

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## FIFTIETH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MAY 8, 1981

The House of Representatives convened at 11:00 a.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Pastor Susan Hedahl, Lutheran Church of Peace, Maplewood, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Stadum was excused until 11:30 a.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Kelly moved that further reading of the Journal be dis-

pensed with and that the Journal 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. 477, 1478, 1445, 750, 900, 1346, 1448, 184, 284, 493, 1163 and 1223 and S. F. Nos. 118, 980, 1079, 1237, 1243, 1323, 1265 and 1305 have been placed in the members' files.

S. F. No. 118 and H. F. No. 61, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Luknic moved that the rules be so far suspended that S. F. No. 118 be substituted for H. F. No. 61 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1323 and H. F. No. 1375, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Battaglia moved that the rules be so far suspended that S. F. No. 1323 be substituted for H. F. No. 1375 and that the House File be indefinitely postponed. The motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Anderson, I., from the Committee on Taxes to which was referred:

H. F. No. 1184, A bill for an act relating to the city of Falcon Heights; authorizing the imposition of a tax on the gross receipts of amusements within the city limits.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 272.01, Subdivision 2, is amended to read:

Subd. 2. (a) When any real or personal property which for any reason is exempt from ad valorem taxes, and taxes in lieu thereof, is leased, loaned, or otherwise made available and used by a private individual, association or corporation in connection

with a business conducted for profit, there shall be imposed a tax, for the privilege of so using or possessing such real or personal property, in the same amount and to the same extent as though the lessee or user was the owner of such property.

(b) The tax imposed by this subdivision shall not apply to (1) property leased or used by way of a concession in or relative to the use in whole or part of a public park, market, fair grounds *unless the lessee or user owns a permanent structure or structures attached to the leased premises and the primary use is for commercial purposes*, port authority, municipal auditorium, municipal museum or municipal stadium or (2) property constituting or used as a public pedestrian ramp, concourse, passenger check-in area or ticket sale counter, boarding area or luggage claim area in connection with a public airport.

(c) Taxes imposed by this subdivision shall be due and payable as in the case of personal property taxes and such taxes shall be assessed to such lessees or users of real or personal property in the same manner as taxes assessed to owners of real or personal property, except that such taxes shall not become a lien against the property. When due, the taxes shall constitute a debt due from the lessee or user to the state, township, city, county and school district for which the taxes were assessed and shall be collected in the same manner as personal property taxes. If property subject to the tax imposed by this subdivision is leased or used jointly by two or more persons, each lessee or user shall be jointly and severally liable for payment of the tax.

Sec. 2. Minnesota Statutes 1980, Section 273.13, is amended by adding a subdivision to read:

*Subd. 7d. [LEASED HOMESTEAD PROPERTY.] Class 3g consists of all buildings and appurtenances located upon land owned by the occupant and used for the purposes of a homestead together with the land upon which they are located shall be valued and assessed as if they were homestead property within the scope of class 3c or 3cc, whichever is applicable, if all of the following criteria are met:*

(a) *the occupant is using such property as his permanent residence; and*

(b) *the occupant is paying the ad valorem property taxes and any special assessments levied against such property; and*

(c) *the occupant has signed a lease which has an option to purchase the buildings and appurtenances; and*

(d) *the term of the lease is at least five years.*

*Any taxpayer meeting all the requirements herein must notify the county assessor, or the assessor who has the powers of the*

*county assessor pursuant to section 273.063, in writing, prior to September 1, 1981 and in future years, as soon as possible after signing the lease agreement and occupying the buildings as his homestead.*

### Sec. 3. [EFFECTIVE DATE.]

*Section 2 is effective for taxes levied in 1981 and subsequent years, payable in 1982 and subsequent years. Taxpayers who meet the requirements in section 2 and who notify the assessor prior to September 1, 1981, shall receive homestead classification on the qualifying property for the 1981 assessment to the same extent as other 3c and 3cc property."*

Delete the title and insert:

"A bill for an act relating to taxation; providing for taxation of certain leased fairground property; providing for homestead classification of certain leased premises; amending Minnesota Statutes 1980, Sections 272.01, Subdivision 2; and 273.13, by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1478 and 1184 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 118 and 1323 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Berkelman; Murphy; Nelsen, B.; Ainley and Wenzel introduced:

H. F. No. 1479, A bill for an act relating to public utilities; prohibiting city jurisdiction over securities or indebtedness of a utility; amending Minnesota Statutes 1980, Sections 216B.36; and 216B.49, Subdivision 5.

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

Hanson introduced :

H. F. No. 1480, A bill for an act relating to metropolitan government; eliminating the requirement that certain commissions reimburse the metropolitan council for certain costs; repealing Minnesota Statutes 1980, Sections 473.164 and 473.595, Subdivision 4.

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

Hanson introduced :

H. F. No. 1481, A bill for an act relating to transit; eliminating certain requirements from the metropolitan transit commission; amending Minnesota Statutes 1980, Section 473.164, Subdivision 1.

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

Kalis; Nelsen, B., and Dempsey introduced :

H. F. No. 1482, A bill for an act relating to public welfare; removing certain exceptions from the authority of the state and counties to file liens against the property of persons receiving medical assistance; amending Minnesota Statutes 1980, Sections 256B.15; and 510.05.

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

Reding introduced :

H. F. No. 1483, A bill for an act relating to retirement; computation of benefits for correctional officers receiving social security payments; repealing Minnesota Statutes 1980, Section 352.93, Subdivision 3.

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

Anderson, R., and Forsythe were excused while in conference committee.

## 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. 6, 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate substituted Mr. Tennesen for Ms. Berglin on the Conference Committee to H. F. No. 1446:

H. F. No. 1446, A bill for an act relating to the organization and operation of state government; appropriating money for welfare, corrections, health, and other purposes with certain conditions; providing appropriations for the departments of public welfare, economic security, corrections, health, sentencing guidelines, corrections ombudsman, and health related boards; amending Minnesota Statutes 1980, Sections 16.851, by adding a subdivision; 144A.08, by adding a subdivision; 145.913, by adding a subdivision; 145.914, Subdivision 2; 241.021, by adding subdivisions; 241.13; 241.69, Subdivision 4; 245.0313; 245.765, Subdivision 1; 245.802, by adding a subdivision; 245.812, by adding a subdivision; 245.84, Subdivision 2; 246.151; 246.54; 256.76, Subdivision 1; 256.87; 256.872; 256.873; 256.875; 256.877; 256B.02, Subdivision 8; 256B.03; 256B.06, Subdivision 1; 256B.-08; 256B.15; 256D.01, Subdivision 1; 256D.02, Subdivisions 4 and 8; 256D.03, Subdivisions 2 and 3, and by adding a subdivision; 256D.04; 256D.05, Subdivisions 1 and 4, and by adding a subdivision; 256D.06, Subdivisions 1 and 2, and by adding a subdivision; 256D.14; 260.311, Subdivision 5; 261.23; 393.07, Subdivision 10; 401.04; 401.12; 517.08, Subdivision 1b, and by adding a subdivision; 518.54, by adding subdivisions; 518.551; and 518.611; 518.64, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapters 144; 145; 241; 245; 256D; and 609; repealing Minnesota Statutes 1980, Sections 256.87, Subdivision 3; 256D.02, Subdivisions 9 and 10; and 256D.11.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 979, A bill for an act relating to health; encouraging philanthropic support of hospitals; providing that funds derived from specified types of gifts or grants shall not be deducted from the operating costs of a hospital; proposing new law coded in Minnesota Statutes, Chapter 144.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Norton moved that the House concur in the Senate amendments to H. F. No. 979 and that the bill be repassed as amended by the Senate.

Carlson, L., moved that the House refuse to concur in the Senate amendments to H. F. No. 979, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion did not prevail.

The question recurred on the Norton motion that the House concur in the Senate amendments to H. F. No. 979 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 979, A bill for an act relating to health; encouraging philanthropic support of hospitals; providing that funds derived from specified types of gifts or grants shall not be deducted from the operating costs of a hospital; granting a hospital a specific waiver from certificate of need requirements; proposing new law coded in Minnesota Statutes, Chapter 144.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Ainley	Clark, K.	Friedrich	Jacobs	Levi
Anderson, B.	Clawson	Greenfield	Jennings	Long
Anderson, G.	Dahlvang	Gruenes	Johnson, C.	Ludeman
Anderson, I.	Dean	Gustafson	Johnson, D.	Luknic
Battaglia	Dempsey	Halberg	Jude	Mann
Begich	Den Ouden	Hanson	Kahn	Marsh
Berkelman	Drew	Harens	Kaley	McCarron
Blatz	Eken	Hauge	Kalis	McDonald
Brandl	Elioff	Haukoos	Kelly	McEachern
Brinkman	Ellingson	Heinitz	Knickerbocker	Mehrkens
Byrne	Erickson	Himle	Kostohryz	Metzen
Carlson, D.	Esau	Hoberg	Laidig	Minne
Carlson, L.	Evans	Hokanson	Lehto	Munger
Clark, J.	Fjoslien	Hokr	Lemen	Murphy

Nelsen, B.	Peterson, D.	Samuelson	Skoglund	Voss
Nelson, K.	Piepho	Sarna	Staten	Weaver
Niehaus	Pogemiller	Schafer	Stowell	Welch
Norton	Redalen	Schoenfeld	Stumpf	Wenzel
Novak	Reding	Schreiber	Sviggum	Wieser
Nysether	Rees	Searles	Swanson	Wigley
O'Connor	Reif	Shea	Tomlinson	Wynia
Ogren	Rice	Sherman	Valan	Zubay
Onnen	Rodriguez, C.	Sherwood	Valento	Spkr. Sieben, H.
Osthoff	Rodriguez, F.	Sieben, M.	Vanasek	
Otis	Rose	Simoneau	Vellenga	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 276, A bill for an act relating to juveniles; prescribing the elements of a prima facie case for referring a child to adult court for criminal prosecution; amending Minnesota Statutes 1980, Section 260.125, Subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Kelly moved that the House concur in the Senate amendments to H. F. No. 276 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 276, A bill for an act relating to juveniles; prescribing the elements of a prima facie case for referring a child to adult court for criminal prosecution; amending Minnesota Statutes 1980, Sections 260.125, Subdivision 3; and 480.0595.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Ainley	Byrne	Den Ouden	Fjoslien	Hauge
Anderson, B.	Carlson, D.	Drew	Friedrich	Haukoos
Anderson, G.	Carlson, L.	Eken	Greenfield	Heinitz
Battaglia	Clark, J.	Eloff	Gruenes	Himle
Begich	Clark, K.	Erickson	Gustafson	Hoberg
Berkelman	Clawson	Esau	Halberg	Hokanson
Brandl	Dean	Evans	Hanson	Hokr
Brinkman	Dempsey	Ewald	Harens	Jacobs



Jennings	Ludeman	Novak	Rose	Sviggum
Johnson, C.	Mann	Nysether	Samuelson	Swanson
Johnson, D.	Marsh	O'Connor	Sarna	Tomlinson
Jude	McCarron	Onnen	Schafer	Valan
Kahn	McDonald	Otis	Schoenfeld	Valento
Kaley	McEachern	Peterson, D.	Schreiber	Vanasek
Kalis	Mehrkens	Piepho	Searles	Vellenga
Kelly	Metzen	Pogemiller	Shea	Voss
Knickerbocker	Minne	Redalen	Sherman	Weaver
Kostohryz	Munger	Reding	Sherwood	Wenzel
Laidig	Murphy	Rees	Sieben, M.	Wieser
Lehto	Nelsen, B.	Reif	Simoneau	Wigley
Lemen	Nelson, K.	Rice	Skoglund	Wynia
Levi	Niehaus	Rodriguez, C.	Stowell	Zubay
Long	Norton	Rodriguez, F.	Stumpf	Spkr. Sieben, H.

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

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

S. F. No. 665, 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; amending Minnesota Statutes 1980, Section 62E.02, Subdivision 5; proposing new law coded in Minnesota Statutes, Chapter 62A.

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

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Swanson moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 665. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 145, A bill for an act relating to crimes; authorizing notices of dishonored checks to be made by certified or regular

mail and an affidavit of service by mailing; amending Minnesota Statutes 1980, Section 609.535, Subdivision 3.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 145

A bill for an act relating to crimes; authorizing notices of dishonored checks to be made by certified or regular mail and an affidavit of service by mailing; amending Minnesota Statutes 1980, Section 609.535, Subdivision 3.

April 29, 1981

The Honorable Jack Davies  
President of the Senate

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

We, the undersigned conferees for S. F. No. 145, report that we have agreed upon the items in dispute and recommend as follows:

The House recede from its amendment and that S. F. No. 145 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 609.535, Subdivision 3, is amended to read:

Subd. 3. [PROOF OF INTENT.] Any of the following is evidence sufficient to sustain a finding that the person at the time he issued the check or other order for the payment of money, intended it should not be paid:

(1) Proof that, at the time of issuance, he did not have an account with the drawee; or

(2) Proof that, at the time of issuance, he did not have sufficient funds or credit with the drawee and that he failed to pay the check or other order within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision; or

(3) Proof that, when presentment was made within a reasonable time, the issuer did not have sufficient funds or credit with the drawee and that he failed to pay the check or other order within five business days after mailing of notice of non-payment or dishonor as provided in this subdivision.

Notice of nonpayment or dishonor shall be sent by the payee or holder of the check to the maker or drawer by certified mail, return receipt requested, *or by regular mail, supported by an affidavit of service by mailing*, to the address (OF RECORD) *printed on the check*. Refusal by the maker or drawer of the check to accept certified mail notice *or failure to claim certified or regular mail notice* shall not constitute a defense that notice was not received.

*The notice may state that unless the check is paid in full within five business days after mailing of the notice of non-payment or dishonor, the payee or holder of the check or other order for the payment of money will or may refer the matter to proper authorities for prosecution under this section.*

*An affidavit of service by mailing shall be retained by the payee or holder of the check.*

## Sec. 2. [EFFECTIVE DATE.]

*Section 1 is effective August 1, 1981, and applies to all crimes committed on or after that date."*

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

Senate Conferees: MEL FREDERICK, MYRTON O. WEGENER and WAYNE OLHOFT

House Conferees: RANDY C. KELLY, PAUL MCCARRON and O. J. HEINITZ.

Kelly moved that the report of the Conference Committee on S. F. No. 145 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 145, A bill for an act relating to crimes; authorizing notices of dishonored checks to be made by certified or regular mail and an affidavit of service by mailing; amending Minnesota Statutes 1980, Section 609.535, Subdivision 3.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 121, A bill for an act relating to statutory cities and urban towns; permitting publication of summaries of ordinances prior to enactment; amending Minnesota Statutes 1980, Sections 368.01, Subdivision 21; and 412.191, Subdivision 4.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONFERENCE COMMITTEE REPORT ON S. F. NO. 121

A bill for an act relating to statutory cities and urban towns; permitting publication of summaries of ordinances prior to enactment; amending Minnesota Statutes 1980, Sections 368.01, Subdivision 21; and 412.191, Subdivision 4.

April 29, 1981

The Honorable Jack Davies  
President of the Senate

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

We, the undersigned conferees for S. F. No. 121, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 121 be further amended as follows:

Page 1, line 16, delete *"complete text"* and insert *"title and a summary"*

Page 1, lines 16 and 17, delete *"is not worth the expense and that a summary"*

Page 1, line 19, delete *"unanimous"* and insert *"four-fifths"*

Page 1, line 19, after *"vote"* insert *"of its members"*

Page 1, line 20, after *"that"* insert *"a"* and delete *"copies"* and insert *"copy"*

Page 1, line 21, delete *"are"* and insert *"is"*

Page 1, line 21, delete *"to"* and insert *"for inspection by"*

Page 1, line 23, after the period insert *"A copy of the entire text of the ordinance shall be posted in the community library, if there is one, or if not, in any other public location which the council designates."*

Page 1, line 26, after the period, insert *"The publishing of the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance had been published."*

Page 2, line 16, delete *"complete text"* and insert *"title and a summary"*

Page 2, line 17, delete *"is not worth the expense and that a summary"*

Page 2, line 19, delete *"unanimous"* and insert *"a four-fifths"*

Page 2, line 19, after *"vote"* insert *"of its members"*

Page 2, line 21, after "*that*" insert "*a*" and delete "*copies*" and insert "*copy*"

Page 2, line 21, delete "*are*" and insert "*is*"

Page 2, line 21, delete "*to*" and insert "*for inspection by*"

Page 2, line 23, delete "*council*" and insert "*town board*"

Page 2, line 23, after the period, insert "*A copy of the entire text of the ordinance shall be posted in the community library, if there is one, or if not, in any other public location which the town board designates.*"

Page 2, line 26, after the period, insert "*The publishing of the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance had been published.*"

Amend the title as follows:

Page 1, line 2, after "*to*" insert "*local government; permitting*"

Page 1, lines 2 and 3, delete "*; permitting publication of*" and insert "*to publish*"

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

Senate Conferees: MYRTON O. WEGENER, JAMES C. PEHLER and DENNIS R. FREDERICKSON.

House Conferees: JOHN T. CLAWSON and CONNIE M. LEVI.

Clawson moved that the report of the Conference Committee on S. F. No. 121 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 121, A bill for an act relating to statutory cities and urban towns; permitting publication of summaries of ordinances prior to enactment; amending Minnesota Statutes 1980, Sections 368.01, Subdivision 21; and 412.191, Subdivision 4.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 100 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Aasness	Ewald	Kaley	Novak	Sherman
Anderson, B.	Friedrich	Kalis	Nysether	Sherwood
Anderson, I.	Greenfield	Kelly	O'Connor	Sieben, M.
Berkelman	Gruenes	Kostohryz	Ogren	Simoneau
Blatz	Gustafson	Lehto	Olsen	Skoglund
Brandl	Hanson	Lemen	Onnen	Stadum
Byrne	Harens	Levi	Osthoff	Staten
Carlson, D.	Hauge	Long	Otis	Stowell
Carlson, L.	Haukoos	Ludeman	Piepho	Swanson
Clark, J.	Heap	Luknic	Pogemiller	Tomlinson
Clawson	Heinitz	Mann	Reding	Valan
Dahlvang	Himle	McCarron	Rees	Vellenga
Dempsey	Hoberg	McDonald	Reif	Voss
Den Ouden	Hokanson	Minne	Rodriguez, C.	Weaver
Drew	Hokr	Munger	Rodriguez, F.	Welch
Eken	Jacobs	Murphy	Rose	Welker
Ellingson	Jennings	Nelsen, B.	Samuelson	Wenzel
Erickson	Johnson, D.	Nelson, K.	Schafer	Wynia
Esau	Jude	Niehaus	Schreiber	Zubay
Evans	Kahn	Norton	Searles	Spkr. Sieben, H.

Those who voted in the negative were:

Ainley	Elioff	Marsh	Peterson, D.	Stumpf
Battaglia	Fjoslien	McEachern	Sarna	Wieser
Begich	Johnson, C.	Metzen	Schoenfeld	Wigley
Dean	Kvam	Peterson, B.	Shea	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

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

S. F. No. 445, A bill for an act relating to courts; providing service periods on Hennepin and Ramsey County district courts, juvenile divisions or family division; authorizing appointment of district court judges to hear cases arising under the juvenile court or family court act for terms up to four years; amending Minnesota Statutes 1980, Sections 260.019, Subdivision 3; 484.64, Subdivision 1; and 484.65, Subdivisions 1 and 6.

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

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Blatz moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 445. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 182, A bill for an act relating to commerce; revising the small loan act; increasing the loan amount which determines the necessity of obtaining a license; increasing the amount of liquid assets which must be maintained by a licensee; allowing certain purchasers of accounts to obtain a license; providing for the regulation of closings of licensees on holidays and weekends; providing for examinations at the commissioner's discretion; allowing the use of certain mechanical or electronic data processing methods to be used as books of account; allowing alternative compliance on certain rates of charge statements; allowing certain loans to be secured by real estate; restating maximum rates and charges; regulating licensee provisions concerning certain insurance in connection with loans made; allowing industrial loan and thrifts to make secured or unsecured loans on the terms, rates, and conditions permitted licensees; providing remedies; defining terms; providing for miscellaneous clarifications and revisions; amending Minnesota Statutes 1980, Sections 53.04, by adding a subdivision; 56.01; 56.02; 56.04; 56.07; 56.09; 56.10; 56.11; 56.12; 56.14; 56.15, Subdivision 1; 56.16; 56.17; 56.18; 56.19; 56.26; 334.02; 334.03; and proposing new law coded in Minnesota Statutes, Chapter 56; repealing Minnesota Statutes 1980, Sections 53.04, Subdivisions 3, 4, 6, and 7; 53.051; 56.06; 56.13; 56.15, Subdivision 2; and 56.20.

The Senate has appointed as such committee Messrs. Peterson, C. C.; Bang and Tennesen.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

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 Senate has appointed as such committee Messrs. Stern, Bang and Davies.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 98, A bill for an act relating to energy; amending certain provisions for home energy disclosure reports; amending Minnesota Statutes 1980, Section 116H.129, Subdivisions 1, 2, 5, 6, and 7.

The Senate has appointed as such committee Messrs. Humphrey, Waldorf and Bernhagen.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 829, A bill for an act relating to counties; concerning Anoka county; providing for a seven member board of commissioners; amending Minnesota Statutes 1980, Section 375.01.

The Senate has appointed as such committee Messrs. Frank Merriam and Ms. Stokowski.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on

the amendments adopted by the Senate to the following House File:

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 Senate has appointed as such committee Messrs. Dahl, Dicklich and Taylor.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 126, A bill for an act relating to waters; requiring posting and publication of notice of aeration operations by a permittee of the commissioner of natural resources; establishing a presumption of due care; changing and clarifying administrative provisions regarding watershed districts; permitting use of a map to show notification of an assessment area; amending Minnesota Statutes 1980, Sections 112.36; 112.53, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 378.

The Senate has appointed as such committee Messrs. Menning, Setzepfandt and Berg.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 70, A bill for an act relating to education; providing for aids to education, aids to libraries, tax levies and the distribution of tax revenues; granting certain powers and duties to school districts, the state board of education and others; replacing AVTI capital expenditure aid with AVTI equipment aid and AVTI repair and betterment aid; requiring a legislative

study of curriculum implications of secondary vocational education aid; providing a new aid and levy authorization for certain capital expenditures; changing the preschool screening program from mandatory to optional; limiting participation in teacher mobility programs; decreasing the state's obligations and changing eligibility standards for the maximum effort school aid program; appropriating money; amending Minnesota Statutes 1980, Sections 3.9278, Subdivision 1; 3.9279, Subdivisions 10 and 12; 120.17, Subdivisions 3, 3b, 4, 5a, 6, 7 and by adding a subdivision; 121.904, Subdivision 7; 121.906, Subdivisions 2 and 3; 121.912, Subdivision 1; 122.22, Subdivisions 3, 4, 5, 8, 9, 11, 13, 14, 20 and by adding a subdivision; 123.35, Subdivision 15; 123.36, Subdivision 13; 123.39, Subdivision 1 and by adding a subdivision; 123.702, Subdivision 1; 123.703, Subdivision 3; 123.705; 123.937; 124.01, Subdivisions 2, 3, 4 and by adding a subdivision; 124.11, Subdivisions 1, 2a, 2b, 2c and by adding a subdivision; 124.14, Subdivisions 3, 4 and by adding a subdivision; 124.17, Subdivisions 2, 2c and by adding a subdivision; 124.20; 124.212, Subdivisions 1, 5a, 7d, 8a, 9a and by adding a subdivision; 124.223; 124.225, Subdivisions 1, 1a, 2, 3, 4a, 5, 6, 7a, 8a, 8b, 9, 11 and by adding a subdivision; 124.245, Subdivisions 1, 2 and by adding a subdivision; 124.247, Subdivisions 3 and 5; 124.26, Subdivisions 3, 4 and by adding subdivisions; 124.271, Subdivision 2; 124.32, Subdivisions 1a, 1b, 6, 9 and by adding a subdivision; 124.38, Subdivision 7; 124.39, Subdivision 5; 124.40, Subdivision 2; 124.41; 124.42, Subdivisions 1 and 2; 124.43, Subdivisions 1, 2, 3, 4 and 5; 124.474; 124.476; 124.561, Subdivisions 2a, 3a and by adding subdivisions; 124.562, by adding a subdivision; 124.5621, Subdivisions 2, 5, 6 and 12; 124.5622, Subdivisions 3, 4 and 5; 124.5623, Subdivisions 3, 4 and 5; 124.5624; 124.565, Subdivisions 3, 4, 6 and 7; 124.566; 124.572, Subdivision 8 and by adding subdivisions; 124.573, Subdivisions 2, 3a, 5 and by adding a subdivision; 124.574, Subdivisions 2 and 4; 124.646, Subdivision 1; 125.60, Subdivisions 2a and 7; 125.611, Subdivisions 1, 3, 5, 8, 9 and 10; 126.54, Subdivision 1; 134.35, Subdivision 1; 134.351, Subdivision 5 and by adding subdivisions; 134.36; 275.125, Subdivisions 2a, 2c, 6b, 6c, 7a, 7b, 8, 11a and by adding subdivisions; 298.28, Subdivision 1; 354.094, Subdivisions 1, 2, 3 and by adding a subdivision; 354.66, Subdivision 9; 354A.091, Subdivisions 1, 2, 3 and by adding a subdivision; 354A.094, Subdivision 9; 375.335, Subdivision 4 and by adding subdivisions; Laws 1967, Chapter 822, Section 1, as amended; proposing new law coded in Minnesota Statutes, Chapters 120; and 124; repealing Minnesota Statutes 1980, Sections 3.9279, Subdivision 13; 120.17, Subdivision 3c; 122.22, Subdivisions 10, 12, 15 and 16; 123.40, Subdivision 5; 124.212, Subdivisions 6c and 7c; 124.225, Subdivisions 4, 7 and 8; 124.271, Subdivision 1a; 124.561, Subdivision 4; 124.562, Subdivisions 3 and 4; 124.571; 126.268, Subdivision 1; 126.52, Subdivision 12; 275.125, Subdivisions 2b and 14.

The Senate has appointed as such committee Messrs. Dieterich, Hughes, Merriam, Langseth and Olhoff.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 912, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted and obsolete references and text; eliminating redundant, conflicting and superseded provisions; reenacting certain laws; amending Minnesota Statutes 1980, Sections 10.30; 12.03, Subdivision 9; 12.25, Subdivision 1; 15.0412, Subdivision 4d; 15.1611, Subdivisions 1 and 2; 15.1621, Subdivision 2; 15.163, Subdivision 6; 15.166, Subdivisions 1, 2 and 4; 15.1671; 15.50, Subdivision 1; 15.61, Subdivision 2; 16.172; 16.822, Subdivisions 3 and 6; 17.72; 17B.23; 27.01, Subdivision 1; 31.58; 32A.04, Subdivision 1; 35.067; 40.05, Subdivision 4; 40.071; 43.12, Subdivision 19; 43.126, Subdivisions 1 and 2; 43.24, Subdivision 2; 43.323, Subdivision 3; 47.203; 48.88, Subdivision 2; 50.14, Subdivision 5, as reenacted; 55.15; 60A.23, Subdivision 8; 62A.152, Subdivision 2; 62D.22, Subdivision 6; 62D.28, Subdivisions 2 and 3; 65B.05; 65B.06, Subdivision 2; 65B.71, Subdivision 2; 69.031, Subdivision 5; 69.29; 72A.20, Subdivision 15; 72C.11; 79.34, Subdivision 1; 84.55; 84A.52; 84B.05; 90.195; 92.36; 93.45, Subdivision 2; 111.09, Subdivision 2; 111.11; 111.31; 111.36; 111.78; 112.43, Subdivision 2; 115.34, Subdivision 1; 116.02, Subdivision 3; 116.06, Subdivision 1; 116.10; 122.532, Subdivision 3; 144.125; 144.653, Subdivision 1; 144.801, Subdivision 8; 144.92; 144A.01, Subdivision 2; 144A.10, Subdivision 3; 145.838, Subdivision 3; 148.88; 151.26, Subdivision 1; 161.38, Subdivision 6; 162.08, Subdivision 3; 173.12; 173.13, Subdivision 2; 173.20; 173.21; 174.256, Subdivision 5; 179.68, Subdivision 2; 179.69, Subdivision 3a; 179.691; 179.692; 182.661, Subdivision 1; 183.52; 183.56; 183.57, Subdivision 2; 183.59; 197.13; 197.48; 197.603, Subdivision 2; 218.031, Subdivision 1; 218.041, Subdivisions 2, 7 and 8; 219.39; 219.40; 219.741; 237.30; 239.05, Subdivision 1; 239.09; 241.021, Subdivision 2; 241.045, Subdivision 6; 241.27, Subdivision 2; 241.62, Subdivision 5; 243.87; 245.05; 245.06; 245.07; 245.781; 245.782, Subdivisions 1, 11 and 12; 245.783, Subdivisions 1, 2 and 3; 245.791; 245.801, Subdivision 5; 245.802, Subdivision 2; 245.803, Subdivisions 1, 2 and 3; 245.812, Subdivisions 2, 5 and 6; 250.05, Subdivisions 2 and 4; 256.25; 256.263, Subdivision 1; 256.483, Subdivision 1; 256B.15; 256E.03, Subdivision 2; 256E.06, Subdivision 2; 257.64, Subdivision 1; 260.241, Subdivision 4; 273.13, Subdivision 6; 275.50, Subdivisions 2 and 5; 282.281; 290.05, Subdivision 1; 290.14; 290.35; 290.53, Subdivision 4; 290.92, Subdivision 5; 290A.01; 290A.02; 290A.03, Subdi-

visions 1, 3, 8, 11 and 12; 290A.08; 290A.09; 290A.11, Subdivision 1; 290A.13; 290A.15; 290A.16; 290A.17; 290A.20; 290A.22; 294.25; 295.34, Subdivision 1; 297.03, Subdivision 3; 298.223; 298.244, Subdivision 2; 299F.19, Subdivision 6; 299H.22, Subdivision 2; 308.07, Subdivision 10; 325F.34; 326.02, Subdivisions 1, 2, 3, 4a and 5; 326.03, Subdivision 5; 326.08, Subdivision 1; 326.11, Subdivision 1; 326.12, Subdivision 3; 326.13; 340.54, Subdivisions 1 and 2; 349.11; 352.22, Subdivision 3; 352B.075, Subdivision 1; 353.661, Subdivision 2; 353.71, Subdivision 1; 354.44, Subdivision 1a; 354A.21; 360.037, Subdivision 2; 368.86; 412.251; 414.0325, Subdivisions 1 and 5; 418.20; 423.075, Subdivision 2; 427.09; 447.34, Subdivision 1; 447.35; 447.45, Subdivision 1; 465.72; 471.371, Subdivision 3; 471.616, Subdivision 1; 471.617; 471.74, Subdivision 2; 473.438, Subdivision 3; 473F.02, Subdivision 17; 474.03; 480.059, Subdivision 7; 485.14; 508.37, by adding a subdivision; 518.155; 518.66; 595.021; 595.022; 611.07, Subdivision 3; 611.12, Subdivision 7; 626.556, Subdivision 11; 626A.12, Subdivision 5; 628.56; 629.404, Subdivision 1; Laws 1980, Chapter 614, Section 163; reenacting Minnesota Statutes 1980, Section 50.14, Subdivision 5; reenacting and validating Laws 1980, Chapter 528; repealing Minnesota Statutes 1980, Chapters 2A and 3B; Sections 115.15; 115.16; 218.041, Subdivision 3; 273.061, Subdivision 11; 282.11; 325F.33; 325F.49; 325F.50; 473F.08, Subdivision 11; 475.53, Subdivision 2; 508.37, Subdivision 1; Laws 1979, Chapters 40, Sections 6 and 9; 303, Article 2, Section 7, and Article 10, Section 7; and 334, Article 3, Section 15; Laws 1980, Chapters 437, Section 4; 460, Sections 5, 18, 19 and 27; 487, Section 14; 509, Section 127; 528, Section 4; 534, Sections 27, 31, 39, 47, 53 and 54; 579, Section 3; and 600, Section 8.

The Senate has appointed as such committee Messrs. Hanson, Peterson, R. W. and Davies.

Said House File is herewith returned to the House.

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. 1018 and 1262.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 665:

Swanson, Greenfield and Kaley.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 445:

Blatz, Rice and Kelly.

### FIRST READING OF SENATE BILLS

S. F. No. 1018, A bill for an act relating to taxation; eliminating unnecessary language concerning a property tax exemption for cheese; amending Minnesota Statutes 1980, Sections 272.02, Subdivision 1; 273.115, Subdivisions 1, 2, and 3; and 273.116, Subdivisions 1 and 2.

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

S. F. No. 1262, A bill for an act relating to the Coon Creek watershed district; authorizing an annual administrative levy by the district.

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

The following conference committee report was received:

### CONFERENCE COMMITTEE REPORT ON H. F. NO. 582

A bill for an act relating to natural resources; regulating the use of state funded trails; providing a penalty; amending Minnesota Statutes 1980, Section 84.90, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 85.

May 6, 1981

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

The Honorable Jack Davies  
President of the Senate

We, the undersigned conferees for H. F. No. 582, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 582 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 84.90, Subdivision 4, is amended to read:

Subd. 4. It is unlawful for a person to post, mutilate, or remove any notice or sign provided in this section upon any lands or waters over which he has no right, title, interest, or license. It is unlawful for a person other than a duly constituted legal authority to so post any public lands, including but not limited to tax forfeited lands, as above described. *It is unlawful for a person to mutilate, destroy, damage, or remove any shelter, comfort station or other trail facility on any trail established on state owned land or on any recreational trail which is funded in whole or in part by state grant-in-aid funds.*

Sec. 2. [85.018] [TRAIL USE; VEHICLES REGULATED.]

*Subdivision 1. [DEFINITIONS.] For the purposes of this section, "trail" means a recreational trail, which is funded in whole or in part by state grant-in-aids to a local unit of government.*

*Subd. 2. [AUTHORITY OF LOCAL GOVERNMENT.] A local government unit that receives state grant-in-aids for any trail may:*

*(a) Designate the trail for use by snowmobiles or for non-motorized use from December 1 to April 1 of any year; and*

*(b) Issue any permit required under subdivisions 3 to 5.*

*Subd. 3. [MOTORIZED USE; PERMITS.] Motorized use of trails shall be allowed only by permit between April 2 and November 30 of any year. Permits shall require that permit holders return the trail and any associated facility to their original condition if any damage is done by the permittee. Limited permits for special events such as races may be issued and shall require the removal of any trail markers, banners and other material used in connection with the special event.*

*Subd. 4. [NONMOTORIZED TRAILS; WINTER.] From December 1 to April 1 of any year no motorized vehicle shall be operated on a trail designated for nonmotorized use such as ski touring or snowshoe use.*

*Subd. 5. [SNOWMOBILE TRAILS.] From December 1 to April 1 in any year no use of a motorized vehicle other than a snowmobile, unless authorized by permit, lease or easement, shall be permitted on a trail designated for use by snowmobiles.*

*Subd. 6. [EXCEPTIONS.] The following motor vehicles are exempt from the provisions of subdivisions 3 to 5:*

(a) *military, fire, emergency or law enforcement vehicles used for official or emergency purposes;*

(b) *vehicles registered to the county, state or federal government;*

(c) *vehicles authorized by permit, lease or contract;*

(d) *vehicles owned by private citizens engaged in the upkeep and maintenance of the trail systems under the direction of the local unit of government which manages the trail; and*

(e) *vehicles registered to or operated with the permission of a land owner on whose lands the trail system has been constructed, but only with respect to operation on the land of that owner.*

*Subd. 7. [STREETS AND HIGHWAYS.] This section does not apply to any portion of a trail located on any street or highway as defined in section 169.01.*

*Subd. 8. [ENFORCEMENT.] The provisions of this section may be enforced by officers of the department of natural resources as provided in section 97.50."*

Amend the title as follows:

Page 1, line 3, after the first semicolon, insert "permitting conservation officers to enforce prohibitions of vandalism of shelters and facilities on state and local trails;"

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

House Conferees: JOSEPH R. BEGICH, DOUGLAS W. CARLSON and PHYLLIS L. KAHN.

Senate Conferees: GENE MERRIAM, BOB LESSARD and JOHN BERNHAGEN.

Begich moved that the report of the Conference Committee on H. F. No. 582 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 582, A bill for an act relating to natural resources; regulating the use of state funded trails; providing a penalty; amending Minnesota Statutes 1980, Section 84.90, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 85.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.



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

The bill was repassed, as amended by Conference, and its title agreed to.

### CONSIDERATION UNDER RULE NO. 1.10

Pursuant to rule 1.10, Sieben, M., requested immediate consideration of H. F. Nos. 1474, 1475, 493, 900 and 477.

### CALL OF THE HOUSE

On the motion of Carlson, L., and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Aasness	Clawson	Gruenes	Jude	Marsh
Ainley	Dahlvang	Gustafson	Kahn	McCarron
Anderson, B.	Dean	Halberg	Kaley	McEachern
Anderson, G.	Dempsey	Hanson	Kalis	Metzen
Anderson, I.	Den Ouden	Harens	Kelly	Minne
Battaglia	Drew	Haukoos	Knickerbocker	Munger
Begich	Eken	Heap	Kostohryz	Murphy
Berkelman	Elioff	Heinitz	Kvam	Nelsen, B.
Blatz	Ellingson	Himle	Laidig	Nelson, K.
Brandl	Erickson	Hoberg	Lehto	Niehaus
Brinkman	Esau	Hokanson	Lemen	Norton
Byrne	Evans	Hokr	Levi	Novak
Carlson, D.	Ewald	Jacobs	Long	O'Connor
Carlson, L.	Fjoslien	Jennings	Ludeman	Ogren
Clark, J.	Friedrich	Johnson, C.	Luknic	Olsen
Clark, K.	Greenfield	Johnson, D.	Mann	Onnen

Osthoff	Rice	Sherman	Swanson	Wenzel
Peterson, B.	Rodriguez, C.	Sherwood	Tomlinson	Wieser
Peterson, D.	Rodriguez, F.	Sieben, M.	Valento	Wigley
Piepho	Rose	Simoneau	Vanasek	Wynia
Pogemiller	Rothenberg	Skoglund	Vellenga	Zubay
Redalen	Samuelson	Stadum	Voss	Spkr. Sieben, H.
Reding	Sarna	Staten	Weaver	
Rees	Schafer	Stowell	Welch	
Reif	Searles	Stumpf	Welker	

Carlson, L., moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The Speaker called Wynia to the Chair.

H. F. No. 1474, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 121.

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.

Sieben, M., moved that those not voting be excused from voting. The motion did not prevail.

Vanasek moved that those not voting be excused from voting. The motion prevailed.

There were 96 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Johnson, C.	Minne	Rees
Anderson, G.	Elioff	Johnson, D.	Munger	Rice
Anderson, I.	Ellingson	Jude	Murphy	Rodriguez, C.
Battaglia	Erickson	Kalis	Nelsen, B.	Rodriguez, F.
Begich	Evans	Kelly	Nelson, K.	Samuelson
Berkelman	Ewald	Knickerbocker	Norton	Sarna
Blatz	Greenfield	Kostohryz	Novak	Schoenfeld
Brandl	Gruenes	Laidig	Nysether	Shea
Brinkman	Gustafson	Lehto	O'Connor	Sherman
Byrne	Hanson	Long	Ogren	Sherwood
Carlson, D.	Harens	Luknic	Olsen	Sieben, M.
Carlson, L.	Hauge	Mann	Osthoff	Simoneau
Clark, J.	Haukoos	Marsh	Otis	Skoglund
Clark, K.	Heap	McCarron	Peterson, D.	Stadum
Clawson	Himle	McEachern	Piepho	Staten
Dahlvang	Hokanson	Mehrkins	Pogemiller	Stowell
Dean	Jacobs	Metzen	Reding	Stumpf

Swanson  
Tomlinson  
Valan

Vanasek  
Vellenga  
Voss

Weaver  
Welch  
Wenzel

Wynia

Spkr. Sieben, H.

Those who voted in the negative were:

Aasness  
Ainley  
Dempsey  
Den Ouden  
Drew  
Esau  
Fjoslien

Forsythe  
Friedrich  
Heinitz  
Hoberg  
Hokr  
Jennings  
Kahn

Kaley  
Kvam  
Lemen  
Levi  
Ludeman  
McDonald  
Niehaus

Onnen  
Peterson, B.  
Redalen  
Reif  
Rose  
Rothenberg  
Schafer

Searles  
Sviggum  
Valento  
Welker  
Wieser  
Wigley  
Zubay

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

H. F. No. 1475, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money; amending Minnesota Statutes 1980, Section 116.18, Subdivisions 1 and 4.

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.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 114 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Aasness  
Anderson, B.  
Anderson, G.  
Anderson, I.  
Anderson, R.  
Battaglia  
Begich  
Berkelman  
Blatz  
Brandl  
Brinkman  
Byrne  
Carlson, D.  
Carlson, L.  
Clark, J.  
Clark, K.  
Clawson  
Dahlvang  
Dean  
Dempsey  
Drew  
Eken  
Elioff

Ellingson  
Erickson  
Esau  
Evans  
Ewald  
Forsythe  
Friedrich  
Greenfield  
Gruenes  
Gustafson  
Halberg  
Hanson  
Harens  
Hauge  
Heap  
Heinitz  
Himle  
Hoberg  
Hokanson  
Hokr  
Jacobs  
Johnson, C.  
Johnson, D.

Jude  
Kahn  
Kaley  
Kalis  
Kelly  
Knickerbocker  
Kostohryz  
Laidig  
Lehto  
Lemen  
Levi  
Long  
Luknic  
Mann  
McCarron  
McEachern  
Mehrkens  
Metzen  
Minne  
Munger  
Murphy  
Nelsen, B.  
Nelson, K.

Norton  
Novak  
O'Connor  
Ogren  
Olsen  
Onnen  
Osthoff  
Peterson, B.  
Peterson, D.  
Pogemiller  
Redalen  
Reding  
Rees  
Rice  
Rodriguez, C.  
Rodriguez, F.  
Rose  
Samuelson  
Sarna  
Schoenfeld  
Schreiber  
Searles

Shea  
Sherman  
Sieben, M.  
Simoneau  
Skoglund  
Stadum  
Staten  
Stowell  
Stumpf  
Swanson  
Tomlinson  
Valento  
Vanasek  
Vellenga  
Voss  
Weaver  
Welch  
Wenzel  
Wieser  
Wynia  
Zubay  
Spkr. Sieben, H.

Those who voted in the negative were:

Ainley	Jennings	McDonald	Schafer	Welker
Den Ouden	Kvam	Niehaus	Sherwood	Wigley
Fjoslien	Ludeman	Nysether		
Haukoos	Marsh	Reif		

The bill was passed and its title agreed to.

Eken moved that the House recess subject to the call of the Chair. The motion prevailed.

#### RECESS

#### RECONVENED

The House reconvened and was called to order by the Speaker.

#### CONSIDERATION UNDER RULE NO. 1.10, Continued

H. F. No. 493, A bill for an act relating to energy; authorizing the Minnesota energy agency to administer a program of loans to municipalities for establishing and improving district heating systems; authorizing the issuance of state bonds pursuant to Article XI of the Minnesota constitution; appropriating money; amending Minnesota Statutes 1980, Sections 412.321, Subdivision 1; 412.351; 412.361, Subdivision 3; 429.021, Subdivision 1; and 474.02, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapters 16, 116H, 216B, 465, and 475.

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.

Vanasek moved that those not voting be excused from voting. The motion prevailed.

There were 90 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Aasness	Clark, K.	Halberg	Kalis	Niehaus
Anderson, B.	Clawson	Hanson	Kelly	Norton
Anderson, G.	Dahlvang	Harens	Kostohryz	Novak
Anderson, I.	Dean	Hauge	Laidig	O'Connor
Battaglia	Drew	Heinitz	Lehto	Ogren
Begich	Eken	Himle	Lemen	Osthoff
Berkelman	Elioff	Hoberg	Long	Otis
Blatz	Ellingson	Hokanson	Mann	Peterson, D.
Brandl	Ewald	Hokr	McCarron	Pogemiller
Brinkman	Fjoslien	Jacobs	Metzen	Reding
Byrne	Forsythe	Johnson, C.	Minne	Rees
Carlson, D.	Greenfield	Johnson, D.	Munger	Rice
Carlson, L.	Gruenes	Jude	Murphy	Rodriguez, C.
Clark, J.	Gustafson	Kahn	Nelson, K.	Rodriguez, F.

Sarna	Sieben, M.	Staten	Valan	Welch
Schoenfeld	Simoneau	Stumpf	Vanasek	Wenzel
Shea	Skoglund	Swanson	Vellenga	Wynia
Sherman	Stadum	Tomlinson	Voss	Spkr. Sieben, H.

Those who voted in the negative were:

Ainley	Jennings	Mehrkens	Rose	Valento
Anderson, R.	Kaley	Nelsen, B.	Rothenberg	Weaver
Dempsey	Knickerbocker	Nysether	Samuelson	Welker
Den Ouden	Kvam	Olsen	Schafer	Wieser
Erickson	Levi	Onnen	Schreiber	Wigley
Esau	Ludeman	Peterson, B.	Searles	Zubay
Evans	Luknic	Piepho	Sherwood	
Friedrich	Marsh	Redalen	Stowell	
Heap	McDonald	Reif	Svigum	

The bill was passed and its title agreed to.

H. F. No. 900 was reported to the House.

Voss, Valan and Nelsen, B., moved to amend H. F. No. 900, as follows:

Page 1, line 23, delete "\$31,320,000" and insert "\$30,320,000"

Page 5, line 2, delete "41" and insert "26"

Page 5, line 6, after "department" insert "*provided that these positions shall be used exclusively to provide only the following acquisition and development services associated with the projects of this section: landowner contact, land appraisal, appraisal review pursuant to Minnesota Statutes, Section 84.0271, landowner negotiation, land surveys, legal assistance, financial transactions, project coordination, surveys required for design, soil borings, engineering plans and specifications, contract administration and construction supervision*"

Page 5, line 6, delete "2,594,400" and insert "1,594,400"

The motion prevailed and the amendment was adopted.

Weaver moved to amend H. F. No. 900, as amended, as follows:

Page 4, line 36, delete "From" and insert "None"

Page 5, line 1, before "this" insert "of"

Page 5, line 1, after "appropriation" insert "to"

Page 5, line 2, delete "may employ not to exceed 41" and insert "*shall be used to employ*"

Line 4, of the Voss, Valan and Nelsen, B., amendment delete "*positions shall*" and insert "*funds*"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Vanasek moved that those not voting be excused from voting. The motion prevailed.

There were 51 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Aasness	Friedrich	Kvam	Onnen	Stowell
Ainley	Gruenes	Levi	Piepho	Sviggum
Anderson, R.	Haukoos	Ludeman	Redalen	Valento
Carlson, D.	Heap	Luknic	Rees	Weaver
Dempsey	Heinitz	Marsh	Reif	Welker
Den Ouden	Himle	McDonald	Rose	Wigley
Drew	Hokr	Mehrkens	Rothenberg	Zubay
Esau	Jennings	Nelsen, B.	Schaefer	
Evans	Johnson, D.	Niehaus	Searles	
Fjoslien	Kaley	Nysether	Sherwood	
Forsythe	Knickerbocker	Olsen	Stadum	

Those who voted in the negative were:

Anderson, B.	Elioff	Kostohryz	Ogren	Simoneau
Anderson, G.	Ellingson	Laidig	Osthoff	Skoglund
Anderson, I.	Ewald	Lehto	Otis	Stumpf
Battaglia	Greenfield	Lemen	Peterson, B.	Swanson
Begich	Gustafson	Long	Peterson, D.	Tomlinson
Berkelman	Hanson	Mann	Pogemiller	Valan
Brandl	Harens	McCarron	Reding	Vanasek
Brinkman	Hauge	McEachern	Rice	Vellenga
Byrne	Hoberg	Metzen	Rodriguez, C.	Voss
Carlson, L.	Hokanson	Minne	Rodriguez, F.	Welch
Clark, J.	Jacobs	Munger	Samuelson	Wenzel
Clark, K.	Johnson, C.	Murphy	Sarna	Wieser
Clawson	Jude	Nelson, K.	Schoenfeld	Wynia
Dahlvang	Kahn	Norton	Shea	Spkr. Sieben, H.
Dean	Kalis	Novak	Sherman	
Eken	Kelly	O'Connor	Sieben, M.	

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

H. F. No. 900, A bill for an act relating to open space and recreation; authorizing the issuance of state bonds and expenditure of the proceeds for the acquisition and betterment of regional recreation open space lands by the metropolitan council and metropolitan area local governmental units and for the acquisition and betterment of state parks, trails, forest, fish and wildlife management, scientific and natural areas, water accesses,

wild, scenic and recreational rivers, and canoe and boating routes by the commissioner of natural resources; changing the terms of certain grants administered by the state planning agency; appropriating money; amending Minnesota Statutes 1980, Section 4.36, Subdivision 2; repealing Laws 1979, Chapter 301, Section 6, Subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 84 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Kalis	Norton	Sieben, M.
Anderson, I.	Evans	Kelly	Novak	Simoneau
Anderson, R.	Ewald	Knickerbocker	O'Connor	Skoglund
Battaglia	Greenfield	Kostohryz	Ogren	Staten
Begich	Gustafson	Laidig	Osthoff	Stowell
Berkelman	Halberg	Lehto	Otis	Stumpf
Brandl	Hanson	Lemen	Peterson, B.	Tomlinson
Byrne	Harens	Long	Peterson, D.	Valan
Carlson, L.	Hauge	Mann	Pogemiller	Vanasek
Clark, J.	Heap	McCarron	Reding	Vellenga
Clark, K.	Himle	McEachern	Rice	Voss
Clawson	Hoberg	Mehrrens	Rodriguez, C.	Welch
Dahlvang	Hokanson	Metzen	Rodriguez, F.	Wenzel
Dean	Jacobs	Munger	Rose	Wieser
Drew	Johnson, C.	Murphy	Rothenberg	Wynia
Eken	Jude	Nelsen, B.	Sarna	Spkr. Sieben, H.
Elioff	Kahn	Nelson, K.	Schoenfeld	

Those who voted in the negative were:

Aasness	Fjoslien	Kvam	Onnen	Sherman
Ainley	Forsythe	Levi	Piepho	Sherwood
Anderson, G.	Friedrich	Ludeman	Redalen	Stadum
Blatz	Gruenes	Luknic	Rees	Sviggum
Brinkman	Haukoos	Marsh	Reif	Swanson
Carlson, D.	Heinitz	McDonald	Samuelson	Valento
Dempsey	Hokr	Minne	Schafer	Weaver
Den Ouden	Jennings	Niehaus	Schreiber	Welker
Erickson	Johnson, D.	Nysether	Searles	Wigley
Esau	Kaley	Olsen	Shea	Zubay

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

H. F. No. 477, A bill for an act relating to education; changing a reference to the provisions governing the student loan program; including parents within the definition of eligible student for guaranteed student loan purposes; increasing the bonding authority of the higher education coordinating board; expanding the career guidance program; providing exclusive property rights in certain records; providing for certification of status of tuition subsidy recipients; amending Minnesota Statutes 1980, Sections 136A.141; 136A.15, Subdivision 7; 136A.16, Subdivisions

3 and 4; 136A.17, Subdivisions 1, 4, and 10; 136A.171; 136A.85; 136A.86, Subdivisions 2, 3, and by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Welker

The bill was passed and its title agreed to.

There being no objection the order of business reverted to Petitions and Communications.

## PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

May 8, 1981

The Honorable Harry A. Sieben, Jr., Speaker  
House of Representatives  
276 State Office Building  
St. Paul, Minnesota



Dear Mr. Speaker :

I am vetoing H. F. 326. This Act, if allowed to become law, would continue the Catastrophic Health Expense Protection Program in an amended form.

When I first recommended elimination of the Catastrophic Health Expense Protection Program, I cited three reasons: first, the rapid growth in cost, projected in January to be \$25 Million for the upcoming biennium; second, the lack of a means test; and third, the lack of incentive to purchase catastrophic health insurance.

In regard to my first concern, I have indicated for several months my willingness to have the Legislature reassign priorities within my budget recommendations, while observing my total spending figure of \$8.6 Billion. But in order to spend more in certain areas, other programs must be reduced. The Legislature has sent me a bill calling for spending \$12 Million more than my budget and has not indicated to date where they intend to reduce \$12 Million from my budget.

My second concern with the existing catastrophic health program is the lack of a means test to determine what assets an individual may have. Although the Senate originally had approved a modest means test, the final bill does not include one, and I still maintain that it is a reasonable requirement.

Finally, H. F. No. 326 does not contain any incentive to individuals to purchase insurance. What is provided is a reward after the fact by allowing the premiums paid to apply toward the deductible amount.

Several measures were provided in the bill which indicate a sincere effort on the part of the Legislature to apply controls to the program. These include a time restriction on eligible charges, reinstatement of a \$2500 minimum amount payable, and inclusion of language pertaining to utilization of Health Maintenance Organizations. However, my primary concerns have not been fully addressed.

Therefore, I remain concerned with the design and cost of the program and the fact that it exceeds my budget. Since no bill with a corresponding reduction has been given to me, I am choosing to veto the legislation rather than increase the taxes necessary to fund this \$12 Million program.

Sincerely,

ALBERT H. QUIE  
Governor

Swanson moved that H. F. No. 326 be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

The question was taken on the motion to reconsider and re-pass H. F. No. 326, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota and the roll was called *viva voce*.

There were 79 yeas and 55 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Drew	Kelly	Novak	Shea
Anderson, G.	Eken	Knickerbocker	O'Connor	Sieben, M.
Anderson, I.	Elioff	Kostohryz	Ogren	Simoneau
Anderson, R.	Ellingson	Lehto	Osthoﬀ	Skoglund
Battaglia	Fjoslien	Lemen	Otis	Staten
Begich	Greenfield	Long	Peterson, D.	Stumpf
Berkelman	Gustafson	Luknic	Pogemiller	Swanson
Brandl	Hanson	Mann	Reding	Tomlinson
Brinkman	Harens	McCarron	Rees	Vanasek
Byrne	Hauge	McEachern	Reif	Vellenga
Carlson, D.	Hokanson	Metzen	Rice	Voss
Carlson, L.	Jacobs	Minne	Rodriguez, C.	Welch
Clark, J.	Johnson, C.	Munger	Rodriguez, F.	Wenzel
Clark, K.	Jude	Murphy	Samuelson	Wynia
Clawson	Kahn	Nelson, K.	Sarna	Spkr. Sieben, H.
Dahlvang	Kalis	Norton	Schoenfeld	

Those who voted in the negative were:

Aasness	Friedrich	Kaley	Olsen	Sherwood
Ainley	Gruenes	Kvam	Onnen	Stadum
Blatz	Halberg	Laidig	Peterson, B.	Stowell
Dean	Haukoos	Levi	Piepho	Sviggum
Dempsey	Heap	Ludeman	Redalen	Valan
Den Ouden	Heinitz	Marsh	Rose	Valento
Erickson	Himle	McDonald	Rothenberg	Weaver
Esau	Hoberg	Mehrkens	Schafer	Welker
Evans	Hokr	Nelsen, B.	Schreiber	Wieser
Ewald	Jennings	Niehaus	Searles	Wigley
Forsythe	Johnson, D.	Nysether	Sherman	Zubay

Not having received the required two-thirds vote, the bill was not re-passed.

### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Anderson, I., requested immediate consideration of H. F. No. 1445.

H. F. No. 1445 was reported to the House.

Osthoﬀ moved to amend H. F. No. 1445, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 297A.02, is amended to read:

#### 297A.02 [IMPOSITION OF TAX.]

Except as otherwise provided in (EXTRA SESSION LAWS 1971, CHAPTER 31, ARTICLE 1) *this chapter*, there is hereby imposed an excise tax of (FOUR) *five* percent of the gross receipts from sales at retail, as hereinbefore defined, made by any person in this state (AFTER OCTOBER 31, 1971).

Notwithstanding the foregoing, the tax imposed hereby upon sales at retail through coin-operated vending machines shall be three percent of the gross receipts of such sales.

Sec. 2. Minnesota Statutes 1980, Section 297A.14, is amended to read:

**297A.14 [USING, STORING OR CONSUMING TANGIBLE PERSONAL PROPERTY; ADMISSIONS; UTILITIES.]**

For the privilege of using, storing or consuming in Minnesota tangible personal property, tickets or admissions to places of amusement and athletic events, electricity, gas, and local exchange telephone service purchased for use, storage or consumption in this state, there is hereby imposed on every person in this state a use tax at the rate of (FOUR) *five* percent of the sales price of sales at retail of any of the aforementioned items made to such person (AFTER OCTOBER 31, 1971), unless the tax imposed by section 297A.02 was paid on said sales price.

Motor vehicles subject to tax under this section shall be taxed at the fair market value at the time of transport into Minnesota if such motor vehicles were acquired more than three months prior to its transport into this state.

Notwithstanding any other provisions of sections 297A.01 to 297A.44 to the contrary, the cost of paper and ink products exceeding \$100,000 in any calendar year, used or consumed in producing a publication as defined in section 297A.25, Subdivision 1, clause (i) is subject to the tax imposed by this section.

Sec. 3. Minnesota Statutes 1980, Section 297A.24, is amended to read:

**297A.24 [TAXES IN OTHER STATES.]**

If any article of tangible personal property or any item enumerated in section 297A.14 has already been subjected to a tax by any other state in respect of its sale, storage, use or other consumption in an amount less than the tax imposed by sections 297A.01 to 297A.44, then as to the person who paid the tax in such other state, the provisions of section 297A.14 shall apply only at a rate measured by the difference between the rate herein fixed and the rate by which the previous tax was computed. If such tax imposed in such other state was (FOUR PERCENT OR MORE) *equal to or greater than the tax imposed in this state*, then no tax shall be due from such person under section 297A.14.

Sec. 4. Minnesota Statutes 1980, Section 297B.02, is amended to read:

**297B.02 [TAX IMPOSED.]**

There is hereby imposed an excise tax at the rate (PROVIDED IN CHAPTER 297A) of *four percent* on the purchase price of any motor vehicle purchased or acquired, either in or outside of the state of Minnesota, which is required to be registered under the laws of this state.

Sec. 5. [EFFECTIVE DATE.]

*Sections 1 to 4 are effective for sales or uses occurring after June 30, 1981."*

Delete the title and insert:

"A bill for an act relating to taxation; increasing the sales and use tax rate; amending Minnesota Statutes 1980, Sections 297A.02; 297A.14; 297A.24; and 297B.02."

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

H. F. No. 1445, A bill for an act relating to taxation; appropriating money for state payments to local units of government; adjusting the school agricultural credit, increasing the rate and acreage and imposing maximum acreage restrictions; limiting the amount of homestead credits; limiting certain local levies; imposing additional income taxes on corporations; limiting certain deductions; changing interest rates on delinquent taxes; rescheduling certain payments to local governments; changing definition of claimant for property tax refund and offsetting credit based on amount of medical assistance; providing for declaration and estimated payments of gross earnings tax; requiring deduction of federal taxes on the accrual basis; repealing distribution of estate taxes to counties; increasing the local effort levy for school districts to 23 mills; adjusting the maximum amount of market value subject to certain homestead classifications ratios based upon average sale price of homes; providing a new method of calculating the inflation adjustments for income tax brackets, personal credits and standard deduction; increasing the rate of tax on vending machine sales; providing an accelerated payment schedule of June sales tax liability for certain vendors; providing property tax open space treatment for archery and firearms ranges; modifying the notification procedure prior to forfeiture of real property in certain cases; changing the definition of "sale" for purposes of the sales tax; exempting certain feminine hygiene products from the sales tax; limiting the sales tax exemption on foods; imposing a gross receipts tax on wrestling; providing that intoxicating liquor must be registered by the brand owner; modifying the notification procedure prior to forfeiture of real property in certain cases; providing that the disallowance of income tax deductions relating to substandard housing shall not expire; clarifying which parties are to be served with notices of appeal; changing requirements for filing certain abstracts and statements of exemption; changing certain fees to be charged by county auditors and treasurers; changing method of computing attached machinery aids; clarifying assessment of property of cooperative associations; providing certain dates for delivery and return of tax lists; providing interest rates on delinquent taxes; repealing publisher's bonds; changing certain definitions for the property tax refund; providing additional authority for county boards to reduce values; providing county valuation of certain airport property; amending Minnesota Statutes 1980, Sections 124.01, Subdivision 3; 124.213; 270.051, Subdivision 2; 270.11, Subdivision 2; 270.75; 271.10, Subdivision 2; 272.02, Subdivision 1; 272.025, Subdi-

vision 3; 272.46; 272.47; 273.112, Subdivision 3; 273.115, Subdivision 4; 273.116, Subdivision 4; 273.13, Subdivisions 6, 6a, 7 and 15a; 273.136, Subdivision 3; 273.138, Subdivisions 2 and 5; 273.139, Subdivision 3; 273.40; 275.075; 275.08; 275.50, Subdivision 2; 275.51, Subdivision 1, and by adding subdivisions; 275.55; 276.01; 277.15; 279.02; 279.03; 279.14; 279.37, Subdivision 6; 281.23, Subdivision 5; 290.01, Subdivisions 20 and 23; 290.06, Subdivisions 2d, 3g, and by adding a subdivision; 290.067, Subdivision 2; 290.09, Subdivisions 4, 10 and 15; 290.10; 290.18, Subdivision 2; 290A.03, Subdivision 8 and 13; 290A.04, by adding a subdivision; 290A.07, Subdivision 2; 297A.01, Subdivision 3; 297A.02; 297A.25, Subdivision 1; 340.621; 375.192, Subdivision 2; 423A.02; 473.626; 477A.01, Subdivision 4b; 477A.03; 477A.13; Laws 1975, Chapter 226, Section 4, as amended; proposing new law coded in Minnesota Statutes, Chapters 273, 275, 295, and 297A; repealing Minnesota Statutes 1980, Sections 275.50, Subdivisions 5 and 6; 275.51, Subdivisions 3d, 4 and 5; 275.52; 275.53; 275.54; 275.551; 275.552; 275.58; 275.59; 279.11; and 291.33.

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

The question was taken on the passage of the bill and the roll was called. There were 68 yeas and 66 nays as follows:

Those who voted in the affirmative 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
Begich	Hanson	McCarron	Reding	Tomlinson
Brandl	Harens	McEachern	Rice	Vanasek
Brinkman	Hauge	Metzen	Rodriguez, C.	Vellenga
Byrne	Hokanson	Minne	Rodriguez, F.	Voss
Carlson, L.	Jacobs	Munger	Samuelson	Welch
Clark, J.	Johnson, C.	Murphy	Sarna	Wenzel
Clark, K.	Jude	Nelson, K.	Schoenfeld	Wynia
Clawson	Kahn	Norton	Shea	Spkr. Sieben, H.
Dahlvang	Kalis	Novak	Sieben, M.	
Eken	Kelly	O'Connor	Simoneau	

Those who voted in the negative were:

Aasness	Fjoslien	Knickerbocker	Onnen	Stadum
Ainley	Forsythe	Kvam	Osthoff	Stowell
Anderson, R.	Friedrich	Laidig	Peterson, B.	Swiggum
Berkelman	Gruenes	Lemen	Piepho	Valan
Blatz	Halberg	Levi	Redalen	Valento
Carlson, D.	Haukoos	Ludeman	Rees	Weaver
Dean	Heap	Luknic	Reif	Welker
Dempsey	Heinitz	Marsh	Rose	Wieser
Den Ouden	Himle	McDonald	Rothenberg	Wigley
Drew	Hoberg	Mehrkens	Schafer	Zubay
Erickson	Hokr	Nelsen, B.	Schreiber	
Esau	Jennings	Niehaus	Searles	
Evans	Johnson, D.	Nysether	Sherman	
Ewald	Kaley	Olsen	Sherwood	

The bill was passed and its title agreed to.

### SPECIAL ORDERS

There being no objection the bills on Special Orders for today were continued one day, and the House advanced to the order of business Motions and Resolutions.

### MOTIONS AND RESOLUTIONS

Clawson moved that H. F. No. 565, now on General Orders, be re-referred to the Committee on Governmental Operations. The motion prevailed.

Greenfield moved that H. F. No. 662, now on General Orders, be re-referred to the Committee on Education. The motion prevailed.

Jude moved that S. F. No. 918, now on General Orders, be re-referred to the Committee on Judiciary. The motion prevailed.

Anderson, I., moved that S. F. No. 1079 be recalled from the Committee on Taxes and together with H. F. No. 1223, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Anderson, I., moved that S. F. No. 1305 be recalled from the Committee on Taxes and together with H. F. No. 1346, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

O'Connor moved that H. F. No. 502 be returned to its author. The motion prevailed.

Aasness moved that H. F. No. 463 be returned to its author. The motion prevailed.

There being no objection the order of business reverted to Messages from the Senate.

### 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. 312, A bill for an act relating to agriculture; requiring the commissioner of agriculture to examine fluid milk and milk product marketing and packaging; repealing the prohibition on the sale of milk in non-returnable plastic containers; proposing new law coded in Minnesota Statutes, Chapter 32; repealing Minnesota Statutes 1980, Sections 116F.21 and 116F.22.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 562, A bill for an act relating to agriculture; regulating fertilizers and soil and plant amendments; providing a penalty; amending Minnesota Statutes 1980, Sections 17.711; 17.713; 17.714; 17.716, by adding subdivisions; 17.717, Subdivisions 4, 5 and by adding a subdivision; 17.718, Subdivision 1; 17.719; 17.72; 17.721; 17.722; 17.723; 17.725; 17.726; 17.727; 17.728, Subdivision 1; 17.729; repealing Minnesota Statutes 1980, Section 17.717, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Hauge moved that the House concur in the Senate amendments to H. F. No. 562 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 562, A bill for an act relating to agriculture; regulating fertilizers and soil and plant amendments; regulating the transportation of certain fertilizer materials; providing a penalty; amending Minnesota Statutes 1980, Sections 17.711; 17.713; 17.714; 17.716, by adding subdivisions; 17.717, Subdivisions 4, 5 and by adding a subdivision; 17.718, Subdivision 1; 17.719; 17.72; 17.721, Subdivision 1; 17.722; 17.723; 17.725; 17.726; 17.727; 17.728, Subdivision 1; 17.729; 169.81, Subdivision 10; repealing Minnesota Statutes 1980, Section 17.717, Subdivision 2.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Stowell  
Stumpf  
Sviggum  
Swanson

Tomlinson  
Valento  
Vanasek  
Vellenga

Voss  
Weaver  
Welch  
Welker

Wenzel  
Wieser  
Wigley  
Wynia

Zubay  
Spkr. Sieben, H.

Those who voted in the negative were:

Ludeman

The bill was repassed, as amended by the Senate, and its title agreed to.

There being no objection the order of business reverted to Petitions and Communications.

### PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

May 8, 1981

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

Dear Speaker Sieben:

I have the honor to inform you that I received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 63, relating to health maintenance organizations; eliminating any requirements that health maintenance organizations provide elective, induced abortions;

H. F. No. 121, relating to intoxicating liquor; authorizing municipalities to permit on-sale of liquor at publicly-owned sports or convention facilities by existing licensees;

H. F. No. 168, relating to motor vehicle carriers; providing procedures for granting permits to courier service carriers in certain cases.

H. F. No. 258, relating to commerce; allowing the manufacture, sale, and shipment of gambling devices for use in jurisdictions where use of the gambling device is legal;

H. F. No. 277, relating to insurance; broadening the investment authority of township mutual insurance companies; prescribing recordkeeping duties; providing remedies; proposing new law coded in Minnesota Statutes, Chapter 67A; repealing Minnesota Statutes 1980, Sections 67A.23 and 67A.24.

H. F. No. 365, relating to building code inspectors; authorizing certain municipalities to choose between two options to enforce the provisions of the building code related to access for handicapped persons;

H. F. No. 371, relating to insurance; prohibiting insurance companies which offer funeral or burial expense policies from



designating as beneficiaries under the policies persons who provide funeral or burial services and supplies; removing the prohibition against an insurance company's affiliation with a funeral establishment; proposing new law coded in Minnesota Statutes, Chapter 72A; repealing Minnesota Statutes 1980, Section 72A.-321.

H. F. No. 395, relating to state government; allowing other public employees, as well as spouses of state and other public employees, to participate in state employee van pools under certain circumstances;

H. F. No. 413, relating to persons handicapped in communication; prohibiting person 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;

H. F. No. 436, relating to financial institutions; setting application fees for industrial loan and thrifts; providing for publication of notices; establishing procedures for consideration of applications for consent to sell and issue certificates; increasing the minimum amounts for insurance of accounts;

H. F. No. 449, relating to courts; providing that court reporter salaries shall be set by the district court administrator after consultation with the chief judge;

H. F. No. 462, relating to commerce; requiring invoices on certain repairs;

H. F. No. 484, relating to commerce; clarifying the definition of "continuing care"; providing for the implementation of the continuing care facilities disclosure and rehabilitation act in self-executing manner;

H. F. No. 564, relating to insurance; allowing a township mutual fire insurance company to insure certain property;

H. F. No. 579, relating to financial institutions; allowing new mortgage instruments; modifying rate restrictions on certain loans; providing a maximum late charge on certain loans;

H. F. No. 588, relating to financial institutions; providing for maximum interest rates on overdraft checking loans;

H. F. No. 601, relating to cemeteries; requiring public cemeteries having permanent care and improvement funds to file a notice and an annual report with the county auditor; increasing the filing fee for the report;

H. F. No. 634, relating to securities; providing for improved regulation of the sale of securities and the licensing of broker-dealers, agents, and investment advisers; making miscellaneous clarifications and revisions;

H. F. No. 739, relating to local government; regulating the tax levy of the joint recreation and park board of the city of Hibbing and Independent School District 701;

H. F. No. 775, relating to public utilities; removing municipal utilities from public utilities commission jurisdiction and granting an option in regard thereto;

H. F. No. 893, relating to transportation; authorizing the purchase of the closed combination railroad and highway bridge connecting St. Paul Park in Washington County and Inver Grove Heights in Dakota County, and authorizing its operation as a toll bridge by a private business entity; providing for the regulation and operation and maintenance of the bridge and the establishment of maximum toll charges by the counties of Washington and Dakota.

H. F. No. 918, relating to cooperatives; procedure for elections by members or shareholders of cooperative electric associations on public utilities commission regulation;

H. F. No. 928, relating to the city of Isanti; authorizing the city to issue general obligation bonds for the acquisition and betterment of a municipal building.

H. F. No. 1015, relating to education; modifying the provisions governing teachers placed on unrequested leave of absence in experimental paired districts;

H. F. No. 1059, relating to crimes; providing for the type of proof of the fact of killing in murder and manslaughter cases;

H. F. No. 1075, relating to social and charitable organizations; increasing the threshold dollar amount required for the use of a certified financial statement; determining what is properly included in cost of goods or services;

H. F. No. 1080, relating to children; authorizing counties to establish multidisciplinary child protection teams; proposing new law coded in Minnesota Statutes, Chapter 626.

H. F. No. 1304, relating to state government, providing for deficiencies in and supplementing appropriations for the expenses of state government; appropriating money.

H. F. No. 189, relating to governmental operations; prohibiting the use of state government vehicles for nongovernmental functions; prohibiting compensation for employees for use of personal vehicles for nongovernmental purposes;

Sincerely,

ALBERT H. QUIE  
Governor

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 11:00 a.m., Monday, May 11, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Monday, May 11, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives