

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

SEVENTY-SECOND DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 28, 1980

The House of Representatives convened at 2:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Drew	Kahn	Nelson	Searles
Adams	Eken	Kaley	Niehaus	Sherwood
Ainley	Elioff	Kalis	Norman	Sieben, H.
Albrecht	Ellingson	Kelly	Novak	Sieben, M.
Anderson, B.	Erickson	Kempe	Nysether	Simoneau
Anderson, D.	Esau	Knickerbocker	Olsen	Stadum
Anderson, G.	Evans	Kostohryz	Onnen	Stoa
Anderson, I.	Ewald	Kroening	Osthoff	Stowell
Anderson, R.	Faricy	Kvam	Otis	Sviggum
Battaglia	Fjoslien	Laidig	Patton	Swanson
Begich	Forsythe	Lehto	Pehler	Thiede
Berglin	Friedrich	Levi	Peterson, B.	Tomlinson
Berkelman	Fritz	Long	Peterson, D.	Valan
Biersdorf	Fudro	Ludeman	Piepho	Valento
Blatz	Greenfield	Luknic	Pleasant	Vanasek
Brinkman	Halberg	Mann	Prahl	Voss
Byrne	Haukoos	McCarron	Redalen	Waldorf
Carlson, D.	Heap	McDonald	Reding	Weaver
Carlson, L.	Heinitz	McEachern	Rees	Welch
Casserly	Hoberg	Mehrkens	Reif	Welker
Clark	Hokanson	Metzen	Rice	Wenzel
Clawson	Jacobs	Minne	Rodriguez	Wieser
Corbid	Jaros	Moe	Rose	Wigley
Crandall	Jennings	Munger	Rothenberg	Wynia
Dean	Johnson, C.	Murphy	Sarna	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	Sprk. Norton
Den Ouden	Jude	Nelsen, M.	Searle	

A quorum was present.

The Chief Clerk proceeded to read the Journals of the preceding days. Crandall moved that further reading of the Journals be dispensed with and that the Journals be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 753, 1789, 1871, 1985, 1778, 1036, 1513, and 1996 and S. F. Nos. 1645, 1646 and 919 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

February 21, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1980 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:

<i>S.F.</i> <i>No.</i>	<i>H.F.</i> <i>No.</i>	<i>Session Laws</i> <i>Chapter No.</i>	<i>Date Approved</i> <i>1980</i>	<i>Date Filed</i> <i>1980</i>
285		346	February 21	February 21

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Osthoff from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1031, A bill for an act relating to Morrison County; allowing free, nonsubscription publications to qualify as legal newspapers in Morrison County.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [LEGAL NEWSPAPER; QUALIFICATIONS.] In order to qualify as a medium of official and legal publication in Morrison County, a newspaper shall:

(1) Be printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 900 square inches;

(2) If a weekly, be distributed at least once each week for 50 weeks each year, or if a daily, at least five days each week; but in any week in which a legal holiday is included, not more than four issues of daily paper are necessary;

(3) Have 25 percent of its space, in at least 50 percent of its annual issues, devoted to news, and have 50 percent of its news devoted to news of local interest to the community which it purports to serve, and it may contain general news, comment, and miscellany, but not wholly duplicate any other publication, or be made up entirely of patents, plate matter, and advertisements.

(4) Be circulated in and near Little Falls and have at least 500 copies regularly distributed;

(5) Have its known office of issue established in Morrison County;

(6) File a copy of each issue immediately with the state historical society;

(7) Be made available at single or subscription prices or at no charge to any person, corporation, partnership or other unincorporated association requesting the newspaper and making the applicable payment;

(8) File with the secretary of state, prior to January 1 of each year, an affidavit signed by the publisher or managing officer and sworn to before a notary public stating that the newspaper is a legal newspaper. The form of the affidavit shall be prescribed by the secretary of state.

Sec. 2. This act takes effect when approved by a majority of the board of county commissioners of Morrison County, and upon compliance with Minnesota Statutes 1978, Section 645.021."

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1207, A bill for an act relating to motor vehicles; defining the term "motor vehicle" for the purposes of no-fault automobile insurance; amending Minnesota Statutes 1978, Section 65B.43, Subdivision 2.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 65B.68, Subdivision 2, is amended to read:

Subd. 2. The commissioner of public safety may by rule provide that motor vehicles owned by certain persons may not be registered in this state unless satisfactory evidence is furnished that security has been provided as required by section 65B.48. If a person who is required to furnish evidence ceases to maintain security, he shall immediately surrender the registration certificate and license plates for the vehicle. These requirements may be imposed if:

(1) The registrant has not previously registered a motor vehicle in this state; or

(2) An owner or operator of the vehicle has previously failed to comply with the security requirements of sections 65B.41 to 65B.71 or of prior law; or

(3) The driving record of an owner or operator of the vehicle evidences his continuing disregard of the laws of this state enacted to protect the public safety; or

(4) Other circumstances indicate that such action is necessary to effectuate the purposes of sections 65B.41 to 65B.71.

No owner of a boat, snowmobile or utility trailer registered for a gross weight of 3,000 pounds or less shall be required by the commissioner of public safety to furnish evidence that the security required by section 65B.48 has been provided."

Further, amend the title as follows:

Page 1, line 2, delete "defining the term"

Page 1, delete line 3

Page 1, line 4, delete "automobile insurance" and insert "excluding owners of certain trailers from the requirement to furnish evidence of security"

Page 1, line 5, delete "65B.43" and insert "65B.68"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Osthoff from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1286, A bill for an act relating to commerce; providing for the qualification of free distribution newspapers as legal newspapers; amending Minnesota Statutes 1978, Section 331.02, Subdivisions 1 and 8.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [PURPOSE.] The legislature finds that every unit of government in this state has a responsibility as established by law to inform the public of its activities and decisions. The legislature further finds that the information must be as complete as is practicable and put in a form easily comprehensible by the general public, distributed as widely as possible within the jurisdiction of the unit of government and at the most economical cost to it. It is the purpose of Minnesota Statutes, Chapter 331 to provide direction to units of government in the state to utilize the print media in fulfilling these responsibilities.

Sec. 2. Minnesota Statutes 1978, Section 331.02, Subdivision 1, is amended to read:

331.02 [LEGAL NEWSPAPER.] Subdivision 1. [QUALIFICATIONS.] In order to be qualified as a medium of official and legal publication, a newspaper shall:

(1) Be printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least (900) 1200 square inches;

(2) If a weekly, be distributed at least once each week for 50 weeks each year, or if a daily, at least five days each week; but in any week in which a legal holiday is included, not more than four issues of a daily paper are necessary;

(3) (HAVE 25 PERCENT, IF PUBLISHED MORE OFTEN THAN WEEKLY, OR 50 PERCENT, IF A WEEKLY, OF ITS NEWS COLUMNS DEVOTED TO NEWS OF LOCAL INTEREST TO THE COMMUNITY WHICH IT PURPORTS TO SERVE, AND IT MAY CONTAIN GENERAL NEWS,

COMMENT, AND MISCELLANY, BUT NOT WHOLLY DUPLICATE ANY OTHER PUBLICATION, OR BE MADE UP ENTIRELY OF PATENTS, PLATE MATTER, AND ADVERTISEMENTS;) *In at least half of its issues each year, have an average of no more than 75 percent of its printed space, taken as an aggregate, comprised of advertising material and paid legal notices; and in all of its issues each year, have 25 percent if published more often than weekly, of its news columns devoted to news of local interest to the community which it purports to serve, but not more than 25 percent of its total nonadvertising column inches in any issue may wholly duplicate any other publication unless the duplicated material is from recognized general news services;*

(4) Be circulated in and near the municipality which it purports to serve, and have at least 500 copies regularly delivered to paying subscribers (, AND HAVE AN AVERAGE OF AT LEAST 75 PERCENT OF ITS TOTAL CIRCULATION CURRENTLY PAID OR NO MORE THAN THREE MONTHS IN ARREARS) and have entry as second-class matter in its local post office, *or have at least 500 copies regularly distributed without charge to local residents;*

(5) Have its known office of issue established in the county in which lies, in whole or in part, the municipality which the newspaper purports to serve;

(6) File a copy of each issue immediately with the state historical society;

(6a) Be made available at single or subscription prices to any person, corporation, partnership or other unincorporated association requesting the newspaper and making the applicable payment, *or be distributed without charge to local residents;*

(7) Have complied with all the foregoing conditions of this subdivision for at least one year last past;

(8) (FILE WITH THE SECRETARY OF STATE, PRIOR TO JANUARY 1 OF EACH YEAR, AN AFFIDAVIT SIGNED BY THE PUBLISHER OR MANAGING OFFICER AND SWORN TO BEFORE A NOTARY PUBLIC STATING THAT THE NEWSPAPER IS A LEGAL NEWSPAPER. THE FORM OF THE AFFIDAVIT SHALL BE PRESCRIBED BY THE SECRETARY OF STATE) *The newspaper must annually publish and submit to the secretary of state a sworn United States Post Office second-class statement of ownership and circulation or in the absence of a permit must annually publish and submit a statement of ownership and circulation verified by a recognized independent circulation auditing agency.*

Sec. 3. Minnesota Statutes 1978, Section 331.02, Subdivision 8, is amended to read:

Subd. 8. [DEFINITIONS.] For the purposes of this section, the following definitions shall apply except as otherwise expressly provided or indicated by the context:

(1) "Newspaper" means a publication issued regularly by the same person, persons, or corporation or his, their or its successor, successors or assigns, whether the name of the publication be the same or different.

(2) "Known office of issue" means the office established and open during its regular business hours for the gathering of news, sale of advertisements and sale of subscriptions for the newspaper, whether or not printing or any other newspaper operations are conducted at or from (SUCH) *that* office; maintained by the publisher or managing officer of (SUCH) *the* newspaper or a person or persons in his or its employ and subject to his direction and control during (ALL SUCH) regular business hours; and, unless (SUCH) *the* newspaper is printed at (SUCH) *that* office, devoted exclusively during (SUCH) regular business hours to the business of the newspaper and business related thereto, including the sale of commercial printing, stationery, office supplies and office equipment.

(3) "Municipality" means a city or town.

(4) "Local public corporation" means a municipality, school district, or other political subdivision or local district, commission, board or authority except a county.

Sec. 4. *Minnesota Statutes 1978, Section 16.61 and 331.09 are repealed."*

And further amend the title to read:

"A bill for an act relating to commerce; providing for the qualification of free distribution newspapers as legal newspapers; amending Minnesota Statutes 1978, Section 331.02, Subdivisions 1 and 8; repealing Minnesota Statutes 1978, Sections 16.61 and 331.09."

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1656, A bill for an act relating to motor vehicles; providing for delivery of motor vehicle certificates of title to owners upon satisfaction of a security interest; amending Minnesota Statutes 1978, Section 168A.20, Subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1666, A bill for an act relating to transportation; repealing a certain administrative rule of the department of transportation enforcing parallel parking on certain streets and highways.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1692, A bill for an act relating to insurance; requiring the issuance of temporary licenses to certain qualified persons; amending Minnesota Statutes 1978, Section 60A.17, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 19, after "subdivision" insert "*shall be issued for the insurance company which has endorsed the person's application for license. It shall be limited to the line or lines of insurance for which the applicant has satisfactorily completed the written examination and it*"

Page 1, line 21, after the period insert "*In no event shall the temporary license be valid for a period in excess of 90 days.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1695, A bill for an act relating to highways; providing that a resolution of a county board revoking a county highway that would revert to a town is not effective until the highway meets town road specification standards; amending Minnesota Statutes 1978, Section 163.11, Subdivision 5a.

Reported the same back with the following amendments:

Page 2, line 5, after "located" insert *"and further provided that the town road specification standards of the town to which the revoked highway would revert shall not be higher than the comparable specification standards of the county"*

With the recommendation that when so amended the bill pass.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 1708, A bill for an act relating to courts; tenth judicial district; authorizing two additional judges; authorizing appointment of a law clerk for each district court judge; amending Minnesota Statutes 1978, Sections 2.722, Subdivision 1; and 484.545, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1732, A bill for an act relating to motor vehicle carriers; defining courier services carrier; providing the procedures for granting permits to courier services carriers; excluding courier service carriers from the term regular route common carrier; amending Minnesota Statutes 1978, Sections 221.011, Subdivision 9, and by adding a subdivision; and 221.121, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 18, strike "shall" and insert "does"

Page 1, line 24, strike "such" and insert "the"

Page 2, line 3, strike "such" and insert "the"

Page 2, line 8, strike "such" and insert "the"

Page 2, after line 30 insert:

"Sec. 4. This act is effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 1779, A bill for an act relating to judicial procedures; changing the procedures and circumstances under which guardians and conservators may be appointed; changing the powers and duties of guardians and conservators; providing for the appointment, powers, and duties of guardians and conservators of minors; amending Minnesota Statutes 1978, Sections 525.54; 525.541; 525.542; 525.543; 525.544; 525.55; 525.56; 525.57; 525.58; 525.581; 525.583; 525.59; 525.591; 525.60, Subdivision 1; 525.62; 525.63; 525.67; 525.69; 525.83; and Chapter 525, by adding sections; and Minnesota Statutes, 1979 Supplement, Sections 525.551; and 525.61; repealing Minnesota Statutes 1978, Sections 525.60, Subdivision 2; 525.611; 525.612; 525.613; 525.614; and 525.621.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Chapter 525, is amended by adding a section to read:

[525.539] [DEFINITIONS.] *For the purposes of sections 525.54 to 525.702, the following terms shall have the meanings given them:*

Subdivision 1. "Guardian" means a person who is appointed by the court to exercise all of the powers and duties designated in section 525.56 for the care of an incapacitated person or his estate, or both.

Subd. 2. "Conservator" means a person appointed by the court to exercise some, but not all the powers designated in section 525.56 for the care of an incapacitated person or his estate, or both.

Subd. 3. "Ward" means an incapacitated person for whom the court has appointed a guardian.

Subd. 4. "Appointment of a guardian" is a determination of the incompetency of the ward.

Subd. 5. "Conservatee" means an incapacitated person for whom the court has appointed a conservator.

Sec. 2. Minnesota Statutes 1978, Section 525.54, is amended to read:

525.54 [ADULTS SUBJECT TO GUARDIANSHIP AND CONSERVATORSHIP.] Subdivision 1. [ADULTS SUBJECT

TO GUARDIANSHIP AND CONSERVATORSHIP.] *Upon petition as provided in this chapter, the court, if satisfied of the need therefor, may appoint one or two persons suitable and competent to discharge the trust as guardians of the person or estate or of both or as conservators of the person or the estate or of both of any incapacitated person (WHO IS A MINOR, WHO BECAUSE OF OLD AGE, OR IMPERFECTION OR DETERIORATION OF MENTALITY IS INCOMPETENT TO MANAGE HIS PERSON OR ESTATE, WHO BECAUSE OF EXCESSIVE INTOXICATION, GAMBLING, IDLENESS, OR DEBAUCHERY, SO SPENDS OR WASTES HIS ESTATE OR INJURES HIS PERSON AS TO BE LIKELY TO EXPOSE HIMSELF OR HIS FAMILY TO WANT OR SUFFERING, OR WHO, THOUGH NOT OTHERWISE INCOMPETENT TO MANAGE HIS PERSON OR ESTATE, REQUESTS THE COURT TO APPOINT SUCH A GUARDIAN, PROVIDED SUCH PERSON IS A RESIDENT OF THE COUNTY OR BEING A NONRESIDENT OF THIS STATE HAS PROPERTY IN THE COUNTY. NO GUARDIAN OF THE PERSON OF ANY MINOR SHALL BE APPOINTED WHILE PROCEEDINGS FOR HIS CARE AND CUSTODY ARE PENDING IN ANY JUVENILE COURT OF THIS STATE. NOTHING HEREIN CONTAINED SHALL DIMINISH THE POWER OF ANY COURT TO APPOINT A GUARDIAN TO SERVE OR PROTECT THE INTEREST OF ANY MINOR OR OTHER PERSON UNDER DISABILITY IN ANY PROCEEDINGS THEREIN, NOR ABRIDGE THE RIGHTS OF THE FATHER AND MOTHER, IF SUITABLE AND COMPETENT, AS THE NATURAL GUARDIANS OF THEIR MINOR CHILDREN). The standard of proof in contested cases shall be that of clear and convincing evidence.*

Subd. 2. [GUARDIANSHIP OR CONSERVATORSHIP OF THE PERSON.] (THE COURT MAY APPOINT ONE OR TWO PERSONS SUITABLE AND COMPETENT TO DISCHARGE THE TRUST AS CONSERVATORS OF THE PERSON OR ESTATE OR OF BOTH OF ANY PERSON WHO IS A MINOR, OR WHO BECAUSE OF OLD AGE OR OTHER CAUSE IS UNABLE PROPERLY TO CARE FOR HIMSELF OR FOR HIS PROPERTY, OR WHO BECAUSE OF OLD AGE OR OTHER CAUSE IS LIKELY TO BE DECEIVED OR IMPOSED UPON BY ARTFUL OR DESIGNING PERSONS, OR WHO, FOR THESE CAUSES OR OTHER CAUSE REQUESTS THE COURT TO APPOINT SUCH A CONSERVATOR AND ESTABLISHES TO THE SATISFACTION OF THE COURT THE NEED THEREOF, PROVIDED SUCH PERSON IS A RESIDENT OF THE COUNTY OR BEING A NON-RESIDENT OF THIS STATE HAS PROPERTY IN THE COUNTY. NO CONSERVATOR OF THE PERSON OF ANY MINOR SHALL BE APPOINTED WHILE PROCEEDINGS FOR HIS CARE AND CUSTODY ARE PENDING IN ANY JUVENILE COURT OF THIS STATE) "*Incapacitated person*" means, in the case of guardianship or conservatorship of the person, an

adult person who is impaired by reason of mental condition to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person, and who has demonstrated behavior which evidences his inability to meet essential requirements for his health or safety. "Unable to meet essential requirements for his health or safety" means unable to meet his needs for medical care, nutrition, clothing, shelter, or safety so that, in the absence of guardianship, injury or illness is likely to occur in the near future.

Subd. 3. [GUARDIANSHIP OR CONSERVATORSHIP OF THE ESTATE.] Appointment of a guardian or conservator may be made in relation to the estate and financial affairs of an adult person: (a) voluntarily, upon the person's request if the court is satisfied of the need for it, or (b) involuntarily, upon the court's determination that (1) that person is unable to manage his property and affairs effectively because he is an incapacitated person, and (2) he has property which will be wasted or dissipated unless proper management is provided, or that funds are needed for the support, care and welfare of the person or those entitled to be supported by him and (3) no less restrictive form of intervention is available which will adequately protect his estate or financial affairs. "Incapacitated person" means, in the case of guardianship or conservatorship of the estate of an adult, any adult person who is impaired by reason of mental condition to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his estate or financial affairs, and who has demonstrated behavior which evidences his inability to manage his estate.

Subd. 4. Appointment of a guardian is a determination of the incompetency of the word.

Subd. 5. Appointment of a conservator is not evidence of incompetency of the incapacitated person, and does not remove or modify any civil or legal right of the incapacitated person except as specifically ordered by the court, pursuant to section 525.551. The appointment of a conservator shall not deprive the conservatee of the right to vote or marry if otherwise competent.

Subd. 6. Nothing contained in this section shall diminish the power of the court to appoint a guardian ad litem to serve or protect the interest of any person under disability in any proceedings therein.

Sec. 3. Minnesota Statutes 1978, Section 525.541, is amended to read:

525.541 [PETITIONERS.] Any person may petition for the appointment of a guardian or guardians or conservator or

conservators for any person believed to be subject to guardianship or conservatorship (, PROVIDED THAT). The petition of (A) *an adult* person (OVER THE AGE OF 14 YEARS) for the appointment of a guardian or guardians or conservator or conservators of his own person or estate (, AND THE PETITION OF ANY PERSON NOMINATED BY THE WILL OF A DECEASED PARENT WITH THE WRITTEN CONSENT OF THE OTHER PARENT IF LIVING AND NOT UNDER DISABILITY, FOR THE APPOINTMENT OF A GUARDIAN OR CONSERVATOR OR GUARDIANS OR CONSERVATORS FOR THEIR MINOR CHILD) shall have priority over the petition of any other person. (WHEN ANY MINOR UNDER GUARDIANSHIP OR CONSERVATORSHIP ATTAINS THE AGE OF 14 YEARS, HE MAY PETITION FOR THE APPOINTMENT OF A GUARDIAN OR CONSERVATOR OR GUARDIANS OR CONSERVATORS NOMINATED BY HIM IN LIEU OF THE GUARDIANS OR CONSERVATORS THERETOFORE APPOINTED.)

Sec. 4. Minnesota Statutes 1978, Section 525.542, is amended to read:

525.542 [CONTENTS OF PETITION.] The petition shall show (1) the name and address of the person for whom a guardian or conservator, is sought, (2) the date and place of his birth, (3) (IF HE BE A MINOR,) the names and addresses of his parents, (OR IF THE PARENTS BE DEAD OR HAVE ABANDONED THE MINOR, THE NAMES AND ADDRESSES OF HIS CUSTODIANS AND OF ANY PERSON NAMED AS TESTAMENTARY GUARDIANS OR CONSERVATORS IN THE WILL OF A DECEDENT, (4) IF HE BE NOT A MINOR,) *children, and siblings, or in the event that none of these persons are living*, the names and addresses of his nearest kindred, ((5)) (4) if he (BE) is married, the name and address of his spouse, ((6)) (5) the reasons for the guardianship or conservatorship, *including specific factual information which the petitioner believes supports the need for appointment of a guardian or conservator, such as mental and physical condition, financial transactions, personal actions, or actual occurrences which are claimed to demonstrate his inability to manage his estate, or to provide for personal needs for food, clothing, shelter or health care*, (6) the powers the petitioner believes are necessary in order for a guardian or conservator to protect and supervise the proposed ward's or conservatee's person or property, (7) the probable value and general character of his real and personal property and the probable amount of his debts, (8) the names, ages, addresses, and occupations of the proposed guardians or conservators.

Sec. 5. Minnesota Statutes 1978, Section 525.543, is amended to read:

525.543 [LIS PENDENS.] After the filing of the petition, a certificate of the probate court certified to that fact may be

filed for record in the office of the county recorder of any county in which any real estate owned by the *proposed* ward or conservatee is situated and if a resident of this state, in the county of his residence. (SUCH) *The certificate shall state that (SUCH) a petition is pending and shall state the name and address of the person for whom a guardian or conservator is sought. If a guardian or conservator (BE) is appointed on (SUCH) the petition, and, in the case of a conservatorship, if the letters of conservatorship remove or restrict the right of the conservatee to transfer property or to contract, then all contracts except for necessities, and all transfers of real or personal property made by the ward or conservatee after (SUCH) the filing and before the termination of the guardianship or conservatorship shall be void.*

Sec. 6. Minnesota Statutes 1978, Section 525.544, is amended to read:

525.544 [PLANNING PROVISIONS.] In the petition or in a written instrument executed before or after the petition is filed, the person may, if at the time of signing the same, he has sufficient capacity to form an intelligent preference, nominate a conservator or guardian or give instructions to the conservator or guardian or he may do both. The written instrument shall be executed and attested in the same manner as a will. The court shall appoint the person so nominated as conservator or guardian and shall charge him with the instructions, unless the court finds that the appointment of the nominee or the instructions or both are not in the best interests of the person to be placed under conservatorship or guardianship. When any person lacks capacity or fails to nominate a conservator or guardian, the court may appoint any qualified person as *conservator or guardian*. If the proposed ward or conservatee lacks capacity or fails to give instructions, the court may give such powers as required *in accordance with section 525.56*.

Sec. 7. Minnesota Statutes 1978, Section 525.55, is amended to read:

525.55 [NOTICE OF HEARING.] *Subdivision 1. (IF THE PETITION BE MADE BY THE PERSON FOR WHOM A GUARDIAN OR CONSERVATOR IS SOUGHT, OR BY A PARENT, CUSTODIAN, OR TESTAMENTARY GUARDIAN OR CONSERVATOR OF A MINOR UNDER THE AGE OF 14 YEARS, THE COURT MAY HEAR THE SAME WITH OR WITHOUT NOTICE.)* In all (OTHER) cases, upon the filing of the petition the court shall fix the time and place for the hearing (THEREOF) *and shall order that notice of it be given. At least 14 days prior to (SUCH TIME) the hearing, personal service of the notice shall be made upon the proposed ward or conservatee. (IF HE HAS A SPOUSE, CUSTODIAN, OR IF THERE BE A TESTAMENTARY GUARDIAN OR CONSERVATOR NAMED IN THE WILL OF A DECEDENT, NOTICE SHALL BE GIVEN TO SUCH PERSONS AND TO SUCH OF THE NEAREST KINDRED AND IN SUCH MANNER AS*

THE COURT MAY DIRECT) Notice shall also be served on his spouse, parents, adult children and siblings, and on any other persons the court may direct by mail postmarked at least 14 days prior to the hearing. If he (BE) is a patient or resident of any hospital or (ASYLUM) other institution, notice by mail shall be given to the (SUPERINTENDENT THEREOF) administrative head of it. If he (BE) is a non-resident or if after diligent search he cannot be found in this state, notice shall be given in (SUCH) the manner and to (SUCH) the persons (AS) the court (MAY DETERMINE) directs.

Subd. 2. The notice shall be written in language which can be easily understood. Included with the notice shall be a copy of the petition. The notice shall contain information regarding the nature, purpose and legal effects of the guardianship or conservatorship proceedings on the proposed ward or conservatee. The notice shall state that he may be adjudged incapable of caring for his person or property, and by reason of the adjudication, a guardian or conservator may be appointed for him, and that the adjudication may transfer to the appointed guardian or conservator certain rights, including his right to manage and control property, to enter into contracts and to determine his residence. The notice shall further contain information regarding the rights of the proposed ward or conservatee in the proceeding, including his right to attend the hearing, to be represented by an attorney, to oppose the proceeding, and to present evidence. The notice shall state that if the proposed ward or conservatee wishes to exercise the right to be represented by an attorney, he must either obtain counsel of his own choice or ask the court to appoint an attorney to represent him, and that the county shall pay a reasonable attorney's fee if he is indigent. The procedure for requesting a court appointed attorney shall be described in the notice.

The process server shall inquire whether the proposed ward or conservatee desires the notice and petition to be read to him, and shall read the notice and petition if requested to do so.

Sec. 8. Minnesota Statutes, 1979 Supplement, Section 525.551, is amended to read:

525.551 [HEARING; APPOINTMENT; BOND; PROSECUTION; NOTICE.] Subdivision 1. [ATTENDANCE AT HEARING.] (UPON PROOF OF THE PETITION, THE COURT SHALL APPOINT ONE OR TWO PERSONS SUITABLE AND COMPETENT TO DISCHARGE THE TRUST AS GENERAL GUARDIANS OR CONSERVATORS OF THE PERSON OR ESTATE OR OF BOTH. UPON THE FILING OF A BOND IN AN AMOUNT AS THE COURT MAY DIRECT AND AN OATH ACCORDING TO LAW, OR UPON THE FILING OF AN ACCEPTANCE OF THE TRUST PURSUANT TO SECTION 48.79, LETTERS OF GUARDIANSHIP OR CONSERVATORSHIP SHALL ISSUE. IF THERE BE

NO PERSONAL PROPERTY, THE COURT MAY WAIVE THE FILING OF A BOND, BUT IF THE GUARDIAN OR CONSERVATOR RECEIVES OR BECOMES ENTITLED TO ANY SUCH PROPERTY HE SHALL IMMEDIATELY FILE A REPORT THEREOF AND A BOND IN SUCH AMOUNT AS THE COURT MAY DIRECT. IN CASE OF BREACH OF ANY CONDITION OF THE BOND AN ACTION THEREON MAY BE PROSECUTED BY LEAVE OF THE COURT BY ANY INTERESTED PERSON. IF THE WARD OR CONSERVATEE BE A PATIENT OF A STATE HOSPITAL FOR THE MENTALLY ILL, OR COMMITTED TO THE GUARDIANSHIP OR CONSERVATORSHIP OF THE COMMISSIONER OF PUBLIC WELFARE AS MENTALLY RETARDED, EPILEPTIC, DEPENDENT AND NEGLECTED OR IS UNDER THE TEMPORARY CUSTODY OF THE COMMISSIONER OF PUBLIC WELFARE, THE COURT SHALL NOTIFY THE COMMISSIONER OF PUBLIC WELFARE OF THE APPOINTMENT OF A GUARDIAN OR CONSERVATOR OR SUCCESSOR GUARDIAN OR CONSERVATOR OF THE ESTATE OF THE WARD OR CONSERVATEE.) *If the proposed ward or conservatee is within the state, he shall be present at the hearing unless he is not able to attend by reason of medical condition, as evidenced by a letter from a licensed physician. The letter shall be evidence only of the proposed ward's or conservatee's medical inability to attend the hearing and shall not be considered in determining the issue of his incapacity. In any instance in which a proposed ward or conservatee is absent from the hearing, the court shall specify in its findings of fact the reason for nonattendance.*

Subd. 2. [INTERCHANGE ABILITY OF HEARING.] *If the circumstances warrant, the court may treat a petition for guardianship as a petition for conservatorship.*

Subd. 3. [CONDUCT OF HEARING; BURDEN OF PROOF.] *The proposed ward or conservatee has the right to summon and cross-examine witnesses. The rules of evidence shall apply, and no hearsay evidence which is not otherwise admissible by exception in a court of law shall be admitted into evidence. In the proceedings there shall be a legal presumption of capacity, and the burden of proof shall be on the petitioner.*

Subd. 4. [RECORD OF PROCEEDINGS.] *In all contested proceedings the court shall take and preserve an accurate stenographic record or tape recording of the proceedings.*

Subd. 5. [FINDINGS.] *In all cases the court shall find the facts specifically, state separately its conclusions of law, and direct the entry of an appropriate judgment.*

If upon completion of the hearing and consideration of the record the court finds: (1) that the proposed ward or conserva-

tee is incapacitated as defined in section 525.54; and (2) that the proposed ward or conservatee is in need of the supervision and protection of a guardian or conservator; and (3) that no appropriate alternatives to the guardianship or conservatorship exist which are less restrictive of the person's civil rights and liberties, it shall enter judgment specifying the powers of the guardian or conservator pursuant to section 525.56. Before appointing a guardian or conservator, the court shall make a finding that the person to be appointed as guardian or conservator is the most suitable and best qualified person to discharge the trust.

Subd. 6. [BOND.] Upon the filing of a bond in an amount the court may direct and upon taking an oath according to law, or upon the filing of an acceptance of the trust pursuant to section 48.79, letters of guardianship or conservatorship shall issue. If there is no personal property, the court may waive the filing of a bond, but if the guardian or conservator receives or becomes entitled to any property of the ward or conservatee he shall immediately file a report of it and a bond in an amount the court may direct. In case of breach of a condition of the bond an action on it may be prosecuted by leave of the court by any interested person.

Subd. 7. [NOTIFICATION OF COMMISSIONER OF PUBLIC WELFARE.] If the ward or conservatee is a patient of a state hospital for the mentally ill, or is committed to the guardianship or conservatorship of the commissioner of public welfare as mentally retarded or dependent and neglected, or is under the temporary custody of the commissioner of public welfare, the court shall notify the commissioner of public welfare of the appointment of a conservator or successor conservator of the estate of the conservatee.

Sec. 9. Minnesota Statutes 1978, Chapter 525, is amended by adding a section to read:

[525.5515] [LETTERS OF GUARDIANSHIP OR CONSERVATORSHIP.] Subdivision 1. A copy of the order appointing the guardian or conservator shall be served upon the ward or conservatee and his counsel, if he was represented at the hearing. The order shall be accompanied by a notice which advises the ward or conservatee of his right to appeal the guardianship or conservatorship appointment within 30 days.

Subd. 2. Letters of guardianship or conservatorship shall contain: (a) the name, address and telephone number of the guardian or conservator; (b) the name, address and telephone number of the ward or conservatee; (c) the nature and scope of the guardianship or conservatorship; (d) the specific powers and legal limitations imposed by the court on the guardian or conservator.

Subd. 3. Letters of guardianship or conservatorship shall issue to the guardian or conservator. Copies shall be mailed or personally served on the ward or conservatee, his counsel, if he was represented at the hearing, the relatives of the ward or conservatee whose names and addresses appear on the original petition, and any other person, institution, organization or agency which the court deems reasonable to notify under the circumstances of the guardianship or conservatorship.

Sec. 10. Minnesota Statutes 1978, Section 525.56, is amended to read:

525.56 [GUARDIAN'S OR CONSERVATOR'S POWERS AND DUTIES.] Subdivision 1. A guardian or conservator shall be subject to the control and direction of the court at all times and in all things.

Subd. 2. (A GENERAL GUARDIAN OR CONSERVATOR OF THE PERSON SHALL HAVE CHARGE OF THE PERSON OF THE WARD OR CONSERVATEE.) *The court shall grant to a guardian or conservator only those powers necessary to provide for the demonstrated needs of the ward or conservatee.*

Subd. 3. The court may appoint a guardian of the person if it determines that all of the powers and duties listed in this subdivision are needed to provide for the needs of the incapacitated person. The court may appoint a conservator of the person if it determines that a conservator is needed to provide for the needs of the incapacitated person through the exercise of some, but not all, of the powers and duties listed in this subdivision. The duties and powers which the court may grant to a guardian or conservator of the person include, but are not limited to:

(1) The power to have custody of the ward or conservatee and the power to establish his place of abode within or without the state, except as otherwise provided in this clause. The ward, conservatee, or any person interested in his welfare may petition the court to prevent or to initiate a change in abode. A ward or conservatee may not be admitted to any state institution by his guardian or conservator except after a hearing pursuant to section 253A.07.

(2) The duty to provide for the ward's or conservatee's care, comfort and maintenance needs, including food, clothing, shelter, health care, social and recreational requirements, and, whenever appropriate, training, education and rehabilitation. The guardian or conservator has no duty to pay for these requirements out of his own funds. Whenever possible and appropriate, the guardian or conservator has the duty to meet these requirements

through governmental benefits or services to which the ward or conservatee is entitled, rather than from the ward's estate.

(3) The duty to take reasonable care of the ward's or conservatee's clothing, furniture, vehicles and other personal effects, and, if other property requires protection, the power to seek appointment of a guardian or conservator of the estate. A guardian or conservator may not dispose of a ward's or conservatee's clothing, furniture, vehicles or other personal effects without the consent of the court.

(4) (a) The power to give any necessary consent to enable the ward or conservatee to receive necessary medical or other professional care, counsel, treatment or service, except that no guardian or conservator may give consent for psychosurgery, electroshock, sterilization or experimental treatment of any kind unless the procedure is first approved by order of the court as provided in this clause. The guardian shall not consent to any medical care for the ward which violates the known conscientious, religious, or moral belief of the ward.

(b) A guardian or conservator who believes a procedure described in clause (4)(a) requiring prior court approval to be necessary for the proper care of the ward or conservatee shall petition the court for an order. The court shall fix the time and place for the hearing and shall give notice to the ward or conservatee and to the other persons specified in section 525.55, subdivision 1. The notice shall comply with the requirements of, and be served in the manner provided in section 525.55, subdivision 2. The court shall appoint an attorney to represent the ward or conservatee, unless he has counsel of his own choice. In every case the court shall determine if the procedure is in the best interests of the ward or conservatee. In making its determination the court shall consider a written medical report which specifically considers the medical risks of the procedure and whether alternative, less restrictive methods of treatment could be used to protect the best interests of the ward or conservatee.

(c) In the case of a petition for sterilization of a mentally retarded ward or conservatee whose right to consent to medical treatment has been restricted, the court shall utilize the procedures specified in section 252A.13, subdivision 4, except that the consent of the guardian or conservator shall be required rather than the consent of the commissioner.

(5) The power to approve or withhold approval of any contract, except for necessities, which the ward or conservatee may make or wish to make.

(6) The duty and power to exercise supervisory authority over the ward or conservatee in a manner which limits his civil rights and restricts his personal freedom only to the extent necessary to provide needed care and services.

Subd. (3) 4. (A GENERAL GUARDIAN OR CONSERVATOR OF THE ESTATE SHALL) *The court may appoint a guardian of the estate if it determines that all of the powers and duties listed in this subdivision are needed to provide for the needs of the incapacitated person. The court may appoint a conservator of the estate if it determines that a conservator is necessary to provide for the needs of the incapacitated person through the exercise of some, but not all of the powers and duties listed in this subdivision. The duties and powers which the court may order include, but are not limited to:*

(1) *The duty to pay the reasonable charges for the support, maintenance, and education of the ward or conservatee in a manner suitable to his station in life and the value of his estate (; BUT). Nothing herein contained shall release parents from obligations imposed by law for the support, maintenance, and education of their children. The guardian or conservator has no duty to pay for these requirements out of his own funds. Wherever possible and appropriate, the guardian or conservator has the duty to meet these requirements through governmental benefits or services to which the ward or conservatee is entitled, rather than from the ward's or conservatee's estate;*

(2) *The duty to pay out of the ward's or conservatee's estate all just and lawful debts of the ward or conservatee and the reasonable charges incurred for the support, maintenance, and education of (HIS WIFE) the ward's or conservatee's spouse and dependent children and, upon order of the court, the duty to pay such sum as the court may fix as reasonable for the support of any person unable to earn a livelihood who is (OR MAY BECOME) legally entitled to support from the ward or conservatee;*

(3) *The duty to possess and manage the estate, collect all debts and claims in favor of the ward or conservatee, or, with the approval of the court, compromise (THE SAME) them, institute suit on behalf of the ward or conservatee and represent the ward or conservatee in any court proceedings, and invest all funds not currently needed for the debts and charges named in clauses (1) and (2) and the management of the estate, in accordance with the provisions of sections 48.84 (,) and 501.125, subdivision 1 (AND SECTION 51.29, SUBDIVISION 2). Where a bank or trust company is a guardian or conservator, with or without coguardians or coconservators, it may invest in (SUCH) securities without approval of the probate court, but the investments (OF) by other guardians or conservators in (SUCH) securities shall be subject to the approval of the probate court except as otherwise specifically provided by law. A guardian or conservator shall also have the power to purchase certain contracts of insurance as provided in section 50.14, subdivision 14(b);*

(4) *Where a ward or conservatee has inherited an undivided interest in real estate, the court, on a showing that it is for the best interest of the ward or conservatee, may authorize an ex-*

change or sale of the ward's or conservatee's interest or a purchase by the ward or conservatee of any interest other heirs may have in the real estate.

Sec. 11. Minnesota Statutes 1978, Section 525.57, is amended to read:

525.57 [TRANSFER OF VENUE.] When it is for the best interest of the ward or conservatee or his estate, the venue may be transferred to another county. Upon the filing of a petition by any person interested in the ward or conservatee or in his estate, the court shall fix the time and place for the hearing (THEREOF,) *of it and shall give notice (OF WHICH SHALL BE GIVEN) to (SUCH) the persons and in (SUCH) the manner (AS THE COURT MAY DIRECT) required by section 525.55.* Upon proof that a transfer of venue is for the best interest of the ward or conservatee or his estate, and upon the settlement and allowance of the guardian's or conservator's accounts to the time of (SUCH) *the* hearing, the court shall transmit the entire file to the court of (SUCH) *the* other county (IN WHICH) *where* all subsequent proceedings shall be (HAD) *held*.

Sec. 12. Minnesota Statutes 1978, Section 525.58, is amended to read:

525.58 [FILING OF ACCOUNTS; FILING OF AFFIDAVIT.] *Subdivision 1.* Except where expressly waived by the court, every guardian or conservator annually shall file *with the court* a verified account covering the period from the date of appointment or his last account *and give a copy of the annual account to the ward or conservatee. The court or its designee shall annually examine the accounts filed pursuant to this subdivision and if the accounts do not comply with the provisions of this chapter, the court shall order that an appropriate accounting be refilled or shall order that other corrective action be taken.* At the termination of the guardianship or conservatorship, or upon the guardian's or conservator's removal or resignation, he or his surety, or, in the event of his death or disability, his representative or surety shall file a verified final account with a petition for the settlement and allowance (THEREOF) *of it.* Every account shall show in detail all property received and disbursed, the property on hand, the present address of the ward or conservatee and of the guardian or conservator, and unless the guardian or conservator be a corporation, the amount of the bond, the names and addresses of all sureties (THEREON) *on it*, that each unincorporated surety is a resident of this state, is not under disability, and is worth the amount in which he justified.

Subd. 2. Except where expressly waived by the court after a finding that the ward or conservatee is so incapacitated as to be unable to understand any notice, every guardian or con-

servator shall annually give notice to the ward or conservatee of his right to petition for restoration to capacity, discharge of guardian or conservator, or modification of the orders of guardianship or conservatorship. The notice shall describe the procedure for preparing and filing such a petition. Notice shall also inform the ward or conservatee that after a petition is filed the court will hold a hearing on the matter and that he has the right to be present and to be represented by counsel at the hearing. The form of the notice shall be approved or supplied by the court.

Subd. 3. Except where expressly waived by the court as provided in subdivision 2, every guardian or conservator shall file annually with the court an affidavit stating that he has given a copy of the annual account and the notice required by subdivision 2 to the ward or conservatee.

Sec. 13. Minnesota Statutes 1978, Section 525.581, is amended to read:

525.581 [NOTICE OF HEARING ON ACCOUNT.] The court on its own motion may, or upon the petition of the guardian (OR), conservator, ward, conservatee, or any person interested in the ward or conservatee or his estate, shall (,) fix the time and place for the hearing on any account, notice of which shall be given (IN SUCH MANNER) to the ward or conservatee and to (SUCH) other persons as the court may direct. Wherever any funds have been received from the veterans' administration, notice by mail shall be given to the regional office having charge (THEREOF) of it.

Sec. 14. Minnesota Statutes 1978, Section 525.583, is amended to read:

525.583 [ALLOWANCE AND WAGES OF CONSERVATEE; LIMITED ACCOUNTABILITY OF CONSERVATOR.] The court, upon its own motion or upon petition of the conservator or conservatee, may authorize or direct the conservator to pay to the conservatee out of the conservatorship estate a reasonable allowance for the personal use of the conservatee in (SUCH) the amount (AS) the court may determine to be for the best interests of the conservatee. Unless otherwise ordered by the court, if the conservatee shall at any time during the continuance of the conservatorship be employed, his wages or salary for employment shall not be a part of the conservatorship estate and the wages and salaries shall be paid to the conservatee and shall be subject to his control to the same extent as if the conservatorship did not exist. The conservator shall not be accountable for (SUCH) the allowances or wages and salary.

Sec. 15. Minnesota Statutes 1978, Section 525.59, is amended to read:

525.59 [SUCCEEDING GUARDIAN OR CONSERVATOR.] If a guardian or conservator dies, resigns, or is removed, the court (WITH OR WITHOUT NOTICE) may appoint a successor *with at least 14 days prior notice to the ward or conservatee, his spouse, parents, adult children and siblings, and to other persons as the court may direct.* If the ward or conservatee has capacity to do so, he may nominate a person to serve as successor or may give instructions to the succeeding guardian or conservator or he may do both. The court shall appoint the person so nominated and shall charge him with the instructions, unless the court finds that the appointment of the nominee or the instructions or both are not in the best interests of the ward or conservatee.

Sec. 16. Minnesota Statutes 1978, Section 525.591, is amended to read:

525.591 [SPECIAL GUARDIAN OR CONSERVATOR.]
Subdivision 1. Any person may file a verified petition for a special guardian or conservator. The petition shall contain: (a) all of the information required in section 525.542; (b) the reasons that the petitioner believes the proposed ward or conservatee is in need of a special guardian or conservator; and (c) the reasons why the regular procedure for obtaining guardianship or conservatorship is not appropriate.

Subd. 2. Upon a clear showing of necessity (OR EXPEDENCY), the court with (OR WITHOUT) notice may appoint a special guardian or conservator (OF THE PERSON OR ESTATE) or both of any adult person designated in section 525.54, whether or not a petition for general guardianship or conservatorship has been filed (OR NOT). Notice shall be given in language which can be easily understood at least 24 hours prior to the hearing, and shall contain the information required by section 525.55, subdivision 2, regarding the purpose of the hearing and the rights of the proposed ward or conservatee. A copy of the petition shall be served with the notice. The court may waive the 24 hour notice requirement upon a showing that immediate and reasonably foreseeable harm to the person or his estate will result from the 24 hour delay. Notice of the court's order shall be given to the proposed ward or conservatee.

Subd. 3. (THERE SHALL BE NO) An appeal may be taken from any order appointing (OR REFUSING TO APPOINT) a special guardian or conservator. (A SPECIAL GUARDIAN OR CONSERVATOR OF THE PERSON SHALL HAVE CHARGE OF THE PERSON OF THE WARD OR CONSERVATEE. A SPECIAL GUARDIAN OR CONSERVATOR OF THE ESTATE SHALL COLLECT THE ASSETS AND CONSERVE THE ESTATE, UNLESS HIS POWERS ARE LIMITED BY THE COURT IN THE ORDER OF APPOINTMENT AND IN THE LETTERS TO THE PERFORMANCE OF SPECIFIED ACTS. UPON A SHOWING OF NECESSITY OR

EXPEDIENCY, THE COURT WITH OR WITHOUT NOTICE MAY EXPRESSLY CONFER UPON A SPECIAL GUARDIAN OR CONSERVATOR POWER TO PERFORM ANY OR ALL ACTS IN THE ADMINISTRATION OF THE GUARDIANSHIP OR CONSERVATORSHIP, NOT EXCEEDING THE POWERS CONFERRED BY LAW UPON GENERAL GUARDIANS OR CONSERVATORS) *The appeal shall be handled on an expedited basis by the district court.*

Subd. 4. The court shall grant to a special guardian or conservator only those powers necessary to provide for the demonstrated needs of the ward or conservatee. Subject to this limitation the court may grant any of the powers specified in section 525.56.

Subd. 5. Within 14 days after appointment, a special guardian or conservator of the estate shall file an inventory and appraisal of the personal property according to the requirements of sections 525.561 and 525.562. The court shall specify in its order the duration of the special guardianship or conservatorship. At the expiration of the time specified in the court's order, or upon the granting of letters of general guardianship or conservatorship, the power of a special guardian or conservator shall cease, and he shall proceed forthwith to a final accounting. When a special guardian or conservator has been appointed to protect the ward's or conservatee's interest in any matter wherein the interest of the general guardian or conservator appears to conflict with that of the ward or conservatee, or to protect the ward's or conservatee's interest upon suspension of an order of removal of a general guardian or conservator by appeal, the power of (SUCH) the special guardian or conservator shall not cease until terminated by the court.

Sec. 17. Minnesota Statutes 1978, Section 525.60, Subdivision 1, is amended to read:

525.60 [TERMINATION.] Subdivision 1. (A GUARDIANSHIP OR CONSERVATORSHIP OF A MINOR SHALL TERMINATE UPON HIS DEATH OR UPON HIS ATTAINMENT OF LEGAL AGE. THE MARRIAGE OF A FEMALE WARD OR CONSERVATEE UNDER GUARDIANSHIP OR CONSERVATORSHIP AS A MINOR ONLY AND NOT UNDER A JUVENILE COURT GUARDIANSHIP OR CONSERVATORSHIP SHALL TERMINATE THE GUARDIANSHIP OR CONSERVATORSHIP OF HER PERSON BUT NOT OF HER ESTATE.) The guardianship or conservatorship of (A) *an adult ward or conservatee (OTHER THAN A MINOR)* shall terminate upon his death or upon (HIS) *the ward's or conservatee's restoration to capacity.* When there is no further need for any guardianship or conservatorship, the court may terminate the same upon (SUCH) notice as it may direct. *Termination does not affect a guardian's or conservator's liability for*

prior acts, nor his obligation to account for funds and assets of his ward or conservatee.

Sec. 18. Minnesota Statutes, 1979 Supplement, Section 525.-61, is amended to read:

525.61 [RESTORATION TO CAPACITY; MODIFICATION OF GUARDIANSHIP OR CONSERVATORSHIP.] Any adult person who is under guardianship or conservatorship ((EXCEPT AS A MINOR, OR AS A FEEBLE MINDED OR EPILEPTIC PERSON, OR A PERSON UNDER GUARDIANSHIP OR CONSERVATORSHIP IN THE JUVENILE COURT), OR), his guardian or conservator, or any other person (INTERESTED IN HIM OR HIS ESTATE) may petition the court in which (HE WAS SO ADJUDICATED) *the ward or conservatee was placed under guardianship or conservatorship to be restored to capacity (OR), to have a guardianship transferred to a conservatorship or to modify the guardianship or conservatorship.* Upon the filing of (A) *the* petition, the court shall fix the time and place for the hearing (THEREOF) of it, notice of which shall be given to the (COMMISSIONER OF PUBLIC WELFARE IF HE WAS UNDER THE CONTROL OF THE COMMISSIONER AND HAS NOT BEEN DISCHARGED BY THE COMMISSIONER,) *ward or conservatee, guardian or conservator, and to those other persons and in (A) the manner (AS THE COURT MAY DIRECT) provided in section 525.55.*

(ANY PERSON MAY OPPOSE THE RESTORATION. UPON PROOF THAT THE PERSON IS OF SOUND MIND AND CAPABLE OF MANAGING HIS PERSON AND ESTATE, AND THAT HE IS NOT LIKELY TO EXPOSE HIMSELF OR HIS FAMILY TO WANT OR SUFFERING, THE COURT SHALL ADJUDGE HIM RESTORED TO CAPACITY) *To obtain an order of restoration to capacity the petitioner must prove by a preponderance of the evidence that the ward or conservatee is no longer incapacitated as defined in section 525.54 and is able to make provisions for his care or manage his property. If a ward or conservatee has the functional ability to care for himself or for his property, or to make provisions for his care or the care of his property, the fact that he may be impaired to some extent by a mental condition shall not preclude his restoration to capacity. In any proceedings for restoration, the court may appoint (TWO) one person duly licensed (DOCTORS OF MEDICINE TO ASSIST IN THE DETERMINATION OF THE MENTAL CAPACITY OF THE PATIENT) by a health related licensing board and one accredited social worker with expertise in evaluating persons who have disabilities similar to those found to be the reason for the ward's or conservatee's incapacity, to assist in the determination of the ward's or conservatee's mental condition and functional ability to care for himself or his property. The court shall allow and order paid to each (DOCTOR) health professional and social worker a reasonable sum for his services. Upon the order,*

the county auditor shall issue a warrant on the county treasurer for the payment (THEREOF) *of it*.

Sec. 19. Minnesota Statutes 1978, Section 525.62, is amended to read:

525.62 [MORTGAGE AND LEASE.] Sections 525.62 to 525.702 shall be applicable only to guardianships and conservatorships and not to decedents' estates. As used in sections 525.62 to 525.702, the word "mortgage" includes an extension of an existing mortgage, subject to the provisions of section 525.691 (; THE WORD "LEASE," UNLESS THE CONTEXT OTHERWISE INDICATES, MEANS A LEASE FOR MORE THAN THREE YEARS).

Sec. 20. Minnesota Statutes 1978, Section 525.63, is amended to read:

525.63 [REASONS FOR SALE, MORTGAGE, LEASE.] The court may direct a sale, mortgage, or lease of any real estate of a ward or conservatee when the personal property is insufficient to pay his debts and other charges against his estate, or to provide for the support, maintenance, and education of the ward or conservatee, his (WIFE) *spouse*, and *dependent* children, or when it shall determine (SUCH) *the* sale, mortgage, or lease to be for the best interest of the ward or conservatee.

The homestead of a ward or conservatee shall not be sold, mortgaged, or leased unless the written consent of the spouse has been filed.

Sec. 21. Minnesota Statutes 1978, Section 525.67, is amended to read:

525.67 [AGREEMENT AND SALE FOR PUBLIC PURPOSE.] When any real estate of a ward or conservatee is desired by any person, firm, association, corporation, or governmental agency having the power of eminent domain, the guardian or conservator may agree, in writing, upon the compensation to be made for the taking, injuring, damaging, or destroying (THEREOF) *of it*, subject to the approval of the court. When (SUCH) *the* agreement has been made, the guardian or conservator shall file a petition, of which the agreement shall be a part, setting forth the facts relative to the transaction. The court, with (OR WITHOUT) notice *as provided in section 525.83*, shall hear, determine, and act upon the petition. If the court approves the agreement, the guardian or conservator, upon payment of the agreed compensation, shall convey the real estate sought to be acquired and execute any release which may be authorized.

Sec. 22. Minnesota Statutes 1978, Section 525.69, is amended to read:

525.69 [CONVEYANCE OF VENDOR'S TITLE.] When any ward or conservatee is legally bound to make a conveyance or lease, the court, with (OR WITHOUT) notice *as provided in section 525.83*, may direct the guardian or conservator to make the conveyance or lease to the person entitled (THERE TO) to it. The petition may be made by any person claiming to be entitled to (SUCH) the conveyance or lease, (OR) by the guardian or conservator, or by any person interested in the estate or claiming an interest in (SUCH) the real estate or contract, and shall show the description of the land and the facts upon which (SUCH) the claim for conveyance or lease is based. Upon proof of the petition, the court may order the guardian or conservator to execute and deliver an instrument of conveyance or lease upon performance of the contract.

Sec. 23. Minnesota Statutes 1978, Chapter 525, is amended by adding a section to read:

[525.703] [COSTS.] *In proceedings under sections 525.54 to 525.702, except in cases in which the petitioner filed a petition in bad faith, fees for counsel representing the proposed ward or conservatee shall be borne by the proposed ward or conservatee. In cases in which the petitioner acted in bad faith, he shall bear the costs. Except as otherwise provided in this section, the fee of petitioner's counsel shall be borne by the petitioner. In uncontested cases the court may order the fee charged to the ward or conservatee if the petition is granted. If the proposed ward or conservatee is indigent, the fees for which the ward or conservatee is responsible shall be borne by the county having jurisdiction over the guardianship proceedings.*

Sec. 24. Minnesota Statutes 1978, Section 525.83, is amended to read:

525.83 [NOTICE.] When notice of hearing is required by any provision of this chapter by reference to this section, (SUCH) the notice shall be given once a week for three consecutive weeks in a legal newspaper designated by the petitioner in the county wherein the proceedings are pending; or, if no such designation (BE) is made, in any legal newspaper in (SUCH) the county; or, if the city of the decedent's residence is situated in more than one county, in any legal newspaper in (SUCH) the city. The first publication shall be had within two weeks after the date of the order fixing the time and place for the hearing.

At least 14 days prior to the date fixed for hearing the petitioner, his attorney or agent, shall in guardianship or conservatorship mail a copy of the notice to (SUCH) the ward or conservatee, and other persons as the court may direct and in decedents' estates shall mail a copy of the notice to each heir, devisee, and legatee whose name and address are known to him.

Proof of (SUCH) publication and mailing shall be filed before the hearing. No defect in any notice nor in the publication or service (THEREOF) of it shall invalidate any proceedings.

Sec. 25. [525.615] [STATUS OF GUARDIAN OF MINOR; GENERAL.] *A person becomes a guardian of a minor by acceptance of a testamentary appointment or upon appointment by the court. The guardianship status continues until terminated, without regard to the location from time to time of the guardian and minor ward.*

Sec. 26. [525.6155] [TESTAMENTARY APPOINTMENT OF GUARDIAN OF MINOR.] *The parent of a minor may appoint by will a guardian of an unmarried minor. Subject to the right of the minor under section 26, a testamentary appointment becomes effective upon filing the guardian's acceptance in the court in which the will is probated, if before acceptance both parents are dead or the surviving parent is adjudged incapacitated. If both parents are dead, an effective appointment by the parent who died later has priority. This state recognizes a testamentary appointment effected by filing the guardian's acceptance under a will probated in another state which is the testator's domicile. Upon acceptance of appointment, written notice of acceptance must be given within five days by the guardian to the minor, to the person having his care, to his adult siblings, his grandparents, aunts and uncles. Notice shall state that any person interested in the welfare of the minor or the minor, if 14 or more years of age, may file with the court a written objection to the appointment in accordance with section 26.*

Sec. 27. [525.616] [OBJECTION BY MINOR OF 14 OR OLDER OR INTERESTED ADULT TO TESTAMENTARY APPOINTMENT.] *A minor of 14 or more years or any adult interested in his welfare may prevent an appointment of a testamentary guardian from becoming effective, or may cause a previously accepted appointment to terminate, by filing with the court in which the will is probated a written objection to the appointment before it is accepted or within 30 days after its acceptance. An objection may be withdrawn. An objection shall not preclude appointment by the court in a proper proceeding of the testamentary nominee, or any other suitable person.*

Sec. 28. [525.6165] [COURT APPOINTMENT OF GUARDIAN OF MINOR; CONDITIONS FOR APPOINTMENT.] *The court may appoint a guardian for an unmarried minor if all parental rights of custody have been terminated or suspended by circumstances or prior court order. A guardian appointed by will as provided in section 25 whose appointment has not been prevented or nullified under section 26 has priority over any guardian who may be appointed by the court, but the court may proceed with an appointment upon a finding that the testamentary guardian has failed to accept the testamentary appointment within 30 days after notice of the guardianship proceeding.*

Sec. 29. [525.617] [COURT APPOINTMENT OF GUARDIAN OF MINOR; VENUE.] *The venue for guardianship pro-*

ceedings for a minor is in the place where the minor resides or is present.

Sec. 30. [525.6175] [COURT APPOINTMENT OF GUARDIAN OF MINOR; QUALIFICATION; PRIORITY OF MINOR'S NOMINEE.] *The court may appoint as guardian any person whose appointment would be in the best interests of the minor. The court shall appoint a person nominated by the minor, if the minor is 14 years of age or older, unless the court finds the appointment contrary to the best interests of the minor.*

Sec. 31. [525.618] [COURT APPOINTMENT OF GUARDIAN OF MINOR; PROCEDURE.] *Subdivision 1. Notice of the time and place of hearing of a petition for the appointment of a guardian of a minor shall be given by the petitioner in the following manner and to the following persons:*

(a) *The minor, if he is 14 or more years of age, by personal service at least 14 days prior to the date of hearing;*

(b) *The person who has had the principal care and custody of the minor during the 60 days preceding the date of the petition, by personal service at least 14 days prior to the date of hearing;*

(c) *Any living parent of the minor by personal service, at least 14 days prior to the date of hearing;*

(d) *Any adult siblings of the minor, service by mail, at least 14 days prior to the date of hearing; and*

(e) *To any other persons that the court may direct.*

Subd. 2. *Upon hearing, if the court finds that a qualified person seeks appointment, venue is proper, the required notices have been given, the requirements of section 27 have been met, and the welfare and best interests of the minor will be served by the requested appointment, it shall make the appointment. In other cases the court may dismiss the proceedings, or make any other disposition of the matter that will best serve the interests of the minor.*

Subd. 3. *If necessary, the court may appoint a temporary guardian, with the status of an ordinary guardian of a minor, but the authority of a temporary guardian shall not last longer than six months.*

Subd. 4. *If, at any time in the proceeding, the court determines that the interests of the minor are or may be inadequately represented, it may appoint an attorney to represent the minor, giving consideration to the preference of the minor if the minor is 14 years of age or older.*

Sec. 32. [525.6185] [CONSENT TO SERVICE BY ACCEPTANCE OF APPOINTMENT; NOTICE.] *By accepting a testamentary or court appointment as guardian, a guardian submits personally to the jurisdiction of the court in any proceeding relating to the guardianship that may be instituted by any interested person. Notice of any proceeding shall be given by personal service upon the guardian at least 14 days prior to the date of the hearing. Letters of guardianship must indicate whether the guardian was appointed by will or by court order.*

Sec. 33. [525.619] [POWERS AND DUTIES OF GUARDIAN OF MINOR.] *A guardian of a minor has the powers and responsibilities of a parent who has not been deprived of custody of his minor and unemancipated child, except that a guardian is not legally obligated to provide from his own funds for the ward and is not liable to third persons by reason of the parental relationship for acts of the ward. In particular, and without qualifying the foregoing, a guardian has the following powers and duties:*

(a) *He must take reasonable care of his ward's personal effects and commence protective proceedings if necessary to protect other property of the ward.*

(b) *He may receive money for the support of the ward payable to the ward's parent, guardian or custodian under the terms of any statutory benefit or insurance system, or under any private contract, devise, trust, conservatorship or custodianship. He also may receive money or property of the ward paid or delivered by virtue of section 36. Any sums so received shall be applied to the ward's current needs for support, care and education. The guardian must exercise due care to conserve any excess for the ward's future needs unless a conservator has been appointed for the estate of the ward, in which case the excess shall be paid over at least annually to the conservator. Sums so received by the guardian are not to be used for compensation for his services except as approved by order of court or as determined by a duly appointed conservator other than the guardian. A guardian may institute proceedings to compel the performance by any person of a duty to support the ward or to pay sums for the welfare of the ward.*

(c) *The guardian is empowered to facilitate the ward's education, social, or other activities and to authorize medical or other professional care, treatment or advice. A ward may not be committed to any state institution except pursuant to sections 253A.01 to 253A.21, and no guardian may give consent for psychosurgery, electroshock, sterilization or experimental treatment of any kind unless the procedure is first approved by the order of the court, after a hearing as prescribed by section 525.56, subdivision 2.*

A guardian is not liable by reason of his consent for injury to the ward resulting from the negligence or acts of third persons unless it would have been illegal for a parent to have consented, or unless he fails to comply with the requirements of this section which provide that a court order is necessary for commitment and for certain types of medical procedures. A guardian may consent to the marriage or adoption of his ward.

(d) A guardian must report the condition of his ward and of the ward's estate which has been subject to his possession or control, as ordered by the court on petition of any person interested in the minor's welfare and as required by section 525.58, subdivision 1.

Sec. 34. [525.6192] [TERMINATION OF APPOINTMENT OF GUARDIAN; GENERAL.] *A guardian's authority and responsibility terminates upon the death, resignation or removal of the guardian or upon the minor's death, adoption, marriage or attainment of majority, but termination does not affect the guardian's liability for prior acts, nor his obligation to account for funds and assets of his ward. Resignation of a guardian does not terminate the guardianship until it has been approved by the court. A testamentary appointment under an informally probated will terminates if the will is later denied probate in a formal proceeding.*

Sec. 35. [525.6194] [PROCEEDINGS SUBSEQUENT TO APPOINTMENT; VENUE.] *(a) The court where the ward resides has concurrent jurisdiction with the court which appointed the guardian or in which acceptance of a testamentary appointment was filed, over resignation, removal, accounting and other proceedings relating to the guardianship.*

(b) If the court located where the ward resides is not the court in which acceptance of appointment is filed, the court in which proceedings subsequent to appointment are commenced shall in all appropriate cases notify the other court, in this or another state, and after consultation with that court shall determine whether to retain jurisdiction or transfer the proceedings to the other court, whichever is in the best interests of the ward. A copy of any order accepting a resignation or removing a guardian shall be sent to the court in which acceptance of appointment is filed.

Sec. 36. [525.6195] [RESIGNATION OR REMOVAL PROCEEDINGS.] *(a) Any person interested in the welfare of a ward or the ward, if 14 or more years of age, may petition for removal of a guardian on the ground that removal would be in the best interests of the ward. A guardian may petition for permission to resign. A petition for removal or for permission to resign may, but need not, include a request for appointment of a successor guardian.*

(b) After notice and hearing on a petition for removal or for permission to resign, the court may terminate the guardianship and make any further order that may be appropriate.

(c) If, at any time in the proceeding, the court determines that the interests of the ward are, or may be, inadequately represented, it may appoint an attorney to represent the minor, giving consideration to the preference of the minor if the minor is 14 or more years of age.

Sec. 37. [525.6196] [FACILITY OF PAYMENT OR DELIVERY.] Any person under a duty to pay or deliver money or personal property to a minor may perform this duty, in amounts not exceeding \$5,000 per annum, by paying or delivering the money or property to, (1) any person having the care and custody of the minor with whom the minor resides; (2) a guardian of the minor; or (3) a financial institution incident to a deposit in a federally insured savings account in the sole name of the minor and giving notice of the deposit to the minor. This section does not apply if the person making payment or delivery has actual knowledge that a conservator has been appointed or that proceedings for appointment of a conservator of the estate of the minor are pending. The persons, other than the minor or any financial institution under (3) above, receiving money or property for a minor, are obligated to apply the money to the support and education of the minor, but may not pay themselves except by way of reimbursement for out-of-pocket expenses for goods and services necessary for the minor's support. Any excess sums shall be preserved for future support of the minor and any balance not so used and any property received for the minor must be turned over to the minor when he attains majority. Persons who pay or deliver money or personal property in accordance with provisions of this section are not responsible for the proper application of it.

Sec. 38. [525.6198] [PROTECTIVE PROCEEDINGS; APPOINTMENT OF CONSERVATOR OF ESTATE OF MINOR.] Upon petition and after notice and hearing in accordance with the provisions of section 30 the court may appoint a conservator or make other protective order for cause as follows:

(1) Appointment of a conservator or other protective order may be made in relation to the estate and affairs of a minor if the court determines that a minor owns money or property requiring management or protection which cannot otherwise be provided, that a minor has or may have business affairs which may be jeopardized or prevented by his minority, or that funds are needed for the minor's support and education and that protection is necessary or desirable to obtain or provide funds.

(2) The court may grant to the conservator of the estate of a minor any or all of the powers and duties enumerated in

section 525.56, subdivision 3, and the conservator shall be subject to the requirements of 525.58 to 525.582 regarding an inventory and accounting. The conservator shall file a bond with the court in such amount as the court may direct.

Sec. 39. [REPEALER.] *Minnesota Statutes 1978, Sections 525.60, Subdivision 2; 525.611; 525.612; 525.613; 525.614; and 525.621 are repealed."*

Further, delete the title and insert:

"A bill for an act relating to judicial procedures; changing the procedures and circumstances under which guardians and conservators may be appointed; changing the powers and duties of guardians and conservators; providing for the appointment, powers, and duties of guardians and conservators of minors; amending Minnesota Statutes 1978, Sections 525.54; 525.541; 525.542; 525.543; 525.544; 525.55; 525.56; 525.57; 525.58; 525.581; 525.583; 525.59; 525.591; 525.60, Subdivision 1; 525.62; 525.63; 525.67; 525.69; 525.83; and Chapter 525, by adding sections; and Minnesota Statutes, 1979 Supplement, Sections 525.551; and 525.61; repealing Minnesota Statutes 1978, Sections 525.60, Subdivision 2; 525.611; 525.612; 525.613; 525.614; and 525.621."

With the recommendation that when so amended the bill pass.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 1910, A bill for an act relating to courts; second and fourth judicial districts; authorizing juvenile court referees to hear contested trials, hearings, or motions unless objection is made; amending Minnesota Statutes 1978, Section 484.70, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 1956, A bill for an act relating to real estate; providing for a state land registration assurance fund; combining the tax forfeited land assurance account with the land registration assurance fund; eliminating separate county assurance funds; appropriating money; amending Minnesota Statutes

1978, Sections 284.28, Subdivisions 8, 9 and 10; 508.75; 508.77; 508.79; 508.82; and 508.83.

Reported the same back with the following amendments:

Page 3, line 28, after "him" insert "*or the county treasurer*"

Page 5, line 11, delete "*attorney general's*" and insert "*request of either the attorney general*"

Page 5, line 12, delete "*request, the county attorney*" and insert "*or the board of county commissioners*"

Page 5, line 13, after "*lies,*" insert "*the county attorney of that county*"

Page 7, delete lines 6 to 21

Page 7, line 22, delete "9" and insert "8"

Page 7, after line 32 insert a section to read:

"Sec. 9. [REPEALER.] *Minnesota Statutes 1978, Section 508.83, is repealed.*"

Further amend the title:

Page 1, line 9, before "508.82" insert "and" and after "508.82;" delete "and 508.83" and insert "repealing Minnesota Statutes 1978, Section 508.83"

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 2012, A bill for an act relating to motor vehicles; authorizing personalized license plates bearing radio or television station call signals or letters; amending Minnesota Statutes 1978, Section 168.12, Subdivision 2a.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

S. F. No. 744, A bill for an act relating to automobile insurance; regulating damage appraisals, adjustments and related repair practices; prohibiting certain acts by insurers, adjusters and appraisers; amending Minnesota Statutes 1978, Section 72B.02, by adding a subdivision; and Chapter 72B, by adding sections.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 72B.02, is amended by adding a subdivision to read:

Subd. 13. "Appraiser identification" means a writing including the appraiser's name, place of business, business telephone number, and the name of the insurer or other business entity employing the appraiser, if any.

Sec. 2. Minnesota Statutes 1978, Chapter 72B, is amended by adding a section to read:

[72B.091] [DAMAGE APPRAISALS; ADJUSTMENTS; DUTIES OF APPRAISERS, ADJUSTERS, AND INSURERS.]
Subdivision 1. Each appraiser while engaged in appraisal duties shall carry appraiser identification and shall display it upon request to an owner whose vehicle is being inspected, to the repair shop representative involved, or to any insurance commissioner's representative.

Subd. 2. The appraiser shall provide one legible copy of the appraisal to the vehicle owner and one legible copy of the appraisal to the repair shop designated by the owner if requested by the repair shop. The motor vehicle repair shop shall provide the vehicle owner and the insurance company or companies involved in the loss one legible copy of the appraisal. This appraisal shall include an itemized listing of those parts to be repaired and those parts to be replaced by new, used, reconditioned or replated parts. The appraisal shall contain the name of the insurance company ordering it, if any, the insurance company's address and telephone number, its file number, the appraiser's name, telephone number, and the proper identification of the vehicle being inspected. The appraisal shall indicate all significant old and unrelated damages and shall include an itemized listing of all damages, specifying those parts to be repaired and those parts to be replaced by new, used, reconditioned, or replated parts.

Subd. 3. No appraiser, adjuster, or his employer shall require that repairs be made in any specified repair facility.

Subd. 4. Each appraiser shall promptly reinspect damaged vehicles when supplementary allowances are requested by the repair shop or when the amount or extent of damages is in dispute. Reinspection of any damage on a damaged vehicle may be waived if authorized by the insurer by any oral or written communication.

Subd. 5. No appraiser or adjuster for personal gain shall receive or trade in auto salvage if the salvage is obtained as a result of his appraisals.

Sec. 3. Minnesota Statutes 1978, Chapter 72B, is amended by adding a section to read:

[72B.092] [MOTOR VEHICLE INSURANCE ADJUSTMENTS; PROHIBITIONS.] *Subdivision 1. No adjuster or insurer, director, officer, broker, agent, attorney-in-fact, employee, or other representative of an insurer shall in collision cases:*

(a) Limit the freedom of an insured or claimant to choose the shop of his choice;

(b) Require that an insured or claimant present his claim or his automobile for loss adjustment or inspection at a "drive-in" claim center or any other similar facility solely under the control of the insurer;

(c) Engage in boycotts, intimidation or coercive tactics in negotiating repairs to damaged motor vehicles which they insure or are liable to claimants to have repaired; or

(d) Attempt to secure, except in an emergency, the insured's or claimant's signature authorizing the party securing the signature to act in behalf of the insured or claimant in selection of a repair shop facility.

Subd. 2. No motor vehicle repair shop shall in any way coerce, or intimidate a motor vehicle owner to boycott an insurer's "drive-in" claim center or similar facility.

Subd. 3. No motor vehicle repair shop shall attempt to secure, except in an emergency, the vehicle owner's signature authorizing the party securing the signature to act in behalf of the owner in selection of a repair shop.

Subd. 4. An insurer's representative shall not be unreasonably denied access to a motor vehicle repair shop during normal business hours for the purpose of inspecting or reinspecting damaged vehicles.

Subd. 5. When a damaged vehicle is towed to a motor vehicle repair shop, the storage and towing charges shall not exceed

the usual and customary charges for the towing and storage of undamaged vehicles in the area except if the vehicle, due to its damaged condition, requires special handling in the towing or storage, an added charge may be made.

Sec. 4. *This act is effective July 1, 1980."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 1293, A bill for an act relating to insurance; providing for certain group coverages to be continued; amending Minnesota Statutes 1978, Chapter 60A, by adding a section.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1031, 1207, 1286, 1656, 1666, 1692, 1695, 1732, 1779, 1910, 1956 and 2012 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 744 and 1293 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Patton introduced:

H. F. No. 2155, A bill for an act relating to retirement; Minneapolis police and firefighters relief associations; providing for an increase in member contributions; providing a health and welfare benefit for retiring members.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sieben, H.; Casserly; Voss; Schreiber and Weaver introduced:

H. F. No. 2156, A bill for an act relating to metropolitan government; providing for the maximum amount of the borrowing authorization of the metropolitan airports commission; amending Minnesota Statutes 1978, Section 473.667, Subdivision 2.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Kelly, Novak and Faricy introduced:

H. F. No. 2157, A bill for an act relating to courts; second judicial district; requiring fees to be taxed to the state in certain criminal prosecutions; requiring the state and city of St. Paul to pay civil fees; amending Minnesota Statutes 1978, Sections 488A.20, Subdivision 4; and 488A.23, Subdivision 6.

The bill was read for the first time and referred to the Committee on Judiciary.

Pehler introduced:

H. F. No. 2158, A bill for an act relating to transportation; providing grants for paratransit projects; amending Minnesota Statutes, 1979 Supplement, Section 174.25, Subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

Drew, Kelly and Novak introduced:

H. F. No. 2159, A bill for an act relating to the administration of criminal justice; appropriating matching funds for the development of local criminal justice information systems.

The bill was read for the first time and referred to the Committee on Criminal Justice.

McEachern introduced:

H. F. No. 2160, A bill for an act relating to education; requiring a school board to provide certain teachers on extended leaves of absence with certain health care benefits under certain conditions; amending Minnesota Statutes 1978, Section 125.60, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Stowell, Mehrkens, Ludeman, Anderson, B., and Begich introduced:

H. F. No. 2161, A bill for an act relating to peace officers; altering membership in the board of peace officer standards and training to include mayors or city council members from municipalities outside the metropolitan area; amending Minnesota Statutes, 1979 Supplement, Section 626.841.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Dempsey, Casserly and Johnson, D., introduced:

H. F. No. 2162, A bill for an act relating to corrections; requiring expiration of the sentencing guidelines commission four years after its establishment; amending Minnesota Statutes 1978, Section 244.09, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Criminal Justice.

McDonald and Rees introduced:

H. F. No. 2163, A bill for an act relating to retirement; authorizing the purchase of prior service by certain members of the public employees retirement association.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Nelson introduced:

H. F. No. 2164, A bill for an act relating to energy; requiring public utilities to make available residential energy audits; allowing for costs thereof; providing for standards and qualifications of personnel.

The bill was read for the first time and referred to the Committee on Energy and Utilities.

Ludeman, Fritz and Piepho introduced :

H. F. No. 2165, A bill for an act relating to state government; removing certain powers and duties from the state planning agency; amending Minnesota Statutes 1978, Sections 4.12, Subdivisions 1, 2, and 4; 4.13; 4.191; 160.265, Subdivision 1; repealing Minnesota Statutes 1978, Sections 4.26, Subdivisions 2 and 3; 4.27; 4.28; 4.29; 4.30; 4.35; 4.36; and Minnesota Statutes, 1979 Supplement, Section 4.26, Subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Ludeman, Stowell, Anderson, B., and Jennings introduced :

H. F. No. 2166, A bill for an act relating to peace officers; requiring the bureau of criminal apprehension to continue to offer an eight week basic police science course; appropriating money; amending Minnesota Statutes 1978, Section 626.849; and Chapter 626, by adding a section.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Dempsey, Wenzel and Wigley introduced :

H. F. No. 2167, A bill for an act relating to landlords and tenants; clarifying certain duties of landlords and tenants in relation to the return of security deposits; amending Minnesota Statutes 1978, Section 504.20, Subdivision 3.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

Wigley; Johnson, C.; Kalis and Dempsey introduced :

H. F. No. 2168, A bill for an act relating to Blue Earth County; authorizing the county to contract for the completion of the improvement of county ditch No. 27; setting limits on the expenditure of money for the improvement; providing for financing; amending Laws 1975, Chapter 249, Section 1, Subdivision 1, as amended; and Section 2, as amended.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Greenfield, Kelly, Drew, Piepho and Otis introduced:

H. F. No. 2169, A bill for an act relating to education; imposing duties on certain test agencies; providing a penalty for failure to perform the duties.

The bill was read for the first time and referred to the Committee on Education.

Piepho, Stowell, Johnson, D., and Wigley introduced:

H. F. No. 2170, A bill for an act relating to state government; providing bonus payments to certain state employees; appropriating money.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Waldorf introduced:

H. F. No. 2171, A bill for an act relating to metropolitan government; regulating transit fares; regulating transit commission debt; appropriating money for various transit programs; amending Minnesota Statutes, 1979 Supplement, Sections 174.28, Subdivision 2; 473.408, Subdivisions 6 and 7; and 473.436, Subdivision 5.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Sherwood introduced:

H. F. No. 2172, A bill for an act relating to state forests; altering the boundaries of Badoura State Forest; amending Minnesota Statutes 1978, Section 89.021, Subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kelly, Laidig, Novak, Vanasek and Crandall introduced:

H. F. No. 2173, A bill for an act relating to juveniles; modifying dispositions available to juvenile court judges; increasing civil liability of parents for intentional acts of their children; changing the definitions of "delinquent" and "dependent" children; modifying statutory provisions relating to records of convictions and adjudications of delinquency; making the rules of evidence applicable in juvenile proceedings; providing for open hearings for juveniles in certain cases; providing for the promulgation of statewide juvenile court rules; providing for a juvenile dispositional guidelines commission and the promulgation and application of guidelines; modifying the jurisdiction of the juvenile courts; modifying the provisions for reference of juveniles for adult prosecution; expanding the coverage of the provisions requiring preparation of a case plan for children placed in foster care; repealing the statute prohibiting underage smoking; appropriating money; amending Minnesota Statutes 1978, Sections 257.071, Subdivision 1; 260.011, Subdivision 2; 260.015, Subdivisions 5 and 6; 260.111, Subdivision 1; 260.115, Subdivision 1; 260.121, Subdivisions 1 and 3; 260.125; 260.155, Subdivision 1; 260.173, Subdivisions 2 and 3; 260.181, Subdivision 4; 260.185, Subdivisions 1 and 2, and by adding subdivisions; 260.191, Subdivision 1; 260.193; 260.211, Subdivision 1; 540.18, Subdivision 1; and Chapter 244, by adding a section; Chapter 260, by adding a section; and Chapter 480, by adding a section; repealing Minnesota Statutes 1978, Section 609.685.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Piepho, Stoa, Hoberg, Ludeman and Pehler introduced:

H. F. No. 2174, A bill for an act relating to state universities; authorizing legislative advocacy as a student activity; amending Minnesota Statutes 1978, Section 136.11, Subdivision 4.

The bill was read for the first time and referred to the Committee on Education.

McEachern; Johnson, C.; Levi and Peterson, D., introduced:

H. F. No. 2175, A bill for an act relating to education; establishing an experimental chemical dependency resource specialist program; imposing duties on the state board of education, the department of education, and school districts; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Welker, Voss and Nelsen, B., introduced:

H. F. No. 2176, A bill for an act relating to waters; permitting the re-injection of ground waters into aquifers from which drawn.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Anderson, R.; Kahn; Casserly; Aasness and Fjoslien introduced:

H. F. No. 2177, A bill for an act relating to the city of Fergus Falls; providing for cooperative use of city solid waste by the city and the state welfare department; appropriating money.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Valan; Nysether; Johnson, D.; Hoberg and Mehrkens introduced:

H. F. No. 2178, A bill for an act relating to local government; providing for compensation for use of private automobiles; amending Minnesota Statutes, 1979 Supplement, Section 471.665, Subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Patton, Fudro, Ewald, Anderson, D., and Jacobs introduced:

H. F. No. 2179, A bill for an act relating to taxation; sales; exempting sales of road building materials; amending Minnesota Statutes, 1979 Supplement, Section 297A.25, Subdivision 1; repealing Minnesota Statutes 1978, Section 297A.25, Subdivision 4.

The bill was read for the first time and referred to the Committee on Taxes.

Valan; Stadum; Johnson, D.; Piepho and Welker introduced:

H. F. No. 2180, A bill for an act relating to economic development; regulating the development revolving fund; amending Minnesota Statutes 1978, Section 472.13, Subdivision 1.

The bill was read for the first time and referred to the Committee on Appropriations.

Berkelman, Byrne, Den Ouden, Clawson and Greenfield introduced:

H. F. No. 2181, A bill for an act relating to public welfare; establishing a grant program for brain injured young persons for participation in a program of neurological stimulation; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Crandall, Welker, Rothenberg and Halberg introduced:

H. F. No. 2182, A bill for an act relating to crimes; delaying implementation of sentencing guidelines; amending Minnesota Statutes 1978, Sections 244.04, Subdivision 2; 244.08, Subdivision 1; 244.09, Subdivision 12, and by adding a subdivision; and Laws 1978, Chapter 723, Article I, Section 20, Subdivision 2.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Berglin, Ellingson, Heinitz and Peterson, D., introduced:

H. F. No. 2183, A bill for an act relating to Hennepin County; providing for a county personnel system; providing various conditions of public employment; amending Laws 1965, Chapter 855, Sections 1, 2, 3, 4, as amended, 5, 6, as amended, 7, as amended, 8, 9, 10, 11, 12, 13, 14, 15, as amended, and 16; and Laws 1979, Chapter 198, Article I, Section 2; repealing Laws 1945, Chapter 607, as amended; Laws 1965, Chapter 855, Section 17; Laws 1967, Chapter 646, Sections 4, 5, 6, and 7, and Chapter 779; and Laws 1979, Chapter 198, Article III, Section 5.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Carlson, D., introduced:

H. F. No. 2184, A bill for an act relating to the Moose Lake-Windemere Sewer District; definitions; board membership and compensation; powers; amending Laws 1974, Chapter 400, Sections 3, Subdivisions 5 and 12; 4, Subdivisions 2 and 9; and 8, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Nelsen, M., introduced:

H. F. No. 2185, A bill for an act relating to Knife Lake Improvement District in Kanabec County; authorizing Kanabec County to finance the cost of a certain improvement within the district.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Ellingson introduced:

H. F. No. 2186, A bill for an act relating to local government; clarifying basis for certain sewer charges; amending Minnesota Statutes 1978, Section 444.075, Subdivision 3.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Ellingson introduced:

H. F. No. 2187, A bill for an act relating to state lands; authorizing conveyance of certain parcels of land in the city of Brooklyn Center.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Fjoslien; Johnson, C.; McDonald; Mann and Kalis introduced:

H. F. No. 2188, A bill for an act relating to education; providing for training teachers and producers in the method of producing agriculturally derived alcohol fuels; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Reding introduced:

H. F. No. 2189, A bill for an act relating to game and fish; requiring licenses of persons providing guide services for bear hunters; specifying fees; amending Minnesota Statutes 1978, Section 98.46, Subdivisions 4 and 16.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Clawson, Pehler and Levi introduced:

H. F. No. 2190, A bill for an act relating to counties; providing for the responsibilities and appointments of deputy county treasurers; amending Minnesota Statutes 1978, Section 385.02, Subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Minne, Rodriguez, Moe, Simoneau and Heinritz introduced:

H. F. No. 2191, A bill for an act relating to unemployment compensation; including certain services as within definition of employment; providing for the noncharging of certain benefits; regulating accounts of successor employers; regulating reimbursements; providing for deductions from benefits; clarifying a certain disqualification from benefits; regulating employer protests; regulating certain interest charges and penalties; providing for adjustments; amending Minnesota Statutes 1978, Sections 268.06, Subdivisions 25, 26 and 28; 268.10, Subdivision 1; 268.16, Subdivisions 1, 2 and 6; and Minnesota Statutes, 1979 Supplement, Sections 268.04, Subdivision 12; 268.06, Subdivisions 5, 22 and 33; 268.08, Subdivision 3; and 268.09, Subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Brinkman, Kvam and Onnen introduced:

H. F. No. 2192, A bill for an act relating to the Clearwater River watershed district; developing a pilot pollution control project; appropriating money.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Mann introduced:

H. F. No. 2193, A bill for an act relating to transportation; requiring the early construction of trunk highway marked No. 60 between Worthington and St. James.

The bill was read for the first time and referred to the Committee on Transportation.

McCarron introduced:

H. F. No. 2194, A bill for an act relating to crimes; authorizing the commissioner of public welfare to designate the state mental hospital or other suitable hospital or facility when a criminal court orders a mental evaluation of a defendant.

The bill was read for the first time and referred to the Committee on Criminal Justice.

McCarron introduced:

H. F. No. 2195, A bill for an act relating to crimes; providing that counties shall reimburse the state for certain court ordered mental evaluations in state hospitals.

The bill was read for the first time and referred to the Committee on Health and Welfare.

McCarron introduced:

H. F. No. 2196, A bill for an act relating to local government; authorizing governing bodies of local governmental units to set mileage allowances for officers and employees; repealing Minnesota Statutes, 1979 Supplement, Section 471.665, Subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Carlson, D., introduced:

H. F. No. 2197, A bill for an act relating to historic sites; designating an additional historic site; amending Minnesota Statutes 1978, Section 138.56, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kelly introduced:

H. F. No. 2198, A bill for an act relating to juveniles; requiring notice to noncustodial parents of filing of petitions for dependency, delinquency, neglect, or neglected and in foster care; amending Minnesota Statutes 1978, Sections 260.135, Subdivision 2; and 260.251, Subdivision 1.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Brinkman; Anderson, D.; Wenzel; Adams and Ewald introduced:

H. F. No. 2199, A bill for an act relating to financial institutions; providing for interest rates on certain installment loans; amending Minnesota Statutes 1978, Section 48.153.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

McEachern introduced:

H. F. No. 2200, A bill for an act relating to local government; authorizing governing bodies of local governmental units to set mileage allowances for officers and employees; repealing Minnesota Statutes, 1979 Supplement, Section 471.665, Subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Kelly and Vanasek introduced:

H. F. No. 2201, A bill for an act relating to juveniles; providing for termination of juvenile court jurisdiction; amending Minnesota Statutes 1978, Section 260.181, Subdivision 4.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Kelly and Vanasek introduced:

H. F. No. 2202, A bill for an act relating to juveniles; providing for the promulgation of statewide juvenile court rules; amending Minnesota Statutes 1978, Chapter 480, by adding a section.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Kelly introduced:

H. F. No. 2203, A bill for an act relating to juveniles; providing for maintenance and use of juvenile court records; amending Minnesota Statutes 1978, Sections 260.161, Subdivision 1; and 260.211, Subdivision 1.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Kelly and Vanasek introduced:

H. F. No. 2204, A bill for an act relating to children; defining "foster home" for purposes of provisions requiring preparation of a case plan when child is placed therein by court order or voluntary release of parents; providing for appointment of a guardian ad litem as alternative to right to counsel and notice of availability of either; amending Minnesota Statutes 1978, Section 257.071, Subdivision 1.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Kelly and Vanasek introduced:

H. F. No. 2205, A bill for an act relating to juveniles; revising the purpose of the juvenile court act; amending Minnesota Statutes 1978, Section 260.011, Subdivision 2.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Sieben, M.; Forsythe; Biersdorf; Simoneau and Kroening introduced:

H. F. No. 2206, A bill for an act relating to employment agencies; exempting certain medical doctor placement services from licensing provisions; amending Minnesota Statutes 1978, Section 184.21, Subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

Simoneau and McCarron introduced:

H. F. No. 2207, A bill for an act relating to public safety; providing for fire alarm and sprinkler systems in schools.

The bill was read for the first time and referred to the Committee on Education.

Patton, Fudro, Clawson and Schreiber introduced:

H. F. No. 2208, A bill for an act relating to transportation; allowing the use of certain documents as relevant evidence of exceeding vehicle weight limits; requiring record keeping for shipments unloaded; imposing civil penalties; amending Minnesota Statutes 1978, Chapter 169, by adding sections.

The bill was read for the first time and referred to the Committee on Transportation.

Patton, Fudro, Kalis and Anderson, D., introduced:

H. F. No. 2209, A bill for an act relating to highway traffic regulations; authorizing an annual permit for vehicles equipped with more than four axles and prescribing a fee therefor; providing that certain axles registered after a certain date shall not be deemed a trailer; amending Minnesota Statutes 1978, Section 169.86, by adding a subdivision; and Chapter 169, by adding a section.

The bill was read for the first time and referred to the Committee on Transportation.

Minne introduced:

H. F. No. 2210, A bill for an act relating to retirement; the city of Hibbing; authorizing the establishment or maintenance of separate relief associations for salaried and volunteer firefighters.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Pehler, Munger, Begich, Anderson, D., and Searle introduced:

H. F. No. 2211, A bill for an act relating to the environment; setting a date by which the environmental quality board is to amend certain procedures; changing the recipient of petitions for environmental impact statements; providing for contested case hearings; altering the liability for environmental impact statement costs under certain conditions; amending Minnesota Statutes 1978, Sections 116D.04, Subdivisions 2, 3 and 7; and 116D.045.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Sieben, H.; Faricy; Stoa; Pleasant and Crandall introduced:

H. F. No. 2212, A bill for an act relating to insurance; providing direct liability of certain insurers to persons entitled to recovery; permitting a direct action against the insurer; amending Minnesota Statutes 1978, Section 60A.08, by adding a subdivision; and Chapter 540, by adding a section.

The bill was read for the first time and referred to the Committee on Judiciary.

Patton introduced:

H. F. No. 2213, A bill for an act relating to Independent School District No. 748, Sartell; authorizing an additional levy for special assessments.

The bill was read for the first time and referred to the Committee on Education.

Schreiber; Casserly; Sieben, H.; Dempsey and Johnson, C., introduced:

H. F. No. 2214, A bill for an act relating to public indebtedness; fixing the maximum interest rates on public obligations; amending Minnesota Statutes 1978, Section 475.55.

The bill was read for the first time and referred to the Committee on Taxes.

Osthoff; Rodriguez; Carlson, D.; McEachern and Norman introduced:

H. F. No. 2215, A bill for an act relating to taxation; restricting the allowance of abortion expenses as a medical deduction for income tax purposes; amending Minnesota Statutes 1978, Section 290.09, Subdivision 10.

The bill was read for the first time and referred to the Committee on Taxes.

Stadum and Eken introduced:

H. F. No. 2216, A bill for an act relating to taxation; levy limits; providing for a special levy for the decrease in revenue attributable to the change from inheritance tax to estate tax; amending Minnesota Statutes, 1979 Supplement, Section 275.50, Subdivision 5.

The bill was read for the first time and referred to the Committee on Taxes.

Casserly and Pehler introduced:

H. F. No. 2217, A bill for an act relating to waste management; establishing a waste management board and a legislative commission; providing for a state government resource recovery program; requiring hazardous waste management planning and development; establishing procedures for the review and approval of permits for waste facilities; appropriating money.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Laidig introduced:

H. F. No. 2218, A bill for an act relating to retirement; corrections officers; coverage and mandatory retirement; amending Minnesota Statutes 1978, Sections 352.90; 352.91, Subdivisions 1 and 2, and by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Section 43.051, Subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

HOUSE ADVISORIES

The following House Advisory was introduced:

Mann, Valan and Redalen introduced:

H. A. No. 52, A proposal to study milk room standards.

The advisory was referred to the Committee on Agriculture.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1670, A bill for an act relating to energy; creating a state emergency residential heating grant program; broadening the scope of state weatherization programs; providing a credit for energy conservation expenditures; providing a pass-through of federal energy credits; reimbursing counties; appropriating money; amending Minnesota Statutes 1978, Section 462A.21, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Sections 268.37; 290.01, Subdivision 20; and 290.06, Subdivision 14.

And the Senate respectfully requests that a Conference Committee be appointed thereon. Messrs. Humphrey, Dieterich, Og-dahl, Anderson and McCutcheon have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Nelson moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1670. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 768, A bill for an act relating to natural resources; requiring county board or land exchange board approval on the acquisition of wildlife lands by the commissioner of natural resources; amending Minnesota Statutes 1978, Section 97.481.

And the Senate respectfully requests that a Conference Committee be appointed thereon. Messrs. Luther, Benedict and Ulland, J. have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Rothenberg moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 768. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 410, A bill for an act relating to courts; board on judicial standards; providing for appointment of an executive secretary by the board; providing for appointment of board members by certain organizations; amending Minnesota Statutes 1978, Section 490.15, Subdivision 1.

And the Senate respectfully requests that a Conference Committee be appointed thereon. Messrs. Davies, Knutson and Lessard have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Rothenberg moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 410. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1848.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1611, 1665 and 1729.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1438, 1652 and 1722.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1848, A bill for an act relating to veterans; creating an outreach program for Vietnam era disabled veterans in the department of economic security's employment service; amending Minnesota Statutes 1978, Section 268.14, by adding a subdivision.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Osthoff moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1848 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Osthoff moved that the rules of the House be so far suspended that S. F. No. 1848 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 1848 was read for the second time.

S. F. No. 1848, A bill for an act relating to veterans; creating an outreach program for Vietnam era disabled veterans in the department of economic security's employment service; amending Minnesota Statutes 1978, Section 268.14, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Niehaus	Sherwood
Adams	Eken	Kaley	Norman	Sieben, H.
Ainley	Elioff	Kalis	Novak	Sieben, M.
Albrecht	Ellingson	Kempe	Nysether	Simoneau
Anderson, B.	Erickson	Knickerbocker	Olsen	Stadum
Anderson, D.	Esau	Kostohryz	Onnen	Stoa
Anderson, G.	Evans	Kroening	Osthoff	Stowell
Anderson, I.	Ewald	Kvam	Otis	Sviggum
Anderson, R.	Faricy	Laidig	Patton	Swanson
Battaglia	Fjoslien	Lehto	Pehler	Thiede
Begich	Forsythe	Levi	Peterson, B.	Tomlinson
Berglin	Friedrich	Long	Peterson, D.	Valan
Berkelman	Fritz	Ludeman	Piepho	Valento
Biersdorf	Fudro	Luknic	Pleasant	Vanasek
Blatz	Greenfield	Mann	Prahl	Voss
Brinkman	Halberg	McCarron	Redalen	Waldorf
Byrne	Haukoos	McDonald	Reding	Weaver
Carlson, D.	Heap	McEachern	Rees	Welch
Carlson, L.	Heinitz	Mehrkens	Reif	Welker
Casserly	Hoberg	Metzen	Rice	Wenzel
Clark	Hokanson	Minne	Rodriguez	Wieser
Clawson	Jacobs	Moe	Rose	Wigley
Corbid	Jaros	Munger	Rothenberg	Wynia
Crandall	Jennings	Murphy	Sarna	Zubay
Dean	Johnson, C.	Nelsen, B.	Schreiber	Spkr. Norton
Dempsey	Johnson, D.	Nelsen, M.	Searle	
Den Ouden	Jude	Nelson	Searles	

The bill was passed and its title agreed to.

FIRST READING OF SENATE BILLS, Continued

S. F. No. 1611, A bill for an act relating to local government; establishing the Moorhead-Clay County area redevelopment authority; terminating the existence of the Moorhead local redevelopment agency and the Clay County local redevelopment agency; granting certain powers to the city of Moorhead and the county of Clay.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1665, A bill for an act relating to public contracts; providing for progress payments; authorizing alternative means of securing full performance; amending Minnesota Statutes 1978, Sections 161.322; 162.04; 162.10; and 429.041, Subdivision 6.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 1729, A bill for an act relating to crimes; eliminating the power of a sentencing court to stay the revocation of the driver's license of a person convicted of driving, operating or being in physical control of a motor vehicle while under the influence of alcohol or controlled substances or a combination thereof, or of driving after cancellation, suspension, or revocation of his driver's license; amending Minnesota Statutes 1978, Sections 169.121, Subdivision 5; and 609.135, Subdivision 1.

The bill was read for the first time and referred to the Committee on Criminal Justice.

S. F. No. 1438, A bill for an act relating to towns; providing for the date and notice of town meetings; amending Minnesota Statutes 1978, Section 365.51.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1652, A bill for an act relating to crimes; prescribing penalties for the possession of controlled substances on school premises; amending Minnesota Statutes 1978, Section 152.15, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Criminal Justice.

S. F. No. 1722, A bill for an act relating to corrections; prescribing penalties for persons who introduce contraband into state hospitals; amending Minnesota Statutes, 1979 Supplement, Section 243.55.

The bill was read for the first time and referred to the Committee on Health and Welfare.

PROGRESS REPORT ON CONFERENCE COMMITTEE

Progress by the Conference Committee was reported to the House on the following bills: S. F. Nos. 129 and 273.

CONSENT CALENDAR

H. F. No. 1778 was reported to the House.

Kvam moved to amend H. F. No. 1778 as follows:

Page 1, line 10, delete "(4)" and "(20)"; delete "Auditor's Re-plat" and insert "auditor's replat"

Page 1, line 11, delete "except those portions" and insert "excepting that portion" and delete "(4)"

Page 1, line 13, delete "Auditor's Re-plat" and insert "auditor's replat"

Page 1, line 16, delete "40" and insert "32"

Page 1, line 17, after "feet" insert ";" and delete "to the"

Page 1, line 18, delete "West line of said Lot 4," and delete "along the West line,"

Page 1, line 19, delete "40" and insert "32" and delete "ALSO" and insert "also"

Page 1, line 20, delete "EXCEPTING" and insert "excepting"

Page 1, line 21, after "Minnesota." insert "The following described parts of Lots 4 and 5 are subject to an easement for ingress and egress purposes for the remaining portions of Lots 4 and 5: commencing at the Northeast corner of Lot 5, Block 1 of Rudberg's Addition to the City of Dassel; thence East to the Northwest corner of Lot 6, Block 1 of Rudberg's Addition; thence North parallel to the East line of Lot 5, Block 20 of auditor's replat of the City of Dassel 182.00 feet; thence West parallel to the South line of Lot 4, Block 20 of auditor's replat to a point North of the point of beginning on a line parallel with the West line of Lot 5, Block 20 of auditor's replat; thence south parallel with the West line of Lot 5, Block 20 of Auditor's replat a distance of 182.00 feet, to the point of beginning."

The motion prevailed and the amendment was adopted.

H. F. No. 1778, A bill for an act relating to Independent School District No. 466; permitting the sale of certain land.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kaley	Novak	Sieben, M.
Adams	Elioff	Kalis	Nysether	Simoneau
Ainley	Ellingson	Kempe	Olsen	Stadum
Albrecht	Erickson	Knickerbocker	Onnen	Stoa
Anderson, B.	Esau	Kostohryz	Osthoff	Stowell
Anderson, D.	Evans	Kroening	Otis	Sviggun
Anderson, G.	Ewald	Kvam	Patton	Swanson
Anderson, I.	Faricy	Laidig	Pehler	Thiede
Anderson, R.	Fjoslien	Lehto	Peterson, B.	Tomlinson
Battaglia	Forsythe	Long	Peterson, D.	Valan
Begich	Friedrich	Ludeman	Piepho	Valento
Berglin	Fritz	Luknic	Pleasant	Vanasek
Berkelman	Fudro	Mann	Prahl	Voss
Biersdorf	Greenfield	McCarron	Redalen	Waldorf
Blatz	Halberg	McDonald	Reding	Weaver
Brinkman	Haukoos	McEachern	Rees	Welch
Byrne	Heap	Mehrkens	Reif	Welker
Carlson, D.	Heinitz	Metzen	Rice	Wenzel
Carlson, L.	Hoberg	Minne	Rodriguez	Wieser
Casserly	Hokanson	Moe	Rose	Wigley
Clark	Jacobs	Munger	Rothenberg	Wynia
Clawson	Jaros	Murphy	Sarna	Zubay
Corbid	Jennings	Nelsen, B.	Schreiber	Spkr. Norton
Crandall	Johnson, C.	Nelsen, M.	Searle	
Dean	Johnson, D.	Nelson	Searles	
Dempsey	Jude	Niehaus	Sherwood	
Drew	Kahn	Norman	Sieben, H.	

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

H. F. No. 1789 was reported to the House.

Valento moved to amend H. F. No. 1789, as follows:

Page 1, line 15, after "of" strike "January" and insert "*July*"

Page 1, line 15, reinstate the stricken "(1980)"

Page 1, line 15, delete "1981"

The motion prevailed and the amendment was adopted.

H. F. No. 1789, A bill for an act relating to occupations and professions; providing for licensing of public accountants; amending Minnesota Statutes, 1979 Supplement, Section 326.191.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kaley	Novak	Sherwood
Adams	Elioff	Kalis	Nysether	Sieben, M.
Ainley	Ellingson	Kempe	Olsen	Simoneau
Albrecht	Erickson	Knickerbocker	Onnen	Stadum
Anderson, B.	Esau	Kostohryz	Osthoff	Stoa
Anderson, D.	Evans	Kroening	Otis	Stowell
Anderson, G.	Ewald	Kvam	Patton	Sviggum
Anderson, I.	Faricy	Laidig	Pehler	Swanson
Anderson, R.	Fjoslien	Lehto	Peterson, B.	Thiede
Battaglia	Forsythe	Levi	Peterson, D.	Tomlinson
Begich	Friedrich	Long	Piepho	Valan
Berkelman	Fritz	Ludeman	Plesant	Valento
Biersdorf	Fudro	Luknic	Prahl	Vanasek
Blatz	Halberg	Mann	Redalen	Voss
Brinkman	Haukoos	McCarron	Reding	Waldorf
Byrne	Heap	McDonald	Rees	Weaver
Carlson, D.	Heinitz	McEachern	Reif	Welch
Carlson, L.	Hoberg	Mehrkens	Rice	Welker
Casserly	Hokanson	Metzen	Rodriguez	Wenzel
Clawson	Jacobs	Minne	Rose	Wieser
Corbid	Jaros	Murphy	Rothenberg	Wigley
Crandall	Jennings	Nelsen, B.	Sarna	Wynia
Dean	Johnson, D.	Nelsen, M.	Schreiber	Zubay
Dempsey	Jude	Niehaus	Searle	Sprk. Norton
Den Ouden	Kahn	Norman	Searles	

Those who voted in the negative were:

Eken

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

H. F. No. 1871, A bill for an act relating to the Minnesota-Wisconsin boundary area commission; providing that the terms of commissioners shall be staggered; amending Minnesota Statutes 1978, Section 1.33.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Blatz	Drew	Fudro	Kahn
Adams	Brinkman	Eken	Halberg	Kaley
Ainley	Byrne	Elioff	Haukoos	Kalis
Albrecht	Carlson, D.	Ellingson	Heap	Kelly
Anderson, B.	Carlson, L.	Erickson	Heinitz	Kempe
Anderson, D.	Casserly	Esau	Hoberg	Knickerbocker
Anderson, G.	Clark	Evans	Hokanson	Kostohryz
Anderson, I.	Clawson	Ewald	Jacobs	Kroening
Anderson, R.	Corbid	Faricy	Jaros	Kvam
Battaglia	Crandall	Fjoslien	Jennings	Laidig
Begich	Dean	Forsythe	Johnson, C.	Lehto
Berkelman	Dempsey	Friedrich	Johnson, D.	Levi
Biersdorf	Den Ouden	Fritz	Jude	Long

Ludeman	Nelson	Pleasant	Sherwood	Waldorf
Luknic	Niehaus	Prahl	Sieben, M.	Weaver
Mann	Norman	Redalen	Simoneau	Welch
McCarron	Novak	Reding	Stadum	Welker
McDonald	Nysether	Rees	Stoa	Wenzel
McEachern	Olsen	Reif	Stowell	Wieser
Mehrkens	Onnen	Rice	Sviggunn	Wigley
Metzen	Osthoff	Rodriguez	Swanson	Wynia
Minne	Otis	Rose	Thiede	Zubay
Moe	Patton	Rothenberg	Tomlinson	Spkr. Norton
Munger	Pehler	Sarna	Valan	
Murphy	Peterson, B.	Schreiber	Valento	
Nelsen, B.	Peterson, D.	Searle	Vanasek	
Nelsen, M.	Piepho	Searles	Voss	

The bill was passed and its title agreed to.

H. F. No. 1985, A bill for an act relating to municipal electric power; permitting municipal power agencies to contract and do business with foreign entities; amending Minnesota Statutes 1978, Section 453.52, Subdivision 9.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kalis	Novak	Sieben, M.
Adams	Elioff	Kempe	Nysether	Simoneau
Ainley	Ellingson	Knickerbocker	Olsen	Stadum
Albrecht	Erickson	Kostohryz	Onnen	Stoa
Anderson, B.	Esau	Kroening	Osthoff	Stowell
Anderson, D.	Evans	Kvam	Otis	Sviggunn
Anderson, G.	Ewald	Laidig	Patton	Swanson
Anderson, I.	Faricy	Lehto	Pehler	Thiede
Anderson, R.	Fjoslien	Levi	Peterson, B.	Tomlinson
Battaglia	Forsythe	Long	Peterson, D.	Valan
Begich	Friedrich	Ludeman	Piepho	Valento
Berglin	Fritz	Luknic	Pleasant	Vanasek
Berkelman	Fudro	Mann	Prahl	Voss
Biersdorf	Halberg	McCarron	Redalen	Waldorf
Blatz	Haukoos	McDonald	Reding	Weaver
Brinkman	Heap	McEachern	Rees	Welch
Byrne	Heinitz	Mehrkens	Reif	Welker
Carlson, D.	Hoberg	Metzen	Rice	Wenzel
Carlson, L.	Hokanson	Minne	Rodriguez	Wieser
Casserly	Jacobs	Moe	Rose	Wigley
Clark	Jaros	Munger	Rothenberg	Wynia
Clawson	Jennings	Murphy	Sarna	Zubay
Crandall	Johnson, C.	Nelsen, B.	Schreiber	Spkr. Norton
Dean	Johnson, D.	Nelsen, M.	Searle	
Dempsey	Jude	Nelson	Searles	
Den Ouden	Kahn	Niehaus	Sherwood	
Drew	Kaley	Norman	Sieben, H.	

The bill was passed and its title agreed to.

Anderson, R., and McDonald were excused at 3:20 p.m. Clawson was excused at 3:30 p.m. Hokanson and Byrne were excused at 4:00 p.m.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Norton in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 1302, 1427, 1036 and 1800 which it recommended to pass.

S. F. Nos. 54 and 998 which it recommended to pass.

H. F. No. 1049 which it recommended progress until Monday, March 3, 1980 retaining its place on General Orders.

S. F. No. 1199 which it recommended progress until Thursday, March 6, 1980 retaining its place on General Orders.

S. F. Nos. 1010, 1215 and 482 which it recommended progress until Monday, March 3, 1980.

H. F. No. 547 which it recommended be re-referred to the Committee on Education.

H. F. Nos. 326 and 753 which it recommended progress.

S. F. Nos. 895, 544 and 1166 which it recommended progress.

H. F. No. 458 which it recommended progress to the bottom of General Orders.

H. F. No. 184 which it recommended progress with the following amendment and be placed at the bottom of General Orders:

Offered by Begich:

Page 1, line 6, after "proprietor" insert "in the cities of the first class"

S. F. No. 58 which it recommended to pass with the following amendments to the unofficial engrossment:

Offered by Voss:

Page 2, line 15, delete "1979" and insert "1980"

Page 2, line 20, delete "1979" and insert "1980"

Offered by Sieben, M.:

Page 2, line 14, after "otherwise." insert *"This subdivision shall not apply unless the policy providing coverage provides an appropriately reduced premium rate which takes into account the resulting projected reduction in benefits, based upon sound actuarial principles."*

S. F. No. 951 which it recommended to pass with the following amendments to the unofficial engrossment offered by Reding:

Page 1, line 10, delete "1978" and insert ", 1979 Supplement"

Page 1, line 16, delete everything after "(a)"

Page 1, delete lines 17 to 23

Page 2, delete lines 1 to 13

Page 2, line 14, delete the stricken "(d)"

Page 2, line 18, delete the stricken "(e)" and delete underscoring from "(b)"

Page 2, line 21, delete the stricken "(f)" and delete underscoring from "(c)"

Page 2, line 24, delete the stricken "(c)" and delete underscoring from "(b)"

Further, amend the title as follows:

Page 1, line 5, delete "Subdivisions 1 and" and insert "Subdivision"

Page 1, line 6, after the semicolon insert:

"Minnesota Statutes, 1979 Supplement, Section 161.321, Subdivision 1;"

Page 4, delete section 6 and insert:

"Sec. 6. [EFFECTIVE DATE.] Sections one to four are effective on October 1, 1980."

S. F. No. 693 which it recommended to pass with the following amendment to the unofficial engrossment offered by Wynia:

Page 4, line 1, delete "or" and reinstate the stricken commas

Page 4, line 2, reinstate the stricken language

H. F. No. 1601 which it recommended to pass with the following amendment offered by Begich:

Page 1, line 16, delete "or of" and insert "*at the congressional district, state, county or federal level*"

Page 1, line 17, delete "*any of its sub-units*"

Page 1, line 18, delete "*or sub-unit*" and insert "*at that level*"

Page 1, line 18, after "*any*" insert "*state or national*"

On the motion of Sieben, H., the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Begich moved to amend H. F. No. 184 as follows:

Page 1, line 6, after "proprietor" insert "in the cities of the first class"

The question was taken on the amendment and the roll was called. There were 69 yeas and 55 nays as follows:

Those who voted in the affirmative were:

Aasness	Dempsey	Johnson, C.	Nelsen, B.	Simoneau
Adams	Den Ouden	Johnson, D.	Niehaus	Stadum
Ainley	Drew	Jude	Nysether	Stowell
Albrecht	Eken	Kempe	Onnen	Sviggum
Anderson, G.	Elioff	Kostohryz	Osthoff	Valan
Anderson, I.	Evans	Kroening	Patton	Valento
Anderson, R.	Forsythe	Kvam	Piepho	Vanasek
Battaglia	Friedrich	Levi	Redalen	Weaver
Begich	Fritz	Ludeman	Reif	Welch
Biersdorf	Fudro	Mann	Rice	Welker
Blatz	Haukoos	McDonald	Rodriguez	Wenzel
Brinkman	Hoberg	McEachern	Rose	Wigley
Carlson, D.	Jacobs	Mehrkens	Sarna	Zubay
Carlson, L.	Jennings	Minne	Searles	

Those who voted in the negative were:

Anderson, B.	Esau	Knickerbocker	Novak	Searle
Berglin	Ewald	Laidig	Olsen	Sherwood
Berkelman	Faricy	Lehto	Otis	Sieben, M.
Byrne	Fjoslien	Long	Pehler	Stoa
Casserly	Heap	Luknic	Peterson, B.	Swanson
Clark	Heinitz	Moe	Peterson, D.	Thiede
Clawson	Hokanson	Munger	Pleasant	Tomlinson
Corbid	Jaros	Murphy	Prahl	Voss
Dean	Kahn	Nelsen, M.	Reding	Waldorf
Ellingson	Kaley	Nelson	Rees	Wieser
Erickson	Kalis	Norman	Rothenberg	Wynia

The motion prevailed and the amendment was adopted.

The question was taken on the Nelsen, B., motion to re-refer H. F. No. 547 to the Committee on Education and the roll was called. There were 84 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Johnson, D.	Niehaus	Stadum
Adams	Eken	Jude	Nysether	Stoa
Ainley	Erickson	Kaley	Olsen	Svigum
Albrecht	Esau	Kalis	Onnen	Thiede
Anderson, B.	Evans	Knickerbocker	Patton	Tomlinson
Anderson, D.	Fjoslien	Kvam	Peterson, B.	Valan
Anderson, G.	Forsythe	Laidig	Piepho	Valento
Anderson, R.	Friedrich	Lehto	Pleasant	Vanasek
Berkelman	Fudro	Levi	Redalen	Voss
Biersdorf	Halberg	Ludeman	Rees	Waldorf
Blatz	Haukoos	Luknic	Reif	Weaver
Brinkman	Heap	Mann	Rose	Welker
Carlson, D.	Heinitz	McDonald	Rothenberg	Wenzel
Crandall	Hoberg	McEachern	Schreiber	Wieser
Dean	Jaros	Mehrkens	Searle	Wigley
Dempsey	Jennings	Munger	Searles	Zubay
Den Ouden	Johnson, C.	Nelsen, B.	Sherwood	

Those who voted in the negative were:

Anderson, I.	Corbid	Kostohryz	Norman	Sarna
Battaglia	Elioff	Kroening	Novak	Sieben, H.
Begich	Ellingson	Long	Osthoff	Sieben, M.
Berglin	Ewald	McCarron	Otis	Simoneau
Byrne	Fritz	Metzen	Pehler	Stowell
Carlson, L.	Hokanson	Minne	Peterson, D.	Wynia
Casserly	Jacobs	Moe	Prahl	
Clark	Kahn	Murphy	Rice	
Clawson	Kempe	Nelson	Rodriguez	

The motion prevailed.

Sieben, M., moved to amend S. F. No. 58, the unofficial engrossment, as follows:

Page 2, line 14, after "otherwise." insert "This subdivision shall not apply unless the policy providing coverage provides an

appropriately reduced premium rate which takes into account the resulting projected reduction in benefits, based upon sound actuarial principles."

The question was taken on the amendment and the roll was called. There were 111 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kalis	Novak	Simoneau
Adams	Elioff	Kempe	Olsen	Stoa
Ainley	Ellingson	Kroening	Onnen	Stowell
Albrecht	Erickson	Kvam	Osthoff	Svigum
Anderson, B.	Esau	Laidig	Otis	Swanson
Anderson, I.	Faricy	Lehto	Patton	Thiede
Anderson, R.	Fjoslien	Long	Pehler	Tomlinson
Battaglia	Fritz	Luknic	Peterson, B.	Valan
Begich	Fudro	Mann	Peterson, D.	Valento
Berglin	Greenfield	McCarron	Piepho	Vanasek
Berkelman	Halberg	McDonald	Pleasant	Voss
Biersdorf	Haukoos	McEachern	Prahl	Waldorf
Blatz	Heap	Mehrkens	Reding	Weaver
Brinkman	Heinitz	Metzen	Rees	Welch
Carlson, D.	Hoberg	Minne	Reif	Wenzel
Carlson, L.	Hokanson	Moe	Rice	Wieser
Casserly	Jacobs	Munger	Rodriguez	Wigley
Clark	Jaros	Murphy	Rose	Wynia
Clawson	Jennings	Nelsen, B.	Sarna	Zubay
Corbid	Johnson, D.	Nelsen, M.	Searle	
Crandall	Jude	Nelson	Sherwood	
Dean	Kahn	Niehaus	Sieben, H.	
Dempsey	Kaley	Norman	Sieben, M.	

Those who voted in the negative were:

Anderson, D.	Eken	Forsythe	Ludeman	Stadum
Anderson, G.	Evans	Friedrich	Nysether	Welker
Den Ouden	Ewald	Kostohryz	Redalen	

The motion prevailed and the amendment was adopted.

Olsen moved to amend S. F. No. 951, the unofficial engrossment, as follows:

Page 4, after line 9, insert:

"Subd. 6. Notwithstanding the definition contained in subdivision 2, the appropriate state official has the discretion, on a case-by-case basis, to include within any state small business program or rule, businesses which do not fall within the definition of "small business" contained in subdivision 2."

The question was taken on the amendment and the roll was called. There were 17 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Esau	Hoberg	Levi	Peterson, B.	Welker
Forsythe	Jennings	Ludeman	Reif	
Fritz	Kvam	Niehaus	Rothenberg	
Heap	Laidig	Olsen	Searles	

Those who voted in the negative were:

Aasness	Corbid	Kalis	Onnen	Swiggum
Adams	Crandall	Kempe	Osthoff	Swanson
Ainley	Dean	Kostohryz	Otis	Thiede
Anderson, B.	Drew	Kroening	Patton	Tomlinson
Anderson, D.	Eken	Lehto	Pehler	Valento
Anderson, G.	Elioff	Long	Piepho	Vanasek
Anderson, I.	Ellingson	Mann	Prahl	Voss
Battaglia	Faricy	McEachern	Reding	Waldorf
Begich	Fjoslien	Mehrkens	Rees	Welch
Berglin	Friedrich	Metzen	Rice	Wenzel
Berkelman	Fudro	Minne	Rodriguez	Wieser
Blatz	Greenfield	Moe	Sarna	Wigley
Brinkman	Hokanson	Munger	Sherwood	Wynia
Byrne	Jacobs	Murphy	Sieben, H.	Zubay
Carlson, D.	Johnson, C.	Nelsen, B.	Sieben, M.	
Carlson, L.	Johnson, D.	Nelsen, M.	Simoneau	
Casserly	Jude	Nelson	Stadum	
Clark	Kahn	Novak	Stoa	

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

The question was taken on the motion to recommend passage of H. F. No. 1800 and the roll was called. There were 108 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Adams	Drew	Kalis	Nelsen, M.	Sieben, H.
Ainley	Eken	Kelly	Nelson	Sieben, M.
Anderson, B.	Elioff	Kempe	Norman	Simoneau
Anderson, D.	Ellingson	Knickerbocker	Novak	Stadum
Anderson, G.	Erickson	Kostohryz	Olsen	Stoa
Anderson, I.	Ewald	Kroening	Onnen	Stowell
Battaglia	Faricy	Kvam	Otis	Swanson
Begich	Fjoslien	Laidig	Patton	Tomlinson
Berglin	Forsythe	Lehto	Pehler	Valan
Berkelman	Fritz	Levi	Peterson, B.	Vanasek
Biersdorf	Fudro	Long	Peterson, D.	Voss
Blatz	Halberg	Luknic	Piepho	Waldorf
Brinkman	Haukoos	Mann	Prahl	Weaver
Byrne	Hoberg	McCarron	Rees	Welch
Carlson, D.	Jacobs	McEachern	Reif	Wenzel
Carlson, L.	Jaros	Mehrkens	Rice	Wieser
Casserly	Jennings	Metzen	Rodriguez	Wigley
Clark	Johnson, C.	Minne	Rose	Wynia
Corbid	Johnson, D.	Moe	Rothenberg	Zubay
Crandall	Jude	Munger	Sarna	Spkr. Norton
Dean	Kahn	Murphy	Searle	
Dempsey	Kaley	Nelsen, B.	Searles	

Those who voted in the negative were:

Aasness	Esau	Redalen	Thiede	Welker
Albrecht	Ludeman	Sherwood	Valento	
Den Ouden	Niehaus	Svigum		

The motion prevailed.

POINT OF ORDER

Thiede raised a point of order that his demand dated February 21, 1980, for the return of H. F. No. 1151 pursuant to House Rule 1.16 was not entered in the Journal, that the bill was not given a second reading, and that the bill was not placed at the foot of General Orders. The Speaker ruled the point of order not well taken.

Knickerbocker appealed the decision of the chair.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?"

The roll was called and there were 65 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Adams	Corbid	Kelly	Nelsen, M.	Sieben, H.
Anderson, B.	Eken	Kostohryz	Nelson	Sieben, M.
Anderson, G.	Elioff	Kroening	Novak	Simoneau
Anderson, I.	Ellingson	Lehto	Osthoff	Stoa
Battaglia	Faricy	Long	Otis	Swanson
Begich	Fudro	Mann	Patton	Tomlinson
Berglin	Greenfield	McCarron	Pehler	Vanasek
Berkelman	Jacobs	McEachern	Peterson, D.	Voss
Brinkman	Jaros	Metzen	Prahl	Waldorf
Byrne	Johnson, C.	Minne	Reding	Welch
Carlson, L.	Jude	Moe	Rice	Wenzel
Casserly	Kahn	Munger	Rodriguez	Wynia
Clark	Kalis	Murphy	Sarna	Spkr. Norton

Those who voted in the negative were:

Aasness	Esau	Johnson, D.	Olsen	Sherwood
Ainley	Evans	Kaley	Onnen	Stadum
Albrecht	Ewald	Knickerbocker	Peterson, B.	Stowell
Anderson, D.	Fjoslien	Kvam	Piepho	Svigum
Biersdorf	Forsythe	Laidig	Pleasant	Thiede
Blatz	Friedrich	Levi	Redalen	Valan
Carlson, D.	Fritz	Ludeman	Rees	Valento
Crandall	Halberg	Luknic	Reif	Weaver
Dean	Haukoos	Mehrrens	Rose	Welker
Dempsey	Heap	Nelsen, B.	Rothenberg	Wieser
Den Ouden	Heinitz	Niehaus	Schreiber	Wigley
Drew	Hoberg	Norman	Searle	Zubay
Erickson	Jennings	Nysether	Searles	

So it was the judgment of the House that the decision of the Speaker shall stand.

MOTIONS AND RESOLUTIONS

Reding moved that the name of Haukoos be added as an author on H. F. No. 2085. The motion prevailed.

Simoneau moved that the name of Halberg be added as an author on H. F. No. 2154. The motion prevailed.

Olsen moved that H. F. No. 2132 be recalled from the Committee on Financial Institutions and Insurance and be re-referred to the Committee on Commerce, Economic Development and Housing. The motion prevailed.

Voss moved that the name of Begich be added as an author on H. F. No. 565. The motion prevailed.

Rees moved that the name of Berglin be added as an author on H. F. No. 1362. The motion prevailed.

Crandall moved that the name of Dean be added as an author on H. F. No. 1973. The motion prevailed.

Jaros moved that H. F. No. 1887 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Commerce, Economic Development and Housing. The motion prevailed.

Osthoff moved that the name of Ainley be stricken as an author on H. F. No. 2025. The motion prevailed.

Wigley moved that H. F. No. 2168 be recalled from the Committee on Local and Urban Affairs and be re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

McEachern moved that the name of Long be added as an author on H. F. No. 2175. The motion prevailed.

Kelly moved that the name of Tomlinson be added as an author on H. F. No. 2205. The motion prevailed.

Reding moved that the name of Osthoff be added as an author on H. F. No. 1092. The motion prevailed.

Valan moved that the names of Dempsey and Metzen be added as authors on H. F. No. 1678. The motion prevailed.

Rice moved that H. F. No. 1751, H. F. No. 1792, H. F. No. 1854, H. F. No. 1940 and H. F. No. 1947 be recalled from the Committee on Labor-Management Relations and be re-referred to the Committee on Governmental Operations. The motion prevailed.

Valento, Novak, Weaver, Rose and Hokanson introduced:

House Resolution No. 30, A house resolution relating to extending congratulations to the United States ice hockey team at the XIII Olympic Winter Games.

SUSPENSION OF RULES

Valento moved that the Rules be so far suspended that House Resolution No. 30 be now considered and be placed upon its adoption. The motion prevailed.

HOUSE RESOLUTION NO. 30

A house resolution relating to extending congratulations to the United States ice hockey team at the XIII Olympic Winter Games.

Whereas, residents of the State of Minnesota make up the majority of the United States ice hockey team at the XIII Olympic Winter Games; and,

Whereas, the team was coached by Herb Brooks of the University of Minnesota; and,

Whereas, even before the games all Minnesotans were proud of the fact that the state is so heavily represented on the ice hockey team at the Olympics; and,

Whereas, against the predictions of "experts" who predicted that the team would not do well and, in particular, that they would be beaten by a "vastly superior" Russian team; and,

Whereas, the winning of the gold medal in ice hockey by the team involving a victory over the skilled team from the Union of Soviet Socialist Republics was inspirational to all Minnesotans; and,

Whereas, throughout the Olympics the Minnesotans performed with great skill and tenacity against the rugged competition from many nations; and,

Whereas, it is proper to recognize the coach and players from Minnesota on the ice hockey team; *Now Therefore*,

Be It Resolved, by the House of Representatives of the State of Minnesota that Herb Brooks and the players on the ice hockey team from Minnesota who participated in the XIII Olympic Winter Games are congratulated on their skill, efforts, and accomplishments.

Be It Further Resolved, that the Chief Clerk of the House of Representatives is directed to prepare enrolled copies of this resolution, to be authenticated by his signature and that of the Speaker, and that they be forwarded to Mr. Herb Brooks and to each Minnesotan who is a player on the United States ice hockey team at the XIII Olympic Winter Games.

Valento moved that House Resolution No. 30 be now adopted. The motion prevailed and the resolution was adopted.

POINT OF ORDER

Halberg raised a point of order that the roll call taken earlier today on the Knickerbocker appeal of the decision of the chair relating to the Thiede point of order was not proper. The Speaker ruled that the Halberg point of order was not well taken.

MOTIONS AND RESOLUTION

Elioff; Anderson, I.; Minne; Novak; Rose; Begich; Battaglia and Hokanson introduced.

House Resolution No. 31, A house resolution extending congratulations to the Minnesotans who participated in the XIII Olympic Winter Games.

SUSPENSION OF RULES

Elioff moved that the Rules be so far suspended that House Resolution No. 31 be now considered and be placed upon its adoption. The motion prevailed.

HOUSE RESOLUTION NO. 31

A house resolution extending congratulations to the Minnesotans who participated in the XIII Olympic Winter Games.

Whereas, the 1980 United States Olympic Team has exemplified excellence in athletics and sportsmanship in its participation at the XIII Olympic Winter Games in Lake Placid; and,

Whereas, our Minnesota athletes have made significant contributions to the United States Olympic Team which are recognized and applauded by the people of the State of Minnesota; *Now, Therefore*,

Be It Resolved by the House of Representatives of the State of Minnesota that the United States Olympic Team be congratulated for the exemplary sportsmanship shown by all members of the team in its participation in the XIII Olympic Winter Games.

Be It Further Resolved that congratulations be especially extended to Minnesota members of the United States Olympic Team for their significant contributions to the team.

Be It Further Resolved that the Chief Clerk of the Minnesota House of Representatives is instructed to prepare enrolled copies of this resolution and transmit them to all Minnesota members of the 1980 United States Team participating in the XIII Olympic Winter Games.

Elicoff moved that House Resolution No. 31 be now adopted. The motion prevailed and the resolution was adopted.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1670:

Nelson, Pehler, Osthoff, Ainley, and Anderson, R.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, March 3, 1980. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, March 3, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

