.25, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Dille, Lesewski and Fischbach introduced--

S.F. No. 3662: A bill for an act relating to agriculture; establishing an agroforestry loan program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 17.

Referred to the Committee on Agriculture and Rural Development.

Senators Dille, Lesewski and Fischbach introduced--

S.F. No. 3663: A bill for an act relating to agriculture; providing funding for development of farm marketing plan software; appropriating money.

Referred to the Committee on Agriculture and Rural Development.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Wednesday, March 1, 2000. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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