

STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1983

EIGHTEENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 24, 1983

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 Roy D. Phillips, Unity Church-Unitarian, St. Paul, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Erickson	Kostohryz	Pauly	Solberg
Anderson, C.	Evans	Krueger	Peterson	Sparby
Anderson, R.	Findlay	Kvam	Piepho	Stadum
Battaglia	Fjoslien	Larsen	Piper	Staten
Beard	Forsythe	Levi	Price	Swiggum
Begich	Frerichs	Long	Quinn	Swanson
Bennett	Graba	Ludeman	Quist	Thiede
Bergstrom	Greenfield	Mann	Redalen	Tomlinson
Berkelman	Gruenes	Marsh	Reif	Tunheim
Bishop	Gustafson	McDonald	Rice	Uphus
Blatz	Gutknecht	McEachern	Riveness	Valan
Brandl	Halberg	McKasy	Rodosovich	Valento
Brinkman	Haukoos	Metzen	Rodriguez, C.	Vanasek
Burger	Heap	Minne	Rodriguez, F.	Vellenga
Carlson, D.	Heinitz	Munger	St. Onge	Voss
Carlson, L.	Hoberg	Murphy	Sarna	Waltman
Clark, J.	Hoffman	Nelson, D.	Schafer	Welch
Clark, K.	Hokr	Nelson, K.	Scheid	Welker
Clawson	Jacobs	Neuenschwander	Schoenfeld	Welle
Cohen	Jennings	Norton	Schreiber	Wenzel
Coleman	Jensen	O'Connor	Seaberg	Wigley
Dempsey	Johnson	Ogren	Segal	Wynia
DenOuden	Kahn	Olson	Shaver	Zaffke
Dimler	Kalis	Omann	Shea	Speaker Sieben
Eken	Kelly	Onnen	Sherman	
Elioff	Knickerbocker	Osthoff	Simoneau	
Ellingson	Knuth	Otis	Skoglund	

A quorum was present.

Himle and Rose were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Vanasek moved that further reading of the Journal be dispensed 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. 215, 67, 79 and 171 and S. F. Nos. 61, 24, 50, 121, 44, 194, 65 and 25 have been placed in the members' files.

S. F. No. 65 and H. F. No. 67, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Berkelman moved that the rules be so far suspended that S. F. No. 65 be substituted for H. F. No. 67 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 26, A bill for an act relating to commerce; consumer protection; requiring the repair, refund, or replacement of new motor vehicles under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 325F.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [325F.665] [NEW MOTOR VEHICLE WARRANTIES; MANUFACTURER'S DUTY TO REPAIR, REFUND, OR REPLACE.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them:

(1) "consumer" means the purchaser, other than for purposes of resale, of a new motor vehicle normally used for personal, family, or household purposes, a person to whom the new motor vehicle is transferred for the same purposes during the duration of an express warranty applicable to the motor vehicle, and any other person entitled by the terms of the warranty to enforce the obligations of the warranty;

(2) "manufacturer" means a person engaged in the business of manufacturing, assembling or distributing motor vehicles, who will, under normal business conditions during the year, manufacture, assemble or distribute to dealers at least ten new motor vehicles;

(3) "manufacturer's express warranty" and "warranty" mean the written warranty of the manufacturer of a new motor vehicle of its condition and fitness for use, including any terms or conditions precedent to the enforcement of obligations under that warranty; and

(4) "motor vehicle" means (a) a passenger automobile as defined in section 168.011, subdivision 7, including pickup trucks and vans, and (b) the self-propelled motor vehicle chassis or van portion of recreational equipment as defined in section 168.011, subdivision 25, which is sold to a consumer in this state.

Subd. 2. [MANUFACTURER'S DUTY TO REPAIR.] If a new motor vehicle does not conform to all applicable express warranties, and the consumer reports the nonconformity to the manufacturer, its agent, or its authorized dealer during the term of the express warranties or during the period of one year following the date of original delivery of the new motor vehicle to a consumer, whichever is the earlier date, the manufacturer, its agent, or its authorized dealer shall make the repairs necessary to conform the vehicle to the express warranties, notwithstanding the fact that the repairs are made after the expiration of the warranty term or the one-year period.

Subd. 3. [MANUFACTURER'S DUTY TO REFUND OR REPLACE.] (a) If the manufacturer, or its agents or authorized dealers are unable to conform the new motor vehicle to any applicable express warranty by repairing or correcting any defect or condition which substantially impairs the use or market value of the motor vehicle to the consumer after a reasonable number of attempts, the manufacturer shall replace the new motor vehicle with a comparable motor vehicle or accept return of the vehicle from the consumer and refund to the consumer the full purchase price, and all other charges including, but not limited to, sales tax, license fees and registration fees, less a reasonable allowance for the consumer's use of the vehicle. Refunds shall be made to the consumer, and lienholder, if any, as their interests may appear on the records of the registrar of motor vehicles. A reasonable allowance for use is that amount directly attributable to use by the consumer and any previous consumer prior to his or her first report of the nonconformity to the manufacturer, agent, or dealer and during any subsequent period when the vehicle is not out of service by reason of repair. It is an affirmative defense to any claim under this section (1) that an alleged nonconformity does not substantially impair the use or market value, or (2) that a nonconformity is the result of abuse, neglect, or unauthorized modifications or alterations of a motor vehicle by anyone other than the manufacturer, its agent or authorized dealer.

(b) It is presumed that a reasonable number of attempts have been undertaken to conform a new motor vehicle to the applicable express warranties, if (1) the same nonconformity has

been subject to repair four or more times by the manufacturer or its agents or authorized dealers within the express warranty term or during the period of one year following the date of original delivery of the motor vehicle to a consumer, whichever is the earlier date, but the nonconformity continues to exist, or (2) the vehicle is out of service by reason of repair for a cumulative total of 30 or more business days during the term or during the period, whichever is the earlier date. The term of an express warranty, the one-year period and the 30-day period shall be extended by any period of time during which repair services are not available to the consumer because of a war, invasion, strike, or fire, flood, or other natural disaster. In no event shall the presumption contained in this section apply against a manufacturer unless the manufacturer or its agent or authorized dealer has received prior notification from or on behalf of the consumer and an opportunity to cure the defect alleged.

Subd. 4. [ALTERNATIVE DISPUTE SETTLEMENT PROCEDURE.] *If a manufacturer has established, or participates in, an informal dispute settlement procedure which substantially complies with the provisions of the Code of Federal Regulations, title 16, part 703 (1982), the provisions of subdivision 3 concerning refunds or replacement do not apply to a consumer who has not first used this procedure.*

The findings and decisions in an informal dispute resolution proceeding are admissible as evidence but not binding in any legal action and are not subject to further foundation requirements.

Subd. 5. [CIVIL REMEDY.] *Any consumer injured by a violation of this section may bring a civil action to enforce this section and recover costs and disbursements, including reasonable attorney's fees.*

Subd. 6. [LIMITATION ON ACTIONS.] *An action brought under this section shall be commenced within six months of the expiration of the express warranty term, or within one year of the date of original delivery of the new motor vehicle to a consumer, whichever is the earlier date.*

Subd. 7. [REMEDY NONEXCLUSIVE.] *Nothing in this section limits the rights or remedies which are otherwise available to a consumer under any other law.*

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 176, A bill for an act relating to financial institutions; providing that Small Business Administration guaranteed loans are collateral for public deposits; amending Minnesota Statutes 1982, section 118.01, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 22, after "or" insert "*, to the extent of the guarantee,*"

Page 1, line 25, before "loans" insert "*, to the extent of the guarantee,*"

Page 2, after line 11, insert

"Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

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. 359, A bill for an act relating to state government; removing the requirement of senate confirmation for appointment to certain state agencies; limiting terms of certain hold-over appointees; requiring senate confirmation of commissioner appointees within a certain time period; formulating a procedure for senate and house confirmations; changing a time requirement for filing a statement of economic interest in certain cases; amending Minnesota Statutes 1982, sections 1.33; 3.9223, subdivision 1; 10A.09, subdivisions 1 and 3; 11A.07, subdivision 3; 14.48; 15.0575, subdivision 2; 15.0597, subdivision 6; 15.06, subdivisions 2 and 5; 15.50, subdivision 1; 16.823, subdivision 2; 40.03, subdivision 1; 85A.01, subdivision 1; 105.401, subdivision 1; 115A.05, subdivision 2; 116E.02, subdivision 1; 116J.04; 121.82, subdivision 1; 121.844, subdivision 1; 182.664, subdivision 1; 250.05, subdivision 2; 299B.05, subdivision 1; 414.01, subdivision 2; 473.123, subdivision 4; 473.141, subdivision 3; 490.15, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 15.

Reported the same back with the following amendments:

Page 6, line 24, after "11" insert "*unless no hearing on the appointment has been held*"

Page 10, line 6, strike "department of natural"

Page 10, strike lines 7 and 8 and insert "*soil and water conservation board administrative region.*"

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. 364, A bill for an act relating to state lands; conveying certain state lands to the city of St. Cloud.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 26, 176, 359 and 364 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 65 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Nelson, K., introduced:

H. F. No. 407, A bill for an act relating to education; clarifying the amount in the debt service fund of a school district which shall be considered excess and subtracted from levies; amending Minnesota Statutes 1982, section 475.61, subdivision 3.

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

McEachern; Carlson, L.; Welch; Levi and Heap introduced:

H. F. No. 408, A bill for an act relating to education; establishing criteria for public post-secondary institutions relating to costs, enrollment, and geographic areas; requiring reports under certain circumstances related to the criteria; proposing new law coded in Minnesota Statutes, chapter 136A.

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

Jacobs, Rose, Piepho, Dempsey and Brinkman introduced:

H. F. No. 409, A bill for an act relating to liquor; restrictions upon joint purchases and volume discounts at wholesale; amending Minnesota Statutes 1982, sections 340.408; and 340.983.

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

Simoneau, Begich, Minne, Stadum and Rose introduced:

H. F. No. 410, A bill for an act relating to state employees; amending the unit composition schedule adopted by the legislative commission on employee relations.

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

Redalen introduced:

H. F. No. 411, A bill for an act relating to courts; permitting the appointment of a court commissioner in Fillmore County.

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

Anderson, B.; McEachern; Nelson, K.; Levi and Heap introduced:

H. F. No. 412, A bill for an act relating to education; requiring the development of proposals for new admission requirements in all public systems of higher education.

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

Forsythe and Pauly introduced:

H. F. No. 413, A bill for an act relating to the city of Edina; allowing the city to make special assessments against certain benefited property.

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

Vanasek, Brandl, Minne, Schreiber and Blatz introduced:

H. F. No. 414, A bill for an act relating to taxation; income; specifying the deduction for use of an automobile while making a charitable contribution; amending Minnesota Statutes 1982, section 290.21, subdivision 3.

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

Carlson, D.; Begich; Neuenschwander; Anderson, G., and Valento introduced:

H. F. No. 415, A bill for an act proposing an amendment to the Minnesota Constitution, article I, adding a section to provide that the right to possess and use arms shall not be abridged.

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

Fjoslien, Kalis, Mann, Kostohryz and Brinkman introduced:

H. F. No. 416, A bill for an act relating to taxation; redefining agricultural alcohol gasoline; changing the amount and duration of the tax reduction for agricultural alcohol gasoline; amending Minnesota Statutes 1982, sections 296.01, subdivision 24; and 296.02, subdivision 7.

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

DenOuden introduced:

H. F. No. 417, A bill for an act relating to advertising devices; authorizing produce vendors to locate a sign on farm homestead property; amending Minnesota Statutes 1982, section 173.08, subdivision 1.

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

Solberg, Kalis, Mann, Frerichs and Minne introduced:

H. F. No. 418, A bill for an act relating to advertising devices; defining service club and religious notices for purposes of outdoor advertising control; amending Minnesota Statutes 1982, section 173.02, subdivision 6.

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

Berkelman, Blatz, Brinkman and Skoglund introduced:

H. F. No. 419, A bill for an act relating to insurance; fire; requiring the insured, in case of loss, to show the damaged property and related records to the company and consent to be examined under oath; providing for the exchange of information on losses or potential losses between companies and authorized persons; amending Minnesota Statutes 1982, sections 65A.01, subdivision 3; and 299F.054, subdivisions 1, 2, 4, and by adding a subdivision.

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

Dempsey introduced:

H. F. No. 420, A bill for an act relating to courts; permitting a county board to appoint a court commissioner; providing the powers of a court commissioner; amending Minnesota Statutes 1982, section 489.01, subdivisions 1 and 2; repealing Minnesota Statutes 1982, section 489.01, subdivision 3.

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

Dempsey introduced:

H. F. No. 421, A bill for an act relating to marriage dissolution; creating a presumption of joint custody for minor children of a dissolution; amending Minnesota Statutes 1982, section 518.17, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 518.

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

Simoneau; Carlson, D.; Norton; Sieben and Jennings introduced:

H. F. No. 422, A bill for an act relating to state government; regulating judicial branch salaries; amending Minnesota Statutes 1982, section 15A.083, subdivisions 1 and 2.

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

Gruenes introduced:

H. F. No. 423, A bill for an act relating to the town of St. Cloud; permitting its division into urban and rural service districts.

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

Shea; Anderson, G., and Bergstrom introduced:

H. F. No. 424, A bill for an act relating to agriculture; making certain changes in the grain buyers act; imposing a penalty; amending Minnesota Statutes 1982, sections 223.16, subdivisions 7, 8, and by adding a subdivision; 223.17; 223.18; and 223.19; Laws 1982, chapter 635, section 9; proposing new law coded in Minnesota Statutes, chapter 223.

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

Kalis and Valento introduced:

H. F. No. 425, A bill for an act relating to state lands; specifying the price at which certain lands will be reconveyed by the department of transportation to the original owners; amending Minnesota Statutes 1982, section 161.44, subdivision 2.

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

Sviggum, Greenfield, Rodosovich and Quist introduced:

H. F. No. 426, A bill for an act relating to child support enforcement; amending Minnesota Statutes 1982, section 256.87, subdivision 1a, and by adding subdivisions.

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

Swiggum and Waltman introduced:

H. F. No. 427, A bill for an act relating to certain towns in Goodhue County; authorizing the town board to set the hours the polling places will be open in town elections.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Jennings introduced:

H. F. No. 428, A bill for an act relating to education; authorizing school districts to levy for the cost of asbestos removal or encapsulation; providing for an equalized special purpose capital expenditure aid; amending Minnesota Statutes 1982, sections 124.245, by adding a subdivision; and 275.125, subdivision 11a, and by adding a subdivision.

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

Gruenes introduced:

H. F. No. 429, A bill for an act relating to automobile insurance; prohibiting any right of subrogation on underinsurance claims; amending Minnesota Statutes 1982, section 65B.53, by adding a subdivision.

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

Ludeman introduced:

H. F. No. 430, A bill for an act relating to retirement; authorizing the purchase of annuity contracts for retiring Tracy fire-fighters.

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

Rodriguez, F.; Sarna; Sieben and Wigley introduced:

H. F. No. 431, A bill for an act relating to employment; encouraging public and private sector pension funds to invest in real estate; permitting certain public funds to participate in real estate investments; amending Minnesota Statutes 1982, sections 69.77, subdivision 2; 354A.08; 422A.05, subdivision 2c; 423.389; and 423.60; proposing new law coded in Minnesota Statutes, chapter 356.

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

Redalen, Wenzel, Valan, Schoenfeld and Munger introduced:

H. F. No. 432, A bill for an act relating to soil and water conservation; prohibiting in certain counties certain practices which cause accelerated erosion or sediment damage; prescribing penalties; proposing new law coded in Minnesota Statutes, chapter 40.

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

Wigley, Piepho, Kvam, Dempsey and Heinitz introduced:

H. F. No. 433, A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 12; providing that the legislature only meet biennially.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Clark, J., introduced:

H. F. No. 434, A bill for an act relating to agriculture; exempting certain vending machines from inspection fees; amending Minnesota Statutes 1982, section 28A.09, subdivision 1.

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

Clark, J.; Wenzel; Rodosovich; Price and Heinitz introduced:

H. F. No. 435, A bill for an act relating to crimes; establishing degrees of burglary; prescribing penalties; providing mandatory terms of incarceration; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, section 609.58.

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

Haukoos; Elioff; Rodriguez, C.; Levi and Jennings introduced:

H. F. No. 436, A bill for an act relating to education; extending the time period to apply for life licensure by the Minnesota board of teaching.

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

Welle, Battaglia, Neuenschwander, Brinkman and Kvam introduced:

H. F. No. 437, A bill for an act relating to appropriations; appropriating funds for the operation of the New London federal fish hatchery.

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

Elioff introduced:

H. F. No. 438, A bill for an act relating to trusts; authorizing court-ordered payments from trusts for cost of beneficiaries' care in state hospitals; subjecting spendthrift trusts to claims for cost of beneficiaries' care in state hospitals; proposing new law coded in Minnesota Statutes, chapter 501.

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

Elioff and Murphy introduced:

H. F. No. 439, A bill for an act relating to crimes; prohibiting possession of fireworks; amending Minnesota Statutes 1982, section 624.21.

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

Elioff, Begich, Battaglia and Solberg introduced:

H. F. No. 440, A bill for an act relating to insurance; rate regulation; providing regulation of certain health and accident insurance; amending Minnesota Statutes 1982, sections 70A.02; and 70A.03; repealing Minnesota Statutes 1982, section 62A.02.

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

Vellenga, Bishop, Piper, Price and Swanson introduced:

H. F. No. 441, A bill for an act relating to the housing finance agency; increasing the maximum permissible return to certain mortgagors; increasing the maximum rehabilitation loan amount; combining certain bonding categories; clarifying other agency duties and powers; amending Minnesota Statutes 1982, sections 462A.03, subdivision 13; 462A.05, subdivisions 14a and 18; 462A.06, subdivision 8; 462A.09; 462A.21, subdivision 4b; and 462A.22, subdivisions 1 and 5; repealing Minnesota Statutes 1982, section 462A.22, subdivision 1a.

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

Forsythe, Pauly, Osthoff, Minne and Schreiber introduced:

H. F. No. 442, A bill for an act relating to taxation; providing for homestead classification in certain cases of joint ownership; providing for the income tax deductibility for taxes paid in cases of joint real estate ownership; amending Minnesota Statutes 1982, sections 273.121; and 290.09, subdivision 4.

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

Vanasek, Clawson, Begich and Ogren introduced:

H. F. No. 443, A bill for an act relating to taxation; exempting certain Minnesota products and products of tool and dye companies from the sales tax; increasing the sales tax on foreign products; amending Minnesota Statutes 1982, section 297A.25, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 297A.

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

Piper, Long, McKasy, Ellingson and Welle introduced:

H. F. No. 444, A bill for an act relating to child support; allowing courts to order support for certain individuals attending secondary school; amending Minnesota Statutes 1982, section 518.54, subdivision 2.

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

Cohen, Norton, Vellenga, Osthoff and Rodriguez, F., introduced:

H. F. No. 445, A bill for an act relating to the city of St. Paul; setting the maximum amounts of and other conditions for the issuance of capital improvement bonds; amending Laws 1971, chapter 773, sections 1, as amended, and 2, as amended.

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

O'Connor, Rose, Voss, Cohen and Kelly introduced:

H. F. No. 446, A bill for an act relating to local government; changing the boundaries of the cities of Lilydale and St. Paul.

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

Berkelman, Jennings, Sieben, Eken and Brandl introduced:

H. F. No. 447, A bill for an act relating to taxes; defining institutions of public charity that are exempt from property taxation; amending Minnesota Statutes 1982, section 272.02, subdivision 1.

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

Kvam, Tomlinson, Dempsey, Brinkman and Onnen introduced:

H. F. No. 448, A bill for an act relating to taxation; income; increasing the amount of nonfarm income which can be used to offset farm expense losses; amending Minnesota Statutes 1982, section 290.09, subdivision 29.

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

Carlson, L.; Eken; Sieben; Osthoff and Kostohryz introduced:

H. F. No. 449, A bill for an act relating to elections; proposing an amendment to the Minnesota Constitution, article VII, section 9, to limit campaign expenditures by candidates for the United States senate and house of representatives; providing implementing legislation; redefining certain terms in relation to congressional candidates; limiting the applicability of certain provisions of law to state constitutional and state legislative candidates; providing for filing of campaign reports by certain congressional candidates; limiting campaign expenditures by congressional candidates who choose to receive a public subsidy; providing a penalty for exceeding campaign expenditure limits by congressional candidates; changing the designated amount of certain income tax payments; providing for the allocation of party accounts and the general account to certain state and congressional candidates; providing estimates of minimum amounts of public subsidy to be received by certain congressional candidates; requiring signed agreements by certain congressional candidates who choose to receive a public subsidy; specifying when congressional candidates who accept a public subsidy must return all or part thereof; providing for the return of money from the state elections campaign fund to the general fund; making certain technical amendments; imposing penalties; amending Minnesota Statutes 1982, sections 10A.01; 10A.25; 10A.255; 10A.27; 10A.275; 10A.28; 10A.30; 10A.31; 10A.33; 10A.335; and 290.06, subdivision 11; proposing new law coded in Minnesota Statutes, chapter 10A; repealing Minnesota Statutes 1982, section 10A.32.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Krueger, Graba, Eken, Thiede and Waltman introduced:

H. F. No. 450, A bill for an act relating to transportation; authorizing reimbursement to local fire departments for expenses to put out fires in the rights-of-way of highways; appropriating money; amending Minnesota Statutes 1982, section 161.465.

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

Krueger introduced:

H. F. No. 451, A bill for an act relating to liquor; authorizing the city of Long Prairie to issue one on-sale license to a Moose Lodge.

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

Elioff, Battaglia, Begich, Solberg and Minne introduced:

H. F. No. 452, A resolution memorializing the Postmaster General; urging the issuance of a postal stamp to commemorate the centennial of the first shipment of iron ore from Minnesota.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Sparby, Bergstrom, Eken, Wenzel and Tomlinson introduced:

H. F. No. 453, A bill for an act relating to taxes; providing for the income tax treatment of certain losses attributable to farming; amending Minnesota Statutes 1982, section 290.09, subdivision 29.

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

Fjoslien, Munger and Carlson, D., introduced:

H. F. No. 454, A bill for an act relating to game and fish; prohibiting firing upon, over, or across a public highway for the purpose of taking migratory waterfowl; amending Minnesota Statutes 1982, section 100.31.

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

Sarna, Norton, Sieben, Rice and Jennings introduced:

H. F. No. 455, A bill for an act relating to the operation of state government; creating the department of business and commerce; providing for appointment of a commissioner of business and commerce; prescribing his powers and duties; transferring certain powers and duties from the commissioners of administration, banks, energy, planning and development, insurance, securities and real estate, and the director of the office of consumer services, to the commissioner of business and commerce; transferring certain powers and duties from the chairman of the commerce commission to the commissioner of business and commerce; transferring certain powers and duties from the director of the office of consumer services to the commissioners of business and commerce and health and the attorney general; eliminating certain positions and divisions in the department of commerce; amending Minnesota Statutes 1982, sections 15.06, subdivision 1; 15A.081, subdivision 1; 43A.08, subdivision 1a; 45.034; 45.04; 45.05; 45.06; 45.07; 45.071, subdivision 2; 45.08, subdivision 3, and by adding a subdivision; 45.17, subdivisions

1, 2, 3, 4, 5, 7, and by adding a subdivision; 116J.03, subdivision 1; 116J.31; 144A.53, subdivision 4; 155A.03, by adding a subdivision; 155A.05; 155A.18; 214.04, subdivision 1; 214.14, subdivision 1; 325E.09, subdivision 4a; 325F.09; 325F.11; proposing new law coded in Minnesota Statutes, chapters 45; and 116J.57; repealing Minnesota Statutes 1982, sections 45.01; 45.02; 45.021; 45.03; 45.031; 45.032; 45.033; 45.15; 45.16; 45.17, subdivision 6; 155A.03, subdivision 10; and 155A.17.

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

Rodriguez, F.; Sarna and Wigley introduced:

H. F. No. 456, A bill for an act relating to retirement; reducing from ten to five years the period required for vesting of state employees pensions; amending Minnesota Statutes 1982, sections 352.115, subdivision 1; 352.12, subdivision 2; 352.22, subdivision 3; 352.93, subdivision 1; 352B.08; and 352D.02, subdivision 5.

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

Brinkman, Gustafson, Dempsey, Halberg and Vanasek introduced:

H. F. No. 457, A bill for an act relating to costs and attorney fees; providing for recovery of costs and attorney fees by prevailing parties in civil actions against the state and administrative contested cases; proposing new law coded in Minnesota Statutes, chapters 3 and 14.

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

Welch; Carlson, L.; Swanson; Heinitz and Reif introduced:

H. F. No. 458, A bill for an act relating to health; adding a factor for determining whether to regulate a human services occupation; requiring a surcharge on health related licensing board licenses; changing health related licensing board rule review authority; allowing certain practices under rule authority; changing the composition of the human services occupations advisory council; appropriating money; amending Minnesota Statutes 1982, sections 214.001, subdivision 2; 214.06, subdivision 1; 214.13, subdivisions 2 and 3; and 214.14, subdivision 1.

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

Rodriguez, F., introduced:

H. F. No. 459, A bill for an act relating to labor; providing for fair labor standards; defining "employee"; reenacting Minnesota Statutes, section 177.25, subdivision 1; amending Minnesota Statutes 1982, section 177.23, subdivision 7; amending Laws 1981, chapter 289, section 3.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Rodriguez, F.; Begich; Jensen and Rice introduced:

H. F. No. 460, A bill for an act relating to labor; deleting an exclusion from protection for prompt payment of wages; amending Minnesota Statutes 1982, section 181.16.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

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. 57, A bill for an act relating to local government; permitting towns to self insure the bond requirements of certain officers; amending Minnesota Statutes 1982, section 471.981, by adding a subdivision.

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. 115, 128 and 195.

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. 390.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 115, A bill for an act relating to local government; providing for the budget date for the city of Minneapolis and Hennepin county municipal building commission; amending Laws 1903, chapter 247, section 5.

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

S. F. No. 128, A bill for an act relating to state monuments; adding the Governor Floyd B. Olson Monument in Hennepin County to the list of state monuments; amending Minnesota Statutes 1982, section 138.585, by adding a subdivision.

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

S. F. No. 195, A bill for an act relating to courts; increasing the fee and mileage allowance paid to witnesses; providing for fee allowances to be paid to witnesses in juvenile proceedings; amending Minnesota Statutes 1982, sections 357.22; 357.24; and proposing new law coded in Minnesota Statutes, chapter 357.

The bill was read for the first time.

Long moved that S. F. No. 195 and H. F. No. 96, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 390, A resolution memorializing the Congress of the United States to authorize the President to present a Congressional Medal of Honor to Herman Miller.

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, Forsythe moved that the rule therein be sus-

pending and an urgency be declared so that S. F. No. 390 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Forsythe moved that the rules of the House be so far suspended that S. F. No. 390 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 390 was read for the second time.

S. F. No. 390, A resolution memorializing the Congress of the United States to authorize the President to present a Congressional Medal of Honor to Herman Miller.

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:

Anderson, B.	Erickson	Knuth	Otis	Simoneau
Anderson, G.	Evans	Krueger	Pauly	Skoglund
Anderson, R.	Findlay	Larsen	Peterson	Solberg
Battaglia	Fjoslien	Levi	Piepho	Sparby
Beard	Forsythe	Long	Piper	Stadum
Begich	Frerichs	Ludeman	Price	Staten
Bennett	Graba	Mann	Quinn	Sviggum
Berkelman	Greenfield	Marsh	Quist	Swanson
Bishop	Gruenes	McDonald	Redalen	Thiede
Blatz	Gustafson	McEachern	Reif	Tomlinson
Brandl	Gutknecht	McKasy	Rice	Tunheim
Brinkman	Halberg	Metzen	Riveness	Uphus
Burger	Haukoos	Minne	Rodosovich	Valan
Carlson, D.	Heap	Munger	Rodriguez, C.	Valento
Carlson, L.	Hoberg	Murphy	Rodriguez, F.	Vanasek
Clark, J.	Hoffman	Nelson, D.	Sarna	Vellenga
Clark, K.	Hokr	Nelson, K.	Schafer	Voss
Cohen	Jacobs	Neuenschwander	Scheid	Waltman
Coleman	Jennings	Norton	Schoenfeld	Welch
Dempsey	Jensen	O'Connor	Schreiber	Welker
DenOuden	Johnson	Ogren	Seaberg	Welle
Dimler	Kahn	Olsen	Segal	Wenzel
Eken	Kalis	Omann	Shaver	Wynia
Elioff	Kelly	Onnen	Shea	Zaffke
Ellingson	Knickerbocker	Osthoff	Sherman	Speaker Sieben

The bill was passed and its title agreed to.

CALENDAR

S. F. No. 118, A bill for an act relating to the northeast Minnesota economic protection trust fund; authorizing expenditure of funds for job retraining; providing for administration of the distressed area emergency jobs program; appropriating money; amending Laws 1982, Second Special Session chapter 2, sections 12 and 14.

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 118 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Knuth	Osthoff	Simoneau
Anderson, G.	Ellingson	Kostohryz	Otis	Skoglund
Anderson, R.	Erickson	Krueger	Pauly	Solberg
Battaglia	Evans	Larsen	Peterson	Sparby
Beard	Findlay	Levi	Pjepho	Staten
Begich	Fjoslien	Long	Piper	Sviggum
Bennett	Forsythe	Mann	Price	Swanson
Bergstrom	Graba	Marsh	Quinn	Tomlinson
Berkelman	Greenfield	McDonald	Redalen	Tunheim
Bishop	Gruenes	McEachern	Reif	Uphus
Blatz	Gustafson	McKasy	Rice	Valan
Brandl	Gutknecht	Metzen	Riveness	Valento
Brinkman	Halberg	Minne	Rodosovich	Vanasek
Burger	Heap	Munger	Rodriguez, C.	Vellenga
Carlson, D.	Hoberg	Murphy	Rodriguez, F.	Voss
Carlson, L.	Hoffman	Nelson, D.	Sarna	Waltman
Clark, J.	Hokr	Nelson, K.	Scheid	Welch
Clark, K.	Jacobs	Neuenschwander	Schoenfeld	Welle
Clawson	Jensen	Norton	Schreiber	Wenzel
Cohen	Johnson	O'Connor	Seaberg	Wigley
Coleman	Kahn	Ogren	Segal	Zaffke
Dempsey	Kalis	Olsen	Shaver	Speaker Sieben
Dimler	Kelly	Omann	Shea	
Eken	Knickerbocker	Onnen	Sherman	

Those who voted in the negative were:

DenOuden	Jennings	Ludeman	Schafer	Thiede
Frerichs	Kvam	Quist	Stadum	Welker
Haukoos				

The bill was passed and its title agreed to.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole with Sieben 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 THE 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. 79, 171 and 215 which it recommended to pass.

S. F. No. 25 which it recommended to pass.

S. F. No. 65 which it recommended to pass with the following amendment offered by Berkelman:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 429.011, subdivision 2b, is amended to read:

Subd. 2b. "Municipality" also includes any town not having the powers granted herein pursuant to any other law in the case of construction, reconstruction or improvement of a town road including curbs and gutters and storm sewers and in the case of those improvements designated in section 429.021, subdivision 1, clauses (1), (2), (4), (5), (6), (7), (8) and (10)(;). (PROVIDED THAT) Any improvement authorized (BY THIS SUBDIVISION) and undertaken pursuant to the authority granted in this subdivision may be made only upon the affirmative vote of the electors of the town at the annual town meeting or at a special town meeting (HELD PURSUANT TO SECTIONS 365.52 TO 365.53, EXCEPT WHEN ALL OF THE OWNERS OF THE LAND WHICH WOULD BE BENEFITED BY THE IMPROVEMENT PETITION FOR THE IMPROVEMENT.). The requirement for approval by the town electors provided in this subdivision shall not apply *when 75 percent of the owners of the land which would be benefited by the improvement petition for the improvement.*

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

On the motion of Eken the report of the Committee of the Whole was adopted.

MOTIONS AND RESOLUTIONS

Quinn moved that the name of Swanson be stricken and the name of Vanasek be added as an author on H. F. No. 332. The motion prevailed.

Wenzel moved that his name be stricken as an author on H. F. No. 152. The motion prevailed.

Clark, K., moved that the name of Minne be added as an author on H. F. No. 363. The motion prevailed.

Simoneau moved that the name of Riveness be added as an author on H. F. No. 299. The motion prevailed.

Jennings moved that the names of Levi and Kalis be added as authors on H. F. No. 428. The motion prevailed.

Clawson moved that the names of Peterson, Welch and Carlson, D., be added as authors on H. F. No. 403. The motion prevailed.

Hoberg moved that the name of Murphy be added as an author on H. F. No. 278. The motion prevailed.

Shea moved that the name of Kalis be added as an author on H. F. No. 424. The motion prevailed.

Blatz moved that the names of Jacobs and Levi be added as authors on H. F. No. 373. The motion prevailed.

Blatz moved that the names of Elioff and McEachern be added as authors on H. F. No. 375. The motion prevailed.

Rodriguez, F., moved that the name of Blatz be added as an author on H. F. No. 460. The motion prevailed.

Sviggum moved that the name of Haukoos be added as an author on H. F. No. 426. The motion prevailed.

Rodriguez, F., moved that the names of Begich, Rice, Jensen and Blatz be added as authors on H. F. No. 459. The motion prevailed.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, February 28, 1983. 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, February 28, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives