

## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## TWENTY-FIFTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 21, 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 John R. Malm, Our Savior's Lutheran Church, Kiester, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Mann; Marsh; Rodriguez, C.; Simoneau and Staten were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Kelly 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. 289, 316, 318, 561, 73, 123, 157, 218, 226, 290, 419, 451, 528, 576, 167, 138, 211 and 371 and S. F. Nos. 31, 73, 221, 233, 237, 253, 269, 270, 271, 322, 325, 351 and 421 have been placed in the members' files.

S. F. No. 31 and H. F. No. 120, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Brinkman moved that the rules be so far suspended that S. F. No. 31 be substituted for H. F. No. 120 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 221 and H. F. No. 283, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Ludeman moved that S. F. No. 221 be substituted for H. F. No. 283 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 325 and H. F. No. 313, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Battaglia moved that S. F. No. 325 be substituted for H. F. No. 313 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 421 and H. F. No. 341, 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. 421 be substituted for H. F. No. 341 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 270 and H. F. No. 569, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Clark, J., moved that S. F. No. 270 be substituted for H. F. No. 569 and that the House File be indefinitely postponed. The motion prevailed.

## REPORTS OF STANDING COMMITTEES

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

H. F. No. 77, A bill for an act relating to horse racing; creating a Minnesota racing commission and providing for its membership, powers, and duties; authorizing the licensing of persons to operate racetracks, conduct horse racing, engage in certain occupations and conduct pari-mutuel betting on horse racing; prescribing taxes and license fees; establishing a Minnesota breeders fund; providing penalties; appropriating money; amending Minnesota Statutes 1982, sections 38.04; 609.75, subdivision 3; and 609.761; proposing new law coded as Minnesota Statutes, chapter 240.

Reported the same back with the following amendments:

Page 2, line 23, delete "five" and insert "nine"

Page 2, line 25, delete "three" and insert "five"

Page 2, line 26, after the period insert "At least one member shall be from each congressional district."

Page 2, line 28, after "appointed," delete "two" and insert "three" and after "1985," delete "two" and insert "three"

Page 2, line 29, delete "one is for a term" and insert "three are for terms"

Page 3, line 13, delete "received by state employees" and insert "provided in the commissioner's plan adopted according to section 43A.18, subdivision 2"

Page 3, line 15, delete "and the filling of vacancies"

Page 3, delete lines 22 to 24

Page 3, line 25, delete "7" and insert "6"

Page 4, line 22, after "officer" insert "in hearings which need not be conducted under the Administrative Procedure Act"

Page 5, line 3, delete "on a seasonal or part-time basis"

Page 6, line 6, delete everything after the period

Page 6, delete line 7

Page 6, line 8, delete "salaries" and insert "compensation"

Page 6, line 9, delete everything after "employees"

Page 6, line 10, delete everything before the period and insert "shall be as provided in chapter 43A"

Page 8, line 15, delete everything after the period

Page 8, line 16, delete everything through the period

Page 9, line 1, delete "Not more than one"

Page 9, delete lines 2 and 3

Page 24, line 1, delete "section 25" and insert "this act"

Page 28, after line 34, insert:

"Sec. 32. Minnesota Statutes 1982, section 273.76, is amended by adding a subdivision to read:

*Subd. 9. [LICENSED RACETRACKS; TREATMENT UNDER TAX INCREMENT.] No revenues derived from tax increment shall be used to pay the cost of redevelopment, or providing public improvements or facilities, or other public costs in connection with the construction or development of a licensed racetrack as defined in section 1. If a licensed racetrack is located wholly or partly within the boundaries of a tax increment district, no portion of the assessed value of the racetrack shall be included in the district's captured assessed value. Notwithstanding the provisions of section 273.78, this subdivision shall apply to tax increment district or project, regardless of whether the tax increment was certified before August 1, 1979."*

Page 29, delete lines 32 to 36

Page 30, delete lines 1 to 12

Page 30, line 17, delete "There is appropriated from the general fund"

Page 30, delete line 18

Renumber the remaining sections

Amend the title as follows:

Page 1, line 10, after "38.04;" insert "273.76, by adding a subdivision;"

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 89, A bill for an act relating to crimes; increasing penalties for certain crimes when committed with intent to cause fear because of race, color, religion, sex, physical or mental handicap, affectional or sexual orientation, national origin, age, or political persuasion; amending Minnesota Statutes 1982, sections 609.595, subdivision 1; and 609.713.

Reported the same back with the following amendments:

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 1982, section 609.02, is amended by adding a subdivision to read:

*Subd. 11. [THREAT.] For purposes of section 609.713, subdivision 2, "threat" means a declaration of an intention to injure another or the property of another by some unlawful means. The term "threat" does not include statements made under circumstances not reasonably likely to cause fear of criminal damage to property or bodily injury to the person threatened or other person intended to receive the threat."*

Page 2, line 26, after "property" insert "not within the prohibitions of subdivision 1"

Page 2, line 31, delete "felony" and insert "gross misdemeanor" and delete "to"

Page 2, line 32, delete "imprisonment", delete "five years", and insert "one year"

Page 2, line 33, delete "\$5,000" and insert "\$1,000"

Re-number the sections

Amend the title as follows:

Page 1, line 7, after "sections" insert "609.02, by adding a subdivision;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 194, A bill for an act relating to labor; creating an exemption from state minimum wage for certain live-in child care county employees; amending Minnesota Statutes 1982, section 177.23, subdivision 7.

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

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 334, A bill for an act relating to education; establishing a board of directors for two year post-secondary education; requesting the release of the technical colleges from the University of Minnesota; transferring powers, duties, and functions from school districts, school boards, the state board for vocational education, and the state board for community colleges to the board of directors of two year post-secondary education; appropriating money; proposing new law coded as Minnesota Statutes, chapter 136B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 136.03, is amended to read:

136.03 [MANAGEMENT OF STATE UNIVERSITIES.]

The state universities shall be under the management, jurisdiction, and control of the state university board; and it shall have and possess all of the powers, jurisdiction, and authority, and shall perform all of the duties by them possessed and performed on and prior to April 1, 1901, except as hereinafter stated. *Notwithstanding the provisions of sections 136.01, 136.015, and 136.017, the state university board, as it deems necessary, may close state universities under its jurisdiction in accordance with the notice and hearing requirements of chapter 14 relating to the adoption of controversial rules.*

Sec. 2. [136.031] [CARRY OVER AUTHORITY.]

*The state university board is authorized to carry over the net unappropriated fund balance as of June 30 of the first year of a biennium into the second year of the biennium. The board may carry over two percent of the net unappropriated fund balance as of June 30 of the second year of a biennium into the following biennium. These moneys shall not be taken into account in determining state appropriations.*

Sec. 3. Minnesota Statutes 1982, section 136.11, subdivision 1, is amended to read:

Subdivision 1. [TUITION.] There shall be a charge for tuition to students in state universities. The board shall fix rates of tuition for the various instructional programs, including in-service education courses, general adult education programs, summer session programs, off-campus courses, institutes, and projects. *The board is authorized to set the tuition rate at whatever level it deems appropriate, providing that the rate does not fall below the tuition level total determined by the state tuition policy.* The board may waive tuition for persons under the age of 21 who are under the guardianship of the commissioner of public welfare, provided that those persons are qualified for admission to the state universities and that those persons contribute toward their expenses by gainful employment if they are physically able to work. The board may continue to waive tuition for persons removed from the guardianship of the commissioner of public welfare until they reach the age of 21 provided those persons were under the guardianship of the commissioner of public welfare when they reached the age of 18, are qualified for admission to the state universities, and contribute toward their expenses by gainful employment if they are physically able to work. The state university board may waive tuition on instructional programs, institutes, courses, or projects when the sponsor pays all costs.

Nonresident students shall pay an additional tuition fee to be determined by the board. Resident status shall be determined at the time of each registration according to the criteria set forth in rules which the state university board shall establish. The rules shall not be subject to the requirements of the administrative procedure act or of any other law requiring notice, hearing, or the approval of the attorney general before adoption.

Any student who registers for a term of instruction later than the stipulated date for registration may be charged a late registration fee according to the rules to be established by the board.

All tuition receipts are appropriated to the board for the operation of the state university system, subject to budgetary control by the commissioner of finance.

Sec. 4. Minnesota Statutes 1982, section 136.144, is amended to read:

**136.144 [PROMOTION OF UNIVERSITY; ACCEPTANCE OF GIFTS.]**

The board may receive and accept on behalf of the state and for the state universities any gift, bequest, devise, endowment, or grant in the form of cash which any person, firm, corporation, association, or governmental agency may make to the board by will, deed, gift, or otherwise to carry out the purposes of section 136.143. Unless otherwise so expressed in the terms of the gift, bequest, devise, endowment, or grant, moneys so received are not subject to the laws requiring budgeting, allotment, and encumbrance as provided in chapter 16A, or otherwise. (SUCH) Moneys shall be deposited in the state treasury and are hereby appropriated to the board for use in accordance with this section. *These moneys shall not be taken into account in determining appropriations or allocations.*

Sec. 5. Minnesota Statutes 1982, section 136.62, is amended by adding a subdivision to read:

*Subd. 7. [CLOSING AUTHORITY.] Notwithstanding the provisions of sections 136.60 and 136.602 the board, as it deems necessary, may close community colleges under its jurisdiction in accordance with the notice and hearing requirements of chapter 14 relating to the adoption of controversial rules.*

Sec. 6. Minnesota Statutes 1982, section 136.63, subdivision 1a, is amended to read:

*Subd. 1a. The state board for community colleges shall prescribe the courses of study including undergraduate academic programs, training in semi-professional and technical fields, and adult education, conditions of admission, fees and tuition to be paid by students, requirements for graduation, and such suitable rules and regulations necessary for the operation of such community colleges. Rules and regulations so prescribed shall not be subject to the requirements of the administrative procedure act or any other law requiring notice, hearing or the approval of the attorney general prior to adoption. The board is authorized to set the tuition rate at whatever level it deems appropriate, providing that the rate does not fall below the tuition level total determined by the state tuition policy.*

Sec. 7. Minnesota Statutes 1982, section 136.67, is amended by adding a subdivision to read:

*Subd. 5. [CARRY OVER AUTHORITY.] The community college board is authorized to carry over the net unappropriated fund balance as of June 30 of the first year of a biennium into the second year of the biennium. The board may carry over two*



percent of the net unappropriated fund balance as of June 30 of the second year of a biennium into the following biennium. These moneys shall not be taken into account in determining state appropriations.

**Sec. 8. [136B.01] [ESTABLISHMENT OF BOARD OF VOCATIONAL TECHNICAL EDUCATION.]**

*Subdivision 1. [ESTABLISHMENT.] There is established a state board of vocational technical education which shall have regulatory and governing responsibilities for post-secondary vocational education and AVTI adult vocational programs and joint regulatory authority with the board of education for secondary vocational education and non-AVTI adult vocational education. For the purpose of receiving federal vocational funds the board is designated the sole state agency for vocational education. The board shall be created by July 1, 1983, but shall not assume full responsibility for the governance of the programs enumerated above until January 1, 1984.*

*Subd. 2. [PROCEDURES FOR IMPLEMENTATION.] The board of vocational technical education shall develop procedures for implementing the transfer to be made pursuant to subdivision 1 of this section by October 1, 1983, with the advice and consultation of the districts, boards, and state agencies who will be affected by the transfer. The procedures shall include at least: statutory changes needed to implement the transfer; revisions in the budget process, transfer of employee positions and employee contract obligations, transfer of property and funds, and transfer of state legal obligations.*

*Subd. 3. [COMPOSITION AND SELECTION.] The board of vocational technical education shall consist of 11 members, one from each congressional district, to be appointed by the governor with the advice and consent of the senate, and three members to represent the state at large, to be appointed by the governor with the advice and consent of the senate. Ten shall be selected for their knowledge of an interest in vocational technical education, and one shall be a full-time post-secondary vocational education student or shall have been a full-time post-secondary vocational education student within one year before appointment to the board. Priority shall be given to applicants based on their knowledge of and interest in agriculture, business, industry, labor, or economic development. No member of the board shall be an employee of or receiving compensation from a vocational education institution or program, public or private, while serving on the board.*

*Subd. 4. [TERMS.] The membership terms, compensation, removal of members, and filling of vacancies on the board of vocational technical education shall be as provided in section 15-0575, except that the terms of the members of the first board*

shall be subject to the provisions of subdivision 5 of this section and the term of the student member shall be two years.

**Subd. 5. [FIRST STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION.]** *The first board of vocational technical education appointed by the governor with the advice and consent of the senate shall consist of two members with terms ending on the first Monday in January, 1988; three members with terms ending on the first Monday in January, 1987; three members with terms ending on the first Monday in January, 1986; and three members with terms ending on the first Monday in January, 1985.*

**Subd. 6. [ADMINISTRATION.]** *The board of vocational technical education shall elect a president, a secretary, and other officers as it may desire. It shall fix its meeting dates and places. The commissioner of administration shall provide the board with appropriate offices.*

**Sec. 9. [136B.02] [POWERS AND DUTIES OF THE BOARD OF VOCATIONAL TECHNICAL EDUCATION FOR POST-SECONDARY AND AVTI ADULT VOCATIONAL EDUCATION.]**

**Subdivision 1. [GENERAL.]** *The board shall possess all powers necessary and incident to the management, jurisdiction, and governance of post-secondary vocational and AVTI adult vocational programs and all state property pertaining thereto. These powers shall include, but are not limited to, those enumerated in this section.*

**Subd. 2. [APPOINTMENT OF CHANCELLOR.]** *The board of vocational technical education shall appoint a chancellor of vocational technical education who shall serve at the pleasure of the board. The chancellor shall be qualified by training and experience in the field of education, vocational education, or administration.*

**Subd. 3. [STATE PERSONNEL.]** *The board of vocational technical education shall employ all state personnel necessary for the performance of its duties. The board shall organize its employees in a manner it deems proper and shall establish personnel policies for them in compliance with chapter 43A. These policies shall include salary plans for personnel who are not subject to negotiated salary agreements and shall set the salary of the chancellor subject to the provisions of section 15A.081.*

**Subd. 4. [BUDGET REQUESTS.]** *The board shall review and approve, disapprove, or modify the biennial budget requests for post-secondary and AVTI adult vocational education operations and facilities submitted by the chancellor and shall submit the approved biennial budget requests to the governor.*

*Subd. 5. [PLANNING.] The board of vocational technical education shall develop a long-range plan for post-secondary and AVTI adult vocational education which shall include plans and objectives for programs, facilities, use of resources, and a mission statement. The plan shall be developed with the advice of representatives of local school boards and appropriate agencies. The board shall evaluate this plan on a biennial basis to determine the success of vocational education in meeting its objectives.*

*Subd. 6. [MINIMUM STANDARDS.] The board of vocational technical education shall establish minimum standards for:*

- (a) personnel appointments pursuant to subdivision 3; and*
- (b) financial accounting and auditing procedures which are consistent with generally accepted accounting principles and practices.*

*Subd. 7. [RULEMAKING.] The board of vocational technical education shall prescribe conditions of admission, fees, and tuition to be paid by students, courses of study, and other rules necessary for the operation of post-secondary and AVTI adult vocational education. The board is authorized to set the tuition rate at whatever level it deems appropriate, providing that the rate does not fall below the total tuition level determined by the state tuition policy. The board may retain rules in effect at the time it assumes authority and where it does retain rules, these shall not be subject to the requirements of the administrative procedure act or any other law requiring notice, hearing, or the approval of the attorney general prior to adoption.*

*Subd. 8. [PROGRAMS OF STUDY.] The board of vocational technical education shall approve, disapprove, and coordinate post-secondary and AVTI adult vocational education programs. It may add, eliminate, transfer, or change programs as it deems necessary. The board shall consider the integrated services of secondary, post-secondary, and adult education when it reviews intermediate district programs.*

*Subd. 9. [RESCISSION OF PETITIONS.] The state board of vocational technical education may rescind approval of a petition by an independent or special school district to establish an area vocational-technical school in accordance with the notice and hearing requirements of chapter 14 relating to the adoption of controversial rules. Upon rescission of state board approval, the independent or special district shall cease operation of the area vocational-technical school and shall no longer be eligible for allocation of state appropriations.*

*Subd. 10. [CONTRACTS; COOPERATIVE AGREEMENTS.] The board of vocational education may enter into*

contracts or cooperative agreements with the state board of education, higher education governing boards, educational institutions, or appropriate state agencies for the provision of educational services.

*Subd. 11. [REORGANIZATION.] The board of vocational technical education, with the consent and approval of the local school boards affected, is authorized to approve the merger or reorganization of two or more AVTIs or to establish regional service areas for post-secondary and AVTI adult vocational programs for the purpose of increased efficiency in budgeting, use of personnel, placement of programs, student access, and other needs as determined by the board. In approving the merger or reorganization of two or more AVTIs, the board shall comply with the notice and hearing requirements of chapter 14 relating to the adoption of controversial rules.*

*Subd. 12. [FUNDING.] The state board of vocational technical education shall have responsibility for the allocation of all state and federal funds for the purpose of post-secondary and AVTI adult vocational programs. Moneys received from federal sources other than as provided in chapter 124, and moneys received from other sources, not including the state, shall not be taken into account in determining appropriations or allocations.*

*Subd. 13 [SHORT-TERM PROGRAMS.] The board of vocational technical education shall have the authority to authorize programs of two years or less when such programs are for a fixed period of time, will not become an ongoing part of curriculum offerings, and are a part of an economic development program.*

*Subd. 14. [LICENSURE.] The state board of vocational technical education is authorized to promulgate rules for the licensure of post-secondary and AVTI adult vocational personnel. The board of teaching shall issue the licenses.*

*Subd. 15. [DEGREES AND CERTIFICATES.] The board of vocational technical education shall prescribe the requirements for graduation and completion of courses of study for post-secondary and AVTI adult vocational education and shall have the authority to award appropriate certificates and degrees.*

**Sec. 10. [136B.03] [POWERS AND DUTIES OF THE BOARD OF EDUCATION FOR SECONDARY AND NON-AVTI ADULT VOCATIONAL EDUCATION.]**

*Subdivision 1. [GENERAL.] The board of education shall possess all powers necessary and incident to the management and jurisdiction of secondary and non-AVTI adult vocational education programs and all state property pertaining thereto.*

*These powers shall include, but are not limited to, those enumerated in this section.*

*Subd. 2. [BUDGET REQUESTS.] The board of education shall review and approve, disapprove, or modify the biennial budget requests for secondary and non-AVTI adult vocational education operations and facilities submitted by the local school boards and shall submit the approved biennial budget requests to the governor.*

*Subd. 3. [CONTRACTS; COOPERATIVE AGREEMENTS.] The board of education may enter into contracts or cooperative agreements with the state board of vocational technical education, other higher education governing boards, educational institutions, or appropriate state agencies for the provision of educational services.*

*Subd. 4. [REORGANIZATION.] The board of education may establish regional service areas for secondary and non-AVTI adult vocational education.*

*Subd. 5. [PLANNING.] The board of education shall develop a long-range plan for secondary and non-AVTI adult vocational education which shall include plans and objectives for programs, facilities, use of resources, and a mission statement. The plan shall be developed with the advice of representatives of local school boards, the state board of vocational technical education, and appropriate agencies. The board shall evaluate this plan on a biennial basis to determine the success of vocational education in meeting its objectives.*

**Sec. 11. [136B.04] [POWER AND DUTY OF THE BOARD FOR VOCATIONAL TECHNICAL EDUCATION FOR SECONDARY AND NON-AVTI ADULT VOCATIONAL EDUCATION.]**

*The state board of vocational technical education shall have responsibility for receiving all state and federal funds for the purpose of secondary and non-AVTI adult vocational programs. All state and federal funds for secondary and non-AVTI adult vocational programs shall be reallocated to the state board of education for allocation to local school boards. The state board of education shall have the authority for allocating these funds in accordance with section 10.*

**Sec. 12. [136B.05] [JOINT AUTHORITY OF THE BOARD OF EDUCATION AND THE BOARD OF VOCATIONAL TECHNICAL EDUCATION FOR SECONDARY AND NON-AVTI ADULT VOCATIONAL EDUCATION.]**

*Subdivision 1 [RULEMAKING.] The board of vocational technical education and the board of education shall jointly*

*prescribe courses of study and other rules necessary for the operation of secondary and non-AVTI adult vocational education and shall have the final approval, disapproval, and coordination of programs.*

*Subd. 2. [LICENSURE.] The state board of vocational technical education and the board of education shall jointly promulgate rules for the licensure of secondary and non-AVTI adult vocational personnel. The board of teaching shall issue the licenses.*

**Sec. 13. [136B.06] [AUTHORITY OF LOCAL SCHOOL BOARDS FOR POST-SECONDARY AND AVTI ADULT VOCATIONAL EDUCATION.]**

*Subdivision 1. [PERSONNEL.] Local school boards shall have the authority to employ the necessary staff to carry out duties related to post-secondary and AVTI adult vocational technical education. The directors of AVTIs shall be appointed by the local boards.*

*Subd. 2. [FINANCE.] The local school boards shall prepare budgets in cooperation with the state board of vocational education, and submit these to the state board. The local board shall approve all expenditures.*

*Subd. 3. [PROGRAMS.] The local school board shall have responsibility for maintaining the quality and efficiency of all post-secondary and AVTI adult vocational programs operating under its jurisdiction. Local school boards in cooperation with the state board shall be responsible for the assessment of local, regional, and state employment needs and revise program offerings to meet these needs.*

*Subd. 4. [FACILITIES AND EQUIPMENT.] The local school board shall operate all facilities and equipment and have the responsibility to maintain facilities and equipment.*

**Sec. 14. [136.B.07] [AUTHORITY OF LOCAL SCHOOL BOARDS FOR SECONDARY AND NON-AVTI ADULT VOCATIONAL EDUCATION.]**

*Subdivision 1. [PERSONNEL.] Local school boards shall have the authority to employ the necessary staff to carry out duties related to secondary and non-AVTI adult vocational technical education. Secondary and non-AVTI adult vocational directors shall be appointed by the local boards.*

*Subd. 2. [FINANCE.] The local school boards shall prepare budgets for secondary and non-AVTI adult vocational education and submit these to the state board of education. The local*

board shall approve all expenditures, consistent with the state board approved budget.

*Subd. 3. [PROGRAMS.] The local school board shall have responsibility for the quality and efficiency of all secondary and non-AVTI adult vocational programs operating under its jurisdiction and the authority to approve programs subject to the final joint approval of the board of vocational technical education and the board of education. Local school boards in cooperation with the state boards shall be responsible for the assessment of local, regional, and state employment needs and revise program offerings to meet these needs.*

*Subd. 4. [FACILITIES AND EQUIPMENT.] The local school board shall operate all facilities and equipment and have the responsibility to maintain facilities and equipment related to secondary and non-AVTI adult vocational education.*

**Sec. 15. [136B.08] [AUTHORITY OF INTERMEDIATE SCHOOL BOARDS.]**

*Subdivision 1. [PERSONNEL.] Boards of intermediate school districts established pursuant to Laws 1967, chapter 822; Laws 1969, chapter 775; or Laws 1969, chapter 1060, shall have the authority to employ the necessary staff to carry out duties related to secondary, post-secondary, and adult vocational technical education. The intermediate board shall have authority to employ personnel for special education services and educational services for low incidence populations offered by the intermediate district. The superintendent of the intermediate district shall be appointed by the intermediate board.*

*Subd. 2. [FINANCE.] The intermediate board shall prepare budgets in cooperation with the state board of education and the state board of vocational technical education and submit these to the state boards. The intermediate board shall approve all expenditures consistent with the state board approved budget.*

*Subd. 3. [PROGRAMS.] The intermediate board shall have the responsibility for maintaining the quality and efficiency of all programs operating under its jurisdiction. Intermediate boards, in cooperation with the state board of education and the state board of vocational education, shall be responsible for the assessment of local, regional, and state employment needs and revise program offerings to meet these needs.*

*Subd. 4. [FACILITIES AND EQUIPMENT.] The intermediate board shall operate all facilities and equipment within its jurisdiction and have the responsibility to maintain facilities and equipment.*

**Sec. 16. [136B.09.] [AUTHORITY OF THE CHANCELLOR.]**

*Subdivision 1. [APPOINTMENTS.] The chancellor shall have the authority to appoint state board staff necessary to carry out the duties of the chancellor's office. Senior officers and other professional employees shall serve at the pleasure of the chancellor in the unclassified service of the state civil service. All other employees shall be in the classified civil service.*

*Subd. 2. [BARGAINING REPRESENTATIVE.] The chancellor or a representative of the chancellor shall consult with the commissioner of employee relations, who shall represent the state in all employment contract negotiations with the bargaining representatives of the employees, pursuant to the provisions of chapter 43 and sections 179.61 to 179.76.*

**Sec. 17. [136B.10] [EFFECT OF TRANSFER TO BOARD OF VOCATIONAL TECHNICAL EDUCATION.]**

*Subdivision 1. [TRANSFER OF FUNCTIONS.] In accordance with the provisions of sections 8 to 22, the powers, duties, and functions of the state board for vocational education relating to post-secondary and AVTI adult vocational technical education are transferred to the board of vocational technical education.*

*Subd. 2. [TRANSFER NOT TO AFFECT LEGAL ACTION.] The transfer of powers, duties, and functions as provided in sections 8 to 22 shall not affect any action or proceeding, whether administrative, civil, or criminal, pending at the time of the transfer. The action shall be prosecuted or defended in the name of the board of vocational technical education. The board, upon application to the appropriate court, shall be substituted as a party to the action or proceeding.*

*Subd. 3. [TRANSFER OF PROPERTY.] To the extent possible, all books, maps, plans, papers, records, furniture, and property of every description related to post-secondary and AVTI adult vocational education within the jurisdiction and control of the state board for vocational education and the state board of education shall be turned over to the board of vocational technical education and it is authorized to assume possession of them.*

*Subd. 4. [TRANSFER OF FUNDS.] The unencumbered and unexpended balance of all funds appropriated to the state board for vocational education for post-secondary and AVTI adult vocational education shall be transferred and reappropriated to the board of vocational technical education. All secondary, post-secondary, and adult state and federal aids available to the state board for vocational education shall be granted to the board of vocational technical education.*



*Subd. 5. [TRANSFER OF STATUTORY REFERENCE.] Whenever a person or authority whose powers, duties, and functions are transferred hereunder is referred to in any statute, contract, or document, the designation shall be deemed to refer to the board of vocational technical education, department, or officer to which the powers, duties, and functions have been transferred.*

**Sec. 18. [PLAN FOR COOPERATION.]**

*Subdivision 1. [PLAN.] For increased financial efficiency and effectiveness in serving their community and in responding to changing enrollment needs, each AVTI and community college located in the same community shall jointly develop a plan for cooperation. The institutions included are those located in Thief River Falls, Hibbing, Brainerd, Willmar, Rochester, Austin, White Bear Lake, Minneapolis, and Anoka County.*

*Subd. 2. [CONTENTS OF PLAN.] Each plan shall propose a strategy for sharing of facilities, personnel, and resources. These strategies may include campus mergers, reorganizations, discontinuance of programs, changes in governance, and other such methods. Each plan shall identify estimated savings and the manner in which the savings will be achieved. Each plan shall include a proposal for the use of 50 percent of the estimated savings, pursuant to subdivision 3.*

*Subd. 3. [SUBMISSION OF PLANS TO CHANCELLORS.] Each plan shall be submitted to the chancellors of community colleges and vocational technical education by October 1, 1983. The chancellors shall review the plans and approve or disapprove them. A disapproved plan shall be returned to the institutions where it shall be modified and resubmitted to the chancellors. Following the approval of the chancellors, the institutions shall be permitted to retain 50 percent of their demonstrated savings.*

*Subd. 4. [REVIEW AND COMMENT.] By December 1, 1983, the chancellors shall submit all approved plans to the higher education coordinating board for review and comment. The higher education coordinating board and the chancellors shall report on the plans to the legislature by January 1, 1984.*

**Sec. 19. [EXISTING RULES.]**

*Rules promulgated prior to the establishment of the board of vocational technical education relating to post-secondary and adult vocational education shall remain in effect until new rules are promulgated by the board.*

**Sec. 20. [REPEALER.]**

*Minnesota Statutes 1982, sections 121.11, subdivision 1; 121.217; 121.902, subdivision 1a; and 124.53 are repealed.*

**Sec. 21. [APPROPRIATION.]**

*The sum of \$150,000 is appropriated from the general fund to the board of vocational education for the purpose of implementing the provisions of this act and shall be available until June 30, 1984.*

**Sec. 22. [EFFECTIVE DATE.]**

*Sections 1 to 16, and 18 to 20 are effective the day following final enactment. Sections 17 and 21 are effective on July 1, 1983."*

Delete the title and insert:

"A bill for an act relating to education; clarifying authority of post-secondary institution governing boards; authorizing governing boards to close institutions and eliminate programs; providing that moneys received by boards or institutions from outside sources shall not be taken into account in determining state appropriations; authorizing governing boards to set tuition rates at any level equal to or above that determined by state tuition policy; authorizing governing boards to carry over an unappropriated fund balance from the first to the second year of a biennium; authorizing governing boards to carry over a limited amount of an unappropriated fund balance from one biennium to the next; establishing a board of vocational technical education; transferring powers, duties, and functions from school districts, school boards, and the state board for vocational education to the board of vocational technical education; appropriating money; amending Minnesota Statutes 1982, sections 136.03; 136.11, subdivision 1; 136.144; 136.62, by adding a subdivision; 136.63, subdivision 1a; 136.67, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 136 and 136B; repealing Minnesota Statutes 1982, sections 121.11, subdivision 1; 121.217; 121.902, subdivision 1a; and 124.53."

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

The report was adopted.

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

H. F. No. 365, A bill for an act relating to health care facilities; clarifying the rights and responsibilities of patients and residents; amending Minnesota Statutes 1982, section 144.651.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 144.651, is amended to read:

**144.651 [PATIENTS AND RESIDENTS OF HEALTH CARE FACILITIES; BILL OF RIGHTS.]**

*Subdivision 1. [LEGISLATIVE INTENT.]* It is the intent of the legislature and the purpose of this section to promote the interests and well being of the patients and residents of health care facilities. No health care facility may require a patient or resident to waive these rights as a condition of admission to the facility. Any guardian or conservator of a patient or resident or, in the absence of a guardian or conservator, an interested person, may seek enforcement of these rights on behalf of a patient or resident. It is the intent of this section that every patient's civil and religious liberties, including the right to independent personal decisions and knowledge of available choices, shall not be infringed and that the facility shall encourage and assist in the fullest possible exercise of these rights.

*Subd. 2. [DEFINITIONS.]* For the purposes of this section, "patient" means a person who is admitted to an acute care inpatient facility for a continuous period longer than 24 hours, for the purpose of diagnosis or treatment bearing on the physical or mental health of that person. "Resident" means a person who is admitted to a non-acute care facility including extended care facilities, nursing homes, and board and care homes for care required because of prolonged mental or physical illness or disability, recovery from injury or disease, or advancing age.

*Subd. 3. [PUBLIC POLICY DECLARATION.]* It is declared to be the public policy of this state that the interests of each patient and resident be protected by a declaration of a patients' bill of rights which shall include but not be limited to the (FOLLOWING:)

(1) EVERY PATIENT AND RESIDENT SHALL HAVE THE RIGHT TO CONSIDERATE AND RESPECTFUL CARE;)

(2) EVERY PATIENT AND RESIDENT CAN REASONABLY EXPECT TO OBTAIN FROM HIS PHYSICIAN OR THE RESIDENT PHYSICIAN OF THE FACILITY COMPLETE AND CURRENT INFORMATION CONCERNING HIS DIAGNOSIS, TREATMENT AND PROGNOSIS IN TERMS AND LANGUAGE THE PATIENT CAN REASONABLY BE EXPECTED TO UNDERSTAND. IN CASES IN WHICH IT IS NOT MEDICALLY ADVISABLE TO GIVE

THE INFORMATION TO THE PATIENT OR RESIDENT THE INFORMATION MAY BE MADE AVAILABLE TO THE APPROPRIATE PERSON IN HIS BEHALF;)

((3) EVERY PATIENT AND RESIDENT SHALL HAVE THE RIGHT TO KNOW BY NAME AND SPECIALTY, IF ANY, THE PHYSICIAN RESPONSIBLE FOR COORDINATION OF HIS CARE;)

((4) EVERY PATIENT AND RESIDENT SHALL HAVE THE RIGHT TO EVERY CONSIDERATION OF HIS PRIVACY AND INDIVIDUALITY AS IT RELATES TO HIS SOCIAL, RELIGIOUS, AND PSYCHOLOGICAL WELL BEING;)

((5) EVERY PATIENT AND RESIDENT SHALL HAVE THE RIGHT TO RESPECTFULNESS AND PRIVACY AS IT RELATES TO HIS MEDICAL CARE PROGRAM. CASE DISCUSSION, CONSULTATION, EXAMINATION, AND TREATMENT ARE CONFIDENTIAL AND SHOULD BE CONDUCTED DISCREETLY;)

((6) EVERY PATIENT AND RESIDENT SHALL HAVE THE RIGHT TO EXPECT THE FACILITY TO MAKE A REASONABLE RESPONSE TO HIS REQUESTS;)

((7) EVERY PATIENT AND RESIDENT SHALL HAVE THE RIGHT TO OBTAIN INFORMATION AS TO ANY RELATIONSHIP OF THE FACILITY TO OTHER HEALTH CARE AND RELATED INSTITUTIONS INSOFAR AS HIS CARE IS CONCERNED;)

((8) EVERY PATIENT AND RESIDENT SHALL HAVE THE RIGHT TO EXPECT REASONABLE CONTINUITY OF CARE WHICH SHALL INCLUDE BUT NOT BE LIMITED TO WHAT APPOINTMENT TIMES AND PHYSICIANS ARE AVAILABLE;)

((9) EVERY RESIDENT SHALL BE FULLY INFORMED, PRIOR TO OR AT THE TIME OF ADMISSION AND DURING HIS STAY, OF SERVICES AVAILABLE IN THE FACILITY, AND OF RELATED CHARGES INCLUDING ANY CHARGES FOR SERVICES NOT COVERED UNDER MEDICARE OR MEDICAID OR NOT COVERED BY THE FACILITY'S BASIC PER DIEM RATE;)

((10) EVERY PATIENT AND RESIDENT SHALL BE AFFORDED THE OPPORTUNITY TO PARTICIPATE IN THE PLANNING OF HIS MEDICAL TREATMENT AND TO REFUSE TO PARTICIPATE IN EXPERIMENTAL RESEARCH;)

((11) NO RESIDENT SHALL BE ARBITRARILY TRANSFERRED OR DISCHARGED BUT MAY BE TRANSFERRED OR DISCHARGED ONLY FOR MEDICAL REASONS, FOR HIS OR OTHER RESIDENTS' WELFARE, OR FOR NONPAYMENT FOR STAY UNLESS PROHIBITED BY THE WELFARE PROGRAMS PAYING FOR THE CARE OF THE RESIDENT, AS DOCUMENTED IN THE MEDICAL RECORD. REASONABLE ADVANCE NOTICE OF ANY TRANSFER OR DISCHARGE MUST BE GIVEN TO A RESIDENT;)

((12) EVERY RESIDENT MAY MANAGE HIS PERSONAL FINANCIAL AFFAIRS, OR SHALL BE GIVEN AT LEAST A QUARTERLY ACCOUNTING OF FINANCIAL TRANSACTIONS ON HIS BEHALF IF HE DELEGATES THIS RESPONSIBILITY IN ACCORDANCE WITH THE LAWS OF MINNESOTA TO THE FACILITY FOR ANY PERIOD OF TIME;)

((13) EVERY RESIDENT SHALL BE ENCOURAGED AND ASSISTED, THROUGHOUT HIS PERIOD OF STAY IN A FACILITY, TO UNDERSTAND AND EXERCISE HIS RIGHTS AS A PATIENT AND AS A CITIZEN, AND TO THIS END, HE MAY VOICE GRIEVANCES AND RECOMMEND CHANGES IN POLICIES AND SERVICES TO FACILITY STAFF AND OUTSIDE REPRESENTATIVES OF HIS CHOICE, FREE FROM RESTRAINT, INTERFERENCE, COERCION, DISCRIMINATION OR REPRISAL;)

((14) EVERY RESIDENT SHALL BE FREE FROM MENTAL AND PHYSICAL ABUSE, AND FREE FROM CHEMICAL AND PHYSICAL RESTRAINTS, EXCEPT IN EMERGENCIES, OR AS AUTHORIZED IN WRITING BY HIS PHYSICIAN FOR A SPECIFIED AND LIMITED PERIOD OF TIME, AND WHEN NECESSARY TO PROTECT THE RESIDENT FROM INJURY TO HIMSELF OR TO OTHERS;)

((15) EVERY PATIENT AND RESIDENT SHALL BE ASSURED CONFIDENTIAL TREATMENT OF HIS PERSONAL AND MEDICAL RECORDS, AND MAY APPROVE OR REFUSE THEIR RELEASE TO ANY INDIVIDUAL OUTSIDE THE FACILITY, EXCEPT AS OTHERWISE PROVIDED BY LAW OR A THIRD PARTY PAYMENT CONTRACT;)

((16) NO RESIDENT SHALL BE REQUIRED TO PERFORM SERVICES FOR THE FACILITY THAT ARE NOT INCLUDED FOR THERAPEUTIC PURPOSES IN HIS PLAN OF CARE;)

((17) EVERY RESIDENT MAY ASSOCIATE AND COMMUNICATE PRIVATELY WITH PERSONS OF HIS CHOICE,

AND SEND AND RECEIVE HIS PERSONAL MAIL UNOPENED, UNLESS MEDICALLY CONTRAINDICATED AND DOCUMENTED BY HIS PHYSICIAN IN THE MEDICAL RECORD;)

((18) EVERY RESIDENT MAY MEET WITH REPRESENTATIVES AND PARTICIPATE IN ACTIVITIES OF COMMERCIAL, RELIGIOUS, AND COMMUNITY GROUPS AT HIS DISCRETION; PROVIDED, HOWEVER, THAT THE ACTIVITIES SHALL NOT INFRINGE UPON THE RIGHT TO PRIVACY OF OTHER RESIDENTS;)

((19) EVERY RESIDENT MAY RETAIN AND USE HIS PERSONAL CLOTHING AND POSSESSIONS AS SPACE PERMITS, UNLESS TO DO SO WOULD INFRINGE UPON RIGHTS OF OTHER PATIENTS OR RESIDENTS, AND UNLESS MEDICALLY CONTRAINDICATED AND DOCUMENTED BY HIS PHYSICIAN IN THE MEDICAL RECORD;)

((20) EVERY RESIDENT, IF MARRIED, SHALL BE ASSURED PRIVACY FOR VISITS BY HIS OR HER SPOUSE AND IF BOTH SPOUSES ARE RESIDENTS OF THE FACILITY, THEY SHALL BE PERMITTED TO SHARE A ROOM, UNLESS MEDICALLY CONTRAINDICATED AND DOCUMENTED BY THEIR PHYSICIANS IN THE MEDICAL RECORD;)

((21) EVERY PATIENT OR RESIDENT SHALL BE FULLY INFORMED, PRIOR TO OR AT THE TIME OF ADMISSION AND DURING HIS STAY AT A FACILITY, OF THE RIGHTS AND RESPONSIBILITIES SET FORTH IN THIS SECTION AND OF ALL RULES GOVERNING PATIENT CONDUCT AND RESPONSIBILITIES; AND)

((22) EVERY PATIENT OR RESIDENT SUFFERING FROM ANY FORM OF BREAST CANCER SHALL BE FULLY INFORMED, PRIOR TO OR AT THE TIME OF ADMISSION AND DURING HER STAY, OF ALL ALTERNATIVE EFFECTIVE METHODS OF TREATMENT OF WHICH THE TREATING PHYSICIAN IS KNOWLEDGEABLE, INCLUDING SURGICAL, RADIOLOGICAL, OR CHEMOTHERAPEUTIC TREATMENTS OR COMBINATIONS OF TREATMENTS AND THE RISKS ASSOCIATED WITH EACH OF THOSE METHODS) *rights specified in this section.*

*Subd. 4 [INFORMATION ABOUT RIGHTS.] Patients and residents shall, at admission, be told that there are legal rights for their protection during their stay at the facility and that these are described in an accompanying written statement of the applicable rights and responsibilities set forth in this section. Reasonable arrangements shall be made for those with*

communication impairments and those who speak a language other than English. Current facility policies, inspection findings of state and local health authorities, and further explanation of the written statement of rights shall be available to patients, residents, their guardians or their chosen representatives upon reasonable request to the administrator or other designated staff person.

Subd. 5. [COURTEOUS TREATMENT.] Patients and residents have the right to be treated with courtesy and respect for their individuality by employees of or persons providing service in a health care facility.

Subd. 6. [APPROPRIATE HEALTH CARE.] Patients and residents shall have the right to medical and personal care based on individual needs to achieve their highest level of physical and mental functioning. This right is limited where the service is not reimbursable by public or private resources.

Subd. 7. [PHYSICIAN'S IDENTITY.] Patients and residents shall have or be given, in writing, the name, business address, telephone number, and specialty, if any, of the physician responsible for coordination of their care. In cases where it is medically inadvisable, as documented by the attending physician in a patient's or resident's care record, the information shall be given to the patient's or resident's guardian or other person designated by the patient or resident as his or her representative.

Subd. 8. [RELATIONSHIP WITH OTHER HEALTH SERVICES.] Patients and residents shall upon request be informed, in writing, of any health care services which are provided to those patients or residents by individuals, corporations, or organizations other than their facility. Information shall include the name of the outside provider, the address, and a description of the service which may be rendered. In cases where it is medically inadvisable, as documented by the attending physician in a patient's or resident's care record, the information shall be given to the patient's or resident's guardian or other person designated by the patient or resident as his or her representative.

Subd. 9. [INFORMATION ABOUT TREATMENT.] Patients and residents shall be given by their physicians complete and current information concerning their diagnosis, treatment, alternatives, and prognosis as required by the physician's legal duty to disclose. This information shall be in terms and language the patients or residents can reasonably be expected to understand. Patients and residents may be accompanied by a family member or other chosen representative. This information shall include the likely medical or psychological results of the treatment and its alternatives. In cases where it is medically inadvisable, as documented by the attending physician in a patient's

or resident's medical record, the information shall be given to the patient's or resident's guardian or other person designated by the patient or resident as his or her representative. Individuals have the right to refuse this information.

**Subd. 10. [PARTICIPATION IN PLANNING TREATMENT.]** Patients and residents shall have the right to participate in the planning of their health care. This right includes the opportunity to discuss treatment and alternatives with individual caregivers, the opportunity to request and participate in formal care conferences, and the right to include a family member or other chosen representative. In the event that the patient or resident cannot be present, a family member or other representative chosen by the patient or resident may be included in such conferences.

**Subd. 11. [CONTINUITY OF CARE.]** Patients and residents shall have the right to be cared for with reasonable regularity and continuity of staff assignment as far as facility policy allows.

**Subd. 12. [RIGHT TO REFUSE CARE.]** Competent patients and residents shall have the right to refuse treatment, including medication, or dietary restrictions and be given the likely medical or psychological results of the refusal, with documentation in the individual medical record. In cases where a patient or resident is incapable of understanding the circumstances but has not been adjudicated incompetent, or when legal requirements limit the right to refuse treatment, the conditions and circumstances shall be fully documented by the attending physician in the patient's or resident's medical record.

**Subd. 13. [EXPERIMENTAL RESEARCH.]** Written, informed consent must be obtained prior to a patient's or resident's participation in experimental research. Patients and residents have the right to refuse participation. Both consent and refusal shall be documented in the individual care record.

**Subd. 14. [FREEDOM FROM ABUSE.]** Patients and residents shall be free from mental and physical abuse as defined in the Vulnerable Adults Protection Act. "Abuse" means any act which constitutes assault, sexual exploitation, or criminal sexual conduct as described in section 626.557, subdivision 2d, or the intentional and nontherapeutic infliction of physical pain or injury, or any persistent course of conduct intended to produce mental or emotional distress. Every patient and resident shall also be free from nontherapeutic chemical and physical restraints, except in fully documented emergencies, or as authorized in writing after examination by a patient's or resident's physician for a specified and limited period of time, and only when necessary to protect the resident from self-injury or injury to others.



*Subd. 15. [TREATMENT PRIVACY.] Patients and residents shall have the right to respectfulness and privacy as it relates to their medical and personal care program. Case discussion, consultation, examination, and treatment are confidential and shall be conducted discreetly. Privacy shall be respected during toileting, bathing, and other activities of personal hygiene, except as needed for patient or resident safety or assistance.*

*Subd. 16. [CONFIDENTIALITY OF RECORDS.] Patients and residents shall be assured confidential treatment of their personal and medical records, and may approve or refuse their release to any individual outside the facility. Patients and residents shall be notified when records, other than medical records, are requested by any individual outside the facility and may select someone to accompany them when the records or information are the subject of a personal interview. Copies of records and written information from the records shall be made available in accordance with this subdivision and section 144.335. This right does not apply to complaint investigations and inspections by the department of health, where required by third party payment contracts, or where otherwise provided by law.*

*Subd. 17. [DISCLOSURE OF SERVICES AVAILABLE.] Patients and residents shall be informed, prior to or at the time of admission and during their stay, of services which are included in the facility's basic per diem or daily room rate and that other services are available at additional charges. Facilities shall make every effort to assist patients and residents in obtaining information regarding whether the medicare or medical assistance program will pay for any or all of the aforementioned services.*

*Subd. 18. [RESPONSIVE SERVICE.] Patients and residents shall have the right to a prompt and reasonable response to their questions and requests.*

*Subd. 19. [PERSONAL PRIVACY.] Patients and residents shall have the right to every consideration of their privacy, individuality, and cultural identity as related to their social, religious, and psychological well-being. Facility staff shall respect the privacy of a resident's room by knocking on the door and seeking consent before entering, except in an emergency or where clearly inadvisable.*

*Subd. 20. [GRIEVANCES.] Patients and residents shall be encouraged and assisted, throughout their stay in a facility, to understand and exercise their rights as patients, residents, and citizens. Patients and residents may voice grievances and recommend changes in policies and services to facility staff and others of their choice, free from restraint, interference, coercion, discrimination, or reprisal, including threat of discharge. Notice of the facility's grievance procedure, as well as addresses and telephone numbers for the office of health facility complaints and the area nursing home ombudsman pursuant to the*

*Older Americans Act, section 307(a)(12) shall be posted in a conspicuous place.*

*Subd. 21. [COMMUNICATION PRIVACY.] Patients and residents may associate and communicate privately with persons of their choice and enter and, except as provided by the Minnesota Commitment Act, leave the facility as they choose. Patients and residents shall have access, at their expense, to writing instruments, stationery, and postage. Personal mail shall be sent without interference and received unopened unless medically or programmatically contraindicated and documented by the physician in the medical record. There shall be access to a telephone where patients and residents can make and receive calls as well as speak privately. Facilities which are unable to provide a private area shall make reasonable arrangements to accommodate the privacy of patients' or residents' calls. This right is limited where medically inadvisable, as documented by the attending physician in a patient's or resident's care record. Where programmatically limited by a facility abuse prevention plan pursuant to section 626.557, subdivision 14, clause 2, this right shall also be limited accordingly.*

*Subd. 22. [PERSONAL PROPERTY.] Patients and residents may retain and use their personal clothing and possessions as space permits, unless to do so would infringe upon rights of other patients or residents, and unless medically or programmatically contraindicated for documented medical, safety, or programmatic reasons. The facility must either maintain a central locked depository or provide individual locked storage areas in which residents may store their valuables for safekeeping. The facility may, but is not required to, provide compensation for or replacement of lost or stolen items.*

*Subd. 23. [SERVICES FOR THE FACILITY.] Patients and residents shall not perform labor or services for the facility unless those activities are included for therapeutic purposes and appropriately goal-related in their individual medical record.*

*Subd. 24. [CHOICE OF SUPPLIER.] A resident may purchase or rent goods or services not included in the per diem rate from a supplier of his or her choice unless otherwise provided by law. The supplier shall ensure that these purchases are sufficient to meet the medical or treatment needs of the resident.*

*Subd. 25. [FINANCIAL AFFAIRS.] Competent residents may manage their personal financial affairs, or shall be given at least a quarterly accounting of financial transactions on their behalf if they delegate this responsibility in accordance with the laws of Minnesota to the facility for any period of time.*

*Subd. 26. [RIGHT TO ASSOCIATE.] Residents may meet with visitors and participate in activities of commercial, religious, political, as defined in section 203B.11 and community*

*groups without interference at their discretion if the activities do not infringe on the right to privacy of other residents or are not programmatically contraindicated. This includes the right to join with other individuals within and outside the facility to work for improvements in long-term care.*

**Subd. 27. [ADVISORY COUNCILS.]** *Residents and their families shall have the right to organize, maintain, and participate in resident advisory and family councils. Each facility shall provide assistance and space for meetings. Council meetings shall be afforded privacy, with staff or visitors attending only upon the council's invitation. A staff person shall be designated the responsibility of providing this assistance and responding to written requests which result from council meetings. Resident and family councils shall be encouraged to make recommendations regarding facility policies.*

**Subd. 28. [MARRIED RESIDENTS.]** *Residents, if married, shall be assured privacy for visits by their spouses and, if both spouses are residents of the facility, they shall be permitted to share a room, unless medically contraindicated and documented by their physicians in the medical records.*

**Subd. 29. [TRANSFERS AND DISCHARGES.]** *Residents shall not be arbitrarily transferred or discharged. Residents must be notified, in writing, of the proposed discharge or transfer and its justification no later than 30 days before discharge from the facility and seven days before transfer to another room within the facility. This notice shall include the resident's right to contest the proposed action, with the address and telephone number of the area nursing home ombudsman pursuant to the Older Americans Act, section 307(a)(12). The resident, informed of this right, may choose to relocate before the notice period ends. The notice period may be shortened in situations outside the facility's control, such as a determination by utilization review, the accommodation of newly-admitted residents, a change in the resident's medical or treatment program, the resident's own or another resident's welfare, or nonpayment for stay unless prohibited by the public program or programs paying for the resident's care, as documented in the medical record. Facilities shall make a reasonable effort to accommodate new residents without disrupting room assignments.*

**Sec. 2.** Minnesota Statutes 1982, section 144.652, is amended to read:

**144.652 [(POLICY STATEMENT) BILL OF RIGHTS NOTICE TO PATIENT OR RESIDENT; VIOLATION.]**

**Subdivision 1. [DISTRIBUTION; POSTING.] (THE POLICY STATEMENT CONTAINED IN)** *Except as provided be-*

*law*, section 144.651 shall be posted conspicuously in a public place in all facilities licensed under the provisions of sections 144.50 to 144.58, or 144A.02 (OR ANY LAW PROVIDING FOR THE LICENSURE OF NURSING HOMES). Copies of the (POLICY STATEMENT) *law* shall be furnished the patient or resident and the patient or resident's guardian or conservator upon admittance to the facility. *Facilities providing services to patients may delete section 144.651, subdivisions 24 to 29, from copies posted or distributed to patients with appropriate notation that residents have additional rights under law.* The policy statement shall include the address and telephone number of the board of medical examiners and/or the name and phone number of the person within the facility to whom inquiries about the medical care received may be directed. The notice shall include a brief statement describing how to file a complaint with the (NURSING HOME COMPLAINT TEAM OF THE HEALTH DEPARTMENT OR ANY DIVISION OR AGENCY OF STATE GOVERNMENT WHICH SUCCEEDS IT) *office of health facility complaints established pursuant to section 144A-52 concerning a violation of section 144.651 or any other state statute or rule. This notice shall include the address and phone number of the office of health facility complaints.*

*Subd. 2. [CORRECTION ORDER; EMERGENCIES.] A substantial violation of the rights of any patient or resident as defined in section 144.651, shall be grounds for issuance of a correction order pursuant to section 144.653 or 144A.10. The issuance or nonissuance of a correction order shall not preclude, diminish, enlarge, or otherwise alter private action by or on behalf of a patient or resident to enforce any unreasonable violation of his rights. Compliance with the provisions of section 144.651 shall not be required whenever emergency conditions, as documented by the attending physician in a patient's medical record or a resident's care record, indicate immediate medical treatment, including but not limited to surgical procedures, is necessary and it is impossible or impractical to comply with the provisions of section 144.651 because delay would endanger the patient's or resident's life, health, or safety."*

Delete the title and insert:

"A bill for an act relating to health care facilities; clarifying the rights and responsibilities of patients and residents; amending Minnesota Statutes 1982, sections 144.651; and 144.652."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

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.

Reported the same back with the following amendments:

Page 1, line 16, fill in the blank with "75,000"

Page 1, line 18, fill in the blank with "70,000"

Page 1, line 20, fill in the blank with "67,500"

Page 1, line 25, fill in the blank with "62,500"

Page 2, line 3, fill in the blank with "40,000"

Page 2, line 15, fill in the blank with "62,500"

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

The report was adopted.

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

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, section 177.23, subdivision 7; amending Laws 1981, chapter 289, section 3.

Reported the same back with the following amendments:

Page 1, line 17, delete "up"

Page 1, line 18, delete "to" and after "two" insert "or less"

Page 1, line 22, delete "per week"

Page 1, line 23, delete "per week"

Page 1, line 25, after "wage" insert "per week"

Page 3, after line 23, insert:

"Sec. 4. [EFFECTIVE DATE.]

*The provisions of sections 1 to 3 shall be effective July 1, 1983."*

With the recommendation that when so amended the bill pass.

The report was adopted.

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

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.

Reported the same back with the following amendments:

Page 1, after line 17, insert:

"Sec. 2. [EFFECTIVE DATE.]

*The provisions of section 1 shall be effective the day after final enactment."*

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 496, A bill for an act relating to public welfare; establishing a formula for apportioning among counties the cost of federal fiscal sanctions resulting from quality control errors in the aid to families with dependent children, medical assistance, and food stamp programs; amending Minnesota Statutes 1982, section 256.01, subdivision 2.

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

The report was adopted.

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

H. F. No. 599, A bill for an act relating to labor; regulating fair labor standards record keeping; amending Minnesota Statutes 1982, sections 177.27, subdivision 2; 177.30; 177.31; and 177.32, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 20, strike "his" and insert "an"

Page 2, line 27, delete "maintain records as required"

Page 2, line 28, delete "by" and insert "fulfill the posting requirements of"

Page 2, line 29, delete "maintaining records required"

Page 2, line 30, delete "by" and insert "the posting requirements of"

Further, amend the title:

Page 1, line 3, after the semicolon insert "changing the civil and criminal penalties on employers for violations of the record keeping and posting requirements of the fair labor standards act;"

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:

S. F. No. 96, A bill for an act relating to the northeast Minnesota economic protection trust fund; abolishing the trust board; authorizing increased current expenditures; providing for administration of the fund; appropriating money; amending Minnesota Statutes 1982, sections 298.292; 298.293; 298.294; 298.296; 298.297; and 298.298; and Laws 1982, Second Special Session chapter 2, section 14; repealing Minnesota Statutes 1982, section 298.295.

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 89, 194, 365, 459, 460 and 599 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 31, 221, 325, 421, 270 and 96 were read for the second time.

**INTRODUCTION AND FIRST READING  
OF HOUSE BILLS**

The following House Files were introduced:

Stadum introduced:

H. F. No. 792, A bill for an act relating to the city of Crookston; providing for membership in the public employees police and fire fund by a certain police officer.

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

Schreiber introduced:

H. F. No. 793, A bill for an act relating to retirement; public employees retirement association; optional annuity election for disabled member.

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

Osthoff introduced:

H. F. No. 794, A bill for an act relating to the legislature; enacting the present legislative apportionment into statutory form with minor alterations; amending Minnesota Statutes 1982, sections 2.021; 2.031; proposing new law coded in Minnesota Statutes, chapter 2; and repealing Minnesota Statutes 1982, sections 2.041 to 2.712.

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

Rodriguez, F., introduced:

H. F. No. 795, A bill for an act relating to motor vehicles; protecting personal information on motor vehicle registration forms; amending Minnesota Statutes 1982, section 168.34.

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



Voss, Battaglia, Bishop, Valan and Cohen introduced:

H. F. No. 796, A bill for an act relating to open space and recreation; authorizing the issuance of state bonds and expenditure of the proceeds to acquire and better regional recreation open space lands by the metropolitan council and metropolitan area local governmental units; appropriating money.

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

Heinitz, Heap, Shaver and Schreiber introduced:

H. F. No. 797, A bill for an act relating to elections; changing certain election campaign committee reporting requirements in Hennepin County; amending Laws 1980, chapter 362, sections 3, subdivision 2; 8, subdivision 1, and by adding a subdivision; and 14, subdivision 5.

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

Burger introduced:

H. F. No. 798, A bill for an act relating to tax-forfeited land; authorizing the sale of a certain tract within the city of Orono.

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

Voss, Norton, Otis, Piper and Fjoslien introduced:

H. F. No. 799, A bill for an act relating to state government; reorganizing the energy regulation functions in state government; creating an energy department; creating an energy coordination board; creating an energy partnership; creating an intervention office; appropriating money; amending Minnesota Statutes 1982, sections 116C.03, subdivision 2; 116J.09; and 116J.10; proposing new law coded in Minnesota Statutes, chapters 116H and 216B; repealing Minnesota Statutes 1982, sections 116J.28 and 268.37.

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

Segal, Cohen, Eken, Jennings and Sieben introduced:

H. F. No. 800, A resolution memorializing the President and Secretary of State of the United States to protest discrimination against Soviet Jews and seek an end to restrictions on their emigration.

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

Brinkman, Heinritz, Kvam, Welle and Metzen introduced:

H. F. No. 801, A bill for an act relating to financial institutions; authorizing electronic financial terminals at locations other than retail locations established by persons other than retailers; amending Minnesota Statutes 1982, sections 47.62, subdivision 1; and 47.64, subdivision 3; repealing Minnesota Statutes 1982, section 47.61, subdivision 5.

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

Forsythe, Bishop, Vanasek, Norton and Olsen introduced:

H. F. No. 802, A bill for an act relating to marriage dissolution; clarifying factors to be considered in modifying a child support order; amending Minnesota Statutes 1982, section 518.64, subdivision 2.

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

Cohen, Long and Vellenga introduced:

H. F. No. 803, A bill for an act relating to taxation; property tax refunds; redefining rent constituting property taxes; amending Minnesota Statutes 1982, section 290A.03, subdivisions 11 and 13.

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

Cohen introduced:

H. F. No. 804, A bill for an act relating to courts; providing for transcript fees in the second judicial district; amending Minnesota Statutes 1982, section 486.06; proposing new law coded in Minnesota Statutes, chapter 486.

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

Reif and Forsythe introduced:

H. F. No. 805, A resolution memorializing the Commission on Wartime Relocation and Internment of Civilians to recommend to the United States Congress to provide adequate compensation to internees.

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

Clawson introduced:

H. F. No. 806, A bill for an act relating to vulnerable adults; refining the Vulnerable Adults Reporting Act; specifying reporting requirements; specifying access to reports; preventing record destruction; amending Minnesota Statutes 1982, section 626.557, subdivisions 2, 3, 4, 10, 12, 14, and by adding a subdivision; repealing Minnesota Statutes 1982, section 626.557, subdivision 12a.

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

Tunheim; Kalis; Anderson, B., and Valan introduced:

H. F. No. 807, A bill for an act relating to agriculture; regulating commerce in seeds; establishing a seed laboratory for the regulatory and service testing of seeds; appropriating money; imposing penalties; proposing new law coded in Minnesota Statutes, chapter 21; repealing Minnesota Statutes 1982, sections 21.47 to 21.58.

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

Sparby, Wynia, Kalis, Valan and Tunheim introduced:

H. F. No. 808, A bill for an act relating to public welfare; setting a durational residency requirement for general assistance eligibility; amending Minnesota Statutes 1982, section 256D.03, subdivision 1.

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

Ogren introduced:

H. F. No. 809; A bill for an act relating to natural resources; authorizing the marking of canoe and boating routes on the Pine river; amending Minnesota Statutes 1982, section 85.32, subdivision 1.

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

Voss, Osthoff, Shaver, Berkelman and Heinitz introduced:

H. F. No. 810, A bill for an act relating to no-fault automobile insurance; clarifying legislative intent concerning stacking of insurance policies; establishing tort threshold limitations on uninsured motorist coverage; amending Minnesota Statutes 1982, sections 65B.47, by adding a subdivision; and 65B.49, subdivision 4.

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

Ogren introduced:

H. F. No. 811, A bill for an act relating to taxation; limiting the reduced assessment and reimbursement for certain structures used for housing; amending Minnesota Statutes 1982, section 273.13, subdivisions 17, 17b, and 17c.

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

Clark, K., by request, introduced:

H. F. No. 812, A bill for an act relating to motor vehicles; providing for personalized license plates for motorcycles; amending Minnesota Statutes 1982, section 168.12, subdivision 2a.

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

Hoffman, Price, Jensen, Mann and Bergstrom introduced:

H. F. No. 813, A bill for an act relating to traffic regulations; prohibiting operation of certain vehicles painted the color of school buses; requiring display of two numbered license plates on farm trucks; requiring that when protective headgear is required that it comply with standards established by the commissioner of public safety; amending Minnesota Statutes 1982, sections 169.44, subdivision 8; 169.79; and 169.974, subdivisions 2 and 6; and repealing Minnesota Statutes 1982, section 169.672.

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

Hoffman, Olsen, Jensen, Mann and Schreiber introduced:

H. F. No. 814, A bill for an act relating to highway traffic regulations; clarifying certain bumper requirements; restricting the height of bumpers on certain vehicles; amending Minnesota Statutes 1982, section 169.73.

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

Rodriguez, F.; Clawson and Wigley introduced:

H. F. No. 815, A bill for an act relating to retirement; modifying a limitation on public employee retirement annuities; amending Minnesota Statutes 1982, section 356.61.

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

Ellingson and Brandl introduced:

H. F. No. 816, A bill for an act relating to data privacy; providing procedures for protection of certain mental health center data; amending Minnesota Statutes 1982, section 13.46, subdivision 2, and by adding subdivisions.

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

Clark, K., introduced:

H. F. No. 817, A bill for an act relating to fuel assistance programs; providing payment plans for certain natural gas customers; providing protection from disconnection; proposing new law coded in Minnesota Statutes, chapter 268.

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

Skoglund; Clark, J.; Nelson, K.; Greenfield and Sarna introduced:

H. F. No. 818, A bill for an act relating to the city of Minneapolis; abolishing the office of comptroller-treasurer in the city of Minneapolis.

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

Munger; Sieben; Rice; Carlson, D., and Norton introduced:

H. F. No. 819, A bill for an act relating to state government; reorganizing functions related to water; abolishing the water planning board, the southern Minnesota rivers basin board, and the water resources board; transferring duties to the environmental quality board; appropriating money; amending Minnesota Statutes 1982, sections 40.072, subdivision 3; 112.35, subdivision 4; 473.877, subdivision 2; and 473.878, subdivisions 5, 7, and 8; proposing new law coded in Minnesota Statutes, chapter 116C; repealing Minnesota Statutes 1982, sections 105.71; 105.72; 105.73; 105.74; 105.75; 105.751; 105.76; 105.77; 105.78; 105.79; and chapter 114A.

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

Welch; Munger; Ogren; Carlson, D., and Shaver introduced:

H. F. No. 820, A bill for an act relating to recreational vehicles; requiring a three-year registration fee for three-wheel off-road vehicles; requiring rules by the commissioner of natural resources; providing for local ordinances; requiring safety certificates of youthful operators; prescribing penalties; creating a three-wheel off-road vehicle account in the state treasury; appropriating funds; amending Minnesota Statutes 1982, section 84.90, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 84.

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

Clark, J.; St. Onge; Anderson, R.; Beard and Knuth introduced:

H. F. No. 821, A bill for an act relating to mental health; authorizing county boards to allocate mental health funds; providing the commissioner of public welfare with rulemaking and standard-setting authority for mental health services; providing for the establishment of community mental health centers; defining community mental health center; authorizing funding for mental health services; providing for the establishment of mental health center boards; establishing additional responsibilities of the commissioner of public welfare for mental health services; authorizing the commissioner of public welfare to receive and expend federal mental health funds and establish a statewide plan for all services and facilities for the mentally ill; providing medical assistance coverage for outpatient mental health services; amending Minnesota Statutes 1982, sections 245.61; 245.62; 245.63; 245.66; 245.69, subdivision 1; 245.71; 245.711, subdivision 2; and 256B.02, subdivision 8; repealing Minnesota Statutes 1982, sections 245.64 and 245.70.

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

Thiede introduced:

H. F. No. 822, A bill for an act relating to education; providing reduction of state aids to districts where basic maintenance and transportation levies exceed formula revenue; amending Minnesota Statutes 1982, section 275.125, subdivisions 2e and 5b; proposing new law coded in Minnesota Statutes, chapter 124.

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

Wenzel; Sieben; Carlson, D.; Peterson and Sparby introduced:

H. F. No. 823, A bill for an act relating to agriculture; providing for the development of the state's agricultural resources through an agricultural resource energy loan guaranty program, board, and fund, and the terms of guaranties by the state of project loans in the program; appropriating money, taxes, tax increments, and other governmental charges; authorizing the issuance of state bonds; amending Minnesota Statutes 1982, sections 290.01, by adding a subdivision; 297A.44, subdivision 1; 362A.01, subdivision 1; 362A.05; and 473F.02, subdivision 3; proposing new law coded as Minnesota Statutes, chapter 41A; proposing new law coded in Minnesota Statutes, chapter 362A.

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

Wenzel; Sieben; Carlson, D.; Peterson and Sparby introduced:

H. F. No. 824, A bill for an act relating to agriculture; authorizing participation in an upper midwest agricultural consortium; authorizing agricultural processing and research projects; appropriating money; proposing new law coded in Minnesota Statutes, chapters 4 and 17.

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

Simoneau introduced:

H. F. No. 825, A bill for an act relating to workers' compensation; regulating the assigned risk plan; amending Minnesota Statutes 1982, section 79.251; proposing new law coded in Minnesota Statutes, chapter 79; repealing Minnesota Statutes 1982, section 79.63.

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

Jacobs introduced:

H. F. No. 826, A bill for an act relating to motor vehicles; abolishing vehicle weight limitation for handicapped persons to obtain special plates; amending Minnesota Statutes 1982, section 168.021, subdivision 1.

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

Simoneau introduced:

H. F. No. 827, A bill for an act relating to workers' compensation; providing an application fee for self-insurers; amending Minnesota Statutes 1982, section 176.181, by adding a subdivision.

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



Voss introduced:

H. F. No. 828, A bill for an act relating to energy; providing an omnibus energy policy; appropriating money; amending Minnesota Statutes 1982, sections 116J.27, subdivisions 2, 6, and by adding a subdivision; 116J.31; 116J.36; 453.54, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 116J and 216B; repealing Minnesota Statutes 1982, section 116J.27, subdivisions 5 and 7.

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

Skoglund, Sieben, Cohen, Schreiber and Rodriguez, C., introduced:

H. F. No. 829, A bill for an act relating to metropolitan government; regulating airport development; amending Minnesota Statutes 1982, section 473.611, subdivision 5.

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

Voss, Coleman, Knuth, McDonald and Price introduced:

H. F. No. 830, A bill for an act relating to manufactured homes; clarifying the prohibition of net listing agreements; adding an appeals provision; correcting cross-references; amending Minnesota Statutes 1982, section 327B.01, subdivisions 11 and 14; 327B.04, subdivision 4; 327B.05, subdivisions 1 and 2, and by adding a subdivision; and 327B.09, subdivisions 1 and 4.

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

Jacobs introduced:

H. F. No. 831, A bill for an act relating to real property; requiring certification by the municipality prior to transfer by the county auditor of certain unplatted properties; amending Minnesota Statutes 1982, section 272.162, subdivisions 2 and 3.

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

Nelson, D.; McEachern and Nelson, K., introduced:

H. F. No. 832, A bill for an act relating to education; establishing a financial assistance program for persons entering the mathematics, science, and certain other teaching professions; establishing summer institutes for mathematics and science teachers.

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

Solberg; Neuenschwander; Olsen; Nelson, K., and Minne introduced:

H. F. No. 833, A bill for an act relating to Independent School District No. 319, Nashwauk-Keewatin; authorizing a transfer of funds to reduce the operating debt.

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

Blatz, Eken, Heinritz, Beard and McEachern introduced:

H. F. No. 834, A bill for an act relating to health; requiring ophthalmic dispensers to have licenses; establishing a board of ophthalmic dispensers; setting a penalty; appropriating money; amending Minnesota Statutes 1982, section 214.01, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 148.

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

Wigley, Kalis, Piepho and Quist introduced:

H. F. No. 835, A bill for an act relating to Blue Earth County; providing for the taxation of the Rapidan Dam power generating facility.

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

Clawson introduced:

H. F. No. 836, A bill for an act relating to the legislative reference library; permitting the library to require certain identification of documents deposited; amending Minnesota Statutes 1982, sections 3.195; and 3.302, by adding a subdivision.

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

Segal; Rodriguez, C.; Mann; McKasy and Pauly introduced:

H. F. No. 837, A bill for an act relating to transportation; providing for a unique registration category and special license plates for commuter vans; defining ridesharing arrangement and other terms; clarifying taxation, licensing, and vehicle use requirements in ridesharing arrangements; excluding certain ridesharing arrangements from the provisions of chapter 176 governing workers' compensation; clarifying employers' liability under workers' compensation for a ridesharing arrangement; excluding participation in a ridesharing arrangement from overtime compensation and the payment of minimum wages as defined in chapter 177; excluding payments other than salary to drivers in ridesharing arrangements from the definition of gross income; excluding motor vehicles participating in ridesharing arrangements from the definition of commercial motor vehicle; deleting the requirement to transfer rideshare program development from the commissioner of transportation; amending Minnesota Statutes 1982, sections 169.01, by adding a subdivision; 174.257, by adding subdivisions; 176.041; 176.051, by adding subdivisions; 290.08, by adding a subdivision; 296.17; and Laws 1981, chapter 363, section 55, subdivision 2; proposing new law coded in Minnesota Statutes, chapters 168 and 177.

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

Graba, Sarna, Jensen and Wigley introduced:

H. F. No. 838, A bill for an act relating to transportation; conforming with federal requirements allowing a state authority to exercise jurisdiction over intrastate transportation provided by rail carrier; amending Minnesota Statutes 1982, sections 218.031, subdivision 1; 218.041, subdivision 2; and 218.071, subdivision 1.

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

Minne introduced:

H. F. No. 839, A bill for an act relating to retirement; providing that certain teaching days shall be counted for purposes of calculating service credit.

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

Levi, Kostohryz, Knuth, Hoffman and Reif introduced:

H. F. No. 840, A bill for an act relating to education; granting certain powers to Special Intermediate School District No. 916; amending Laws 1969, chapter 775, section 3, by adding a subdivision.

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

Welker, Simoneau, Heinitz and Welch introduced:

H. F. No. 841, A bill for an act relating to health; exempting certain drivers of basic life support transportation vehicles from certain requirements; amending Minnesota Statutes 1982, section 144.804, subdivision 1.

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

Johnson, Waltman, Uphus and Redalen introduced:

H. F. No. 842, A bill for an act relating to local government aids; changing the formula for aid distributions to towns; amending Minnesota Statutes 1982, sections 477A.011, subdivisions 2, 4, 5, 7, 9, 10, and 11; and 477A.013.

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

Krueger, Graba, Vellenga and Valan introduced:

H. F. No. 843, A bill for an act relating to education; permitting the continued development and implementation of a low-power television transmission system for certain school districts; appropriating money.

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

Bergstrom introduced:

H. F. No. 844, A bill for an act relating to communications; restricting formation of joint cable communications commissions; clarifying joint cable communications commission; providing for notification of certain schools during cable service franchising; amending Minnesota Statutes 1982, sections 238.02, subdivision 14; 238.08, subdivision 5; 238.09, subdivision 6, and by adding a subdivision.

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

Clark, K., and Greenfield introduced:

H. F. No. 845, A bill for an act relating to public welfare; establishing standards for disregarding certain income and assets in the case of totally disabled persons for purposes of receiving medical assistance; amending Minnesota Statutes 1982, Section 256B.06, by adding a subdivision.

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

### 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, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 215, A bill for an act relating to local government; authorizing flood control projects by the city of Rochester, Olmsted County and the Olmsted county soil conservation district.

PATRICK E. FLAHAVEN, Secretary of the Senate

### CONCURRENCE AND REPASSAGE

Frerichs moved that the House concur in the Senate amendments to H. F. No. 215 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 215, A bill for an act relating to local government; authorizing flood control projects by the city of Rochester, Olmsted County and the Olmsted county soil and water conservation district.

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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Begich	Bishop	Burger	Cohen
Anderson, G.	Bennett	Blatz	Carlson, L.	Coleman
Battaglia	Bergstrom	Brandl	Clark, J.	Dempsey
Beard	Berkelman	Brinkman	Clark, K.	DenOuden

Dimler	Hokr	Minne	Redalen	Stadum
Eken	Jacobs	Munger	Reif	Sviggum
Elioff	Jennings	Murphy	Rice	Swanson
Ellingson	Jensen	Nelson, D.	Riveness	Thiede
Evans	Johnson	Nelson, K.	Rodosovich	Tomlinson
Findlay	Kahn	Neuenschwander	Rodriguez, F.	Tunheim
Fjoslien	Kalis	Norton	Rose	Uphus
Forsythe	Kelly	O'Connor	St. Onge	Valan
Frerichs	Knickerbocker	Ogren	Sarna	Valento
Craba	Knuth	Olsen	Schafer	Vanasek
Greenfield	Kostohryz	Omann	Scheid	Vellenga
Gruenes	Krueger	Onnen	Schoenfeld	Voss
Gustafson	Kvam	Osthoff	Schreiber	Waltman
Gutknecht	Larsen	Otis	Seaberg	Welch
Halberg	Levi	Pauly	Segal	Welker
Haukoos	Long	Peterson	Shaver	Welle
Heap	Ludeman	Piepho	Shea	Wenzel
Heinitz	McDonald	Piper	Sherman	Wigley
Himle	McEachern	Price	Skoglund	Wynia
Hoberg	McKasy	Quinn	Solberg	Zaffke
Hoffman	Metzen	Quist	Sparby	Speaker Sieben

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. 68, A bill for an act relating to local government; setting the dollar amount of contracts subject to the open bidding law; amending Minnesota Statutes 1982, section 471.345, subdivisions 3, 4, and 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Berkelman moved that the House concur in the Senate amendments to H. F. No. 68 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 68, A bill for an act relating to local government; setting the dollar amount of contracts subject to the open bidding law; amending Minnesota Statutes 1982, section 471.345, subdivisions 3, 4, and 5.

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 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Minne                      Osthoff

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 Senate Files, herewith transmitted:

S. F. Nos. 68, 161, 207 and 224.

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. 267.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 68, A bill for an act relating to elections; fair campaign practices; providing a penalty for denial of access to cer-

tain dwellings; amending Minnesota Statutes 1982, section 210A.43, subdivision 4.

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

S. F. No. 161, A bill for an act relating to the city of Minneapolis; changing the position of cable communications officer to the unclassified service; amending Laws 1969, chapter 937, section 1, subdivision 9, as amended.

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

S. F. No. 207, A bill for an act relating to Independent School District No. 466; permitting the sale of certain land subject to agreed conditions.

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

S. F. No. 224, A bill for an act relating to local government; permitting the city of Big Falls and part of Koochiching County to join a hospital district.

The bill was read for the first time.

Neuenschwander moved that S. F. No. 224 and H. F. No. 528, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 267, A bill for an act relating to taxation; increasing the amount of reduced valuations required to be maintained as public record; allowing the commissioner discretion in apportioning levies; increasing the amount of reduction in valuation requiring an opportunity for hearing; allowing county auditors to combine legal descriptions over section lines; classifying farm rental value data; excluding certain corporations from receiving agricultural property tax valuation; providing for continuation of open space treatment; providing for the assessment of certain class 3 property based upon its use; requiring publication of certain requirements for obtaining a homestead after the assessment date; removing special taxing districts from levy limits; allowing counties to charge for NSF checks; providing for rounding of tax amounts on tax statements; directing the use of the previous years mill rate when distributing delinquent tax proceeds; changing the date for filing list of delinquent personal property taxes; extending application of the alternate sale procedure; increasing the fee for lost deeds; changing the process for distributing mortgage registration tax proceeds;



raising the fee for trip permits; requiring filing of an amended estate tax return in certain situations; clarifying the date interest accrues on estate tax amounts due; providing for department action following the filing of an amended return; requiring state's share of federal credit to not be less than state's share of the estate; providing a definition of surviving spouse for estate tax purposes; requiring filing of final account to commissioner of revenue; changing the requirement for filing a declaration of estimated gross earnings tax; imposing a penalty for failure to pay estimated gross earnings tax; extending the time allowed to claim gasoline or special fuel tax refunds; changing the requirements relating to distribution of free samples of cigarettes; imposing a penalty for failure to pay the tax on wines and spirituous liquors; conforming penalties for nonpayment of tax on beer to penalties imposed on other taxes; delaying implementation of the assessment penalty; requiring payment of current taxes before a plat is recorded; amending Minnesota Statutes 1982, sections 270.10, subdivisions 1 and 3; 270.12, subdivision 3; 270.19; 272.46, subdivision 2; 273.11, subdivision 7; 273.111, subdivision 3; 273.112, subdivision 7, and by adding a subdivision; 273.13, subdivisions 4, and 16; 275.50, subdivision 2; 276.02; 276.04; 276.10; 277.02; 282.01, subdivision 7a; 282.33, subdivision 1; 287.08; 291.005, subdivision 1; 291.03, subdivision 1; 291.07, subdivision 1; 291.09, subdivision 3a; 291.131, subdivision 6; 291.132, subdivision 1; 291.215, subdivision 3; 295.365; 295.366, subdivision 1; 296.17, subdivisions 3 and 17; 297.03, subdivision 10; 340.485, subdivision 1, and by adding subdivisions; 340.492; 477A.04; 505.04; repealing Minnesota Statutes 1982, sections 272.022; 272.023; 272.024; 273.13, subdivision 18; 273.23; 273.24; 273.28; 273.29; 273.30; 273.31; 273.34; 273.44; 273.45; 273.52; 288.01; 288.02; 288.03; 288.04; 288.05; 291.07, subdivision 3; and 473F.04.

The bill was read for the first time.

Scheid moved that S. F. No. 267 and H. F. No. 211, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

### CONSENT CALENDAR

H. F. No. 468, A bill for an act relating to education; authorizing the commissioner to approve one additional application for the part-time teaching program for fiscal year 1982 under certain conditions.

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

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 167, A bill for an act relating to liquor; authorizing the city of Dilworth to issue one on-sale license to an Eagles Club.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Cohen	Haukoos	Kvam	Olsen
Anderson, G.	Coleman	Heap	Larsen	Omann
Anderson, R.	Dempsey	Heinitz	Levi	Onnen
Battaglia	Dimler	Himle	Long	Osthoff
Beard	Eken	Hoberg	Ludeman	Otis
Begich	Elioff	Hoffman	McDonald	Pauly
Bennett	Ellingson	Hokr	McEachern	Peterson
Bergstrom	Evans	Jacobs	McKasy	Piepho
Berkelman	Findlay	Jennings	Metzen	Piper
Bishop	Fjoslien	Jensen	Minne	Price
Blatz	Forsythe	Johnson	Munger	Quinn
Brandl	Frerichs	Kahn	Murphy	Quist
Brinkman	Graba	Kalis	Nelson, D.	Redalen
Burger	Greenfield	Kelly	Nelson, K.	Reif
Carlson, D.	Gruenes	Knickerbocker	Neuenschwander	Rice
Carlson, L.	Gustafson	Knuth	Norton	Riveness
Clark, J.	Gutknecht	Kostohryz	O'Connor	Rodosovich
Clark, K.	Halberg	Krueger	Ogren	Rodriguez, F.

Rose	Seaberg	Stadum	Valan	Welle
St. Onge	Segal	Sviggum	Valento	Wenzel
Sarna	Shaver	Swanson	Vanasek	Wigley
Schafer	Shea	Thiede	Voss	Wynia
Scheid	Sherman	Tomlinson	Waltman	Zaffke
Schoenfeld	Skoglund	Tunheim	Welch	Speaker Sieben
Schreiber	Sparby	Uphus	Welker	

Those who voted in the negative were:

DenOuden      Erickson

The bill was passed and its title agreed to.

H. F. No. 289 was reported to the House.

O'Connor moved to amend H. F. No. 289, as follows:

Page 1, line 13, after "on" delete "either of" and after "as the" delete "Highland Park and the"

Page 1, line 14, delete "houses" and insert "house"

Amend the title:

Page 1, line 4, delete "Highland Park"

Page 1, line 5, delete "and"

Page 1, line 5, delete "houses" and insert "house"

O'Connor moved that H. F. No. 289 be continued. The motion prevailed.

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 third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Berkelman	Clark, J.	Ellingson	Gruenes
Anderson, G.	Bishop	Clark, K.	Evans	Gutknecht
Anderson, R.	Blatz	Cohen	Findlay	Halberg
Battaglia	Brandl	Coleman	Fjoslien	Haukoos
Beard	Brinkman	Dempsey	Forsythe	Heap
Begich	Burger	Dimler	Frerichs	Heinitz
Bennett	Carlson, D.	Eken	Graba	Himle
Bergstrom	Carlson, L.	Elioff	Greenfield	Hoberg

Hoffman	McDonald	Otis	Schoenfeld	Valan
Hokr	McEachern	Pauly	Schreiber	Valento
Jacobs	McKasy	Peterson	Seaberg	Vanasek
Jennings	Metzen	Piepho	Segal	Vellenga
Jensen	Minne	Piper	Shaver	Voss
Johnson	Munger	Price	Shea	Waltman
Kahn	Murphy	Quinn	Sherman	Welch
Kalis	Nelson, D.	Quist	Skoglund	Welker
Kelly	Nelson, K.	Redalen	Solberg	Welle
Knickerbocker	Neuenschwander	Rice	Sparby	Wenzel
Knuth	Norton	Rodosovich	Stadum	Wigley
Kostohryz	O'Connor	Rodriguez, F.	Sviggum	Wynia
Krueger	Ogren	Rose	Swanson	Speaker Sieben
Kvam	Olsen	St. Onge	Thiede	
Larsen	Omann	Sarna	Tomlinson	
Levi	Onnen	Schafer	Tunheim	
Ludeman	Osthoff	Scheid	Uphus	

Those who voted in the negative were:

DenOuden      Erickson

The bill was passed and its title agreed to.

Valan was excused at 4:10 p.m. Stadum was excused at 4:20 p.m. Halberg was excused at 4:35 p.m.

### 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. Wynia presided during a portion of the meeting of the Committee of the Whole. 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. 166, 30, 31, 367, 445, 463, 218, 226, 316, 561 and 576 which it recommended to pass.

S. F. Nos. 325, 421 and 270 which it recommended to pass.

H. F. Nos. 588, 73, 123, 157, 290 and 318 which it recommended progress.

S. F. No. 186 which it recommended progress.

H. F. Nos. 359 and 91 which it recommended progress retaining its place on General Orders.

H. F. No. 138 which it recommended progress until Monday, March 28, 1983.

H. F. No. 90 which it recommended to pass with the following amendment offered by Frerichs:

Page 2, line 14, after the period insert "*A fine for a violation of this subdivision which is a petty misdemeanor may not exceed \$25.*"

H. F. No. 643 which it recommended to pass with the following amendment offered by McEachern:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 125.12 is amended by adding a subdivision to read:

*Subd. 1a. [NONPROVISIONAL LICENSE DEFINED.] For purposes of this section, "nonprovisional license" shall mean an entrance, continuing, or life license.*

Sec. 2. Minnesota Statutes 1982, section 125.12, subdivision 6a, is amended to read:

Subd. 6a. [NEGOTIATED UNREQUESTED LEAVE OF ABSENCE.] The school board and the exclusive bargaining representative of the teachers may negotiate a plan providing for unrequested leave of absence without pay or fringe benefits for as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts. Failing to successfully negotiate such a plan, the provisions of subdivision 6b shall apply. *The negotiated plan shall not include provisions which would result in the exercise of seniority by a teacher holding a provisional license, other than a vocational education license, contrary to the provisions of subdivision 6b, clause (c), or the reinstatement of a teacher holding a provisional license, other than a vocational education license, contrary to the provisions of subdivision 6b, clause (e).* The provisions of section 179.72 shall not apply for the purposes of this subdivision.

Sec. 3. Minnesota Statutes 1982, section 125.12, subdivision 6b, is amended to read:

Subd. 6b. [UNREQUESTED LEAVE OF ABSENCE.] The school board may place on unrequested leave of absence, without pay or fringe benefits, as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts. The unrequested leave shall be effective at the close of the

school year. In placing teachers on unrequested leave, the board shall be governed by the following provisions:

(a) The board may place probationary teachers on unrequested leave first in the inverse order of their employment. No teacher who has acquired continuing contract rights shall be placed on unrequested leave of absence while probationary teachers are retained in positions for which the teacher who has acquired continuing contract rights is licensed;

(b) Teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed in the inverse order in which they were employed by the school district. In the case of equal seniority, the order in which teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed shall be negotiable;

(c) *Notwithstanding the provisions of clause (b), no teacher shall be entitled to exercise any seniority when that exercise results in that teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the board of teaching, unless that exercise of seniority results in the placement on unrequested leave of absence of another teacher who also holds a provisional license in the same field. The provisions of this clause shall not apply to vocational education licenses;*

((C)) (d) *Notwithstanding clauses (a) (AND), (b) and (c), if (EITHER) the placing of a probationary teacher on unrequested leave before a teacher who has acquired continuing rights, (OR) the placing of a teacher who has acquired continuing contract rights on unrequested leave before another teacher who has acquired continuing contract rights but who has greater seniority, or the restriction imposed by the provisions of clause (c) would place the district in violation of its affirmative action program, the district may retain the probationary teacher (OR), the teacher with less seniority, or the provisionally licensed teacher;*

((D)) (e) Teachers placed on unrequested leave of absence shall be reinstated to the positions from which they have been given leaves of absence or, if not available, to other available positions in the school district in fields in which they are licensed. Reinstatement shall be in the inverse order of placement on leave of absence. *No teacher shall be reinstated to a position in a field in which the teacher holds only a provisional license, other than a vocational education license, while another teacher who holds a nonprovisional license in the same field remains on unrequested leave. The order of reinstatement of teachers who have equal seniority and who are placed on unrequested leave in the same school year shall be negotiable;*

((E)) (f) No appointment of a new teacher shall be made while there is available, on unrequested leave, a teacher who is properly licensed to fill such vacancy, unless the teacher fails to advise the school board within 30 days of the date of notification that a position is available to him, that he may return to employment and that he will assume the duties of the position to which appointed on a future date determined by the board;

((F)) (g) A teacher placed on unrequested leave of absence may engage in teaching or any other occupation during the period of this leave;

((G)) (h) The unrequested leave of absence shall not impair the continuing contract rights of a teacher or result in a loss of credit for previous years of service;

((H)) (i) The unrequested leave of absence of a teacher who is placed on unrequested leave of absence prior to January 1, 1978 and who is not reinstated shall continue for a period of two years after which the right to reinstatement shall terminate. The unrequested leave of absence of a teacher who is placed on unrequested leave of absence on or after January 1, 1978 and who is not reinstated shall continue for a period of five years, after which the right to reinstatement shall terminate; provided the teacher's right to reinstatement shall also terminate if he fails to file with the board by April 1 of any year a written statement requesting reinstatement;

((I)) (j) The same provisions applicable to terminations of probationary or continuing contracts in subdivisions 3 and 4 shall apply to placement on unrequested leave of absence;

((J)) (k) Nothing in this subdivision shall be construed to impair the rights of teachers placed on unrequested leave of absence to receive unemployment compensation if otherwise eligible.

Sec. 4. Minnesota Statutes 1982, section 125.17, subdivision 1, is amended to read:

Subdivision 1. [WORDS, TERMS, AND PHRASES.] Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of the following subdivisions in this section shall be defined as follows:

(a) [TEACHERS.] The term "teacher" includes every person regularly employed, as a principal, or to give instruction in a classroom, or to superintend or supervise classroom instruction, or as placement teacher and visiting teacher. Persons regularly employed as counselors and school librarians shall be covered by these sections as teachers if licensed as teachers or as school librarians.

(b) [SCHOOL BOARD.] The term "school board" includes a majority in membership of any and all boards or official bodies having the care, management, or control over public schools.

(c) [DEMOTE.] The word "demote" means to reduce in rank or to transfer to a lower branch of the service or to a position carrying a lower salary or compensation.

(d) [NONPROVISIONAL LICENSE.] *For purposes of this section, "nonprovisional license" shall mean an entrance, continuing, or life license.*

Sec. 5. Minnesota Statutes 1982, section 125.17, subdivision 11, is amended to read:

Subd. 11. [SERVICES TERMINATED BY DISCONTINUANCE OR LACK OF PUPILS; PREFERENCE GIVEN.]

(a) Any teacher whose services are terminated on account of discontinuance of position or lack of pupils shall receive first consideration for other positions in the district for which she is qualified. In the event it becomes necessary to discontinue one or more positions, in making such discontinuance, teachers shall be discontinued in any department in the inverse order in which they were employed.

(b) *Notwithstanding the provisions of clause (a), no teacher shall be entitled to exercise any seniority when that exercise results in that teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the board of teaching, unless that exercise of seniority results in the termination of services, on account of discontinuance of position or lack of pupils, of another teacher who also holds a provisional license in the same field. The provisions of this clause shall not apply to vocational education licenses.*

(c) *Notwithstanding the provisions of clause (a), no teacher shall be reinstated to a position in a field in which the teacher holds only a provisional license, other than a vocational education license, while another teacher who holds a nonprovisional license in the same field is available for reinstatement.*

Sec. 6. Laws 1974, chapter 237, section 1, is amended to read:

Section 1. [INDEPENDENT SCHOOL DISTRICT NO. 709; TERMINATION OF TEACHING POSITIONS.] Independent School District No. 709, St. Louis county, and the exclusive representative of teachers as defined by Minnesota Statutes, 1973 Supplement, Section 179.63, Subdivision 13, may enter into a written agreement with respect to the termination of such teachers due to discontinuance of position or lack of pupils within the school district, which may include a method, system



or scheme other than that provided by Minnesota Statutes, Section 125.17, Subdivision 11, or any act amendatory thereof. *The written agreement entered into pursuant to this section shall not include provisions allowing a teacher to exercise any seniority when that exercise results in the teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the board of teaching, other than vocational education license, unless that exercise of seniority results in the termination of services, on account of discontinuance of position or lack of pupils, of another teacher who also holds a provisional license in the same field. In addition, the written agreement entered into pursuant to this section shall not include provisions allowing a teacher to be reinstated to a position in a field in which the teacher holds only a provisional license, other than a vocational education license, while another teacher who holds a nonprovisional license in the same field is available for reinstatement.*

Sec. 7. [EXEMPTION FROM APPLICATION.]

*The provisions of sections 1 to 6 shall not apply to any final decisions relating to placing teachers, as defined in Minnesota Statutes 1982, section 125.12, subdivision 1, on unrequested leaves of absence or, in the case of cities of the first class, termination of services of teachers, as defined in Minnesota Statutes 1982, section 125.17, subdivision 1, on account of discontinuance of position or lack of pupils made by school boards prior to the effective date of this act. The provisions of this act shall not apply to any school district that, on the effective date of this act, is governed by a contractual agreement which includes specific terms explicitly allowing the exercise of seniority rights by teachers holding provisional licenses, the results of which would be contrary to the provisions of this act, until the expiration of that contractual agreement. All contractual agreements entered into after the effective date of this act shall be consistent with this act.*

Sec. 8. [EFFECTIVE DATE.]

*This act shall be effective the day after final enactment."*

Delete the title and insert:

"A bill for an act relating to education; modifying the exercise of seniority by licensed teachers in certain circumstances; amending Minnesota Statutes 1982, sections 125.12, subdivisions 6a and 6b, and by adding a subdivision; and 125.17, subdivisions 1 and 11; and Laws 1974, chapter 237, section 1."

H. F. No. 419 which it recommended to pass with the following amendment offered by Kalis:

Page 7, after line 26, insert:

"Sec. 2. Minnesota Statutes 1982, section 65A.26, is amended to read:

**65A.26 [HAIL INSURANCE, POLICIES, LOSS ADJUSTMENT.]**

Every policy of insurance against damage by hail issued by any company, however organized, (SHALL) *must* provide as follows: "in case of loss under this policy, and failure of the parties to agree as to the amount of (SUCH) *the* loss, it is mutually agreed that (SUCH AMOUNT SHALL BE REFERRED TO THREE DISINTERESTED PERSONS), *on written demand of either party*, the company and the insured each (CHOOSING ONE OUT OF THREE PERSONS NAMED BY THE OTHER, THE THIRD BEING SELECTED BY SUCH TWO) *shall select a competent appraiser and notify the other of the appraiser selected within ten days of the demand. The appraisers shall first select a competent and disinterested umpire; and, failing for ten days to agree upon the umpire, then, on request of either appraiser, the umpire shall be selected by a judge of a court of record in the state in which the property covered is located. By mutual agreement the two appraisers may agree to have the umpire selected by a judge of a court of record and waive the ten-day provision.*

*The appraisers and the umpire shall then appraise the loss. An award in writing of any two of these persons determines the amount of loss. The written award of a majority of (SUCH) these referees (SHALL BE) is final and conclusive upon the parties as to amount of loss, and (SUCH REFERENCE) this selection, unless waived by the parties, (SHALL BE) is a condition precedent to any right of action to recover for (SUCH) a loss (, AND). No suit for the recovery of any claim by virtue of this policy (SHALL) *may* be sustained unless commenced within one year after the loss occurred (, ) ."* (AND SHALL) *The policy must also provide the form, manner, and length of notice to be given to the company by the insured of any loss sustained.*

Sec. 2. Minnesota Statutes 1982, section 66A.29, is amended to read:

**66A.29 [ARBITRATION REQUIRED.]**

Every policy (SHALL) *must* provide as follows: "In case of loss under this policy, and failure of the parties to agree as to the amount of (SUCH) *the* loss, it is mutually agreed that (SUCH AMOUNT SHALL BE REFERRED TO THREE DISINTERESTED PERSONS), *on written demand of either party*, the company and the insured each (CHOOSING ONE OUT OF THREE PERSONS NAMED BY THE OTHER, THE THIRD BEING SELECTED BY SUCH TWO) *shall select a competent*

*appraiser and notify the other of the appraiser selected within ten days of the demand. The appraisers shall first select a competent and disinterested umpire; and, failing for ten days to agree upon the umpire, then, on request of either appraiser, the umpire shall be selected by a judge of a court of record in the state in which the property covered is located. By mutual agreement the two appraisers may agree to have the umpire selected by a judge of a court of record and waive the ten-day provision.*

*The appraisers and the umpire shall then appraise the loss. An award in writing of any two of these persons determines the amount of loss. The written award of a majority of (SUCH) these referees (SHALL BE) is final and conclusive upon the parties as to the amount of loss, and (SUCH REFERENCE) this selection, unless waived by the parties, (SHALL BE) is a condition precedent to any right of action to recover for (SUCH) a loss (, AND). No suit for the recovery of any claim by virtue of this policy (SHALL) may be sustained unless commenced within six months after the loss occurred (;).” (AND SHALL) The policy must also provide the form, manner, and length of notice to be given to the company by the insured of any loss sustained.”*

Renumber the sections

Amend the title as follows:

Page 1, line 2, after “fire;” insert “hail;”

Page 1, line 7, after the semi-colon insert “providing for the appraisal of losses; specifying the procedure to be used in selecting appraisers;”

Page 1, line 8, after “3;” insert “65A.26; 65A.29;”

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

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

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

The question was taken on the motion to recommend passage of H. F. No. 31 and the roll was called. There were 95 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Anderson, B.  
Anderson, G.

Battaglia  
Beard

Begich  
Bergstrom

Berkelman  
Bishop

Brandl  
Brinkman

Burger	Himle	Ludeman	Peterson	Shaver
Carlson, L.	Hoberg	McEachern	Piepho	Shea
Clark, J.	Hoffman	Metzen	Piper	Skoglund
Clark, K.	Jacobs	Minne	Price	Solberg
Cohen	Jennings	Murphy	Quinn	Sparby
Coleman	Jensen	Nelson, D.	Reif	Swanson
Eken	Johnson	Nelson, K.	Rice	Tomlinson
Elioff	Kahn	Neuenschwander	Riveness	Tunheim
Ellingson	Kalis	Norton	Rodosovich	Valan
Fjoslien	Kelly	O'Connor	Rodriguez, F.	Vanasek
Forsythe	Knickerbocker	Ogren	Rose	Vellenga
Graba	Knuth	Olsen	St. Onge	Voss
Greenfield	Kostohryz	Omann	Sarna	Welch
Gruenes	Krueger	Onnen	Scheid	Wenzel
Gustafson	Larsen	Osthoff	Schoenfeld	Wigley
Heap	Levi	Otis	Seaberg	Zaffke
Heinitz	Long	Pauly	Segal	Speaker Sieben

Those who voted in the negative were:

Bennett	Erickson	Hokr	Sherman	Waltman
Blatz	Evans	Kvam	Stadum	Welker
Carlson, D.	Findlay	McKasy	Sviggum	Welle
Dempsey	Frerichs	Quist	Thiede	
DenOuden	Gutknecht	Redalen	Uphus	
Dimler	Haukoos	Schafer	Valento	

The motion prevailed.

The question was taken on the Anderson, G., motion to re-refer H. F. No. 90, as amended, to the Committee on Judiciary and the roll was called. There were 55 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frerichs	Jacobs	Ogren	Sviggum
Bennett	Graba	Jennings	Onnen	Swanson
Bishop	Gruenes	Johnson	Piepho	Thiede
Burger	Gutknecht	Krueger	Redalen	Valan
Carlson, D.	Halberg	Kvam	Rose	Valento
Dempsey	Haukoos	Levi	St. Onge	Voss
DenOuden	Heap	Ludeman	Sarna	Waltman
Erickson	Heinitz	McDonald	Shaver	Welch
Evans	Himle	McEachern	Sherman	Welker
Findlay	Hoberg	Neuenschwander	Sparby	Wigley
Fjoslien	Hokr	O'Connor	Stadum	Zaffke

Those who voted in the negative were:

Anderson, R.	Cohen	Kalis	Nelson, D.	Quist
Battaglia	Coleman	Kelly	Nelson, K.	Reif
Beard	Dimler	Knickerbocker	Norton	Rice
Begich	Eken	Knuth	Olsen	Riveness
Berkelman	Elioff	Kostohryz	Omann	Rodosovich
Blatz	Ellingson	Larsen	Osthoff	Rodriguez, F.
Brandl	Forsythe	Long	Otis	Scheid
Brinkman	Greenfield	McKasy	Pauly	Schoenfeld
Carlson, L.	Gustafson	Metzen	Peterson	Schreiber
Clark, J.	Hoffman	Minne	Piper	Seaberg
Clark, K.	Jensen	Munger	Price	Segal
Clawson	Kahn	Murphy	Quinn	Shea

Skoglund	Tunheim	Vellenga	Wynia	Speaker Sieben
Solberg	Uphus	Welle		
Tomlinson	Vanasek	Wenzel		

The motion did not prevail.

The question was taken on the motion to recommend passage of H. F. No. 90, as amended, and the roll was called. There were 71 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Long	Price	Solberg
Anderson, R.	Forsythe	McKasy	Quinn	Swanson
Battaglia	Graba	Metzen	Quist	Tomlinson
Beard	Greenfield	Minne	Reif	Tunheim
Berkelman	Gruenes	Munger	Rice	Uphus
Blatz	Gustafson	Murphy	Riveness	Vanasek
Brandl	Hoffman	Nelson, D.	Rodosovich	Vellenga
Burger	Jensen	Nelson, K.	Rodriguez, F.	Welle
Carlson, L.	Kalis	Norton	Scheid	Wenzel
Clark, J.	Kelly	Olsen	Schoenfeld	Wynia
Clark, K.	Knickerbocker	Osthoff	Schreiber	Speaker Sieben
Cohen	Knuth	Otis	Seaberg	
Coleman	Kostohryz	Pauly	Segal	
Dimler	Krueger	Peterson	Shea	
Eken	Larsen	Piper	Skoglund	

Those who voted in the negative were:

Anderson, G.	Frerichs	Kvam	Redalen	Valan
Bennett	Gutknecht	Levi	Rose	Valento
Bishop	Halberg	Ludeman	St. Onge	Voss
Carlson, D.	Haukoos	McDonald	Sarna	Waltman
Dempsey	Heap	McEachern	Schafer	Welch
DenOuden	Heinitz	Neuenschwander	Shaver	Welker
Elioff	Himle	O'Connor	Sherman	Wigley
Erickson	Hoberg	Ogren	Sparby	Zaffke
Evans	Jacobs	Omann	Stadum	
Findlay	Jennings	Onnen	Sviggum	
Fjoslien	Johnson	Piepho	Thiede	

The motion prevailed.

## MOTIONS AND RESOLUTIONS

Sviggum moved that the name of Findlay be added as an author on H. F. No. 285. The motion prevailed.

Fjoslien moved that the name of Findlay be added as an author on H. F. No. 329. The motion prevailed.

Anderson, R., moved that the name of Rodriguez, F., be added as an author on H. F. No. 257. The motion prevailed.

Heinitz and Metzen moved that their names be stricken as authors on H. F. No. 269. The motion prevailed.

Minne moved that the name of Otis be added as an author on H. F. No. 743. The motion prevailed.

Bergstrom moved that the name of Findlay be added as an author on H. F. No. 130. The motion prevailed.

Dempsey moved that the name of Berkelman be added as an author on H. F. No. 421. The motion prevailed.

Clark, K., moved that the name of Elioff be added as an author on H. F. No. 845. The motion prevailed.

Nelson, D., moved that the names of Levi and Olsen be added as authors on H. F. No. 832. The motion prevailed.

Rodriguez, F., moved that the names of Rodosovich; Coleman; Clark, K., and Wigley be added as authors on H. F. No. 795. The motion prevailed.

Rodriguez, F., moved that the names of Sarna and Metzen be added as authors on H. F. No. 815. The motion prevailed.

Piper moved that S. F. No. 186, now on General Orders, be referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Wenzel, Valan, Mann, McEachern and Findlay introduced:

House Resolution No. 3, A house resolution proclaiming March 21, 1983, to be "Agriculture Day" in Minnesota.

#### SUSPENSION OF RULES

Wenzel moved that the rules be so far suspended that House Resolution No. 3 be now considered and be placed upon its adoption. The motion prevailed.

#### HOUSE RESOLUTION NO. 3

A house resolution proclaiming March 21, 1983, to be "Agriculture Day" in Minnesota.

*Whereas*, Minnesota is among the nation's leading states in agricultural production and cash receipts from agricultural products and livestock; and

*Whereas*, agriculture and its related industries provide approximately one-third of the state's employment opportunities and 40 percent of the gross state product; and

*Whereas*, the value of Minnesota farm production last year exceeded 7.5 billion dollars, with more than double that amount generated due to related marketing, processing, packaging, and distribution; and

*Whereas*, Minnesota ranks among the nation's top five states in agricultural cash receipts, crop marketing, and the production of oats, sweet corn, wild rice, turkeys, wheat, sugar beets, dairy products, and livestock; and

*Whereas*, the future of Minnesota's farms and agricultural industries remains the key to the future of the state economy as a whole; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota that March 21 is proclaimed to be Agriculture Day in Minnesota. The House of Representatives recognizes the critical nature of the agricultural economy and the challenging and complex problems being faced by our state farmers and agribusinesses and reaffirms its commitment to maintaining and improving the vitality of agriculture in our state.

*Be It Further Resolved* that the Chief Clerk of the House of Representatives is directed to enroll a copy of this resolution, to be authenticated by his signature and that of the Speaker, and that it be presented to representatives of the appropriate agricultural organizations and industries.

Wenzel moved that House Resolution No. 3 be now adopted. The motion prevailed and House Resolution No. 3 was adopted.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, March 24, 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., Thursday, March 24, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

