

STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1983

THIRTIETH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 4, 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 Father John F. Traufler, St. Adrian's Church, Adrian, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Dempsey, Heap, Schoenfeld and Waltman were excused.

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

dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

On Wednesday, March 30, 1983, the voting station on Representative Omann's desk was not working properly when the votes were taken on final passage of S. F. No. 327 and H. F. No. 617. He indicated that it was his intention to vote "no" on both bills.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 210, 403, 430, 544, 633, 706, 760, 159, 250, 251, 287, 384, 406, 412, 474, 491, 521, 540, 541, 573, 578, 602, 610, 631, 830 and 785 and S. F. Nos. 240, 278, 427, 428 and 96 have been placed in the members' files.

S. F. No. 552 and H. F. No. 578, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Gustafson moved that the rules be so far suspended that S. F. No. 552 be substituted for H. F. No. 578 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 240 and H. F. No. 287, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Clark, J., moved that the rules be so far suspended that S. F. No. 240 be substituted for H. F. No. 287 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 30, 1983

The Honorable Harry Sieben, Jr.
Speaker of the House
276 State Office Building
St. Paul, Minnesota 55155

Dear Speaker Sieben:

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

H. F. No. 201, relating to taxation; making administrative and technical changes to income tax and property tax refund provisions; imposing a penalty; amending Minnesota Statutes 1982, sections 13.46, subdivision 2; 176.231, subdivision 9; 290.-032, subdivision 2; 290.06, subdivisions 1, 2c, 2e, as amended, and 3d; 290.068, subdivision 3; 290.077, subdivisions 1 and 4; 290.081; 290.09, subdivisions 1, 6, and 29; 290.095, subdivision 7; 290.12, subdivision 2; 290.17, subdivision 2; 290.21, subdivision 4; 290.26, subdivision 2; 290.39, subdivision 1; 290.49, subdivision 8; 290.50, subdivisions 1 and 5; 290.53, subdivision 3a and by adding a subdivision; 290.531; 290.92, subdivision 5a; 290A.03, subdivision 13; 290A.04, subdivision 3; 290A.111, subdivision 2; 290A.112, subdivision 2; and Laws 1981, Third Special Session chapter 2, article IV, section 14; and repealing Minnesota Statutes 1982, sections 136A.235; 290.01, subdivision 25; 290.07, subdivision 5a; 290.071, subdivisions 2, 3, 4, and 6; 290.26, subdivision 2a; 290.34, subdivision 3; 290.48, subdivision 6; 290A.04, subdivisions 2c and 2d.

Sincerely,

RUDY PERPICH
Governor

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

March 30, 1983

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

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1983</i>	<i>Date Filed 1983</i>
	201	15	March 30	March 30

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

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

H. F. No. 230, A bill for an act relating to insurance; prohibiting sex and age discrimination under the Minnesota comprehensive health insurance plan; amending Minnesota Statutes 1982, section 62E.08, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 62E.08, subdivision 1, is amended to read:

Subdivision 1. The association shall establish the following maximum premiums to be charged for membership in the comprehensive health insurance plan:

(a) The premium for the number one qualified plan shall be up to a maximum of 125 percent of the average of rates charged by the five insurers with the largest number of individuals in a number one individual qualified plan of insurance in force in Minnesota;

(b) The premium for the number two qualified plan shall be up to a maximum of 125 percent of the average of rates charged by the five insurers with the largest number of individuals in a number two individual qualified plan of insurance in force in Minnesota;

(c) The premium for a qualified medicare supplement plan shall be up to a maximum of 125 percent of the average of rates charged by the five insurers with the largest number of individuals enrolled in a qualified medicare supplement plan; and

(d) The charge for health maintenance organization coverage shall be based on generally accepted actuarial principles.

The five insurers whose rates are used to establish the premium for each type of coverage offered by the association shall be determined by the commissioner on the basis of information provided by all insurers annually at the commissioner's request, concerning the number of individual qualified plans and qualified medicare supplement plans or actuarially equivalent plans offered by the insurer and rates charged by the insurer for each type of plan offered by the insurer. In determining the insurers whose rates shall be used in establishing the premium, the commissioner shall utilize generally accepted actuarial principles and structurally compatible rates. Subject to this subdivision, the commissioner shall include any insurer operating pursuant

to chapter 62C in establishing the premium. In establishing premiums pursuant to this section, the association shall utilize generally accepted actuarial principles, *provided that the association shall not discriminate in charging premiums based upon sex.*"

Delete the title and insert:

"A bill for an act relating to insurance; prohibiting sex discrimination under Minnesota comprehensive health insurance plan; amending Minnesota Statutes 1982, section 62E.08, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 270, A bill for an act relating to agriculture; providing that certain agricultural operations are not private or public nuisances; amending Minnesota Statutes 1982, section 561.19, subdivisions 2 and 5.

Reported the same back with the following amendments:

Page 2, delete lines 8 to 15

Amend the title as follows:

Page 1, line 5, delete "subdivisions 2 and 5" and insert "subdivision 2"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 334, 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.

Reported the same back with the following amendments:

Page 2, line 5, delete everything after "*jurisdiction*" and insert a period

Page 2, delete lines 6 and 7 and insert "*Prior to closing a state university the board shall hold a public hearing on the issue in the area which would be affected by the closing. At the hearing affected persons shall have an opportunity to present testimony. The hearing shall be conducted by the office of administrative hearings. The hearing examiner shall prepare a summary of testimony received at the hearing for the board. The board shall give notice of this hearing by publishing notice in the State Register and in a newspaper of general circulation in the affected area at least 30 days before the scheduled hearing.*"

Page 4, line 5, after "*jurisdiction*" insert a period

Page 4, delete lines 6 and 7 and insert "*Prior to closing a community college the board shall hold a public hearing on the issue in the area which would be affected by the closing. At the hearing affected persons shall have an opportunity to present testimony. The hearing shall be conducted by the office of administrative hearings. The hearing examiner shall prepare a summary of testimony received at the hearing for the board. The board shall give notice of this hearing by publishing notice in the State Register and in a newspaper of general circulation in the affected area at least 30 days before the scheduled hearing.*"

Page 5, line 18, after "*the*" insert "*state*"

Page 5, line 18, after "*of*" insert "*state*"

Page 7, line 4, delete "*salary*" and insert "*compensation*"

Page 7, line 4, after "*for*" insert "*state*"

Page 7, line 5, delete "*and*" and insert "*. Compensation plans shall be approved by the commissioner of employee relations before becoming effective. The board'*"

Page 7, line 6, delete everything after "chancellor"

Page 7, line 7, delete "15A.081"

Page 7, line 23, delete the colon

Page 7, delete line 24

Page 7, line 25, delete "(b)"

Page 7, line 35, delete everything after the period

Page 7, delete line 36

Page 8, delete lines 1 to 4 and insert "*Rules promulgated prior to the establishment of the board shall remain in effect until new rules are promulgated by the board.*"

Page 8, line 15, after "school" delete the remainder of the line

Page 8, delete line 16

Page 8, line 17, delete everything up to the period and after the period insert "*Prior to rescinding approval the board shall hold a public hearing on the issue in the area which would be affected by the rescission. At the hearing affected persons shall have an opportunity to present testimony. The hearing shall be conducted by the office of administrative hearings. The hearing examiner shall prepare a summary of testimony received at the hearing for the board. The board shall give notice of this hearing by publishing notice in the State Register and in a newspaper of general circulation in the affected area at least 30 days before the scheduled hearing.*"

Page 8, line 27, after the second "the" insert "affected"

Page 8, line 28, delete "affected" and insert "following public notice and hearings"

Page 8, line 29, delete the second "or" and insert ". The board is authorized"

Page 8, line 33, delete everything after the period

Page 8, delete lines 34 to 36

Page 11, after line 3, insert "*Rules promulgated prior to the establishment of the board of vocational technical education shall remain in effect until new rules are promulgated by the boards.*"

Page 11, after line 8, insert:

"Subd. 3. [APPROVAL.] The joint promulgation of a rule shall require the approval of a majority of the members of each board who vote on the issue."

Page 13, line 14, delete "state board"

Page 13, line 25, delete "43" and insert "43A"

Page 14, line 31, after "community" insert "or in nearby communities"

Page 14, line 33, after "Hibbing," insert "Virginia-Eveleth,"

Page 14, line 34, delete everything after "Minneapolis," and insert "Brooklyn Park, Anoka-Coon Rapids, Rosemount-Inver Grove Heights, and Bloomington-Eden Prairie."

Page 15, delete lines 13 and 14

Page 15, line 15, delete "savings." and insert "The chancellors shall submit all approved plans to their governing boards for review."

Page 15, line 19, delete "and the chancellors" and insert ", the state board for community colleges, and the state board for vocational technical education"

Page 15, line 35, delete "and 18 to 20" and insert "18 and 19"

Page 15, line 36, after "17" insert ", 20"

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

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 389, A bill for an act relating to drivers licenses; requiring a licensee to add birth date to the signature; amending Minnesota Statutes 1982, section 171.07, subdivision 1.

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

The report was adopted.

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

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

Reported the same back with the following amendments:

Page 1, line 11, delete "*intoxicating liquor*" and insert "*distilled liquor or wine*"

Page 1, line 14, strike "*intoxicating liquor*" and insert "*distilled liquor or wine*"

Page 1, line 15, strike "*intoxicating liquor*" and insert "*distilled liquor or wine*"

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 481, A bill for an act relating to agriculture; requiring the commissioner of agriculture to make certain rules relating to milk for manufacturing purposes; establishing a loan guarantee program; appropriating money; proposing new law coded in Minnesota Statutes, chapter 32.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [32.415] [MILK FOR MANUFACTURING; QUALITY STANDARDS.]

In order to provide uniform quality standards, producers of milk used for manufacturing purposes shall conform to the standards contained in Subparts D and F of the United States Department of Agriculture Consumer and Marketing Service Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing, Vol. 37 Federal Register, No. 68, Part II, April 7, 1972, with the following exceptions:

(a) *Inspections of producers shall begin not later than January 1, 1985;*

(b) Producers shall comply with the standards not later than July 1, 1986, except as otherwise allowed under the standards; and

(c) The commissioner shall develop methods by which producers can comply with the standards without violation of religious beliefs. The commissioner may adopt rules, including temporary rules, for the purpose of this clause.

The commissioner of agriculture shall perform or contract for the performance of the inspections necessary to implement this section or shall certify dairy industry personnel to perform the inspections.

The commissioner and other employees of the department shall make every reasonable effort to assist producers in achieving the milk quality standards at minimum cost and to use the experience and expertise of the University of Minnesota and the agricultural extension service to assist producers in achieving the milk quality standards in the most cost-effective manner.

The commissioner of agriculture shall consult with producers, processors, and others involved in the dairy industry in order to prepare for the implementation of this section including development of informational and educational materials, meetings, and other methods of informing producers about the implementation of standards under this section.

Sec. 2. [32.416] [LOAN GUARANTEE PROGRAM.]

Subdivision 1. [PRODUCER ASSISTANCE.] The commissioner shall administer a loan guarantee and interest adjustment program for producers to assist in financing any real property improvements required by section 1.

Subd. 2. [DEFINITIONS.] For the purposes of sections 2 and 3, "lender" has the meaning given in section 41.52, subdivision 7, except that "lender" also includes creameries, dairy cooperatives, and other milk purchasing businesses which finance the improvements required by section 1, "commissioner" means the commissioner of agriculture, and "applicant" means a dairy farmer storing milk in cans who is required to make any real property improvements required by section 1. An applicant must have resided on a farm receiving homestead credit under section 273.13 prior to January 1, 1983. No applicant who purchases a farm after July 1, 1983, is eligible for the loan guarantee program.

Subd. 3. [LOANS.] The commissioner may guarantee loans not exceeding \$2,500 in principal amount for a term not to exceed five years, for the purpose of making any real property improvements required by section 1. The guarantee shall

obligate the state of Minnesota to pay the lender 90 percent of the sums due and payable in the event of default.

Subd. 4. [INTEREST ADJUSTMENT.] The commissioner shall annually pay the lender an amount of money sufficient to reduce the applicant's annual interest payments on a guaranteed loan to six percent of the outstanding balance due at the beginning of that year.

Subd. 5. [SALE OF PROPERTY.] Any applicant who sells or conveys any property securing a loan guaranteed by the commissioner shall immediately retire the balance owed the lender.

Subd. 6. [RULES; ELIGIBILITY.] The commissioner shall adopt rules to implement the loan guarantee and interest adjustment program. The rules shall include:

- (a) Procedures for approving loan guarantees;*
- (b) Eligibility requirements for applicants which assure that approval of a loan guarantee is based on financial need and credit worthiness of the applicant; and*
- (c) Required loan guarantee terms which provide adequate security for recovery by the state of amounts paid to lenders on default of any guaranteed loan, and repayment of a guaranteed loan by the applicant through assignment of a portion of any payment received for milk produced by the applicant.*

The rules may be adopted as temporary rules as provided in chapter 14. The rules shall be effective July 1, 1984, and shall expire on July 1, 1985. Loan guarantees and interest adjustments may be granted only from July 1, 1984, to July 1, 1985.

Sec. 3. [32.417] [APPROPRIATIONS.]

Subdivision 1. [SPECIAL ACCOUNT.] There is appropriated from the general fund to a special account in the state treasury the sum of \$375,000 to be invested by the state board of investment in securities authorized by law. Sums needed from time to time to pay lenders for defaulted loans are appropriated from the special account to the commissioner. The sum of all outstanding loans guaranteed by the commissioner at any time may not exceed ten times the amount of money in the special account created in this subdivision.

Subd. 2. [ANNUAL APPROPRIATION.] There is annually appropriated from the general fund to the commissioner the sum of \$375,000 for the biennium ending June 30, 1985, to pay the interest adjustment under section 2, subdivision 4. This

appropriation shall not cancel but shall remain available to pay interest adjustments for subsequent years.

Sec. 4. [APPROPRIATION.]

There is appropriated from the general fund to the commissioner of agriculture the sum of \$30,000 for the biennium ending June 30, 1985, for administrative expenses incurred to implement the provisions of sections 1 to 3."

Delete the title and insert:

"A bill for an act relating to agriculture; adopting recommended federal rules relating to milk quality for manufacturing purposes; providing for phase-in of inspections and compliance; establishing a loan guarantee program; appropriating money; proposing new law coded in Minnesota Statutes, chapter 32."

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

The report was adopted.

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

H. F. No. 508, A bill for an act relating to insurance; homeowner's; requiring notices of cancellation to be written in easily readable and understandable language; amending Minnesota Statutes 1982, section 65A.29, subdivision 4.

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. 538, A bill for an act relating to education; providing that no member of the higher education coordinating board shall be an employee of or receiving compensation from a public or private post-secondary institution while serving on the board; amending Minnesota Statutes 1982, section 136A.02, subdivision 1.

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

The report was adopted.

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

H. F. No. 558, A bill for an act relating to commerce; altering certain interest rate provisions on modifications or renegotiations of cooperative apartment loans and contracts for deed; amending Minnesota Statutes 1982, section 47.20, subdivision 4a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 47.20, subdivision 4a, is amended to read:

Subd. 4a. No conventional or cooperative apartment loan or contract for deed shall be made at a rate of interest or loan yield in excess of a maximum lawful interest rate which shall be based upon the monthly index of the federal national mortgage association auction yields as compiled by the federal national mortgage association. The maximum lawful interest rate shall be computed as follows:

(1) The maximum lawful rate of interest for a conventional or cooperative apartment loan or contract for deed made or contracted for during any calendar month is equal to the monthly index of the federal national mortgage association auction yields for the first preceding calendar month rounded off to the next highest quarter of one percent per annum.

(2) On or before the last day of each month the commissioner of banking shall determine, based on available statistics, the monthly index of the federal national mortgage association auction yields for that calendar month and shall determine the maximum lawful rate of interest for conventional or cooperative apartment loans or contracts for deed for the next succeeding month as defined in clause (1) and shall cause the maximum lawful rate of interest to be published in a legal newspaper in Ramsey County on or before the first day of each month or as soon thereafter as practicable and in the state register on or before the last day of each month; the maximum lawful rate of interest to be effective on the first day of that month. If a federal national mortgage association free market system conventional home mortgage auction is not held in any month, the maximum lawful rate of interest determined by the commissioner of banks pursuant to the last auction is the maximum lawful rate of interest through the last day of the month in which the next auction is held.

(3) (A CONTRACT RATE WITHIN) The maximum lawful interest rate applicable to a cooperative apartment loan or contract for deed at the time the loan or contract is made is the

maximum lawful interest rate for the term of the cooperative apartment loan or contract for deed. *A cooperative apartment loan or contract for deed may provide, at the time the loan or contract is made, for the application of specified different consecutive periodic interest rates to the unpaid principal balance, provided that no interest rate exceeds the maximum lawful interest rate applicable to the loan or contract at the time the loan or contract is made.*

(4) Contracts for deed executed pursuant to a commitment for a contract for deed, or conventional or cooperative apartment loans made pursuant to a borrower's interest rate commitment or made pursuant to a borrower's loan commitment, or made pursuant to a commitment for conventional or cooperative apartment loans made upon payment of a forward commitment fee including a borrower's loan commitment issued pursuant to a forward commitment, which commitment provides for consummation within some future time following the issuance of the commitment may be consummated pursuant to the provisions, including the interest rate, of the commitment notwithstanding the fact that the maximum lawful rate of interest at the time the contract for deed or conventional or cooperative apartment loan is actually executed or made is less than the commitment rate of interest, provided the commitment rate of interest does not exceed the maximum lawful interest rate in effect on the date the commitment was issued. The refinancing of (a) an existing conventional or cooperative apartment loan, (b) a loan insured or guaranteed by the secretary of housing and urban development, the administrator of veterans affairs, or the administrator of the farmers home administration, or (c) a contract for deed by making a conventional or cooperative apartment loan is deemed to be a new conventional or cooperative apartment loan for purposes of determining the maximum lawful rate of interest under this subdivision. *The renegotiation of a conventional or cooperative apartment loan or a contract for deed is deemed to be a new loan or contract for deed for purposes of clause (3) and for purposes of determining the maximum lawful rate of interest under this subdivision.* A borrower's interest rate commitment or a borrower's loan commitment is deemed to be issued on the date the commitment is hand delivered by the lender to, or mailed to the borrower. A forward commitment is deemed to be issued on the date the forward commitment is hand delivered by the lender to, or mailed to the person paying the forward commitment fee to the lender, or to any one of them if there should be more than one. A commitment for a contract for deed is deemed to be issued on the date the commitment is initially executed by the contract for deed vendor or his authorized agent.

(5) A contract for deed executed pursuant to a commitment for a contract for deed, or a loan made pursuant to a borrower's interest rate commitment, or made pursuant to a borrower's loan commitment, or made pursuant to a forward commitment for conventional or cooperative apartment loans made upon payment

of a forward commitment fee including a borrower's loan commitment issued pursuant to a forward commitment at a rate of interest not in excess of the rate of interest authorized by this subdivision at the time the commitment was made continues to be enforceable in accordance with its terms until the indebtedness is fully satisfied.

Sec. 2. Minnesota Statutes 1982, section 334.01, subdivision 1, is amended to read:

Subdivision 1. The interest for any legal indebtedness shall be at the rate of \$6 upon \$100 for a year, unless a different rate is contracted for in writing; and no person shall directly or indirectly take or receive in money, goods, or things in action, or in any other way, any greater sum, or any greater value, for the loan or forbearance of money, goods, or things in action, than \$8 on \$100 for one year; and, in the computation of interest upon any bond, note, or other instrument or agreement, interest shall not be compounded, but any contract to pay interest, not usurious, upon interest overdue, shall not be construed to be usury. Contracts shall bear the same rate of interest after they become due as before, and any provision in any contract, note, or instrument providing for an increase of the rate of interest after maturity, or any increase therein after making and delivery, shall work a forfeiture of the entire interest; but this provision shall not apply to notes or contracts which bear no interest before maturity nor shall it apply to any agreement which extends the maturity date of any contract, note, or instrument, and provides for an increased rate of interest after the original maturity date on the indebtedness then due, provided that any agreement which extends maturity date of any contract, note or instrument shall not provide for an increased rate of interest in excess of \$8 on \$100 for one year *except as otherwise provided in section 47.20.*

Sec. 3. [APPLICATION.]

Section 1 applies to conventional or cooperative apartment loans and contracts for deed renegotiated after the effective date of that section.

Amend the title as follows:

Page 1, line 3, delete "modifications or" and after "of" insert "conventional and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 567, A bill for an act relating to St. Louis County; providing that the county board set the fees for tax search certificates; amending Laws 1955, chapter 633, section 1, subdivision 2, as amended.

Reported the same back with the following amendments:

Page 1, line 12, after "\$2" insert "*not to exceed the fee established by Minnesota Statutes, section 272.46*"

Page 1, line 13, strike ", which" and insert ". *The fee*"

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

The report was adopted.

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

H. F. No. 572, A bill for an act relating to economic development; creating the office of tourism; assigning powers and duties; appropriating money; proposing new law coded in Minnesota Statutes, chapter 4.

Reported the same back with the following amendments:

Page 3, after line 20, insert:

"(10) coordinate whenever possible efforts with the agriculture department to promote Minnesota agricultural products in conjunction with tourism."

Page 5, after line 17, insert:

"Not less than \$100,000 shall be allocated each year of the biennium for the production and distribution of publications or for other promotional activities for the exclusive promotion of Voyageurs national park."

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

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 603, A bill for an act relating to local government; providing for the investment of debt service funds; amending Minnesota Statutes 1982, section 475.66, subdivision 3.

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. 605, A bill for an act relating to education; requiring the higher education coordinating board to report its recommendations concerning credit transferability and institutional and program requirements; requiring reports to the legislature; providing that students shall be entitled to complete programs according to requirements as of the time the student began the program; amending Minnesota Statutes 1982, section 136A.042; proposing new law coded in Minnesota Statutes, chapter 136A.

Reported the same back with the following amendments:

Page 1, line 20, delete "*Universty*" and insert "*University*"

Page 1, line 21, delete "*assure*" and insert "*facilitate*"

Page 2, line 8, delete "*12*" and insert "*36*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 636, A bill for an act relating to local government; authorizing sewer and water commissions to obtain accountant services; amending Minnesota Statutes 1982, section 116A.24, subdivision 2:

Reported the same back with the following amendments:

Page 3, line 28, after "*a*" insert "*certified*"

Page 3, line 30, after the second "*reports*" insert "*must be prepared in accordance with general accounting principles and*"

Page 3, line 31, delete "*when available*" and insert "*within six months after the close of the fiscal year*"

Page 3, line 34, after "*a*" insert "*certified*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 657, A bill for an act relating to transportation; authorizing the commissioner to expend money for railroad acquisition by a regional railroad authority; modifying the regional railroad authority act to allow municipalities to form regional railroad authorities; allowing the expenditure of certain state funds for railroad improvement and acquisition; providing an aircraft base price for taxation purposes; amending Minnesota Statutes 1982, sections 222.50, subdivision 7; 360.531, subdivision 4; 398A.02; 398A.03; 398A.04, subdivisions 8 and 9; and Laws 1980, chapter 610, section 1, as amended.

Reported the same back with the following amendments:

Page 2, after line 12, insert:

"Sec. 2. Minnesota Statutes 1982, section 360.063, subdivision 3, is amended to read:

Subd. 3. [JOINT AIRPORT ZONING BOARD.] (1) Where an airport is owned or controlled by a municipality and (ANY) *an* airport hazard area appertaining to (SUCH) *the* airport is located within the territorial limits of another county or municipality, the municipality owning or controlling the airport may request (ANY) *a* county or municipality in which an airport hazard area is located:

(a) To adopt and enforce airport zoning regulations for the area in question that conform to (MINIMUM) standards prescribed by the commissioner pursuant to subdivision 4; or

(b) To join in creating a joint airport zoning board pursuant to clause (2). The owning or controlling municipality shall determine which of these actions it shall request, except as provided in clause (5) for the metropolitan airports commission. The request shall be made by certified mail to the governing body of each county and municipality in which an airport hazard area is located.

(2) Where an airport is owned or controlled by a municipality and (ANY) *an* airport hazard area appertaining to (SUCH) *the* airport is located within the territorial limits of another county or municipality, the municipality owning or controlling the airport and the county or other municipality within which the airport hazard area is located may, by ordinance or resolution duly adopted, create a joint airport zoning board,

which board shall have the same power to adopt, administer, and enforce airport zoning regulations applicable to the airport hazard area in question as that vested by subdivision 1 in the municipality within which (SUCH) *the* area is located. (EACH SUCH) A joint board shall have as members two representatives appointed by the municipality owning or controlling the airport and two from the county or municipality, or in case more than one county or municipality is involved two from each county or municipality, in which the airport hazard is located, and in addition a chairman elected by a majority of the members so appointed. All members shall serve at the pleasure of their respective appointing authority. Notwithstanding any other provision of law to the contrary, if the owning and controlling municipality is a city of the first class it shall appoint four members to the board, and the chairman of the board shall be elected from the membership of the board.

(3) If (ANY) a county or municipality, within 60 days of receiving a request from an owning or controlling municipality pursuant to clause (1), fails to adopt, or thereafter fails to enforce, (SUCH) *the* zoning regulations or fails to join in creating a joint airport zoning board, the owning or controlling municipality, or a joint airport zoning board created without participation by the subdivisions which fail to join the board, may itself adopt, administer, and enforce airport zoning regulations for the airport hazard area in question. In the event of conflict between (SUCH) *the* regulations and (ANY) airport zoning regulations adopted by the county or municipality within which the airport hazard area is located, (THE REGULATIONS OF THE MUNICIPALITY OWNING OR CONTROLLING THE AIRPORT OR THE JOINT ZONING BOARD SHALL GOVERN AND PREVAIL) *section 360.064, subdivision 2, applies.*

(4) "Owning or controlling municipality," as used in this subdivision, includes:

(a) A joint airport operating board created pursuant to section 360.042 that has been granted all the powers of a municipality in zoning matters under the agreement creating the board;

(b) A joint airport operating board created pursuant to section 360.042 that has not been granted zoning powers under the agreement creating the board, provided that (SUCH A) *the* board shall not itself adopt zoning regulations nor shall (ANY) a joint airport zoning board created at its request adopt zoning regulations unless all municipalities that created the joint operating board join to create the joint zoning board; and

(c) The metropolitan airports commission established and operated pursuant to chapter 473.

(5) The metropolitan airports commission shall request creation of one joint airport zoning board for each airport operated under its authority.

Sec. 3. Minnesota Statutes 1982, section 360.063, subdivision 4, is amended to read:

Subd. 4. [AIRPORT APPROACH.] The commissioner may recommend an airport approach plan for each publicly owned airport in the state and for each privately owned airport of the publicly owned class and from time to time recommend revisions of (ANY SUCH) *the* plan. (EACH SUCH) A plan shall indicate the circumstances in which structures or trees are or would be airport hazards, the airport hazard area, and what measures should be taken to eliminate airport hazards. (HE) *The commissioner* shall prescribe (MINIMUM) airport approach and turning standards for airports of various classes, and (ALL) airport zoning regulations adopted by (ANY) *a* municipality, county, or joint airport zoning board shall conform to (SUCH MINIMUM) *the* standards, *except as provided in sections 360.065 and 360.066.*

Sec. 4. Minnesota Statutes 1982, section 360.063, subdivision 6, is amended to read:

Subd. 6. [PROCEDURE WHEN ZONING BOARD FAILS TO ACT.] If (ANY) *a* municipality, county, or joint airport zoning board fails to adopt within a reasonable time airport zoning regulations in accordance with the provisions of sections 360.011 to 360.076, or adopts regulations or amendments which do not conform to the (MINIMUM) standard prescribed by the commissioner, (HE) *the commissioner* may, for the protection of the public safety, adopt or supplement and from time to time as may be necessary amend, supplement, or repeal (SUCH) *the* regulations for (SUCH) *the* municipality or county until airport zoning regulations provided for in sections 360.011 to 360.076, are adopted by (SUCH) *the* municipality, county, or joint airport zoning board. (HE) *The commissioner* shall have the same powers with reference to (SUCH) *the* airport zoning regulations as are granted in sections 360.011 to 360.076, to municipalities, administrative boards, and boards of adjustment. (ANY) *An* action of the commissioner taken under this subdivision (SHALL BE) *is* subject to review by the courts as provided in section 360.072.

Sec. 5. Minnesota Statutes 1982, section 360.065, subdivision 2, is amended to read:

Subd. 2. [REGULATIONS SUBMITTED TO COMMISSIONER.] Prior to adopting (ANY) zoning regulations for (ANY) *an* airport hazard area under sections 360.011 to 360.076, the municipality, county, or joint airport zoning board which is to adopt the regulations shall submit its proposed regulations

to the commissioner in order that (HE) *the commissioner* may determine whether it conforms to the (MINIMUM) standards prescribed by him. (HE) *The commissioner* shall immediately examine (SUCH) *the* proposed regulations and report to the municipality, county, or joint airport zoning board his approval, or (HIS) objections, if any. If (ANY) objections are made by him on the ground that (SUCH) *the* regulations do not conform to the (MINIMUM) standards prescribed by him for the class of airport involved, the municipality, county, or joint zoning board shall make (SUCH) amendments as are necessary to meet (SUCH) *the* objections *unless it demonstrates that the social and economic costs of restricting land uses in accordance with the standards outweigh the benefits of a strict application of the standards.* The governing body of the municipality or county or the joint airport zoning board shall not adopt the regulations or take other action until the proposed regulations are approved by the commissioner (AS CONFORMING TO SUCH MINIMUM STANDARDS). *The commissioner may approve local zoning ordinances that are more stringent than the standards.* A copy of (SUCH) *the* regulations as adopted shall be filed with the county recorder in each county in which (SUCH) *the* zoned area is located.

Substantive rights existing prior to the passage of this subdivision and (HERETOFORE) *previously* exercised (SHALL) *are not* (BE) affected by the filing of (SUCH) *the* regulations.

Sec. 6. Minnesota Statutes 1982, section 360.066, subdivision 1, is amended to read:

Subdivision 1. [REASONABLENESS.] (ALL MINIMUM) Standards of the commissioner defining airport hazard areas and the categories of uses permitted (THEREIN) and (ALL) airport zoning regulations adopted under sections 360.011 to 360.076, shall be reasonable, and none shall impose (ANY) a requirement or restriction which is not reasonably necessary to effectuate the purposes of sections 360.011 to 360.076. In determining what minimum (STANDARDS AND) *airport zoning* regulations may be adopted, the commissioner and (ANY) a local airport zoning authority shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the location of the airport, the nature of the terrain within the airport hazard area, the existing land uses and character of the neighborhood around the airport, (AND) the uses to which the property to be zoned (IS PUT) *are planned and adaptable, and the social and economic costs of restricting land uses versus the benefits derived from a strict application of the standards of the commissioner.*

Sec. 7. Minnesota Statutes 1982, section 360.067, subdivision 1, is amended to read:

Subdivision 1. [PERMITS.] (1) (ANY) Airport zoning regulations adopted under sections 360.011 to 360.076, may require that a permit be obtained before (ANY) *a* new structure or use may be constructed or established and before (ANY) *an* existing use or structure may be substantially changed or substantially altered or repaired. In any event, all (SUCH) regulations shall provide that before (ANY) *a* nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the administrative agency authorized to administer and enforce the regulations, authorizing (SUCH) *the* replacement, change, or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made.

(2) Whenever the administrative agency determines that a nonconforming use or nonconforming structure or tree has been abandoned or more than 80 percent torn down, (DESTROYED,) deteriorated, or decayed: (a) no permit shall be granted that would allow (SAID) *the* structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations; and (b), whether application is made for a permit under this subdivision or not, the (SAID) agency may by appropriate action compel the owner of the nonconforming structure or tree, at (HIS OWN) *the owner's* expense, to lower, remove, reconstruct, or equip (SUCH) *the* object as may be necessary to conform to the regulations. If the owner of the nonconforming structure or tree (SHALL NEGLECT) *neglects* or (REFUSE) *refuses* to comply with (SUCH) *the* order for ten days after notice (THEREOF) *of the order*, the (SAID) agency may proceed to have the object (SO) lowered, removed, reconstructed, or equipped and assess the cost and expense (THEREOF) upon the object of the land (WHEREON) *where* it is or was located. Unless (SUCH) an assessment is paid within 90 days from the service of notice (THEREOF) on the agent or owner of (SUCH) *the* object or land, the sum (SHALL) *will* bear interest at the rate of eight percent per annum until paid, and shall be collected in the same manner as are general taxes.

(3) Except as provided (HEREIN) *in this subdivision*, all applications for permits shall be granted."

Page 3, line 18, reinstate "(COUNTIES)" and delete "*municipalities*" and strike "*, providing and stating*" and insert "*. The governing body or bodies of a municipality or municipalities within a county or counties may request by resolution that the county or counties organize a railroad authority. If the county or counties do not organize an authority within 90 days of receipt of the request, the municipality or municipalities may organize an authority by resolution or joint resolution. A resolution organizing an authority must state*"

Page 4, line 7, delete "*or municipalities*" and strike "and" and insert "*. The notice of a hearing by the governing body of a county must be*"

Page 4, line 9, delete "*named in the resolution*" and insert "*, except cities and towns participating in the organization*"

Page 4, lines 13 and 14, delete "*or municipalities*"

Page 7, line 2, delete "*or city or town assessor*" and reinstate the stricken language and delete "*municipality*" and insert "*in which territory under the jurisdiction of the authority is located*"

Page 7, line 4, delete "*or city or town assessor*"

Page 7, line 5, after "rolls" insert "*of each municipality named in the organization resolution*"

Page 7, line 10, reinstate the stricken language and delete "*the*"

Page 7, line 11, delete "*of each municipality*"

Page 7, after line 19, insert:

"Sec 13. Minnesota Statutes 1982, section 398A.07, subdivision 2, is amended to read:

Subd. 2. [SECURITY.] Bonds may be made payable exclusively from the revenues from one or more projects, or from one or more revenue producing contracts, or from the authority's revenues generally, *including but not limited to specified taxes which the authority may levy or which a particular municipality may agree to levy for a specified purpose*, and may be additionally secured by a pledge of any grant, subsidy, or contribution from any public agency, *including but not limited to a participating municipality*, or any income or revenues from any source. They may be secured by a mortgage or deed of trust of the whole or any part of the property of the authority. They shall be payable solely from the revenues, funds, and property pledged or mortgaged for their payment. No commissioner, officer, employee, agent, or trustee of the authority shall be liable personally on its bonds or be subject to any personal liability or accountability by reason of their issuance. Neither the state nor a county or other municipality except the authority may pledge its faith and credit or taxing power or shall be obligated in any manner for the payment of the bonds or interest on them, *except as specifically provided by agreement under section 398A.06*; but nothing herein shall affect the obligation of the state or municipality to perform any contract made by it with the authority, and when the authority's rights under a contract with the state or a municipality are pledged by the authority for the security of its bonds,

the holders or a bond trustee may enforce the rights as a third party beneficiary. All bonds shall be negotiable within the meaning and for the purposes of the uniform commercial code, subject only to any registration requirement."

Page 7, line 33, delete "7" and insert "14"

Renumber the sections accordingly

Amend the title as follows:

Page 1, line 4, after the semicolon insert "modifying requirements for compliance with standards for zoning ordinances for municipal airports;"

Page 1, line 11, after the first semicolon insert "360.063, subdivisions 3, 4, and 6; 360.065, subdivision 2; 360.066, subdivision 1; 360.067, subdivision 1;"

Page 1, line 12, after the semicolon insert "398A.07, subdivision 2;"

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

The report was adopted.

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

H. F. No. 670, A bill for an act relation to public welfare; requiring new procedures for determining nursing home payment rates; requiring a moratorium on licensure or certification of new beds with certain exceptions; providing for an interagency board for quality assurance; appropriating money; amending Minnesota Statutes 1982, sections 144A.10, subdivision 6; 256B.091, subdivisions 1, 2, 4, and 8; 256B.41; 256B.47; and 256B.48; proposing new law coded in chapters 144A and 256B; repealing Minnesota Statutes 1982, sections 256B.42; 256B.43; 256B.44; 256B.45; and 256B.46.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [144A.071] [MORATORIUM ON CERTIFICATION OF NURSING HOME BEDS.]

Subdivision 1. [MORATORIUM.] Notwithstanding the provisions of the Certificate of Need Act, sections 145.832 to 145.845, or any other law to the contrary, the commissioner of

health, in coordination with the commissioner of public welfare, shall deny each request by a nursing home or boarding care home for addition of new certified beds or for a change or changes in the certification status of existing beds except as provided in subdivision 2 during a period of three years beginning on the effective date of this section and ending on June 30, 1986. The total number of certified beds in the state in the skilled level and in the intermediate level of care shall remain at or decrease from the number of beds certified at each level of care on the effective date of this section until June 30, 1986. "Certified bed" means a nursing home bed or a boarding care bed certified by the commissioner of health for the purposes of the medicare or medical assistance program, under United States Code, title 42, sections 1395 et seq. and 1396 et seq.

The commissioner of public welfare, in coordination with the commissioner of health, shall deny any request to issue a license under the provisions of sections 245.781 to 245.812 and 252.28 to a nursing home or boarding care home if that license would result in an increase in the reimbursement amount.

Subd. 2. [EXCEPTIONS.] The commissioner of health, in coordination with the commissioner of welfare, may approve the addition of a new certified bed or change in the certification status of an existing bed under the following conditions:

(a) To replace a bed decertified after the effective date of this section or if the commissioner finds an extreme hardship situation in a particular county that has fewer nursing home beds per 1,000 elderly than the number that is ten percent higher than the national average of nursing home beds per 1,000 elderly individuals. For the purposes of this section, number of elderly in the county shall be determined by the most recent federal census or estimate of the state demographer of persons age 65 and older, whichever is the most recent at the time of the request for replacement. In allowing replacement of a decertified bed, the commissioners shall ensure that the number of added or recertified beds does not exceed the total number of decertified beds in the state in that level of care. An extreme hardship situation can only be found after the county documents the existence of unmet medical needs that cannot be addressed by any other alternatives; or

(b) To certify a new bed in a facility that commenced construction before the effective date of this section. For the purposes of this section, "commenced construction" means that all of the following conditions were met: the final working drawings and specifications were approved by the commissioner of health; the construction contracts were let; a timely construction schedule was developed, stipulating dates for beginning, achieving various stages, and completing construction; all zoning and building permits were secured; and significant alteration of the site

was made and continues in accordance with the construction schedule; or

(c) When the change in certification status results in a decrease in the reimbursement amount.

Subd. 3. [MONITORING.] The commissioner of health, in coordination with the commissioner of public welfare, shall implement mechanisms to monitor and analyze the effect of the moratorium in the different geographic areas of the state. The commissioner of health shall submit to the legislature, no later than January 15, 1984, and annually thereafter, an assessment of the impact of the moratorium by geographic area with particular attention to service deficits or problems and a corrective action plan.

Sec. 2. Minnesota Statutes 1982, section 144A.10, subdivision 6, is amended to read:

Subd. 6. [FINES.] A nursing home which is issued a notice of noncompliance with a correction order shall be assessed a civil fine in accordance with a schedule of fines to be promulgated by rule of the commissioner of health before September 1, 1983. The fine shall be assessed for each day the facility remains in noncompliance and until a notice of correction is received by the commissioner of health in accordance with subdivision 7. No fine for a specific violation may exceed (\$250) \$500 per day of non-compliance.

Sec. 3. [144A.31] [INTERAGENCY BOARD FOR QUALITY ASSURANCE.]

Subdivision 1. [INTERAGENCY BOARD.] The commissioners of health and public welfare shall establish, by October 1, 1983, an interagency board of representatives of their respective departments who are knowledgeable and employed in the areas of long-term care, geriatric care, long-term care facility inspection, or quality of care assurance. The number of interagency board members shall not exceed seven; three members each to represent the commissioners of health and public welfare and one member to represent the commissioner of public safety in the enforcement of fire and safety standards in nursing homes. The commissioner of health shall serve as chair and convener of the board. The board may utilize the expertise and time of other individuals employed by either department as needed. The board may recommend to the commissioners to contract for services as needed. The board shall meet as often as necessary to accomplish its duties, but at least monthly.

Subd. 2. [INSPECTIONS.] No later than January 1, 1984, the board shall develop and recommend implementation and

enforcement of an effective system to ensure quality of care in each nursing home in the state.

The board shall assist the commissioner of health to ensure that inspections and reinspections of nursing homes are conducted with a frequency and in a manner calculated to most effectively and appropriately fulfill its quality assurance responsibilities and achieve the greatest benefit to nursing home residents. The commissioner of health shall require a higher frequency and extent of inspections with respect to those nursing homes that present the most serious concerns with respect to resident health, treatment, comfort, safety, and well-being. These concerns include but are not limited to: complaints about care, safety, or rights; situations where previous inspections or reinspections have resulted in correction orders related to care, safety, or rights; instances of frequent change in administration in excess of normal turnover rates; and situations where persons involved in ownership or administration of the nursing home have been indicted for, charged with, or convicted of engaging in criminal activity.

Subd. 3. [METHODS FOR DETERMINING RESIDENT CARE NEEDS.] *The board shall develop and recommend to the commissioners definitions for levels of care and methods for determining resident care needs in preparation for eventually developing methods to adjust payments for resident care based on the mix of resident needs in a nursing home. The methods for determining resident care needs shall include assessments of ability to perform activities of daily living and assessments of medical and therapeutic needs.*

Subd. 4. [ENFORCEMENT.] *The board shall develop and recommend for implementation effective methods of enforcing quality of care standards. When it deems necessary, and when all other methods of enforcement are not appropriate, the board shall recommend to the commissioner of health closure of all or part of a nursing home and revocation of the license. The board shall develop, and the commissioner of public welfare shall implement, a resident relocation plan which instructs the county where the nursing home is located of procedures to ensure that the needs of residents in nursing homes about to be closed are met. The county shall ensure placement in swing beds in hospitals, placement in unoccupied beds in other nursing homes, utilization of home health care on a temporary basis, foster care placement, or other appropriate alternative care. In preparing for relocation, the board shall ensure that residents and their families or guardians are involved in planning the relocation.*

Subd. 5. [REPORTS.] *The board shall prepare a report and the commissioners of health and public welfare shall deliver this report to the legislature no later than January 15, 1984, on the board's proposals and progress on implementation of the methods required under subdivisions 2, 3, and 4. The commis-*

sioners shall recommend changes in or additions to legislation necessary or desirable to fulfill their responsibilities. The board shall prepare an annual report and the commissioners shall deliver this report annually to the legislature, beginning in January, 1985, on the implementation and enforcement of the provisions of this section.

Sec. 4. Minnesota Statutes 1982, section 256B.091, subdivision 1, is amended to read:

Subdivision 1. [PURPOSE.] It is the purpose of this section to prevent inappropriate nursing home or boarding care home placement by establishing a program of preadmission screening teams for all medical assistance recipients and any individual who would become eligible for medical assistance within (90) 180 days of admission to a licensed nursing home or boarding care home participating in the program. Further, it is the purpose of this section and the program to gain further information about how to contain costs associated with inappropriate nursing home or boarding care home admissions. The commissioners of public welfare and health shall seek to maximize use of available federal and state funds and establish the broadest program possible within the appropriation available. The commissioner of public welfare shall promulgate temporary rules in order to implement this section by September 1, 1980.

Sec. 5. Minnesota Statutes 1982, section 256B.091, subdivision 2, is amended to read:

Subd. 2. [SCREENING TEAMS; ESTABLISHMENT.] Each county agency designated by the commissioner of public welfare to participate in the program shall contract with the local board of health organized under section 145.911 to 145.922 or other public or non-profit agency to establish a screening team to assess, prior to admission to a nursing home licensed under section 144A.02 or a boarding care home licensed under sections 144.50 to 144.56, the health and social needs of medical assistance recipients and individuals who would become eligible for medical assistance within (90) 180 days of nursing home or boarding care home admission. Each local screening team shall be composed of a public health nurse from the local public health nursing service and a social worker from the local community welfare agency. Each screening team shall have a physician available for consultation and shall utilize individuals' attending physicians' physical assessment forms, if any, in assessing needs. The individual's physician shall be included on the screening team if the physician chooses to participate. If the individual is being discharged from an acute care facility, a discharge planner from that facility may be present, at the facility's request, during the screening team's assessment of the individual and may participate in discussions but not in making the screening team's recommendations under subdivision 3,

clause (e). If the assessment procedure or screening team recommendation results in a delay of the individual's discharge from the acute care facility, the facility shall not be denied reimbursement or incur any other financial or regulatory penalty caused by the individual's extended length of stay. Other personnel as deemed appropriate by the county agency may be included on the team. No member of a screening team shall have a direct or indirect financial or self-serving interest in a nursing home or non-institutional referral such that it would not be possible for the member to consider each case objectively.

Sec. 6. Minnesota Statutes 1982, section 256B.091, subdivision 4, is amended to read:

Subd. 4. [SCREENING OF PERSONS.] Prior to nursing home or boarding care home admission, or admission to a nursing home after residence in a boarding care home that is not attached to the nursing home, screening teams shall assess the needs of all persons receiving medical assistance and of all persons who would be eligible for medical assistance within (90) 180 days of admission to a nursing home or boarding care home, except patients transferred from other nursing homes or patients who, having entered acute care facilities from nursing homes, are returning to nursing home care. Any other interested person may be assessed by a screening team upon payment of a fee based upon a sliding fee scale.

Sec. 7. Minnesota Statutes 1982, section 256B.091, subdivision 8, is amended to read:

Subd. 8. [ALTERNATIVE CARE GRANTS.] The commissioner shall provide grants to counties participating in the program to pay costs of providing alternative care to individuals screened under subdivision 4. Payment is available under this subdivision only for individuals (1) for whom the screening team would recommend nursing home admission if alternative care were not available; (2) who are receiving medical assistance or who would be eligible for medical assistance within (90) 180 days of admission to a nursing home; and (3) who need services that are not available at that time in the county through other public assistance.

Grants may be used for payment of costs of providing services such as, but not limited to, foster care for elderly persons, day care whether or not offered through a nursing home, nutritional counseling, or medical social services, which services are provided by a licensed health care provider, a home health service eligible for reimbursement under Titles XVIII and XIX of the federal Social Security Act, or by persons employed by or contracted with by the county board or the local welfare agency. The county agency shall ensure that a plan of care is established for each individual in accordance with subdivision 3, clause (e)(2). The plan shall include any services prescribed by the

individual's attending physician as necessary and follow up services as necessary. The county agency shall provide documentation to the commissioner verifying that the individual's alternative care is not available at that time through any other public assistance or service program and shall provide documentation in each individual's plan of care that the most cost effective alternatives available have been offered to the individual. Grants to counties under this subdivision are subject to audit by the commissioner for fiscal and utilization control.

The commissioner shall establish a sliding fee schedule for requiring payment for the cost of providing services under this subdivision to persons who are eligible for the services but who are not yet eligible for medical assistance.

The commissioner shall apply for a waiver for federal financial participation to expand the availability of services under this subdivision. The commissioner shall provide grants to counties from the non-federal share, unless the commissioner obtains a federal waiver for medical assistance payments, of medical assistance appropriations. The state expenditures for this section shall not exceed \$1,800,000 for the biennium ending June 30, 1983. A county agency may use grant money to supplement but not supplant services available through other public assistance or service programs and shall not use grant money to establish new programs for which public money is available through sources other than grants provided under this subdivision. A county agency shall not use grant money to provide care under this subdivision to an individual if the anticipated cost of providing this care would exceed the average payment, as determined by the commissioner, for the level of nursing home care that the recipient would receive if placed in a nursing home. The non-federal share may be used to pay up to 90 percent of the start-up and service delivery costs of providing care under this subdivision. Each county agency that receives a grant shall pay 10 percent of the costs.

The commissioner shall promulgate temporary rules in accordance with sections 14.29 to 14.36, to establish required documentation and reporting of care delivered.

Sec. 8. Minnesota Statutes 1982, section 256B.41, is amended to read:

256B.41 [INTENT.]

Subdivision 1. [AUTHORITY.] The (STATE AGENCY) commissioner shall (BY RULE) establish (A FORMULA), by rule, procedures for (ESTABLISHING PAYMENT) determining equitable rates for care of residents of nursing homes which qualify as vendors of medical assistance, and for implementing the provisions of sections 256B.41, 256B.47, 256B.48, and sec-

tions 9, 10, 13, and 14. The procedures shall be based on methods and standards that the commissioner finds are adequate to provide for the costs that must be incurred for the care of residents in efficiently and economically operated nursing homes and shall specify the costs that are allowable for establishing payment rates through medical assistance.

Subd. 2. [FEDERAL REQUIREMENTS.] (IT IS THE INTENT OF THE LEGISLATURE TO ESTABLISH CERTAIN LIMITATIONS ON THE STATE AGENCY IN SETTING STANDARDS FOR NURSING HOME RATE SETTING FOR THE CARE OF RECIPIENTS OF MEDICAL ASSISTANCE PURSUANT TO THIS CHAPTER. IT IS NOT THE INTENT OF THE LEGISLATURE TO REPEAL OR CHANGE ANY EXISTING OR FUTURE RULE PROMULGATED BY THE STATE AGENCY RELATING TO THE SETTING OF RATES FOR NURSING HOMES UNLESS THE RULE IS CLEARLY IN CONFLICT WITH SECTIONS 256B.41 TO 256B.48.) If any provision of sections 256B.41 (TO), 256B.47, and 256B.48 and sections 9, 10, 13, and 14, is determined by the United States government to be in conflict with existing or future requirements of the United States government with respect to federal participation in medical assistance, the federal requirements shall prevail.

Sec. 9. [256B.421] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 256B.41, 256B.47, 256B.48, and sections 9, 10, 13, and 14, the following terms and phrases shall have the meaning given to them.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of public welfare.

Subd. 3. [FINAL RATE.] "Final rate" means the rate established after any adjustment by the commissioner, including but not limited to adjustments resulting from cost report reviews and field audits.

Subd. 4. [NURSING HOME.] "Nursing home" means a facility licensed under chapter 144A or a boarding care facility licensed under sections 144.50 to 144.56.

Subd. 5. [OPERATING COSTS.] "Operating costs" means the day-to-day costs of operating the facility in compliance with licensure and certification standards. Operating cost categories are: nursing, dietary, laundry and linen, housekeeping, plant operation and maintenance, other care-related services, general and administration, and payroll taxes and fringe benefits.

Subd. 6. [PAYMENT RATE.] "Payment rate" means the rate determined under section 10.

Subd. 7. [PRIVATE PAYING RESIDENT.] "Private paying resident" means a nursing home resident who is not a medical assistance recipient and whose payment rate is not established by another third party, including the veterans administration or medicare.

Subd. 8. [RATE YEAR.] "Rate year" means the fiscal year for which a payment rate determined under section 10 is effective, from July 1 to the next June 30.

Subd. 9. [REPORTING YEAR.] "Reporting year" means the calendar year, immediately preceding the rate year, for which the nursing home submits reports required under section 256B.48, subdivision 2.

Subd. 10. [RESIDENT DAY.] "Actual resident day" means a billable, countable day for which a full and normal billing is rendered as defined by the commissioner.

Sec. 10. [256B.431] [RATE DETERMINATION.]

Subdivision 1. [IN GENERAL.] The commissioner shall determine prospective payment rates for resident care costs. In determining the rates, the commissioner shall group nursing homes according to different levels of care as defined by the commissioner and geographic location. On or before June 1, 1983, the commissioner shall mail notices to each nursing home of the rates to be effective from July 1 of that year to June 30 of the following year. In subsequent years, the commissioner shall provide notice to each nursing home on or before May 15 of the rates effective for the following rate year.

Subd. 2. [OPERATING COSTS.] (a) The commissioner shall establish, by rule, procedures for determining per diem reimbursement for operating costs based on actual resident days and for reserved bed days. The commissioner shall disallow any portion of the general and administrative cost category, exclusive of fringe benefits and payroll taxes, which exceeds ten percent of the expenditures in all other operating cost categories except fringe benefits and payroll taxes.

(b) For the rate year beginning July 1, 1983, and ending June 30, 1984, the prospective operating cost payment rate for each nursing home shall be determined by the commissioner based on the most recently audited and available cost reports of allowed operating costs received by June 1, 1983. The 60th percentile of payments for operating costs for each group of nursing homes established under subdivision 1 shall be calculated.

(1) Within each group, each nursing home whose allowed historical operating cost payment rates are at or above the 60th

percentile of payment rates shall receive the 60th percentile plus six percent plus 80 percent of the difference between their allowed historical operating cost payment rate and the 60th percentile.

(2) Within each group, each nursing home whose allowed historical operating cost payment rate is below the 60th percentile shall receive the six percent increase.

For the rate year beginning July 1, 1984, and ending June 30, 1985, the prospective operating cost payment rate for each nursing home shall be determined by the commissioner based on allowed operating costs incurred during the reporting year preceding the rate year. The 60th percentile of payments for operating costs for each group of nursing homes established under subdivision 1 shall be calculated.

(3) Within each group, each nursing home whose allowed historical operating cost payment rate is at or above the 60th percentile of payment rates shall receive the 60th percentile plus six percent plus 50 percent of the difference between their allowed historical operating cost payment rate and the 60th percentile.

(4) Within each group, each nursing home whose allowed historical operating cost payment rate is below the 60th percentile shall receive the six percent increase.

(c) For subsequent years, the commissioner shall:

(1) Contract with an econometric firm with recognized expertise in and access to national economic change indices which can be applied to the appropriate cost categories when determining the operating cost payment rate.

(2) Establish the 60th percentile of payments for operating costs for each group of nursing homes established under subdivision 1 based on cost reports of allowed operating costs in the previous reporting year. The commissioner shall provide for the analysis and evaluation of each nursing home's report of allowed operating costs incurred by the nursing home during the reporting year immediately preceding the rate year for which the payment rate becomes effective. The allowed historical operating costs, after the commissioner's analysis and evaluation, shall be added together and divided by the actual number of resident days in order to compute the historical operating cost per diem amount.

(3) Establish a composite index for each group by determining the weighted average of all economic change indicators applied to the operating cost categories in that group.

(4) Within each group, each nursing home with allowed historical operating costs in the previous reporting year at or above the 60th percentile calculated in paragraph (c)(2) shall receive the 60th percentile increased by the composite index calculated in paragraph (c)(3). Each nursing home with allowed historical operating costs in the previous reporting year below the 60th percentile calculated in paragraph (c)(2) shall receive the percentage change resulting from the application of the composite index to its allowed historical operating cost per diem.

The commissioner shall include the reported actual real estate tax liability of each proprietary nursing home as an operating cost of that nursing home. The commissioner shall include a reported actual special assessment for each nursing home as an operating cost of that nursing home. Total real estate tax liability plus any special assessments for each nursing home shall be divided by actual resident days in order to compute the operating cost payment rate for this operating cost category.

(d) The commissioner shall allow the nursing home to keep, as an efficiency incentive, the difference between the nursing home's operating cost payment rate established for that rate year and the actual historical operating costs incurred for that rate year, if the latter amount is smaller. If a nursing home's actual historic operating costs are greater than the prospective payment rate for that rate year, there shall be no retroactive cost settle-up. If an annual cost report or field audit indicates that the expenditures for direct resident care have been reduced in amounts large enough to indicate a possible detrimental effect on the quality of care, the commissioner shall notify the commissioner of health and the interagency board for quality assurance.

(e) The commissioner may negotiate with a nursing home that is eligible to receive medical assistance payments, a payment rate of up to 125 percent of the allowed payment rate to be paid for a period of up to three months for individuals who have been hospitalized for more than 100 days and who have extensive care needs.

Subd. 3. [PROPERTY-RELATED COSTS.] For the rate year beginning July 1, 1983, and ending June 30, 1984, property-related costs shall be reimbursed to each nursing home at the level recognized in the payment rate in effect on March 1, 1983. Property-related costs include: depreciation, interest, earnings or investment allowance, lease, or rental payments. No adjustments shall be made as a result of sales or reorganizations of provider entities. Annual per diem shall be computed by dividing total property-related costs by 96 percent of the nursing home's certified capacity days.

In subsequent years, the commissioner shall reimburse nursing home providers who are vendors in the medical assistance pro-

gram for the rental use of their property. The "rent" is the amount of periodic payment which a renter might expect to pay for the right to the agreed use of the real estate and the equipment as it exists. "Real estate" means land improvements, buildings, and attached fixtures used directly for patient care. "Equipment" means the standard movable patient care equipment and support service equipment generally used in long-term care facilities. The rent payment shall be deemed to include compensation for depreciation expense, interest expense, and the owner's investment.

(a) For the state fiscal year beginning July 1, 1984, the commissioner shall provide for the appraisal of all nursing homes by uniform standards, using the depreciated replacement cost method. The appraisal shall include the real estate and the equipment.

(b) The commissioner shall establish an investment per bed limitation on the value to be recognized of buildings, land improvements, and major movable equipment and shall annually update the limitation to reflect changes in replacement costs.

(c) The per diem rent shall be determined annually by taking the base market value computed in clause (b) and multiplying it by eight percent and dividing by 96 percent of the nursing home's certified capacity days. Each year the commissioner shall apply an appropriate index to the base per diem rent computed under this clause, not to exceed three percent per year.

Subd. 4. [SPECIAL RATES.] A newly-constructed nursing home or one with a capacity increase of 50 percent or more may, upon written application to the commissioner, receive the 60th percentile established for the appropriate group under subdivision 2, paragraph (b), increased by six percent as their operating cost payment rate to be effective from the first day a medical assistance recipient resides in the home or for the added beds. The commissioner shall establish by rule procedures for determining the allowable level of property-related costs for newly-constructed beds and payments rates for nursing homes which provide care under a lesser care level than the level for which the nursing home is certified.

Sec. 11. Minnesota Statutes 1982, section 256B.47, is amended to read:

256B.47 [(RATE LIMITS) NONALLOWABLE COSTS; NOTICE OF INCREASES TO PRIVATE PAYING RESIDENTS.]

Subdivision 1. [NONALLOWABLE COSTS.] (THE STATE AGENCY SHALL BY RULE ESTABLISH SEPARATE OVERALL LIMITATIONS ON THE COSTS FOR

ITEMS WHICH DIRECTLY RELATE TO THE PROVISION OF PATIENT CARE TO RESIDENTS OF NURSING HOMES AND THOSE WHICH DO NOT DIRECTLY RELATE TO THE PROVISION OF CARE. THE STATE AGENCY MAY ALSO BY RULE, ESTABLISH LIMITATIONS FOR SPECIFIC COST CATEGORIES WHICH DO NOT DIRECTLY RELATE TO THE PROVISION OF PATIENT CARE. THE STATE AGENCY SHALL REIMBURSE NURSING HOMES FOR THE COSTS OF NURSING CARE IN EXCESS OF ANY STATE AGENCY LIMITS ON HOURS OF NURSING CARE IF THE COMMISSIONER OF HEALTH ISSUES A CORRECTION ORDER PURSUANT TO SECTION 144A.10, SUBDIVISION 4, DIRECTING THE NURSING HOME TO PROVIDE THE ADDITIONAL NURSING CARE. ALL COSTS DETERMINED OTHERWISE ALLOWABLE SHALL BE SUBJECT TO THESE LIMITATIONS.)

(SUBD. 2) The following costs shall not be recognized as allowable (TO THE EXTENT THAT THESE COSTS CANNOT BE DEMONSTRATED BY THE NURSING HOME TO THE STATE AGENCY TO BE DIRECTLY RELATED TO THE PROVISION OF PATIENT CARE): (1) political contributions; (2) salaries or expenses of a lobbyist, as defined in section 10A.01, subdivision 11, for lobbying activities; (3) advertising designed to encourage potential residents to select a particular nursing home; (4) assessments levied by the (HEALTH DEPARTMENT) *commissioner of health* for uncorrected violations; and (5) legal fees for unsuccessful challenges to decisions by state agencies (; AND (6) DUES PAID TO A NURSING HOME OR HOSPITAL ASSOCIATION. THE STATE AGENCY SHALL PROMULGATE RULES ESTABLISHING STANDARDS WHICH SHALL DISTINGUISH BETWEEN ANY PATIENT-CARE RELATED COMPONENTS AND NONPATIENT-CARE RELATED COMPONENTS OF THESE COSTS, WHERE APPLICABLE. FOR PURPOSES OF THESE RULES, THE STATE AGENCY SHALL EXERCISE EMERGENCY POWERS AND ESTABLISH EMERGENCY RULES PURSUANT TO SECTION 15.0412, SUBDIVISION 5, BEFORE SEPTEMBER 1, 1977). The (STATE AGENCY) *commissioner* shall by rule exclude the costs of any other items (WHICH IT DETERMINES ARE) not directly related to the provision of (PATIENT) *resident* care.

(SUBD. 3. ON OR BEFORE JANUARY 1, 1977 THE STATE AGENCY SHALL BY RULE ESTABLISH A PROCEDURE AFFORDING NOTICE OF THE APPROVED RATE FOR MEDICAL ASSISTANCE RECIPIENTS TO NURSING HOMES WITHIN 120 DAYS AFTER THE CLOSE OF THE FISCAL YEAR OF THE NURSING HOME.)

Subd. (4.) 2. [NOTICE TO RESIDENTS.] No increase in nursing home rates for private paying residents shall be effective unless the nursing home notifies the resident or person

responsible for payment of the increase in writing 30 days before the increase takes effect.

A nursing home may adjust its rates without giving the notice required by this subdivision when the purpose of the rate adjustment is to (: (A)) reflect a necessary change in the level of care provided to a resident (; OR (B) RETROACTIVELY OR PROSPECTIVELY EQUALIZE PRIVATE PAY RATES WITH RATES CHARGED TO MEDICAL ASSISTANCE RECIPIENTS AS REQUIRED BY SECTION 256B.48, SUBDIVISION 1, CLAUSE (A) AND APPLICABLE FEDERAL LAW.)

(SUBD. 5. THE COMMISSIONER SHALL PROMULGATE RULES NO LATER THAN AUGUST 1, 1980, TO AMEND THE CURRENT RULES GOVERNING NURSING HOME REIMBURSEMENT, IN ACCORDANCE WITH SECTIONS 14.01 TO 14.70, TO ALLOW PROVIDERS TO ALLOCATE THEIR RESOURCES IN ORDER TO PROVIDE AS MANY NURSING HOURS AS NECESSARY WITHIN THE TOTAL COST LIMITATIONS OF THE PER DIEM ALREADY GRANTED). *If the state fails to set rates as required by section 10, the time required for giving notice is increased by the number of days by which the state was late in setting the rates.*

Sec. 12. Minnesota Statutes 1982, section 256B.48, is amended to read:

256B.48 [CONDITIONS FOR PARTICIPATION.]

Subdivision 1. [PROHIBITED PRACTICES.] (NO) A nursing home (SHALL BE) *is not* eligible to receive medical assistance payments unless it agrees in writing that it will refrain from:

(a) (CHARGING NONMEDICAL ASSISTANCE RESIDENTS RATES FOR SIMILAR SERVICES WHICH EXCEED BY MORE THAN TEN PERCENT THOSE RATES WHICH ARE APPROVED BY THE STATE AGENCY FOR MEDICAL ASSISTANCE RECIPIENTS. FOR NURSING HOMES CHARGING NONMEDICAL ASSISTANCE RESIDENTS RATES LESS THAN TEN PERCENT MORE THAN THOSE RATES WHICH ARE APPROVED BY THE STATE AGENCY FOR MEDICAL ASSISTANCE RECIPIENTS, THE MAXIMUM DIFFERENTIAL IN RATES BETWEEN NONMEDICAL ASSISTANCE RESIDENTS AND MEDICAL ASSISTANCE RECIPIENTS SHALL NOT EXCEED THAT DIFFERENTIAL WHICH WAS IN EFFECT ON APRIL 13, 1976. IF A NURSING HOME HAS EXCEEDED THIS DIFFERENTIAL SINCE APRIL 13, 1976, IT SHALL RETURN THE AMOUNT COLLECTED IN EXCESS OF THE ALLOWABLE DIFFER-

ENTIAL STATED BY THIS SUBDIVISION TO THE NON-MEDICAL ASSISTANCE RESIDENT, OR THAT PERSON'S REPRESENTATIVE, BY JULY 1, 1977. EFFECTIVE JULY 1, 1978, NO NURSING HOME SHALL BE ELIGIBLE FOR MEDICAL ASSISTANCE IF IT CHARGES NONMEDICAL ASSISTANCE RECIPIENTS) *Charging private paying residents rates for similar services which exceed those which are approved by the state agency for medical assistance recipients (; PROVIDED, HOWEVER, THAT) except under the following circumstances: the nursing home may (1) charge (NONMEDICAL ASSISTANCE) private paying residents a higher rate for a private room, and (2) charge for special services which are not included in the daily rate if medical assistance (PATIENTS) residents are charged separately at the same rate for the same services in addition to the daily rate paid by the (STATE AGENCY) commissioner. A nursing home that charges a private paying resident a rate in violation of this clause is subject to an action by the state of Minnesota or any of its subdivisions or agencies for civil damages. A private paying resident or the resident's legal representative has a cause of action for civil damages against a nursing home that charges the resident rates in violation of this clause. The damages awarded shall include three times the payments that result from the violation, together with costs and disbursements, including reasonable attorneys' fees or their equivalent. A private paying resident or the resident's legal representative, the state, subdivision or agency, or a nursing home may request a hearing to determine the allowed rate or rates at issue in the cause of action. Within 15 calendar days after receiving a request for such a hearing, the commissioner shall request assignment of a hearing examiner under sections 14.48 to 14.56 to conduct the hearing as soon as possible or according to agreement by the parties. The hearing examiner shall issue a report within 15 calendar days following the close of the hearing. The prohibition set forth in this clause shall not apply to facilities licensed as boarding care facilities which are not certified as nursing homes for reimbursement through medical assistance;*

(b) Requiring an applicant for admission to the home, or the guardian or conservator of the applicant, as a condition of admission, to pay (AN ADMISSION FEE) *any fee or deposit in excess of \$100, loan any money to the nursing home, or promise to leave all or part of the applicant's estate to the home; and*

(c) Requiring any resident of the nursing home to utilize a vendor of health care services who is a licensed physician or pharmacist chosen by the nursing home.

(d) *Requiring any vendor of medical care as defined by 256B.02, subdivision 7, who is reimbursed by medical assistance under a separate fee schedule, to pay any portion of his fee to the home.*

The prohibitions set forth in clause (b) shall not apply to a retirement home with more than 325 beds including at least 150 licensed nursing home beds and which:

(1) is owned and operated by an organization tax-exempt under section 290.05, subdivision 1, clause (i); and

(2) at the time of admission places all of the applicant's assets which are required to be assigned to the home in a trust account from which only expenses for the cost of care of the applicant may be deducted; and

(3) agrees in writing at the time of admission to the home to permit the applicant, or his guardian, or conservator, to examine the records relating to the individual's trust account upon request; and to receive an audited statement of the expenditures from his individual account upon request; and

(4) agrees in writing at the time of admission to the home to permit the applicant to withdraw from the home at any time and to receive, upon withdrawal, all of the unexpended funds remaining in his individual trust account (; AND)

((5) WAS IN COMPLIANCE WITH PROVISIONS (1) TO (4) AS OF JUNE 30, 1976).

Subd. 2. [REPORTING REQUIREMENTS.] (EFFECTIVE JULY 1, 1976, NO NURSING HOME SHALL BE ELIGIBLE TO RECEIVE MEDICAL ASSISTANCE PAYMENTS UNLESS IT AGREES IN WRITING TO:)

((A) PROVIDE THE STATE AGENCY WITH ITS MOST RECENT (1) BALANCE SHEET AND STATEMENT OF REVENUES AND EXPENSES AS AUDITED BY A CERTIFIED PUBLIC ACCOUNTANT LICENSED BY THIS STATE OR BY A PUBLIC ACCOUNTANT AS DEFINED IN SECTION 412.222; (2) STATEMENT OF OWNERSHIP FOR THE NURSING HOME; AND (3) A SEPARATE AUDITED BALANCE SHEET AND STATEMENT OF REVENUES AND EXPENSES FOR EACH NURSING HOME IF MORE THAN ONE NURSING HOME OR OTHER BUSINESS OPERATION IS OWNED BY THE SAME OWNER; A GOVERNMENTALLY OWNED NURSING HOME MAY COMPLY WITH THE AUDITING REQUIREMENTS OF THIS CLAUSE BY SUBMITTING AN AUDIT REPORT PREPARED BY THE STATE AUDITOR'S OFFICE;)

((B) PROVIDE THE STATE AGENCY WITH COPIES OF LEASES, PURCHASE AGREEMENTS AND OTHER RELATED DOCUMENTS RELATED TO THE LEASE OR PURCHASE OF THE NURSING HOME; AND)

((C) PROVIDE TO THE STATE AGENCY UPON REQUEST COPIES OF LEASES, PURCHASE AGREEMENTS, OR SIMILAR DOCUMENTS FOR THE PURCHASE OR ACQUISITION OF EQUIPMENT, GOODS AND SERVICES WHICH ARE CLAIMED AS ALLOWABLE COSTS.)

Effective July 1, 1983, a skilled nursing facility or intermediate care facility, including boarding care facilities and supervised living facilities, which receives medical assistance payments or other reimbursements from the state agency shall:

(a) *Provide the state agency with a copy of its audited financial statements which correspond to the period covered by the annual cost report. The audited financial statements must include a balance sheet, income statement, statement of retained earnings, statements of changes in financial position (cash and working capital methods), notes to the financial statements, applicable supplemental information, and the certified public accountant's or licensed public accountant's opinion. The examination by the certified public accountant or licensed public accountant shall be conducted in accordance with generally accepted auditing standards as promulgated and adopted by the American Institute of Certified Public Accountants;*

(b) *Provide the state agency with a statement of ownership for the facility;*

(c) *Provide the state agency with separate, audited financial statements as specified in clause (a) for every other facility owned in whole or part by an individual or entity which has an ownership interest in the facility;*

(d) *Provide the state agency with separate, audited financial statements as specified in clause (a) for every organization with which the facility conducts business and which is owned in whole or in part by an individual or entity which has an ownership interest in the facility;*

(e) *Provide the state agency with copies of leases, purchase agreements, and other documents related to the lease or purchase of the nursing facility;*

(f) *Upon request, provide the state agency with copies of leases, purchase agreements, and other documents related to the acquisition of equipment, goods, and services which are claimed as allowable costs; and*

(g) *Permit access by the state agency to the certified public accountant's and licensed public accountant's audit workpapers which support the audited financial statements required in clauses (a), (c), and (d).*

Documents or information provided to the state agency pursuant to this subdivision shall be public. If the requirements of clauses (a) to (g) are not met, the reimbursement rate shall be reduced to 80 percent of the rate in effect on the first day of the fourth calendar month after the close of the facility's fiscal year, and the reduction shall continue until the requirements are met. This subdivision is not subject to the rulemaking requirements of section 14.

Subd. 3. [INCOMPLETE OR INACCURATE REPORTS.] The (STATE AGENCY) commissioner may reject any annual cost report filed by a nursing home pursuant to this chapter if (IT) the commissioner determines that the report or the information required in subdivision 2, clause (a) has been filed in a form that is incomplete or inaccurate. In the event that a report is rejected pursuant to this subdivision, the (STATE AGENCY MAY) commissioner shall make payments to a nursing home at (THE) its most recently established rate (DETERMINED FOR ITS PRIOR FISCAL YEAR, OR AT AN INTERIM RATE ESTABLISHED BY THE STATE AGENCY,) until the information is completely and accurately filed.

Subd. 4. [EXTENSIONS; AMENDMENTS.] *The commissioner may grant a 30-day extension of the reporting deadline to a nursing home in unusual circumstances. To receive such an extension, a nursing home shall submit a written request by March 1. The commissioner will notify the nursing home of the decision by March 15.*

Subd. 5. [FALSE REPORTS.] *If a nursing home knowingly supplies inaccurate or false information in a required report that results in an overpayment, the commissioner shall: (a) immediately adjust the nursing home's payment rate to recover the entire overpayment within the rate year; or (b) terminate the commissioner's agreement with the nursing home; or (c) prosecute under applicable state or federal law; or (d) use any combination of the foregoing actions.*

Sec. 13. [256B.50] [APPEALS.]

A nursing home may appeal a decision arising from the application of standards or methods pursuant to sections 256B.41, 256B.47, 256B.48, and sections 9, 10, 13, and 14, if the appeal, if successful, would result in a change to the nursing home's payment rate. An appealable decision is an operating cost determination decision. To appeal, the nursing home shall notify the commissioner of its intent to appeal within 30 days and submit a written appeal request within 60 days of receiving notice of the payment rate determination or decision. The request shall specify each disputed item, the reason for the dispute, an estimate of the dollar amount involved, and other information required by the commissioner. The appeal shall be heard by a hearing examiner according to sections 14.48 to 14.56, or upon agreement by both

parties according to a modified appeals procedure established by the commissioner and the hearing examiner. Regardless of any rate appeal, the rate established shall be the rate paid and shall remain in effect until final resolution of the appeal, subsequent desk or field audit adjustment, notwithstanding any provision of law or rule to the contrary. To challenge the validity of rules established by the commissioner pursuant to sections 256B.41, 256B.47, 256B.48, and sections 9, 10, 13, and 14, a nursing home shall comply with section 14.44.

Sec. 14. [256B.502] [TEMPORARY RULES.]

To implement sections 1 to 15, the commissioner shall promulgate temporary and permanent rules in accordance with sections 14.01 to 14.38. Notwithstanding the provisions of section 14.35, the temporary rule promulgated to implement sections 1 to 15 shall be effective for up to 360 days, and may be continued in effect for two additional periods of 180 days each if the commissioner gives notice of continuation of each additional period by publishing notice in the state register and mailing the same notice to all persons registered with the commissioner to receive notice of rulemaking proceedings in connection with sections 1 to 15. The temporary rule promulgated in accordance with this section shall not be effective 720 days after its effective date without following the procedures in sections 14.13 to 14.20.

Sec. 15. [LEGISLATIVE STUDY COMMISSION ON LONG TERM HEALTH CARE FUNDING ALTERNATIVES.]

Subdivision 1. A legislative study commission is created (a) to monitor the inspection and regulation activities, including rule developments, of the departments of health and public welfare with the goal of improving quality of care; (b) to study and report on alternative long-term care services, including respite care services, day care services, and hospice services; and (c) to study and report on alternatives to medical assistance funding for providing long term health care services to the citizens of Minnesota. The study commission shall consider the use of such alternatives as private insurance, private annuities, health maintenance organizations, preferred provider organizations, medicare, and such other alternatives as the commission may deem worthy of study.

Subd. 2. The commission shall consist of six members of the house of representatives appointed by the speaker and six members of the senate appointed by the subcommittee on committees.

Subd. 3. The commission shall report its findings and recommendations to the governor and the legislature not later than January 1, 1985.

Subd. 4. The commission shall hold meetings and hearings at the times and places it designates to accomplish the purposes

set forth in this section. It shall select a chairperson and other officers from its membership as it deems necessary.

Subd. 5. The commission shall make use of existing legislative facilities and staff of the house and senate research department and senate counsel, but it may also request the legislative coordinating commission to supply it with additional necessary staff, office space, and administrative services. All additional personnel shall be hired and supervised by the directors of the house and senate research departments and senate counsel. The commission shall have full authority to contract for expert services and opinions relevant to the purposes of this section. The commission, by a two-thirds vote of its members, may request the issuance of subpoenas, including subpoenas duces tecum, requiring the appearance of persons, production of relevant records, and giving of relevant testimony. Issuance of subpoenas shall be as provided in section 3.153.

Sec. 16. [REPEALER.]

Minnesota Statutes 1982, sections 256B.42; 256B.43; 256B.44; 256B.45; and 256B.46 are repealed. Section 1 is repealed effective June 30, 1986.

Sec. 17. [APPROPRIATION.]

For the biennium ending June 30, 1985, \$_____ is appropriated from the general fund to the commissioner of public welfare to jointly establish with the commissioner of health the interagency board for quality assurance in accordance with section 3. The approved complements of the department of health and the department of public welfare are each increased by one-half position to provide one full-time position for the interagency board.

Sec. 18. [EFFECTIVE DATE.]

Sections 1 to 17 are effective the day following enactment, for establishing procedures for determining payment rates to become effective for the biennium beginning July 1, 1983, and thereafter. The amendments to section 256B.48, subdivision 1, apply to causes of action arising from charges made on or after the effective date of section 12."

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

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 697, A bill for an act relating to the city of St. Paul; providing for facilities, bonding, powers, and duties of the St. Paul port authority; amending Laws 1976, chapter 234, section 3, subdivision 1.

Reported the same back with the following amendments:

Page 2, line 15, after "*income*" insert "*or \$400,000 annually, whichever is less,*"

Page 2, line 20, after "*participants*" insert "*and provided such corporation or entity shall report in writing each month to the commissioners of such port authority all investment action and other actions taken by it since the last such report. All funds contributed to such corporation or entity shall be invested pro rata with each contributor of capital taking proportional risks on each investment*"

Page 3, line 4, after "*subdivision 3*" insert "*and shall expire June 30, 1987*"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 721, A bill for an act relating to the city of Babbitt; authorizing the establishment of detached banking facilities.

Reported the same back with the following amendments:

Page 1, line 10, delete "*by merger with, or acquisition of, an*"

Page 1, line 11, delete everything before the period

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 745, A bill for an act relating to the administrative procedure act; clarifying the duties of the revisor of statutes with respect to approving the form of administrative rules; requiring the chief hearing examiner and attorney general to send statements of reasons for disapproving rules to the revisor; increasing the six month time period for adopting a rule under certain circumstances; applying the six month adoption dead-

line to rules adopted without public hearing; clarifying other provisions of the act; amending Minnesota Statutes 1982, sections 14.07; 14.08; 14.14, subdivision 1; 14.15, subdivisions 3 and 4; 14.17; 14.18; 14.19; 14.21; 14.22; 14.26; 14.32; and 14.47, subdivisions 1 and 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 14.07, is amended to read:

14.07 [FORM OF RULE.]

Subdivision 1. [RULE DRAFTING ASSISTANCE PROVIDED.] The revisor of statutes shall:

(1) maintain an agency rules drafting department to draft or aid in the drafting of rules or amendments to rules for any agency in accordance with *subdivision 3* and the objective or other instructions which the agency shall give the revisor; and,

(2) prepare and publish an agency rules drafting guide which shall set out the form and method for drafting rules and amendments to rules, and to which all rules shall comply.

Subd. 2. [APPROVAL OF FORM.] No (PROCEDURE) *agency decision* to adopt a rule (,) or temporary rule (, OR EMERGENCY RULE,) shall be (INITIATED BY ANY AGENCY UNTIL) *effective unless* the agency (PRESENTS IT) *has presented the rule* to the revisor of statutes and the revisor (CERTIFIES) *has certified* that its form is approved. (THE REVISOR MAY ASSIST IN DRAFTING RULES AS PROVIDED BY SUBDIVISION 3.)

Subd. 3. [STANDARDS FOR FORM.] In determining the drafting form of rules the revisor shall:

(1) minimize duplication of statutory language;

(2) not permit incorporations into the rules by reference of publications or other documents which are not conveniently available to the public;

(3) to the extent practicable, use plain language in rules and avoid technical language; and

(4) amend rules by showing the (TEXT) *portion* of the (RULE, PARAGRAPH, CLAUSE, OR OTHER PART OF A) rule being amended as necessary to provide adequate notice of the nature of the proposed amendment, as it is shown in the

latest compilation or supplement, or, if not yet published in a compilation or supplement, then as the text is shown in the (STATE REGISTER) files of the secretary of state, with changes shown by striking and underlining words.

Subd. 4. [INCORPORATIONS BY REFERENCE.] (a) An agency may incorporate by reference into its rules the text from Minnesota Statutes, *Minnesota Rules*, United States Statutes at Large, United States Code, Laws of Minnesota, Code of Federal Regulations, the Federal Register, and other publications and documents which are determined by the revisor of statutes, after consultation with the chief hearing examiner, to be conveniently available to the public. *The agency must provide information necessary for the revisor's determination of availability.* When presented with a rule for certification pursuant to subdivision 2 and this subdivision, the revisor of statutes should indicate in the certification that the rule incorporates by reference text from other publications or documents. If the revisor certifies that the form of a rule is approved, that approval constitutes the revisor's finding that the (TEXT OF A) publication or other document other than (THOSE) one listed by name in this subdivision, and which (ARE) is incorporated by reference into the rules, (ARE) is conveniently available to the public.

(b) *For the purposes of paragraph (a), "conveniently available to the public" means available for loan or inspection and copying to a person living anywhere in Minnesota through a statewide interlibrary loan system or in a public library without charge except for reasonable copying fees and mailing costs.*

Subd. 5. [DUPLICATION OF STATUTORY LANGUAGE.] No agency shall adopt a rule which duplicates language contained in Minnesota Statutes unless either the hearing examiner, for rules adopted pursuant to sections 14.13 to 14.20, or the attorney general, for rules adopted pursuant to sections 14.21 to 14.36, determines that duplication of the language is crucial to the ability of a person affected by a rule to comprehend its meaning and effect. When presented with a rule for certification pursuant to subdivisions 2 and 4, the revisor of statutes should indicate in the certification that the rule duplicates statutory language.

Subd. 6. [STYLE AND FORM REVISIONS.] The revisor of statutes (SHALL) may periodically prepare style and form revisions of rules to clarify, modernize, or simplify the text without material change to the rules' substance or effect. Before beginning any revision, the revisor shall consult the agency whose rules will be subject to the revision. After the revision is prepared, the revisor shall present it to the agency and receive its consent to proceed to seek adoption of the revision. Upon receiving consent, the revisor shall seek adoption of the rules in accordance with sections 14.05 to 14.36. However, the need

and reasonableness statement and any hearing shall be restricted to the issue of whether any material change in the substance and effect of the rule is proposed by the revisor. The revisor shall mail notice of any hearing to the persons registered with the agency whose rules are the subject of the revision. The revisor shall pay all costs to publish notices in the state register and to replenish the agency's stock of rules which exist at the time the revisor adopts the revised rules.

Subd. 7. [TECHNICAL CHANGES.] The revisor may approve the form of a rule amendment which does not meet the requirements of subdivision 3, clause (4), if, in the revisor's judgment, the amendment does not change the substance of the rule and the amendment is:

- (a) a relettering or renumbering instruction;*
- (b) the substitution of one name for another when an organization or position is renamed;*
- (c) the substitution of a reference to Minnesota Statutes for a corresponding reference to Laws of Minnesota;*
- (d) the correction of a citation to rules or laws which has become inaccurate since the rule was adopted because of repealing or renumbering of the rule or law cited; or*
- (e) the correction of a similar formal defect.*

This subdivision does not limit the revisor's authority to make the changes described in clauses (a) to (e) during the publication process under section 14.47.

Sec. 2. Minnesota Statutes 1982, section 14.08, is amended to read:

14.08 [REVISOR OF STATUTE'S APPROVAL OF RULE FORM.]

(a) For the purpose of obtaining the revisor's certificate of approval of the form of a rule prior to filing the rule with the secretary of state, (A COPY) two copies of the rule shall be submitted by the agency to the attorney general. The attorney general shall send one copy of the rule to the revisor on the same day as it is submitted by the agency to the attorney general as required by sections 14.16, 14.26, and 14.32. Within five days after receipt of the rule, excluding weekends and holidays, the revisor shall either (DELIVER THE CERTIFICATE AND) return the rule with a certificate of approval to the attorney general or notify the attorney general and the agency that the form of the rule will not be approved. (THE REVISOR'S

CERTIFICATE SHALL BE ATTACHED TO THE RULES FILED WITH THE SECRETARY OF STATE.)

(b) If the attorney general disapproves the rule, (THE REVISOR'S CERTIFICATE SHALL BE RETURNED TO THE REVISOR BY THE ATTORNEY GENERAL. IF, AFTER THE ATTORNEY GENERAL DISAPPROVES THE RULE,) the agency (MODIFIES) *may modify* it (.). After the chief hearing examiner's review, *if any*, the agency shall submit *two copies* of the modified rule to the *attorney general who shall send a copy to the revisor for approval as to form as described in paragraph (a).*

(c) If the revisor refuses to approve the form of any rules, the revisor's notice to the agency and the attorney general shall indicate the reason for the refusal and specify the modifications necessary so the form of the rules will be approved.

Sec. 3. Minnesota Statutes 1982, section 14.12, is amended to read:

14.12 [DEADLINE TO PUBLISH NOTICE.]

The agency shall, within (SIX MONTHS) *180 days* after the effective date of a law requiring rules to be promulgated, unless otherwise specified by law, publish an appropriate notice of intent to adopt a rule in accordance with sections 14.04 to 14.36. If an agency has not given this notice, it shall report to the *legislative commission to review administrative rules, other appropriate committees of the legislature, and the governor its failure to do so, and the reasons for that failure.*

Sec. 4. Minnesota Statutes 1982, section 14.14, subdivision 1, is amended to read:

Subdivision 1. [REQUIRED HEARING.] *Except as otherwise provided in chapter 14, no rule, other than a rule setting a fee covered by section 16A.128 or 214.06, shall be adopted by any agency unless the agency first holds a public hearing affording all affected interests an opportunity to participate. Fee adjustments authorized under section 16A.128 or 214.06 may be made by rule without a public hearing when the total fees received during the fiscal biennium will not exceed 110 percent of the sum of all direct appropriations, transfers in, and salary supplements for that purpose for the biennium.*

Subd. 1a. [NOTICE OF RULE HEARING.] Each agency shall maintain a list of all persons who have registered with the agency for the purpose of receiving notice of rule hearings. The agency may inquire as to whether those persons on the list wish to maintain their names thereon and may remove names for which there is a negative reply or no reply within 60 days. The agency shall, at least 30 days prior to the date set for the hear-

ing, give notice of its intention to adopt rules by United States mail to all persons on its list, and by publication in the state register. *The mailed notice shall include either a copy of the proposed rule or a description of the nature and effect of the proposed rule and an announcement that a free copy of the proposed rule is available on request from the agency.* Each agency may, at its own discretion, also contact persons not on its list and may give notice of its intention in newsletters, newspapers or other publications or through other means of communication. The notice in the state register shall include the proposed rule or an amended rule in the form (PROVIDED IN) *required by the revisor under section 14.07, (SUBDIVISION 3,) together with a citation to the most specific statutory authority for the proposed rule, a statement of the place, date, and time of the public hearing, and other information as required by law or rule.* When an entire rule is proposed to be repealed, the agency need only publish that fact, giving the citation to the rule to be repealed in the notice.

Sec. 5. Minnesota Statutes 1982, section 14.15, subdivision 1, is amended to read:

Subdivision 1. [TIME OF PREPARATION.] After allowing written material to be submitted and recorded in the hearing record for five working days after the public hearing ends, or for a longer period not to exceed 20 days if ordered by the hearing examiner, the hearing examiner assigned to the hearing shall write a report as provided for in section 14.50. *The hearing examiner shall allow the agency three business days after the closing of the hearing record to indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. The agency may not submit additional information during this three-day period. The written acceptance of other amendments shall be added to the hearing record.*

Sec. 6. Minnesota Statutes 1982, section 14.15, subdivision 3, is amended to read:

Subd. 3. [FINDING OF SUBSTANTIAL CHANGE.] If the report contains a finding that a rule has been modified in a way which makes it substantially different from that which was originally proposed, or that the agency has not met the requirements of sections 14.13 to 14.18, it shall be submitted to the chief hearing examiner for approval. If the chief hearing examiner approves the finding of the hearing examiner, the chief hearing examiner shall advise the agency *and the revisor of statutes of actions which will correct the defects (, AND).* The agency shall not adopt the rule until the chief hearing examiner determines that the defects have been corrected.

Sec. 7. Minnesota Statutes 1982, section 14.15, subdivision 4, is amended to read:

Subd. 4. [NEED OR REASONABLENESS NOT ESTABLISHED.] If the chief hearing examiner determines that the need for or reasonableness of the rule has not been established pursuant to section 14.14, subdivision 2, and if the agency does not elect to follow the suggested actions of the *chief hearing examiner* to correct that defect, then the agency shall submit the proposed rule to the legislative commission to review administrative rules for the commission's advice and comment. The agency shall not adopt the rule until it has received and considered the advice of the commission. However, the agency is not required to delay adoption longer than 30 days after the commission has received the agency's submission. Advice of the commission shall not be binding on the agency.

Sec. 8. Minnesota Statutes 1982, section 14.17, is amended to read:

14.17. [ATTORNEY GENERAL'S APPROVAL.]

The attorney general shall, within 20 days, either approve or disapprove the rule.

If the rule is approved, the attorney general shall promptly file two copies of it in the office of the secretary of state *with the revisor's certificate approving the form of the rule*. The secretary of state shall forward one copy of each rule filed to the revisor of statutes.

If the rule is disapproved, the attorney general shall state in writing the reasons and return the rule to the agency. *The attorney general shall also send a statement of reasons for disapproving the rule to the agency, the chief hearing examiner, the revisor of statutes, and the legislative commission to review administrative rules.* The rule shall neither be filed in the office of the secretary nor published. Upon receiving a rule disapproved as illegal, the agency shall either withdraw the rule under section 14.05, subdivision 3 or modify the rule to cure the illegality. If the rule is modified, it shall be submitted to the chief hearing examiner who shall determine if the modified rule is substantially different from the rule as originally proposed. The agency shall not resubmit the rule to the attorney general until the chief hearing examiner determines that the rule is not substantially different from the rule as originally proposed.

Sec. 9. Minnesota Statutes 1982, section 14.18, is amended to read:

14.18. [PUBLICATION OF ADOPTED RULE; EFFECTIVE DATE.]

A rule is effective after it has been subjected to all requirements described in sections 14.13 to 14.20 and five working days

after the notice of adoption is published in the state register unless a later date is required by law or specified in the rule. If the rule adopted is the same as the proposed rule, publication may be made by publishing notice in the state register that the rule has been adopted as proposed and by citing the prior publication. If the rule adopted differs from the proposed rule, the (TEXT OF THAT PORTION *portions* of the adopted rule which (DIFFERS) *differ* from the proposed rule shall be included in the notice of adoption together with a citation to the prior state register publication of the remainder of the proposed rule. *The nature of the modifications must be clear to a reasonable person when the notice of adoption is considered together with the state register publication of the proposed rule, except that modifications may also be made which comply with the form requirements of section 14.07, subdivision 7.*

Sec. 10. Minnesota Statutes 1982, section 14.19, is amended to read:

14.19 [DEADLINE TO COMPLETE RULEMAKING.]

The agency shall, within (SIX MONTHS) *180 days* after issuance of the hearing examiner's report (PUBLISH) *submit* its notice of adoption, amendment, suspension, or repeal (IN) *to* the state register *for publication*. If the agency has not (FILED THE RULES WITH THE SECRETARY OF STATE AND PUBLISHED) *submitted* its notice (IN) *to* the state register within (SIX MONTHS) *180 days*, the rule is automatically withdrawn. The agency shall not adopt the withdrawn rules without again following the procedures of sections 14.05 to 14.36. It shall report to the *legislative commission to review administrative rules, other appropriate committees of the legislature, and (TO) the governor* its failure to adopt rules and the reasons for that failure. *The 180-day time limit of this section does not include any days used for review by the chief hearing examiner, the attorney general, or the legislative commission to review administrative rules if the review is required by law.*

Sec. 11. Minnesota Statutes 1982, section 14.21, is amended to read:

14.21 [AUTHORITY FOR USE OF NONCONTROVERSIAL RULES PROCEDURE.]

When an agency determines that its proposed adoption, amendment, suspension or repeal of a rule will be noncontroversial in nature, it may utilize the provisions of sections 14.21 to 14.28 rather than the provisions of sections (14.11) *14.13* to 14.20.

Sec. 12. Minnesota Statutes 1982, section 14.22, is amended to read:

14.22 [NOTICE OF PROPOSED ADOPTION OF RULES.]

The agency shall give notice of its intention to adopt a rule without public hearing. The notice shall be given by publication in the state register and by United States mail to persons who have registered their names with the agency pursuant to section 14.14, subdivision 1. *The mailed notice shall include either a copy of the proposed rule or a description of the nature and effect of the proposed rule and an announcement that a free copy of the proposed rule is available on request from the agency.* The notice in the state register shall include the proposed rule or the amended rule in the form (PROVIDED IN) *required by the revisor under section 14.07, (SUBDIVISION 3) and a citation to the most specific statutory authority for the proposed rule.* When an entire rule is proposed to be repealed, the notice need only state that fact, giving the citation to the rule to be repealed in the notice. The notice shall include a statement advising the public:

(1) that they have 30 days in which to submit comment on the proposed rule;

(2) that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30 day comment period;

(3) of the manner in which persons shall request a hearing on rules proposed pursuant to sections 14.21 to 14.28; and

(4) that the rule may be modified if modifications are supported by the data and views submitted.

Sec. 13. Minnesota Statutes 1982, section 14.26, is amended to read:

14.26 [ADOPTION OF PROPOSED RULE; SUBMISSION TO ATTORNEY GENERAL.]

If no hearing is required, the agency shall submit to the attorney general the proposed rule and notice as published, the rule as proposed for adoption, any written comments received by the agency, and a statement of need and reasonableness for the rule. The agency shall give notice to all persons who requested to be informed that these materials have been submitted to the attorney general. This notice shall be given on the same day that the record is submitted. *The rule and these materials shall be submitted to the attorney general within 180 days of the day that the comment period for the rule is over or the rule is automatically withdrawn. The agency shall report its failure to adopt the rules and the reasons for that failure to the legislative commission to review administrative rules, other appropriate legislative committees, and the governor.*

Even if the 180-day period expires while the attorney general reviews the rule, if the attorney general rejects the rule, the agency may resubmit it after taking corrective action. The resubmission must occur within 30 days of when the agency receives written notice of the disapproval. If the rule is again disapproved, the rule is withdrawn. If the agency withholds some of the proposed rule, it may not adopt the withheld portion without again following the procedures of sections 14.13 to 14.20, 14.21 to 14.28, or 14.29 to 14.36.

The attorney general shall approve or disapprove the rule as to its legality and its form to the extent the form relates to legality, including the issue of substantial change, within 14 days. If the rule is approved, the attorney general shall promptly file two copies of it in the office of the secretary of state. The secretary of state shall forward one copy of each rule to the revisor of statutes. If the rule is disapproved, the attorney general shall state in writing the reasons, and the rule shall not be filed in the office of the secretary of state, nor published. *The attorney general shall send a statement of reasons for disapproval of the rule to the agency, the chief hearing examiner, the revisor of statutes, and the legislative commission to review administrative rules.*

Sec. 14. Minnesota Statutes 1982, section 14.32, is amended to read:

14.32 [SUBMISSION TO ATTORNEY GENERAL.]

The agency shall submit to the attorney general the proposed temporary rule as published, with any modifications. The attorney general shall review the proposed temporary rule as to its legality, review its form to the extent the form relates to legality, and shall approve or disapprove the proposed temporary rule and any modifications within five working days. The attorney general shall send a statement of reasons for disapproval of the rule to the agency, the chief hearing examiner, the revisor of statutes, and the legislative commission to review administrative rules.

Sec. 15. Minnesota Statutes 1982, section 14.47, subdivision 1, is amended to read:

Subdivision 1. [PLAN OF PUBLICATION AND SUPPLEMENTATION.] The revisor of statutes shall:

(1) formulate a plan for the compilation of all permanent agency rules and, to the extent practicable, temporary agency rules, adopted pursuant to the administrative procedure act or filed pursuant to the provisions of section 14.38, subdivisions 5 to 9 which were in effect at the time the rules were filed or subdivision 11, including their order, classification, arrangement, form, and indexing, and any appropriate tables, annota-

tions, cross references, citations to applicable statutes, explanatory notes, and other appropriate material to facilitate use of the rules by the public, and for the compilation's composition, printing, binding and distribution;

(2) publish the compilation of permanent agency rules and, if practicable, temporary rules, adopted pursuant to the administrative procedure act or filed pursuant to the provisions of section 14.38, subdivisions 5 to 9 which were in effect at the time the rules were filed or subdivision 11, which shall be called "Minnesota Rules";

(3) periodically either publish a supplement or a new compilation, which includes all rules adopted since the last supplement or compilation was published and removes rules incorporated in prior compilations or supplements which are no longer effective;

(4) include in Minnesota Rules a consolidated list of publications and other documents incorporated by reference into the rules after June 30, 1981, and found conveniently available by the revisor under section 14.07, subdivision 4, indicating where the publications or documents are conveniently available (FOR USE OR PURCHASE BY) to the public; and,

(5) copyright any compilations and or supplements in the name of the state of Minnesota.

Sec. 16. Minnesota Statutes 1982, section 14.47, subdivision 5, is amended to read:

Subd. 5. [POWERS OF REVISOR.] (a) In preparing a compilation or supplement, the revisor may renumber rules, paragraphs, clauses or other parts of a rule; combine or divide rules, paragraphs, clauses or other parts of a rule; rearrange the order of rules, paragraphs, clauses, or other parts of a rule; move paragraphs, clauses, or other parts of a rule to another rule; remove redundant language; make minor punctuation and grammatical changes to facilitate the renumbering, combining, dividing, and rearranging of rules or parts of rules; change reference numbers to agree with renumbered rules, paragraphs, clauses or other parts of a rule; *change reference numbers to agree with renumbered statutes or parts of statutes*; substitute the proper rule, paragraph, clause, or other part of a rule for the term "this rule", "the preceding rule" and the like; substitute numbers for written words and written words for numbers; substitute the term "rule" for the term "regulation" when "regulation" refers to a Minnesota rule; substitute the date on which the rule becomes effective for the words "the effective date of this rule", and the like; change capitalization, punctuation, and forms of citation for the purpose of uniformity; *convert citations of Laws of Minnesota to citations of Minnesota Statutes*; correct manifest clerical or typographical errors;

correct all misspelled words; (AND) correct manifest grammatical and punctuation errors; *and make other editorial changes to ensure the accuracy and utility of the compilation or supplement.*

(b) The revisor shall provide headnotes as catch words to rules and, if appropriate, to paragraphs, clauses, or other parts of a rule. The headnotes are not part of the rule even if included with the rule when adopted. The revisor shall change headnotes to clearly indicate the subject matter of the rules. "Headnote" means any text functioning as catch words to the substance of text and not itself communicating the substantive content of the rule.

Sec. 17. Minnesota Statutes 1982, section 14.52, is amended to read:

14.52. [COURT REPORTERS; AUDIO RECORDINGS.]

The office of administrative hearings may maintain a court reporter system and in addition to or in lieu thereof may contract with nongovernmental sources for court reporter services. The court reporters may additionally be utilized as the chief hearing examiner directs. Unless the chief hearing examiner determines that the use of a court reporter is more appropriate, an audio magnetic recording device shall be used to keep a record at any hearing which takes place under this chapter. In *all* cases (ARISING UNDER CHAPTER 176), the chief hearing examiner shall use audio magnetic recording devices to keep the record of hearings except when there are more than two primary parties in a case and the chief hearing examiner determines that the use of a court reporter is more appropriate. If the chief hearing examiner determines that the use of a court reporter is more appropriate, the cost of the court reporter shall be paid by the state. If the chief hearing examiner determines that the use of an audio magnetic recording device is more appropriate in a hearing (UNDER CHAPTER 176), any party to that hearing may provide a court reporter at the party's expense. Court reporters provided by a party shall be selected from the chief hearing examiner's list of non-governmental sources.

The fee charged by a court reporter to a party shall not exceed the fee which would be charged to the state pursuant to the court reporter's contract with the state.

Court reporters serving in the court reporter system of the office of administrative hearings shall be in the classified service. Notwithstanding the provisions of section 15.17, subdivision 4, copies of transcriptions of hearings conducted pursuant to sections 14.48 to 14.56 may be obtained only through the office of administrative hearings.

The departmental and classification seniority of an individual who was employed as a court reporter in state service prior to his appointment as a court reporter in the office of administrative hearings pursuant to Laws 1975, Chapter 380, Section 16; shall carry forward and be credited to his employment with the office of administrative hearings."

Delete the title and insert:

"A bill for an act relating to the administrative procedure act; requiring certain notices to be sent to the legislative commission to review administrative rules; clarifying the duties of the revisor of statutes with respect to approving the form of administrative rules; increasing the time period for adopting a rule when reviews by other agencies are necessary; establishing a deadline for agency action with respect to rules adopted without public hearing; clarifying other provisions of the act; amending Minnesota Statutes 1982, sections 14.07; 14.08; 14.12; 14.14, subdivision 1; 14.15, subdivisions 1, 3, and 4; 14.17; 14.18; 14.19; 14.21; 14.22; 14.26; 14.32; 14.47, subdivisions 1 and 5; and 14.52."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 769, A bill for an act relating to metropolitan government; extending the time for design selection for noise suppression equipment at the international airport.

Reported the same back with the following amendments:

Page 1, after line 19, insert:

"Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 4, after "airport" insert "; amending Minnesota Statutes 1982, section 473.608, subdivision 20"

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

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 787, A bill for an act relating to metropolitan government; regulating the organization, duties, and powers of the metropolitan mosquito control district and commission; amending Minnesota Statutes 1982, sections 473.702; 473.703, subdivision 9; 473.704, subdivision 13; 473.711, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 473.

Reported the same back with the following amendments:

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 1982, section 473.703, subdivision 1, is amended to read:

Subdivision 1. The district shall be operated by a commission which shall consist of (TWO MEMBERS FROM EACH COUNTY WITHIN THE DISTRICT, EXCEPT THAT EACH COUNTY WITHIN THE DISTRICT WHICH HAS A SEVEN MEMBER COUNTY BOARD AS PROVIDED IN SECTION 375.01, SHALL HAVE ONE ADDITIONAL MEMBER ON THE COMMISSION. IF A COUNTY IS ONLY PARTLY INCLUDED IN THE DISTRICT IT SHALL HAVE ONLY ONE MEMBER) *three members from Anoka County, one member from Carver County, three members from Dakota County, three members from Hennepin County, three members from Ramsey County, two members from Scott County, and two members from Washington County.* Commissioners shall be members of the board of county commissioners of their respective counties, and shall be appointed by their respective boards of county commissioners."

Page 3, after line 25, insert:

"Sec. 8. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Renumber the sections in order

Amend the title as follows:

Page 1, line 6, delete "subdivision 9" and insert "subdivisions 1 and 9"

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 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.

Reported the same back with the following amendments:

Page 2, line 20, delete "*blending*" and insert "*combining*"

Page 2, line 24, delete "*blending*" and insert "*combining*"

Page 7, delete lines 12 and 13

Page 13, line 6, delete "*43*" and insert "*43A*"

Page 15, line 11, after "*identification*" insert a new period

Page 15, line 11, delete "*in excess of the number of free tests*"

Page 15, delete lines 12 to 15

Page 16, line 27, delete "*or*" and insert "*and*"

Page 18, line 26, delete "*set by rule*" and insert "*establish*"

Page 18, line 33, delete "*ending*" and insert "*established*"

Page 18, line 34, delete "*June 30 and December 31 of each year*" and insert "*by the commissioner*"

Page 19, line 1, delete "*semiannual*" and insert "*reporting*"

Page 19, line 6, delete "*of \$10*" and insert "*fee established by the commissioner*"

Page 19, line 7, delete "*semiannual*"

Page 19, line 9, delete "*semiannual*" and insert "*reporting*"

Page 20, line 2, after "*The*" insert "*commissioner shall establish the*"

Page 20, line 2, delete "*shall*"

Page 20, line 3, delete "*be established by rule*"

Page 21, line 26, delete "*be determined by rule*" and insert "*at least equal 80 percent of the total revenue from all hybrid seed field corn variety registrations*"

Page 22, line 7, delete "*and the adjustments are not*"

Page 22, line 8, delete "*subject to chapter 14*"

Page 22, line 12, delete "*If, at any time after June 30, 1984, this*"

Page 22, delete lines 13 to 24

Page 22, line 30, delete "*16*" and insert "*15*"

Renumber the remaining sections

Amend the title as follows:

Page 1, line 4, delete "*appropriating money;*"

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 851, A bill for an act relating to agriculture; making certain changes in the family farm security loan program; amending Minnesota Statutes 1982, sections 16.02, subdivision 14; 41.52, by adding a subdivision; 41.53, subdivision 2; 41.54, subdivision 2; 41.55; 41.56, subdivisions 2, 4, 5, and by adding subdivisions; 41.57, subdivisions 2 and 3; 41.58, subdivision 1; 41.59, subdivisions 1, 2, and 3; 41.61, subdivision 1; 48.19, by adding a subdivision; and 287.04; proposing new law coded in Minnesota Statutes, chapter 15.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 16.02, subdivision 14, is amended to read:

Subd. 14. To rent out, with the approval of the governor, any state property, real or personal, not needed for public use, the rental of which is not otherwise provided for or prohibited by law. This shall not apply to state trust fund lands, (OR) other

state lands under the jurisdiction of the department of natural resources, (OR TO) lands forfeited for delinquent taxes or (TO LANDS) acquired under section 298.22, or lands acquired under section 41.56 which are under the jurisdiction of the department of agriculture. No such property shall be rented out for a term exceeding two years at a time without the approval of the state executive council; and no such property shall ever be rented out for more than 25 years.

Sec. 2. Minnesota Statutes 1982, section 41.52, is amended by adding a subdivision to read:

Subd. 13. [PARTICIPANT.] "Participant" means an applicant who has received final approval for a guarantee which has been fully executed by the state.

Sec. 3. Minnesota Statutes 1982, section 41.53, subdivision 2, is amended to read:

Subd. 2. The commissioner (SHALL PROMULGATE) *may adopt temporary or permanent* rules necessary for the efficient administration of sections 41.51 to 41.57; 41.58, subdivisions 1 and 2; 41.59, subdivision 1; and 41.61.

Sec. 4. Minnesota Statutes 1982, section 41.54, subdivision 2, is amended to read:

Subd. 2. [TERMS AND COMPENSATION.] The compensation and removal of members of the council shall be governed by section 15.059. The council shall meet monthly or (MORE OFTEN) as needed.

The terms of the members serving on January 15, 1981, shall end on the first Monday in April in the year indicated as follows:

(a) The dairy farmer and one officer from a commercial lending institution, 1982;

(b) The cash grain farmer and the officer from a farm credit association, 1983;

(c) The livestock farmer and one officer from a commercial lending institution, 1984; and

(d) The agricultural economist, 1985.

After a term expires as provided in clauses (a) to (d), all successors shall be appointed for four year terms. The terms of the present officers from a commercial lending institution shall be decided by lot subject to clauses (a) and (c).

Sec. 5. Minnesota Statutes 1982, section 41.55, is amended to read:

41.55 [ELIGIBILITY.]

A family farm security loan approval may be granted if the following criteria are satisfied:

(a) That the applicant is a resident of the state of Minnesota (, OR SHOWS SUFFICIENT EVIDENCE THAT HE INTENDS TO BECOME A RESIDENT);

(b) That the applicant has sufficient education, training, or experience in the type of farming for which he wishes the loan and continued participation in a farm management program, approved by the commissioner, for (THE DURATION) *at least the first ten years* of the family farm security loan;

(c) That the applicant, his dependents and spouse have total net worth valued at less than \$75,000 and has demonstrated a need for the loan;

(d) That the applicant intends to purchase farm land to be used by the applicant for agricultural purposes;

(e) That the applicant is credit worthy according to standards prescribed by the commissioner;

(f) That the seller has not acquired the farm land for purposes of obtaining the income tax exemption allowed by sections 41.58 and Laws 1976, Chapter 210, Section 12.

Sec. 6. Minnesota Statutes 1982, section 41.56, subdivision 4, is amended to read:

Subd. 4. [SALE OF DEFAULTED PROPERTY.] In the event that title to (THE) *any* property is acquired by the state, upon conveyance of title to the state and expiration of the period of redemption, the commissioner shall, within 15 days of the expiration of (SUCH) *the period of redemption*, undertake to sell the property by publishing a notice of the impending sale at least once each week for four successive weeks in a legal newspaper and also in a newspaper of general distribution in the county in which the property to be sold is situated. (SUCH) *The* notice (SHALL SPECIFY THE TIME AND PLACE IN THE COUNTY AT WHICH THE SALE WILL COMMENCE, A DESCRIPTION OF) *must describe* the lots or tracts to be offered (,) and (A GENERAL STATEMENT OF) the terms of sale. Except as further provided (IN THIS SUBDIVISION), the terms and method of sale shall be determined by the commissioner. (THE COMMISSIONER SHALL SELL THE PROPERTY TO THE HIGHEST BIDDER AS DETERMINED BY

TAKING SEALED BIDS OR BY PUBLIC AUCTION, PROVIDED THAT IN EITHER EVENT HE SHALL SELECT THE SUCCESSFUL BIDDER WITHIN 15 DAYS OF THE DATE OF THE LAST PUBLISHED NOTICE OF SALE. BIDDERS SHALL SUBMIT BID SECURITY IN THE FORM OF A CERTIFIED CHECK OR BID BOND IN THE AMOUNT OF TWO PERCENT OF THEIR BID PRICE AND THE SUCCESSFUL BIDDER SHALL REMIT THE BALANCE OF THE PURCHASE PRICE TO THE COMMISSIONER WITHIN 90 DAYS OF THE DATE OF SALE. UPON REMITTANCE OF SUCH BALANCE WITHIN 90 DAYS OF THE DATE OF SALE, THE COMMISSIONER SHALL TRANSFER TITLE TO THE PROPERTY, INCLUDING ANY ACQUIRED MINERAL RIGHTS, TO THE PURCHASER BY QUITCLAIM DEED. IN THE EVENT THAT THE PURCHASER FAILS TO REMIT ANY PART OF SUCH BALANCE WITHIN 90 DAYS OF THE DATE OF SALE, THE PURCHASER SHALL FORFEIT ALL RIGHTS TO THE PROPERTY AND ANY MONEYS PAID THEREON AND THE STATE SHALL RECOMMENCE THE SALE PROCESS AS SPECIFIED IN THIS SUBDIVISION. PROCEEDS FROM THE SALE OF A PARCEL OF PROPERTY OBTAINED BY THE STATE PURSUANT TO THIS SECTION SHALL BE PAID INTO THE SPECIAL ACCOUNT AUTHORIZED IN SECTION 41.61, SUBDIVISION 1, TO THE EXTENT THAT FUNDS FROM THE SPECIAL ACCOUNT WERE DISBURSED ACCORDING TO THE TERMS OF THE FAMILY FARM SECURITY LOAN GUARANTEE AND INTO THE GENERAL FUND TO THE EXTENT THAT FUNDS WERE DISBURSED AS PAYMENT ADJUSTMENTS BY THE COMMISSIONER. PROCEEDS IN EXCESS OF THESE AMOUNTS SHALL BE PAID TO THE LENDER TO THE EXTENT THAT PAYMENT TO THE LENDER PURSUANT TO THE LOAN GUARANTEE WAS LESS THAN THE MONEY DUE AND PAYABLE TO THE LENDER UNDER THE FAMILY FARM SECURITY LOAN. PROCEEDS IN EXCESS OF THESE AMOUNTS SHALL BE PAID TO COOPERATING AGENCIES ACCORDING TO THE TERMS OF THE FAMILY FARM SECURITY MEMORANDUM OF UNDERSTANDING. ADDITIONAL PROCEEDS, IF ANY, SHALL BE PAID INTO THE GENERAL FUND.)

The commissioner shall first attempt to sell the property to a person who is eligible for a family farm security loan. If the commissioner is unable to effect a sale to an eligible person, the commissioner shall attempt to sell the property for cash as provided in subdivision 4a. If the commissioner is unable to effect a sale to an eligible person or for cash, or if the commissioner finds that sale to an eligible person or for cash would not best protect the interests of the state, the commissioner may sell the property on terms which the commissioner finds will best protect the interests of the state. The commissioner may lease any real property which he is unable to sell with reasonable promptness. In any event, any acquired farm property must be sold within

two years after the conveyance of title to the state or after the expiration of the period of redemption. The commissioner may contract for the services of a licensed real estate agent or broker to assist in selling any property acquired under this section and may pay for the services from the proceeds of the sale before proceeds are distributed under section 10.

Sec. 7. Minnesota Statutes 1982, section 41.56, is amended by adding a subdivision to read:

Subd. 4a. [SALE FOR CASH.] When the commissioner sells any farm property for cash, he shall follow the procedures provided in this subdivision. If the sale will be completed more than 15 days after the last published notice of sale as provided in subdivision 4, the commissioner shall publish another notice as provided in that subdivision. The commissioner shall sell the property to the highest bidder by taking sealed bids or by bids at public auction. The commissioner may refuse to accept any or all bids. If a bid is accepted, the successful bidder shall be selected within 15 days of the date of the last published notice of sale. The successful bidder shall submit bid security in the form of a certified check or bid bond in the amount of two percent of the bid price on the day of selection and shall remit the balance of the purchase price within 90 days of the date of sale. Upon remittance by the purchaser of the balance within 90 days of the date of sale, the commissioner shall transfer title to the property, including any acquired mineral rights, to the purchaser by quitclaim deed. In the event that the purchaser fails to remit all of the balance within 90 days of the date of sale, the purchaser forfeits all rights to the property and any money paid for the property and the commissioner shall recommence the sale process specified in this subdivision.

Sec. 8. Minnesota Statutes 1982, section 41.56, is amended by adding a subdivision to read:

Subd. 4b. [PROCEEDS OF SALE.] Proceeds from the sale of a parcel of property obtained by the state pursuant to this section shall be paid into the general fund to the extent that funds were disbursed as payment adjustments by the commissioner and into the special account authorized in section 41.61, subdivision 1, to the extent that funds from the special account were disbursed according to the terms of the family farm security loan guarantee and for any insurance premiums or taxes paid on the property. Proceeds in excess of these amounts shall be paid to the lender to the extent that payment to the lender pursuant to the loan guarantee was less than the money due and payable to the lender under the family farm security loan. Proceeds in excess of these amounts shall be paid to cooperating agencies according to the terms of the family farm memorandum of understanding. Additional proceeds, if any, shall be paid into the special account authorized in section 41.61, subdivision 1.

Sec. 9. Minnesota Statutes 1982, section 41.56, subdivision 5, is amended to read:

Subd. 5. [GUARANTEE VOID.] The loan guarantee (SHALL BE) is void only if the guaranteed loan was obtained or retained by fraud or material misrepresentation of which the original lender or subsequent holder had actual knowledge.

Sec. 10. Minnesota Statutes 1982, section 41.56, is amended by adding a subdivision to read:

Subd. 7. [INSURANCE.] *The commissioner may insure the state against loss to farm properties acquired under this section by fire, lightning, windstorm, tornado, flood, or hail, using any insurance company licensed to do business in Minnesota. The insurance may be in an amount the commissioner determines and the commissioner may pay the premiums from the special account created in section 41.61, subdivision 1.*

Sec. 11. Minnesota Statutes 1982, section 41.57, subdivision 2, is amended to read:

Subd. 2. [PAYMENT ADJUSTMENT.] To be eligible for payment adjustment a family farm security loan shall have a maximum term of 20 years and shall provide for payments at least annually so that the loan shall be amortized over its term with equal annual payments of principal and interest, *adjusted for variable interest rates*, except that a loan to be amortized over a term of ten years or less need not provide for equal annual payments of principal and interest. During the first ten years of a family farm security loan, the commissioner shall annually pay to the lender four percent of the outstanding balance due at the beginning of that year and the applicant shall pay the remainder of the payment due. After the tenth year, the applicant shall make payments according to the stated interest rate. The applicant may petition the commissioner for one ten year renewal of the payment adjustment. If a renewal is granted, in the 21st year the applicant shall reimburse the commissioner for the sums paid on the applicant's behalf under this subdivision. If no renewal is granted, the applicant shall reimburse the commissioner in the 11th year for the sums paid on the applicant's behalf under this subdivision. The obligation to repay the payment adjustment (SHALL BE) is a lien against the property. *If the applicant does not reimburse the state within the required time period, the commissioner may charge interest at the rate of two percent above the prevailing rate charged by the Federal Land Bank of St. Paul on the net amount owed for the period of delinquency. To recover the adjustment payment due in delinquency cases, the commissioner may proceed to foreclose by advertisement on the lien as if it were a real estate mortgage following the procedures in chapter 580.*

Sec. 12. Minnesota Statutes 1982, section 41.57, is amended by adding a subdivision to read:

Subd. 2a. [FARM MANAGEMENT PROGRAM TUITION.] The commissioner may provide assistance in the payment of tuition and fees in any adult farm management education program which qualifies for aid under section 124.572. Assistance may be provided to any participant who is eligible to receive a payment adjustment under subdivision 2 and shall be limited to \$300 per calendar year for any participant. The participant shall reimburse the commissioner for the sums paid on the participant's behalf under this subdivision at the same time and in the same manner as the payment adjustment is reimbursed.

Sec. 13. Minnesota Statutes 1982, section 41.58, subdivision 1, is amended to read:

Subdivision 1. [AUTHORIZATION.] The commissioner may provide a guarantee to the lenders on seller-sponsored loans when the buyer satisfies the eligibility criteria in section 41.55. The commissioner may also provide a payment adjustment on behalf of the (APPLICANT) *participant* in the case of seller-sponsored loans.

Sec. 14. Minnesota Statutes 1982, section 41.59, subdivision 1, is amended to read:

Subdivision 1. [IMMEDIATE REPAYMENT OF LOAN.] Any applicant who sells or conveys the property for which a family farm security loan was issued shall immediately retire the entire indebtedness still owed to the lender and the commissioner. The new owner may negotiate a family farm security loan in his own right, but under no circumstances may the original loan be assumed by the new owner. *If the new owner is granted a family farm security loan, the new owner may agree to assume the original applicant's responsibility to reimburse the commissioner for a payment adjustment received, as a portion of the total purchase price. That portion of the purchase price may not be included under the guarantee or considered when calculating the payment adjustment for the new owner.* This subdivision is not intended to prohibit the applicant from granting a security interest in the property for the purposes of securing an additional loan.

Any applicant who fails to *personally* maintain the land covered by a family farm security loan in active agricultural production for a period of time longer than one year (SHALL BE) is in default. (SUCH A) *The* default may be waived by the commissioner in the event of a physical disability or other extenuating circumstances.

Sec. 15. Minnesota Statutes 1982, section 41.59, subdivision 2, is amended to read:

Subd. 2. [TAX PENALTY ON CAPITAL GAIN.] Chapter 290 shall apply to determine the amount of the gain realized on the sale of property for which a family farm security loan has been issued. The tax imposed by chapter 290 shall be imposed on the following percentages of any gain realized on the sale of the property:

Time lapsed from issuance of loan

	At least	but less than	Percent
(a)		1 year	100
(b)	1 year	3 years	90
(c)	3 years	5 years	80
(d)	5 years	7 years	70
(e)	7 years	9 years	60
(f)	9 years	10 years	50

This tax shall no longer be applicable and the tax imposed by chapter 290 shall apply when the property for which a family farm security loan was issued has been held by the (APPLICANT) *participant* for more than ten years after the issuance of the loan. Chapter 290 shall apply when the (APPLICANT) *participant* has realized a loss on the sale of the property.

Sec. 16. Minnesota Statutes 1982, section 41.59, subdivision 3, is amended to read:

Subd. 3. [WAIVER OF TAX PENALTY.] The commissioner of revenue shall waive the additional tax imposed in subdivision 2 if the (APPLICANT) *participant* has died or suffered a total disability, and the tax imposed in chapter 290 shall apply.

For the purposes of this section, "total disability" means the total and permanent loss of sight of both eyes, the loss of both arms at the shoulder, the loss of both legs so close to the hips that no effective artificial members can be used, complete and permanent paralysis, total and permanent loss of mental faculties, or any other injury which totally incapacitates the (APPLICANT) *participant* from working his farm.

Sec. 17. Minnesota Statutes 1982, section 41.61, subdivision 1, is amended to read:

Subdivision 1. [SPECIAL ACCOUNT; STANDING APPROPRIATION.] There is appropriated from the general fund

to a special account in the state treasury the sum of \$10,000,000 to be invested by the state board of investment in such securities as authorized by law.

(SUCH SUMS AS MAY BE) *The amount needed from time to time to pay lenders for defaulted loans and to pay insurance premiums and taxes on defaulted farms is appropriated from the special account to the commissioner. Money is also appropriated to the commissioner from the special account so that the commissioner may purchase the rights of first lienholders at mortgage foreclosure sales. The sum of all outstanding family farm security loans guaranteed by the commissioner at any time (SHALL) may not exceed ten times the amount of money in the special account created in this subdivision.*

Sec. 18. Minnesota Statutes 1982, section 48.19, is amended by adding a subdivision to read:

Subd. 5. [FAMILY FARM SECURITY LOANS GUARANTEED BY THE STATE.] Family farm security loans guaranteed by the state under chapter 41 are not subject to the restrictions imposed by this section on loans secured by real estate.

Sec. 19. Minnesota Statutes 1982, section 15.38, is amended by adding a subdivision to read:

Subd. 5. [FAMILY FARM SECURITY PROGRAM.] The commissioner of agriculture may purchase insurance as authorized in section 41.56, subdivision 7.

Sec. 20. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to agriculture; making certain changes in the family farm security loan program; amending Minnesota Statutes 1982, sections 15.38, by adding a subdivision; 16.02, subdivision 14; 41.52, by adding a subdivision; 41.53, subdivision 2; 41.54, subdivision 2; 41.55; 41.56, subdivisions 4, 5, and by adding subdivisions; 41.57, subdivision 2, and by adding a subdivision; 41.58, subdivision 1; 41.59, subdivisions 1, 2, and 3; 41.61, subdivision 1; and 48.19, by adding a subdivision."

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 872, A bill for an act relating to agriculture; making certain changes in the law relating to establishing a fertilizer inspection fund; prescribing penalties; appropriating money; amending Minnesota Statutes 1982, sections 17.713, subdivision 7; 17.714, subdivision 1; 17.715, subdivision 1; 17.717, subdivision 1; 17.718, subdivision 1; 17.725, subdivisions 1 and 2; and 17.728, subdivision 4, and by adding a subdivision; repealing Minnesota Statutes 1982, section 17.717, subdivisions 3, 4, 5, and 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 17.713, subdivision 7, is amended to read:

Subd. 7. [GRADE.] "Grade" means the percentage of total nitrogen, available phosphorus or phosphoric acid, and soluble potassium or soluble potash stated in whole numbers in the same terms, order and percentages as in the guaranteed analysis; provided, however, that fertilizer materials, bone meals, manures, and similar raw materials may be guaranteed in fractional units, *and specialty fertilizers may be guaranteed in fractional units of less than one percent of total nitrogen, available phosphorus or phosphoric acid, and soluble potassium or soluble potash.*

Sec. 2. Minnesota Statutes 1982, section 17.714, subdivision 1, is amended to read:

Subdivision 1. [REGISTRATION FEE; CERTAIN ITEMS.] Fertilizer brands and grades sold only as small package items or represented and labeled as specialty fertilizer; and soil and plant amendments sold with recommendations for commercial agricultural use, shall be registered (AT THE FEE SET FORTH IN) *and a fee paid pursuant to section 17.717 (, SUBDIVISIONS 3 AND 4).* Fees paid for registration made in this manner shall be in lieu of any other license or tonnage fees.

Sec. 3. Minnesota Statutes 1982, section 17.715, subdivision 1, is amended to read:

Subdivision 1. [LICENSED PERSONS.] A person who manufactures, blends, mixes, or otherwise manipulates commercial fertilizer material *and a person who stores or distributes bulk fertilizer* shall obtain a license from the commissioner for each fixed location within the state where these operations are performed.

Sec. 4. Minnesota Statutes 1982, section 17.717, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT OF FEES.] (EACH APPLICATION FOR A LICENSE FROM EACH FIXED LOCATION WITHIN THE STATE SHALL BE ACCOMPANIED BY A FEE OF \$50. A FEE OF \$50 SHALL ACCOMPANY THE APPLICATION FOR A LICENSE FOR ALL FIXED LOCATIONS OF EACH FIRM OUTSIDE OF THE STATE. IN THE CASE OF MOBILE MECHANICAL UNITS, EACH UNIT OWNED AND OPERATED BY ANY ONE DISTRIBUTOR SHALL BE LICENSED AT A RATE OF \$50 FOR THE FIRST UNIT AND \$25 FOR EACH ADDITIONAL MOBILE MECHANICAL UNIT) *The commissioner shall set the fees for all licenses, registrations, and tonnages in the amounts necessary to pay the expenses of carrying out and enforcing sections 17.711 to 17.729, including the portion of general support costs and statewide indirect costs of the agency attributable to that function, with a reasonable reserve. The commissioner shall require the fees to be paid before the licenses and registrations are made or issued. The commissioner shall meet annually with representatives of those regulated under sections 17.711 to 17.729 to review the financial status of the fertilizer inspection fund before adjusting any fees under this subdivision. The fee adjustments are not subject to the provisions of chapter 14. Fees set under this subdivision are effective on July 1 of the fiscal year commencing at least 60 days after the fees are set. The fees remain in effect until a different fee is set under this subdivision.*

There is established in the state treasury an account known as the fertilizer inspection fund. Fees and penalties collected by the commissioner under sections 17.711 to 17.729 shall be deposited into this account. Money in this account, including interest earned and any appropriations made by the legislature for the purposes of sections 17.711 to 17.729, is annually appropriated to the commissioner for the administration and enforcement of sections 17.711 to 17.729.

Sec. 5. Minnesota Statutes 1982, section 17.718, subdivision 1, is amended to read:

Subdivision 1. [SEMIANNUAL STATEMENT.] Each licensed distributor of commercial fertilizer (UNDER SECTION 17.717, SUBDIVISION 1,) and each registrant of a commercial fertilizer, soil amendment, or plant amendment (UNDER SECTION 17.717, SUBDIVISIONS 3 AND 4,) shall file with the commissioner on forms furnished by the commissioner, a semiannual statement for the periods ending December 31 and June 30 setting forth the number of net tons of each grade of commercial fertilizer, soil amendment, or plant amendment distributed in this state during the reporting period. The report (SHALL BE) is due on or before the 30th of the month follow-

ing the close of each reporting period of each calendar year. (THE INSPECTION FEE AT THE RATE STATED IN SECTION 17.717, SUBDIVISION 5 SHALL ACCOMPANY THE STATEMENT.) For the tonnage report that is not filed or the payment of inspection fees that is not made within 30 days after the end of the reporting period, a penalty of ten percent of the amount due, with a minimum penalty of \$10, shall be assessed against the licensee or registrant, and the total amount of fees due, plus penalty, shall constitute a debt and may be recovered in a civil action against the licensee or registrant. The assessment of this penalty shall not prevent the department from taking other actions as provided in this chapter. The commissioner may by regulation require additional reports for the purpose of gathering statistical data relating to fertilizer, soil amendments, and plant amendments distribution in the state.

Sec. 6. Minnesota Statutes 1982, section 17.725, subdivision 1, is amended to read:

Subdivision 1. [FOR ADMINISTRATION.] The commissioner may prescribe and (, AFTER PUBLIC HEARING FOLLOWING DUE PUBLIC NOTICE,) adopt *temporary or permanent* rules (RELATING TO THE MANUFACTURE, SALE, DISTRIBUTION, TONNAGE REPORTING, LABELING, STORAGE, AND HANDLING OF COMMERCIAL FERTILIZERS AND SOIL AMENDMENTS AND PLANT AMENDMENTS OR OTHER SOIL ADDITIVES) necessary to carry into effect (THE FULL INTENT AND MEANING OF) sections 17.711 to 17.729.

Sec. 7. Minnesota Statutes 1982, section 17.725, subdivision 2, is amended to read:

Subd. 2. [LIMING MATERIALS.] The commissioner may (MAKE AND PUBLISH) adopt rules governing the labeling, registration, and distribution of liming materials (AS ARE) sold for agricultural purposes, including (:) limestone (carbonates), sulfates, slags (silicates), burned lime (oxides), and hydrated lime (hydroxides). Such products shall not (, HOWEVER, BE DEEMED FERTILIZERS, SOIL AMENDMENTS OR PLANT AMENDMENTS) be subject to (THE REGISTRATION AND) any tonnage fees (STATED IN SECTIONS 17.711 TO 17.729) under section 17.717, subdivision 4. No registration fee may be imposed on any distributor who sells liming materials only at retail to customers.

Sec. 8. Minnesota Statutes 1982, section 17.728, subdivision 4, is amended to read:

Subd. 4. [PENALTY.] Any person convicted of violating a provision of sections 17.711 to 17.729 or any rule adopted under section 17.725, is guilty of a misdemeanor. Any person

convicted of another violation of the same provision or rule upon a subsequent prosecution within one year of the original conviction is guilty of a gross misdemeanor.

Sec. 9. [EXISTING FEES CONTINUE.]

The commissioner shall continue to charge the fees set by law as of January 1, 1983, until the commissioner sets different fees under Minnesota Statutes, section 17.717, subdivision 1.

Sec. 10. [APPROPRIATION.]

There is appropriated from the general fund in the state treasury to the commissioner of agriculture \$50,000 for establishment of the fertilizer inspection fund pursuant to section 4. The amount appropriated in this section shall be repaid by the commissioner to the general fund by June 30, 1984.

Sec. 11. [REPEALER.]

Minnesota Statutes 1982, section 17.717, subdivisions 3, 4, 5, and 6 are repealed."

Delete the title and insert:

"A bill for an act relating to agriculture; making certain changes in the law relating to establishing a fertilizer inspection fund; prescribing penalties; appropriating money; amending Minnesota Statutes 1982, sections 17.713, subdivision 7; 17.714, subdivision 1; 17.715, subdivision 1; 17.717, subdivision 1; 17.718, subdivision 1; 17.725, subdivisions 1 and 2; and 17.728, subdivision 4; repealing Minnesota Statutes 1982, section 17.717, subdivisions 3, 4, 5, and 6."

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

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 874, A bill for an act relating to libraries; consolidating provisions for county libraries and city libraries; defining misuse of library materials; prescribing a penalty; restricting tort liability for public libraries; correcting internal references; amending Minnesota Statutes 1982, sections 134.07; 134.08; 134.09; 134.10; 134.11; 134.12; 134.13; 134.14; 134.15; 134.30; 134.32, subdivisions 1 and 7; 134.351, subdivisions 3 and 7; 134.353; 134.36; 375.335; 466.01, subdivision 1; 648.39, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 134;

repealing Minnesota Statutes 1982, sections 134.03; 134.06; 134.16; 134.19; 134.352; and 375.33.

Reported the same back with the following amendments:

Pages 1 to 11, delete sections 1 to 17

Pages 12 to 16, delete sections 19 to 23

Renumber the section

Amend the title as follows:

Page 1, line 2, delete "consolidating provisions for"

Page 1, line 3, delete "county libraries and city libraries;"

Page 1, delete lines 5 to 10

Page 1, line 11, delete "1; 648.39, subdivision 1;"

Page 1, line 12, delete "; repealing Minnesota"

Page 1, delete line 13

Page 1, line 14, delete "134.19; 134.352; and 375.33"

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

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 904, A bill for an act relating to transportation; establishing collective rate-making procedure for motor vehicle carriers; amending Minnesota Statutes 1982, section 221.041, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, delete lines 8 and 9 and insert:

"Section 1. [221.033] [COLLECTIVE RATE-MAKING.]"

Page 1, line 10, delete "Subd. 3."

Page 1, line 11, delete "commission" and insert "board"

Page 1, line 20, delete "commission" and insert "board"

Page 1, line 22, delete "commission" and insert "board"

Amend the title as follows:

Page 1, delete lines 4 and 5 and insert "proposing new law coded in Minnesota Statutes, chapter 221."

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 230, 270, 389, 409, 508, 558, 567, 603, 605, 636, 697, 721, 745, 769, 787 and 904 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 552 and 240 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Voss, Heinitz, Berkelman, Stadum and Brinkman introduced:

H. F. No. 1075, A bill for an act relating to occupations and professions; providing a contingency fee recovery scale for attorneys; proposing new law coded in Minnesota Statutes, chapter 481.

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

Berkelman, Brinkman, Voss, Stadum and Heinitz introduced:

H. F. No. 1076, A bill for an act relating to insurance; no-fault automobile; clarifying legislative intent concerning stacking of insurance policies; coordinating the priority of applicability of security for payment of certain benefits; modifying the limitation of damages for noneconomic detriment; amending Minnesota Statutes 1982, sections 65B.47, by adding subdivisions; 65B.49, subdivision 4; and 65B.51, subdivision 3.

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

Schafer introduced:

H. F. No. 1077, A bill for an act relating to wild animals; fur buyers licensing; amending Minnesota Statutes 1982, section 98.46, subdivision 4.

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

Simoneau introduced:

H. F. No. 1078, A bill for an act relating to the legislature; regulating associations which may lobby the legislature; proposing new law coded in Minnesota Statutes, chapter 10A.

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

Gustafson, Sarna, Heap, Riveness and Ogren introduced:

H. F. No. 1079, A bill for an act relating to social and charitable organizations; including planning and developing costs as fundraising costs; amending Minnesota Statutes 1982, section 309.50, subdivision 12.

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

Simoneau introduced:

H. F. No. 1080, A bill for an act relating to state government; making technical changes relating to insurance benefits to recognize the existence of the court of appeals; providing time limitations on the rights of former members of the legislature to purchase certain insurance; amending Minnesota Statutes 1982, sections 43A.24, subdivision 2; and 43A.27, subdivision 4.

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

Quinn, Kostohryz, Burger, Sviggum and Greenfield introduced:

H. F. No. 1081, A resolution memorializing the President and Congress of the United States to provide service-connected disability compensation for former members of the military forces who were exposed in Vietnam to toxic herbicides, chemicals, medications, and other environmental hazards and conditions.

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

Scheid, Quist, Rodosovich, Elioff and St. Onge introduced:

H. F. No. 1082, A bill for an act relating to public welfare; modifying the procedure by which a vendor of care in the medical assistance program may seek review of proposed action on the part of the commissioner to make monetary recoveries or impose sanctions; providing for the establishment of a rate schedule for inpatient and outpatient hospital services reimbursement under the medical assistance program; permitting the commissioner to limit or suspend the eligibility of persons for medical assistance upon conviction of a criminal offense; allowing the commissioner access to medical records of medical assistance recipients without written authorization; amending Minnesota Statutes 1982, sections 256.045, subdivision 3; 256B.04, by adding a subdivision; 256B.061; 256B.064, subdivision 2; and 256B.27, subdivisions 3 and 4.

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

Simoneau introduced:

H. F. No. 1083, A bill for an act relating to investment of retirement funds; clarifying the appointing authority of the investment advisory council; creating a state board of pension investment; prescribing its powers and duties; appropriating money; amending Minnesota Statutes 1982, sections 11A.01; 11A.02, subdivisions 2 and 4; 11A.04; 11A.07, subdivisions 1 and 3; 11A.13, subdivision 1; 179.74, subdivision 4; proposing new law coded as Minnesota Statutes, chapter 11B; repealing Minnesota Statutes 1982, sections 11A.08, subdivisions 2, 3, 4, 5, and 6; 11A.13, subdivision 2; 11A.14; 11A.17 to 11A.19; 11A.23; and 11A.24, subdivisions 5, 6, and 7.

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

Hoffman, Bennett, McKasy, Price and Kostohryz introduced:

H. F. No. 1084, A bill for an act relating to occupations and professions; establishing licensing, bonding, and insurance requirements for tow truck operators; requiring the commissioner of transportation to adopt rules; providing for the revocation, suspension, and denial of a license; prohibiting local regulation; proposing new law coded in Minnesota Statutes, chapter 221.

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

Vanasek introduced:

H. F. No. 1085, A bill for an act relating to the legislature; providing for expanded authority of the legislative coordinating commission; amending Minnesota Statutes 1982, sections 3.095; 3.303, subdivision 3; 3.304, subdivision 2a; 3.305; 3.85, subdivision 5; 3.86, subdivision 5; 3.9222, subdivision 6; 3.97, subdivision 5; 16.012; 16.72, subdivision 6; 43A.18, subdivision 6; and 648.31, subdivision 5.

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

Rose and Valento introduced:

H. F. No. 1086, A bill for an act relating to the city of Roseville; providing an exception from the Roseville police civil service system for the chief and deputy chief of police.

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

Nelson, K., introduced:

H. F. No. 1087, A bill for an act relating to cremation; providing for the right to have one's own body cremated upon death; proposing new law coded in Minnesota Statutes, chapter 525.

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

Simoneau introduced:

H. F. No. 1088, A bill for an act relating to workers' compensation; creating a competitive state workers' compensation insurance fund; changing benefits; requiring notices of injury; providing for rules related to excessive health care services; providing for the release of medical data; providing for a panel to review clinical health care services provided to injured workers; regulating supplemental benefits; providing for benefit adjustments; providing for interest on delayed benefit payments; providing for a legislative commission to study various aspects of workers' compensation; defining terms; providing for continuance of certain insurance coverages; providing for deductible workers' compensation insurance policies; clarifying the responsibilities of governmental licensing and contracting agencies regarding workers' compensation insurance; amending Minnesota Statutes 1982, sections 62A.10, subdivision 1; 62C.14, by

adding a subdivision; 62D.10, by adding a subdivision; 79.25, subdivision 1, and by adding a subdivision; 79.34, subdivision 2; 79.63, subdivisions 1, 2, and 4; 147.20; 176.011, subdivisions 3 and 9, and by adding a subdivision; 176.021, subdivisions 3 and 3a, and by adding a subdivision; 176.081, subdivisions 1, 2, 3, 4, and 6; 176.101, subdivisions 1, 2, and 3, and by adding subdivisions; 176.102, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, and by adding subdivisions; 176.105, by adding a subdivision; 176.111, subdivisions 1, 18, and 21, and by adding subdivisions; 176.121; 176.131, subdivisions 1, 1a, 8, and 10; 176.132, subdivisions 1 and 2; 176.133; 176.135, subdivisions 1 and 1a; 176.136; 176.182; 176.221, subdivisions 2, 3, and 7; 176.225, subdivisions 1 and 5; 176.231, subdivision 10; 176.235, by adding a subdivision; 176.241, subdivision 4; 176.331; 176.391, subdivision 3; 176.591, subdivisions 1 and 3; 176.641; and 352E.04; amending Laws 1981, chapter 346, section 145; proposing new law coded in Minnesota Statutes, chapters 79 and 176; proposing new law coded as Minnesota Statutes, chapter 176A; repealing Minnesota Statutes 1982, sections 79.211, subdivision 1; 79.63, subdivision 3; 176.011, subdivisions 14 and 18; 176.061, subdivisions 8 and 9; 176.095; 176.101, subdivisions 4 and 5; 176.102, subdivision 1a; 176.105, subdivisions 1, 2 and 3; 176.152; 176.541, subdivisions 2, 3, 4, 5, 6, and 8; 176.551; 176.561; 176.571; 176.581; 176.603; and 176.611.

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

Anderson, G.; Rice; Swanson; Sarna and Valan introduced:

H. F. No. 1089, A bill for an act relating to economic development; creating the world trade center commission; appropriating money.

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

Ogren, Sarna, Piepho, Forsythe and Gustafson introduced:

H. F. No. 1090, A bill for an act relating to employment; exempting search firms from employment agency licensing; amending Minnesota Statutes 1982, section 184.22, subdivision 2.

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

Knickerbocker introduced:

H. F. No. 1091, A bill for an act relating to state government; changing the budget from a biennial to an annual basis; changing certain other fiscal activities from a biennial to an annual basis to coincide with the budget; amending Minnesota Statutes 1982, sections 16A.04, subdivision 1; 16A.06; 16A.10; and 16A.11, subdivisions 1 to 3.

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

Norton introduced:

H. F. No. 1092, A bill for an act relating to motor vehicles; allowing the holder of personalized license plates to retain the same number after the personalized plates have been damaged, lost, or stolen; amending Minnesota Statutes 1982, section 168.12, subdivision 2a.

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

Stadum and Eken introduced:

H. F. No. 1093, A bill for an act relating to agriculture; providing for exclusive use of certain livestock brands; imposing a penalty; amending Minnesota Statutes 1982, section 35.824.

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

Welch introduced:

H. F. No. 1094, A bill for an act relating to state hospitals; authorizing limited shared services agreements; providing for retention of receipts by the state hospital; appropriating money; amending Minnesota Statutes 1982, section 246.57, by adding a subdivision.

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

Munger, Wynia, McDonald, Norton and Evans introduced:

H. F. No. 1095, A resolution memorializing the President and Congress to adopt the song "America the Beautiful" as a new national anthem.

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

Stadum introduced:

H. F. No. 1096, A bill for an act relating to unemployment compensation; requiring work search documentation; amending Minnesota Statutes 1982, section 268.08, subdivision 1.

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

Simoneau introduced:

H. F. No. 1097, A bill for an act relating to labor; requiring the commissioner of labor and industry to promulgate standards prohibiting employees from operating certain heavy machinery for more than 16 hours in a 24-hour period; amending Minnesota Statutes 1982, section 182.655, by adding a subdivision.

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

Simoneau introduced:

H. F. No. 1098, A bill for an act relating to labor; requiring the commissioner of labor and industry to promulgate standards prohibiting employees from working alone at dangerous jobs; amending Minnesota Statutes 1982, section 182.655, by adding a subdivision.

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

Dempsey introduced:

H. F. No. 1099, A bill for an act relating to the city of New Ulm; permitting the establishment of special service districts; providing taxing and other financial authority for New Ulm.

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

Graba, Munger, Krueger, Battaglia and Carlson, D., introduced:

H. F. No. 1100, A bill for an act relating to natural resources; eliminating obsolete material and updating certain provisions relating to decorative trees; amending Minnesota Statutes 1982, sections 88.641, subdivision 1; 88.642; 88.643; 88.644; and 88.648; repealing Minnesota Statutes 1982, sections 88.641, subdivision 3; 88.646; and 88.649.

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

Graba, Munger, Krueger, Battaglia and Carlson, D., introduced:

H. F. No. 1101, A bill for an act relating to natural resources; authorizing the commissioner to sell to or exchange surplus tree planting stock with other states and the federal government under certain circumstances; amending Minnesota Statutes 1982, section 89.36, by adding a subdivision.

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

Haukoos; Rodriguez, C.; Jensen; Dempsey and Mann introduced:

H. F. No. 1102, A bill for an act relating to transportation; authorizing placement of vending machines in highway rest areas, tourist information centers, and weigh stations; amending Minnesota Statutes 1982, sections 160.08, subdivision 7; and 160.28.

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

Vanasek introduced:

H. F. No. 1103, A bill for an act relating to highway traffic regulations; authorizing admission into evidence of a defendant's refusal to submit to chemical testing; amending Minnesota Statutes 1982, section 169.121, subdivision 2.

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

Fjoslien; Nelson, K., and Munger introduced:

H. F. No. 1104, A bill for an act relating to environment; requiring the pollution control agency to establish a small air ion emission standard for high voltage transmission lines; proposing new law coded in Minnesota Statutes, chapter 116.

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

Staten; Vanasek; Clark, J.; Gustafson and Clark, K., introduced:

H. F. No. 1105, A bill for an act relating to crimes; prohibiting fingerprinting or thumbprinting as a condition of negotiation of a check; providing penalties; proposing new law coded in Minnesota Statutes, chapter 609.

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

Brinkman, Berkelman, Voss and Heinritz introduced:

H. F. No. 1106, A bill for an act relating to insurance; correcting certain errors; removing certain deficiencies and ambiguities; correcting certain omissions; expanding certain insurers' investment authority; providing standards for application or reporting requirements; authorizing the commissioner to adopt rules; providing for miscellaneous changes and clarifications; amending Minnesota Statutes 1982, sections 60A.11, subdivisions 9, 10, 14, 18, 20, 21, 23, and 24; 60A.111, subdivision 2, and by adding subdivisions; 61A.28, subdivisions 3, 6, and 12; 61A.29, subdivision 2; 61A.31, subdivision 3; repealing Minnesota Statutes 1982, sections 60A.11, subdivisions 5a, 5b, and 7; and 60A.111, subdivision 4.

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

Riveness, Kostohryz, Quinn, Burger and Skoglund introduced:

H. F. No. 1107, A bill for an act relating to the Minnesota veterans home; clarifying the treatment of assets for purposes of calculating maintenance charges; amending Minnesota Statutes 1982, section 198.03.

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

Welle; Kvam; Peterson; Anderson, G., and Schoenfeld introduced:

H. F. No. 1108, A bill for an act relating to drainage; permitting certain towns to appeal from certain orders of county boards assessing damages or benefits in ditch proceedings.

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

Evans introduced:

H. F. No. 1109, A bill for an act relating to taxation; providing an income tax credit for persons who are mentally retarded; amending Minnesota Statutes 1982, section 290.06, subdivision 3f.

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

Jensen; Sieben; Rodriguez, C., and Riveness introduced:

H. F. No. 1110, A bill for an act relating to elections; authorizing the use of electronic voting systems for absentee voting under certain circumstances; authorizing the secretary of state to promulgate rules; amending Minnesota Statutes 1982, sections 203B.08, by adding subdivisions; 203B.11; and 203B.12, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 203B.

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

Thiede introduced:

H. F. No. 1111, A bill for an act relating to local government; regulating town levies in Crow Wing County; repealing Laws 1941, chapter 451.

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

Dimler, Shea, Evans, Kalis and Dempsey introduced:

H. F. No. 1112, A bill for an act relating to counties; providing for the publication and other distribution of county accounts; amending Minnesota Statutes 1982, sections 375.12, subdivision 2; and 375.17.

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

Neuenschwander; Tunheim; Anderson, G.; Hoffman and Bennett introduced:

H. F. No. 1113, A bill for an act relating to highway traffic regulations; regulating the use of materials on the windshields, side windows, and rear windows of motor vehicles; amending Minnesota Statutes 1982, section 169.71, by adding a subdivision.

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

Elioff, Swanson, Heinitz, Berkelman and Reif introduced:

H. F. No. 1114, A bill for an act relating to public welfare; altering eligibility standards, payment rates, and other provisions of the programs for medical assistance and general assistance medical care; repealing eligibility for unemployment compensation for personal care attendants and homeworkers; eliminating certain state administration aid to counties; amending Minnesota Statutes 1982, sections 256B.02, subdivision 8; 256B.04, subdivision 14; 256B.06, subdivision 1; 256B.07; 256B.17, subdivision 4, and by adding subdivisions; 256D.03, subdivision 4; and 268.04, subdivision 9.

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

Wenzel, Battaglia, Begich and Solberg introduced:

H. F. No. 1115, A bill for an act relating to public employees; prohibiting salary increases based solely on percentages of base salary; proposing new law coded in Minnesota Statutes, chapter 179.

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

Berkelman, Swanson and Welch introduced:

H. F. No. 1116, A bill for an act relating to insurance; health and accident; regulating benefits for treatment of alcoholism and drug addiction; amending Minnesota Statutes 1982, section 62A.149, subdivision 2.

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

Metzen, Sarna and Evans introduced:

H. F. No. 1117, A bill for an act relating to occupations and professions; providing changes in real estate salespersons education requirements; amending Minnesota Statutes 1982, section 82.22, subdivision 6.

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

Minne, Elioff, Begich and Battaglia introduced:

H. F. No. 1118, A bill for an act relating to unemployment compensation; including backpay for wrongful discharge as wages; allowing employees to collect unemployment compensation when they may have a claim for backpay for wrongful discharge; allowing employers to repay and withdraw the unemployment compensation claims of employees who have been wrongfully discharged; amending Minnesota Statutes 1982, sections 268.04, subdivisions 23 and 25; and 268.06, by adding a subdivision.

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

Neuenschwander; Battaglia; Carlson, D., and Munger introduced:

H. F. No. 1119, A bill for an act relating to game and fish; requiring nonresident bear hunters to be accompanied by a licensed guide; amending Minnesota Statutes 1982, section 98.455.

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

Norton, Gustafson, Dempsey and Cohen introduced:

H. F. No. 1120, A bill for an act relating to mechanics liens; permitting an award of attorney fees to a party who successfully defends a lien foreclosure; amending Minnesota Statutes 1982, section 514.14.

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

Vanasek introduced:

H. F. No. 1121, A bill for an act relating to administrative procedure; providing procedures for the adoption of administrative rules and the determination of administrative disputes; providing for publication of administrative rules and disposition of administrative appeals; enacting the model administrative procedure act; proposing new law coded as chapter 15B; repealing Minnesota Statutes 1982, sections 14.01 to 14.70.

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

Valan introduced:

H. F. No. 1122, A bill for an act relating to the town of Flowing; permitting the town to conduct town business in a nearby city.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 371, A bill for an act relating to transportation; making scheduled increases in taxes on gasoline and special fuel; delaying the effective date of changes in the disposition of the revenue from the motor vehicle excise tax; providing for the addition of designated routes in the trunk highway system; authorizing the issuance of trunk highway bonds; eliminating the authority of the metropolitan transit commission to levy a certain tax; creating a town road account in the county state-aid highway fund; providing for the apportionment of five percent of the net highway user tax distribution fund; proposing new law coded in Minnesota Statutes, chapters 162 and 169; amending Minnesota Statutes 1982, sections 161.081; 161.082, subdivision 2a; 296.01, subdivision 24; 296.02; 296.14, subdivision 2; 296.18, by adding a subdivision; 297B.09; and 473.446, subdivision 1.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 236, A bill for an act relating to occupations and professions; regulating physicians attending certain graduate programs; amending Minnesota Statutes 1982, section 147.20.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Bishop moved that the House concur in the Senate amendments to H. F. No. 236 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 236, A bill for an act relating to occupations and professions; regulating physicians attending the graduate school of the Mayo Foundation; amending Minnesota Statutes 1982, section 147.20.

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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

CONSENT CALENDAR

S. F. No. 81, A bill for an act relating to retirement; repealing obsolete investment language applicable to third and fourth class city police relief associations; repealing Minnesota Statutes 1982, sections 423.389 and 423.60.

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

The bill was passed and its title agreed to.

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

The bill was passed and its title agreed to.

H. F. No. 210, A bill for an act relating to historical societies; fixing the maximum city or town tax for a county historical society; amending Minnesota Statutes 1982, section 138.053.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Rodriguez, C.	Segal	Stadum	Valan	Wenzel
Rodriguez, F.	Shaver	Staten	Valento	Wigley
Rose	Shea	Sviggum	Vanasek	Wynia
St. Onge	Sherman	Swanson	Vellenga	Zaffke
Sarna	Simoneau	Thiede	Voss	Speaker Sieben
Schafer	Skoglund	Tomlinson	Welch	
Scheid	Solberg	Tunheim	Welker	
Seaberg	Sparby	Uphus	Welle	

The bill was passed and its title agreed to.

H. F. No. 403 was reported to the House.

Clawson moved to amend H. F. No. 403, as follows:

Page 6, line 8, delete "*The maximum amount of this*"

Page 6, delete lines 9 and 10

Page 6, line 11, delete "*expenses of its county jail facility.*"

The motion prevailed and the amendment was adopted.

H. F. No. 403, A bill for an act relating to taxation; providing a special levy for operating costs of a county jail; amending Minnesota Statutes 1982, section 275.50, subdivision 5.

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

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

Those who voted in the affirmative were:

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

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

H. F. No. 406, A bill for an act relating to civil actions; allowing prevailing parties to recover disbursements for process served by private process servers; amending Minnesota Statutes 1982, sections 549.04; and 580.17.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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

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 109 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Anderson, R.	Beard	Bennett	Blatz
Anderson, G.	Battaglia	Begich	Bishop	Brandl

Carlson, D.	Hoberg	McEachern	Quist	Sparby
Carlson, L.	Hoffman	McKasy	Redalen	Stadum
Clark, J.	Jacobs	Metzen	Reif	Staten
Clawson	Jennings	Minne	Rice	Sviggum
Coleman	Jensen	Nelson, D.	Riveness	Swanson
DenOuden	Johnson	Nelson, K.	Rodosovich	Thiede
Dimler	Kahn	Neuenschwander	Rodriguez, C.	Tunheim
Ellingson	Kelly	O'Connor	Rodriguez, F.	Valan
Erickson	Knickerbocker	Ogren	Rose	Valento
Evans	Knuth	Olsen	St. Onge	Vanasek
Findlay	Kostohryz	Omann	Sarna	Voss
Fjoslien	Krueger	Onnen	Schafer	Welch
Frerichs	Kvam	Osthoff	Scheid	Welker
Graba	Larsen	Otis	Schreiber	Welle
Greenfield	Levi	Pauly	Segal	Wenzel
Gruenes	Long	Peterson	Shaver	Wigley
Gustafson	Ludeman	Piepho	Shea	Wynia
Halberg	Mann	Piper	Simoneau	Zaffke
Haukoos	Marsh	Price	Skoglund	Speaker Sieben
Heinitz	McDonald	Quinn	Solberg	

The bill was passed and its title agreed to.

H. F. No. 573, A bill for an act relating to retirement; Brooklyn Park volunteer firefighters relief association; repealing Laws 1975, chapter 237, as amended.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 602, A bill for an act relating to commerce; providing for a nonpossessory mechanics' lien under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 514.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 633, A bill for an act relating to commerce; uniform commercial code; extending the time period for the perfection of or priority over certain security interests; amending Minnesota Statutes 1982, sections 336.9-301; 336.9-302; 336.9-306; and 336.9-312.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 706, A bill for an act relating to retirement; public employees retirement association; providing for refund of contributions after a layoff of 120 calendar days; amending Minnesota Statutes 1982, section 353.34, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DenOuden	Hoffman	McKasy	Quist
Anderson, G.	Dimler	Hokr	Metzen	Redalen
Anderson, R.	Eken	Jacobs	Minne	Reif
Battaglia	Elioff	Jennings	Munger	Rice
Beard	Ellingson	Jensen	Murphy	Riveness
Begich	Erickson	Johnson	Nelson, D.	Rodosovich
Bennett	Evans	Kahn	Nelson, K.	Rodriguez, C.
Bergstrom	Findlay	Kalis	Neuenschwander	Rodriguez, F.
Berkelman	Fjoslien	Knickerbocker	Norton	Rose
Bishop	Forsythe	Knuth	O'Connor	St. Onge
Blatz	Frerichs	Kostohryz	Ogren	Sarna
Brandl	Graba	Krueger	Olsen	Schafer
Brinkman	Greenfield	Kvam	Omman	Scheid
Burger	Gruenes	Larsen	Onnen	Schreiber
Carlson, D.	Gustafson	Levi	Osthoff	Seaberg
Carlson, L.	Gutknecht	Long	Otis	Segal
Clark, J.	Halberg	Ludeman	Pauly	Shaver
Clark, K.	Haukoos	Mann	Peterson	Shea
Clawson	Heinitz	Marsh	Piepho	Sherman
Cohen	Himle	McDonald	Piper	Simoneau
Coleman	Hoberg	McEachern	Price	Skoglund

Solberg
Sparby
Stadum
Staten
Sviggum

Swanson
Thiede
Tomlinson
Tunheim
Uphus

Valan
Valento
Vanasek
Vellenga
Voss

Welch
Welker
Welle
Wenzel
Wigley

Wynia
Zaffke
Speaker Sieben

The bill was passed and its title agreed to.

CALENDAR

S. F. No. 164 was reported to the House and given its third reading.

UNANIMOUS CONSENT

Norton requested unanimous consent to offer an amendment. The request was granted.

Norton moved to amend S. F. No. 164, the second engrossment, as follows:

Page 6, line 14, after "senate" insert "or house of representatives"

Page 7, after line 4, insert:

"Subd. 3. [CONCURRENT CONFIRMATION.] *For appointments to the ethical practices board or any other agency which require confirmation of both the senate and house of representatives acting separately, the letter appointment and the copy of the application provided by subdivision 2 shall also be directed to the speaker of the house of representatives, and the appointment shall be effective upon receipt of the letter of appointment by both the president of the senate and the speaker of the house of representatives.*"

Page 8, after line 7, insert a new section to read:

"Sec. 12. Minnesota Statutes 1982, section 16.823, subdivision 2, is amended to read:

Subd. 2. The board shall consist of five individuals, the majority of whom shall be residents of the state of Minnesota. Each of the following three organizations shall nominate one individual whose name and qualifications shall be submitted to the governor for consideration: Consulting engineers council of Minnesota after consultation with other professional engineering societies in the state; Minnesota society of architects; and the Minnesota board of the arts. The governor may appoint the three named individuals to the board (WITH THE ADVICE AND CONSENT OF THE SENATE, BUT THE GOVERNOR) or may reject any individual so nominated and request a second nomination. The remaining two members shall also be appointed

by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE)."

Page 8, line 35, strike, "department of natural"

Page 8, strike line 36

Page 9, strike line 1, and insert, "*soil and water conservation board administrative region.*"

Renumber the sections accordingly

Further amend the title:

Page 1, line 12, before "40.03" insert, "16.823, subdivision 1;"

The motion prevailed and the amendment was adopted.

S. F. No. 164, A bill for an act relating to state government; removing the requirement of senate confirmation for appointment to certain state agencies; limiting terms of certain hold-over appointees; formulating a procedure for senate and house confirmations; changing a time requirement for filing a statement of economic interest in certain cases; amending Minnesota Statutes 1982, sections 1.33; 3.9223, subdivision 1; 10A.09, subdivisions 1 and 3; 14.48; 15.0575, subdivision 2; 15.0597, subdivision 6; 15.06, subdivisions 2 and 5; 15.50, subdivision 1; 16.823, subdivision 2; 40.03, subdivision 1; 85A.01, subdivision 1; 105.401, subdivision 1; 115A.05, subdivision 2; 116E.02, subdivision 1; 116J.04; 121.82, subdivision 1; 121.844, subdivision 1; 182.664, subdivision 1; 250.05, subdivision 2; 299B.05, subdivision 1; 414.01, subdivision 2; 473.123, subdivision 4; 473.141, subdivision 3; 490.15, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 15; repealing Minnesota Statutes 1982, section 11A.07, subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Brandl	DenOuden	Frerichs	Hoberg
Anderson, G.	Brinkman	Dimler	Graba	Hoffman
Battaglia	Burger	Eken	Greenfield	Hokr
Beard	Carlson, D.	Elioff	Gruenes	Jacobs
Begich	Carlson, L.	Ellingson	Gustafson	Jennings
Bennett	Clark, J.	Erickson	Gutknecht	Jensen
Bergstrom	Clark, K.	Evans	Halberg	Johnson
Berkelman	Clawson	Findlay	Haukoos	Kalis
Bishop	Cohen	Fjosalien	Heinitz	Kelly
Blatz	Coleman	Forsythe	Himle	Knickerbocker

Knuth	Murphy	Price	Seaberg	Uphus
Kostohryz	Nelson, D.	Quinn	Segal	Valan
Krueger	Nelson, K.	Quist	Shaver	Valento
Kvam	Neuenschwander	Redalen	Shea	Vanasek
Larsen	Norton	Reif	Sherman	Vellenga
Levi	O'Connor	Rice	Simoneau	Voss
Long	Ogren	Riveness	Skoglund	Welch
Ludeman	Olsen	Rodosovich	Solberg	Welker
Mann	Omamn	Rodriguez, C.	Sparby	Welle
Marsh	Onnen	Rodriguez, F.	Stadium	Wenzel
McDonald	Osthoff	Rose	Staten	Wigley
McEachern	Otis	St. Onge	Swiggum	Wynia
McKasy	Pauly	Sarna	Swanson	Zaffke
Metzen	Peterson	Schafer	Thiede	Speaker Sieben
Minne	Piepho	Scheid	Tomlinson	
Munger	Piper	Schreiber	Tunheim	

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

S. F. No. 589, A bill for an act relating to labor; deleting an exclusion from protection for prompt payment of wages; amending Minnesota Statutes 1982, section 181.16.

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

Those who voted in the negative were:

Osthoff Sarna

The bill was passed and its title agreed to.

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.

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 82 yeas and 43 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Cohen	Long	Quinn	Solberg
Anderson, G.	Coleman	Mann	Redalen	Sparby
Anderson, R.	Eken	McEachern	Reif	Sjaten
Battaglia	Elioff	Metzen	Rice	Swanson
Beard	Ellingson	Minne	Riveness	Tomlinson
Begich	Graba	Munger	Rodosovich	Tunheim
Bergstrom	Gustafson	Murphy	Rodriguez, F.	Vanasek
Berkelman	Hoffman	Nelson, D.	Rose	Vellenga
Bishop	Jacobs	Nelson, K.	St. Onge	Voss
Blatz	Jensen	Neuenschwander	Sarna	Welch
Brandl	Kalis	Norton	Scheid	Welle
Brinkman	Kelly	O'Connor	Seaberg	Wenzel
Burger	Knuth	Ogren	Segal	Wynia
Carlson, L.	Kostohryz	Otis	Shea	Speaker Sieben
Clark, J.	Krueger	Peterson	Sherman	
Clark, K.	Larsen	Piper	Simoneau	
Clawson	Levi	Price	Skoglund	

Those who voted in the negative were:

Bennett	Greenfield	Johnson	Osthoff	Thiede
Carlson, D.	Gruenes	Kahn	Pauly	Uphus
DenOuden	Halberg	Knickerbocker	Piepho	Valan
Erickson	Haukoos	Kvam	Quist	Valento
Evans	Heinitz	Ludeman	Schafer	Welker
Findlay	Himle	Marsh	Schreiber	Wigley
Fjoslien	Hoberg	McKasy	Shaver	Zaffke
Forsythe	Hokr	Omamm	Stadum	
Frerichs	Jennings	Onnen	Sviggum	

The bill was passed and its title agreed to.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole with Sieben in the Chair for the consideration of bills pending on General Orders of the Day.

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. 482, 511, 564, 581, 601 and 673 which it recommended to pass.

S. F. Nos. 233 and 101 which it recommended to pass.

H. F. Nos. 138 and 239 which it recommended progress.

H. F. No. 91 which it recommended progress retaining its place on General Orders.

H. F. No. 588 which it recommended to pass with the following amendment offered by Simoneau:

Delete everything after the enacting clause and insert:

"Section 1. [HOSPITAL BOARD; TERMS OF OFFICE.]

Minnesota Statutes, section 447.32, subdivision 1, shall apply to the North Suburban Hospital District organized pursuant to Minnesota Statutes, sections 447.31 to 447.37, in Anoka and Ramsey counties, except that upon detachment of any city from the district, in accordance with Minnesota Statutes, section 447.38, subdivision 2, or any special law, the hospital board, may by resolution, extend the term of its member elected at large for up to two years, in order that one-half of the terms, as nearly as many be, of the members shall expire on the December 31 following the next regular hospital district election.

Sec. 2. [FILING TIME FOR CANDIDATES FOR HOSPITAL BOARD.]

Minnesota Statutes, section 447.32, subdivision 4, shall apply to the North Suburban Hospital District, except that a person desiring to be a candidate for member of the district's hospital board shall file for office during the time provided in Minnesota Statutes, chapter 205 for filing of affidavits of candidacy for elective office of the city in which the person resides.

Sec. 3. [LOCAL APPROVAL.]

This act takes effect the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the hospital board of the North Suburban Hospital District."

Delete the title and insert:

"A bill for an act relating to the North Suburban Hospital District; providing for adjustment of terms of office; changing filing dates for candidates for the hospital board."

H. F. No. 123 which it recommended be re-referred to the Committee on Financial Institutions and Insurance with the following amendment offered by Staten:

Page 1, line 23, delete "a consumer creating" and insert "consumers"

Page 1, line 24, delete "a debt"

Page 2, line 27, delete "debt"

Page 3, line 1, after "collector" insert "or creditor"

Page 4, line 18, delete "debt collector" and insert "creditor"

Page 4, line 21, before the semicolon insert ", or to communicate in writing with the consumer on 3 separate occasions with respect to the debt"

Page 4, line 24, delete "or"

Page 4, line 26, before the period insert "; or (d) to mail billing statements in accordance with the creditor's normal billing cycle"

Page 9, line 16, before the comma insert "not to exceed \$1,500"

H. F. No. 189 which it recommended to pass with the following amendment offered by Otis:

Page 6, after line 33, insert ", except systems owned by the utility and designed to turn off, limit, or vary the delivery of energy,"

H. F. No. 553 which it recommended to pass with the following amendment offered by Osthoff:

Page 2, line 8, before the dotted line, insert "None"

Page 2, line 11, strike "that the above facts"

Page 2, line 12, strike "are correct" and insert:

"am a citizen of the United States, that I reside at the address shown and will have resided in Minnesota for 20 days immediately preceding election day, and that I am not under guardianship of the person, have not been found by a court to be legally incompetent to vote, and have not been convicted of a felony without having my civil rights restored"

H. F. No. 667 which it recommended to pass with the following amendment offered by Blatz:

Delete everything after the enacting clause and insert:

"Section 1. [181.92] [LEAVES FOR ADOPTIVE PARENTS.]

An employer who permits paternity or maternity time off to biological parents shall, upon request, grant time off, with or without pay, to adoptive parents. The minimum period of this time off shall be four weeks, or, if the employer has an established policy of time off for biological parents which sets a period of time off of less than four weeks, that period of time shall be the minimum period for adoptive parents. The period of time off shall, at the direction of the adoptive parent, begin before, or at the time of, the child's placement in the adoptive parent's home, and shall be for the purpose of arranging the child's placement or caring for the child after placement. An employer shall not penalize an employee for requesting or obtaining time off according to this section."

H. F. No. 89 which it recommended progress with the following amendment offered by Elioff and Onnen:

Page 2, delete lines 10 to 12 and insert "*any person or group of persons*"

Page 2, line 13, delete everything before the period

Page 2, lines 34 and 35, delete the headnote and insert "[OTHER THREATS.]"

Page 3, line 2, delete "*the person threatened or in another person because of*" and insert "*any person or group of persons*"

Page 3, delete lines 3 and 4

Page 3, line 5, delete "*national origin, age, or political persuasion*"

Amend the title as follows:

Page 1, delete lines 4 and 5

Page 1, line 6, delete everything before the semicolon.

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 Heinitz motion to re-refer H. F. No. 123, as amended, to the Committee on Financial Institutions and Insurance and the roll was called. There were 76 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Knickerbocker	Pauly	Stadum
Anderson, G.	Findlay	Kvam	Peterson	Svigum
Anderson, R.	Fjoslien	Levi	Piepho	Swanson
Bennett	Forsythe	Ludeman	Quist	Thiede
Bergstrom	Frerichs	Mann	Redalen	Tunheim
Berkelman	Gruenes	Marsh	Reif	Uphus
Bishop	Gutknecht	McDonald	Rose	Valan
Blatz	Haukoos	McEachern	Schafer	Valento
Brinkman	Heinitz	McKasy	Schreiber	Welker
Burger	Himle	Nelson, D.	Seaberg	Welle
Carlson, D.	Hoberg	Nelson, K.	Shaver	Wigley
Carlson, L.	Hoffman	Neuenschwander	Shea	Zaffke
DenOuden	Hokr	Olsen	Sherman	
Dimler	Jennings	Omamm	Skoglund	
Elioff	Johnson	Onnen	Solberg	
Erickson	Kalis	Osthoff	Sparby	

Those who voted in the negative were:

Battaglia	Graba	Long	Riveness	Vanasek
Beard	Greenfield	Minne	Rodosovich	Vellenga
Begich	Gustafson	Munger	Rodriguez, C.	Voss
Brandl	Jacobs	Murphy	Rodriguez, F.	Welch
Clark, J.	Jensen	Norton	St. Onge	Wenzel
Clark, K.	Kahn	Ogren	Sarna	Wynia
Clawson	Kelly	Otis	Scheid	Speaker Sieben
Cohen	Knuth	Piper	Segal	
Coleman	Kostobryz	Price	Simoneau	
Eken	Krueger	Quinn	Staten	
Ellingson	Larsen	Rice	Tomlinson	

The motion prevailed and H. F. No. 123, as amended, was re-referred to the Committee on Financial Institutions and Insurance.

Welker moved to amend H. F. No. 189, the second engrossment, as amended, as follows:

Page 6, lines 1 to 4, delete the new language

Page 6, lines 14 to 22, delete the new language

The question was taken on the amendment and the roll was called. There were 53 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Forsythe	Johnson	Pauly	Stadum
Bennett	Frerichs	Knickerbocker	Piepho	Sviggum
Bishop	Gruenes	Kvam	Quist	Thiede
Blatz	Gutknecht	Levi	Redalen	Uphus
Burger	Halberg	Ludeman	Reif	Valan
Carlson, D.	Haukoos	Marsh	Rose	Valento
DenOuden	Heinitz	McDonald	Schafer	Welker
Dimler	Himle	McKasy	Schreiber	Wigley
Erickson	Hoberg	Olsen	Seaberg	Zaffke
Evans	Hokr	Omann	Shaver	
Findlay	Jennings	Onnen	Sherman	

Those who voted in the negative were:

Anderson, B.	Eken	Krueger	Otis	Sparby
Anderson, C.	Elioff	Larsen	Peterson	Staten
Battaglia	Ellingson	Long	Piper	Swanson
Beard	Fjoslien	Mann	Price	Tomlinson
Begich	Graba	McEachern	Rice	Tunheim
Bergstrom	Greenfield	Metzen	Riveness	Vanasek
Berkelman	Gustafson	Minne	Rodosovich	Vellenga
Brandl	Hoffman	Murphy	Rodriguez, F.	Voss
Brinkman	Jacobs	Nelson, D.	St. Onge	Welle
Carlson, L.	Jensen	Nelson, K.	Sarna	Wenzel
Clark, J.	Kahn	Neuenschwander	Scheid	Wynia
Clark, K.	Kalis	Norton	Segal	Speaker Sieben
Clawson	Kelly	O'Connor	Simoneau	
Cohen	Knuth	Ogren	Skoglund	
Coleman	Kostohryz	Osthoff	Solberg	

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

McDonald moved to amend H. F. No. 89, the third engrossment, as follows:

Page 2, line 13, after the comma, insert "*affiliation or non-affiliation with a labor union,*"

Page 3, line 5, after the second comma, insert "*affiliation or non-affiliation with a labor union,*"

Further, amend the title as follows:

Page 1, line 6, after the second comma, insert "*affiliation or non-affiliation with a labor union,*"

The question was taken on the amendment and the roll was called. There were 55 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Jennings	Onnen	Shea
Anderson, R.	Findlay	Johnson	Pauly	Sherman
Bennett	Fjoslien	Knickerbocker	Piepho	Stadum
Berkelman	Forsythe	Krueger	Quist	Sviggum
Bishop	Frerichs	Kvam	Redalen	Thiede
Blatz	Gruenes	Ludeman	Reif	Uphus
Burger	Gutknecht	Marsh	Rose	Valan
Carlson, D.	Halberg	McDonald	Schafer	Valento
DenOuden	Haukoos	McKasy	Schreiber	Welker
Dimler	Heinitz	Olsen	Seaberg	Wigley
Erickson	Hoberg	Omann	Shaver	Zaffke

Those who voted in the negative were:

Anderson, G.	Graba	McEachern	Price	Staten
Battaglia	Greenfield	Metzen	Quinn	Swanson
Beard	Gustafson	Minne	Rice	Tomlinson
Begich	Hoffman	Munger	Riveness	Tunheim
Bergstrom	Jacobs	Nelson, D.	Rodosovich	Vanasek
Brandl	Jensen	Nelson, K.	Rodriguez, F.	Vellenga
Carlson, L.	Kahn	Neuenschwander	St. Onge	Voss
Clark, J.	Kalis	Norton	Sarna	Welch
Clark, K.	Kelly	O'Connor	Scheid	Welle
Cohen	Knuth	Ogren	Segal	Wenzel
Coleman	Kostohryz	Osthoff	Simoneau	Wynia
Eken	Larsen	Otis	Skoglund	Speaker Sieben
Elioff	Long	Peterson	Solberg	
Ellingson	Mann	Piper	Sparby	

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

Elioff and Onnen moved to amend H. F. No. 89, the third engrossment, as follows:

Page 2, delete lines 10 to 12 and insert "*any person or group of persons*"

Page 2, line 13, delete everything before the period

Page 2, lines 34 and 35, delete the headnote and insert "[OTHER THREATS.]"

Page 3, line 2, delete "*the person threatened or in another person because of*" and insert "*any person or group of persons*"

Page 3, delete lines 3 and 4

Page 3, line 5, delete "*national origin, age, or political persuasion*"

Amend the title as follows:

Page 1, delete lines 4 and 5

Page 1, line 6, delete everything before the semicolon

The question was taken on the amendment and the roll was called. There were 69 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Erickson	Jacobs	Omann	Sherman
Battaglia	Evans	Jennings	Onnen	Stadum
Beard	Findlay	Johnson	Pauly	Sviggum
Begich	Fjoslien	Kalis	Piepho	Swanson
Bennett	Forsythe	Kelly	Quist	Thiede
Berkelman	Frerichs	Knickerbocker	Redalen	Tunheim
Bishop	Gruenes	Kvam	Reif	Uphus
Blatz	Gutknecht	Levi	Rose	Valan
Brinkman	Halberg	Ludemañ	St. Onge	Valento
Burger	Haukoos	Marsh	Sarna	Welker
Carlson, D.	Heinitz	McDonald	Schafer	Wenzel
DenOuden	Himle	McEachern	Schreiber	Wigley
Dimler	Hoberg	McKasy	Seaberg	Zaffke
Elioff	Hokr	Olsen	Shaver	

Those who voted in the negative were:

Anderson, B.	Graba	Mann	Piper	Skoglund
Anderson, G.	Greenfield	Minne	Price	Staten
Bergstrom	Gustafson	Munger	Rice	Tomlinson
Brandl	Hoffman	Murphy	Riveness	Vanasek
Carlson, L.	Jensen	Nelson, D.	Rodosovich	Vellenga
Clark, J.	Kahn	Nelson, K.	Rodriguez, C.	Voss
Clark, K.	Knuth	Norton	Rodriguez, F.	Welch
Cohen	Kostohryz	Ogren	Scheid	Wynia
Coleman	Krueger	Osthoff	Segal	Speaker Sieben
Eken	Larsen	Otis	Shea	
Ellingson	Long	Peterson	Simoneau	

The motion prevailed and the amendment was adopted.

MOTIONS AND RESOLUTIONS

Coleman moved that H. F. No. 994 be recalled from the Committee on Labor-Management Relations and be re-referred to the Committee on Judiciary. The motion prevailed.

Clark, J., moved that H. F. No. 541, now on General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Anderson, G., moved that H. F. No. 636, now on Technical General Orders, be re-referred to the Committee on Governmental Operations. The motion prevailed.

Clark, J., moved that the name of Nelson, K., be added as an author on H. F. No. 990. The motion prevailed.

Jensen moved that the name of Blatz be added as an author on H. F. No. 1110. The motion prevailed.

Ludeman moved that his name be stricken as an author on H. F. No. 244. The motion prevailed.

Knickerbocker moved that the name of Evans be added as an author on H. F. No. 1091. The motion prevailed.

Nelson, K., moved that the name of Tomlinson be added as an author on H. F. No. 771. The motion prevailed.

Norton moved that the name of Piepho be added as an author on H. F. No. 1025. The motion prevailed.

Rodriguez, F., moved that the name of Piper be added as an author on H. F. No. 601. The motion prevailed.

Simoneau moved that the name of Segal be added as an author on H. F. No. 1078. The motion prevailed.

Metzen moved that the name of Sparby be added as an author on H. F. No. 1117. The motion prevailed.

Fjoslien moved that the name of Segal be added as an author on H. F. No. 1104. The motion prevailed.

Stadum moved that the name of Fjoslien be added as an author on H. F. No. 1093. The motion prevailed.

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

Evans moved that the name of Segal be added as an author on H. F. No. 1109. The motion prevailed.

Sherman and Johnson introduced:

House Resolution No. 8, A house resolution congratulating the women's gymnastic team from Winona State University for its accomplishments in the 1983-1984 school year.

The resolution was referred to the Committee on Rules and Legislative Administration.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, April 7, 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, April 7, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives