

STATE OF MINNESOTA

SEVENTY-SECOND SESSION - 1981

THIRTY-SECOND DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 9, 1981

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

Prayer was offered by Reverend Kenneth Siess, Lutheran Social Service, Minneapolis, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kelly	Ogren	Sherwood
Ainley	Evans	Knickerbocker	Olsen	Sieben, M.
Anderson, B.	Ewald	Kostohryz	Onnen	Simoneau
Anderson, G.	Fjoslien	Kvam	Osthoff	Skoglund
Anderson, I.	Friedrich	Laidig	Otis	Stadum
Anderson, R.	Greenfield	Lehto	Peterson, B.	Staten
Battaglia	Gruenes	Lemen	Peterson, D.	Stowell
Begich	Gustafson	Levi	Piepho	Stumpf
Blatz	Halberg	Long	Pogemiller	Sviggum
Brandl	Harens	Ludeman	Redalen	Swanson
Brinkman	Hauge	Mann	Reding	Tomlinson
Byrne	Haukoos	Marsh	Rees	Valan
Carlson, D.	Heap	McCarron	Reif	Valento
Carlson, L.	Heinitz	McDonald	Rice	Vanasek
Clark, J.	Himle	McEachern	Rodriguez, C.	Vellenga
Clark, K.	Hoberg	Mehrkens	Rodriguez, F.	Voss
Clawson	Hokanson	Metzen	Rose	Weaver
Dahlvang	Hokr	Minne	Rothenberg	Welch
Dean	Jacobs	Munger	Samuelson	Welker
Dempsey	Jennings	Murphy	Sarna	Wenzel
Den Ouden	Johnson, C.	Nelsen, B.	Schafer	Wieser
Drew	Johnson, D.	Niehaus	Schoenfeld	Wynia
Eken	Jude	Norton	Schreiber	Zubay
Elioff	Kahn	Novak	Searles	Spkr. Sieben, H.
Ellingson	Kaley	Nysether	Shea	
Erickson	Kalis	O'Connor	Sherman	

A quorum was present.

Berkelman, Forsythe, Hanson, Luknic, Nelson, K., and Wigley were excused.

The Chief Clerk proceeded to read the Journals of the preceding days. Clawson 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. 407, 411, 606, 731, 875, 921, 972, 72, 193, 673, 697, 732, 159, 736, 889, 553 and 473 and S. F. Nos. 34, 249, 331, 347, 400, 197, 208, 336, 384, 182, 263, 275, 329, 375, 416, 432, 537, 387, 463, 611, 885, 917, 918 and 354 have been placed in the members' files.

S. F. No. 197 and H. F. No. 193, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Lemen moved that S. F. No. 197 be substituted for H. F. No. 193 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 331 and H. F. No. 372, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Nelsen, B., moved that S. F. No. 331 be substituted for H. F. No. 372 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 416 and H. F. No. 466, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Brandl moved that S. F. No. 416 be substituted for H. F. No. 466 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 347 and H. F. No. 734, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Carlson, L., moved that S. F. No. 347 be substituted for H. F. No. 734 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 336 and H. F. No. 387, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Lemen moved that the rules be so far suspended that S. F. No. 336 be substituted for H. F. No. 387 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 275 and H. F. No. 665, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Wenzel moved that the rules be so far suspended that S. F. No. 275 be substituted for H. F. No. 665 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 263 and H. F. No. 72, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Laidig moved that the rules be so far suspended that S. F. No. 263 be substituted for H. F. No. 72 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

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

April 6, 1981

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jack Davies
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 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. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1981</i>	<i>Date Filed 1981</i>
8		16	April 3	April 6
30		17	April 3	April 6
	38	18	April 3	April 6

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1981</i>	<i>Date Filed 1981</i>
	77	19	April 3	April 6
	183	20	April 3	April 6
	496	21	April 3	April 6

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

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

April 8, 1981

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jack Davies
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 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. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1981</i>	<i>Date Filed 1981</i>
345		22	April 8	April 8

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Sieben, M., from the Committee on Appropriations to which was referred:

H. F. No. 3, A bill for an act relating to community social services; defining groups of persons for whom counties are responsible; establishing certain funding levels; clarifying sec-

tions of the community social services act; amending Minnesota Statutes 1980, Sections 245.64; 245.66; 245.84, Subdivision 5; 252.21; 252.24, Subdivisions 1, 3 and 4; 254A.03, Subdivision 1; 254A.05, Subdivision 1; 254A.07, Subdivision 2; 254A.08, Subdivision 1; 256E.03, Subdivision 2; 256E.04, Subdivision 1; 256E.05, Subdivisions 2 and 3; 256E.06, Subdivisions 2, 4, and 5; 256E.07, Subdivision 2; 256E.08, Subdivisions 1 and 7; 256E.09, Subdivisions 1, 3, and by adding a subdivision; 256E.10; and 256E.12, Subdivision 3; repealing Minnesota Statutes 1980, Sections 245.67; 245.68; 245.72; 245.84, Subdivision 2; 245.87; 252.26; 252.27, Subdivisions 1, 2 and 3; 256E.06, Subdivision 11; 256E.07, Subdivision 1; 256E.08, Subdivision 9; and 261.27.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1980, Section 256E.03, Subdivision 2, is amended to read:

Subd. 2. “Community social services” means services included in the comprehensive annual services plan published by the commissioner of public welfare and social services (AUTHORIZED BY SECTIONS 245.61 TO 245.691, 245.83 TO 245.87, 252.21 TO 252.27, SUBDIVISION 1, 254A.07, 254A.08, 254A.12, 254A.14, 260.251, SUBDIVISION 1A, 261.27 AND 393.07, SUBDIVISION 1.) *provided or arranged for by county boards to fulfill the responsibilities prescribed in section 10 to the following groups of persons:*

(a) *Families with children under age 18, who are experiencing child dependency, neglect or abuse, and also pregnant adolescents, adolescent parents under the age of 18, and their children;*

(b) *Persons who are under the guardianship of the commissioner of public welfare as dependent and neglected wards;*

(c) *Adults who are in need of protection and vulnerable as defined in section 626.557;*

(d) *Persons age 60 and over who are experiencing difficulty living independently and are unable to provide for their own needs;*

(e) *Emotionally disturbed children and adolescents, chronically and acutely mentally ill persons who are unable to provide for their own needs or to independently engage in ordinary community activities;*

(f) *Mentally retarded persons as defined in section 252A.02, subdivision 2 who are unable to provide for their own needs or to independently engage in ordinary community activities;*

(g) Drug dependent and intoxicated persons as defined in section 254A.02, subdivisions 5 and 7, and persons at risk of harm to self or others due to the ingestion of alcohol or other drugs; and

(h) Other groups of persons who, in the judgment of the county board, are in need of social services.

Community social services do not include public assistance programs known as aid to families with dependent children, Minnesota supplemental aid, medical assistance, general assistance, general assistance medical care, or community health services authorized by sections 145.911 to 145.922.

Sec. 2. Minnesota Statutes 1980, Section 256E.04, Subdivision 1, is amended to read:

Subdivision 1. The commissioner shall prepare a biennial social services plan and present the plan to the governor and the legislature. The commissioner shall update the plan biennially. The plan shall include:

(a) A statement of methods used to ensure intergovernmental coordination of state and local planning and delivery of community social services;

(b) A coordination statement setting forth the relationship of the state social services plan to any other federal, state or locally financed human services programs, including but not limited to, programs for the aged, children, the developmentally disabled, the chemically dependent, and programs related to corrections, education, vocational rehabilitation, mental health, housing, health, and employment; and,

(c) A (STATEMENT OF THE RELATIONSHIP OF THE STATE SOCIAL SERVICES PLAN TO COMPREHENSIVE SOCIAL, ECONOMIC, PHYSICAL, AND ENVIRONMENTAL PLANS ADOPTED BY THE REGIONAL DEVELOPMENT COMMISSIONS AND THE METROPOLITAN COUNCIL, INCLUDING THE RATIONALE FOR ANY DIFFERENCES; AND)

((D) AN EVALUATION OF THE EFFECTIVENESS OF THE PRIOR TWO YEARS PERFORMANCE OF EACH PROGRAM IN RELATION TO IDENTIFIED PUBLIC SOCIAL PROBLEMS, STATING THE MEASURABLE GOALS, OBJECTIVES, METHODS, AND OUTCOME FOR THOSE YEARS, INCLUDING THE EXTENT TO WHICH THE NUMBERS OF PERSONS AND FAMILIES PROPOSED TO BE SERVED BY EACH CATEGORY OF SOCIAL SERVICE WERE ACTUALLY SERVED, THE DIRECT COST, AND THE ADMINISTRATIVE COST PER UNIT OF SOCIAL SER-

VICE FOR EACH CATEGORY) *summary and analysis of all county biennial community social services plans.*

The commissioner shall consult with the heads of human service related state departments and agencies in preparing the coordination statement required by this subdivision.

Sec. 3. Minnesota Statutes 1980, Section 256E.05, Subdivision 2, is amended to read:

Subd. 2. [PLAN APPROVAL.] Within (30) 45 days after submission of the community social services plan by the counties pursuant to section 256E.09, subdivision (5) 4, the commissioner shall certify whether the plan fulfills the purposes and requirements of *section 256E.09, state and federal law* and the rules of the state agency. If the commissioner certifies that the plan does not do so, he shall state the reasons therefore, and the county shall have 30 days to submit a plan amended to comply with the requirements of the commissioner. If the county fails to resubmit a plan amended as required by the commissioner, the commissioner shall notify the county of his intention to reduce the next quarterly payment by an amount equal to one-third of one percent of the county's annual entitlement for each 30 day period during which the county fails to amend the plan as required by the commissioner. The county board has the right to appeal the commissioner's decision pursuant to section 256E.06, subdivision 10.

Sec. 4. Minnesota Statutes 1980, Section 256E.05, Subdivision 3, is amended to read:

Subd. 3. [ADDITIONAL DUTIES.] The commissioner shall also:

(a) Provide necessary forms and instructions to the counties for plan format and information;

(b) Eliminate or revise *the portions of all applicable department rules (AS APPROPRIATE TO ACCOMMODATE SECTIONS 256E.01 to 256E.12) which mandate counties to provide specific community social services or programs, unless the law requires the commissioner to mandate a service or program; in addition to notice required pursuant to section 15.0411, the commissioner shall give to the chairman of each county board timely advance notice and fiscal impact in writing of any proposed new rule or changes in existing rule which will have the effect of increasing county costs for community social services;*

(c) Provide training and other support services to county boards to assist in needs assessment, planning, implementing, and monitoring social services programs in the counties;

(d) Design and implement a method of monitoring and evaluating the social services (PROGRAMS) delivered within the state, and assure compliance with applicable standards, guidelines, and the county and state social services plans;

(e) Annually publish a report on community social services which shall reflect the contents of the individual county reports. The report shall be submitted to the governor and the legislature with an evaluation of community social (SERVICE PROGRAMS) services and recommendations for changes needed to fully implement state social service policies; and

(f) Request waivers from federal programs as necessary to implement sections 256E.01 to 256E.12.

Sec. 5. Minnesota Statutes 1980, Section 256E.06, Subdivision 1, is amended to read:

Subdivision 1. [FORMULA.] The commissioner of public welfare shall distribute community social service aids to each county board in an amount determined according to the following formula:

(1) In calendar year (1980) 1982 and thereafter:

(a) (AN AMOUNT EQUAL TO \$65.50 TIMES) *One-third shall be distributed on the basis of the average unduplicated number of persons who receive AFDC, general assistance, and medical assistance per month in the calendar year (1979) two years prior to the year for which funds are being distributed as reported in the average monthly caseload reports required under sections 256.01, 256B.04 and 256D.04, and certified by the commissioner of public welfare; and*

(b) (PLUS AN AMOUNT EQUAL TO \$3.05 TIMES) *One-third shall be distributed on the basis of the number of persons residing in the county as determined by the most recent data of the state demographer;*

(c) (PLUS AN AMOUNT EQUAL TO \$26.75 TIMES) *One-third shall be distributed on the basis of the number of persons residing in the county who are 65 years old or older as determined by the most recent data of the state demographer.*

((2) IN CALENDAR YEAR 1981:)

((A) AN AMOUNT EQUAL TO \$69 TIMES THE AVERAGE UNDUPLICATED NUMBER OF PERSONS WHO RECEIVE AFDC, GENERAL ASSISTANCE, AND MEDICAL ASSISTANCE PER MONTH IN CALENDAR YEAR 1979 AS REPORTED IN THE AVERAGE MONTHLY CASELOAD REPORTS REQUIRED UNDER SECTIONS 256.01, 256B.04 AND

256D.04, AND CERTIFIED BY THE COMMISSIONER OF PUBLIC WELFARE;)

((B) PLUS AN AMOUNT EQUAL TO \$3.20 TIMES THE NUMBER OF PERSONS RESIDING IN THE COUNTY AS DETERMINED BY THE MOST RECENT DATA OF THE STATE DEMOGRAPHER;)

((C) PLUS AN AMOUNT EQUAL TO \$28.25 TIMES THE NUMBER OF PERSONS RESIDING IN THE COUNTY WHO ARE 65 YEARS OLD OR OLDER AS DETERMINED BY THE MOST RECENT DATA OF THE STATE DEMOGRAPHER.)

(IF THE LEGISLATURE APPROPRIATES FOR ANY BIENNIUM A GREATER OR LESSER AMOUNT THAN THE AMOUNT DETERMINED ACCORDING TO THIS FORMULA, THE AMOUNT DUE TO THE COUNTIES BASED ON THE FORMULA IN CLAUSES (A) TO (C) SHALL BE INCREASED OR DECREASED ACCORDINGLY. THE LOCAL EFFORT REQUIRED BY SUBDIVISIONS 4 AND 5 AND ANY REDUCTIONS REQUIRED BY SUBDIVISIONS 6 TO 9 OR SECTION 256E.05, SUBDIVISION 2 SHALL BE CALCULATED ON THE BASIS OF THE AMOUNTS ACTUALLY APPROPRIATED FROM YEAR TO YEAR.)

Sec. 6. Minnesota Statutes 1980, Section 256E.06, Subdivision 2, is amended to read:

Subd. 2. [MINIMUM FUNDING LEVEL; STATE AIDS.] No county shall receive less *in state aids* for community social services under subdivision 1 in calendar years (1980 AND 1981) 1982 and 1983 than 106 percent (AND 112 PERCENT RESPECTIVELY OF THE AMOUNT OF STATE MONEY IT RECEIVED IN CALENDAR YEAR 1978 FOR MONEYS EARNED IN CALENDAR YEAR 1978 AS AUTHORIZED BY LAWS 1977, CHAPTER 453, SECTION 2 AND AS AUTHORIZED BY THE 1979 REGULAR SESSION OF THE SEVENTY-FIRST LEGISLATURE FOR THE FOLLOWING ACTIVITIES: COMMUNITY MENTAL HEALTH CENTERS PURSUANT TO SECTIONS 245.61 TO 245.691 AND 254A.07, EXCEPT MONEY AUTHORIZED FOR PROGRAMS SERVING NATIVE AMERICANS PURSUANT TO SECTION 254A.031; DEVELOPMENTAL ACHIEVEMENT CENTERS PURSUANT TO SECTIONS 252.21 TO 252.261; DAY CARE SERVICES PURSUANT TO SECTIONS 245.83 TO 245.87, EXCEPT MONEY AUTHORIZED IN THE OFFICIAL WORKSHEETS OF THE SENATE AND HOUSE CONFEREES FOR MIGRANT LABOR DAY CARE; MONEY AUTHORIZED IN THE OFFICIAL WORKSHEETS OF THE SENATE AND HOUSE CONFEREES FOR DETOXIFICATION PROGRAMS PURSUANT TO SECTION 254A.08 AND FOR HALF-WAY HOUSES FOR CHEMICALLY DEPENDENT PERSONS; AND MONEY AUTHORIZED FOR AFFECTED EM-

PLOYEES PURSUANT TO SECTION 254A.12 AND FOR SERVICES TO YOUTH AND OTHER UNDERSERVED POPULATIONS PURSUANT TO SECTION 254A.14.)

(FOR PURPOSES OF THIS SUBDIVISION, 50 PERCENT OF THE COUNTY ADMINISTRATIVE COST REIMBURSEMENT AUTHORIZED BY LAWS 1977, CHAPTER 453, SECTION 2, WHICH WAS EARNED IN CALENDAR YEAR 1978 IS CONSIDERED COMMUNITY SOCIAL SERVICE MONEY.) *of the state money it received in the immediately preceding calendar year pursuant to section 256E.06. For purposes of 1982, the state money the county received in 1981 shall be the community social service grant plus the state money it received for state fiscal year 1981 as authorized by Laws 1979, Chapter 336, Section 2 for the following activities: cost of care for mentally retarded, epileptic or emotionally handicapped children pursuant to section 252.27, subdivision 1; community mental health pilot program pursuant to section 245.72 and community-based residential programs for mentally ill persons.*

The term state funds does not include any federal money received by the state or counties for financing these services.

No county shall receive more than 130 percent of the amount received in the immediately preceding year as specified in this subdivision. (FOR THE FIRST YEAR FOLLOWING JULY 1, 1979, NO COUNTY SHALL RECEIVE MORE THAN 130 PERCENT OF THE AMOUNT RECEIVED IN 1978.) *If the amount allocated to any county pursuant to subdivision 1 is greater than this amount, the excess shall be reallocated to all counties in direct proportion to their initial allocations.*

If the amount allocated to any county pursuant to subdivision 1 and the preceding paragraph is less than the minimum funding level of that county, its allocation shall be raised to its minimum share through an equal percentage reduction applied to all other county allocations.

Sec. 7. Minnesota Statutes 1980, Section 256E.06, Subdivision 4, is amended to read:

Subd. 4. [LOCAL EFFORT.] Each county shall quarterly certify to the commissioner of public welfare that the county has provided from its resources funding for community social services in an amount at least equal to its state aids pursuant to the formula in subdivision 1. *Funds for community social services provided to a county by a municipal levy may, for the purposes of this section, be counted as partial fulfillment of the local levy required.*

Sec. 8. Minnesota Statutes 1980, Section 256E.06, Subdivision 5, is amended to read:

Subd. 5. [COMMUNITY SOCIAL SERVICE LEVY.] (IN CALENDAR YEAR 1979 FOR TAXES PAYABLE 1980, EACH COUNTY BOARD SHALL LEVY UPON ALL TAXABLE PROPERTY IN THE COUNTY A TAX AT LEAST EQUAL TO THE AMOUNT DETERMINED IN SUBDIVISION 1 FOR COMMUNITY SOCIAL SERVICE PROGRAMS. IN CALENDAR YEAR 1980 FOR TAXES PAYABLE 1981) *In each calendar year, for taxes payable the following year, a county board shall levy upon all taxable property in the county a tax at least equal to the amount determined in subdivision 1. All money available to counties pursuant to this section may be used by counties to match federal money.*

Sec. 9. Minnesota Statutes 1980, Section 256E.07, Subdivision 2, is amended to read:

Subd. 2. [TITLE XX TRAINING FUNDS.] The commissioner shall make determined efforts to obtain the maximum amount of training money to which the state is entitled pursuant to title XX of the social security act. (IN ALLOCATING) *The department may retain up to 15 percent of the title XX training money for administration, providing training to county and department staff, and statewide training projects. The commissioner shall allocate training money received from the federal government pursuant to title XX of the social security act, (THE COMMISSIONER SHALL,) insofar as federal regulations allow, (GIVE PREFERENCE TO TRAINING OR RETRAINING COUNTY PERSONNEL IN THE ADMINISTRATION OF COMMUNITY SOCIAL SERVICES) to each county according to the following formula:*

(a) *50 percent on the basis of the formula for the allocation of title XX funds described in section 256E.07, subdivision 1, clauses (a) and (b);*

(b) *50 percent in accordance with the county's proportionate share of the total of all counties' federal earnings in federal fiscal year 1980.*

Each county shall certify to the commissioner the amount of title XX training money, by category of allowable federal regulation, that it needs during the federal fiscal year. The certification shall demonstrate that the county has given priority to the training and retraining of personnel who administer services included in the comprehensive annual services program plan published by the commissioner.

If the total amount of money needed by a county is less than the money available, the commissioner shall reallocate the remainder using the same formula to those counties needing additional money. Any federal title XX training money unused after this reallocation shall be retained by the commissioner for statewide projects so that all available federal money is

used within the federal fiscal year. The final allocation at the end of the federal fiscal year shall be according to the same formula.

A county may authorize the department to use a portion of a county's allocation to pay for training activities specific to that county or to enter into specific contractual agreements on behalf of the county.

Sec. 10. Minnesota Statutes 1980, Section 256E.08, Subdivision 1, is amended to read:

Subdivision 1. [RESPONSIBILITIES.] The county board of each county shall be responsible for administration, planning and funding of community social services (PROGRAMS). Each county board shall singly or in combination with other county boards as provided in section 256E.09 prepare a social services plan (FOR DEVELOPMENT AND COORDINATION OF COMMUNITY SOCIAL SERVICES PROGRAMS) and shall update the plan biennially. Upon final approval of the plan by the county board or boards, the plan shall be submitted to the commissioner. The county board shall distribute money available pursuant to sections 256E.06 and 256E.07 for community social services (PROGRAMS).

The authority and responsibilities of county boards for social services for groups of persons identified in section 256E.03, subdivision 2, shall include contracting for or directly providing: (1) an assessment of the needs of each person applying for services which estimates the nature and extent of the problem to be addressed and identifies the means available to meet the person's needs for services; (2) protection for persons whose safety, health or well-being is at risk by providing services directed at the goal of attaining the highest level of independent functioning appropriate to the individual preferably without removing those persons from their homes; (3) a means of facilitating access of physically handicapped or impaired persons to services appropriate to their needs.

Sec. 11. Minnesota Statutes 1980, Section 256E.08, Subdivision 7, is amended to read:

Subd. 7. [COUNTY OF FINANCIAL RESPONSIBILITY.] *Except for detoxification services, the county responsible for payment for community social services is the county in which the recipient of services resides at the time of application. The county of financial responsibility does not change as a result of referral or approval of referral for services to another county by the county of financial responsibility. Minors are considered as residing in the county in which their parents or guardians reside. When a minor reaches the age of 18, the county of financial responsibility is the county in which the minor resides. If a person continues in residential care or treatment after reach-*

ing the age of 18, the county which initiated the treatment is the county of financial responsibility. When there is a dispute as to the county of financial responsibility, the county providing or arranging for services shall pay for them pending final determination of the county of settlement. When the county board providing the care or service is not the county of the minor's legal settlement, it has a claim for recovery of costs upon the county where the minor has settlement. The county of financial responsibility for detoxification services is the county where the client is when the need for services is identified.

Sec. 12. Minnesota Statutes 1980, Section 256E.08, Subdivision 9, is amended to read:

Subd. 9. [REDUCTION IN SERVICES PROHIBITED.] In calendar years (1980) 1982 and (1981) 1983 the county board shall not reduce the funding provided in calendar year (1979) 1980 for the following (SERVICES) service: (CHILD CARE, MENTAL HEALTH, CHEMICAL DEPENDENCY, AND MENTAL RETARDATION SERVICES, INCLUDING DEVELOPMENTAL ACHIEVEMENT CENTERS) cost of care for mentally retarded, epileptic or emotionally handicapped children.

Sec. 13. Minnesota Statutes 1980, Section 256E.09, Subdivision 1, is amended to read:

Subdivision 1. [PLAN PROPOSAL.] Commencing in 1980, and every two years thereafter, the county board shall (, ON OR BEFORE MAY 1 OF THAT YEAR,) publish and make available upon request to all residents of the county a proposed biennial community social services plan.

Sec. 14. Minnesota Statutes 1980, Section 256E.09, Subdivision 3, is amended to read:

Subd. 3. [PLAN CONTENT.] The biennial community social services plan published by the county shall include:

(a) A statement of the goals of community social service programs in the county;

(b) Methods used pursuant to subdivision 2 to encourage participation of citizens and providers in the development of the plan and the allocation of money;

(c) Methods used to identify persons in need of service and the social problems to be addressed by the community social service programs, including efforts the county proposes to make in providing for early intervention, prevention and education aimed at minimizing or eliminating the need for services for groups of persons identified in section 256E.03, subdivision 2;

(d) *A statement describing how the county will fulfill its responsibilities in section 10 to the groups of persons described in section 256E.03, subdivision 2, and a description of each community social service proposed and identification of the agency or person proposed to provide the service. The plan shall specify how the county proposes to make the following services available for persons identified by the county as in need of services: daytime developmental achievement services, subacute detoxification services, residential services and nonresidential social support services as appropriate for the groups identified in section 256E.03, subdivision 2;*

(e) The amount of money proposed to be allocated to each service;

(f) An inventory of public and private resources *including associations of volunteers* which are available to the county for social services;

(g) Evidence that serious consideration was given to the purchase of services from private and public agencies; and

(h) Methods whereby community social service programs will be monitored and evaluated by the county.

Sec. 15. Minnesota Statutes 1980, Section 256E.09, is amended by adding a subdivision to read:

Subd. 6. [PLAN AMENDMENT.] After providing opportunity for public comment, the county may amend its plan. After approval of the amendment by the county board, the county shall submit its amendment to the commissioner. He shall certify whether the amendment fulfills the purpose and requirements of law and the rules of the state agency.

Sec. 16. Minnesota Statutes 1980, Section 256E.10, is amended to read:

256E.10 [PROGRAM EVALUATION.]

Subdivision 1. [COUNTY EVALUATION.] Beginning in calendar year 1981, each county shall submit to the commissioner a report on the effectiveness of the community social service programs in the county. The commissioner in collaboration with county boards shall prescribe standard methods to be used by the counties in making the report. The report shall be submitted no later than (JANUARY 15) March 1 of each year and shall include:

(a) The number and type of recipients of each service; and

(b) An evaluation on the basis of measurable program objectives and performance criteria for each county social service program.

Subd. 2. [STATEWIDE EVALUATION.] At the end of the first year covered by the county biennial plan, the commissioner shall prepare a report on the counties' progress in carrying out their plan and make it available to interested parties.

At the end of each period covered by the counties' biennial community social services plan, the commissioner shall prepare an evaluation of the effectiveness of the prior two years performance of each program in relation to identified public social problems, stating the measurable goals, objectives, methods, and outcome for those years, including the extent to which the numbers of persons and families proposed to be served by each category of social service were actually served, the direct cost, and the administrative cost per unit of social service for each category.

Sec. 17. Minnesota Statutes 1980, Section 256E.12, Subdivision 3, is amended to read:

Subd. 3. The commissioner shall allocate grants under this section to finance up to 90 percent of each county's costs for services for chronically mentally ill persons. The commissioner shall promulgate temporary rules to govern grant applications, approval of applications, allocation of grants, and maintenance of financial statements by grant recipients. The commissioner shall require collection of data and periodic reports as the commissioner deems necessary to demonstrate the effectiveness of the services in helping chronically mentally ill persons remain and function in their own communities. The commissioner shall report to the legislature no later than January 15, 1981 on the effectiveness of the experimental program and his recommendations regarding making this program an integral part of the social development programs administered by counties. The experimental program shall expire no later than June 30, (1981) 1983.

Sec. 18. Minnesota Statutes 1980, Section 245.64, is amended to read:

245.64 [FUNDS ALLOCATED.]

In preparing the biennial plan prescribed in section (256E.05) 256E.09, the county board shall allocate available funds to the mental health programs in accordance with such approved plans and budgets. The county board may, from time to time during the year, review the budgets and expenditures of the various programs and if funds are not needed for a program to which they were allocated, it may, after reasonable notice and opportunity for hearing, withdraw such funds as are unencumbered and reallocate them to other programs. The county board may withdraw funds from any program which is not being administered in accordance with its approved plan and budget.

Sec. 19. Minnesota Statutes 1980, Section 245.66, is amended to read:

**245.66 [COMMUNITY MENTAL HEALTH CENTER
BOARDS.]**

Every city, town, combination thereof or *nonprofit* corporation establishing a community mental health (SERVICES PROGRAM) *center under contract with a county board or human service board shall, before it may come within the provisions of sections 245.61 to 245.69 and receive funds from the county board or human service board,* establish a community mental health center board. (WHEN A COMBINATION OF SIX OR LESS POLITICAL SUBDIVISIONS ESTABLISH A PROGRAM, THE BOARD SHALL CONSIST OF AT LEAST NINE MEMBERS, BUT NOT MORE THAN TWELVE MEMBERS, AT THE OPTION OF THE SELECTION COMMITTEE. WHEN SEVEN OR MORE POLITICAL SUBDIVISIONS ESTABLISH A PROGRAM THE BOARD SHALL CONSIST OF AT LEAST NINE MEMBERS, BUT NOT MORE THAN FIFTEEN MEMBERS, AT THE OPTION OF THE SELECTING COMMITTEE. WHEN ANY CITY, COUNTY OR TOWN SINGLY ESTABLISHES A PROGRAM, THE BOARD SHALL BE APPOINTED BY THE CHIEF EXECUTIVE OFFICER OF THE CITY OR THE CHAIRMAN OF THE GOVERNING BODY OF THE COUNTY OR TOWN. WHEN THE COUNTY CONTRACTS WITH A NON PROFIT CORPORATION TO OPERATE THE PROGRAM, THE CORPORATION SHALL SELECT A COMMUNITY MENTAL HEALTH BOARD WHICH SHALL BE REPRESENTATIVE OF THE GROUPS HEREIN ENUMERATED, BUT THE NUMBER OF MEMBERS NEED NOT BE NINE. WHEN ANY COMBINATION OF THE POLITICAL SUBDIVISIONS HEREIN ENUMERATED ESTABLISHES A COMMUNITY MENTAL HEALTH SERVICES PROGRAM, THE CHIEF EXECUTIVE OFFICER OF EACH PARTICIPATING CITY AND THE CHAIRMAN OF THE GOVERNING BODY OF EACH PARTICIPATING COUNTY OR TOWN SHALL APPOINT TWO MEMBERS TO A SELECTING COMMITTEE, WHICH SHALL SELECT THE MEMBERS OF THE BOARD. MEMBERSHIP OF) The community mental health *center boards (SHALL) may include (AT LEAST ONE) county commissioner (REPRESENTATIVE) representatives from each participating county and shall (ALSO) be representative of local health departments, medical societies, (COUNTY WELFARE BOARDS,) hospital boards, lay associations concerned with mental health, mental retardation and chemical dependency, labor, agriculture, business, civic and professional groups and the general public. Membership may include a representative from any county which purchases substantial services from the community mental health board. (NOTHING SHALL PREVENT A COUNTY OR COMMUNITY MENTAL HEALTH BOARD FROM PURCHASING SERVICES FROM AN AGENCY OUTSIDE THE BOUNDARIES OF THE MINNESOTA ECONOMIC DEVELOP-*

MENT REGION) *Each community mental health center board shall be responsible for the governing of its center and shall be responsible for the performance of the center under any contracts entered into with a county board of commissioners or human services board. This governing shall include determination of the services to be provided by the community mental health center, establishment of the annual budget, appointment of the center director, and establishment of personnel standards and compensation for employees of the center.*

Sec. 20. Minnesota Statutes 1980, Section 245.84, Subdivision 2, is amended to read:

Subd. 2. Within the limit of appropriations available and subject to the allocation requirements of section 245.87 the commissioner shall establish (AN EXPERIMENTAL) a program to make grants to counties for the purpose of reducing according to a sliding fee schedule the costs of child care for eligible families. The commissioner shall promulgate (TEMPORARY) rules to govern the (EXPERIMENTAL) program in accordance with this subdivision. *No later than April 1 of each odd-numbered year, the commissioner shall notify all county boards of the procedures for applying for sliding fee program grants. No later than June 1 of each odd-numbered year, each county wishing to participate in the sliding fee program shall apply to the commissioner for a grant. No later than July 1 of that year, the commissioner shall allocate to all counties that apply and agree to comply with the provisions of sections 245.84 to 245.87 grants in the amounts determined by rule. The commissioner shall require collection of data and periodic reports as the commissioner deems necessary to demonstrate the effectiveness of the program in preventing and reducing dependence of participants on public assistance and in providing other benefits. The commissioner shall report to the legislature no later than January 15 (, 1981 ON THE EFFECTIVENESS OF THE EXPERIMENTAL PROGRAM AND MAKE RECOMMENDATIONS REGARDING MAKING THIS PROGRAM AN INTEGRAL PART OF THE CHILD CARE SERVICES ADMINISTERED BY THE COUNTIES. THE EXPERIMENTAL PROGRAM SHALL EXPIRE NO LATER THAN JUNE 30, 1981) of each odd-numbered year of the effectiveness of the program.*

In addition to payments from parents, contributions to the cost of the program shall be made by grantees as follows: 5 percent in the first grant year, 15 percent in the second and subsequent grant (YEAR) years.

The county board shall establish the income range for eligibility of families (ELIGIBLE) for the sliding fee program, which shall be (THOSE HAVING) not less than the minimum nor more than the maximum income range, as follows: (a) the minimum income range includes families having income above the maximum allowable for Title XX fully subsidized child care

but less than 70 percent of the state median income for a family of four adjusted for family size as that median appears in the then current Title XX comprehensive annual services program plan issued by the state department of public welfare; (AND) (b) *the maximum income range includes families having income above the maximum allowable for Title XX fully subsidized child care but less than 90 percent of the state median income for a family of four adjusted for family size as that median appears in the then current Title XX comprehensive annual services program plan issued by the state department of public welfare. Families having parents determined by the commissioner, according to criteria which the commissioner shall establish, to be unable to care for the child because of employment, school attendance or other circumstances are eligible for the sliding fee program.*

In setting the sliding fee schedule, the commissioner shall exclude from the amount of income (SPECIFIED IN CLAUSE (A) OF THE PRECEDING PARAGRAPH FOR DETERMINING) *used to determine eligibility under the income range established by the county board an amount for federal and state income and social security taxes attributable to that (PORTION OF) income level according to federal and state standardized tax tables. The total fee charged for child care to any family shall not exceed 75 percent of the income so determined to be above the maximum allowable for fully subsidized child care.*

In each case where the grantee charges a fee that is less than the fee set by the commissioner for the same service, the state's payment shall be limited to the difference between the fee set by the commissioner and the charge for care.

In cases where the provider of the child care service charges in excess of 125 percent of the median charge for like care arrangements in the geographic area defined by the commissioner for the purposes of ascertaining such median charge, the state's payment shall be limited to the difference between 125 percent of the median charge for like care arrangements in the geographic area and the parents' fee.

Sec. 21. Minnesota Statutes 1980, Section 245.84, Subdivision 5, is amended to read:

Subd. 5. The county shall biennially develop a plan for the distribution of funds for child care services as part of the community social services plan prescribed in section (256E.05) 256E.09. All licensed child care programs shall be given written notice concerning the availability of funds and the application process.

Sec. 22. Minnesota Statutes 1980, Section 252.21, is amended to read:

252.21. [COUNTY BOARDS (MAY MAKE) GRANTS FOR DEVELOPMENTAL ACHIEVEMENT (CENTERS FOR THE MENTALLY RETARDED AND CEREBRAL PALSID) SERVICES.]

In order to assist (IN THE ESTABLISHMENT OF DEVELOPMENTAL ACHIEVEMENT CENTERS FOR THE MENTALLY RETARDED AND CEREBRAL PALSID) *county boards in carrying out responsibilities for the provision of daytime developmental achievement services for eligible persons*, the county board or boards are hereby authorized (AND DIRECTED) to make grants, within the limits of the money appropriated, (TO) *for developmental achievement (CENTERS FOR THE MENTALLY RETARDED AND CEREBRAL PALSID) services.*

Sec. 23. Minnesota Statutes 1980, Section 252.24, Subdivision 1, is amended to read:

Subdivision 1. [SELECTION OF DEVELOPMENTAL ACHIEVEMENT CENTERS.] The county board shall (SELECT THOSE APPLICANTS FOR ASSISTANCE AND GRANT THEM ASSISTANCE, AS PROVIDED IN SUBDIVISION 3, WHOSE) *administer developmental achievement services and provide for transportation for persons who fulfill the eligibility requirements of section 252.23, clause (1) if provision for this transportation is not unreasonably burdensome to the county board and if a more efficient, reasonable, alternative means of transportation does not exist. The county board may contract for developmental achievement services and transportation from a center (LOCATION AND PROGRAM) which is licensed under the provisions of sections 245.781 to 245.813, 252.28, and 257.175, and in the board's opinion, best provides daytime (ACTIVITIES) developmental achievement services for mentally retarded and cerebral palsied persons within the appropriation made available for this purpose. Daytime developmental achievement services administered by the county board shall comply with standards established by the commissioner pursuant to subdivision 2.*

Sec. 24. Minnesota Statutes 1980, Section 252.24, Subdivision 3, is amended to read:

Subd. 3. [PAYMENT PROCEDURE.] The board at the beginning of each year, shall allocate available funds to developmental achievement (CENTER PROGRAMS) *services for disbursement during the year to those centers that have been selected to receive grants and whose plans and budgets have been approved. The board shall, from time to time during the fiscal year, review the budgets, expenditures and programs of the various centers and if it determines that any amount of funds are not needed for any particular center to which they were allocated, it may, after 30 days' notice, withdraw such funds as are*

unencumbered and reallocate them to other centers. It may withdraw all funds from any center upon 90 days' notice whose program is not being administered in accordance with its approved plan and budget.

Sec. 25. Minnesota Statutes 1980, Section 252.24, Subdivision 4, is amended to read:

Subd. 4. [FEES.] The *county* board (OF DIRECTORS OF A DEVELOPMENTAL ACHIEVEMENT CENTER) may, with the approval of the (COUNTY BOARD AND THE) commissioner, (CHARGE A REASONABLE ATTENDANCE FEE, BASED ON THE ABILITY OF THE MENTALLY RETARDED OR CEREBRAL PALSTED PERSON, HIS GUARDIAN OR FAMILY TO PAY SUCH A FEE) *establish a schedule of fees for daytime developmental achievement services as provided in section 256E.08, subdivision 6.* No mentally retarded or cerebral palsied person shall be denied (PARTICIPATION IN THE ACTIVITIES OF SUCH A CENTER) *daytime developmental achievement services* because of an inability to pay such a fee.

Sec. 26. Minnesota Statutes 1980, Section 252.27, Subdivision 1, is amended to read:

Subdivision 1. Whenever any child who is mentally retarded, epileptic or emotionally handicapped is in 24 hour care outside the home and outside the state institutions, in a facility licensed by the commissioner of public welfare, the cost of care shall be paid by the county of financial responsibility determined pursuant to section (256D.18) *256E.08, subdivision 7.* If the child's parents or guardians do not reside in this state, the cost shall be paid by the county in which the child is found. (THE COUNTY PAYING THE COSTS OF CARE AND TREATMENT SHALL, SUBJECT TO RULES PROMULGATED BY THE COMMISSIONER OF PUBLIC WELFARE, RECEIVE REIMBURSEMENT NOT EXCEEDING 70 PERCENT OF THE COSTS FROM FUNDS MADE AVAILABLE FOR THIS PURPOSE BY THE LEGISLATURE. REIMBURSEMENT SHALL CEASE WHEN THE MENTALLY RETARDED, EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILD REACHES AGE 18. IF THE STATE APPROPRIATION FOR THIS PURPOSE IS INSUFFICIENT, REIMBURSEMENT SHALL BE PRORATED.) For the purposes of this section an "emotionally handicapped child" means any child having a psychiatric or other emotional disorder which substantially impairs his mental health and who requires 24 hour treatment or supervision.

Sec. 27. Minnesota Statutes 1980, Section 252.27, Subdivision 2, is amended to read:

Subd. 2. The commissioner of public welfare shall promulgate rules to determine the responsibility of the parents and the

child to contribute to the cost of care and treatment based upon ability to pay. Responsibility of the parents (AND OF THE CHILD) for the cost of care shall be up to a maximum of (\$125) *ten percent of the cost of care per month. Responsibility of the child for the cost of care shall be up to the maximum amount of the total income and resources attributed to the child except for the clothing and personal needs allowance as provided in section 256B.35, subdivision 1.* Reimbursement by the parents and child shall be made to the county making any payments for care and treatment. The (COMMISSIONER) *county board* may require payment of the full cost of caring for children whose parents or guardians do not reside in this state. The commissioner's determination shall be conclusive in any action to enforce payment of the cost of care. Any appeals from the commissioner's determination shall be made pursuant to section 256.045, subdivisions 2 and 3.

Sec. 28. Minnesota Statutes 1980, Section 254A.03, Subdivision 1, is amended to read:

Subdivision 1. There is hereby created an alcohol and other drug abuse section in the department of public welfare. This section shall be headed by a director who shall be in the unclassified service. The section shall:

(a) conduct and foster basic research relating to the cause, prevention and methods of diagnosis, treatment and rehabilitation of alcoholic and other drug dependent persons;

(b) coordinate all activities and programs of all the various state departments as they relate to alcohol and other drug dependency and abuse problems;

(c) develop and demonstrate new methods and techniques for the prevention, treatment and rehabilitation of alcohol and other drug abuse and dependency problems;

(d) gather and disseminate facts and information about alcoholism and other drug dependency and abuse to public and private agencies and the courts so requesting such information for guidance to and assistance in prevention, treatment and rehabilitation;

(e) inform and educate the general public on alcohol and other drug dependency and abuse problems;

(f) serve as the state authority concerning alcohol and other drug dependency and abuse;

(g) establish a state plan which shall set forth goals and priorities within a comprehensive alcohol and other drug dependency and abuse program for Minnesota. All governmental units

operating alcohol and other drug abuse or dependency programs or administering state or federal funds for such programs shall annually set their program goals and priorities (AND ALLOCATE FUNDS IN ACCORDANCE WITH THE COMPREHENSIVE STATE PLAN);

(h) make contracts with and grants to public and private agencies and organizations, both profit and nonprofit, and individuals (FOR THE PROVISION OF COMPREHENSIVE PROGRAM SERVICES) *using federal funds, and state funds as authorized to pay for costs of state administration, including evaluation, statewide programs and services, research and demonstration projects, and American Indian programs;*

(i) solicit and accept any gift of money or property for purposes of Laws 1973, Chapter 572, and any grant of money, services, or property from the federal government, the state, any political subdivision thereof, or any private source;

(j) with respect to alcohol and other drug abuse programs serving the American Indian community, establish guidelines for the employment of personnel with considerable practical experience in alcohol and other drug abuse problems, and understanding of social and cultural problems related to alcohol and other drug abuse, in the American Indian community.

Sec. 29. Minnesota Statutes 1980, Section 254A.05, Subdivision 1, is amended to read:

Subdivision 1. (a) The council shall assist in the formulation of policies and guidelines for the implementation of the commissioner's responsibilities in the area of alcohol and drug abuse.

(b) The council shall advise the commissioner and director on policies, goals, and the operation of the comprehensive state plan for alcohol and drug abuse program services in the state and other matters as directed by the commissioner and director, and shall encourage public understanding and support of the alcohol and drug abuse programs.

(c) The council shall make recommendations to the commissioner regarding grants (OF FEDERAL MONEY TO COUNTY BOARDS UNDER SECTION 254A.07) *and contracts using federal funds, and state funds as authorized under section 254A.03, subdivision 1, clause (h), and for American Indian chemical dependency programs authorized by section 254A.031.*

Sec. 30. Minnesota Statutes 1980, Section 254A.07, Subdivision 2, is amended to read:

Subd. 2. The county boards may make grants for comprehensive programs for prevention, care, and treatment of alcohol and other drug abuse as developed and defined by the state authority. Grants made for programs serving the American Indian community shall take into account the guidelines established in section 254A.03, subdivision 1, clause (j). Grants may be made for the cost of these comprehensive programs and services whether provided directly by county boards or by other public and private agencies and organizations, both profit and nonprofit, and individuals, pursuant to contract. Nothing herein shall prevent the state authority from entering into contracts with and making grants to other state agencies for the purpose of providing specific services and programs. *With the approval of the county board, the state authority may make grants or contracts for research or demonstration projects specific to needs within that county.*

Sec. 31. Minnesota Statutes 1980, Section 254A.08, Subdivision 1, is amended to read:

Subdivision 1. Every county board shall provide (A) detoxification (PROGRAM) *services* for drug dependent persons. The board may utilize existing treatment programs and other agencies to meet this responsibility.

Sec. 32. [REPEALERS.]

Minnesota Statutes 1980, Sections 245.67; 245.68; 245.72; 252.26; 256E.06, Subdivision 11; 256E.08, Subdivision 9; and 261.27 are repealed.

Sec. 33. [EFFECTIVE DATE.]

This act is effective January 1, 1982 except that section 20 is effective the day following final enactment. In 1981, the commissioner shall send notice of the availability of sliding fee program grants as soon as possible following the effective date. For counties applying for grants in 1981 under section 20 that have not received grants under Laws 1979, Chapter 307, the application deadline is June 8; the counties shall apply as soon as possible after the effective date of sections 1 to 3 and the commissioner shall make grants in 1981 under section 1 no later than July."

Delete the title and insert:

"A bill for an act relating to community social services; defining groups of persons for whom counties are responsible; establishing certain funding levels; clarifying sections of the community social services act; amending Minnesota Statutes 1980, Sections 245.64; 245.66; 245.84, Subdivisions 2 and 5; 252.21; 252.24, Subdivisions 1, 3 and 4; 252.27, Subdivisions 1

and 2; 254A.03, Subdivision 1; 254A.05, Subdivision 1; 254A.07, Subdivision 2; 254A.08, Subdivision 1; 256E.03, Subdivision 2; 256E.04, Subdivision 1; 256E.05, Subdivisions 2 and 3; 256E.06, Subdivisions 1, 2, 4, and 5; 256E.07, Subdivision 2; 256E.08, Subdivisions 1, 7 and 9; 256E.09, Subdivisions 1, 3, and by adding a subdivision; 256E.10; and 256E.12, Subdivision 3; repealing Minnesota Statutes 1980, Sections 245.67; 245.68; 245.72; 252.26; 256E.06, Subdivision 11; 256E.08, Subdivision 9; and 261.27."

With the recommendation that when so amended the bill pass.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 6, A bill for an act relating to commerce; prohibiting certain sales of gasoline for prices which are determined by certain factors other than actual gallonage received; proposing new law coded in Minnesota Statutes, Chapter 296.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 296.05, is amended by adding a subdivision to read:

Subd. 7. [SALES OF CERTAIN PETROLEUM PRODUCTS ON GROSS VOLUME BASIS.] The sale of gasoline, number one and number two diesel oils and number one and number two fuel oils and kerosene from a supplier's terminal rack through retail on any other basis than gross volume is prohibited."

Delete the title and insert:

"A bill for an act relating to commerce; prohibiting the sale of certain petroleum products on any basis other than gross volume; amending Minnesota Statutes 1980, Section 296.05, by adding a subdivision."

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

The report was adopted.

Sieben, M., from the Committee on Appropriations to which was referred:

H. F. No. 12, A bill for an act relating to public utilities; requiring commission approval of interim rate changes; amending Minnesota Statutes 1980, Sections 216B.16, Subdivision 3; and 237.075, Subdivision 3.

Reported the same back with the following amendments:

Page 2, line 1, delete "*clear*"

Page 2, line 2, delete "*and compelling*"

Page 4, line 2, delete "*clear and compelling*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 25, A bill for an act relating to courts; changing the compensation of Hennepin County conciliation court referees; amending Minnesota Statutes 1980, Section 488A.13, Subdivision 1.

Reported the same back with the following amendments:

Page 2, line 5, after "*commissioners.*" strike the balance of the line

Page 2, strike lines 6 and 7 and insert:

"Sec. 2. Minnesota Statutes 1980, Section 488A.08, Subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] Misdemeanor violation bureaus shall be established at Minneapolis, Bloomington, (ST. LOUIS PARK, WAYZATA, AND CRYSTAL AND AT SUCH ADDITIONAL PLACES AS A MAJORITY OF THE JUDGES OF THE COURT MAY ESTABLISH CONSISTENT WITH RULE 23 OF THE RULES OF CRIMINAL PROCEDURE) *and at such other northern and western suburban locations disbursed throughout the county as may be designated by a majority of the judges of the court.*"

Amend the title as follows:

Page 1, line 3, after the semicolon insert "providing for the establishment of misdemeanor violation bureaus for Hennepin County;"

Page 1, line 4, delete "Section" and insert "Sections 488A.08, Subdivision 1; and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Eken from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 35, A resolution memorializing Congress to enact legislation relating to the early release of election returns.

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

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 54, A bill for an act relating to meetings of public bodies; allowing public employers to determine negotiation strategy at a nonpublic meeting; amending Minnesota Statutes 1980, Section 471.705, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1980, Section 471.705, is amended by adding a subdivision to read:

Subd. 1a. [EXCEPTION.] Subdivision 1 does not apply to a meeting held pursuant to the procedure in this subdivision. The governing body of a public employer shall by a majority vote in a public meeting decide to hold a closed meeting to consider strategy for a labor negotiation with its employees conducted pursuant to sections 179.61 to 179.76. The time of commencement and place of the closed meeting shall be announced at the public meeting. A written roll of members and all other persons present at the closed meeting shall be made available to the public after the closed meeting. The proceedings of a closed meeting to discuss negotiation strategies shall be tape recorded at the expense of the governing body and shall be preserved by it for two years after the contract is signed and shall be made available to the public after all labor contracts are signed by the governing body for the current budget period.

If an action is brought claiming that public business other than discussions of labor negotiation strategies or development, discussion, or review of labor negotiation proposals was transacted at a closed meeting held pursuant to this subdivision during the time when the tape is not available to the public, the court shall review the recording of the meeting in camera. If the

court determines that no violation of this section is found based on the recording in question, the action shall be dismissed and the recording shall be preserved in the records of the court, to be made available only to a reviewing court in the event of an appeal. If the court determines that a violation of this section is found based on the recording, the recording may be introduced at trial in its entirety subject to such protective orders as requested by either party and deemed appropriate by the court.

The prevailing party in an action which establishes that a violation of this section has occurred shall recover costs and reasonable attorney's fees as determined by the court.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day after final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 126, A bill for an act relating to waters; requiring posting and publication of notice of aeration operations by a municipality or political subdivision; establishing a presumption of due care; proposing new law coded in Minnesota Statutes, Chapter 378.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [378.22] [WATER AERATION SAFETY.]

Subdivision 1. [WARNING SIGNS.] Any permittee operating an aeration system on public waters within the state shall comply with the sign posting requirements of this section and applicable rules and orders of the commissioner of natural resources.

Subd. 2. [POSTING REQUIREMENTS.] Where an aeration system is used on the ice of public waters, signs shall be posted by the permittee at a height of from four to six feet in a rectangular pattern at each corner of the open water, with at least two additional signs between the corner signs on any side exceeding 100 feet in length.

Subd. 3. [ACCESS POINTS.] Additional signs shall be posted by the permittee on the shoreline of public waters con-

taining an aeration system at each public or private access point. The signs shall comply with the applicable order of the commissioner of natural resources.

Subd. 4. [PUBLICATION OF NOTICE.] Advance public notice of the commencement of any aeration system, authorized by a permit from the commissioner of natural resources during periods of ice cover on public waters, shall be given by the permittee. Minimum notice shall consist of publication of the location and date of commencement of the system in a newspaper of general circulation in the area where the system is proposed to be operated at least two times between five and 20 days prior to commencement.

Subd. 5. [EVIDENCE.] In any action for negligence arising out of the conduct of aeration operations authorized by a permit from the commissioner of natural resources during periods of ice cover on public waters, evidence of compliance with the posting and publication requirements of this section and applicable rules, orders and permit provisions of the commissioner of natural resources shall be prima facie evidence of the exercise of due care by the permittee."

Amend the title as follows:

Page 1, line 3, delete "municipality or" and insert "permittee of the commissioner of natural resources"

Page 1, line 4, delete "political subdivision"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 137, A bill for an act relating to state government; creating an office for promotion of efficiency and productivity in state government; protecting state employees disclosing certain information; appropriating money; proposing new law coded in Minnesota Statutes, Chapters 15 and 43.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [3.861] [LEGISLATIVE COMMISSION ON EFFICIENCY AND ECONOMY IN STATE GOVERNMENT.]

Subdivision 1. [PURPOSE; CREATION.] The legislature recognizes that it has a continuing responsibility to ensure that state government services operate as efficiently and as economically as possible. The legislature further recognizes that the dedication, skill and talent of state employees have contributed to efficient government and that the legislature has a responsibility to encourage and promote these qualities. To help meet these responsibilities there is hereby created a legislative commission on efficiency and economy in government.

Subd. 2. [COMPOSITION.] The legislative commission on efficiency and economy in state government is composed of six members of the senate and six members of the house of representatives. The senate members shall include the leader of the majority caucus or his designee, the chairman of the finance committee or his designee, the chairman of the governmental operations committee or his designee, the chairman of the employment committee or his designee, and two members designated by the leader of the minority caucus. The house members shall include the speaker of the house or his designee, the chairman of the appropriations committee or his designee, the chairman of the governmental operations committee or his designee, the chairman of the labor-management committee or his designee, and two members designated by the leader of the minority caucus. The chairmanship of the commission shall alternate every second year between a member of the senate and a member of the house. The commission shall elect other officers as it may determine necessary. It shall meet at the call of the chairman. The members of the commission shall serve without compensation but shall be reimbursed for their reasonable expenses as members of the legislature. The commission may exercise the powers prescribed by section 3.153. The commission members shall be appointed within 30 days of the effective date of this section.

Subd. 3. [GENERAL DUTIES.] The commission shall:

(a) Make periodic reports to the legislature on ways to improve, streamline, merge or discontinue state services so that the best service may be provided to the public at the least cost;

(b) Monitor and report to the legislature on the implementation of recommendations made by the staff of the commission and by other groups to improve efficiency and productivity in state government;

(c) Research and analyze means of improving efficiency, productivity and economy in state government;

(d) Adopt rules consistent with this section relating to the scheduling and conduct of commission business and other organizational and procedural matters; and

(e) *Perform other related functions as are delegated to it by the legislature.*

Charges of abuse of authority, corruption or general malfeasance in state government brought to the commission shall be transmitted by the commission in writing to the legislative auditor.

Subd. 4. [STAFF.] The committee on rules and administration in the senate and the committee on rules and legislative administration in the house of representatives shall designate existing legislative staff to serve as staff for the commission. The secretary of the member appointed chairman shall serve as the secretary for the commission.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.

Sec. 3. [REPEALER.]

Section 1 is repealed effective June 30, 1985."

Delete the title and insert:

"A bill for an act relating to the legislature; establishing a legislative commission on efficiency and economy in state government; proposing new law coded in Minnesota Statutes, Chapter 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 138, A bill for an act relating to courts; authorizing the judges of the sixth judicial district to set the salaries of court reporters.

Reported the same back with the following amendments:

Page 1, line 14, delete *"at an amount not exceeding \$28,500 per year"*

Page 2, after line 15, add a new section to read:

"Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

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

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 192, A bill for an act relating to labor; regulating migrant labor; requiring employers and recruiters to provide employment statements to migrant workers; setting requirements for employment statements and for payment of wages to migrant workers; providing for private causes of action; proposing new law coded in Minnesota Statutes, Chapter 181.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [181.85] [DEFINITIONS.]

Subdivision 1. [GENERALLY.] For the purposes of sections 1 to 6, the terms defined in this section have the meanings given them.

Subd. 2. [AGRICULTURAL LABOR.] "Agricultural labor" means field labor associated with the cultivation and harvest of fruits and vegetables and work performed in processing fruits and vegetables for market.

Subd. 3. [MIGRANT WORKER.] "Migrant worker" means an individual at least 17 years of age who travels more than 100 miles to Minnesota from some other state to perform seasonal agricultural labor in Minnesota.

Subd. 4. [EMPLOYER.] "Employer" means a processor of fruits or vegetables that employs, either directly or indirectly through a recruiter, more than 30 migrant workers per day for more than seven days in any calendar year.

Subd. 5. [RECRUIT.] "Recruit" means to induce an individual, directly or indirectly through an agent or recruiter, to travel to Minnesota to perform agricultural labor by an offer of employment or of the possibility of employment.

Subd. 6. [RECRUITER.] "Recruiter" means an individual or person other than an employer that for a fee, either for itself or for another individual or person, solicits, hires, or furnishes migrant workers, excluding members of an individual recruiter's immediate family, for agricultural labor to be performed for an employer in this state. "Recruiter" does not include a public agency providing employment services.

Sec. 2. [181.86] [EMPLOYMENT STATEMENT.]

Subdivision 1. [TERMS.] An employer that recruits a migrant worker shall provide the migrant worker, at the time the worker is recruited, with a written employment statement which shall state clearly and plainly, in English and Spanish:

(1) The date on which and the place at which the statement was completed and provided to the migrant worker;

(2) The name and permanent address of the migrant worker, of the employer, and of the recruiter who recruited the migrant worker;

(3) The date on which the migrant worker is to arrive at the place of employment, the date on which employment is to begin, the approximate hours of employment, and the minimum period of employment;

(4) The crops and the operations on which the migrant worker will be employed;

(5) The wage rates to be paid;

(6) The payment terms, as provided in section 3;

(7) Any deduction to be made from wages; and

(8) Whether housing will be provided.

Subd. 2. [CONTRACT.] The employment statement is an enforceable contract between the migrant worker and the employer.

Sec. 3. [181.87] [PAYMENT TERMS.]

Subdivision 1. [ENTITLED TO PAYMENT.] Each migrant worker who is recruited by an employer is entitled to payment in accordance with this section.

Subd. 2. [BIWEEKLY PAY.] The employer shall pay wages due to the migrant worker at least every two weeks, except on termination, when the employer shall pay within three days.

Subd. 3. [GUARANTEED HOURS.] The employer shall guarantee to each recruited migrant worker a minimum of 70 hours pay for work in any two successive weeks and, should the pay for hours actually offered by the employer and worked by the migrant worker provide a sum of pay less than the minimum guarantee, the employer shall pay the migrant worker the difference within three days after the scheduled payday for the pay period involved. Payment for the guaranteed hours shall be at the hourly wage rate, if any, specified in the employment statement, or the federal minimum wage, whichever is higher. Any pay in addition to the hourly wage rate specified in the

employment statement shall be applied against the guarantee. This guarantee applies for the minimum period of employment specified in the employment statement beginning with the date on which employment is to begin as specified in the employment statement. The date on which employment is to begin may be changed by the employer by written, telephonic, or telegraphic notice to the migrant worker, at his last known address, no later than ten days prior to the previously stated beginning date. The migrant worker shall contact the recruiter to obtain the latest information regarding the date upon which employment is to begin no later than five days prior to the previously stated beginning date. This guarantee shall be reduced, when there is no work available for a period of seven or more consecutive days during any two week period subsequent to the commencement of work, by five hours pay for each such day, when the unavailability of work is caused by climatic conditions or an act of God, provided that the employer pays the migrant worker, on the normal pay day, the sum of \$5 for each such day.

Subd. 4. [WORKER FIRED OR QUILTS.] If the migrant worker quits or is fired for cause prior to the completion of the operation for which he was hired, the migrant worker is entitled to no further guarantee under subdivision 3 from that employer. If the migrant worker quits or is fired for cause before the completion of a two week pay period, he is entitled to no guarantee for that period.

Subd. 5. [HOUSING VACATED.] The employer may require the migrant worker to vacate the provided housing on final payment of all wages.

Subd. 6. [REFUSAL TO WORK; ILLNESS.] If on any day for which work is offered the migrant worker refuses or because of illness or disability is unable to perform work which is offered, the employer may reduce the guarantee available in the pay period by the number of hours of work actually offered by the employer that day.

Subd. 7. [STATEMENT ITEMIZING DEDUCTIONS FROM WAGES.] The employer shall provide a written statement at the time wages are paid clearly itemizing each deduction from wages.

Sec. 4. [181.88] [RECORD KEEPING.]

Every employer subject to the provisions of sections 1 to 6 shall maintain complete and accurate records of the names of, the daily hours worked by, the rate of pay for and the wages paid each pay period to every individual migrant worker recruited by that employer, and shall preserve the records for a period of at least three years.

Sec. 5. [181.89] [CIVIL ACTIONS.]

Subdivision 1. [MAY BRING ACTION.] Any migrant worker claiming to be aggrieved by a violation of sections 2 to 4 may bring a civil action for damages and injunctive relief against his employer.

Subd. 2. [JUDGEMENT; DAMAGES.] If the court finds that any defendant has violated the provisions of sections 2 to 4, the court shall enter judgment for the actual damages incurred by the plaintiff or the appropriate penalty as provided by this subdivision, whichever is greater. The court may also award court costs and a reasonable attorney's fee. The penalties shall be as follows:

(1) Whenever the court finds that an employer has violated the record keeping requirements of section 4, \$50;

(2) Whenever the court finds that an employer has recruited a migrant worker without providing a written employment statement as provided in section 2, subdivision 1, \$250;

(3) Whenever the court finds that an employer has recruited a migrant worker after having provided a written employment statement, but finds that the employment statement fails to comply with the requirement of section 2, subdivision 1 or section 3, \$250;

(4) Whenever the court finds that an employer has failed to comply with the terms of an employment statement which he has provided to a migrant worker or has failed to comply with any payment term required by section 3, \$250;

(5) Whenever the court finds that an employer has failed to pay wages to a migrant worker within a time period set forth in section 4, subdivision 2 or 3, \$250; and

(6) Whenever penalties are awarded, they shall be awarded severally in favor of each migrant work plaintiff and against each defendant found liable.

Sec. 6. [181.90] [USE WAGNER-PEYSER SYSTEM.]

An employer who uses the federal work clearance order system under the Wagner-Peyser Act of 1933, 48 Stat. 113, as amended, is deemed to recruit the migrant workers who are thereby induced to travel to Minnesota to perform agricultural labor. The provisions of sections 1 to 5 shall not be construed to prohibit the use of the work clearance order system by an employer who recruits migrant workers, but use of the federal work clearance order system by an employer shall not excuse the employer from compliance with sections 1 to 5.

Sec. 7. [181.91.] [PRESERVATION OF EXISTING REMEDIES.]

The remedies provided in sections 1 to 6 are not exclusive, but are in addition to remedies provided in other law.

Sec. 8. [EFFECTIVE DATE.]

This act is effective November 1, 1981."

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 217, A bill for an act relating to state trails; authorizing the sale of certain lands acquired for the Luce Line Trail.

Reported the same back with the following amendments:

Page 1, line 21, delete "and"

Page 1, delete lines 22 and 23 and insert "*provided that no parcel shall include lands in more than one county.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 232, A bill for an act relating to crimes; prohibiting the possession, manufacture, or delivery of drug paraphernalia; prohibiting the delivery of drug paraphernalia to minors; prohibiting the advertisement of drug paraphernalia; providing for civil forfeiture of drug paraphernalia; prohibiting the sale of cigarette paper or the means for making cigarettes if there is knowledge or reason to believe that the items will be used in violation of the controlled substance law; prohibiting owners of real property to lease or otherwise permit the use of their property for the retail sale of drug paraphernalia; prescribing penalties; amending Minnesota Statutes 1980, Sections 152.01, by adding subdivisions; 152.19, Subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, Chapter 152.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 152.01, is amended by adding a subdivision to read:

Subd. 18. [DRUG PARAPHERNALIA.] "Drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use, in manufacturing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this act or the Uniform Controlled Substances Act. The term includes, but is not limited to:

(1) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances;

(2) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(3) Hypodermic syringes, needles, and other objects used, intended for use, and designed for use in parenterally injecting controlled substances into the human body; and

(4) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, which shall include but not be limited to the following:

(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(b) Water pipes;

(c) Carburetion tubes and devices;

(d) Smoking and carburetion masks;

(e) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, which has become too small or too short to be held in the hand;

(f) Miniature cocaine spoons, and cocaine vials;

(g) Chamber pipes;

(h) Carburetor pipes;

(i) Electric pipes;

(j) Air-driven pipes;

- (k) *Chillums;*
- (l) *Bongs; and*
- (m) *Ice pipes or chillers.*

Sec. 2. [152.091] [FACTORS TO BE CONSIDERED IN DETERMINING IF OBJECT IS DRUG PARAPHERNALIA.]

In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:

- (1) *Statements by an owner or by anyone in control of the object concerning its use;*
- (2) *Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;*
- (3) *The proximity of the object, in time and space, to a direct violation of this act;*
- (4) *The proximity of the object to any controlled substance;*
- (5) *The existence of any residue of a controlled substance on the object;*
- (6) *Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to any person whom he or she knows intends to use the object to facilitate a violation of this act. The innocence of an owner, or of anyone in control of the object, as to a direct violation of this act shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;*
- (7) *Instructions, oral or written, provided with the object concerning its use;*
- (8) *Descriptive materials accompanying the object which explain or depict its use;*
- (9) *National and local advertising concerning its use;*
- (10) *The manner in which the object is displayed for sale;*
- (11) *Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;*
- (12) *The existence and scope of any legitimate use for the object in the community; and*

(13) *Expert testimony concerning its use.*

Sec. 3. [152.092] [POSSESSION OF DRUG PARAPHERNALIA PROHIBITED.]

It shall be unlawful for any person to use, or to possess with intent to use, drug paraphernalia to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this act. Any violation of this section is a petty misdemeanor.

Sec. 4. [152.093] [MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA PROHIBITED.]

It shall be unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be used to manufacture, inject, ingest, inhale, or otherwise be used to introduce into the human body a controlled substance in violation of this act. Any violation of this section is a gross misdemeanor.

Sec. 5. [152.094] [DELIVERY OF DRUG PARAPHERNALIA TO A MINOR PROHIBITED.]

Any person 18 years of age or older who violates section 4 of this act by delivering drug paraphernalia to a person under 18 years of age who is at least three years his or her junior is guilty of a felony.

Sec. 6. [152.095] [ADVERTISEMENT OF DRUG PARAPHERNALIA PROHIBITED.]

It shall be unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. A violation of this section is a misdemeanor.

Sec. 7. Minnesota Statutes 1980, Section 152.19, Subdivision 1, is amended to read:

Subdivision 1. The following are subject to forfeiture:

(1) All controlled substances which have been manufactured, distributed, dispensed or acquired in violation of this chapter;

(2) All raw materials, moneys, products and equipment of any kind which are used, or intended for use, in manufacturing,

compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter;

(3) All property which is used, or intended for use, as a primary container for property described in clauses (1) or (2);

(4) *All drug paraphernalia as defined by section 1;*

(5) All conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in clauses (1) or (2) having a retail value of \$100 or more, but:

(a) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter.

(b) No conveyance is subject to forfeiture under this section unless the owner thereof is privy to a violation of this chapter, or that the use of the conveyance in such violation otherwise occurred with his knowledge or consent.

(c) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party unless he had knowledge of or consented to the act or omission upon which the forfeiture is based.

(d) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter.

Sec. 8. Minnesota Statutes 1980, Section 152.19, Subdivision 3, is amended to read:

Subd. 3. In the event of a conviction for a gross misdemeanor or a misdemeanor, any conveyance seized pursuant to subdivision 1, clause ((4)) (5) of this section or any moneys seized pursuant to subdivision 1, clause (2) of this section, shall be returned to the person legally entitled thereto.

Sec. 9. [SEVERABILITY.]

If any provision or any application of sections 1 to 8 is held invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of sections 1 to 9 are severable.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective August 1, 1981 and apply to all crimes committed on or after that date."

Amend the title as follows:

Page 1, line 2, delete "possession,"

Page 1, line 7, after the semicolon delete the balance of the line

Page 1, delete lines 8, 9, 10, 11, and 12

Page 1, line 13, delete everything before "prescribing"

Page 1, line 15, delete "subdivisions" and insert "a subdivision"

Page 1, line 15, delete "Subdivisions" and insert "Subdivision"

Page 1, line 16, delete "and 3"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Criminal Justice.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 263, A bill for an act relating to public employment; authorizing recognition of legal strike by non-members of bargaining unit; amending Minnesota Statutes 1980, Section 179.64, by adding a subdivision.

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

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 279, A bill for an act relating to aircraft; broadening the insurance exemption for certain aircraft; amending Minnesota Statutes 1980, Section 360.59, Subdivision 10.

Reported the same back with the following amendments:

Page 1, line 15, strike "both"

Page 1, line 16, after "death" insert a semicolon and strike "and" and insert "not less than \$25,000"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Financial Institutions and Insurance.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 295, A bill for an act relating to retirement; providing post retirement annuity or benefit increases for certain retired or disabled public employees; appropriating funds; amending Laws 1979, Chapter 293, Section 10, Subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [POST RETIREMENT ADJUSTMENT; LUMP SUM PAYMENTS.]

Subdivision 1. [ENTITLEMENT.] Any person who is receiving a retirement annuity, a disability benefit or a surviving spouse's annuity or benefit from a retirement fund specified in subdivision 3, clauses (1) to (5) which was computed under the laws in effect prior to June 1, 1973, if the person is receiving an annuity or benefit from the retirement fund specified in subdivision 3, clause (4), or prior to July 1, 1973, if the person is receiving an annuity or benefit from a retirement fund specified in subdivision 3, clause (1), (2), (3) or (5), and any person who is receiving a "\$2 bill and annuity" annuity from the retirement fund specified in subdivision 3, clause (6), and any person who is receiving a retirement annuity, a disability or a surviving spouse's annuity or benefit from the retirement fund specified in subdivision 3, clause (5), which was computed under the metropolitan transit commission-transit operating division employees retirement fund plan document in effect on or prior to December 31, 1977, shall be entitled to receive a post retirement adjustment from the applicable retirement fund in the amount specified in subdivision 2.

Subd. 2. [AMOUNT OF POST RETIREMENT ADJUSTMENT; PAYMENT.] *For any person receiving an annuity or benefit on November 30, 1981, or on November 30, 1982, and entitled to receive a post retirement adjustment pursuant to*

subdivision 1, the post retirement adjustment shall be a lump sum payment in an amount equal to \$16 during 1981 and \$17 during 1982 for each full year of allowable service credited to the person by the respective retirement fund. The post retirement adjustment provided for in this section shall be payable for those persons receiving an annuity or benefit on November 30, 1981, on December 1, 1981, and for those persons receiving an annuity or benefit on November 30, 1982, on December 1, 1982. Nothing in this section shall authorize the payment of a post retirement adjustment to an estate. Notwithstanding Minnesota Statutes, Section 356.18, the post retirement adjustment provided for in this section shall be paid automatically unless the intended recipient files a written notice with the retirement fund requesting that the post retirement adjustment not be paid.

Subd. 3. [COVERED RETIREMENT FUNDS.] *The post retirement adjustment provided for in this section shall apply to the following retirement funds:*

- (1) The public employees retirement fund;*
- (2) The public employees police and fire fund;*
- (3) The teachers retirement fund;*
- (4) The highway patrol retirement fund;*
- (5) The state employees retirement fund of the Minnesota state retirement system; and*
- (6) The Minneapolis municipal employees retirement fund.*

Subd. 4. [TERMINAL AUDIT.] *Each covered retirement fund as specified in subdivision 3 shall, as soon as is practical following the payment of the December 1, 1981, and December 1, 1982, post retirement adjustments, calculate the amount of any appropriation apportioned to it which is in excess of the amounts required to pay the post retirement adjustments provided for in this act. The calculations required by this paragraph shall be reported to and verified by the commissioner of finance and amounts equal to these reported excess appropriation amounts shall be returned to the general fund.*

Subd. 5. [APPROPRIATION.] *There is hereby appropriated during the 1982-83 biennium, the sum of \$..... for the purpose of funding the post retirement adjustments provided for in this section. The appropriation shall be apportioned to the retirement funds paying the post retirement adjustment as follows:*

FY 1982

FY 1983

<i>public employees retirement fund</i>	\$	\$
<i>public employees police and fire fund</i> .....	.....	.....
<i>teachers retirement fund</i> .....	.....	.....
<i>highway patrol retirement fund</i> .....	.....	.....
<i>state employees retirement fund</i> .....	.....	.....
<i>Minneapolis municipal employees retirement fund</i> .....	.....	.....

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1981."

Amend the title as follows:

Page 1, line 4, delete the second semi-colon

Page 1, delete line 5

Page 1, line 6, delete "Subdivision 3"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 308, A bill for an act relating to courts; Hennepin and Ramsey County district courts, juvenile divisions; authorizing appointment of district court judges to hear cases arising under the juvenile court act for terms up to six years; amending Minnesota Statutes 1980, Section 260.019, Subdivision 3.

Reported the same back with the following amendments:

Page 1, after line 16, insert a new section to read:

"Sec. 2. Minnesota Statutes 1980, Section 484.65, Subdivision 1, is amended to read:

Subdivision 1. In the fourth judicial district, a family court division of the district court is hereby created to be presided over

by a district court judge appointed by the chief judge of the judicial district to serve for a term not exceeding (TWO) *six* years. The judge appointed to this office shall be designated as the district court judge, family court division. No judge may be appointed to serve consecutive terms as the district court judge, family court division."

Page 1, line 19, after "*court*" insert "*and family court*"

Renumber the section

Amend the title as follows:

Page 1, line 3, delete ", juvenile divisions"

Page 1, line 6, after "years;" insert "lengthening the term of the presiding judge of Hennepin County family court division;"

Page 1, line 6, delete "Section" and insert "Sections"

Page 1, line 7, before the period insert " ; and 484.65, Subdivision 1"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, M., from the Committee on Appropriations to which was referred:

H. F. No. 326, A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1980, Sections 62E.52, Subdivisions 2 and 3; 62E.53, Subdivisions 1 and 2; and 62E.531, Subdivision 2.

Reported the same back with the following amendments:

Page 3, line 20, delete "\$15,000,000" and insert "\$12,000,000"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 352, A bill for an act relating to crimes; establishing a bill of rights for victims and witnesses of crimes; establishing certain participatory, informational, notification and referral rights for victims and witnesses; affirming the right of victims to bring actions against offenders; establishing the right of a victim to request restitution; providing for implementation of victim and witness rights by law; providing penal sanctions and judicial mechanisms to deter intimidation of witnesses; facilitating the expeditious return of stolen property by provision of judicial and administrative procedures; establishing county coordinating committees on victim and witness assistance to coordinate victim and witness assistance planning; providing for employer intercession, secure court waiting areas and witness fees; requiring criminal justice agencies to inform victims of the progress of criminal prosecutions and to inform victims of financial assistance and social services; providing for minimal victim participation in the criminal process; establishing a crime victims compensation and service fund for payment of compensation awards and victim and witness services; providing penalties; amending Minnesota Statutes 1980, Sections 241.26, Subdivisions 5 and 6; 243.23, Subdivision 3; 363.03, by adding a subdivision; 571.55, by adding a subdivision; 609.115, Subdivision 1; and 631.425, Subdivision 5; proposing new law coded as Minnesota Statutes, Chapter 611A; repealing Minnesota Statutes 1980, Sections 299C.07; 357.24; and 609.498.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert the following:

"Section 1. [611A.01] [STATEMENT OF PURPOSE.]

The legislature recognizes that victims of crime bear much of the social cost of crime and the responsibility for successful prosecution of criminal acts against society. The legislature also recognizes that the importance of the role played by victims and witnesses and the social cost to victims have not always received an appropriate response from society or the criminal justice system. This act is intended to provide practical enforceable, legal mechanisms for appropriate responses to victim and witness needs by discouraging intimidation of citizens who report crimes and testify as witnesses; strengthening the laws concerning restitution and civil liability for criminal acts; notifying victims of financial and social resources; and increasing victim input in the plea agreement and sentencing process.

Sec. 2. [611A.02] [DEFINITIONS.]

Subdivision 1. [GENERALLY.] For the purposes of this act, the terms defined in this section have the meanings given them in this section, except as otherwise expressly provided or indicated by the context.

Subd. 2. [CRIME.] "Crime" means conduct that is included within the definition of "crime" in Minnesota Statutes, Section 609.02, Subdivision 1, or would be included within that definition but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state. It also includes any act which would be a crime under Minnesota Statutes, Section 609.02, Subdivision 2, but for the fact that the act was alleged or found to have been committed by a juvenile.

Subd. 3. "Crime against the person" means any of the following crimes, whether alleged or proven to have been committed by an adult or juvenile: Murder in the first, second or third degree; manslaughter in the first or second degree; assault in the first, second or third degree; simple robbery; aggravated robbery; false imprisonment; criminal sexual conduct in the first, second, third or fourth degree; arson in the first degree; incest; kidnapping, or burglary as defined under Minnesota Statutes, Section 609.58, Subdivision 2, Clause (1)(b) and Clause (2). For the purposes of section 5 of this act, "crime against the person" also includes any act which would be a crime under Minnesota Statutes, Section 609.02, Subdivision 1 but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state. It also includes any act which would be a crime under Minnesota Statutes, Section 609.02, Subdivision 1, but for the fact the act was alleged or found to have been committed by a juvenile.

Subd. 4. "Disposition" means stay of imposition or execution of sentence, continuance of a criminal or juvenile matter for a specified time period pursuant to an agreement that the charge will be dismissed at the end of that period if the criminal defendant or juvenile complies with the conditions of the agreement, or court approval of the criminal defendant's or the juvenile's entry into a pre-trial diversion program, juvenile court dispositions authorized by Minnesota Statutes, Sections 260.181 to 260.193 or commitment of a convicted person to the state commissioner of corrections or pursuant to section 609.105, subdivision 3. For the purposes of section 7, "disposition" does not include any criminal or juvenile commitment to the commissioner of corrections or other imprisonment which is not a condition of probation.

Subd. 5. "Plea agreement" means an agreement between the person charged with a crime against the person and the county attorney, in which the person so charged agrees to plead guilty or admit to a juvenile court petition in exchange for a promise by the county attorney that the person will be charged in criminal court or petitioned in juvenile court on a lesser or different offense in exchange for pleading guilty, or that the person will receive a disposition beneficial to his interest.

Subd. 6. "Person charged with a crime against the person" means an adult charged by criminal complaint or indictment with, or a juvenile who is alleged by juvenile court petition to have committed, a crime against the person.

Subd. 7. "Victim" means a natural person who is the victim of a crime as defined by this section. If the victim has died as a result of a crime as defined by this section, "victim" includes the deceased's surviving spouse or next of kin; or for purposes of section 5, it includes the victim's surviving spouse, next of kin or legal representative of his estate.

Subd. 8. "Juvenile" means an individual under 18 years of age at the time he allegedly committed a crime.

Subd. 9. "Restitution" means money payment or any other form of compensation made by the offender to one or more victims of his crime.

Subd. 10. "Major property crime" means any offense described by Minnesota Statutes, Sections 609.52 or 609.53 where the value of the property taken is more than \$150; arson in the second degree; arson in the third degree, where the value of the property is more than \$300; burglary; and forgery, where the victim of the crime is a natural person.

Sec. 3. [611A.03] [VICTIM SERVICE NOTIFICATION.]

The commissioner of corrections, in cooperation with the executive director of the crime victims reparations board shall develop a plan to provide victims with information concerning victim services in the geographic area where the crime occurred. This information shall include, but not be limited to, information about available victim crisis centers, and to victims of sexual assault, victim witness programs, elderly victims projects, victim assistance hotlines, incest abuse programs and domestic violence shelters and programs.

In developing the plan, the commissioner shall take into account the fact that some counties currently have such informational service systems and victim or witness services or programs. The commissioner shall also take precautions to ensure that the plan does not involve duplication of effort concerning these information services by the state or its political subdivisions.

This plan shall be presented to the appropriate standing committees of the legislature by February 1, 1982.

No cause of action of whatever kind arising out of a failure to give or receive the information required by this section shall accrue to any person against the state or any of its agencies or

local political subdivisions, or any police officer or other agent, servant or employee thereof.

Sec. 4. Minnesota Statutes 1980, Section 609.498, is amended to read:

609.498 [TAMPERING WITH A WITNESS.]

Subdivision 1. [TAMPERING WITH A WITNESS IN THE FIRST DEGREE.] *Whoever does any of the following is guilty of tampering with a witness in the first degree and may be sentenced as provided in subdivision 2:*

(a) *intentionally prevents or dissuades or intentionally attempts to prevent or dissuade by means of force or threats of injury to person, family, or property, a person who is or may become a witness from attending or testifying at any trial, proceeding, or inquiry authorized by law (, IS GUILTY OF TAMPERING WITH A WITNESS IN THE FIRST DEGREE AND MAY BE SENTENCED); or*

(b) *intentionally threatens to cause injury to person, family or property in retaliation against a person who was summoned as a witness at any trial, proceeding or inquiry authorized by law, within a year following that trial, proceeding or inquiry; or*

(c) *intentionally prevents or dissuades or attempts to prevent or dissuade by means of force or threats of injury to person, or property, a person from providing information to law enforcement authorities concerning a crime; or*

(d) *intentionally threatens to cause injury to person, family or property in retaliation against a person who has provided information to law enforcement authorities concerning a crime within a year of that person so providing this information.*

Subd. 2. *Whoever violates subdivision 1 may be sentenced to imprisonment for not more than five years or to payment of a fine not to exceed \$5,000.*

Subd.(2) 3. [TAMPERING WITH A WITNESS IN THE SECOND DEGREE.] *Whoever does any of the following is guilty of tampering with a witness in the second degree and may be sentenced as provided in subdivision 4:*

(a) *intentionally prevents or dissuades or intentionally attempts to prevent or dissuade by means of any act described in section 609.27, subdivision 1, clauses (3), (4), or (5), a person who is or may become a witness from attending or testifying at any trial, proceeding, or inquiry authorized by law (, IS GUILTY OF TAMPERING WITH A WITNESS IN THE SECOND DEGREE AND); or*

(b) intentionally engages in any act described in section 609.27, subdivision 1, clauses (3), (4), or (5) in retaliation against a person who was summoned as a witness at any trial, proceeding or inquiry authorized by law within a year of that trial, proceeding or inquiry; or

(c) intentionally prevents or dissuades or attempts to prevent or dissuade by means of any act described in section 609.27, subdivision 1, clauses (3), (4), or (5), a person from providing information to law enforcement authorities concerning a crime; or

(d) intentionally engages in any act described in section 609.27, subdivision 1, clauses (3), (4), or (5) in retaliation against a person who has provided information to law enforcement authorities concerning a crime within a year of that person so providing that information.

Subd. 4. Whoever violates subdivision 3 may be sentenced to imprisonment for not more than one year or to payment of a fine not to exceed \$1,000.

Sec. 5. [611A.04] [CIVIL ACTIONS.]

Subdivision 1. Victims have the right to bring against the offender all civil actions for legal and equitable relief authorized by the common laws of this state. Any victim of a crime against the person may bring an action for three times the amount of actual damages sustained by the plaintiff or \$500, whichever is greater, the costs of the suit and reasonable attorneys fees. The provisions of this subdivision shall not limit or prohibit the recovery of punitive damages by the victim in any case where punitive damages would otherwise be allowable by law.

Subd. 2. If the victim is deceased, or otherwise legally incompetent to commence or continue with the action described by subdivision 1, the victim's surviving spouse, next of kin or legal representative of his estate may commence or continue the action. Upon written petition by the surviving spouse or one of the next of kin, the court having jurisdiction of an action falling within the provisions of this section, shall appoint a suitable and competent person as trustee to commence or continue the action and obtain recovery of damages therein. The trustee, before commencing his duties shall file his consent and oath. Before the trustee shall receive any money, he shall file a bond as security therefore in such form and with such sureties as the court may require.

Sec. 6. Minnesota Statutes 1980, Section 609.115, is amended to read:

Subdivision 1. When a defendant has been convicted of a misdemeanor or gross misdemeanor the court may and when the

defendant has been convicted of a felony the court shall, before sentence is imposed, cause a presentence investigation and written report to be made to the court concerning the defendant's individual characteristics, circumstances, needs, potentialities, criminal record and social history, the circumstances of the offense and the harm caused thereby to others and to the community; and the feasibility of restitution as provided in this section. If the court so directs, the report shall include an estimate of the prospects of the defendant's rehabilitation and recommendations as to the sentence which should be imposed. In misdemeanor cases the report may be oral.

Subd. 2. If the crime of which the defendant is convicted in criminal court, or found admitted or proven true by juvenile court, is a crime against the person, the probation officer or other person conducting the presentence or predispositional report shall make reasonable and good faith efforts to contact the victim of that crime and to provide that victim with information. This information shall consist of: the charge or juvenile court petition to which the defendant has plead guilty or the juvenile respondent has admitted in court, or of any plea agreement between the prosecution and the defense counsel. The probation officer or other person making the report shall also inform the victim of a crime against the person of his right to personally appear and object, or object in writing to the court, prior to the time the court pronounces the sentence or the juvenile court disposition, to the proposed sentence or juvenile dispositional alternative, or terms of the proposed plea agreement. Failure of the probation officer to comply with this section does not and shall not be construed to give any rights or grounds for post conviction or post juvenile disposition relief to the defendant or juvenile court respondent. Failure of a probation officer to comply with this section or failure of a victim of a crime against the person to respond to a probation officer does not entitle a defendant to withdraw a plea of guilty.

Subd. 3. The presentence investigation report shall also include the following information relating to a victim or victims of a crime against the person:

(a) A summary of the economic loss, physical injury, psychological complications, and any other relevant readjustment problems generated by the criminal occurrence; and

(b) A concise statement of what disposition the victim deems appropriate for the defendant or juvenile court respondent, including reasons given, if any, by the victim in support of his opinion;

(c) An attachment to the report, consisting of the victim's written objections, if any, to the proposed disposition, or to a

plea agreement, if the victim provides the probation officer with this written material within a reasonable time prior to the disposition.

If there is more than one victim, the report shall include the information described in clauses (a), (b) and (c), with respect to all of the victims to the extent practical.

Subd. 4. The investigation shall be made by a probation officer of the court, if there is one, otherwise by the commissioner of corrections.

Pending the presentence investigation and report, the court with the consent of the commissioner may commit the defendant to the custody of the commissioner of corrections who shall return the defendant to the court when the court so orders.

Presentence investigations shall be conducted and summary hearings held upon reports and upon the sentence to be imposed upon the defendant in accordance with this section, Minnesota Statutes, Section 244.10, upon its effective date, and Rule 27 of the rules of criminal procedure.

Subd. (2) 5. If the defendant has been convicted of a crime for which a mandatory sentence of life imprisonment is provided by law, the probation officer of the court, if there is one, otherwise the commissioner of corrections, shall forthwith make a post-sentence investigation and make a written report as provided by subdivision 1.

Subd. (3) 6. All law enforcement agencies shall make available to the probation officer or the commissioner of corrections the criminal record and other relevant information relating to the defendant which they may have, when requested for the purposes of subdivisions 1 and 2.

Subd. (4) 7. Any report made pursuant to subdivision 1 shall be, if written, provided to counsel for all parties before sentence. The written report shall not disclose confidential sources of information unless the court otherwise directs. On the request of the prosecuting attorney or the defendant's attorney a summary hearing in chambers shall be held on any matter brought in issue, but confidential sources of information shall not be disclosed unless the court otherwise directs. If the presentence report is given orally the defendant or his attorney shall be permitted to hear the report.

Subd. (5) 8. If the defendant is sentenced to the commissioner of corrections, a copy of any report made pursuant to this section and not made by the commissioner shall accompany the commitment.

Subd. (6) 9. Except as provided in subdivisions 4 and 5 or as otherwise directed by the court any report made pursuant to this section shall not be disclosed.

Subd. (7) 10. If imposition of sentence is stayed by reason of an appeal taken or to be taken, the presentence investigation provided for in this section shall not be made until such stay has expired or has otherwise been terminated.

Sec. 7. [611A.05] [RIGHTS TO REQUEST RESTITUTION.]

A victim of a crime against the person or a major property crime has the right to request that monetary restitution to him or her be considered as part of the disposition of a criminal charge or juvenile delinquency proceeding against the offender.

(a) To implement this right, a probation officer or department of court services of the county in which criminal or juvenile proceedings are pending against the alleged offender, or the commissioner of corrections if there is no probation officer, or department of court services shall make reasonable and good faith efforts to notify the victim of a crime against the person or a major property crime that disposition of the criminal or juvenile delinquency case is contemplated and set a date for interview, which may be by phone, of the victim by a probation officer or the commissioner of corrections if there is no probation officer.

The date proposed shall be at least seven days after the date of the notice if the interview is to be in person. The victim shall be informed that the purpose of the interview is to gather information concerning the possibilities for monetary restitution from the offender, and that the offender will not be present during the interview. If the victim fails to appear for or otherwise respond to the interview, the criminal or juvenile proceedings against the offender may be concluded without consideration of restitution.

(b) Whenever a presentence investigation on a crime against the person or major property crime is conducted pursuant to section 609.115, the interview with the victim shall be part of the presentence investigation and information obtained during the interview shall be summarized and a recommendation on the feasibility of restitution made in the presentence report. In those cases where a presentence investigation is not conducted, the probation officer, department of court services, or commissioner shall make this summary and recommendation in a written report to the court. If the probation officer or other person making the report does not recommend monetary restitution, he or she shall state the reasons therefore in the report.

(c) *The court shall order or deny restitution at the hearing at which disposition concerning a crime against the person or major property crime is made, and the court shall state on the record its reasons for its decision on restitution.*

(d) *If the court orders restitution, the court shall state in the order the specific amount of restitution to be paid and that the offender make restitution payments to the clerk of court of the county wherein the restitution is to be paid. The court shall retain jurisdiction to modify the restitution order as to the amount of time allowed for payment during the probationary period. Provided, however, that the court may not during the probationary period, increase the amount of restitution or accelerate the restitution payment schedule from the original order, during the probationary period.*

(e) *A decision for or against monetary restitution in any criminal or juvenile proceeding shall not be a bar to any civil action by the victim or by the state pursuant to section 299B.10 against the offender; provided, however, that the offender shall be given credit in any order for judgment in favor of a victim in a civil action for any restitution paid to the victim for the same injuries for which the judgment is awarded.*

(f) *To facilitate collection of judgments in favor of any victim from incarcerated persons, authority is granted to the commissioner of corrections in sections 241.26 and 243.23 to make rules concerning collection of these judgments from income earned by inmates during imprisonment, and section 631.425 authorizes a person or agency designated by the court to collect restitution payments from the earnings of employed persons committed to jail.*

(g) *When a court or jury in a civil action returns a verdict against a convicted offender, the victim may request the court to make a specific finding whether the behavioral incident upon which the civil verdict is based is the same incident for which the offender was convicted. If the court finds that the behavioral incident upon which the civil and criminal case were based are the same, the court shall so state in its written order for judgment. A certified copy of the order for judgment containing this finding shall, unless the judgment is vacated, constitute conclusive proof that the judgment is an award in favor of a victim of the offender's crime for purposes of section 241.26, subdivision 5, section 243.23, subdivision 3, and section 631.425, subdivision 5.*

(h) *No policy of insurance shall delay or deny benefits to its insured merely because the harm for which an insurance claim is made was caused by a criminal offense which was committed against the insured by another person. However, an insurer which has paid benefits to its insured for injury or*

loss resulting from a crime may be subrogated to the insured's rights to recover damages or restitution from the criminal offender, to the extent of the benefits paid by the insurer.

(i) If a crime victim has applied for reparations pursuant to Minnesota Statutes, Sections 299B.01 to 299B.09, the crime victims reparations board shall not delay or diminish payment of reparations to the victim on the ground that restitution has been or may be ordered but has not yet been paid.

Sec. 8. Minnesota Statutes 1980, Section 241.26, Subdivision 5, is amended to read:

Subd. 5. [EARNINGS; WORK RELEASE ACCOUNT.] The net earnings of each inmate participating in work release program provided by this section shall be collected by or forwarded to the commissioner of corrections under rules established by him and deposited by the commissioner in the state treasury and credited to the "work release account", which account is hereby established, to the account of such inmate. Such moneys shall be and remain under the control of the commissioner for the sole benefit of such inmate, subject to disbursement by the commissioner for the following purpose and in the following order:

(1) The cost of such inmate's keep as determined by the provision of subdivision 7, which moneys shall be deposited in the general fund of the state treasury if such inmate is housed in a state correctional institution, or shall be paid to the appropriate city or county treasurer if such inmate is housed in a city or county facility;

(2) Necessary travel expense to and from work and other incidental expenses of the inmate;

(3) Support of inmate's dependents, if any;

(4) *Court-ordered restitution and judgments in favor of victims of crimes committed by the inmate, if any;*

(5) After the above expenditures, the inmate shall have discretion to direct payment of the balance, if any, upon proper proof of personal legal debts;

((5)) (6) The balance, if any, shall be disbursed to the inmate as provided in section 243.24, subdivision 1.

All moneys in the "work release account" established by this subdivision are appropriated annually to the commissioner of corrections for the purposes of the work release program.

Sec. 9. Minnesota Statutes 1980, Section 241.26, Subdivision 6, is amended to read:

Subd. 6. [EXEMPTION FROM PROCESS.] Wages or salaries of work placement inmates shall not be subject to garnishment, attachment, or execution in the hands of either the employer or a state agent authorized to hold such funds, *except to the extent authorized by the commissioner of corrections by rule.*

Sec. 10. Minnesota Statutes 1980, Section 243.23, Subdivision 3, is amended to read:

Subd. 3. Notwithstanding sections 241.01, subdivision 8, 241.26, subdivision 5, and 243.24, subdivision 1, the commissioner shall promulgate rules for the disbursement of funds earned under subdivision 1 for the support of families and dependent relatives of the respective inmates, *for the payment of restitution and judgments in favor of victims of crimes committed by the respective inmates*, and for the discharge of any legal obligations arising out of litigation under this subdivision. An inmate of an adult correctional facility under the control of the commissioner is subject to actions for the enforcement of support obligations and reimbursement of any public assistance rendered the dependent family and relatives. The commissioner may conditionally release an inmate who is a party to an action under this subdivision and provide for his detention in a local detention facility convenient to the place of the hearing when he is not engaged in preparation and defense.

Sec. 11. Minnesota Statutes 1980, Section 571.55, is amended by adding a subdivision to read:

Subd. 4. *The limitations of subdivision 2 do not apply to the earnings of inmates of state correctional institutions. The commissioner of corrections shall make rules, in accordance with sections 241.26, subdivision 5; and 243.23, subdivision 3 providing for the amount, if any, of an inmate's earnings which may be exempt from garnishment.*

Sec. 12. Minnesota Statutes 1980, Section 631.425, Subdivision 5, is amended to read:

Subd. 5. [EARNINGS.] The earnings of the prisoner may be collected by the sheriff, probation department, welfare board or suitable person or agency designated by the court. From such earnings the person or agency designated to collect them may pay the cost of the prisoner's maintenance, both inside and outside the jail, but the charge for maintenance inside the jail shall not exceed the legal daily allowance for board allowed the sheriff for ordinary prisoners, and, to the extent directed by the court, pay the support of his dependents, if any, (AND) court costs

and fines, restitution, and judgments in favor of victims of the crime for which the prisoner is incarcerated, if any. Any balance shall be retained until his discharge when it shall be paid to him.

Sec. 13. [INSTRUCTION TO REVISOR.]

In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall renumber each section specified in Column A with the number set forth in Column B.

In addition, the revisor of statutes shall make necessary cross-reference changes consistent with renumbering required by this section.

Column A

Column B

VICTIM PROGRAMS

Minnesota Statutes

PROGRAM TO AID VICTIMS OF

1980

SEXUAL ATTACK

Section 241.51

Section 611A.501

Section 241.52

Section 611A.502

Section 241.53

Section 611A.503

BATTERED WOMEN

Section 241.61

Section 611A.511

Section 241.62

Section 611A.512

Section 241.63

Section 611A.513

Section 241.64

Section 611A.514

Section 241.65

Section 611A.515

Section 241.66

Section 611A.516

VICTIM AGENCIES

CRIME VICTIM CRISIS CENTER

Section 241.55

Section 611A.801

Section 241.56

Section 611A.801

*Section 241.57**Section 611A.803**Section 241.58**Section 611A.804***CRIME VICTIMS REPARATIONS BOARD***Section 299B.01**Section 611A.811**Section 299B.02**Section 611A.812**Section 299B.03**Section 611A.813**Section 299B.04**Section 611A.814**Section 299B.05**Section 611A.815**Section 299B.06**Section 611A.816**Section 299B.07**Section 611A.817**Section 299B.071**Section 611A.818**Section 299B.08**Section 611A.819**Section 299B.09**Section 611A.820**Section 299B.10**Section 611A.821**Section 299B.11**Section 611A.822**Section 299B.12**Section 611A.823**Section 299B.13**Section 611A.824**Section 299B.14**Section 611A.825**Section 299B.15**Section 611A.826**Section 299B.16**Section 611A.827**Section 299B.17**Section 611A.828***Sec. 14. [EFFECTIVE DATE.]**

Sections 1 to 12 are effective August 1, 1981 and apply to all crimes committed on or after that date."

Amend the title as follows:

Page 1, line 2, delete "establishing a bill of rights for"

Page 1, delete lines 3 and 4

Page 1, line 5, delete "referral rights for victims and witnesses;"

Page 1, line 11, delete "facilitating the"

Page 1, delete lines 12 to 16

Page 1, line 17, delete "court waiting areas and witness fees;"

Page 1, line 18, delete "the"

Page 1, delete line 19

Page, line 20, delete "victims of"

Page 1, line 22, delete "establishing a crime victims"

Page 1, delete lines 23 and 24

Page 1, line 27, delete "363.03, by adding a subdivision;"

Page 1, line 28, delete ", Subdivision"

Page 1, line 29, delete "1" and after the first semicolon insert "609.498;"

Page 1, line 30, delete "; repealing"

Page 1, delete line 31

Page 1, line 32, delete "609.498"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 365, A bill for an act relating to building code inspectors; authorizing the certification of inspectors to enforce the provisions of the building code related to access for handicapped persons; amending Minnesota Statutes 1980, Section 16.861, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 16.861, is amended by adding a subdivision to read:

Subd. 7. [ACCESSIBILITY PROVISIONS.] Municipalities which have not adopted the state building code may enforce the building code requirements for handicapped persons by either:

(a) Entering into a joint powers agreement for enforcement with another municipality which has adopted the state building code; or

(b) Contracting for enforcement with an individual certified under subdivision 3 to enforce the state building code."

Amend the title as follows:

Page 1, lines 2 and 3, delete "the certification of inspectors" and insert "certain municipalities to choose between two options"

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

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 413, A bill for an act relating to handicapped persons; prohibiting persons serving as foreign language interpreters or interpreters for persons with hearing or speaking impairments from disclosing communications made to them during the course of civil, criminal or administrative proceedings; amending Minnesota Statutes 1980, Sections 546.44, by adding a subdivision; 595.02; 611.30; 611.31; and 611.33, by adding a subdivision.

Reported the same back with the following amendments:

Page 3, line 23, delete "*of the handicapped person*"

Page 3, lines 28 and 29, delete "*is unable to understand the proceedings in which he is required to participate*" and insert "*uses an interpreter in order to communicate*"

Page 4, line 27, delete "*when*"

Page 4, line 27, delete "*such*" and insert "*the*"

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

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 522, A bill for an act relating to family; clarifying circumstances in which parent with custody of child may move to another state; amending Minnesota Statutes 1980, Section 518.175, Subdivision 3.

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

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 536, A bill for an act relating to retirement; city of St. Paul public housing agency; transferring retirement coverage for certain public employees; amending Laws 1977, Chapter 228, Section 3.

Reported the same back with the following amendments:

Page 2, line 36, after "by" insert "*and the amount of any employer and employer additional contributions to the public employees retirement association pursuant to Minnesota Statutes, Section 353.27, Subdivisions 3 and 3a, made on behalf of,*"

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

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 542, A bill for an act relating to employment; providing relief to employees who lose their jobs due to business closings, plant relocations, and reductions in operations; requiring advance notification to affected employees, employee organizations, municipalities, and the state of business closings, plant relocations, and reductions of operations; prescribing duties of certain departments, governmental bodies, and officers with respect to business closings, plant relocations, and reductions of operations; creating a community services council; providing for the creation of a community jobs assistance fund; providing penalties; proposing new law coded as Minnesota Statutes, Chapter 179A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [268A.01] [CITATION.]

This act shall be known and may be cited as the "Minnesota Community, Jobs and Business Preservation Act of 1981."

Sec. 2. [268A.02] [FINDINGS.]

The legislature of the state of Minnesota finds that problems related to the business climate and more specifically to plant closings, plant relocations and/or massive reductions in the number of employees at a plant facility often encompass the concerns and responsibilities of several state agencies as well as the local area affected. The legislature also finds that in view of the often devastating impact of these problems on particular communities in terms of economic, social and personal dislocation that the interaction of various agencies and local communities is vital to a successful solution of the problems. Further, coordination of the cooperative efforts of governmental, business and labor groups is essential to reaching solutions which are timely, equitable and in the best interests of the citizens of the local communities and the state. In order to provide a sound coordination of these efforts and to encourage cooperation among all affected parties, the legislature finds that comprehensive planning and study requires the establishment of a state community, business and job preservation board.

Sec. 3. [268A.03] [DEFINITIONS.]

Subdivision 1. [GENERALLY.] The words and phrases defined in this section have the meanings ascribed to them for the purposes of sections 1 through 12.

Subd. 2. [AFFECTED EMPLOYEE.] "Affected employee" means an employee whose employment is terminated or will be terminated as a result of a closing, a relocation, or a reduction in operations of an affected establishment.

Subd. 3. [AFFECTED EMPLOYEE ORGANIZATION.] "Affected employee organization" means a labor union, association, or other employee organization that represents employees of an affected establishment in collective bargaining.

Subd. 4. [AFFECTED ESTABLISHMENT.] "Affected establishment" means a facility that an employer has operated in the state for five or more years which has employed at least 100 employees for at least six months during the preceding year, some of whose employment will be terminated as part of a closing, relocation, or reduction in operations. "Affected establish-

ment" does not mean a construction site or other temporary work site.

Subd. 5. [AFFECTED MUNICIPALITY.] "Affected municipality" means each city, village, or township in which an affected establishment is located or in which at least 20 percent of the affected employees of an affected establishment reside.

Subd. 6. [BOARD.] "Board" means the Minnesota community, business and job preservation board created pursuant to section 4.

Subd. 7. [CLOSING.] "Closing" means the permanent cessation of operations at a facility for any reason other than the employer's filing for bankruptcy pursuant to 11 U.S.C. 101, et seq.

Subd. 8. [LOCAL ACTION COMMITTEE.] "Committee" means a committee created pursuant to section 5.

Subd. 9. [COMMISSIONER.] "Commissioner" means the commissioner of the department of economic security.

Subd. 10. [EMPLOYER.] "Employer" means a person, partnership, corporation, or other legal entity that operates or owns more than 50 percent of a facility within this state, either directly or through a related corporation, for five or more years and operates at least one other such facility in the state. "Employer" does not include this state, a political subdivision of this state, or an organization that is exempt from taxation under section 501 of the internal revenue code.

Subd. 11. [OPERATING LOSS.] "Operating loss" means an employer's net aggregate operating loss over a period of at least one year. "Operating loss" does not mean a net aggregate operating loss if the loss results from an extraordinary allocation of costs or revenues between an employer and a related corporation.

Subd. 12. [RELATED CORPORATION.] "Related corporation" means a corporation that either owns more than 50 percent of an employer that operates an affected establishment, or is more than 50 percent owned by a corporation that also owns more than 50 percent of an employer that operates an affected establishment.

Subd. 13. [RELOCATION.] "Relocation" means the transfer or series of transfers of part of an employer's operation from an affected establishment to an existing establishment located at an unreasonable distance, as provided by rules promulgated by the board, from the affected establishment, and which

results in at least a ten percent reduction over a two year time period in the number of employees at the affected establishment. Relocation does not include a transfer from one establishment to another establishment in the same county.

Subd. 14. [REDUCTION IN OPERATIONS.] "Reduction in operations" means a permanent cessation of a portion of the operations of a facility so as to reduce the number of employees at that facility by at least 50 percent over a two year period.

Subd. 15. [ACQUIRING EMPLOYER.] "Acquiring employer" means an employer that acquires the facility of a previous employer. An acquiring employer shall not be considered to have operated the facility within the state during the period the previous employer operated the facility within the state, unless the intent of the acquisition is to avoid the requirements of this act.

Sec. 4. [268A.04] [CREATION; MEMBERSHIP; CHAIRMAN; STAFF; EXECUTIVE DIRECTOR.]

Subdivision 1. [CREATION.] A state board for the preservation of communities, businesses and jobs, designated as the Minnesota community, business and job preservation board, is created.

Subd. 2. [MEMBERSHIP.] The board shall consist of ten members, including as permanent members the commissioners of labor and industry, economic development and economic security and the director of the state planning agency. Two additional members shall be appointed by the governor, one of whom shall be a representative of business and one of labor. The representative of business shall be selected on the basis of extent of membership, its representation of both large and small employers, statewide representation of membership, a demonstrated interest in the problems and solutions of those problems related to the preservation of businesses and jobs in Minnesota, and its willingness and ability to participate in the cooperative and coordinating purposes of this section and of the board. The representative of labor shall be selected on the basis of extent of membership, statewide representation of membership, a demonstrated interest in the problems and solutions of those problems related to the preservation of businesses and jobs in Minnesota, the variety of trades represented by its membership, and its willingness and ability to participate in the cooperative and coordinating purposes of this section and of the board. Four members of the board shall be appointed by the governor to represent the finance, health, education and social services professions.

Subd. 3. [CHAIRMAN.] The permanent chairman of the Minnesota community business and jobs preservation board shall be the commissioner of economic security.

Subd. 4. [STAFF.] The commissioner of economic security shall provide staff assistance to the board on a continuous basis. The board shall have the authority to request staff support from any other agency of state government as needed for the execution of its responsibilities. The commissioner may hire consultants as needed to achieve the objectives of sections 1 through 12.

Subd. 5. [EXECUTIVE DIRECTOR.] On the recommendation of the commissioner of economic security, the board shall appoint an executive director from among the existing employees of the department of economic security.

The executive director shall perform duties, on behalf of the board, as the board prescribes, including the supervising of the immediate day to day operations of the board and of the staff delegated to it by the commissioner.

Subd. 6. [COMPENSATION OF BOARD MEMBERS.] Compensation and expense reimbursement of members of the board shall be as provided in section 15.0575, subdivision 3.

Sec. 5. [268A.05] [POWERS AND DUTIES.]

Subdivision 1. [GENERAL.] The powers and duties of the Minnesota community business and job preservation board shall be as provided in this section and as otherwise provided by law or executive order. Actions of the board shall be taken only at an open meeting upon a majority vote of all the permanent members of the board, except as provided in subdivision 6.

Subd. 2. [OFFICERS.] The board shall elect the officers as it deems necessary for the conduct of its affairs other than the chairman.

Subd. 3. [BOARD.] The board shall administer this act with the assistance of the heads of other state departments, bureaus, commissions, boards, or agencies.

Subd. 4. [DUTIES.] The board shall also:

(a) Conduct or participate in studies or research projects and collect available information and data related to the problems arising from plant closings, plant relocations and reductions in plant operations, both nationally and within the state;

(b) Provide for an analysis of the information and data in conjunction with the impact analysis required under subdivision 4; and

(c) Serve as a central information resource for businesses, employee organizations and the public and shall make copies of

analyses reports available to the public at no cost for one copy and at the cost of duplication for more than one copy.

Subd. 5. [IMPACT ANALYSIS.] The board with the assistance of other departments, shall provide for an analysis of each economic impact statement submitted pursuant to section 6 and shall maintain current information concerning the types of state and federal assistance that is available to an affected municipality.

Subd. 6. [CONFIDENTIAL INQUIRIES.] The board may, in confidence, conduct an inquiry into any alleged future plant closing, plant relocation or reduction in plant operations based on information received by the board from a source other than the affected employer if notice from the affected employer as required by section 6 has not been received by the board.

Subd. 7. [LOCAL COORDINATION.] The board shall coordinate and make available to each local action committee appointed pursuant to subdivision 8 data and information on programs and services provided by the state and federal government.

Subd. 8. [LOCAL ACTION COMMITTEE.] Within 30 days after the notice required in section 6, or within a shorter period of time as determined by the board for an employer operating an affected establishment who provides less than a 270 day notice, the board shall appoint a local action committee in the municipality in which the affected establishment is located to plan for and attempt to relieve or minimize the effects of a closing, relocation, or reduction in operations. The committee shall be composed of one or more representatives of the employer operating the affected establishment and one or more representatives of the affected employees, and may include local representatives of the finance, health, education, and social service professions, as provided in section 4, who are residents of or are employed in the affected municipalities. A representative of the department of economic security and other appropriate persons may also be appointed to the committee.

At the direction of the board and with the board's cooperation and coordination, the local action committee shall have the duties as provided in subdivisions 9 and 10.

Subd. 9. [ACTION PLAN.] Within 90 days after the establishment of a local action committee and in conjunction with the committee, the board shall develop a plan of action designed to resolve the problems faced by the affected employees, the affected municipality and the employer.

Subd. 10. [PROGRAMS.] In order to maintain levels of employment in the affected municipality, or to relieve from the

effects of plant closings, relocations and reductions in force, the board may do one or more of the following:

(a) Provide direct financial assistance to affected employees;

(b) Provide a grant or loan to an affected municipality;

(c) Attempt to persuade or induce the employer to reduce the operations of the affected establishment rather than close or relocate;

(d) Offer assistance to the employer to promote operations;

(e) Evaluate the feasibility of a proposed employee owned corporation;

(f) Attempt to persuade or induce state and local officials to grant emergency tax relief to an affected municipality that faces substantial loss of tax receipts from a closing, relocation, or reduction in, operations;

(g) Apply for state and federal grants and matching funds; and

(h) Provide for other programs as may be appropriate.

The board, with the assistance of other state departments, shall provide programs to meet the following needs:

(a) Employee retraining;

(b) Employee relocation; and

(c) Employee ownership of a closing or relocating corporation if its feasibility is established.

Subd. 11. [STATE COOPERATION.] All state departments, upon request, shall cooperate with the board in the implementation and administration of this act.

Subd. 12. [RULES.] The board may adopt, amend or repeal rules pursuant to the administrative procedure act. Rules adopted by the board shall have the force and effect of law.

Subd. 13. [REPORT.] The board shall, in addition to the studies, projects and other duties enumerated in subdivision 4, study the feasibility, including the economic impact on employers, of requiring employers operating an affected establish-

ment to pay a severance benefit to affected employees, and the appropriate amount, timing and employee qualification for receiving a severance benefit payments, if the board concludes that such benefits should be required by law.

A report shall be made by the board to the legislature no later than March 1, 1982, including any recommendations.

Sec. 6. [268A.06] [NOTICES.]

Subdivision 1. [PERIOD OF NOTICE.] Each employer operating an affected establishment shall notify in writing the board, each affected employee, each affected employee organization, and each affected municipality at least 270 days before the commencement of a closing, relocation, or reduction in operations of an affected establishment and prior to any public announcement of the closing, relocation, or reduction in operations. If the employer operating the affected establishment establishes to the satisfaction of the board that the closing, relocation, or reduction in operations was not foreseeable 270 days in advance by the employer, and that requiring the employer to remain open for the full period of notice would result in an operating loss to the employer attributable to the affected establishment, the board may approve a shorter period of notification, and the notification shall constitute compliance with this section.

Subd. 2. [ECONOMIC IMPACT STATEMENT.] Within 45 days after the notice required in subdivision 1, or within a shorter period of time as determined by the board for an employer who provides less than a 270 day notice, the employer operating an affected establishment shall provide an economic impact statement about the closing, relocation, or reduction in operations to the commissioner, each affected employee, each affected employee organization, and each affected municipality. The economic impact statement shall include the number of affected employees, the wages and other compensation paid during the preceding year to the affected employees, the amount of state and local taxes paid by the employer during the preceding year to each affected municipality, the anticipated financial impact of the closing, relocation, or reduction in operations upon each affected municipality and upon other businesses in each affected municipality, and other information that the board, by rule, requires.

The employer operating the affected establishment shall provide copies of the economic impact statement on request to members of the public at the cost of duplication of the statement.

Sec. 7. [268A.07] [COLLECTIVE BARGAINING RIGHTS.]

A provision of a collective bargaining agreement that requires greater protection for an affected employee or makes greater

demands upon an employer operating an affected establishment than that which is provided by this act shall take precedence over the requirements of this act.

Sec. 8. [268A.08] [VIOLATIONS.]

Subdivision 1. [COMPLAINTS.] An employee who believes that his employer has violated this act may file a written complaint with the board. A complaint shall not be filed later than one year after termination of employment or one year after the employee is aware of the alleged violation, whichever is later.

Subd. 2. [NOTICE TO EMPLOYER.] Within 30 calendar days after a complaint is filed, the board shall inform the employer operating the affected establishment of the complaint and shall attempt to resolve the dispute informally between the employer and the employee.

Subd. 3. [ORDER.] The board shall issue an order within 60 days after the complaint is filed. The order shall include a determination of the merits of the complaint and shall cite the specific violation, if any, wages and fringe benefits due, if any, and specific penalties assessed. An order shall be sent to each party by registered mail.

Subd. 4. [REVIEW OF ORDER.] The employer operating the affected establishment, the employee who filed the complaint, or the board may file for a review of the board's order within 14 calendar days after the order is issued. If a request for a review is not filed within 14 calendar days, the order is final.

Subd. 5. [BOARD POWERS.] For the purpose of an investigation or proceeding under this section the board may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of records or other documents which the board considers relevant or material to the inquiry.

Subd. 6. [REVIEW HEARING.] If either party files for a review, the board shall hold a hearing on the order which shall be treated as a contested case under the administrative procedure act.

Sec. 9. [268A.09] [DISCRIMINATION PROHIBITED.]

Subdivision 1. [EMPLOYEE COMPLAINANTS.] An employer operating an affected establishment shall not discharge, discriminate, or in any manner penalize an employee because he has filed a complaint, instituted or caused to be instituted, or participated in an investigation or proceeding, or exercised any other right under this act.

Subd. 2. [DISCRIMINATION COMPLAINT.] An employee who believes that he has been discharged, discriminated against, or otherwise penalized by an employer operating an affected establishment in violation of this section may file a complaint with the board within 30 days of the occurrence of the violation.

Subd. 3. [BOARD INVESTIGATION.] Upon receipt of an employee complaint, or upon its own initiative, the board shall investigate the compliance of an employer operating an affected establishment with this act. The board has the powers given in section 8, subdivision 5, in connection with an investigation except an inquiry made pursuant to section 5. After completion of the investigation, if the board determines that this section was violated, it shall notify the attorney general who shall bring an action in district court against the employer. In the action, the district court may restrain the violation of this section and provide any other appropriate relief.

Subd. 4. [NOTICE TO COMPLAINANT.] Within 90 days after the receipt of a complaint filed under this section, the board shall notify the complainant of the determination under subdivision 3.

Sec. 10. [268A.10] [VIOLATIONS; PENALTIES.]

Subd. 2. [CIVIL FINE.] The board may assess an employer operating an affected establishment who violates the notice requirement of section 6, unless the board approves a shorter period of notification, a civil fine of not more than \$250 per day. The civil fine shall be deposited in the general fund.

The board may assess an employer operating an affected establishment who violates the time limitation, unless the board approves a shorter period of notification, or who provides an incomplete economic impact statement, which time limitation or economic impact statement is provided for in section 6, a civil fine of not more than \$250 per day. The civil fine shall be deposited in the general fund.

Sec. 11. [268A.11] [PRIORITY OF CLAIMS.]

A money claim against an employer operating an affected establishment, on behalf of an affected employee, pursuant to this act, shall have priority over all other claims against an employer except wage claims.

Sec. 12. [268A.12] [SEVERABILITY OF PROVISIONS.]

The provisions of sections 1 to 12 shall be severable, and if a provision or the application on a provision under any circum-

stances is held invalid or unconstitutional, the invalidity shall not affect any other provision of sections 1 to 12 or the application of a provision under different circumstances."

Amend the title as follows:

Page 1, line 2, delete "relief" and insert "assistance"

Page 1, line 3, after "jobs" insert ", affected communities and businesses which may suffer"

Page 1, line 11, delete "a community" and insert "the Minnesota"

Page 1, delete line 12 and insert "community, business and job preservation board"

Page 1, line 13, delete "community jobs assistance fund"

Page 1, line 15, delete "179A" and insert "268A"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 544, A bill for an act relating to labor relations; making certain collective bargaining agreements binding and enforceable upon transferee employers; proposing new law coded in Minnesota Statutes, Chapter 179.

Reported the same back with the following amendments:

Page 1, line 17, after the comma insert "*as well as an employer's rights under the contract,*"

Page 1, line 17, delete "an" and insert "ownership of a"

Page 1, line 18, delete "employer sells a"

Page 1, line 18, after "business" insert "is transferred"

Page 2, line 3, after "employee" insert "and employer"

Page 2, line 12, after the period insert "*the contract shall be binding upon and enforceable against the labor organization under the same circumstances and for the same period.*"

Page 2, line 26, after "*corporation*" insert "*or to the labor organization in such circumstances*"

Page 2, line 33, after "*by*" insert "*and may enforce*"

Amend the title as follows:

Page 1, line 3, delete "*upon*" and insert "*when ownership is transferred*"

Page 1, line 4, delete "*transferee employers*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 630, A bill for an act relating to open meetings; requiring availability of certain materials; prescribing penalties; amending Minnesota Statutes 1980, Section 471.705, Subdivision 2; and by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 11, after "*any*" insert "*printed*"

Page 1, line 14, delete "*governmental*" and insert "*governing*"

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

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 640, A bill for an act relating to commerce; establishing a statewide consumer outreach service in the section of consumer services; appropriating money; amending Minnesota Statutes 1980, Section 45.16, by adding a subdivision.

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

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 646, A bill for an act relating to courts; authorizing chief judges of judicial districts to serve more than two con-

secutive terms; amending Minnesota Statutes 1980, Section 484.69, Subdivision 1.

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

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 647, A bill for an act relating to commerce; transferring the powers, duties, staff, and unexpended funds of the board of cosmetology examiners to the office of consumer services; establishing an advisory commission; authorizing licensing by occupation and operations; providing for enforcement; providing a complaint handling procedure; prescribing penalties; providing remedies; proposing new law coded as Minnesota Statutes, Chapter 155A; repealing Minnesota Statutes 1980, Sections 155.01 to 155.21.

Reported the same back with the following amendments.

Page 2, delete lines 24 to 27 and insert *"Salon" does not include the home of a customer but the director may adopt health and sanitation rules governing practice in the homes of customers."*

Page 2, line 30, delete *"and may consist of more than one"*

Page 2, line 31, delete *"physical location"* and after the period insert *"School" does not include a place where the only teaching of cosmetology is done by a licensed cosmetologist as part of a community education program of less than ten hours duration, provided that the program does not permit practice on persons other than students in the program, and provided that the program is intended solely for the self-improvement of the students and not as preparation for professional practice."*

Page 2, line 35, delete *"for compensation"*

Page 3, line 2, delete *"COMMISSION"* and insert *"COUNCIL"*

Page 3, lines 2 and 3, delete *"commission"* and insert *"council"*

Page 3, line 13, delete *", subject to the provisions of law,"*

Page 3, line 22, after the period insert *"For purposes of this act, the director may adopt temporary rules, pursuant to Minnesota Statutes, Section 15.0412, Subdivision 5. These rules may be reissued as temporary rules until permanent rules are adopted or until December 31, 1982, whichever is earlier. These temporary rules may provide that for any renewal license issued by the director within one year after the effective date of this section, the term of renewal shall be either one, two, or three years. The fee for a one-year renewal license shall be one-third*

of the fee for a three-year renewal license, and the fee for a two-year renewal shall be two-thirds of the three-year fee."

Page 3, line 23, delete "COMMISSION" and insert "COUNCIL"

Page 3, line 25, delete "commission" and insert "council"

Page 3, line 30, after "manufacturers" insert "of cosmetology products"

Page 3, lines 31 and 34, delete "commission" and insert "council"

Page 4, line 1, delete "commission" and insert "council"

Page 4, line 4, after "duration" insert "by September 1, 1981"

Page 4, lines 6, 7, 10 and 13, delete "commission" and insert "council"

Page 4, line 15, delete "15.0575" and insert "15.059"

Page 4, line 22, delete "commission" and insert "council"

Page 4, line 23, after the period insert "*The rules shall require a demonstrated knowledge of procedures necessary to protect the health of the practitioner and the consumer of cosmetology services, including but not limited to chemical applications.*"

Page 5, line 16, delete "commission" and insert "council"

Page 5, line 28, after the period insert "*A salon shall not be located in a room used for residential purposes. If a salon is in the residence of a person practicing cosmetology, the rooms used for the practice of cosmetology shall be completely partitioned off from the living quarters.*"

Page 6, line 4, delete "commission" and insert "council"

Page 6, line 31, delete the period and after "rule" insert "; and

(i) *A copy of all written material which the school uses to solicit prospective students, including but not limited to a tuition and fee schedule, and all catalogues, brochures and other recruitment advertisements. Each school shall annually, on a date determined by the director, file with the director any new or amended materials which it has distributed during the past year."*

Page 7, line 9, delete "by the student body"

Page 7, line 21, delete "and"

Page 7, line 26, after "manicurist" insert "; and"

(f) *evidence of professional liability insurance coverage in an amount by claim and total coverage as established by rule*"

Page 8, line 8, after "sign" insert "*prominently and conspicuously*"

Page 8, line 15, after "be" insert "*prominently and conspicuously*"

Page 8, line 36, before "rule" insert "*other statute or*"

Page 9, line 1, after "promulgated" insert "*or enforced*"

Page 9, line 12, delete "Where" and insert "If"

Page 9, line 13, delete "its" and insert "*the person's*"

Page 9, line 28, before "designee" insert "*director or*"

Page 10, delete line 24

Page 10, line 25, delete "*from the complaining party*" and insert "*the basis for the hearing must be stated in writing*"

Page 10, line 26, after "party" insert ", if any,"

Page 11, line 36, delete "*This section shall not be*"

Page 12, delete line 1

Page 12, line 14, after "both" insert ", per violation"

Page 13, line 22, delete "EMPLOYEES" and insert "POSITIONS"

Page 13, line 24, delete "*personnel*" and insert "*positions*"

Page 13, line 25, delete everything after the period

Page 13, line 26, delete "*classified service by the board of cosmetology*" and insert "*The incumbents of those positions in the classified service which the director determines are needed to carry out this act*"

Page 13, line 27, delete "*with agency length of service*"

Page 13, line 28, delete "*beginning on July 1, 1981*"

Page 13, line 31, after "*abolished.*" insert "*Nothing in this subdivision shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.*"

Page 13, after line 35 insert:

"Sec. 19. Minnesota Statutes 1980, Section 214.01, Subdivision 3, is amended to read:

Subd. 3. "Non-health related licensing board" means the board of teaching established pursuant to section 125.183, the board of barber examiners established pursuant to section 154.22, (THE BOARD OF COSMETOLOGY EXAMINERS ESTABLISHED PURSUANT TO SECTION 155.04,) the board of assessors established pursuant to section 270.41, the board of architecture, engineering, land surveying and landscape architecture established pursuant to section 326.04, the board of accountancy established pursuant to section 326.17, the board of electricity established pursuant to section 326.241, the private detective and protective agent licensing board established pursuant to section 326.33, the board of examiners in watchmaking established pursuant to section 326.541, the board of boxing established pursuant to section 341.01, the board of abstracters established pursuant to section 386.63, and the peace officer standards and training board established pursuant to section 626.841."

Renumber the sections

Amend the title as follows:

Page 1, line 9, after "*remedies;*" insert "*amending Minnesota Statutes 1980, Section 214.01, Subdivision 3;*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 668, A bill for an act memorializing the President and Congress to continue the price support level for milk and milk products.

Reported the same back with the following amendments:

Delete everything after the title and insert:

Whereas, the family farm system has proven to be the means of food production best able both to supply an ever-expanding demand for food and at the same time to provide for the long term, wide-based social, economic, and environmental concerns of our state; and

Whereas, public policy, inflationary economy, and an unstable world situation combine to exert unbearable pressures on the family farm system; and

Whereas, providing incentives for unlimited production unfairly encourages large scale corporate farming operations at the expense of family farmers; and

Whereas, the benefits of a healthy family farm system are shared by all citizens; and

Whereas, corporate agriculture and agricultural conglomerates cannot be sensitive to the local needs of a richly diversified rural economy; *Now, Therefore*,

Be It Resolved, by the legislature of the State of Minnesota that Congress should enact legislation to establish price supports for dairy products at 80 percent of parity for up to 600,000 pounds of production per farm unit per year; that this level be adjusted semi-annually; and that there be limits set on the importation of dairy products and substitutes including casein; and

Be It Further Resolved, that target price supports for other farm commodities not be abandoned but be statutorily established at a level not to fall below 75 percent of parity and be limited so that no single farming operation receive annual target price support payments totaling more than \$20,000; and

Be It Further Resolved, that the farmer held reserve program be continued in its present form with the basic commodity loan rate set at the cost of production, and that these loans be limited to \$100,000 per year, the reserve level set at 110 percent of the loan rate, the release level set at 120 percent of the loan rate, and the call level at 140 percent of the loan rate except in cases where the exportation of a commodity has been restricted in which case the loan rate for that commodity would be set at 100 percent of parity; and

Be It Further Resolved, that the federal disaster insurance program be continued and that full coverage be available up to \$75,000 worth of damage, the amount of coverage there-

after to be reduced so that no coverage be available after \$150,000 worth of damage; and

Be It Further Resolved, that the Farmer's Home Administration's loan program give exclusive consideration to family farm operations, limit the size of loans to \$200,000, and require proof that private financing is not available for submitted loan proposals; and

Be It Further Resolved, that soil and water conservation efforts be accelerated; and

Be It Further Resolved, that the implementation and administration of all federal farm programs be primarily the responsibility of the local Agricultural Stabilization and Conservation Service offices, and that these offices be given the flexibility necessary to serve their districts adequately; and

Be It Further Resolved, that the Secretary of State of Minnesota be instructed to transmit copies of this resolution to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, to the Minnesota Senators and Representatives in Congress, and to the members of the U. S. Senate Agriculture Committee and the U. S. House Agriculture Committee."

Delete the title and insert:

"A resolution memorializing the President and Congress to implement a farm policy designed to protect the family farm system."

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 674, A bill for an act proposing an amendment to the Minnesota Constitution, Article XIV, Section 11; removing certain restrictions on highway bonds.

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

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 687, A bill for an act relating to state employees; authorizing the deduction from salaries or wages of sums of moneys designated by them for certain combined charitable funds; amending Minnesota Statutes 1980, Section 15.375.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 15.375, Subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER OF FINANCE; DUTIES.] The commissioner of finance, upon the written request of a state officer or employee, may deduct each payroll period from the salary or wages of the officer or employee the amount specified (THEREIN) *in the written request for payment to (THE UNITED FUND) a registered combined charitable organization defined in section 2, which has been registered with the commissioner of securities and real estate for at least two years. (AND) The commissioner of finance shall issue his warrant (THEREFOR) in that amount to (THE UNITED FUND) that approved combined charitable organization.*

Sec. 2. [309.501] [REGISTERED COMBINED CHARITABLE ORGANIZATIONS.]

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

"Registered combined charitable organization" means an organization (1) which is tax exempt under section 501(c)3 of the Internal Revenue Code of 1954, as amended through December 31, 1980 (hereinafter "Internal Revenue Code"), and to which contributions are deductible under section 170 of the Internal Revenue Code; (2) which secures funds for distribution to ten or more charitable agencies in a single, annual consolidated effort; (3) which is in compliance with the provisions of this chapter; and (4) which has been registered by the commissioner of securities and real estate in the department of commerce in accordance with this section.

"Charitable agency" means a governmental agency or an organization (1) which is tax exempt under section 501(c)3 of the Internal Revenue Code; (2) to which contributions are deductible under section 170 of the Internal Revenue Code; and (3) which is in compliance with the provisions of this chapter.

Subd. 2. [DESIGNATED CONTRIBUTIONS.] A registered combined charitable organization may offer a state officer or employee the option of designating in writing that the amount deducted in section 1 be designated to any charitable agency, whether or not the charitable agency receives funds from the single, annual consolidated effort. A registered charitable organization which offers this option shall provide a list of charitable agencies receiving funds and the amount each charitable agency receives in the annual report required pursuant to section 309.53.

Subd. 3. [REGISTRATION.] An organization may apply to the commissioner of securities and real estate in the department of commerce on forms provided by the commissioner as a registered combined charitable organization. An organization which applies to the commissioner shall provide the commissioner with all information the commissioner deems necessary to identify the charitable and tax exempt status of the organization and its compliance with the provisions of this chapter. The organization shall also provide the commissioner with a list of the charitable agencies that the organization secures funds for and all information the commissioner deems necessary to determine the charitable and tax exempt status of these agencies and their compliance with the provisions of chapter 309. Notwithstanding section 309.53, subdivision 1a, each charitable agency shall file the report required in section 309.53. The commissioner shall consult with the attorney general to determine if the combined charitable organization and its charitable agencies are in compliance with chapter 309. The commissioner shall approve or disapprove the application of an organization within 60 days. The decision of the commissioner shall be in writing and shall be based on the provisions of this section. No organization may apply to the commissioner more than once in a 12 month period. Registered combined charitable organizations shall file the report required in section 309.53. The commissioner shall notify the commissioner of finance in writing of his decision to register an organization under this section.

Sec. 3. [RULES.]

The commissioner may promulgate rules to implement the provisions of sections 1 and 2. The rules shall not require the modification of any existing payroll deduction fund drive for state employees previously authorized by section 15.375, subdivision 1.

Sec. 4. [TRANSITION.]

Notwithstanding any contrary provision of sections 1 to 4, a payroll deduction fund drive existing on the effective date of this act (a) may continue this fund drive until March 1, 1983; and (b) may continue to distribute funds received from 1983 payroll deductions.

Sec. 5. [REPEALER.]

Minnesota Statutes 1980, Section 15.375, Subdivision 1, is repealed.

Sec. 6. [EFFECTIVE DATE.]

The effective date of sections 1, 2, and 3 shall be March 1, 1982."

Amend the title as follows:

Page 1, line 5, before the period insert ", Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 309; repealing Minnesota Statutes 1980, Section 15.375, Subdivision 1"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 691, A bill for an act relating to courts; permitting the use of electronic recording equipment in certain court proceedings; amending Minnesota Statutes 1980, Sections 486.02; and 486.03; proposing new law coded in Minnesota Statutes, Chapter 484.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [484.72] [ELECTRONIC RECORDING OF COURT PROCEEDINGS.]

Subdivision 1. [AUTHORIZATION.] Except as provided in subdivision 4 hereof, electronic recording equipment may be used to record court proceedings in lieu of a court reporter. However, at the request of any party to any proceedings, the court may, in its discretion, require a registered professional reporter, or a court reporter who meets minimum qualifications promulgated by the supreme court, to make a complete stenographic record of said proceedings.

Subd. 2. [APPOINTMENT OF OPERATOR, COSTS AND PAYMENT.] The court shall have the authority to appoint a person or persons to operate and monitor electronic recording equipment. Such person or persons may be paid on a salary basis, on a contract basis, or such other basis as the court deems appropriate.

Subd. 3. [SPECIFICATION FOR ELECTRONIC RECORDING EQUIPMENT; QUALIFICATIONS FOR OPERATOR.] For the purpose of this section the state court administrator shall promulgate specifications for acceptable electronic recording equipment used to record court proceedings and minimum qualifications for the persons who operate and monitor such equipment.

Subd. 4. [LIMITATIONS ON USE OF ELECTRONIC RECORDING EQUIPMENT.] A registered professional reporter, or a court reporter who meets minimum qualifications promulgated by the supreme court, shall make a complete stenographic record of the following court proceedings:

1. Felony and gross misdemeanor offenses, except arraignments and first appearance in district court as specified in rule 8 of the rules of criminal procedure.

2. District court jury trials.

3. Contested district court trials and fact-finding hearings.

Sec. 2. Minnesota Statutes 1980, Section 486.02, is amended to read:

486.02 [STENOGRAPHIC RECORD.]

(SUCH) Except as provided in section 484.72, a registered professional reporter, or a court reporter who meets minimum qualifications promulgated by the supreme court, shall make a complete stenographic record of all testimony given and all proceedings had before the judge upon the trial of issues of fact, with or without a jury, or before any referee appointed by such judge. In so doing he shall take down all questions in the exact language thereof, and all answers thereto precisely as given by the witness or by the sworn interpreter. He shall also record, verbatim, all objections made, and the grounds thereof as stated by counsel, all rulings thereon, all exceptions taken, all motions, orders, and admissions made and the charge to the jury. When directed so to do by the judge, he shall make a like record of any other matter or proceeding, and shall read to such judge or referee any record made by him, or transcribe the same, without charge, for any purpose in furtherance of justice.

Sec. 3. Minnesota Statutes 1980, Section 486.03, is amended to read:

486.03 [FURNISH TRANSCRIPT; FILE RECORD.]

As soon as the trial is ended the reporter or operator of electronic recording equipment shall file his stenographic report,

or tape recording, thereof with the clerk, or elsewhere, if the judge shall so direct; and, upon request of any person interested and payment or tender of his fees therefor, he shall furnish a transcript of such record in the words and figures represented by the characters used in making the same and for that purpose he may take and retain such record so long as may be necessary, when it shall be returned to the files.

Sec. 4. [EFFECTIVE DATE.]

Section 1, subdivisions 3 and 4 are effective the day after final enactment. Section 1, subdivisions 1 and 2, and sections 2 and 3 are effective upon promulgation of the specifications and qualifications as provided in section 1, subdivision 3."

Further amend the title by deleting it in its entirety and inserting:

"A bill for an act relating to court reporting; permitting the use of electronic recording equipment in certain district court proceedings; amending Minnesota Statutes 1980, Sections 486.02 and 486.03; and proposing new law coded in Minnesota Statutes, Chapter 484."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 700, A bill for an act relating to crimes; redefining criminal sexual conduct; amending Minnesota Statutes 1980, Sections 609.342; 609.343; and 609.345.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1980, Section 609.341, Subdivision 11, is amended to read:

Subd. 11. "Sexual contact" includes any of the following acts committed without the complainant's consent, if the acts can reasonably be construed as being for the purpose of satisfying the actor's sexual or aggressive impulses, except in those cases where consent is not a defense:

(i) The intentional touching by the actor of the complainant's intimate parts, or

(ii) The (COERCED) touching by the complainant of the actor's, the complainant's, or another's intimate parts *effected by coercion or the use of a position of authority*, or

(iii) The (COERCED) touching by another of the complainant's intimate parts *effected by coercion or the use of a position of authority*, or

(iv) In any of the cases above, of the clothing covering the immediate area of the intimate parts."

Page 4, line 23, delete "3" and insert "4"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "Sections" insert "609.341, Subdivision 11,"

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

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 704, A bill for an act relating to motor vehicles; providing for the taxation and registration of certain collector's vehicles; including additional vehicles entitled to classic car license plates; increasing the tax thereon; amending Minnesota Statutes 1980, Section 168.10, Subdivision 1b.

Reported the same back with the following amendments:

Page 2, line 19, strike "1942" and insert "1948" and after "classic" strike the balance of the line

Page 2, strike line 20 to "1948"

Page 3, line 4, strike "1942" and insert "1948" and after "Series" insert "67,"

Page 3, line 9, after "CG" insert ", CH"

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

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 715, A bill for an act relating to the state building code; authorizing municipalities under 5,000 to elect that the code not apply within their jurisdictions; proposing new law coded in Minnesota Statutes, Chapter 16.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [16.869] [STATE BUILDING CODE IN MUNICIPALITIES UNDER 5,000; LOCAL OPTION.]

Notwithstanding any other law to the contrary, the governing body of a municipality may provide that no portion of the state building code, except the building requirements for handicapped persons, shall apply within its jurisdiction if at the time the governing body acts:

(1) *The population of the municipality is less than 5,000; and*

(2) *The municipality is located in a county that has provided, pursuant to section 16.868 that the state building code shall not apply in the county, outside home rule charter or statutory cities or towns that adopted the code prior to January 1, 1977.*

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, after "authorizing" insert "certain"

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 756, A bill for an act relating to foods; directing the establishment of labeling and grading requirements for domestically grown wild rice by the commissioner of agriculture; providing a penalty; proposing new law coded in Minnesota Statutes, Chapter 30.

Reported the same back with the following amendments:

Page 1, line 10, delete "sold or"

Page 1, line 13, delete "*The commissioner shall also promulgate rules*"

Page 1, delete line 14

Page 1, line 15, delete "*wild rice and the display of grades.*"

Page 1, line 16, delete "*or a rule promulgated pursuant hereto*"

Amend the title as follows:

Page 1, line 3, delete "and grading"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 764, A bill for an act relating to local government; changing responsibilities for the administration of the Ramsey county court house and Saint Paul city hall building; amending Laws 1974, Chapter 435, Section 3.12; and repealing Laws 1980, Chapter 612, Section 5.

Reported the same back with the following amendments:

Page 2, line 15, delete the comma and insert "and"

Page 2, line 15, delete "*and improving*"

Page 2, line 16, delete "*September*" and insert "*April*"

Page 2, line 20, delete the comma after "*heating*" and insert "*and*"

Page 2, line 20, delete "*, and improving*"

Page 2, line 21, after the period insert "*Costs of improvements to exclusive space shall be borne by the occupant. Costs of improvements to nonexclusive space shall be shared and apportioned in the same manner as the annual rental payments.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 788, A bill for an act relating to courts; conciliation courts; authorizing actions to recover amounts lost due to worthless checks in the county of issuance and where the plaintiff resides; amending Minnesota Statutes 1980, Section 487.30, by adding a subdivision; 488A.12, Subdivision 3; and 488A.29, Subdivision 3.

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

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 813, A bill for an act relating to public safety; providing for the issuance of driver's licenses and Minnesota identification cards; eliminating the requirement that the licenses and cards be plastic with embossed identification information; amending Minnesota Statutes 1980, Section 171.07, Subdivisions 1 and 3.

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

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 847, A bill for an act relating to highway traffic regulations; providing for the designation and undesignation of routes to carry certain gross weights; amending Minnesota Statutes 1980, Section 169.832, Subdivision 11; repealing Minnesota Statutes 1980, Section 169.832, Subdivision 12.

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

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 873, A bill for an act relating to transportation; regulating apportionment from the municipal state-aid street fund; providing for the inclusion of certain cities in the 1981 apportionment of municipal state-aid street funds.

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

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 874, A bill for an act relating to child abuse; requiring reports of certain sexual and physical abuse of children; requiring reports to parents in certain cases; amending Minnesota Statutes 1980, Section 626.556, Subdivisions 1, 2, 3, 7 and 9.

Reported the same back with the following amendments:

Page 3, line 11, delete “, and” and insert “. *The police department or sheriff receiving the report from the welfare department shall immediately notify*”

Page 3, line 13, after “child” insert “*and if notification of the parent would not jeopardize apprehension of a suspect*”

Page 3, line 24, after “child” insert “*and if notification of the parent would not jeopardize the apprehension of a suspect*”

Page 3, after line 24, insert:

“Sec. 4. Minnesota Statutes 1980, Section 626.556, Subdivision 6, is amended to read:

Subd. 6. [FAILURE TO REPORT.] Any person required by this section to report suspected physical or sexual child abuse or neglect who (WILLFULLY) fails to do so shall be guilty of a misdemeanor.”

Page 4, line 4, after “child” insert “*and if notification of the parent would not jeopardize apprehension of a suspect*”

Page 4, line 8, after “sheriff” delete “, and” and insert “. *The police department or county sheriff shall immediately forward a copy of each written report received from the welfare department to*”

Page 4, line 9, after “child” insert “*and if notification of the parent would not jeopardize apprehension of a suspect*”

Page 4, line 21, after “abuse” delete “, and”

Page 4, delete lines 22 and 23

Page 4, line 24, delete “child”

Page 4, after line 26, insert *"Immediately after the police department or county sheriff receives a report from the medical examiner or coroner stating an opinion that a child has died as a result of neglect or physical or sexual abuse, the police department or sheriff shall determine whether the child's parent is suspected of abusing or neglecting the child and, if the parent is not a suspect, whether notification of the parent would jeopardize apprehension of a suspect. If it is determined that the parent is not a suspect and that notification of the parent would not jeopardize apprehension of a suspect, then the police department or sheriff shall promptly notify the child's parent of the medical examiner's or coroner's opinion."*

Renumber the sections

Amend the title as follows:

Page 1, line 6, after "3," insert "6,"

With the recommendation that when so amended the bill be re-referred to the Committee on Health and Welfare without further recommendation.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 900, A bill for an act relating to open space and recreation; providing for costs of acquisition and betterment of regional recreation open space lands by the metropolitan council and metropolitan area local governmental units; authorizing issuance of state bonds; appropriating money.

Reported the same back with the following amendments:

Page 1, line 14, delete "\$1,000" and insert "\$22,500,000"

Page 1, line 19, after "\$" insert "22,500,000"

Page 2, line 1, after "of" insert "regional"

Page 2, line 6, delete "\$1,000" and insert "\$400,000"

Page 2, after line 9, insert:

"Sec. 3. [SPEED SKATING RINK.]

In connection with preparing the long-range system policy plan and development program for regional recreational open space under section 473.147 the council and the metropolitan

parks and open space commission shall examine the need for a speed skating rink in the metropolitan area. The council and the commission shall submit recommendations and findings regarding the speed skating rink to the legislature on or before January 15, 1982."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 904, A bill for an act relating to unemployment compensation; including retroactive wage awards within the definition of wages for unemployment compensation purposes; amending Minnesota Statutes 1980, Section 268.04, Subdivisions 25, 26, and 29.

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

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 923, A bill for an act relating to education; tax levies; authorizing Independent School District No. 256 to adjust its 1981 levy for school maintenance purposes.

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

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 936, A bill for an act relating to natural resources; raising limitations on values of state timber which may be sold at public auction or informal sale; providing for special auction sales and changing certain other provisions relating to the sale and removal of state timber; amending Minnesota Statutes 1980, Sections 90.031, Subdivision 4; 90.101, Subdivision 1; 90.151, Subdivisions 11 and 13; 90.173; 90.181, Subdivision 2; 90.191, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 90.

Reported the same back with the following amendments:

Page 1, lines 20 and 26, delete "\$35,000" and insert "\$25,000"

Page 2, line 8, delete "SPECIAL" and insert "INTERMEDIATE"

Page 2, line 14, after "sales" delete the remainder of the line

Page 2, line 15, delete *"county in which"* and insert *"shall be at the forest office or other public facility most accessible to potential bidders or closest to where"*

Page 2, lines 17 and 18, delete "15" and insert "30"

Page 2, line 19, delete "may" and insert "shall"

Page 2, line 27, after the semi-colon insert *"(5) any tract not sold shall be available for a period of 90 days for purchase, by persons eligible under this section at the appraised value;"*

Renumber the clauses

Page 2, line 36, delete "five" and insert "four"

Page 3, line 1, delete "five" and insert "four"

Page 3, line 2, after "effect" insert *"or to a person having more than 35 employees"*

Page 3, line 6, after "permit" insert *"without interest, and an additional extension of one year with interest"*

Page 3, lines 21 and 22, delete "2" and insert "3"

Page 4, line 18, after "certificate" insert *"or a bank letter of credit"*

Page 4, line 30, after "deposit" insert *"and shall bear interest at the rate of not less than eight percent per annum if not returned within 30 days from the date of the default"*

Page 5, line 29, delete "\$2,500" and insert "\$3,000"

Page 5, line 33, before the period insert *"; except that (1) a partnership as defined in chapter 323, which may include spouses but which shall provide evidence that a partnership exists, may be holding two permits for each of not more than three partners who are actively engaged in the business of logging or who are the spouses of persons who are actively engaged in the business of logging with that partnership; and (2) a corporation, a ma-*

majority of whose shares and voting power are owned by natural persons or spouses or estates of persons related to each other within the fourth degree of kindred according to the rules of the civil law, may be holding two permits for each of not more than three shareholders who are actively engaged in the business of logging or who are the spouses of persons who are actively engaged in the business of logging with that corporation"

Page 5, after line 33 insert:

"Sec. 9. [EXTENSION OF CERTAIN TIMBER PERMITS.]

The commissioner of natural resources may extend for an additional period of not to exceed one year any timber permit issued pursuant to Minnesota Statutes, Section 90.191, which expires during 1981. This extension shall be in addition to any extension previously granted pursuant to section 90.191; shall be made without additional charge, and shall otherwise be subject to the requirements of section 90.191."

Page 5, line 34, delete "9" and insert "10"

Page 5, line 35, after "1981" insert "*except that section 9 is effective the day following final enactment*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 945, A bill for an act relating to motor vehicles; providing for registration and regulating the display of plates and insignia; providing exemptions from registration and taxation for nonresident servicemen; specifying the time when the tax is due and payable; amending Minnesota Statutes 1980, Sections 168.04, Subdivision 1; 168.09, Subdivisions 1 and 3; and 168.31, Subdivision 1.

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

The report was adopted.

Eken from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 966, A resolution memorializing the President and Congress to maintain the present schedule for natural gas price decontrol.

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

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 969, A bill for an act relating to metropolitan government; authorizing the metropolitan council to prepare guidelines relating to the amendment of comprehensive plans; amending Minnesota Statutes 1980, Section 473.864, Subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 473.864, Subdivision 2, is amended to read:

Subd. 2. Amendments to comprehensive plans of local governmental units and to capital improvement programs of school districts shall be (PREPARED,) submitted(,) and adopted in (THE SAME MANNER AS THE ORIGINAL PLANS AND PROGRAMS) *conformance with guidelines adopted by the metropolitan council pursuant to section 473.854.*

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day after final enactment in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

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

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 985, A bill for an act relating to liquor; registration of labels; amending Minnesota Statutes 1980, Section 340.621.

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

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 991, A bill for an act relating to unemployment compensation; changing the time period for an appeal from a decision of the commissioner; amending Minnesota Statutes 1980, Section 268.10, Subdivision 8.

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. 1007, A bill for an act relating to insurance; establishing standards applicable to accident or health insurance policies which purport to supplement medicare benefits; prescribing minimum levels of coverage; providing for certain disclosures; and prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 62A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [62A.30] [MEDICARE SUPPLEMENT BENEFITS; MINIMUM STANDARDS.]

Subdivision 1. [POLICY REQUIREMENTS.] No individual or group policy, certificate, subscriber contract or other evidence of accident and health insurance issued or delivered in this state shall be sold or issued to an individual age 65 or older covered by medicare unless the following requirements are met:

(a) *The policy must provide a minimum of the coverage set out in subdivision 2;*

(b) *The policy must cover pre-existing conditions during the first six months of coverage if the insured was not diagnosed or treated for a particular condition during the 90 days immediately preceding the effective date of coverage;*

(c) The policy must contain a provision that the plan will not be canceled or nonrenewed on the grounds of the deterioration of health of the insured; and

(d) An outline of coverage as provided in section 6 must be delivered at the time of application.

The requirements of sections 1 to 12 shall not apply to group policies of accident and health insurance issued to any of the following groups:

(1) A policy issued to an employer, or employers, or to the trustee of a fund established by an employer where only employees or retirees of the employer are eligible for coverage.

(2) A policy issued to a labor union, or similar employee organization.

(3) A policy issued to an association or to a trust or to the trustee or trustees of a fund established, created, or maintained for the benefit of members of one or more associations. The association or associations shall have at the outset a minimum of 100 persons; shall have been organized and maintained in good faith for purposes other than that of obtaining insurance; shall have a constitution and by-laws which provides that (i) the association or associations hold regular meetings not less than annually to further purposes of the members, (ii) except for credit unions, the association or associations collect dues or solicit contributions from members, and (iii) the members have voting privileges and representation on the governing board and committees.

Subd. 2. [GENERAL COVERAGE.] For a policy to meet the requirements of this section it must contain a designation specifying whether the policy is a medicare supplement 1+, 1, 2, or 3, a caption stating that the commissioner has established four categories of medicare supplement insurance and minimum standards for each, with medicare supplement 1+ being the most comprehensive and medicare supplement 3 being the least comprehensive, and minimum coverage prescribed for each category in sections 2 to 5.

Sec. 2. [62A.31] [MEDICARE SUPPLEMENT 1+; COVERAGE.]

Medicare supplement 1+ must have a level of coverage so that it will be certified as a qualified plan pursuant to Minnesota Statutes, Chapter 62E, and will provide:

(a) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare to at least

50 percent of the deductible and co-payment required under Medicare for the first 60 days of any Medicare benefit period;

(b) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

(c) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;

(d) Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90 percent of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional 365 days;

(e) Coverage of 20 percent of the amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to at least 50 percent of the Medicare calendar year Part B deductible;

(f) 80 percent of charges for covered services described in Minnesota Statutes, Section 62E.06, Subdivision 1, which charges are not paid by Medicare; and

(g) Shall include a limitation of \$1,000 per person on total annual out-of-pocket expenses for the covered services. The coverage must be subject to a maximum lifetime benefit of not less than \$100,000.

Sec. 3. [62A.32] [MEDICARE SUPPLEMENT 1; COVERAGE.] *Medicare Supplement 1 must have a level of coverage that, at a minimum, will provide:*

(a) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare to at least 50 percent of the deductible and co-payment required under Medicare for the first 60 days of any Medicare benefit period;

(b) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

(c) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;

(d) Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90 percent of all Medicare Part A eligible expenses for hospitalization not

covered by Medicare subject to a lifetime maximum benefit of an additional \$65 days; and

(e) Coverage of 20 percent of the amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to the Medicare calendar year Part B deductible and a maximum benefit of at least \$5,000 per calendar year.

Sec. 4. [62A.33] [MEDICARE SUPPLEMENT 2; COVERAGE.]

Medicare Supplement 2 must have a level of coverage that, at a minimum, will provide:

(a) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

(b) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;

(c) Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90 percent of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to lifetime maximum benefit of an additional \$65 days; and

(d) Coverage of 20 percent of the amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to the Medicare calendar year Part B deductible and a maximum benefit of at least \$5,000 per calendar year.

Sec. 5. [62A.34] [MEDICARE SUPPLEMENT 3; COVERAGE.]

Medicare Supplement 3 must have a level of coverage that, at a minimum, will provide:

(a) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

(b) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;

(c) Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90 percent of all Medicare Part A eligible expenses for hospitalization not

covered by Medicare subject to a lifetime maximum benefit of an additional 365 days; and

(d) Coverage of 20 percent of the amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket deductible of \$200 of such expenses and to a maximum benefit of at least \$5,000 per calendar year.

Sec. 6. [62A.35] [LOSS RATIO STANDARDS.]

Subdivision 1. Notwithstanding Minnesota Statutes, Section 62A.02, Subdivision 3, relating to loss ratios, Medicare supplement policies shall be expected to return to policyholders in the form of aggregate benefits under the policy, as estimated for the entire period for which rates are computed to provide coverage, on the basis of incurred claims experience and earned premiums for such period and in accordance with accepted actuarial principles and practices:

(a) At least 75 percent of the aggregate amount of premiums collected in the case of group policies; and

(b) At least 65 percent of the aggregate amount of premium collected in the case of individual policies.

Subd. 2. For purposes of this section, Medicare supplement policies issued as a result of solicitations of individuals through the mail or mass media advertising, including both print and broadcast advertising, shall be treated as individual policies.

Sec. 7. [62A.36] [SEALS AND EMBLEM PROHIBITED.]

Subdivision 1. No graphic seal or emblem shall be displayed on any policy or promotional literature which is a facsimile of the official seal of this state or any agency thereof or of the United States of America or any agency thereof.

Subd. 2. Any false statement or representation printed on the policy or on promotional literature that indicates the policy has a connection with, is certified by, or has the approval or endorsement of any agency of this state or of the United States of America shall be unlawful.

Sec. 8. [62A.37] [NOTICE OF FREE EXAMINATION.]

Medicare supplement policies or certificates, other than those issued pursuant to direct response solicitation, shall have a notice prominently printed on the first page of the policy or attached thereto stating in substance that the policyholder or certificate holder shall have the right to return the policy or certificate

within 30 days of its delivery and to have the premium refunded in full if, after examination of the policy or certificate, the insured person is not satisfied for any reason. Medicare supplement policies or certificates, issued pursuant to a direct response solicitation to persons eligible for Medicare by reason of age, shall have a notice prominently printed on the first page or attached thereto stating in substance that the policyholder or certificate holder shall have the right to return the policy or certificate within 30 days of its delivery and to have the premium refunded if, after examination, the insured person is not satisfied for any reason.

Sec. 9. [62A.38] [DISCLOSURE.]

No individual medicare supplement plan shall be delivered or issued in this state and no certificate shall be delivered pursuant to a group medicare supplement plan delivered or issued in this state unless an outline containing at least the following information is delivered to the applicant at the time the application is made:

(a) A description of the principal benefits and coverage provided in the policy;

(b) A statement of the exceptions, reductions, and limitations contained in the policy;

(c) A statement of the renewal provisions including any reservations by the insurer of a right to change premiums;

(d) A statement that the outline of coverage is a summary of the policy issued or applied for and that the policy should be consulted to determine governing contractual provisions; and

(e) A statement of the policy's loss ratio as follows: "This policy provides an anticipated loss ratio of . . . percent". This means that, on the average, policyholders may expect that \$. . . of every \$100 in premium will be returned as benefits to policyholders over the life of the contract.

Sec. 10. [62A.39] [REPLACEMENT.]

No insurer or agent shall replace a medicare supplement plan with another medicare supplement plan of the same category unless there is a substantial difference in cost favorable to the policyholder, or the insured has previously demonstrated a dissatisfaction with the service they are presently receiving from their current insurer. An insurer or agent may only replace a medicare supplement plan with a less comprehensive plan if the prospective insured signs an acknowledgment that they understand that they will receive less benefits under the new policy than under the policy they presently have in force.

Sec. 11. [62A.40] [PENALTIES.]

Any insurer, general agent, agent, or other person who knowingly or willfully, either directly, or indirectly, makes or causes to be made or induces or seeks to induce the making of any false statement or representation of a material fact with respect to compliance of any policy with the standards and requirements set forth in this section; falsely assumes or pretends to be acting, or misrepresents in any way, including a violation of section 7, that he is acting, under the authority or in association with medicare, or any federal agency, for the purpose of selling or attempting to sell insurance, or in such pretended character demands, or obtains money, paper, documents, or anything of value; or knowingly sells a health insurance policy to an individual entitled to benefits under part A or part B of medicare with the knowledge that such policy substantially duplicates health benefits to which such individual is otherwise entitled under a requirement of state or federal law other than under medicare shall be guilty of a felony and subject to a civil penalty of not more than \$5,000 per violation, and the commissioner may revoke or suspend the license of any company, association, society, other insurer, or agent thereof.

Sec. 12. [62A.41] [RULEMAKING AUTHORITY.]

To carry out the purposes of this section, the commissioner may promulgate rules pursuant to Minnesota Statutes, Chapter 15. These rules may:

(a) Prescribe additional disclosure requirements for medicare supplement plans, designed to adequately inform the prospective insured of the need and extent of coverage offered;

(b) Prescribe uniform policy forms in order to give the insurance purchaser a reasonable opportunity to compare the cost of insuring with various insurers; and

(c) Establish other reasonable standards to further the purpose of this section.

Sec. 13. Minnesota Statutes 1980, Section 62E.02, Subdivision 5, is amended to read:

Subd. 5. "Qualified medicare supplement plan" means those health benefit plans which have been certified by the commissioner as providing the minimum benefits required by section 62E.07 (OR THE ACTUARIAL EQUIVALENT OF THOSE BENEFITS)."

Amend the title as follows:

Page 1, line 6, after "penalties;" insert "amending Minnesota Statutes 1980, Section 62E.02, Subdivision 5 and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1016, A bill for an act relating to education; permitting districts to purchase insurance coverage for the operation of leased buses in certain circumstances; amending Minnesota Statutes 1980, Section 123.39, Subdivisions 8 and 9 and by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 5, restore the stricken language and delete the new language

Page 2, line 10, after "may" insert "*purchase and*"

Page 2, line 14, delete "*by the insurer*"

Page 2, line 24, after "*for*" insert "*insurance*"

Page 2, line 24, delete "*under the insurance policy*"

Page 2, line 25, after the first "*lessee*" insert "*and to protect the board and the district, in any amount not exceeding the limits of coverage provided for the insurance obtained pursuant to subdivision 9 or section 466.06, against claims for injuries and damages arising out of the use and operation of a district-owned bus while it is leased or rented to the lessee pursuant to subdivision 8*"

Page 2, line 25, delete "*The liability coverage indemnifying the lessee may not*"

Page 2, delete line 26

Page 2, line 27, delete "*section 466.06.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 1044, A bill for an act relating to attachment; prescribing the grounds when a writ of attachment may be issued for purposes of securing property or acquiring quasi in rem

jurisdiction over defendants; amending Minnesota Statutes 1980, Section 570.02.

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

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 1065, A bill for an act relating to public utilities; extending an option as to rate regulation by the public utilities commission to certain small telephone companies; amending Minnesota Statutes 1980, Sections 237.01; 237.075, Subdivision 9; and 237.081, Subdivision 1a.

Reported the same back with the following amendments:

Page 2, line 25, after the period insert "*For purposes of this section, the term "member or stockholder" shall mean either the member or stockholder of record or the spouse of the member or stockholder unless the association has been notified otherwise in writing.*"

Page 3, line 6, after the period insert "*For purposes of this section, the term "customer" shall mean either the person in whose name the telephone service is registered or the spouse of the person unless the municipal utility has been notified otherwise in writing.*"

Page 3, line 25, after the period insert "*For purposes of this section the term "subscriber" shall mean either the person in whose name the telephone service is registered or the spouse of the person unless the independent telephone company has been notified otherwise in writing.*"

Page 3, line 32, after "*subscribers*" insert "*or spouses of subscribers*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 1088, A bill for an act relating to the secretary of state; requiring that government survey documents be maintained on microfilm; providing for filing certain documents with

the Minnesota historical society; amending Minnesota Statutes 1980, Section 5.03.

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

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 1092, A bill for an act relating to charitable organizations; providing for registration and reporting requirements applicable to certain charitable organizations; amending Minnesota Statutes 1980, Sections 309.52, by adding subdivisions; 309.53, by adding subdivisions; 309.532, by adding a subdivision; and 309.534, by adding a subdivision.

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

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1125, A bill for an act relating to economic development; providing for changes in the small business finance agency law to better provide assistance for small business; making technical changes; amending Minnesota Statutes 1980, Sections 362.50, Subdivisions 4, 5, 9 and 10; 362.52, Subdivisions 2 and 4; 362.53, Subdivisions 11, 12, 15 and 17; repealing Minnesota Statutes 1980, Section 362.50, Subdivisions 6 and 7.

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

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1150, A bill for an act relating to workers' compensation; revising the method for members of the reinsurance association to select a retention limit; changing the indexing provisions for the retention limits of the reinsurance association; increasing the prefunded limit of the association; providing for the reinsurance association to return excess premiums or collect deficient premiums from association members; changing the limitations of the purchase of workers' compensation reinsurance from private entities; amending Minnesota Statutes 1980, Sections 79.34, Subdivisions 1 and 2; 79.35; and 79.36.

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

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 1185, A bill for an act relating to highways; modifying restrictions on the loading of vehicles driven on the highways; amending Minnesota Statutes 1980, Section 169.81, Subdivision 5.

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

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1278, A bill for an act relating to public employment labor relations; clarifying the definition of "employer"; amending Minnesota Statutes 1980, Section 179.63, Subdivision 4.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 3, 6, 12, 25, 35, 54, 126, 137, 138, 192, 217, 263, 308, 326, 365, 413, 522, 536, 544, 630, 646, 668, 687, 691, 700, 704, 715, 756, 764, 788, 847, 873, 904, 923, 936, 945, 966, 969, 991, 1007, 1016, 1044, 1065, 1088, 1092, 1125, 1150, 1185 and 1278 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 197, 331, 416, 347, 336, 275 and 263 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Sieben, M., for the Committee on Appropriations, introduced :

H. F. No. 1304, A bill for an act relating to state government; providing for deficiencies in and supplementing appropriations for the expenses of state government; appropriating money.

The bill was read for the first time and laid over one day.

Munger, for the Committee on Environment and Natural Resources, introduced :

H. F. No. 1305, A bill for an act relating to waters; establishing a category of waters and wetlands designated as "protected"; amending Minnesota Statutes 1980, Sections 105.37, Subdivisions 14, 15, 16, and by adding a subdivision; 105.38; 105.39, Subdivision 3; and 105.391, Subdivisions 1, 3, 10, and 12.

The bill was read for the first time and laid over one day.

Wynia, Rice, Samuelson and Hokanson introduced :

H. F. No. 1306, A bill for an act relating to insurance; prohibiting the exclusion of coverage on a dependent child solely because the child is an adopted child of the insured; proposing new law coded in Minnesota Statutes, Chapter 62A.

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

Clark, J.; Onnen and Novak introduced :

H. F. No. 1307, A bill for an act relating to public welfare; requiring licensure for adult day care facilities; amending Minnesota Statutes 1980, Sections 245.782, Subdivision 2; 245.791; 256B.02, Subdivisions 7 and 8.

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

Novak; Anderson, I.; Schreiber; Voss and Dempsey introduced :

H. F. No. 1308, A bill for an act relating to local government; defining state mandated services and standards; providing for a definition of state initiated mandates; providing for a listing and estimate of state mandated costs and a procedure for reimbursement of these costs; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 275.

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

Stadum, Rose and Sviggum introduced:

H. F. No. 1309, A bill for an act relating to workers' compensation; excluding certain van pooling operations from coverage; proposing new law coded in Minnesota Statutes, Chapter 176.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Hoberg introduced:

H. F. No. 1310, A bill for an act relating to the Moorhead-Clay County area redevelopment authority; providing for ownership, operation and financing of airports; amending Laws 1980, Chapter 461, by adding a section.

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

Hoberg and Valan introduced:

H. F. No. 1311, A bill for an act relating to public improvements; providing for a domiciliary veterans facility at Moorhead; providing for a bond issue; appropriating money.

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

Kostohryz introduced:

H. F. No. 1312, A bill for an act relating to employment; establishing a state employment and training program; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 268.

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

Harens, Kahn, Vanasek, Clawson and Byrne introduced:

H. F. No. 1313, A resolution memorializing the Congress and the President of the United States to continue the arms embargo and cease all economic aid to Guatemala.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Clawson introduced :

H. F. No. 1314, A bill for an act relating to state lands ; directing the conveyance of certain lands in Anoka County.

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

Novak, Piepho, Dahlvang and Carlson, D., introduced :

H. F. No. 1315, A bill for an act relating to taxation; providing income tax credits for the investment in property used in recycling and on the gross receipts from sales of recycled materials; exempting from the sales and use tax certain materials used in recycling; amending Minnesota Statutes 1980, Sections 290.06, by adding subdivisions; and 297A.25, Subdivision 1.

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

Novak introduced :

H. F. No. 1316, A bill for an act relating to public improvements; allowing deferment of special assessments in cases of hardship regardless of the age of the owner; amending Minnesota Statutes 1980, Section 435.193.

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

Novak introduced :

H. F. No. 1317, A bill for an act relating to the city of New Brighton; authorizing a project and the issuance of revenue bonds under Minnesota Statutes, Chapter 474.

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

Tomlinson introduced :

H. F. No. 1318, A bill for an act relating to taxation; authorizing governmental subdivisions to levy taxes for energy conservation measures; amending Minnesota Statutes 1980, Section 275.50, by adding a subdivision.

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

Rice, Byrne, O'Connor and Begich introduced:

H. F. No. 1319, A bill for an act relating to public employment; creating a new bargaining unit for state employees; amending Minnesota Statutes 1980, Section 179.741, Subdivision 1, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Ainley introduced:

H. F. No. 1320, A bill for an act relating to economic development; regulating loans to Indians; amending Minnesota Statutes 1980, Section 362.40.

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

Otis; Sieben, H.; Eken; Sherwood and Knickerbocker introduced:

H. F. No. 1321, A resolution memorializing the Peace Corps in recognition of the outstanding achievements of Peace Corps volunteers from Minnesota on the occasion of the Peace Corps' 20th anniversary.

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, Otis moved that the rule therein be suspended and an urgency be declared so that H. F. No. 1321 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Otis moved that the rules of the House be so far suspended that H. F. No. 1321 be given its second and third readings and be placed upon its final passage. The motion prevailed.

H. F. No. 1321 was read for the second time.

H. F. No. 1321, A resolution memorializing the Peace Corps in recognition of the outstanding achievements of Peace Corps volunteers from Minnesota on the occasion of the Peace Corps' 20th anniversary.

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 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	Ogren	Simoneau
Ainley	Ewald	Knickerbocker	Olsen	Skoglund
Anderson, B.	Fjoslien	Kostohryz	Osthoff	Staten
Anderson, G.	Greenfield	Kvam	Otis	Stowell
Anderson, I.	Gruenes	Laldig	Peterson, D.	Stumpf
Anderson, R.	Gustafson	Lehto	Pogemiller	Sviggum
Battaglia	Halberg	Lemen	Redalen	Tomlinson
Begich	Harens	Levi	Reding	Valan
Brandl	Hauge	Long	Rees	Valento
Brinkman	Haukoos	Ludeman	Reif	Vanasek
Byrne	Heap	Marsh	Rice	Vellenga
Carlson, D.	Heinitz	McCarron	Rodriguez, C.	Voss
Carlson, L.	Himle	McDonald	Rodriguez, F.	Weaver
Clark, K.	Hoberg	McEachern	Rothenberg	Welch
Clawson	Hokanson	Mehrkens	Samuelson	Welker
Dahlvang	Hokr	Minne	Sarna	Wenzel
Dean	Jacobs	Munger	Schafer	Wieser
Den Ouden	Jennings	Murphy	Schoenfeld	Wynia
Drew	Johnson, C.	Nelsen, B.	Schreiber	Zubay
Eken	Johnson, D.	Niehaus	Searles	Spkr. Sieben, H.
Elioff	Jude	Norton	Shea	
Ellingson	Kahn	Novak	Sherman	
Erickson	Kaley	Nysether	Sherwood	
Esau	Kalis	O'Connor	Sieben, M.	

The bill was passed and its title agreed to.

INTRODUCTION OF BILLS, Continued

Berkelman introduced:

H. F. No. 1322, A bill for an act relating to insurance; providing for continued health and accident coverage for former spouses after dissolution of the marriage in certain circumstances; amending Minnesota Statutes 1980, Section 62A.21.

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

Valan; Dempsey; Mehrkens; Johnson, D., and Eken introduced:

H. F. No. 1323, A bill for an act relating to taxation; income; increasing the amount of non-farm income which can be used to offset farm expenses and losses; amending Minnesota Statutes 1980, Section 290.09, Subdivision 29.

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

Haukoos, Welker, Stadum, Ludeman and Jennings introduced:

H. F. No. 1324, A bill for an act relating to transportation; directing studies by the department of transportation relating to the taxation of motor vehicles and the collection of taxes on motor vehicles; appropriating money.

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

Lemen, Sviggum, Battaglia and Anderson, I., introduced:

H. F. No. 1325, A bill for an act relating to taxation; providing that owners or occupants of auxiliary forest lands and owners of forest lands under the tree growth tax law shall not be required to build or maintain partition fences; amending Minnesota Statutes 1980, Sections 88.49, by adding a subdivision; and 270.38, by adding a subdivision.

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

Carlson, L.; Wieser; Welch; Clark, K., and Swanson introduced:

H. F. No. 1326, A bill for an act relating to health; prohibiting discrimination by health maintenance organizations against optometrists; amending Minnesota Statutes 1980, Section 62D.12, by adding a subdivision.

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

Tomlinson, Levi and Kelly introduced:

H. F. No. 1327, A bill for an act relating to the Battle Creek watershed district; permitting deferral of special assessments in certain cases of hardship.

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

Marsh introduced:

H. F. No. 1328, A bill for an act relating to local government; permitting the city council to fix the compensation of the park board in statutory cities; amending Minnesota Statutes 1980, Section 412.501.

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

McEachern; Anderson, I.; Voss and Nelsen, B., introduced:

H. F. No. 1329, A bill for an act relating to education; authorizing the sale of bonds for the maximum effort school loan fund; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 124.

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

Anderson, R.; Stowell; Fjoslien; Hoberg and Mehrkens introduced:

H. F. No. 1330, A bill for an act relating to education; allowing certain teachers to obtain a permanent teaching certificate.

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

O'Connor, McEachern, Metzen, Jacobs and Jude introduced:

H. F. No. 1331, A bill for an act relating to taxation; eliminating the required appeal to the county board of equalization prior to appeal to the small claims division of the tax court; allowing claims that property has been assessed unfairly in comparison with other property in the school district to be determined by the district court; amending Minnesota Statutes 1980, Sections 271.21, Subdivision 4, and 278.01, Subdivision 1.

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

Murphy introduced:

H. F. No. 1332, A bill for an act relating to taxation; creating a new property classification and providing a reduced assessment ratio for commercial and industrial property; amending Minnesota Statutes 1980, Section 273.13, Subdivision 9.

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

Anderson, R.; Aasness; Samuelson; Hokanson and Rice introduced:

H. F. No. 1333, A bill for an act establishing at the Fergus Falls State Hospital a domiciliary home for veterans; correcting obsolete provisions in the law relating to the location of state hospitals; authorizing issuance of state bonds; appropriating money; amending Minnesota Statutes 1980, Section 253.015; proposing new law coded in Minnesota Statutes, Chapter 198.

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

Begich introduced:

H. F. No. 1334, A bill for an act relating to game and fish; authorizing a nine day season on deer of either sex; amending Minnesota Statutes 1980, Sections 100.27, Subdivision 2; and 100.28, Subdivision 1.

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

Sarna; Rodriguez, F.; Reding; Rice and Kaley introduced:

H. F. No. 1335, A bill for an act relating to retirement; providing annual benefit increases to pre-1973 retirees and surviving spouses of the highway patrolmen's retirement fund; appropriating funds; proposing new law coded in Minnesota Statutes, Chapter 352B.

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

Sarna; Rodriguez, F.; Reding; Rice and Kaley introduced:

H. F. No. 1336, A bill for an act relating to retirement; highway patrol benefits and refunds; amending Minnesota Statutes 1980, Sections 352B.08, Subdivision 2; and 352B.11, Subdivisions 1 and 2.

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

Hokanson and Wynia introduced:

H. F. No. 1337, A bill for an act relating to commerce; regulating social clubs and athletic clubs; prohibiting material changes to an ongoing membership contract unless agreed to by the club members; defining terms; providing a remedy; proposing new law coded in Minnesota Statutes, Chapter 325G.

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

Skoglund; Anderson, R.; Greenfield; Kostohryz and Novak introduced:

H. F. No. 1338, A resolution declaring Raoul Wallenberg to be an honorary citizen of the State of Minnesota and memorializing the Union of Soviet Socialist Republics to return him to his native country.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Novak introduced:

H. F. No. 1339, A bill for an act relating to taxation; delayed assessment of value added by restoration, preservation, and rehabilitation of historically designated buildings; proposing new law coded in Minnesota Statutes, Chapter 273.

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

Rothenberg, Heinitz and Searles introduced:

H. F. No. 1340, A bill for an act relating to taxation; income; providing a credit for home care of the elderly; amending Minnesota Statutes 1980, Section 290.06, by adding a subdivision.

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

Clark, K.; Jude; Ellingson; Gustafson and Schafer introduced:

H. F. No. 1341, A bill for an act relating to county recorders; providing for the disposal of various obsolete records including state and federal liens; amending Minnesota Statutes 1980, Section 386.46.

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

Metzen introduced:

H. F. No. 1342, A bill for an act relating to the city of South St. Paul; permitting the city to refund special assessments collected for the city's sewer separation project by the use of money in the general fund or the proceeds of bonds, and to cancel the remaining special assessments relating to the project.

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

Nysether introduced:

H. F. No. 1343, A bill for an act relating to taxation; real property; providing that certain transmission lines located in unorganized townships shall be listed and assessed where situated; amending Minnesota Statutes 1980, Sections 273.36; 273.37, Subdivision 2; and 273.42, Subdivision 1.

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

Carlson, L.; Heap; Johnson, C., and McEachern introduced:

H. F. No. 1344, A bill for an act relating to education; authorizing school boards to permit certain persons to enroll in classes and programs at a secondary school; providing for class fees in certain circumstances; prohibiting districts from counting certain persons enrolled in classes and programs for the purposes of state aid; authorizing districts to provide transportation; increasing the administration fee when senior citizens attend classes at higher education institutions; amending Minnesota Statutes 1980, Sections 123.35, by adding subdivisions; 123.39, by adding a subdivision; and 136A.81, Subdivision 1.

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

Tomlinson introduced:

H. F. No. 1345, A bill for an act relating to taxation; altering the penalty to be imposed upon assessment districts having large coefficients of dispersion; amending Minnesota Statutes 1980, Section 477A.04, Subdivisions 1, 2, and 3.

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

Lehto, Munger and Gustafson introduced :

H. F. No. 1346, A bill for an act relating to the city of Duluth; providing tax and bond financing for the transit authority; amending Laws 1969, Chapter 720, Section 11, Subdivision 1, as amended; and Section 13.

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

Lehto, Berkelman, Munger and Gustafson introduced :

H. F. No. 1347, A bill for an act relating to the city of Duluth; providing tax and bond financing for the transit authority; amending Laws 1969, Chapter 720, Section 11, Subdivision 1, as amended; and Section 13.

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

Mann introduced :

H. F. No. 1348, A bill for an act relating to state lands; directing reconveyance of certain lands in Jackson County; appropriating proceeds of the conveyance; removing the lands conveyed from public waters or wetlands classification.

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

Jude introduced :

H. F. No. 1349, A bill for an act relating to local government; regulating the appointment, procedures, duties and organization of charter commissions; amending Minnesota Statutes 1980, Sections 410.05; 410.06; 410.07; and 410.12, Subdivision 1.

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

Wenzel introduced :

H. F. No. 1350, A bill for an act relating to state departments and agencies; providing for uniform reimbursement of noon meals to employees traveling on state business; proposing new law coded in Minnesota Statutes, Chapter 43.

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

Wenzel introduced:

H. F. No. 1351, A resolution memorializing the President and the Congress of the United States of Minnesota's opposition to the proposed cuts in federal support for the school lunch program.

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

Wenzel introduced:

H. F. No. 1352, A bill for an act relating to the city of Pierz; appropriating money for an emergency warning system.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 214, A bill for an act relating to labor; regulating certain steam engine and boiler operators; exempting certain operators from testing requirements; amending Minnesota Statutes 1980, Section 183.411.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1083, A bill for an act relating to charitable trusts; transferring responsibility of keeping certain records; amending Minnesota Statutes 1980, Sections 501.75; 501.76; 501.77; and 501.78, Subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 454.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 365.

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. 356, 718 and 825.

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. 475 and 692.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 454, A bill for an act relating to crimes; redefining criminal sexual conduct; amending Minnesota Statutes 1980, Sections 609.341, Subdivision 11; 609.342; 609.343; and 609.345.

The bill was read for the first time.

Clark, J., moved that S. F. No. 454 and H. F. No. 700, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 365, A bill for an act relating to state employees; authorizing the deduction from salaries or wages of sums of moneys designated by them for certain combined charitable funds; amending Minnesota Statutes 1980, Section 15.375, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 309; repealing Minnesota Statutes 1980, Section 15.375, Subdivision 1.

The bill was read for the first time.

Greenfield moved that S. F. No. 365 and H. F. No. 687, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 356, A bill for an act relating to taxation; authorizing certain taxing districts to provide property tax exemption or abatement for certain new business facilities; requiring an adjustment of the EARC valuation; adjusting the local government aid formula; requiring a report from the commissioner of revenue; requiring county approval and providing for a reverse referendum; amending Minnesota Statutes 1980, Sections 124.212; and 477A.01, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 273.

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

S. F. No. 718, A bill for an act relating to marriage; making the age of consent requirements for boys the same as for girls; amending Minnesota Statutes 1980, Section 517.02.

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

S. F. No. 825, A bill for an act relating to courts; abolishing the maintenance of certain court records; amending Minnesota Statutes 1980, Sections 485.07; 548.08; 548.15; 548.22; 548.24; and 572.22, Subdivision 1.

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

S. F. No. 475, A bill for an act relating to courts; permitting all judicial districts except Hennepin county to set salaries of law clerks; clarifying employment status in every judicial district to be unclassified and without tenure; amending Minnesota Statutes 1980, Section 484.545, Subdivision 2, and by adding a subdivision.

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

S. F. No. 692, A bill for an act relating to Ramsey County; stating positions in the unclassified county service; placing employees of the judicial district administrator's office in the unclassified service; amending Laws 1974, Chapter 435, Section 3.02, Subdivision 6, as amended.

The bill was read for the first time.

Kelly moved that S. F. No. 692 and H. F. No. 411, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSENT CALENDAR

H. F. No. 159 was reported to the House.

Murphy moved that H. F. No. 159 be continued on the Consent Calendar for one day. The motion prevailed.

H. F. No. 407, A bill for an act relating to insurance; modifying the definition of a covered claim for purposes of the state's insurance guaranty association act; amending Minnesota Statutes 1980, Section 60C.09, Subdivision 1.

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 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kelly	Onnen	Simoneau
Ainley	Esau	Knickerbocker	Osthoff	Skoglund
Anderson, B.	Evans	Kostohryz	Otis	Staten
Anderson, G.	Ewald	Kvam	Peterson, D.	Stowell
Anderson, I.	Fjoslien	Laidig	Piepho	Stumpf
Battaglia	Greenfield	Lehto	Pogemiller	Sviggum
Begich	Gruenes	Lemen	Redalen	Swanson
Blatz	Halberg	Levi	Reding	Tomlinson
Brandl	Harens	Ludeman	Rees	Valan
Brinkman	Hauge	Marsh	Reif	Valento
Byrne	Haukoos	McCarron	Rice	Vanasek
Carlson, D.	Heap	McDonald	Rodriguez, C.	Vellenga
Carlson, L.	Heinitz	McEachern	Rodriguez, F.	Voss
Clark, J.	Himle	Mehrkens	Rothenberg	Weaver
Clark, K.	Hoberg	Minne	Samuelson	Welch
Clawson	Hokanson	Munger	Sarna	Wenzel
Dahlvang	Hokr	Murphy	Schafer	Wieser
Dean	Jennings	Nelsen, B.	Schoenfeld	Wynia
Dempsey	Johnson, C.	Niehaus	Schreiber	Zubay
Den Ouden	Johnson, D.	Norton	Searles	Spkr. Sieben, H.
Drew	Jude	Novak	Shea	
Eken	Kahn	O'Connor	Sherman	
Elioff	Kaley	Ogren	Sherwood	
Ellingson	Kalis	Olsen	Sieben, M.	

The bill was passed and its title agreed to.

H. F. No. 606, A bill for an act relating to highway traffic regulations; specifying minimum property damage accident report requirements; making the report available to state agencies; amending Minnesota Statutes 1980, Section 169.09, Subdivisions 7 and 13.

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 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kaley	Ogren	Sieben, M.
Ainley	Esau	Kalis	Olsen	Simoneau
Anderson, B.	Evans	Kelly	Onnen	Skoglund
Anderson, G.	Ewald	Knickerbocker	Osthoﬀ	Staten
Anderson, I.	Fjoslien	Kostohryz	Otis	Stowell
Anderson, R.	Friedrich	Kvam	Peterson, D.	Stumpf
Battaglia	Greenfield	Laidig	Piepho	Sviggum
Begich	Gruenes	Lehto	Pogemiller	Swanson
Blatz	Gustafson	Lemen	Redalen	Tomlinson
Brandl	Halberg	Levi	Reding	Valan
Brinkman	Harens	Long	Rees	Valento
Byrne	Hauge	Ludeman	Reif	Vanasek
Carlson, D.	Haukoos	Marsh	Rice	Vellenga
Carlson, L.	Heap	McCarron	Rodriguez, C.	Voss
Clark, J.	Heinitz	McDonald	Rodriguez, F.	Weaver
Clark, K.	Himle	Mehrkens	Rothenberg	Welch
Clawson	Hoberg	Minne	Samuelson	Wenzel
Dahlvang	Hokanson	Munger	Sarna	Wieser
Dean	Hokr	Murphy	Schafer	Wynia
Dempsey	Jacobs	Nelsen, B.	Schoenfeld	Zubay
Den Ouden	Jennings	Niehaus	Schreiber	Spkr. Sieben, H.
Drew	Johnson, C.	Norton	Searles	
Eken	Johnson, D.	Novak	Shea	
Elioff	Jude	Nysether	Sherman	
Ellingson	Kahn	O'Connor	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 731, A bill for an act relating to family; providing for solemnization of marriages by certain court officers; amending Minnesota Statutes 1980, Section 517.04.

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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, D.	Ellingson	Hauge	Jude
Ainley	Carlson, L.	Erickson	Haukoos	Kahn
Anderson, B.	Clark, J.	Esau	Heap	Kaley
Anderson, G.	Clark, K.	Evans	Heinitz	Kalis
Anderson, I.	Clawson	Ewald	Himle	Kelly
Anderson, R.	Dahlvang	Fjoslien	Hoberg	Knickerbocker
Battaglia	Dean	Friedrich	Hokanson	Kostohryz
Begich	Dempsey	Greenfield	Hokr	Kvam
Blatz	Den Ouden	Gruenes	Jacobs	Laidig
Brandl	Drew	Gustafson	Jennings	Lehto
Brinkman	Eken	Halberg	Johnson, C.	Lemen
Byrne	Elioff	Harens	Johnson, D.	Levi

Long	Norton	Reding	Searles	Valan
Ludeman	Nysether	Rees	Shea	Valento
Marsh	O'Connor	Reif	Sherman	Vanasek
McCarron	Ogren	Rice	Sherwood	Vellenga
McDonald	Olsen	Rodriguez, C.	Sieben, M.	Voss
McEachern	Onnen	Rodriguez, F.	Simoneau	Weaver
Mehrkens	Osthoff	Rose	Skoglund	Welch
Metzen	Otis	Rothenberg	Staten	Welker
Minne	Peterson, B.	Samuelson	Stowell	Wenzel
Munger	Peterson, D.	Sarna	Stumpf	Wieser
Murphy	Piepho	Schafer	Sviggum	Zubay
Nelsen, B.	Pogemiller	Schoenfeld	Swanson	Spkr. Sieben, H.
Niehaus	Redalen	Schreiber	Tomlinson	

The bill was passed and its title agreed to.

H. F. No. 736, which had been referred to the Chief Clerk for comparison with S. F. No. 375, was reported to the House.

Upon objection of ten members H. F. No. 736 was stricken from the Consent Calendar and returned to General Orders.

H. F. No. 875, A bill for an act relating to local government; permitting Murray county and the city of Slayton to make joint powers agreements for the administration of county ditches.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	Olsen	Sieben, M.
Ainley	Evans	Knickerbocker	Onnen	Simoneau
Anderson, B.	Ewald	Kostohryz	Osthoff	Skoglund
Anderson, G.	Fjoslien	Kvam	Otis	Staten
Anderson, I.	Friedrich	Laidig	Peterson, B.	Stowell
Anderson, R.	Greenfield	Lehto	Peterson, D.	Stumpf
Battaglia	Gruenes	Lemen	Piepho	Sviggum
Begich	Gustafson	Levi	Pogemiller	Swanson
Blatz	Halberg	Long	Redalen	Tomlinson
Brandl	Harens	Ludeman	Reding	Valan
Brinkman	Hauge	Marsh	Rees	Valento
Byrne	Haukoos	McCarron	Reif	Vanasek
Carlson, D.	Heap	McDonald	Rice	Vellenga
Carlson, L.	Heinitz	McEachern	Rodriguez, C.	Voss
Clark, J.	Himle	Mehrkens	Rodriguez, F.	Weaver
Clark, K.	Hoberg	Metzen	Rose	Welch
Clawson	Hokanson	Minne	Rothenberg	Welker
Dahlvang	Hokr	Munger	Samuelson	Wenzel
Dean	Jacobs	Murphy	Sarna	Wieser
Dempsey	Jennings	Nelsen, B.	Schafer	Wynia
Den Ouden	Johnson, C.	Niehaus	Schoenfeld	Zubay
Drew	Johnson, D.	Norton	Schreiber	Spkr. Sieben, H.
Eken	Jude	Novak	Searles	
Elioff	Kahn	Nysether	Shea	
Ellingson	Kaley	O'Connor	Sherman	
Erickson	Kalis	Ogren	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 921, A bill for an act relating to motor vehicles; adjusting bond provisions for dealers; requiring bonds for motorized bicycle dealers; amending Minnesota Statutes 1980, Section 168.27, Subdivision 24.

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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	Ogren	Sherman
Ainley	Evans	Knickerbocker	Olsen	Sherwood
Anderson, B.	Ewald	Kostohryz	Onnen	Sieben, M.
Anderson, G.	Fjoslien	Kvam	Osthoff	Simoneau
Anderson, I.	Friedrich	Laidig	Otis	Skoglund
Anderson, R.	Greenfield	Lehto	Peterson, B.	Staten
Battaglia	Gruenes	Lemen	Peterson, D.	Stowell
Begich	Gustafson	Levi	Piepho	Stumpf
Blatz	Halberg	Long	Pogemiller	Sviggun
Brandl	Harens	Ludeman	Redalen	Swanson
Brinkman	Hauge	Marsh	Reding	Tomlinson
Byrne	Haukoos	McCarron	Rees	Valan
Carlson, D.	Heap	McDonald	Reif	Valento
Carlson, L.	Heinitz	McEachern	Rice	Vanasek
Clark, J.	Himle	Mehrken	Rodriguez, C.	Vellenga
Clark, K.	Hoberg	Metzen	Rodriguez, F.	Voss
Clawson	Hokr	Minne	Rose	Weaver
Dahlvang	Jacobs	Munger	Rothenberg	Welch
Dean	Jennings	Murphy	Samuelson	Welker
Dempsey	Johnson, C.	Nelsen, B.	Sarna	Wenzel
Drew	Johnson, D.	Niehaus	Schafer	Wieser
Eken	Jude	Norton	Schoenfeld	Wynia
Elioff	Kahn	Novak	Schreiber	Zubay
Ellingson	Kaley	Nysether	Searles	Sprk. Sieben, H.
Erickson	Kalis	O'Connor	Shea	

The bill was passed and its title agreed to.

H. F. No. 972, A bill for an act relating to financial institutions; increasing the percentage of capital and surplus a bank or trust company may invest in the stock of certain banks or bank holding companies; amending Minnesota Statutes 1980, Section 48.61, Subdivision 3.

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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	O'Connor	Shea
Ainley	Evans	Kelly	Ogren	Sherman
Anderson, B.	Ewald	Knickerbocker	Olsen	Sherwood
Anderson, G.	Fjoslien	Kostohryz	Onnen	Sieben, M.
Anderson, I.	Friedrich	Kvam	Osthoff	Simoneau
Anderson, R.	Greenfield	Laidig	Otis	Skoglund
Battaglia	Gruenes	Lehto	Peterson, B.	Staten
Begich	Gustafson	Lemen	Peterson, D.	Stowell
Blatz	Halberg	Levi	Piepho	Stumpf
Brandl	Harens	Long	Pogemiller	Svigum
Brinkman	Hauge	Ludeman	Redalen	Swanson
Byrne	Haukoos	Marsh	Reding	Tomlinson
Carlson, D.	Heap	McCarron	Rees	Valan
Carlson, L.	Heinitz	McDonald	Reif	Valento
Clark, J.	Himle	McEachern	Rice	Vanasek
Clark, K.	Hoberg	Mehrkens	Rodriguez, C.	Vellenga
Clawson	Hokanson	Metzen	Rodriguez, F.	Voss
Dahlvang	Hokr	Minne	Rose	Weaver
Dean	Jacobs	Munger	Rothenberg	Welch
Dempsey	Jennings	Murphy	Samuelson	Welker
Den Ouden	Johnson, C.	Nelsen, B.	Sarna	Wenzel
Drew	Johnson, D.	Niehaus	Schafer	Wieser
Elioff	Jude	Norton	Schoenfeld	Wynia
Ellingson	Kahn	Novak	Schreiber	Zubay
Erickson	Kaley	Nysether	Searles	Spkr. Sieben, H.

The bill was passed and its title agreed to.

CALENDAR

H. F. No. 473, A bill for an act relating to energy; establishing rates and conditions of service for cogenerators and small power producers; proposing new law coded in Minnesota Statutes, Chapter 216B.

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 77 yeas and 43 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Jude	Otis	Staten
Anderson, B.	Elioff	Kahn	Peterson, D.	Stumpf
Anderson, G.	Ellingson	Kelly	Pogemiller	Svigum
Anderson, R.	Evans	Knickerbocker	Reding	Swanson
Battaglia	Ewald	Kostohryz	Rees	Tomlinson
Begich	Fjoslien	Lemen	Rice	Valan
Blatz	Greenfield	Long	Rodriguez, C.	Vanasek
Brandl	Gruenes	McCarron	Rodriguez, F.	Vellenga
Byrne	Gustafson	Minne	Samuelson	Voss
Carlson, D.	Halberg	Munger	Schoenfeld	Welch
Carlson, L.	Harens	Murphy	Schreiber	Wenzel
Clark, J.	Hauge	Norton	Shea	Wieser
Clark, K.	Himle	Novak	Sherman	Wynia
Clawson	Hoberg	O'Connor	Sieben, M.	
Dahlvang	Hokanson	Ogren	Simoneau	
Dean	Hokr	Onnen	Skoglund	

Those who voted in the negative were:

Ainley	Heap	Levi	Nysether	Searles
Anderson, I.	Heinitz	Ludeman	Olsen	Stadum
Dempsey	Jacobs	Marsh	Peterson, B.	Stowell
Den Ouden	Jennings	McDonald	Piepho	Valento
Drew	Johnson, D.	McEachern	Redalen	Weaver
Erickson	Kaley	Mehrkins	Reif	Welker
Esau	Kalis	Metzen	Rose	Zubay
Friedrich	Kvam	Nelsen, B.	Rothenberg	
Haukoos	Laidig	Niehaus	Schafer	

The bill was passed and its title agreed to.

H. F. No. 386, A bill for an act relating to the city of St. Paul; authorizing issuance of general obligation bonds for capital improvements; fixing amounts; amending Laws 1971, Chapter 773, Section 1, as amended; and Laws 1978, Chapter 788, Section 5.

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 117 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kalis	O'Connor	Sieben, M.
Ainley	Evans	Kelly	Ogren	Simoneau
Anderson, B.	Ewald	Knickerbocker	Olsen	Skoglund
Anderson, G.	Fjoslien	Kostohryz	Osthoff	Stadum
Anderson, I.	Friedrich	Kvam	Otis	Staten
Anderson, R.	Greenfield	Laidig	Peterson, B.	Stowell
Battaglia	Gruenes	Lehto	Peterson, D.	Stumpf
Begich	Gustafson	Lemen	Piepho	Swanson
Blatz	Halberg	Levi	Pogemiller	Tomlinson
Brandl	Harens	Long	Reding	Valan
Brinkman	Hauge	Mann	Rees	Valento
Byrne	Haukoos	Marsh	Reif	Vanasek
Carlson, L.	Heap	McCarron	Rice	Vellenga
Clark, J.	Heinitz	McEachern	Rodriguez, C.	Voss
Clark, K.	Himle	Mehrkins	Rodriguez, F.	Weaver
Clawson	Hoberg	Metzen	Rose	Welch
Dahlvang	Hokanson	Minne	Rothenberg	Wenzel
Dean	Jacobs	Munger	Samuelson	Wieser
Dempsey	Jennings	Murphy	Sarna	Wynia
Den Ouden	Johnson, C.	Nelsen, B.	Schafer	Zubay
Drew	Johnson, D.	Niehaus	Schoenfeld	Spkr. Sieben, H.
Eken	Jude	Norton	Searles	
Elioff	Kahn	Novak	Shea	
Ellingson	Kaley	Nysether	Sherman	

Those who voted in the negative were:

Carlson, D.	Onnen	Schreiber	Sherwood	Welker
Hokr	Redalen			

The bill was passed and its title agreed to.

S. F. No. 354, A bill for an act relating to taxation; modifying estate tax provisions; clarifying certain deductions; updating references to internal revenue code; clarifying the method of computing credits; clarifying exemptions and exclusions; providing for a statute of limitations; eliminating obsolete references; providing disclosure of data to certain persons; clarifying recording procedures; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 291.005, Subdivision 1; 291.03, Subdivision 1; 291.05; 291.065; 291.07, Subdivision 1; 291.08; 291.09, Subdivision 3a; 291.31, Subdivision 1; 291.48; and 600.21.

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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	Olsen	Sherwood
Ainley	Evans	Knickerbocker	Onnen	Sieben, M.
Anderson, B.	Ewald	Kostohryz	Osthoff	Simoneau
Anderson, G.	Fjoslien	Kvam	Otis	Skoglund
Anderson, I.	Friedrich	Laidig	Peterson, B.	Stadum
Anderson, R.	Greenfield	Lehto	Peterson, D.	Staten
Battaglia	Gruenes	Lemen	Piepho	Stowell
Blatz	Halberg	Levi	Pogemiller	Stumpf
Brandl	Harens	Long	Redalen	Swanson
Brinkman	Hauge	Mann	Reding	Tomlinson
Byrne	Haukoos	Marsh	Rees	Valan
Carlson, D.	Heap	McCarron	Reif	Valento
Carlson, L.	Heinitz	McEachern	Rice	Vanasek
Clark, J.	Himle	Mehrkens	Rodriguez, C.	Vellenga
Clark, K.	Hoberg	Metzen	Rodriguez, F.	Voss
Clawson	Hokanson	Minne	Rose	Weaver
Dahlvang	Hokr	Munger	Rothenberg	Welch
Dean	Jacobs	Murphy	Samuelson	Welker
Dempsey	Jennings	Nelsen, B.	Sarna	Wenzel
Den Ouden	Johnson, C.	Niehaus	Schafer	Wieser
Drew	Johnson, D.	Norton	Schoenfeld	Wynia
Eken	Jude	Novak	Schreiber	Zubay
Elioff	Kahn	Nysether	Searles	Spkr. Sieben, H.
Ellingson	Kaley	O'Connor	Shea	
Erickson	Kalis	Ogren	Sherman	

The bill was passed and its title agreed to.

H. F. No. 142 was reported to the House.

There being no objection H. F. No. 142 was continued on the Calendar for one day.

H. F. No. 90, A bill for an act relating to administrative rules; clarifying which rules have the force of law; amending Minnesota Statutes 1980, Section 15.0413, Subdivision 1, and by adding subdivisions.

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 120 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	O'Connor	Sherman
Ainley	Ewald	Knickerbocker	Ogren	Sherwood
Anderson, B.	Fjoslien	Kostohryz	Olsen	Sieben, M.
Anderson, G.	Friedrich	Kvam	Onnen	Simoneau
Anderson, I.	Greenfield	Laidig	Osthoff	Skoglund
Anderson, R.	Gruenes	Lehto	Otis	Staten
Battaglia	Halberg	Lemen	Peterson, B.	Stowell
Begich	Harens	Levi	Peterson, D.	Stumpf
Blatz	Hauge	Long	Piepho	Swiggum
Brandl	Haukoos	Ludeman	Pogemiller	Swanson
Brinkman	Heap	Mann	Reding	Tomlinson
Byrne	Heinitz	Marsh	Reif	Valan
Carlson, L.	Himle	McCarron	Rice	Valento
Clark, J.	Hoberg	McDonald	Rodriguez, C.	Vanasek
Clark, K.	Hokanson	McEachern	Rodriguez, F.	Vellenga
Clawson	Hokr	Mehrkens	Rose	Voss
Dahlvang	Jacobs	Metzen	Rothenberg	Weaver
Dean	Jennings	Minne	Samuelson	Welch
Dempsey	Johnson, C.	Munger	Sarna	Welker
Drew	Johnson, D.	Murphy	Schafer	Wenzel
Eken	Jude	Nelsen, B.	Schoenfeld	Wieser
Elioff	Kahn	Niehaus	Schreiber	Wynia
Ellingson	Kaley	Norton	Searles	Zubay
Erickson	Kalis	Novak	Shea	Spkr. Sieben, H.

Those who voted in the negative were:

Den Ouden Redalen Rees

The bill was passed and its title agreed to.

Harens was excused at 4:45 p.m.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., 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. 63, 272 and 562 which it recommended to pass.

H. F. Nos. 170 and 576 which it recommended progress.

S. F. No. 346 which it recommended progress retaining its place on General Orders.

S. F. No. 336 which it recommended to pass with the following amendment offered by Lemen:

Page 2, after line 1, insert:

"Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

H. F. No. 396 which it recommended to pass with the following amendment offered by Jennings:

Page 1, line 10, delete "TO SURVIVING RELATIVES"

Page 1, delete lines 11 to 14 and insert:

"Upon the death of any person who has honorably served six or more years in the Minnesota National Guard and upon request of the person designated to direct disposition of the remains, the Adjutant General shall furnish an American flag if a flag is not furnished by the United States government."

Amend the title as follows:

Page 1, lines 4 and 5, delete "to the closest surviving relative" and insert "upon request of the person disposing of the remains"

H. F. No. 486 which it recommended to pass with the following amendment:

Offered by Kahn:

Page 1, line 7, delete "indicate" and insert "allege"

Page 1, line 16, delete "costly"

Offered by McDonald:

Page 1, line 19, delete "removing American" and insert "avoiding direct"

Page 1, line 19, delete "advisors from" and insert "participation in"

Page 1, line 22, delete "cease" and insert "avoid"

Page 1, line 22, after "all" insert "direct"

Page 1, line 23, delete "and economic aid to" and insert "involvement in"

Page 1, line 23, delete "the"

Page 1, line 24, after "terrorism" insert "of both the right and the left"

Page 1, after line 24, insert:

"BE IT FURTHER RESOLVED that, in cooperation with our allies, we condemn the military involvement in El Salvador by outside Communist governments."

On the motion of Eken 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:

Greenfield moved to amend H. F. No. 63, as follows:

Page 1, line 17, delete "*prevent the death of the mother*" and insert "*save the life of the pregnant woman*"

Page 2, line 7, delete "*prevent the death of the*" and insert "*save the life of the pregnant woman*"

Page 2, line 8, delete "*mother*"

Page 2, line 12, delete "*prevent the death of the mother*" and insert "*save the life of the pregnant woman*"

The question was taken on the amendment and the roll was called. There were 22 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Brandl	Kaley	Ogren	Rose	Vellenga
Carlson, L.	Long	Otis	Simoneau	Wynia
Clark, J.	Minne	Peterson, D.	Skoglund	
Clark, K.	Munger	Pogemiller	Staten	
Greenfield	Novak	Rodriguez, C.	Tomlinson	

Those who voted in the negative were:

Aasness	Anderson, B.	Anderson, I.	Begich	Byrne
Ainley	Anderson, G.	Battaglia	Brinkman	Carlson, D.

Dahlvang	Harens	Kvam	Onnen	Shea
Dean	Haukoos	Laidig	Osthoff	Sherman
Dempsey	Heap	Lemen	Peterson, B.	Sherwood
Den Ouden	Himle	Ludeman	Piepho	Stadum
Drew	Hoberg	Mann	Redalen	Stowell
Eken	Hokanson	Marsh	Reding	Sviggum
Elioff	Hokr	McDonald	Rees	Swanson
Ellingson	Jacobs	McEachern	Reif	Valento
Erickson	Jennings	Mehrkins	Rodriguez, F.	Vanasek
Esau	Johnson, D.	Metzen	Rothenberg	Weaver
Evans	Jude	Murphy	Sarna	Welch
Ewald	Kalis	Nelsen, B.	Schafer	Welker
Friedrich	Kelly	Niehaus	Schoenfeld	Wenzel
Gruenes	Knickerbocker	Nysether	Schreiber	Zubay
Halberg	Kostohryz	Olsen	Searles	Spkr. Sieben, H.

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. 63 and the roll was called. There were 105 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Jude	Novak	Schreiber
Ainley	Evans	Kalis	Nysether	Searles
Anderson, B.	Ewald	Kelly	O'Connor	Shea
Anderson, G.	Fjoslien	Knickerbocker	Ogren	Sherman
Anderson, I.	Friedrich	Kostohryz	Olsen	Sherwood
Anderson, R.	Gruenes	Kvam	Onnen	Stadum
Battaglia	Gustafson	Laidig	Osthoff	Staten
Begich	Halberg	Lemen	Peterson, B.	Stowell
Blatz	Harens	Levi	Piepho	Stumpf
Brinkman	Hauge	Ludeman	Redalen	Sviggum
Byrne	Haukoos	Mann	Reding	Swanson
Carlson, D.	Heap	Marsh	Rees	Valento
Clawson	Heinitz	McCarron	Reif	Vanasek
Dean	Himle	McDonald	Rice	Vellenga
Dempsey	Hoberg	McEachern	Rodriguez, F.	Weaver
Den Ouden	Hokanson	Mehrkins	Rose	Welch
Drew	Hokr	Metzen	Rothenberg	Welker
Eken	Jacobs	Minne	Samuelson	Wenzel
Elioff	Jennings	Murphy	Sarna	Wieser
Ellingson	Johnson, C.	Nelsen, B.	Schafer	Zubay
Erickson	Johnson, D.	Niehaus	Schoenfeld	Spkr. Sieben, H.

Those who voted in the negative were:

Brandl	Greenfield	Munger	Pogemiller	Tomlinson
Carlson, L.	Kaley	Norton	Rodriguez, C.	Wynia
Clark, J.	Lehto	Otis	Simoneau	
Clark, K.	Long	Peterson, D.	Skoglund	

The motion prevailed.

McDonald and Rothenberg moved to amend H. F. No. 486, as amended, as follows:

Strike everything after the title and insert:

"Whereas, the pursuit and defense of liberty, peace and human rights for all peoples has been the historic heritage of America; and,

Whereas, the citizens of the State of Minnesota are deeply concerned over the issue of peace and liberty for the people of our hemispheric neighbor in El Salvador; and,

Whereas, rebel terrorist forces trained and equipped by the Communist governments of Cuba and the Soviet Union have engaged in protracted guerrilla warfare against the government of El Salvador; and,

Whereas, the Christian Democratic government of Jose Napoleon Duarte has adopted measures to help the poor through public works, land reforms, amnesty to opponents and has scheduled elections for 1982; and,

Whereas, acting Archbishop, Arturo Rivera Damas, has publicly praised the government's plans for reforms and urged Salvadorians to believe in the government's good intentions; and,

Whereas, in opposition to the government's reforms, other extremist terrorists organizations have been committing violence against the people and the government of El Salvador; and,

Whereas, citizens of Minnesota condemn terrorism of both the right and the left in the country of El Salvador, or any other country in the world; and,

Whereas, the citizens of Minnesota truly wish to avoid the United States military involvement in armed conflict in that country; now, therefore,

Be It Resolved by the Legislature of the State of Minnesota that the President and the Congress are urged to avoid taking any action that would directly involve United States military personnel in a war in El Salvador.

Be It Further Resolved that, in cooperation with our friends and allies, we equally urge that appropriate action be taken to oppose the arms aid and military involvement in El Salvador by Communist governments, such as Cuba and the Soviet Union and the Palestine Liberation Organization.

Be It Further Resolved that the Secretary of State of the State of Minnesota is instructed to transmit copies of this memorial to the President of the United States, the Secretary of State of the United States, the President and Secretary of the United States Senate, the Speaker and the Chief Clerk of the United States House of Representatives, and to the Minnesota Senators and Representatives in Congress."

Further, amend the title as follows:

Page 1, delete lines 3 and 4 in their entirety and insert: "United States to avoid direct involvement of the United States military personnel in a war in El Salvador and to take appropriate action to oppose military aid by Communist governments in El Salvador."

The question was taken on the Dean motion that H. F. No. 486, as amended, be re-referred to the Committee on General Legislation and Veterans Affairs and the roll was called. There were 63 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Johnson, D.	Nysether	Sherman
Ainley	Ewald	Kaley	Onnen	Sherwood
Anderson, G.	Fjoslien	Knickerbocker	Osthoff	Stadum
Anderson, R.	Friedrich	Kvam	Peterson, B.	Stowell
Blatz	Gruenes	Laidig	Piepho	Sviggunn
Brinkman	Halberg	Lemen	Redalen	Valan
Carlson, D.	Haukoos	Levi	Rees	Valento
Dean	Heap	Ludeman	Reif	Weaver
Dempsey	Heinitz	Marsh	Rose	Welker
Den Ouden	Himle	McDonald	Rothenberg	Wieser
Drew	Hoberg	Mehrkens	Schafer	Zubay
Erickson	Hokr	Nelsen, B.	Schreiber	
Esau	Jennings	Niehaus	Searles	

Those who voted in the negative were:

Anderson, B.	Ellingson	Lehto	Olsen	Simoneau
Anderson, I.	Greenfield	Long	Otis	Skoglund
Battaglia	Gustafson	Mann	Peterson, D.	Staten
Begich	Harens	McCarron	Pogemiller	Stumpf
Brandl	Hauge	McEachern	Reding	Swanson
Byrne	Hokanson	Metzen	Rice	Tomlinson
Carlson, L.	Jacobs	Minne	Rodriguez, C.	Vanasek
Clark, J.	Johnson, C.	Munger	Rodriguez, F.	Voss
Clark, K.	Jude	Murphy	Samuelson	Welch
Clawson	Kahn	Norton	Sarna	Wenzel
Dahlvang	Kalis	Novak	Schoenfeld	Wynia
Eken	Kelly	O'Connor	Shea	Spkr. Sieben, H.
Elioff	Kostohryz	Ogren	Sieben, M.	

The motion did not prevail.

The question recurred on the McDonald and Rothenberg amendment and the roll was called. There were 60 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Aasness	Dempsey	Evans	Halberg	Hoberg
Ainley	Den Ouden	Ewald	Haukoos	Hokr
Anderson, R.	Drew	Fjoslien	Heap	Jennings
Blatz	Erickson	Friedrich	Heinitz	Johnson, D.
Carlson, D.	Esau	Gruenes	Himle	Kaley

Knickerbocker	McDonald	Peterson, B.	Schafer	Svigum
Kvam	Mehrrens	Piepho	Schreiber	Valan
Laidig	Nelsen, B.	Redalen	Searles	Valento
Lemen	Niehaus	Rees	Sherman	Weaver
Levi	Nysether	Reif	Sherwood	Welker
Ludeman	Olsen	Rose	Stadum	Wieser
Marsh	Onnen	Rothenberg	Stowell	Zubay

Those who voted in the negative were:

Anderson, B.	Elioff	Kostohryz	Ogren	Skoglund
Anderson, G.	Ellingson	Lehto	Otis	Staten
Anderson, I.	Greenfield	Long	Peterson, D.	Stumpf
Battaglia	Gustafson	Mann	Pogemiller	Swanson
Brandl	Harens	McCarron	Rice	Tomlinson
Brinkman	Hauge	McEachern	Rodriguez, C.	Vanasek
Byrne	Hokanson	Metzen	Rodriguez, F.	Vellenga
Carlson, L.	Jacobs	Minne	Samuelson	Voss
Clark, J.	Johnson, C.	Munger	Sarna	Welch
Clark, K.	Jude	Murphy	Schoenfeld	Wenzel
Clawson	Kahn	Norton	Shea	Wynia
Dahlvang	Kalis	Novak	Sieben, M.	Spkr. Sieben, H.
Eken	Kelly	O'Connor	Simoneau	

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

McDonald moved to amend H. F. No. 486, as amended, as follows:

Page 1, line 19, delete "removing American" and insert "avoiding direct"

Page 1, line 19, delete "advisors from" and insert "participation in"

Page 1, line 22, delete "cease" and insert "avoid"

Page 1, line 22, after "all" insert "direct"

Page 1, line 23, delete "and economic aid to" and insert "involvement in"

Page 1, line 23, delete "the"

Page 1, line 24, after "terrorism" insert "of both the right and the left"

Page 1, after line 24, insert:

"Be It Further Resolved that, in cooperation with our allies, we condemn the military involvement in El Salvador by outside Communist governments."

Brandl moved to amend the McDonald amendment to H. F. No. 486, as amended, as follows:

Delete all of the McDonald amendment except for the language on line 8, which reads as follows:

"Page 1, line 23, delete "and economic" "

The question was taken on the amendment to the amendment and the roll was called. There were 53 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Mann	Pogemiller	Staten
Anderson, G.	Gustafson	McCarron	Reding	Stumpf
Battaglia	Hauge	Minne	Rice	Tomlinson
Brandl	Hokanson	Munger	Rodriguez, C.	Vanasek
Byrne	Jacobs	Murphy	Rodriguez, F.	Vellenga
Carlson, L.	Jude	Norton	Rose	Voss
Clark, J.	Kalis	Novak	Samuelson	Wenzel
Clark, K.	Kelly	O'Connor	Schoenfeld	Wynia
Clawson	Kostohryz	Ogren	Shea	Spkr. Sieben, H.
Eken	Lehto	Otis	Sieben, M.	
Elioff	Long	Peterson, D.	Skoglund	

Those who voted in the negative were:

Aasness	Ewald	Kaley	Olsen	Simoneau
Ainley	Fjoslien	Knickerbocker	Onnen	Stadum
Anderson, I.	Friedrich	Kvam	Peterson, B.	Stowell
Anderson, R.	Gruenes	Laidig	Piepho	Sviggum
Begich	Halberg	Lemen	Redalen	Valan
Blatz	Harens	Ludeman	Rees	Valento
Carlson, D.	Haukoos	Marsh	Reif	Weaver
Dahlvang	Heap	McDonald	Rothenberg	Welker
Dempsey	Heinitz	McEachern	Sarna	Wieser
Den Ouden	Himle	Mehrkins	Schafer	Zubay
Drew	Hoberg	Metzen	Schreiber	
Erickson	Jennings	Nelsen, B.	Searles	
Esau	Johnson, C.	Niehaus	Sherman	
Evans	Johnson, D.	Nysether	Sherwood	

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

The question recurred on the McDonald amendment and the roll was called. There were 72 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Aasness	Friedrich	Kelly	Onnen	Sherwood
Ainley	Gruenes	Knickerbocker	Osthoff	Stadum
Anderson, R.	Halberg	Kvam	Peterson, B.	Stowell
Battaglia	Harens	Laidig	Piepho	Sviggum
Blatz	Haukoos	Lemen	Redalen	Swanson
Carlson, D.	Heap	Ludeman	Reding	Valan
Carlson, L.	Heinitz	Mann	Rees	Valento
Dempsey	Himle	Marsh	Reif	Weaver
Den Ouden	Hoberg	McDonald	Rose	Welker
Drew	Hokanson	McEachern	Rothenberg	Wenzel
Erickson	Hokr	Mehrkins	Schafer	Wieser
Esau	Jennings	Nelsen, B.	Schreiber	Zubay
Evans	Johnson, D.	Niehaus	Searles	
Ewald	Kaley	Nysether	Shea	
Fjoslien	Kalis	Sherman	Olsen	

Those who voted in the negative were:

Anderson, B.	Ellingson	McCarron	Rice	Tomlinson
Anderson, G.	Greenfield	Minne	Rodriguez, C.	Vanasek
Anderson, I.	Gustafson	Munger	Rodriguez, F.	Vellenga
Brandl	Hauge	Murphy	Samuelson	Voss
Byrne	Jacobs	Norton	Sarna	Welch
Clark, J.	Johnson, C.	Novak	Schoenfeld	Wynia
Clark, K.	Jude	O'Connor	Sieben, M.	Spkr. Sieben, H.
Clawson	Kahn	Ogren	Simoneau	
Dahlvang	Kostohryz	Otis	Skoglund	
Eken	Lehto	Peterson, D.	Staten	
Elioff	Long	Pogemiller	Stumpf	

The motion prevailed and the amendment was adopted.

Carlson, D., moved to amend H. F. No. 486, as amended, as follows:

Page 2, line 2, after "memorial" insert "accompanied by the journal entries showing the vote on the adoption of this memorial"

The question was taken on the amendment and the roll was called. There was 63 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Aasness	Fjoslien	Knickerbocker	Onnen	Sherwood
Ainley	Friedrich	Kvam	Peterson, B.	Stadum
Anderson, R.	Gruenes	Laidig	Piepho	Stowell
Blatz	Halberg	Lemen	Redalen	Sviggum
Carlson, D.	Haukoos	Levi	Rees	Swanson
Dean	Heap	Ludeman	Reif	Valan
Dempsey	Heinitz	Marsh	Rose	Valento
Den Ouden	Himle	McDonald	Rothenberg	Weaver
Drew	Hoberg	Mehrkins	Sarna	Welker
Erickson	Hokr	Nelsen, B.	Schafer	Wieser
Esau	Jennings	Niehaus	Schreiber	Zubay
Evans	Johnson, D.	Nysether	Searles	
Ewald	Kaley	Olsen	Sherman	

Those who voted in the negative were:

Anderson, B.	Eken	Kelly	Ogren	Skoglund
Anderson, G.	Elioff	Kostohryz	Osthoff	Staten
Anderson, I.	Ellingson	Lehto	Otis	Stumpf
Battaglia	Greenfield	Long	Peterson, D.	Tomlinson
Begich	Gustafson	Mann	Pogemiller	Vanasek
Brandl	Harens	McEachern	Rice	Vellenga
Brinkman	Hauge	Metzen	Rodriguez, C.	Voss
Byrne	Hokanson	Minne	Rodriguez, F.	Welch
Carlson, L.	Jacobs	Munger	Samuelson	Wenzel
Clark, J.	Johnson, C.	Murphy	Schoenfeld	Wynia
Clark, K.	Jude	Norton	Shea	Spkr. Sieben, H.
Clawson	Kahn	Novak	Sieben, M.	
Dahlvang	Kalis	O'Connor	Simoneau	

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

Kahn moved to amend H. F. No. 486, as amended by the McDonald amendment, as follows:

Line 3 of the McDonald amendment after "direct" insert "or indirect"

Line 7 of the McDonald amendment after "direct" insert "or indirect"

Line 16, delete "the" insert "any"

The question was taken on the amendment and the roll was called. There were 59 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Long	Otis	Skoglund
Anderson, I.	Greenfield	Mann	Peterson, D.	Staten
Battaglia	Gustafson	McCarron	Pogemiller	Stumpf
Brandl	Hauge	McEachern	Rice	Swanson
Byrne	Hokanson	Metzen	Rodriguez, C.	Tomlinson
Carlson, L.	Jacobs	Minne	Rodriguez, F.	Vanasek
Clark, J.	Johnson, C.	Munger	Samuelson	Vellenga
Clark, K.	Jude	Murphy	Sarna	Voss
Clawson	Kahn	Novak	Schoenfeld	Welch
Dahlvang	Kelly	O'Connor	Shea	Wynia
Eken	Kostohryz	Ogren	Sieben, M.	Spkr. Sieben, H.
Elioff	Lehto	Osthoff	Simoneau	

Those who voted in the negative were:

Aasness	Fjoslien	Kalis	Nysether	Sherman
Ainley	Friedrich	Knickerbocker	Olsen	Sherwood
Anderson, R.	Gruenes	Kvam	Onnen	Stadum
Begich	Halberg	Laidig	Peterson, B.	Stowell
Blatz	Haukoos	Lemen	Piepho	Sviggum
Carlson, D.	Heap	Levi	Redalen	Valan
Dempsey	Heinitz	Ludeman	Rees	Valento
Den Ouden	Himle	Marsh	Reif	Weaver
Drew	Hoberg	McDonald	Rose	Welker
Erickson	Hokr	Mehrkens	Rothenberg	Wenzel
Esau	Jennings	Nelsen, B.	Schafer	Wieser
Evans	Johnson, D.	Niehaus	Schreiber	Zubay
Ewald	Kaley	Norton	Searles	

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. 486, as amended, and the roll was called. There were 65 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Laidig	Ogren	Simoneau
Anderson, G.	Ellingson	Lehto	Osthoff	Skoglund
Anderson, I.	Greenfield	Long	Otis	Staten
Battaglia	Gustafson	Mann	Peterson, D.	Stumpf
Begich	Hokanson	McCarron	Pogemiller	Swanson
Brandl	Jacobs	McEachern	Rice	Tomlinson
Byrne	Johnson, C.	Metzen	Rodriguez, C.	Vanasek
Carlson, L.	Johnson, D.	Minne	Rodriguez, F.	Vellenga
Clark, J.	Jude	Munger	Samuelson	Voss
Clark, K.	Kahn	Murphy	Sarna	Welch
Clawson	Kalis	Norton	Schoenfeld	Wenzel
Dahlvang	Kelly	Novak	Shea	Wynia
Eken	Kostohryz	O'Connor	Sieben, M.	Spkr. Sieben, H.

Those who voted in the negative were:

Aasness	Friedrich	Kvam	Peterson, B.	Stadum
Ainley	Gruenes	Lemen	Piepho	Stowell
Anderson, R.	Halberg	Levi	Redalen	Sviggrum
Blatz	Hauge	Ludeman	Rees	Valan
Carlson, D.	Haukoos	Marsh	Reif	Valento
Dempsey	Heap	McDonald	Rose	Weaver
Den Ouden	Heinitz	Mehrkens	Rothenberg	Welker
Drew	Himle	Nelsen, B.	Schafer	Wieser
Erickson	Hoberg	Niehaus	Schreiber	Zubay
Esau	Hokr	Nysether	Searles	
Evans	Jennings	Olsen	Sherman	
Fjoslien	Kaley	Onnen	Sherwood	

The motion prevailed.

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 546, A bill for an act relating to insurance; providing for a program of continuing education; establishing a continuing insurance education advisory committee; authorizing the commissioner of insurance to promulgate rules to implement the program; proposing new law coded in Minnesota Statutes, Chapter 60A.

Reported the same back with the following amendments:

Page 1, line 13, delete "resident" and after "licensed" insert "by the state"

Page 1, line 24, delete "May 31, 1983" and insert "January 1, 1984"

Page 2, line 4, delete "or"

Page 2, line 6, delete the period and insert a semicolon

Page 2, after line 6, insert:

"(4) Persons holding non-resident licenses issued by this state unless continuing education requirements are imposed on Minnesota resident license holders by the non-resident licensee's state of resident licensing; or

(5) Persons holding life and health licenses who, by February 28 of each year, certify to the commissioner in writing, that they shall sell only credit life and health insurance during that year and do in fact so limit their sale of insurance."

Page 2, line 11, after "chairperson." insert "No more than eight members of the advisory committee shall be of the same sex."

Page 2, line 14, after "chairperson" insert "and shall be compensated according to section 15.059, subdivision 3"

Page 3, line 4, before "members" insert "non-public"

Page 3, line 10, delete "courses, programs" and insert "each course, program"

Page 3, line 11, delete "seminars" and insert "seminar"

Page 3, after line 25, insert "The commissioner shall work with the commissioner of education in developing new programs of instruction and coordinate offerings throughout the state school districts continuing and adult education systems and facilities."

Page 4, line 1, after the period insert "Credit hours over 20 earned in any one year may be carried forward for the following two years."

Page 4, line 5, after "(1)" insert "(a)"

Page 4, line 10, after the period insert "As of the day the licensed person properly files a request for waiver or extension, the license shall remain in effect until the commissioner notifies the licensed person of the commissioner's decision. The commissioner may approve a waiver or extension subject to any reasonable conditions. The person's license shall remain in effect during the period of compliance determined by the commissioner. If the licensed person fails to comply with any reasonable conditions imposed by the commissioner, the commissioner shall terminate the license. If the request for waiver or extension is denied by the commissioner, the licensed person shall have a reasonable time determined by the commissioner within which to satisfy the continuing education requirements involved in the

request for waiver or extension. During the compliance period the commissioner shall place a restricted status on the person's license. If the continuing education requirements are satisfied within the compliance period, as evidenced by the filing of a compliance report, the commissioner shall remove the restricted status from the person's license. If the continuing education requirements are not satisfied within the compliance period, the commissioner shall terminate the person's license."

Page 4, line 10, before "Upon" insert "(b)"

Page 4, delete lines 15 to 17 and insert:

"(2) A licensed person who ceases actively soliciting and selling insurance due to disability or retirement may request a restricted status license in the manner prescribed by the commissioner. The commissioner may require a licensed person who requests a restricted status license to submit information substantiating the disability or retirement. A"

Page 4, line 20, delete "had" and insert "has"

Page 4, line 20, delete "client-" and after "agent" insert "-client"

Page 4, line 20, delete the comma and insert a period

Page 4, delete line 21 and insert "A person holding a restricted status license shall not"

Page 4, line 22, after "business" insert "to other than previously developed clients"

Page 4, line 24, delete "A licensed"

Page 4, delete lines 25 to 28

Page 5, line 9, delete "fee" and insert "cashier's check or money order in the amount"

Page 5, line 16, delete "shall" and insert "may" and after "commissioner" insert ", at the commissioner's discretion,"

Page 5, line 36, after "employees" insert "of the commerce department"

Page 6, after line 17 insert:

"Sec. 2. Minnesota Statutes 1980, Section 62B.06, Subdivision 2, is amended to read:

Subd. 2. Each individual policy or group certificate of credit life insurance, or credit accident and health insurance shall, in addition to other requirements of law, set forth the name and home office address of the insurer, the name or names of the debtor or in the case of a certificate under a group policy, the identity by name or otherwise of the debtor, the rate or amount of payment, if any, by the debtor separately for credit life insurance and credit accident and health insurance, a description of the amount, term and coverage including any exceptions, limitations and restrictions, and shall state that the benefits shall be paid to the creditor to reduce or extinguish the unpaid indebtedness and, wherever the amount of insurance may exceed the unpaid indebtedness, that any such excess shall be payable to a beneficiary, other than the creditor, named by the debtor or to his estate (.), and shall also have printed thereon in not less than 10 point type, the following:

"Minnesota Statutes 1980, Section 62B.11 provides:

When credit life insurance or credit accident and health insurance is required as additional security for any indebtedness, the debtor shall, upon request to the creditor, have the option of furnishing the required amount of insurance through existing policies of insurance owned or controlled by him or of procuring and furnishing the required coverage through any insurer authorized to transact an insurance business within this state.

This is the law. If you have questions about this law, contact the insurance division of the Minnesota department of commerce."

No individual or group policy of credit accident and health insurance issued, amended, renewed, or delivered in this state on or after January 1, 1976 shall contain any provision offsetting, or in any other manner reducing any benefit under the, policy by the amount of, or in proportion to, any increase in disability benefits received or receivable under the federal Social Security Act, as amended subsequent to the date of commencement of such benefit.

Sec. 3. Minnesota Statutes 1980, Section 62B.06, Subdivision 3, is amended to read:

Subd. 3. The individual policy or group certificate of insurance and the disclosure provided in subdivision 6 shall be delivered to the insured debtor at the time the indebtedness is incurred except as hereinafter provided.

Sec. 4. Minnesota Statutes 1980, Section 62B.06, Subdivision 4, is amended to read:

Subd. 4. If the individual policy or group certificate of insurance is not delivered to the debtor at the time the indebtedness is incurred, a copy of the application for the policy or a notice

of proposed insurance, signed by the debtor and setting forth the name and home office address of the insurer, the name or names of the debtor, the premium or amount of payment by the debtor, if any, separately for credit life insurance and credit accident and health insurance, the amount, term, (AND) a brief description of the coverage provided, *in not less than 10 point type, the following:*

"Minnesota Statutes 1980, Section 62B.11 provides:

When credit life insurance or credit accident and health insurance is required as additional security for any indebtedness, the debtor shall, upon request to the creditor, have the option of furnishing the required amount of insurance through existing policies of insurance owned or controlled by him or of procuring and furnishing the required coverage through any insurer authorized to transact an insurance business within this state.

This is the law. If you have questions about this law, contact the insurance division of the Minnesota department of commerce." Shall be delivered to the debtor at the time the indebtedness is incurred. The copy of the application for, or notice of proposed insurance, shall also refer exclusively to insurance coverage, and shall be separate and apart from the loan, sale or other credit statement of account, instrument or agreement, unless the information required by this subdivision is prominently set forth therein. Upon acceptance of the insurance by the insurer and within 30 days of the date on which the indebtedness is incurred, the insurer shall cause the individual policy or group certificate of insurance to be delivered to the debtor. The application or notice of proposed insurance shall state that upon acceptance by the insurer, the insurance shall become effective as provided in section 62B.05. If an application for a policy or a notice of proposed insurance is not delivered at the time the indebtedness is incurred as required by this subdivision, the creditor shall assume all of the liabilities under such insurance until an insurer accepts the risk.

Sec. 5. Minnesota Statutes 1980, Section 62B.06, is amended by adding a subdivision to read:

Subd. 6. A written disclosure of the actual loss ratio of a policy shall be provided pursuant to subdivisions 3 and 4. For the purposes of this subdivision, "actual loss ratio" means the actual loss ratio experienced by the insurer during the previous calendar year."

Page 6, line 19, after "6" insert ", 10"

Page 6, line 20, after the period insert "Section 1,"

Page 6, line 20, after "7" delete the comma and insert "and"

Page 6, line 20, after "9" delete ", and 10"

Page 6, line 21, delete "1982" and insert "1983"

Page 6, line 21, after the period, insert "Section 1,"

Page 6, line 22, after the period insert "Sections 2, 3, and 4 are effective August 1, 1981."

Renumber the remaining section

Amend the title as follows:

Page 1, line 6, after the semicolon insert "requiring certain disclosures on credit insurance policies and applications; amending Minnesota Statutes 1980, Section 62B.06, Subdivisions 2, 3 and 4; and by adding a subdivision;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Rose was excused at 5:15 p.m.

MOTIONS AND RESOLUTIONS

McCarron moved that the name of Samuelson be added as an author on H. F. No. 3. The motion prevailed.

Clawson moved that the name of Byrne be stricken and the name of Begich be added and shown as second author on H. F. No. 474. The motion prevailed.

Dempsey moved that the name of Brandl be added as an author on H. F. No. 522. The motion prevailed.

Stowell moved that his name be stricken as an author on H. F. No. 668. The motion prevailed.

Greenfield moved that the name of Rodriguez, F., be added as an author on H. F. No. 687. The motion prevailed.

Dempsey moved that his name be stricken as an author on H. F. No. 950. The motion prevailed.

Sarna moved that the name of Rodriguez, F., be stricken and the name of Pogemiller be added as an author on H. F. No. 976. The motion prevailed.

Otis moved that the name of Long be added as an author on H. F. No. 987. The motion prevailed.

Drew moved that his name be stricken as an author on H. F. No. 1247. The motion prevailed.

Evans moved that the names of Skoglund and Kvam be added as authors on H. F. No. 1273. The motion prevailed.

Wynia moved that the name of Hokanson be stricken and the names of Brandl and Rees be added as authors on H. F. No. 1306. The motion prevailed.

Novak moved that the name of Staten be added as an author on H. F. No. 1316. The motion prevailed.

McEachern moved that the name of Anderson, R., be added as an author on H. F. No. 1329. The motion prevailed.

Wenzel moved that the names of Otis, Gustafson, Staten and Anderson, R., be added as authors on H. F. No. 1351. The motion prevailed.

Kahn moved that H. F. No. 1218 be recalled from the Committee on Education and be re-referred to the Committee on Appropriations. The motion prevailed.

Clawson moved that H. F. No. 1260 be recalled from the Committee on Agriculture and be re-referred to the Committee on Environment and Natural Resources. The motion did not prevail.

Esau moved that H. F. No. 553, now on General Orders, be re-referred to the Committee on Appropriations.

Anderson, I., moved to amend the Esau motion to H. F. No. 553, as follows:

Delete "Appropriations" and insert "Taxes".

A roll call was requested and properly seconded.

The question was taken on the Anderson, I., amendment and the roll was called. There were 30 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Greenfield	McEachern	Ogren	Sarna
Battaglia	Gustafson	Metzen	Peterson, D.	Simoneau
Begich	Jacobs	Minne	Rice	Staten
Carlson, L.	Jude	Murphy	Rodriguez, C.	Vellenga
Dahlvang	Kelly	Novak	Rodriguez, F.	Wenzel
Elioff	Kostohryz	O'Connor	Samuelson	Spkr. Sieben, H.

Those who voted in the negative were:

Aasness	Esau	Kalis	Otis	Sieben, M.
Ainley	Fjoslien	Kvam	Peterson, B.	Skoglund
Anderson, B.	Friedrich	Laidig	Piepho	Stadum
Anderson, G.	Gruenes	Lemen	Pogemiller	Stowell
Anderson, R.	Halberg	Levi	Redalen	Sviggum
Brandl	Hauge	Ludeman	Reding	Swanson
Carlson, D.	Haukoos	Mann	Rees	Valan
Clark, J.	Heap	Marsh	Reif	Valento
Clawson	Heinitz	McDonald	Rothenberg	Vanasek
Dean	Himle	Mehrkens	Schafer	Voss
Dempsey	Hokr	Nelsen, B.	Schoenfeld	Weaver
Den Ouden	Jennings	Niehaus	Schreiber	Welker
Drew	Johnson, D.	Nysether	Searles	Wieser
Ellingson	Kahn	Olsen	Sherman	Wynia
Erickson	Kaley	Onnen	Sherwood	Zubay

The motion did not prevail.

The question recurred on the Esau motion that H. F. No. 553 be re-referred to the Committee on Appropriations. The motion prevailed.

Clawson moved that H. F. No. 122 be returned to its author. The motion prevailed.

Anderson, I., introduced:

House Resolution No. 13, A house resolution extending an invitation to the Governor to address a Joint Convention on April 13, 1981, relating to his revised budget message.

The resolution was referred to the Committee on Rules and Legislative Administration.

Munger, Battaglia, Dean, Sieben, H., and Norton introduced:

House Resolution No. 14, A house resolution proclaiming Minnesota Environmental Awareness Day.

The resolution was referred to the Committee on Environment and Natural Resources.

House Concurrent Resolution No. 1, as amended by the Committee on Rules and Legislative Administration on Monday, April 6, 1981, was reported to the House.

HOUSE CONCURRENT RESOLUTION NO. 1

A house concurrent resolution expressing the appreciation of Minnesotans in this day of renewed patriotism to all Vietnam War veterans for their services to the people of the State of Minnesota; and encouraging local demonstrations to engender proper recognition of Vietnam veterans.

Whereas, The United States of America was engaged in military activities in Vietnam from 1961 through 1975; and,

Whereas, men and women in our armed forces sacrificed their lives for the safety and peace of all citizens during those interminable years; and,

Whereas, in our great State of Minnesota alone over one thousand veterans died in service to their country in Vietnam; and,

Whereas, there are currently 192,000 Vietnam War veterans in Minnesota; and,

Whereas, many of these veterans returned from Vietnam with disabilities which make gainful employment and normal family life very difficult, especially given an unstable economic and political environment; and,

Whereas, it is clear that veterans of Vietnam have never been given the credit that is due them for their service to the United States and the hardships they endured; and,

Whereas, the people of the State of Minnesota want to thank all living veterans and to honor all deceased veterans of Vietnam for all the services they so nobly performed on behalf of their country; and,

Whereas, the people of Minnesota do not want to forget the agonies of war and the sacrifices it demands; *Now, Therefore*,

Be It Resolved by the House of Representatives of the State of Minnesota, the Senate concurring therein, that on behalf of all Minnesotans, our sincere appreciation is expressed to all Vietnam veterans, and especially to all the families of those who died in Vietnam, for their sacrifice on behalf of the people of the State of Minnesota.

Be It Further Resolved that the Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and those of the Speaker of the House of Representatives, the President of the Senate, and the Secretary of the Senate, and to present it to the Governor for his approval. Upon his approval, it shall be filed with the Secretary of State. The Secretary of State is directed to prepare certified copies and forward them to the Commissioner of Veterans Affairs, the Adjutant General of the Minnesota National Guard, and to the Minnesota Adjutants of the American Legion, Disabled American Veterans, Military Order of the Purple Heart, and Veterans of Foreign Wars. The adjutants of the veterans groups are requested to encourage local units of their organizations to contact local governments, patriotic organizations, and civic organizations, and encourage co-

operation in finding appropriate ways of expressing appreciation to Vietnam veterans living in their areas. The legislature and governor call upon all local communities to hold special appreciation events for Vietnam veterans and to commemorate Vietnam dead on Veterans Day on November 11, 1981.

Sherman moved that House Concurrent Resolution No. 1 be now adopted.

Sherman moved to amend House Concurrent Resolution No. 1, the first engrossment, as follows:

Page 1, after line 12, insert:

"Whereas, it is clear that veterans of Vietnam have never been given the credit that is due them for their service to the United States and the hardships they endured; and,

Whereas, the Congress of the United States has authorized the President to designate April 26, 1981, as a "National Day of Recognition for Veterans of the Vietnam Era"; and,"

Page 1, delete lines 22 to 24

Page 2, after line 10, insert:

"Be It Further Resolved that the legislature joins with the President and the Congress of the United States in asking all Minnesotans to observe April 26, 1981, with appropriate programs, ceremonies, and activities."

Page 2, line 18, delete "certified" and delete "the"

Page 2, delete line 19

Page 2, line 20, delete everything after the first "Minnesota" and insert "veterans organizations"

Page 2, delete line 21

Page 2, line 22, delete everything before the period

Page 2, line 23, delete "groups" and insert "organizations"

Page 2, line 27, delete "The"

Page 2, delete lines 28 to 30

The motion prevailed and the amendment was adopted.

The question recurred on the motion that House Concurrent Resolution No. 1, as amended, be now adopted. The motion prevailed and House Concurrent Resolution No. 1, as amended, was adopted.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, April 13, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, April 13, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

Resolved, That the sum of \$100,000 be and it is hereby