

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-FIRST LEGISLATURE

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ONE HUNDRED FIFTEENTH DAY

St. Paul, Minnesota, Monday, May 1, 2000

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

## CALL OF THE SENATE

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

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

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

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

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

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 Hanson, Hottinger and Spear were excused from the Session of today.

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 27, 2000

The Honorable Allan H. Spear  
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 3169 and 3644.

Sincerely,  
Jesse Ventura, Governor

April 27, 2000

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2000 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2000	Date Filed 2000
3169		444	11:40 a.m. April 27	April 27
3644		447	11:42 a.m. April 27	April 27

Sincerely,  
Mary Kiffmeyer  
Secretary of State

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 3257.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 2000

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. 2854:** A bill for an act relating to civil commitment; requiring the commissioner of corrections before releasing persons convicted of criminal sexual conduct or sentenced as patterned offenders to send his determination whether a petition under the sexual psychopath law is necessary to certain county attorneys; allowing county attorneys or their designee to have access to certain information for purposes of determining whether good cause exists to file a commitment proceeding; amending Minnesota Statutes 1998, sections 244.05, subdivision 7; and 253B.185, by adding a subdivision.

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

Skoglund, Bishop and Smith.

Senate File No. 2854 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 2000

Mr. President:

I have the honor to announce that the House refuses to adopt the report of the Conference Committee on Senate File No. 2845 and requests that the bill be returned to the Conference Committee for further consideration.

**S.F. No. 2845:** A bill for an act relating to crimes; increasing criminal penalties and driver license sanctions for underage persons who use any type of false identification to purchase or attempt to purchase alcoholic beverages or tobacco; authorizing peace officers to transport alleged truants from the child's home to school or to a truancy service center; authorizing retailers to seize false identification; amending Minnesota Statutes 1998, sections 171.171; 340A.702; and 609.685, subdivisions 1a, 2, and 3; Minnesota Statutes 1999 Supplement, sections 260B.235, subdivision 4; 260C.143, subdivision 4; and 340A.503, subdivision 6.

Senate File No. 2845 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 2000

Senator Knutson moved that S.F. No. 2845 and the Conference Committee Report thereon be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to adopt the report of the Conference Committee on Senate File No. 3036 and requests that the bill be returned to the Conference Committee for further consideration.

**S.F. No. 3036:** A bill for an act relating to natural resources; providing for seizure and administrative forfeiture of certain firearms and abandoned property; modifying authority to issue trespass citations; modifying provisions for forfeited vehicles; modifying definition of peace officer; providing civil penalties; appropriating money; amending Minnesota Statutes 1998, sections 97B.002, subdivision 1; and 609.5312, subdivision 4; Minnesota Statutes 1999 Supplement, sections 169.1217, subdivision 9; and 169.123, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 97A.

Senate File No. 3036 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 2000

Senator Johnson, D.H. moved that S.F. No. 3036 and the Conference Committee Report thereon be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1870, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 1870:** A bill for an act relating to motor vehicles; regulating motor vehicle fuel franchises and marketing agreements; amending Minnesota Statutes 1998, section 80C.01, subdivision 4, and by adding subdivisions; proposing coding for new law as Minnesota Statutes, chapter 80F.

Senate File No. 1870 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 2000

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. 2521, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 2521:** A bill for an act relating to local government; establishing standards for the creation of corporations by political subdivisions; providing for the continuation of existing corporations created by political subdivisions; amending Minnesota Statutes 1998, section 238.08, subdivision 3; proposing coding for new law in Minnesota Statutes 1998, chapter 465; repealing Minnesota Statutes 1998, section 465.715, subdivisions 1, 2, and 3; Minnesota Statutes Supplement, section 465.715, subdivision 1a.

Senate File No. 2521 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 2000

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3501:

**H.F. No. 3501:** A bill for an act relating to labor; modifying a provision governing exchange of information between the departments of labor and industry and revenue; amending Minnesota Statutes 1998, section 270B.14, subdivision 8.

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

Holberg, Smith and Carruthers have been appointed as such committee on the part of the House.

House File No. 3501 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 28, 2000

Senator Moe, R.D., for Senator Betzold, moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3501, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2516:

**H.F. No. 2516:** A bill for an act relating to crime; amending the definition of harassment; amending Minnesota Statutes 1998, section 609.748, subdivisions 1, 3, and 4.

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

Smith, Hackbarth and Carruthers have been appointed as such committee on the part of the House.

House File No. 2516 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 28, 2000

Senator Kelly, R.C. moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2516, 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.

### REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report pertaining to appointments. The motion prevailed.

#### **Senator Berglin from the Committee on Human Resources Finance, to which was re-referred**

**S.F. No. 2933:** A bill for an act relating to insurance; providing technical changes; regulating motor vehicle service contracts; regulating underwriting practices; regulating workers' compensation self-insurance; amending Minnesota Statutes 1998, sections 60A.129, subdivision 5; 60K.14, subdivision 1; 61A.092, subdivision 6; 62A.136; 62C.11, subdivision 1; 62C.142, subdivision 2a; 62E.04, subdivision 4; 62S.02, subdivision 1; 64B.30, subdivision 1; 65B.29, subdivisions 2 and 3; 72A.20, subdivision 17; 72A.499, subdivision 1; and 79A.22, subdivisions 3 and 11; Minnesota Statutes 1999 Supplement, sections 72A.20, subdivision 23; 79A.22, subdivision 2; 79A.23, subdivisions 1, 2, and 3; 79A.24, subdivision 2; repealing Minnesota Statutes 1998, sections 62A.285, subdivision 4; 62A.651; 62H.10, subdivision 4; and 65B.13.

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

Page 16, after line 16, insert:

"Sec. 22. [MINNESOTA WORKERS' COMPENSATION ASSIGNED RISK PLAN SURPLUS UTILIZATION.]

Subdivision 1. [EXCESS SURPLUS.] (a) For purposes of this section, "excess surplus" means the amount of the assigned risk plan surplus fund that exceeds the amount necessary to pay all current and future liabilities of the assigned risk plan, including, but not limited to:

(1) administrative expenses;

(2) benefit claims; and

(3) in the event the assigned risk plan is dissolved under Minnesota Statutes, section 79.251, subdivision 8, the amounts that would be due insurers who have paid assessments to the assigned risk plan.

(b) On July 1, 2000, and July 1, 2001, the commissioner of commerce shall certify to the commissioner of finance the amount of the assigned risk plan excess surplus and shall direct the transfer of the excess surplus funds as provided in subdivision 2. The transfers are not subject to review under Minnesota Statutes, chapter 14.

Subd. 2. [TRANSFER OF EXCESS SURPLUS FUNDS FOR THE BENEFIT OF THE MINNESOTA COMPREHENSIVE HEALTH ASSOCIATION.] (a) The commissioner of commerce shall direct the transfer of excess surplus money for the benefit of the Minnesota comprehensive health association according to paragraphs (b) to (d). The excess surplus available for transfer to the general fund under 2000 H.F. No. 4127, if enacted, is reduced by the amount of these transfers, notwithstanding anything in H.F. No. 4127 to the contrary.

(b) On July 1, 2000, \$65,000,000 must be paid into the state treasury and credited to a separate account within the special revenue fund called the Minnesota comprehensive health association

endowment account. Interest attributable to money in the account must be credited to the Minnesota comprehensive health association endowment account of the special revenue fund. Money, including interest earned, in the Minnesota comprehensive health association endowment account must be used to fund current and future deficits of the Minnesota comprehensive health association. Except as otherwise provided in subdivision 3, \$5,200,000 is appropriated from the endowment account to the commissioner of commerce on January 15, 2001, and on January 15 annually thereafter, and disbursed to the association for the purpose of reducing its operating deficit. The payments made under this paragraph must be made first from the interest earned by the endowment, and if the interest is not sufficient, then from the endowment principal, until the endowment is exhausted.

(c) On January 15, 2001, \$15,000,000 must be paid to the state treasury and credited to the general fund and \$15,000,000 is appropriated from the general fund to the commissioner of commerce for disbursement to the association for the exclusive purpose of reducing its operating deficit assessment for calendar year 2001.

(d) On January 15, 2002:

(1) \$15,000,000 must be paid to the state treasury and credited to the general fund; and

(2) \$15,000,000 is appropriated from the general fund to the commissioner of commerce for disbursement to the association for the exclusive purpose of reducing its operating deficit assessment for calendar year 2002.

Subd. 3. [RESTRICTIONS ON TRANSFER OF MINNESOTA WORKERS' COMPENSATION PLAN ASSIGNED RISK PROGRAM EXCESS SURPLUS.] Thirty days before each annual scheduled appropriation of \$5,200,000 from the Minnesota comprehensive health association endowment account to the association as set forth in subdivision 2, paragraph (b), the commissioner of commerce, in consultation with the commissioner of health, must determine whether the association has made satisfactory progress in attaining and maintaining the cost containment goals of the association. If the commissioner of commerce determines that satisfactory progress has not been achieved, the scheduled appropriation for the Minnesota comprehensive health association endowment account to the association must not be made. The determination of the commissioner of commerce is not subject to review under Minnesota Statutes, chapter 14."

Page 16, line 21, delete "22" and insert "23"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "using part of the excess surplus in the assigned risk plan surplus fund for the benefit of the Minnesota comprehensive health association; appropriating money;"

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

**Senator Marty from the Committee on Election Laws**, to which were referred the following appointments as reported in the Journal for April 25, 2000:

CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

Douglas Kelley  
Sidney Pauly

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

Senator Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

**SECOND READING OF SENATE BILLS**

S.F. No. 2933 was read the second time.

**MOTIONS AND RESOLUTIONS****Senator Larson introduced--**

**Senate Resolution No. 170:** A Senate resolution congratulating Peter Kunz, a state trooper, on his outstanding career.

Referred to the Committee on Rules and Administration.

**Senator Scheid introduced--**

**Senate Resolution No. 171:** A Senate resolution congratulating Tony Hagberg for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

S.F. No. 3016 and the Conference Committee Report thereon were reported to the Senate.

**CONFERENCE COMMITTEE REPORT ON S.F. NO. 3016**

A bill for an act relating to family law; changing certain child support enforcement provisions; providing for notices; clarifying certain delegation of powers provisions; amending Minnesota Statutes 1998, sections 256.979, by adding a subdivision; 518.255; 518.64, subdivision 5; 518.68, subdivision 2; 524.5-505; 552.01, subdivision 3, and by adding a subdivision; 552.03; and 552.04, subdivisions 4, 6, 11, and 16; Minnesota Statutes 1999 Supplement, section 13B.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 518 and 552; repealing Minnesota Statutes 1998, section 552.05, subdivisions 1, 2, 3, 6, 7, 8, and 9; Minnesota Statutes 1999 Supplement, section 552.05, subdivisions 4, 5, and 10; Minnesota Rules, parts 9500.1800; 9500.1805; 9500.1810; 9500.1811; 9500.1812; 9500.1815; 9500.1817; 9500.1820; and 9500.1821.

April 27, 2000

The Honorable Allan H. Spear  
President of the Senate

The Honorable Steve Sviggum  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 3016, 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. 3016 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1999 Supplement, section 13B.06, subdivision 1, is amended to read:

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

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

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

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

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

(2) federal and state chartered credit unions;

(3) benefit associations;

(4) life insurance companies;

(5) safe deposit companies; and

(6) money market mutual funds.

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

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

Sec. 2. Minnesota Statutes 1999 Supplement, section 256.978, subdivision 1, is amended to read:

Subdivision 1. [REQUEST FOR INFORMATION.] (a) The public authority responsible for child support in this state or any other state, in order to locate a person or to obtain information necessary to establish paternity and child support or to modify or enforce child support or distribute collections, may request information reasonably necessary to the inquiry from the records of ~~(1) all departments, boards, bureaus, or other agencies of this state~~ agencies or political subdivisions of this state, as defined in section 13.02, which shall, notwithstanding the provisions of section 268.19 or any other law to the contrary, provide the information necessary for this purpose; and (2) employers, utility companies, insurance companies, financial institutions, credit grantors, and labor associations doing business in this state. They shall provide a response upon written or electronic request within 30 days of service of the request made by the public authority. Information requested and used or transmitted by the commissioner according to the authority conferred by this section may be made available to other agencies, statewide systems, and political subdivisions of this state, 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.

(b) For purposes of this section, "state" includes the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

Sec. 3. Minnesota Statutes 1998, section 256.979, is amended by adding a subdivision to read:

Subd. 11. [FEDERAL CHILD SUPPORT INCENTIVES.] (a) The commissioner of human services shall distribute to the counties the earned federal child support incentive payments using the methodology specified in Title IV-D of the Social Security Act and applicable federal regulations for earning federal incentives by the states except for the paternity portion of the incentive. The commissioner shall distribute the federal paternity incentive earned using the IV-D paternity establishment percentage. The commissioner shall follow the federal transition plans in distributing the incentives to the counties. The commissioner shall distribute to the county child support agency estimated federal incentive payments within 60 days after the end of each calendar quarter. The commissioner shall issue actual federal incentive payments to the county agency within 60 days of receiving the final federal incentive grant award from the federal agency.

(b) The county child support agency shall reinvest incentive funds disbursed under this section in the county child support enforcement program. These funds may not be used by a county to reduce funding of the child support enforcement program by the amount of the incentive earned below the base amount allowed under the applicable federal regulations. The county agency shall maintain a record of incentives earned and expended according to a procedure approved by the commissioner. The county agency shall repay any incentive erroneously issued.

Sec. 4. Minnesota Statutes 1998, section 518.255, is amended to read:

518.255 [PROVISION OF LEGAL SERVICES BY THE PUBLIC AUTHORITY.]

Subdivision 1. [GENERAL.] (a) The provision of services under the child support enforcement program that includes services by an attorney or an attorney's representative employed by, under contract to, or representing the public authority does not create an attorney-client relationship with any party other than the public authority. Attorneys employed by or under contract with the public authority have an affirmative duty to inform applicants and recipients of services under the child support enforcement program that no attorney-client relationship exists between the attorney and the applicant or recipient. This section applies to all legal services provided by the child support enforcement program.

(b) The written notice must inform the individual applicant or recipient of services that no attorney-client relationship exists between the attorney and the applicant or recipient; the rights of the individual as a subject of data under section 13.04, subdivision 2; and that the individual has a right to have an attorney represent the individual.

(c) Data disclosed by an applicant for, or recipient of, child support services to an attorney employed by, or under contract with, the public authority is private data on an individual. However, the data may be disclosed under section 13.46, subdivision 2, clauses (1) to (3) and (6) to (19), under subdivision 2, and in order to obtain, modify or enforce child support, medical support, and parentage determinations.

(d) An attorney employed by, or under contract with, the public authority may disclose additional information received from an applicant for, or recipient of, services for other purposes with the consent of the individual applicant for, or recipient of, child support services.

Subd. 2. [ACCESS TO ADDRESS FOR SERVICE OF PROCESS.] (a) If there is a IV-D case as defined in section 518.54, a party may obtain an ex parte order under this subdivision. The party may obtain an ex parte order requiring the public authority to serve legal documents on the other party by mail if the party submits a sworn affidavit to the court stating that:

(1) the party needs to serve legal process in a support proceeding and does not have access to the address of the other party;

(2) the party has made reasonable efforts to locate the other party; and

(3) the other party is not represented by counsel.

(b) The public authority shall serve legal documents provided by the moving party at the last known address of the other party upon receipt of a court order under paragraph (a). The public authority shall provide for appropriate service and shall certify to all parties the date of service by mail. The public authority's proof of service must not include the place or address of service.

(c) The state court administrator shall prepare and make available forms for use in seeking access to an address under this subdivision.

Sec. 5. Minnesota Statutes 1998, section 518.64, subdivision 5, is amended to read:

Subd. 5. [FORM.] ~~The department of human services~~ state court administrator's office shall prepare and make available to ~~courts court administrators,~~ obligors, and persons to whom child support is owed a form to be submitted by the ~~obligor or the person to whom child support is owed~~ obligor or the person to whom child support is owed in support of a motion for a modification of an order for support or maintenance or for contempt of court.

Sec. 6. Minnesota Statutes 1998, section 518.68, subdivision 2, is amended to read:

Subd. 2. [CONTENTS.] The required notices must be substantially as follows:

#### IMPORTANT NOTICE

#### 1. PAYMENTS TO PUBLIC AGENCY

According to Minnesota Statutes, section 518.551, subdivision 1, payments ordered for maintenance and support must be paid to the public agency responsible for child support enforcement as long as the person entitled to receive the payments is receiving or has applied for public assistance or has applied for support and maintenance collection services. MAIL PAYMENTS TO:

#### 2. DEPRIVING ANOTHER OF CUSTODIAL OR PARENTAL RIGHTS -- A FELONY

A person may be charged with a felony who conceals a minor child or takes, obtains, retains, or fails to return a minor child from or to the child's parent (or person with custodial or visitation rights), according to Minnesota Statutes, section 609.26. A copy of that section is available from any district court clerk.

#### 3. RULES OF SUPPORT, MAINTENANCE, VISITATION

(a) Payment of support or spousal maintenance is to be as ordered, and the giving of gifts or making purchases of food, clothing, and the like will not fulfill the obligation.

(b) Payment of support must be made as it becomes due, and failure to secure or denial of rights of visitation is NOT an excuse for nonpayment, but the aggrieved party must seek relief through a proper motion filed with the court.

(c) Nonpayment of support is not grounds to deny visitation. The party entitled to receive support may apply for support and collection services, file a contempt motion, or obtain a judgment as provided in Minnesota Statutes, section 548.091.

(d) The payment of support or spousal maintenance takes priority over payment of debts and other obligations.

(e) A party who accepts additional obligations of support does so with the full knowledge of the party's prior obligation under this proceeding.

(f) Child support or maintenance is based on annual income, and it is the responsibility of a person with seasonal employment to budget income so that payments are made throughout the year as ordered.

(g) ~~If there the obligor is a layoff laid off from employment or receives a pay reduction, support may be reduced as of the time of the layoff or pay reduction, but only if a motion to reduce the support is served and filed with the court at that time, but. Any such reduction must be will take effect only if ordered by the court and may only relate back to the time that the motion is filed.~~ If a motion is not filed, the support obligation will continue at the current level. The court is not permitted to reduce support retroactively, except as provided in Minnesota Statutes, section 518.64, subdivision 2, paragraph (c).

(h) Reasonable visitation guidelines are contained in Appendix B, which is available from the court administrator.

(i) The nonpayment of support may be enforced through the denial of student grants; interception of state and federal tax returns; suspension of driver's, recreational, and occupational licenses; referral to the department of revenue or private collection agencies; seizure of assets, including bank accounts and other assets held by financial institutions; reporting to credit bureaus; interest charging, income withholding, and contempt proceedings; and other enforcement methods allowed by law.

#### 4. PARENTAL RIGHTS FROM MINNESOTA STATUTES, SECTION 518.17, SUBDIVISION

Unless otherwise provided by the Court:

(a) Each party has the right of access to, and to receive copies of, school, medical, dental, religious training, and other important records and information about the minor children. Each party has the right of access to information regarding health or dental insurance available to the minor children. Presentation of a copy of this order to the custodian of a record or other information about the minor children constitutes sufficient authorization for the release of the record or information to the requesting party.

(b) Each party shall keep the other informed as to the name and address of the school of attendance of the minor children. Each party has the right to be informed by school officials about the children's welfare, educational progress and status, and to attend school and parent teacher conferences. The school is not required to hold a separate conference for each party.

(c) In case of an accident or serious illness of a minor child, each party shall notify the other party of the accident or illness, and the name of the health care provider and the place of treatment.

(d) Each party has the right of reasonable access and telephone contact with the minor children.

#### 5. WAGE AND INCOME DEDUCTION OF SUPPORT AND MAINTENANCE

Child support and/or spousal maintenance may be withheld from income, with or without notice to the person obligated to pay, when the conditions of Minnesota Statutes, section 518.6111 have been met. A copy of those sections is available from any district court clerk.

#### 6. CHANGE OF ADDRESS OR RESIDENCE

Unless otherwise ordered, each party shall notify the other party, the court, and the public authority responsible for collection, if applicable, of the following information within ten days of any change: the residential and mailing address, telephone number, driver's license number, social security number, and name, address, and telephone number of the employer.

#### 7. COST OF LIVING INCREASE OF SUPPORT AND MAINTENANCE

Child support and/or spousal maintenance may be adjusted every two years based upon a change in the cost of living (using Department of Labor Consumer Price Index ....., unless otherwise specified in this order) when the conditions of Minnesota Statutes, section 518.641, are met. Cost of living increases are compounded. A copy of Minnesota Statutes, section 518.641, and forms necessary to request or contest a cost of living increase are available from any district court clerk.

#### 8. JUDGMENTS FOR UNPAID SUPPORT

If a person fails to make a child support payment, the payment owed becomes a judgment against the person responsible to make the payment by operation of law on or after the date the payment is due, and the person entitled to receive the payment or the public agency may obtain entry and docketing of the judgment WITHOUT NOTICE to the person responsible to make the payment under Minnesota Statutes, section 548.091. Interest begins to accrue on a payment or installment of child support whenever the unpaid amount due is greater than the current support due, according to Minnesota Statutes, section 548.091, subdivision 1a.

#### 9. JUDGMENTS FOR UNPAID MAINTENANCE

A judgment for unpaid spousal maintenance may be entered when the conditions of Minnesota Statutes, section 548.091, are met. A copy of that section is available from any district court clerk.

#### 10. ATTORNEY FEES AND COLLECTION COSTS FOR ENFORCEMENT OF CHILD SUPPORT

A judgment for attorney fees and other collection costs incurred in enforcing a child support order will be entered against the person responsible to pay support when the conditions of

section 518.14, subdivision 2, are met. A copy of section 518.14 and forms necessary to request or contest these attorney fees and collection costs are available from any district court clerk.

#### 11. VISITATION EXPEDITOR PROCESS

On request of either party or on its own motion, the court may appoint a visitation expeditor to resolve visitation disputes under Minnesota Statutes, section 518.1751. A copy of that section and a description of the expeditor process is available from any district court clerk.

#### 12. VISITATION REMEDIES AND PENALTIES

Remedies and penalties for the wrongful denial of visitation rights are available under Minnesota Statutes, section 518.175, subdivision 6. These include compensatory visitation; civil penalties; bond requirements; contempt; and reversal of custody. A copy of that subdivision and forms for requesting relief are available from any district court clerk.

Sec. 7. Minnesota Statutes 1998, section 524.5-505, is amended to read:

524.5-505 [DELEGATION OF POWERS BY PARENT OR GUARDIAN.]

(a) A parent or a guardian of a minor or incapacitated person, by a properly executed power of attorney, may delegate to another person, for a period not exceeding six months, any powers regarding care, custody, or property of the minor or ward, except the power to consent to marriage or adoption of a minor ward.

(b) A parent who executes a delegation of powers under this section must mail or give a copy of the document to any other parent within 30 days of its execution unless:

(1) the other parent does not have visitation rights or has supervised visitation rights; or

(2) there is an existing order for protection under chapter 518B or a similar law of another state in effect against the other parent to protect the parent executing the delegation of powers or the child.

(c) A parent of a minor child may delegate those powers for a period not exceeding one year by a designated caregiver agreement under chapter 257A.

Sec. 8. Minnesota Statutes 1998, section 552.01, subdivision 3, is amended to read:

Subd. 3. [JUDGMENT DEBTOR.] "Judgment debtor" means a party an obligor against whom the public authority has a judgment for the recovery of money owed pursuant to a support order as defined in section 518.54.

Sec. 9. Minnesota Statutes 1998, section 552.01, is amended by adding a subdivision to read:

Subd. 7. [JUDGMENT.] "Judgment" means a child support judgment by operation of law under section 548.091, subdivision 1a, or under a proceeding under section 548.091, subdivision 2a.

Sec. 10. Minnesota Statutes 1998, section 552.03, is amended to read:

552.03 [SCOPE OF GENERAL AND SPECIFIC PROVISIONS.]

General provisions relating to the public authority's summary execution as authorized in this chapter are set forth in section 552.04. Specific provisions relating to summary execution on funds at a financial institution are set forth in section ~~552.05~~ 552.06. When the public authority levies against funds at a financial institution, the specific provisions of section ~~552.05~~ 552.06 must be complied with in addition to the general provisions of section 552.04 that are not inconsistent with the specific provisions of section 552.06. Provisions contained in the statutory forms are incorporated in this chapter and have the same force of law as any other provisions in this chapter.

Sec. 11. Minnesota Statutes 1998, section 552.04, subdivision 4, is amended to read:

Subd. 4. [~~SERVICE OF THIRD PARTY LEVY;~~ NOTICE AND DISCLOSURE FORMS.] When levying upon money owed to the judgment debtor by a third party, the public authority shall serve a copy of the notice of support judgment levy upon the third party either by registered or certified mail, by personal service, or by electronic transmission. Along with a copy of the notice of support judgment levy, the public authority shall serve upon the third party a notice of support judgment levy and disclosure form that must be substantially in the form set forth below.

OFFICE OF ADMINISTRATIVE HEARINGS DISTRICT COURT

File No.....

..... (Public authority)  
against  
..... (Judgment Debtor)  
and  
..... (Third Party)

NOTICE OF SUPPORT JUDGMENT  
LEVY AND DISCLOSURE  
(OTHER THAN EARNINGS)

PLEASE TAKE NOTICE that pursuant to Minnesota Statutes, chapters 518 and 522 552, the undersigned, as representative of the public authority responsible for child support enforcement, makes demand and levies execution upon all money due and owing by you to the judgment debtor for the amount of the judgment specified below. A copy of the notice of support judgment levy is enclosed. The unpaid judgment balance is \$.....

In responding to this levy, you are to complete the attached disclosure form and mail it to the public authority, together with your check payable to the public authority, for the nonexempt amount owed by you to the judgment debtor or for which you are obligated to the judgment debtor, within the time limits in chapter 552.

Public Authority  
Address  
(.....)  
Phone number

DISCLOSURE

On the ... day of ....., ....., the time of service of the execution levy herein, there was due and owing the judgment debtor from the third party the following:

(1) Money. Enter on the line below any amounts due and owing the judgment debtor, except earnings, from the third party.

.....

(2) Setoff. Enter on the line below the amount of any setoff, defense, lien, or claim which the third party claims against the amount set forth on line (1). State the facts by which the setoff, defense, lien, or claim is claimed. (Any indebtedness to you incurred by the judgment debtor within ten days prior to the receipt of the first execution levy on a debt may not be claimed as a setoff, defense, lien, or claim against the amount set forth on line (1).)

.....

(3) Exemption. Financial institutions shall not complete this line. Enter on the line below any amounts or property claimed by the judgment debtor to be exempt from execution.

.....

(4) Adverse Interest. Enter on the line below any amounts claimed by other persons by reason of ownership or interest in the judgment debtor's property.

.....

(5) Enter on the line below the total of lines (2), (3), and (4).

.....

(6) Enter on the line below the difference obtained (never less than zero when line (5) is subtracted from the amount on line (1)).

.....

(7) Enter on the line below 100 percent of the amount of the public authority's claim which remains unpaid.

.....

(8) Enter on the line below the lesser of line (6) and line (7). You are instructed to remit this amount only if it is \$10 or more.

AFFIRMATION

I, ..... (person signing Affirmation), am the third party or I am authorized by the third party to complete this nonearnings disclosure, and have done so truthfully and to the best of my knowledge.

Dated:.....

Signature

.....  
Title

.....  
Telephone Number

Sec. 12. Minnesota Statutes 1998, section 552.04, subdivision 6, is amended to read:

Subd. 6. [ORAL DISCLOSURE.] Before or after the service of a written disclosure by a third party under subdivision 5, upon a showing by affidavit upon information and belief that an oral examination of the third party would provide a complete disclosure of relevant facts, any party to the execution proceedings may obtain an ex parte order requiring the third party, or a representative of the third party designated by name or by title, to appear for oral examination before the court or a referee appointed by the court. Notice of the examination must be given to all parties. This subdivision does not apply to financial institutions complying with section 552.06.

Sec. 13. Minnesota Statutes 1998, section 552.04, subdivision 11, is amended to read:

Subd. 11. [BAD FAITH CLAIM.] If, in a proceeding brought under section 552.05, subdivision 9, or a similar proceeding under this chapter to determine a claim of exemption, the claim of exemption is not upheld, and the court finds that it was asserted in bad faith, the public authority shall be awarded actual damages, costs, reasonable attorney's fees resulting from the additional proceedings, and an amount not to exceed \$100. If the claim of exemption is upheld, and the court finds that the public authority disregarded the claim of exemption in bad faith, the judgment debtor shall be awarded actual damages, costs, reasonable attorney's fees resulting from the additional proceedings, and an amount not to exceed \$100. If the exemption claim of the judgment debtor is found to be in bad faith, the underlying judgment shall be modified to reflect assessment of damages, costs, and attorney's fees. However, if the party in whose favor a penalty assessment is made is not actually indebted to that party's attorney for fees, the attorney's fee award shall be made directly to the attorney, and if not paid, an appropriate judgment in favor of the attorney shall be entered. Any action by a public authority made in bad faith and in violation of this chapter renders the execution levy void and the public authority liable to the judgment debtor named in the execution levy in the amount of \$100, actual damages, and reasonable attorney's fees and costs.

Sec. 14. Minnesota Statutes 1998, section 552.04, subdivision 16, is amended to read:

Subd. 16. [PRIORITY OF LEVY.] Notwithstanding section 52.12, a levy by the public authority made under this section on an obligor's a judgment debtor's funds on deposit in a

financial institution located in this state has priority over any unexercised right of setoff of the financial institution to apply the levied funds toward the balance of an outstanding loan or loans owed by the obligor judgment debtor to the financial institution. A claim by the financial institution that it exercised its right to setoff prior to the levy by the public authority must be substantiated by evidence of the date of the setoff and must be verified by the sworn statement of a responsible corporate officer of the financial institution. For purposes of determining the priority of a levy made under this section, the levy must be treated as if it were an execution made under chapter 550.

Sec. 15. [552.06] [SUMMARY EXECUTION OF SUPPORT JUDGMENT UPON FUNDS AT A FINANCIAL INSTITUTION.]

Subdivision 1. [COMMENCEMENT OF SUMMARY EXECUTION.] (a) This section applies to a judgment debtor who is in arrears in court-ordered support payments in an amount equal to or greater than five times the judgment debtor's total support order.

(b) Section 518.5513 applies to this section, except if it conflicts with the specific provisions of this section, this section applies.

(c) Time frames set out in the rules of civil procedure that are inconsistent with this section do not apply to this section.

(d) The public authority may not proceed with a summary execution of support judgment proceeding:

(1) if the judgment debtor is in compliance with a previously executed written payment agreement approved by the public authority or the court; and

(2) until after the judgment has been submitted for federal or state tax intercept.

(e) Upon receipt of information under section 13B.06 that a judgment debtor holds an account at the financial institution, the public authority may send the financial institution a notice of support judgment levy.

(f) The support judgment levy and accompanying documentation must contain the name of the judgment debtor, the judgment debtor's social security number, any necessary verifying information, the amount of the judgment, and the procedures necessary for the financial institution to process the notice of support judgment levy and complete the disclosure form.

(g) Notice of support judgment levy under this section commences without notice to the judgment debtor and without the need for prior judicial notice or hearing.

(h) Within three business days after the public authority sends the notice of support judgment levy to the financial institution, the public authority shall send the judgment debtor a copy of the notice of support judgment levy by first class mail at the judgment debtor's last known address. In addition to the copy of the notice of support judgment levy, information must be provided that describes the exemptions a judgment debtor may claim and the form and procedure for claiming an exemption, the informal resolution process, the responsibilities of the judgment debtor, and the procedure and time frames to contest the levy.

Subd. 2. [RESPONSIBILITIES OF THE FINANCIAL INSTITUTION.] (a) Upon receipt by the financial institution of a notice of support judgment levy, the financial institution shall seize all funds up to and including the amount contained in the notice from the judgment debtor's account.

(b) Forty-five days after receiving the levy, the financial institution shall complete the notice of support judgment levy and disclosure form and forward it together with the amount indicated on line 8 of the disclosure form, not to exceed the total amount seized, to the public authority at the address indicated in the notice of support judgment levy.

(c) When the judgment debtor and the public authority informally resolve a dispute under subdivision 3 and the public authority sends a notice of release to the financial institution, the financial institution shall release seized funds in accordance with the notice of release.

(d) If the financial institution receives notice of a contest of the summary execution of support judgment, the financial institution shall continue to hold the funds during the period of contest inclusive of any applicable appeal period and, upon receipt of notice to release from the public authority, shall send the lesser of the amount indicated in the notice of release, or the amount indicated on line 8 of the notice of support judgment levy and disclosure form not to exceed the total amount seized.

(e) If a judgment debtor has multiple accounts within the financial institution, the financial institution shall seize funds in as many accounts of the judgment debtor as is necessary to equal the amount contained in the notice of support judgment levy.

(f) A financial institution that receives more than one notice of support judgment levy under this section shall withhold sufficient funds to satisfy all notices of support judgment levy, if possible.

(g) The Consumer Credit Protection Act, United States Code, title 15, section 1673(b), does not apply to funds withheld by a financial institution under this section.

(h) The public authority shall pay a fee of \$15 per levy to the financial institution. Financial institutions and the commissioner of human services shall establish procedures to automate the payment of this fee to the maximum extent possible. The fee may be recovered by the public authority from the judgment debtor as an allowable cost.

(i) No financial institution is liable for damages for complying with this section. The financial institution may rely on the date of mailing or delivery of a notice to it in computing any time periods in this section.

Subd. 3. [INFORMAL RESOLUTIONS OF DISPUTES.] (a) After the judgment debtor receives a notice of support judgment levy, the judgment debtor may contact the public authority with information regarding a mistake of fact or claim of exemption. In the event the matter is resolved, the public authority shall contact the financial institution and forward to the financial institution a notice of release regarding the appropriate transfer of funds and send a copy to the judgment debtor.

(b) Contact by the judgment debtor under this subdivision does not constitute a contest to the levy under subdivision 5. The time frame to contest the support judgment levy under subdivision 5 is not stayed while the judgment debtor contacts the public authority. The judgment debtor may contest the levy under subdivision 5.

Subd. 4. [RESPONSIBILITIES OF THE PUBLIC AUTHORITY.] (a) If a judgment debtor serves the public authority with a notice of motion and motion under subdivision 5, the public authority shall immediately notify:

(1) the financial institution, directing the financial institution to continue holding the funds pending resolution of the matter; and

(2) the obligee, by mailing by first class mail a copy of the notice of motion and motion.

(b) Upon final resolution of the matter, including the applicable appeal times, the public authority shall forward to the financial institution a notice of release regarding the appropriate transfer of funds.

(c) Funds received by the public authority must be applied to the judgment identified in the support judgment levy notice in compliance with federal regulations.

(d) In the event that multiple notices result in an amount of seized funds that is insufficient to satisfy all of the support judgment levies, the public authority shall distribute funds to satisfy each support judgment levy in the order in which they were sent to the financial institution.

Subd. 5. [EXEMPTION AND CONTEST.] (a) [PROCESS TO CLAIM EXEMPTION.] If the judgment debtor elects to claim an exemption, the judgment debtor shall complete the applicable

portion of the exemption form, sign it under penalty of perjury, and deliver one copy to the public authority within 20 calendar days of the date postmarked on the correspondence mailed to the judgment debtor. Failure of the judgment debtor to deliver the executed exemption does not constitute a waiver of any claimed right to an exemption. Upon timely receipt of a claim of exemption by the public authority, funds not claimed to be exempt by the judgment debtor remain subject to the support judgment levy. If a claim of exemption is resolved informally, the public authority shall proceed according to subdivision 3.

(b) [PROCESS TO CONTEST.] (1) The judgment debtor may contest a support judgment levy on the limited grounds that the seizure or the amount seized is improper due to mistake of fact or that the funds held in the account are exempt from levy for child support purposes under state or federal law.

(2) If the judgment debtor chooses to contest the withholding, within 30 calendar days of notice of support judgment levy, the debtor shall:

(i) file a motion with the court administrator, including in the motion the alleged mistake of fact or the basis for any claim that the funds are exempted from withholding;

(ii) obtain a hearing date from the court administrator; and

(iii) serve the public authority, either personally or by fax, with a copy of the notice of motion and motion no later than two business days after obtaining a hearing date.

(c) [HEARING.] The hearing date shall be set at the earliest practicable time, but the matter must be heard no later than ten calendar days from the date a request for hearing is made. The court administrator shall schedule these matters to be heard in the expedited process before a child support magistrate, but may schedule these cases in district court if the availability of child support magistrate does not permit a hearing to occur within the time frames of this section.

Subd. 6. [FORM.] The state court administrator's office shall prepare and make available to the court administrators and judgment debtors a form to be submitted by the judgment debtor in support of a motion to contest the support judgment levy under this section.

#### Sec. 16. [INSTRUCTION TO REVISOR.]

In the next edition of Minnesota Statutes, the revisor of statutes shall change references to section 552.05 to section 552.06.

#### Sec. 17. [REPEALER.]

(a) Minnesota Statutes 1998, section 552.05, subdivisions 1, 2, 3, 6, 7, 8, and 9, are repealed.

(b) Minnesota Statutes 1999 Supplement, section 552.05, subdivisions 4, 5, and 10, are repealed.

(c) Minnesota Rules, parts 9500.1800; 9500.1805; 9500.1810; 9500.1811; 9500.1812; 9500.1815; 9500.1817; 9500.1820; and 9500.1821, are repealed effective October 1, 2001."

Delete the title and insert:

"A bill for an act relating to family law; changing certain child support enforcement provisions; providing for notices; clarifying certain delegation of powers provisions; amending Minnesota Statutes 1998, sections 256.979, by adding a subdivision; 518.255; 518.64, subdivision 5; 518.68, subdivision 2; 524.5-505; 552.01, subdivision 3, and by adding a subdivision; 552.03; and 552.04, subdivisions 4, 6, 11, and 16; Minnesota Statutes 1999 Supplement, sections 13B.06, subdivision 1; and 256.978, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 552; repealing Minnesota Statutes 1998, section 552.05, subdivisions 1, 2, 3, 6, 7, 8, and 9; Minnesota Statutes 1999 Supplement, section 552.05, subdivisions 4, 5, and 10; Minnesota Rules, parts 9500.1800; 9500.1805; 9500.1810; 9500.1811; 9500.1812; 9500.1815; 9500.1817; 9500.1820; and 9500.1821."

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

Senate Conferees: (Signed) David L. Knutson, Don Betzold, Richard J. Cohen

House Conferees: (Signed) Matt Entenza, Jim Seifert, Sherry Broecker

Senator Knutson moved that the foregoing recommendations and Conference Committee Report on S.F. No. 3016 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. 3016 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	Janezich	Krentz	Novak	Robling
Belanger	Johnson, D.E.	Langseth	Oliver	Runbeck
Berg	Johnson, D.H.	Larson	Olson	Sams
Berglin	Johnson, D.J.	Lesewski	Ourada	Samuelson
Betzold	Junge	Lessard	Pappas	Scheevel
Cohen	Kelley, S.P.	Limmer	Pariseau	Scheid
Day	Kelly, R.C.	Lourey	Piper	Solon
Dille	Kierlin	Marty	Pogemiller	Stevens
Fischbach	Kinkel	Metzen	Price	Vickerman
Flynn	Kiscaden	Moe, R.D.	Ranum	Wiener
Foley	Kleis	Murphy	Ring	Wiger
Frederickson	Knutson	Neuville	Robertson	Ziegler

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

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

S.F. No. 3160 and the Conference Committee Report thereon were reported to the Senate.

### **CONFERENCE COMMITTEE REPORT ON S.F. NO. 3160**

A bill for an act relating to drivers' licenses; extending ignition interlock pilot program; making clarifying and technical changes; amending Minnesota Statutes 1998, section 171.305, as amended; repealing Minnesota Rules, parts 7409.3700; 7409.3710; 7409.3720; 7409.3730; 7409.3740; 7409.3750; 7409.3760; and 7409.3770.

April 19, 2000

The Honorable Allan H. Spear  
President of the Senate

The Honorable Steve Sviggum  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 3160, 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. 3160 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 161.14, is amended by adding a subdivision to read:

Subd. 45. [DIANA L. KOSKI MEMORIAL BRIDGE.] The bridge over marked trunk highway No. 5 on Prairie Center Drive in Eden Prairie is hereby named and designated the Diana L. Koski Memorial Bridge. The commissioner shall erect one sign on this bridge in each direction, visible to vehicles on the trunk highway, to mark the bridge, subject to the provisions of section 161.139.

Sec. 2. 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. 3. 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 has been opened, or the seal broken, or the contents of 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. 4. Minnesota Statutes 1998, section 169.122, subdivision 3, is amended to read:

Subd. 3. [LIABILITY OF NONPRESENT OWNER.] (a) ~~It shall be~~ is unlawful for the owner of any private motor vehicle or the driver, if the owner ~~be~~ 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 have been partially removed ~~except when such~~.

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

Sec. 5. Minnesota Statutes 1999 Supplement, section 169.974, subdivision 2, is amended to read:

Subd. 2. [LICENSE ENDORSEMENT AND PERMIT REQUIREMENTS.] (a) No person shall operate a motorcycle on any street or highway without having a valid standard driver's license with a two-wheeled vehicle endorsement as provided by law. ~~No such~~ The commissioner of public safety shall issue a two-wheeled vehicle endorsement ~~shall be issued unless the person applying therefor only if the applicant~~ (1) has in possession a valid two-wheeled vehicle instruction permit as provided ~~herein~~ in paragraph (b), (2) has passed a written examination and road test administered by the department of public safety for ~~such~~ the endorsement, and, (3) in the case of applicants under 18 years of age, ~~shall present~~ presents a certificate or other evidence of having successfully completed an approved two-wheeled vehicle driver's safety course in this or another state, in accordance with rules ~~promulgated~~ adopted by the ~~commissioner of children, families, and learning for courses offered through the public schools, or rules promulgated by the commissioner of public safety for courses offered by a public, private, or commercial school or institute.~~ The commissioner of public safety may waive the road test for any applicant on determining that the applicant possesses a valid license to operate a two-wheeled vehicle issued by a jurisdiction that requires a comparable road test for license issuance.

(b) The commissioner of public safety shall issue a two-wheeled vehicle instruction permit

~~shall be issued to any person over 16 years of age, who (1) is in possession of a valid driver's license, who (2) is enrolled in an approved two-wheeled vehicle driver's safety course, and who (3) has passed a written examination for such the permit and has paid such a fee as prescribed by the commissioner of public safety shall prescribe. A two-wheeled vehicle instruction permit shall be is effective for one year; and may be renewed under rules to be prescribed by the commissioner of public safety.~~

(c) No person who is operating by virtue of a two-wheeled vehicle instruction permit shall:

(a) (1) carry any passengers on the streets and highways of this state on the motorcycle ~~which while the person is operating the motorcycle;~~

(b) (2) drive the motorcycle at ~~nighttime~~ night-time;

(e) (3) drive the motorcycle on any highway marked ~~by the commissioner~~ as an interstate highway pursuant to title 23 of the United States Code; or

(d) (4) drive the motorcycle without wearing protective headgear that complies with standards established by the commissioner of public safety.

(d) Notwithstanding ~~the provisions of this subdivision paragraph (a), (b), or (c), the commissioner of public safety may, however, issue a special motorcycle permit, restricted or qualified in such manner as the commissioner of public safety shall deem~~ deems proper, to any person demonstrating a need ~~therefor for the permit~~ and unable to qualify for a standard driver's license.

Sec. 6. Minnesota Statutes 1999 Supplement, section 171.05, subdivision 2, is amended to read:

Subd. 2. [PERSON LESS THAN 18 YEARS OF AGE.] (a) Notwithstanding any provision in subdivision 1 to the contrary, the department, ~~upon application therefor,~~ may issue an instruction permit to an applicant who is 15, 16, or 17 years of age and ~~the applicant who:~~

(1) has completed a course of driver education in another state, has a previously issued valid license from another state, or is enrolled in ~~one of the following types of driver education programs either:~~

(i) a public, private, or commercial driver education program ~~offered through the public schools that is approved by the commissioner of public safety and that includes classroom and behind-the-wheel training and that has been approved by the commissioner of children, families, and learning; or~~

(ii) a course ~~offered by a private, commercial driver education school or institute that includes classroom and behind-the-wheel training and that has been approved by the department of public safety; or~~

(iii) an approved behind-the-wheel driver education program when the student is receiving full-time instruction in a home school within the meaning of sections 120A.22 and 120A.24, the student is working toward a home-school diploma, the student's status as a home-school student has been certified by the superintendent of the school district in which the student resides, and the student is taking home-classroom driver training with classroom materials approved by the commissioner of public safety;

(2) has completed the classroom phase of instruction in the driver education program;

(3) has passed a test of the applicant's eyesight;

(4) has passed a department-administered test of the applicant's knowledge of traffic laws, ~~which test must be administered by the department;~~

(5) has completed the required application, which must be approved by (i) either parent when both reside in the same household as the minor applicant or, if otherwise, then (ii) the parent or spouse of the parent having custody or, in the event there is no court order for custody, then (iii)

the parent or spouse of the parent with whom the minor is living or, if items (i) to (iii) do not apply, then (iv) the guardian having custody of the minor or, in the event a person under the age of 18 has no living father, mother, or guardian, then (v) the applicant's employer; provided, that the approval required by this clause contains a verification of the age of the applicant and the identity of the parent, guardian, or employer; and

(6) has paid the fee required in section 171.06, subdivision 2.

(b) The instruction permit is valid for one year from the date of application and may be renewed upon payment of a fee equal to the fee for issuance of an instruction permit under section 171.06, subdivision 2.

Sec. 7. Minnesota Statutes 1998, section 171.183, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENTS.] For the purposes of sections 171.182 to 171.184, a judgment is satisfied if:

(1) ~~\$25,000~~ \$30,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident;

(2) subject to the limit of ~~\$25,000~~ \$30,000 because of bodily injury to or death of one person, the sum of ~~\$50,000~~ \$60,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(3) \$10,000 has been credited upon any judgment or judgments rendered in excess of that amount because of damage to or destruction of property of others as a result of any one accident.

**EFFECTIVE DATE:** This section is effective the day following final enactment and applies to judgments rendered on or after that date.

Sec. 8. Minnesota Statutes 1998, section 171.27, is amended to read:

171.27 [EXPIRATION OF LICENSE.]

(a) The expiration date for each driver's license, other than under-21 licenses, is the birthday of the driver in the fourth year following the date of issuance of the license. The birthday of the driver ~~shall~~ must be as indicated on the application for a driver's license. A license may be renewed on or before expiration or ~~within one year~~ five years after expiration upon application, payment of the required fee, and passing the examination required of all drivers for renewal by the commissioner of public safety. ~~The commissioner shall extend or renew driving privileges shall be extended or renewed on or preceding the expiration date of an existing driver's license unless the commissioner believes that the licensee is no longer qualified as a driver.~~

(b) The expiration date for each under-21 license ~~shall be~~ is the 21st birthday of the licensee. Upon the licensee attaining the age of 21 and upon the application, payment of the required fee, and passing the examination required of all drivers for renewal, the commissioner shall issue a driver's license shall be issued unless the commissioner determines that the licensee is no longer qualified as a driver.

(c) The expiration date for each provisional license is two years after the date of application for the provisional license.

(d) Any valid Minnesota driver's license issued to a person then or subsequently on active duty with the Armed Forces of the United States, or the person's spouse, ~~shall continue~~ continues in full force and effect without requirement for renewal until 90 days after the date of the person's discharge from ~~such service~~ active duty, provided that a spouse's license must be renewed if the spouse is residing within the state at the time the license expires or within 90 days after the spouse returns to Minnesota and resides within the state.

Sec. 9. Minnesota Statutes 1998, section 171.305, as amended by Laws 1999, chapter 238, article 2, section 9, is amended to read:

## 171.305 [IGNITION INTERLOCK DEVICE; PILOT PROGRAM; LICENSE CONDITION.]

Subdivision 1. [DEFINITION.] "Ignition interlock device" or "device" means breath alcohol ignition equipment designed to prevent a motor vehicle's ignition from being started by a person whose alcohol concentration exceeds the calibrated setting on the device.

Subd. 2. [PILOT PROGRAM.] The commissioner of public safety shall establish a statewide pilot program for the use of an ignition interlock device by a person whose driver's license or driving privilege has been canceled and denied by the commissioner for an alcohol or controlled substance-related incident. The commissioner shall conduct the program from October 1, 2000, until ~~December 31, 1995~~ December 31, 2001. The commissioner shall evaluate the program and shall report to the legislature by ~~February 1, 1995~~ 2002, on whether changes in the program are necessary and whether the program should be permanent. No limited license shall be issued under this program after ~~August 1, 1995~~ October 1, 2001. For purposes of a pilot program established by this subdivision, the department is exempt from rulemaking requirements found in Minnesota Statutes, chapter 14.

Subd. 3. [PERFORMANCE STANDARDS.] The commissioner shall specify performance standards for ignition interlock devices, including standards relating to accuracy, safe operation of the vehicle, and degree of difficulty rendering the device inoperative. The interlock ignition device must be designed to operate from a 12-volt DC vehicle battery and be capable of locking a motor vehicle's ignition when a minimum alcohol concentration of 0.020 grams of ethyl alcohol per 210 liters of breath is introduced into the device. The device must also require a breath sample to determine alcohol concentration at variable time intervals ranging from five to 30 minutes while the engine is running. The device must also be capable of recording information for later review that includes the date and time of any use of the vehicle or any attempt to use the vehicle, including all times that the vehicle engine was started or stopped and the alcohol concentration of each breath sample provided.

Subd. 4. [CERTIFICATION.] The commissioner shall certify ignition interlock devices that meet the performance standards and may charge the manufacturer of the ignition interlock device a certification fee. A manufacturer who submits a device for certification must provide an application for certification on a form prescribed by the department.

Subd. 5. [ISSUANCE OF LIMITED LICENSE.] The commissioner may issue a limited license to a person whose driver's license has been canceled and denied due to an alcohol or controlled substance-related incident under section 171.04, subdivision 1, clause (10), under the following conditions:

- (1) at least one-half of the person's required abstinence period has expired;
- (2) the person has successfully completed all rehabilitation requirements chemical dependency treatment and is currently participating in a generally recognized support group based on ongoing abstinence; and
- (3) the person agrees to drive only a motor vehicle equipped with a functioning and certified ignition interlock device.

Subd. 6. [MONITORING.] The ignition interlock device must be monitored for proper use and accuracy by an entity approved by the commissioner.

Subd. 7. [PAYMENT.] The commissioner shall require that the person issued a limited license under subdivision 5 pay all costs associated with use of the device.

Subd. 8. [PROOF OF INSTALLATION.] A person approved for a limited license must provide proof of installation prior to issuance of the limited license.

Subd. 9. [MISDEMEANOR.] (a) A person who knowingly lends, rents, or leases a motor vehicle that is not equipped with a functioning ignition interlock device to a person with a limited license issued under subdivision 5 is guilty of a misdemeanor.

(b) A person who tampers with, circumvents, or bypasses the ignition interlock device, or assists another to tamper with, circumvent, or bypass the device, is guilty of a misdemeanor.

(c) The penalties of this subdivision do not apply if the action was taken for emergency purposes or for mechanical repair, and the person limited to the use of an ignition interlock device does not operate the motor vehicle while the device is disengaged.

Subd. 10. [CANCELLATION OF LIMITED LICENSE.] The commissioner shall cancel a limited license issued under this section if the device registers a positive reading for use of alcohol or the person violates any conditions of the limited license.

Sec. 10. [REPEALER.]

Minnesota Rules, parts 7409.3700; 7409.3710; 7409.3720; 7409.3730; 7409.3740; 7409.3750; 7409.3760; and 7409.3770, are repealed."

Delete the title and insert:

"A bill for an act relating to transportation; designating the Diana L. Koski Memorial Bridge; conforming state "open bottle" law to federal provisions; combining responsibility for all driver education programs with commissioner of public safety; regulating satisfactions of judgment on automobile liability claims; allowing drivers' license to be renewed within five years of expiration without written examination; modifying ignition interlock pilot program; making clarifying and technical changes; amending Minnesota Statutes 1998, sections 161.14, by adding a subdivision; 169.122, subdivisions 1, 2, and 3; 171.183, subdivision 1; 171.27; and 171.305, as amended; Minnesota Statutes 1999 Supplement, sections 169.974, subdivision 2; and 171.05, subdivision 2; repealing Minnesota Rules, parts 7409.3700; 7409.3710; 7409.3720; 7409.3730; 7409.3740; 7409.3750; 7409.3760; and 7409.3770."

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

Senate Conferees: (Signed) Thomas M. Neuville, John Marty, Steve Murphy

House Conferees: (Signed) Loren Jennings, Carol L. Molnau, Tom Workman

Senator Neuville moved that the foregoing recommendations and Conference Committee Report on S.F. No. 3160 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.

Pursuant to Rule 22, Senator Kleis moved that he be excused from voting on S.F. No. 3160. The motion prevailed.

S.F. No. 3160 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 3100 a Special Order to be heard immediately.

### SPECIAL ORDER

**S.F. No. 3100:** A bill for an act relating to game and fish; modifying provisions for designating experimental waters; modifying provisions for fishing contests; amending Minnesota Statutes 1998, sections 97C.001, subdivision 1; and 97C.081, subdivisions 2, 3, and by adding subdivisions.

Senator Frederickson moved to amend S.F. No. 3100 as follows:

Page 3, line 27, after the period, insert "Except for applicants of established or traditional fishing contests,"

Page 5, line 33, after "(c)" insert "Participant" means a person who is taking part in a fishing contest."

(d)"

Page 6, line 1, delete "(d)" and insert "(e)"

Page 6, line 4, delete "(e)" and insert "(f)"

The motion prevailed. So the amendment was adopted.

Senator Johnson, D.J. moved to amend S.F. No. 3100 as follows:

Page 6, after line 6, insert:

"Sec. 9. [APPROPRIATION.]

\$1,459,000 is appropriated from the general fund in fiscal year 2000 to the commissioner of natural resources for grants to Lake, Cook, and St. Louis counties for emergency communications equipment, emergency response equipment, and emergency planning and training to respond to a major wildfire. Of this amount, \$227,000 is for a grant to Lake county, \$430,000 is for a grant to Cook county, and \$802,000 is for a grant to St. Louis county. St. Louis county must use a portion of the grant to purchase a NOAA warning system that can be used by all of the counties receiving grants under this section. This appropriation is available until June 30, 2001.

Sec. 10. [EFFECTIVE DATE.]

Section 9 is effective the day following final enactment."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Lessard moved to amend S.F. No. 3100 as follows:

Page 6, after line 6, insert:

"Sec. 9. Minnesota Statutes 1999 Supplement, section 268.035, subdivision 20, is amended to read:

Subd. 20. [NONCOVERED EMPLOYMENT.] "Noncovered employment" means:

(1) employment for the United States government or an instrumentality thereof, including military service;

(2) employment for an Indian, an Indian-controlled employer, and Indian tribe, or any wholly controlled subsidiaries or subdivisions, if the employment is performed on an Indian reservation or Indian Trust Land;

(3) employment for a state, other than Minnesota, or a political subdivision or instrumentality thereof;

(4) employment for a foreign government;

(5) employment for an instrumentality wholly owned by a foreign government, if the employment is of a character similar to that performed in foreign countries by employees of the United States government or an instrumentality thereof and the United States Secretary of State has certified that the foreign government grants an equivalent exemption to similar employment performed in the foreign country by employees of the United States government and instrumentalities thereof;

(6) employment covered under United States Code, title 45, section 351, the Railroad Unemployment Insurance Act;

(7) employment covered by a reciprocal arrangement between the commissioner and another state or the federal government which provides that all employment performed by an individual for an employer during the period covered by the reciprocal arrangement is considered performed entirely within another state;

(8) employment for a church or convention or association of churches, or an organization operated primarily for religious purposes that is operated, supervised, controlled, or principally supported by a church or convention or association of churches described in United States Code, title 26, section 501(c)(3) of the federal Internal Revenue Code and exempt from income tax under section 501(a);

(9) employment of a duly ordained or licensed minister of a church in the exercise of a ministry or by a member of a religious order in the exercise of duties required by the order, for Minnesota or a political subdivision or an organization described in United States Code, title 26, section 501(c)(3) of the federal Internal Revenue Code and exempt from income tax under section 501(a);

(10) employment of an individual receiving rehabilitation of "sheltered" work in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or a program providing "sheltered" work for individuals who because of an impaired physical or mental capacity cannot be readily absorbed in the competitive labor market. This clause applies only to services performed for Minnesota or a political subdivision or an organization described in United States Code, title 26, section 501(c)(3) of the federal Internal Revenue Code and exempt from income tax under section 501(a) in a facility certified by the rehabilitation services branch of the department or in a day training or habilitation program licensed by the department of human services;

(11) employment of an individual receiving work relief or work training as part of an unemployment work relief or work training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof. This clause applies only to employment for Minnesota or a political subdivision or an organization described in United States Code, title 26, section 501(c)(3) of the federal Internal Revenue Code and exempt from income tax under section 501(a). This clause shall not apply to programs that require reemployment compensation coverage for the participants;

(12) employment for Minnesota or a political subdivision as an elected official, a member of a legislative body, or a member of the judiciary;

(13) employment as a member of the Minnesota national guard or air national guard;

(14) employment for Minnesota, a political subdivision, or instrumentality thereof, as an employee serving only on a temporary basis in case of fire, flood, tornado, or similar emergency, except for smokechasers employed by the department of natural resources;

(15) employment as an election official or election worker for Minnesota or a political subdivision, but only if the compensation for that employment was less than \$1,000 in a calendar year;

(16) employment for Minnesota that is a major policy making or advisory position in the unclassified service, including those positions established pursuant to section 43A.08, subdivision 1a;

(17) employment for a political subdivision of Minnesota that is a nontenured major policy making or advisory position;

(18) domestic employment in a private household, local college club, or local chapter of a college fraternity or sorority performed for a person, only if the wages paid in any calendar quarter in either the current or preceding calendar year to all individuals in domestic employment totaled less than \$1,000.

"Domestic employment" includes all service in the operation and maintenance of a private household, for a local college club, or local chapter of a college fraternity or sorority as distinguished from service as an employee in the pursuit of an employer's trade or business;

(19) employment of an individual by a son, daughter, or spouse, and employment of a child under the age of 18 by the child's father or mother;

(20) employment of an inmate of a custodial or penal institution;

(21) employment for a school, college, or university by a student who is enrolled and is regularly attending classes at the school, college, or university;

(22) employment of an individual who is enrolled as a student in a full-time program at a nonprofit or public educational institution that maintains a regular faculty and curriculum and has a regularly organized body of students in attendance at the place where its educational activities are carried on, taken for credit at the institution, that combines academic instruction with work experience, if the employment is an integral part of the program, and the institution has so certified to the employer, except that this clause shall not apply to employment in a program established for or on behalf of an employer or group of employers;

(23) employment of university, college, or professional school students in an internship or other training program with the city of St. Paul or the city of Minneapolis pursuant to Laws 1990, chapter 570, article 6, section 3;

(24) employment for a hospital by a patient of the hospital. "Hospital" means an institution that has been licensed by the department of health as a hospital;

(25) employment as a student nurse for a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in an accredited nurses' training school;

(26) employment as an intern for a hospital by an individual who has completed a four-year course in an accredited medical school;

(27) employment as an insurance salesperson, by other than a corporate officer, if all the compensation for the employment is solely by way of commission. The word "insurance" shall include an annuity and an optional annuity;

(28) employment as an officer of a township mutual insurance company or farmer's mutual insurance company operating pursuant to chapter 67A;

(29) employment as a real estate salesperson, by other than a corporate officer, if all the compensation for the employment is solely by way of commission;

(30) employment as a direct seller as defined in United States Code, title 26, section 3508;

(31) employment of an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(32) casual employment performed for an individual, other than domestic employment under clause (18), that does not promote or advance that employer's trade or business;

(33) employment in "agricultural employment" unless considered "covered agricultural employment" under subdivision 11; or

(34) if employment during one-half or more of any pay period was covered employment, all the employment for the pay period shall be considered covered employment; but if during more than one-half of any pay period the employment was noncovered employment, then all of the employment for the pay period shall be considered noncovered employment. "Pay period" means a period of not more than a calendar month for which a payment or compensation is ordinarily made to the employee by the employer."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 3100 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

## RECESS

Senator 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

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

H.F. No. 3501: Senators Betzold, Ranum and Knutson.

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

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time and referred to the committee indicated.

#### Senator Pappas introduced--

**S.F. No. 3831:** A bill for an act relating to preservation of historic structures; creating a historic preservation grant program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 138.

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

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

### MOTIONS AND RESOLUTIONS

Pursuant to Rule 40, Senator Lessard, first author, moved that S.F. No. 3173 be withdrawn from the Committee on Rules and Administration, given a second reading and placed on General Orders.

The question was taken on the adoption of the motion.

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

Those who voted in the affirmative were:

Berg	Kierlin	Larson	Neuville	Robling
Day	Kinkel	Lesewski	Novak	Runbeck
Dille	Kleis	Lessard	Olson	Scheevel
Fischbach	Knutson	Limmer	Ourada	Stevens
Frederickson	Krentz	Metzen	Pariseau	Ziegler

Those who voted in the negative were:

Anderson	Janezich	Langseth	Pogemiller	Solon
Belanger	Johnson, D.E.	Lourey	Price	Stumpf
Berglin	Johnson, D.H.	Marty	Ranum	Vickerman
Betzold	Johnson, D.J.	Moe, R.D.	Ring	Wiener
Cohen	Junge	Murphy	Robertson	Wiger
Flynn	Kelley, S.P.	Oliver	Sams	
Foley	Kiscaden	Pappas	Samuelson	
Higgins	Laidig	Piper	Scheid	

The motion did not prevail.

### MEMBERS EXCUSED

Senator Terwilliger was excused from the Session of today. Senators Higgins and Stumpf were excused from the Session of today from 10:00 to 10:50 a.m.

### ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 1:00 p.m., Thursday, May 4, 2000. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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