

STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1983

THIRTY-SECOND DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 7, 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 Pastor John A. Riveness, Director of Words of Life Gospel Broadcast, Karlstad, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Heap, Munger, Nelson, K., and Staten were excused.

The Chief Clerk proceeded to read the Journals of the preceding days. Clawson moved that further reading of the Journals

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

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 389, 508, 603, 230, 409, 567, 605, 721, 745, 769, 787, 189, 403, 558, 636, 697, 904, 270, 553, 588, 667 and 89 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 6, 1983

The Honorable Harry A. 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. 371, 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 improvement of certain trunk highways; 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; repealing a limitation on interest rates for trunk highway bonds; creating a study commission; appropriating money; providing a penalty; amending Minnesota Statutes 1982, sections 161.081; 161.082, subdivision 2a; 167.50, subdivision 2; 296.01, subdivision 24; 296.02; 296.14, subdivisions 2 and 4; 296.18, by adding a subdivision; 297B.09; and 473.446, subdivision 1; proposing new law coded in Minnesota Statutes, chapters 162 and 169.

Sincerely,

RUDY PERPICH
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
SAINT PAUL 55155

April 6, 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:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1983	Date Filed 1983
15		16	April 6	April 6
	371	17	April 6	April 6

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

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

H. F. No. 33, A bill for an act relating to taxation; income; providing a credit for home care of the elderly; appropriating money; amending Minnesota Statutes 1982, section 290.06, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 23, delete "not"

Page 2, line 1, delete "received" and insert "incurred"

Page 2, line 3, delete "(a)"

Page 2, delete lines 5 to 10 and insert "is within the income eligibility requirements of section 256B.06."

Page 2, line 12, delete "60" and insert "65"

Page 2, line 13, delete everything after "(2)"

Page 2, delete line 14

Page 2, line 15, delete "\$7,500" and insert "*who is eligible for medical assistance and who meets the eligibility requirements of section 256B.06*"

Page 2, line 31, delete everything after "(e)"

Page 2, delete lines 32 to 36

Page 3, delete lines 1 to 7

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. 63, A bill for an act relating to counties; authorizing counties to enact ordinances against trespassing under certain conditions; prescribing penalties; proposing new law coded in Minnesota Statutes, chapter 373.

Reported the same back with the following amendments:

Page 1, line 8, delete "[373.40]" and insert "[471.985]"

Page 1, line 8, after "COUNTY" insert "AND CITY"

Page 1, line 10, delete "A" and insert "The"

Page 1, line 10, after "board" insert "*of any county or the city council of any home rule charter or statutory city*"

Page 1, line 15, delete "A" and insert "The"

Page 1, line 15, after "board" insert "*or city council*"

Page 2, line 9, delete "Sec. 2. [373.41]" and insert "Subd. 3."

Page 2, line 12, delete "Sec. 3. [373.42]" and insert "Subd. 4."

Page 2, line 15, delete "Section 1,"

Amend the title as follows:

Page 1, line 2, delete the first "counties" and insert "local government"

Page 1, line 2, after "authorizing counties" insert "or cities"

Page 1, line 5, delete "373" and insert "471"

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 102, A bill for an act relating to agricultural and residential homestead; providing for relief in certain cases from inequitable foreclosure of mortgages, termination of contracts for the conveyance of real estate, and execution sales of real property during an emergency declared by the legislature; postponing certain realty sales and extending the period of redemption of real property during an emergency; providing for possession during the extended period; limiting the right to maintain actions for deficiency judgments; proposing new law coded as Minnesota Statutes, chapter 583.

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 8, is amended to read:

Subd. 8. A lender making a conventional loan shall comply with the following:

(1) The promissory note and mortgage evidencing a conventional loan shall be printed in not less than the equivalent of 8 point type, .075 inch computer type, or elite-size typewritten numerals, or shall be legibly handwritten.

(2) The mortgage evidencing a conventional loan shall contain a provision whereby the lender agrees to furnish the borrower with a conformed copy of the promissory note and mortgage at the time they are executed or within a reasonable time after recordation of the mortgage.

(3) The mortgage evidencing a conventional loan shall contain a provision whereby the lender, if it intends to foreclose, agrees to give the borrower written notice of any default under the terms or conditions of the promissory note or mortgage, by

sending the notice by certified mail to the address of the mortgaged property or such other address as the borrower may have designated in writing to the lender. The lender need not give the borrower the notice required by this paragraph if the default consists of the borrower selling the mortgaged property without the required consent of the lender. The mortgage shall further provide that the notice shall contain the following provisions:

- (a) the nature of the default by the borrower,
- (b) the action required to cure the default,
- (c) a date, not less than (30) 60 days from the date the notice is mailed by which the default must be cured,
- (d) that failure to cure the default on or before the date specified in the notice may result in acceleration of the sums secured by the mortgage and sale of the mortgaged premises, and
- (e) that the borrower has the right to reinstate the mortgage after acceleration, and
- (f) that the borrower has the right to bring a court action to assert the nonexistence of a default or any other defense of the borrower to acceleration and sale.

Sec. 2. Minnesota Statutes 1982, section 550.18, is amended to read:

550.18 [NOTICE OF SALE.]

Before the sale of property on execution notice shall be given as follows:

(1) If the sale be of personal property, by giving ten days posted notice of the time and place thereof;

(2) If the sale (BE) *is not of farm* real property, on execution or on judgment, by six weeks posted and published notice of the time and place thereof, describing the property with sufficient certainty to enable a person of common understanding to identify it;

(3) *If the sale is of farm real property, on execution or on judgment, by 60 days posted and published notice of the time and place, describing the property with sufficient certainty to enable a person of common understanding to identify it.*

An officer who sells without such notice shall forfeit \$100 to the party aggrieved, in addition to his actual damages; and a person who before the sale or the satisfaction of the execution, and

without the consent of the parties, takes down or defaces the notice posted, shall forfeit \$50; but the validity of the sale shall not be affected by either act, either as to third persons or parties to the action.

Sec. 3. Minnesota Statutes 1982, section 559.21, subdivision 1, is amended to read:

Subdivision 1. [DEFAULT; TERMINATION.] When default is made in the conditions of any contract for the conveyance of real estate or any interest in it executed after August 1, 1976, and prior to May 1, 1980, whereby the vendor has a right to terminate it, he may do so by serving upon the purchaser, his personal representatives or assigns, either within or without the state, a notice specifying the conditions in which default has been made, and stating that the contract will terminate (1) 30 days after the service of the notice if the purchaser has paid less than 30 percent of the purchase price, exclusive of interest on it, and any mortgages or prior contracts for deed which are assumed by the purchaser, *or in cases of farm real estate property to terminate 60 days after service of notice*, (2) 45 days after service of the notice if the purchaser has paid 30 percent, or more, but less than 50 percent of the purchase price, exclusive of interest on it, and any mortgages or prior contracts for deed which are assumed by the purchaser, *or in cases of farm real estate property to terminate 60 days after service of notice*, (3) 60 days after service of the notice if the purchaser has paid 50 percent, or more, of the purchase price, exclusive of interest on it, and any mortgages or prior contracts for deed which are assumed by the purchaser, unless prior thereto the purchaser complies with the conditions and pays the costs of service, the mortgage registration tax, if actually paid by the vendor, together with an amount to apply on attorneys' fees actually expended or incurred, of \$75 when the amount in default is less than \$750, and of \$200 when the amount in default is \$750 or more; provided, however, that no amount is required to be paid for attorneys' fees as provided hereunder, unless some part of the conditions of default has existed at least 45 days prior to the date of service of the notice.

Sec. 4. Minnesota Statutes 1982, section 559.21, subdivision 1a, is amended to read:

Subd. 1a. [DEFAULT; TERMINATION.] When default is made in the conditions of any contract for the conveyance of real estate or any interest in it, executed on or prior to August 1, 1976, whereby the vendor has a right to terminate it, he may do so by serving upon the purchaser, his personal representatives or assigns, either within or without the state, a notice specifying the conditions in which default has been made, and stating that the contract will terminate 30 days after the service of the notice, *or in the case of farm real estate property that the contract will terminate 60 days after service of the notice*, unless

prior thereto the purchaser complies with the conditions and pays the costs of service, together with an amount to apply on attorneys' fees actually expended or incurred, of \$50 when the amount in default is less than \$500, and of \$100 when the amount in default is \$500 or more; provided, however, that no amount shall be required to be paid for attorneys' fees as provided hereunder, unless some part of the conditions of default shall have existed at least 45 days prior to the date of service of the notice. The notice must be given notwithstanding any provisions in the contract to the contrary, and shall be served within the state in the same manner as a summons in the district court, without the state; in the same manner, and without securing any sheriff's return of not found, making any preliminary affidavit, mailing a copy of the notice or doing any other preliminary act or thing whatsoever. Service of the notice without the state may be proved by the affidavit of the person making it, made before an authorized officer having a seal, and within the state by an affidavit or by the return of the sheriff of any county.

Sec. 5. Minnesota Statutes 1982, section 559.21, subdivision 2, is amended to read:

Subd. 2. When default is made in the conditions of any contract for the conveyance of real estate or any interest therein executed on or after May 1, 1980, whereby the vendor has a right to terminate the same, he may do so by serving upon the purchaser, his personal representatives or assigns, either within or without the state, a notice specifying the conditions in which default has been made, and stating that the contract will terminate (1) 30 days after the service of the notice if the purchaser has paid less than ten percent of the purchase price, exclusive of interest thereon, and any mortgages or prior contracts for deed which are assumed by the purchaser, *or in the case of farm real estate property that the contract will terminate 60 days after service of the notice,* (2) 60 days after service of the notice if the purchaser has paid ten percent, or more, but less than 25 percent of the purchase price, exclusive of interest thereon, and any mortgages or prior contracts for deed which are assumed by the purchaser, (3) 90 days after service of the notice if the purchaser has paid 25 percent, or more, of the purchase price, exclusive of interest thereon, and any mortgages or prior contracts for deed which are assumed by the purchaser, unless prior thereto the purchaser complies with the conditions and makes all payments due and owing to the vendor under the contract through the date payment is made and pays the costs of service, the mortgage registration tax, if actually paid by the vendor, together with an amount to apply on attorneys' fees actually expended or incurred, of \$125 when the amount in default is less than \$750, and of \$250 when the amount in default is \$750 or more; provided, however, that no amount is required to be paid for attorneys' fees as provided hereunder, unless some part of the conditions of default has existed at least 45 days prior to the date of service of the notice.

Sec. 6. Minnesota Statutes 1982, section 580.09, is amended to read:

580.09 [FORECLOSURE FOR INSTALMENTS; SALES; DISPOSITION OF PROCEEDS; REDEMPTION.]

Where a mortgage is given to secure the payment of money by instalments, each instalment, either for principal or interest, or both, as is due at any time, may be taken and deemed to be a separate and independent mortgage, and such mortgage for each such instalment may be foreclosed by advertisement or by action, in the same manner and with like effect as if a separate mortgage were given for each of such instalments, and such foreclosure may be made and sale had subject to the instalments yet to become due upon the mortgage; and a redemption from any such sale shall have the like effect as if the sale for such instalment had been made upon an independent subsequent mortgage; provided in such cases the attorney's fee on the foreclosure so made shall not exceed the amount permitted by law in case of a mortgage securing the amount of the debt then due on such foreclosure. The proceeds of the sale shall be applied first in payment of the costs of the foreclosure sale, and of the instalment due, with interest thereon, taxes and insurance premiums paid, if any, and then towards the payment of the residue of the sum secured by such mortgage, and not due and payable at the time of such sale; and, if such residue does not bear interest, such application shall be made with rebate of the legal interest for the time during which the residue shall not be due and payable; and the surplus, if any, shall be paid to the subsequent lienors, if any, in the order of their priority, and then to the owner of the equity of redemption, his legal representatives or assigns. In case of redemption from any sale herein authorized, at the option of the redemptioner, the whole amount remaining unpaid on the mortgage, with interest and other items, if any, which have become part of the amount secured by the lien of the mortgage, may be included in the amount paid on redemption and, in such event, the redemption so made shall have like effect as if the foreclosure sale had been made for the entire amount secured by the mortgage, including such additional items.

In the case of a mortgage given to secure the payment of money by installments on farm real estate property, the mortgage is reinstated following any foreclosure proceeding and during the redemption period by payment by the redemptioner of the installments in default, the installments falling due during the redemption period, and the costs and fees, including insurance and delinquent taxes, specified in section 580.30, subdivision 1.

Before any sale herein authorized, the holder of the mortgage shall file with the sheriff a verified itemized statement in writing showing the entire amount remaining unpaid on the mortgage, including taxes and insurance premiums paid and other items

which have become part of the amount secured, and the rate of interest to accrue on same, which statement shall be subject to public inspection and shall be read by the sheriff at the sale, immediately after reading the notice of sale. The certificate of sale shall set forth correctly, in addition to the amount of sale, the remaining amount still unpaid on and secured by the mortgage, subject to which the sale is made, and the rate of interest to accrue on same. If, during the time to redeem from the sale, any additional or other item, other than interest at the rate so stated in the certificate, shall attach to such amount subject to which the sale was made, or any change shall occur in such amount or the rate of interest thereon, the facts with respect thereto shall be set forth by affidavit, made and filed for record, and a copy furnished the sheriff, in accordance with the provisions of section 582.03, and the provisions of that section shall apply thereto.

Sec. 7. Minnesota Statutes 1982, section 580.23, subdivision 1, is amended to read:

Subdivision 1. When lands have been sold in conformity with preceding sections of this chapter the mortgagor, his personal representatives or assigns, within six months after such sale, except as otherwise provided in subdivision 2, may redeem such lands, as hereinafter provided, (1) by paying the sum of money for which the same were sold, with interest from the time of sale at the rate provided to be paid on the mortgage debt and, if no rate be provided in the mortgage note, at the rate of six percent per annum, together with any further sums which may be payable pursuant to section 582.03, or (2) *in the case of a mortgage on farm real estate property given to secure payment of money by installments, by paying the installments in default, the installments falling due during the redemption period, and the costs and fees, including insurance and delinquent taxes, specified in section 580.30, subdivision 1.* Where the redemption period is as provided in this subdivision the mortgagee, or his successors, assigns, or personal representative, or any other purchaser so purchasing at the sheriff's sale shall by purchasing the property at the sheriff's sale thereby waive his right to a deficiency judgment against the mortgagor.

Sec. 8. Minnesota Statutes 1982, section 580.30, is amended to read:

580.30 [MORTGAGES, WHEN REINSTATED.]

Subdivision 1. [BEFORE SALE.] In any proceedings for the foreclosure of a real estate mortgage, whether by action or by advertisement, if at any time before the sale of the premises under such foreclosure the mortgagor, the owner, or any holder of any subsequent encumbrance or lien, or any one for them, shall pay or cause to be paid to the holder of the mortgage so being foreclosed, or to the attorney foreclosing the same, or to the sheriff of the county, the amount actually due thereon and consti-

tuting the default actually existing in the conditions of the mortgage at the time of the commencement of the foreclosure proceedings, including insurance, delinquent taxes, if any, upon the premises, interest to date of payment, cost of publication and services of process or notices, attorney's fees not exceeding \$150 or one-half of the attorney's fees authorized by section 582.01, whichever is greater, together with other lawful disbursements necessarily incurred in connection with the proceedings by the party foreclosing, then, and in that event, the mortgage shall be fully reinstated and further proceedings in such foreclosure shall be thereupon abandoned.

Subd. 2. [FARM REAL PROPERTY AFTER FORECLOSURE.] A mortgage to farm real estate property given to secure payment of money by installments, is reinstated following foreclosure but during the redemption period by payment by the redemptioner of the installments in default, the installments falling due during the redemption period, and the costs and fees, including insurance and delinquent taxes, specified in section 580.30, subdivision 1.

Sec. 9. Minnesota Statutes 1982, section 581.10, is amended to read:

581.10 [REDEMPTION BY MORTGAGOR, CREDITOR.]

The mortgagor, or those claiming under him, within the time specified in section 580.23 after the date of the order of confirmation, may redeem the premises sold, or any separate portion thereof, (1) by paying the amount bid therefor, with interest thereon from the time of sale at the rate provided to be paid on the mortgage debt, not to exceed eight percent per annum, and, if no rate to be provided in the mortgage, at the rate of six percent, together with any further sum which may be payable pursuant to section 582.03, or (2) in the case of a mortgage on farm real estate property given to secure payment of money by installments, by paying the installments in default, the installments falling due during the redemption period, and the costs and fees, including insurance and delinquent taxes, specified in section 580.30, subdivision 1. Creditors having a lien may redeem in the order and manner specified in section 580.24, but no creditor shall be entitled to redeem unless within such specified redemption period he files with the clerk notice of his intention to redeem.

Sec. 10. [583.01] [LEGISLATIVE FINDINGS.]

The legislature finds that the number of unemployed persons in this state has reached the highest level since the Depression of the 1930's; that farm commodity prices are at the lowest levels in over 40 years; that the number of mortgage loans currently in default due to the unemployment of the principal wage earner

has reached critical levels; and that by reason of these conditions and the high rates of interest on mortgage loans, many of the citizens of this state will be unable for extended periods of time, to meet payments of taxes, interest, and principal of mortgages on their properties and are, therefore, threatened with loss of their real property through mortgage foreclosure, contract termination, and judicial sales. The legislature further finds that these conditions have resulted in an emergency of a nature that justifies and validates legislation for the extension of the time of redemption from mortgage foreclosure and execution sales and other relief of a similar character.

Sec. 11. [583.02] [DEFINITIONS.]

Subdivision 1. [TERMS.] As used in sections 10 to 21, the terms defined in this section have the meanings given them.

Subd. 2. [HOMESTEAD.] "Homestead" means residential or agricultural real estate, a portion or all of which is entitled to receive homestead credit under section 273.13, subdivision 15a.

Sec. 12. [583.03] [APPLICATION.]

Subdivision 1. [PROPERTY COVERED.] The provisions of sections 10 to 21 apply to judgments against, mortgages secured by, and contracts for deed conveying, homesteads within the meaning of section 11, including: (a) mortgages held by the United States or by any agency, department, bureau, or instrumentality of the United States, as security or pledge of the mortgagor, its successors or assigns; and (b) mortgages held as security or pledge to secure payment of a public debt or to secure payment of the deposit of public funds.

Subd. 2. [GENERAL EXCLUSION.] The provisions of sections 10 to 21 do not apply to mortgages or contracts for deed made after the effective date of sections 10 to 21, nor to mortgages or contracts for deed made before the effective date of sections 10 to 21, which are renewed or extended after the effective date of sections 10 to 21 for a period longer than one year, nor to mortgages, judgments, or contracts for deed, regardless of when made, if a second or subsequent mortgage is made against the property after the effective date of sections 10 to 21, and the second or subsequent mortgagee commences foreclosure proceedings. No court shall allow a resale, stay, postponement, or extension of time that would cause any right to be lost or adversely affected by any statute of limitation.

Sec. 13. [583.04] [MORTGAGOR MAY APPLY TO DISTRICT COURT FOR RELIEF.]

In any proceedings commenced prior to the effective date of sections 10 to 21 for the foreclosure of a mortgage on a home-

stead by advertisement, in which a sale of the property has not been had, or in any proceedings commenced after the effective date of sections 10 to 21, the mortgagor, or the owner in possession of the mortgaged premises, or anyone claiming under the mortgage, or anyone liable for the mortgage debt, at any time after the issuance of the notice of the foreclosure proceedings, may petition the district court of the county where the foreclosure proceedings are pending, serving a summons and verified complaint requesting that the sale in foreclosure by advertisement be postponed and that the foreclosure, if any, proceed by action. If it appears to the court that the granting of the relief requested would be equitable and just, the court may postpone the foreclosure proceedings by advertisement by ex parte order which may be served with or after service of the summons and complaint upon the party foreclosing or his attorney. At the time of hearing on the ex parte order, the court may then further postpone the sale, and the parties seeking to foreclose the mortgage shall proceed, if at all, to foreclose the mortgage by action. As a condition precedent to the postponement of the foreclosure sale by advertisement, the party serving the verified complaint shall file it and pay to the clerk for the person foreclosing the mortgage the actual costs incurred, not including attorney's fees, in the foreclosure proceeding before postponement. The filing of the verified complaint is deemed a waiver of publication of notice of postponement of the foreclosure sale. The sale, at a time which may be fixed by the court, is deemed to be a sale postponed in lieu of the time of sale specified in the published notice of mortgage foreclosure sale.

Sec. 14. [583.05] [COURT MAY ORDER RESALE.]

When a mortgage has been foreclosed by action, the court shall, upon receipt of the report of sale, cause notice of a hearing thereon to be served on the parties to the action who have appeared and fix the time and place of hearing on the report. Before granting an order confirming the sale, the court shall order a resale if it appears that the sale price is unreasonably and unfairly inadequate. If the sale is confirmed, the sheriff, or his deputy, shall execute and deliver, without delay, the proper certificate of sale which shall be recorded within 20 days after the confirmation. Upon hearing on the motion for an order confirming the sale in the foreclosure of mortgages by action, in case the evidence is insufficient to establish a fair and reasonable market or rental value of the property, the court may receive evidence, including evidence tending to establish the actual value of the property involved, for the purpose or purposes for which the property is or can be used. The court shall also receive evidence tending to show to what extent, if any, the property has decreased in market value by reason of the economic conditions existing at the time of or before the sale.

Sec. 15. [583.06] [COMPROMISES.]

If the parties to a foreclosure action agree in writing to a compromise settlement thereof, or of composition of the mortgage indebtedness, or both, the court shall have jurisdiction and may by its order confirm and approve the settlement or composition, or both, as the case may be.

Sec. 16. [583.07] [JURISDICTION OF COURT.]

The court has jurisdiction to postpone the termination of a contract for the conveyance of real estate; to postpone the enforcement of judgment by levy, execution, and sale or to order resale; and to postpone foreclosure of a mortgage secured by real estate. The inability of the mortgagor, judgment debtor, or contract vendee to make the payments under a contract for the conveyance of real estate, mortgage agreement, or judgment is a valid defense to levy, execution, sale, seizure, repossession, termination, and foreclosure under the remedies set forth in sections 10 to 21 during the effective period of sections 10 to 21.

Sec. 17. [583.08] [PERIOD OF REDEMPTION MAY BE EXTENDED.]

If, during the effective period of sections 10 to 21: (1) a mortgage on a homestead is foreclosed and the period of redemption has not expired; (2) an action to foreclose a mortgage on a homestead is commenced or is pending; (3) proceedings to foreclose a mortgage by advertisement are commenced or are pending; (4) a notice of termination of contract for deed is served; (5) the period of time during which a contract for deed can be reinstated expires; or (6) proceedings to enforce a judgment against real estate are commenced or are pending; the period of redemption or the period during which the contract for deed may be reinstated may be extended for one year or a greater period of time as the court deems just and equitable. In such case the contract vendee, in the case of a contract for deed termination; the mortgagor, or owner in possession of the property, in the case of mortgage foreclosure proceedings; or the judgment debtor, in the case of levy, execution, or sale under judgment, shall petition the district court on not less than ten days' written notice to the contract vendor, mortgagee, or judgment creditor, or his attorney, and before the expiration of the period of redemption in the case of a mortgage, the expiration of the period during which the contract for deed can be reinstated, or the sale under judgment, for an order postponing repossession, levy, execution, sale, termination, or forfeiture. The petition must also request the court to determine the reasonable value of the income on the property, or, if the property has no income, then the reasonable rental value of the property subject to the contract for deed, mortgage, or judgment and must direct the contract vendee, mortgagor, or judgment debtor to pay all or a reasonable part of the income or rental value for the payment of taxes, insurance, interest, principal, or judgment indebtedness at the times and in the manner determined by the court. The court shall

hear the petition and after the hearing shall make and file its order directing the payment by the contract vendee, mortgagor, or judgment debtor of an amount at the times and in the manner that the court determines just and equitable. In the case of contracts for deed, the court shall insure that the payment required by the contract vendee is sufficient to adequately maintain the vendor's standard of living. Upon service of the petition, the running of the period of redemption or reinstatement of contract for deed is tolled, repossession is postponed, and further proceedings under levy, execution, and sale are stayed until the court makes its order upon the petition. If the contract vendee, mortgagor, or judgment debtor defaults in the payments ordered, or commits waste, his right to redeem from the sale, cure the default on the contract for deed, or postpone seizure and sale terminates 30 days after the default. Thereafter holders of subsequent liens may redeem in the order and manner provided by law beginning 30 days after the filing of notice of the default with the clerk of district court; the right to possession ceases; and the contract vendor or party acquiring title to the homestead is entitled to immediate possession of the premises. If default is claimed because of waste, the 30-day period shall not begin to run until the filing of an order of the court finding the waste. No action shall be maintained for a deficiency judgment until the period of redemption as allowed by section 580.23, or as extended under the provisions of sections 10 to 21, has expired.

Sec. 18. [583.09] [COURT MAY REVISE AND ALTER TERMS.]

Upon the application of either party before the expiration of the extended period of redemption, reinstatement of contract for deed, or payment on judgment as provided in sections 10 to 21 and upon the presentation of evidence that the terms fixed by the court are no longer just and reasonable, the court may revise and alter the terms, in the manner the changed circumstances and conditions require.

Sec. 19. [583.10] [TRIAL TO BE HELD WITHIN 30 DAYS.]

The trial of any action, hearing, or proceeding provided for in sections 10 to 21, must be held within 30 days after the filing of the petition. The order therein must be made and filed within five days after the trial. Review by the supreme court may be had by certiorari, if application for the writ is made within 15 days after notice of the order. The writ is returnable within 30 days after the filing of the order.

Sec. 20. [583.11] [LIMITATIONS.]

No postponement or extension shall be ordered under conditions which would substantially diminish or impair the value of the contract or obligation of the person against whom the relief is

sought without reasonable allowance to justify the exercise of the police power authorized in sections 10 to 21, or which would cause irreparable harm or undue hardship to any mortgagee, contract vendor, judgment creditor, or their successors or assigns.

Sec. 21. [583.12] [INCONSISTENT LAWS SUSPENDED.]

Every law, to the extent that it is inconsistent with sections 10 to 21 is suspended during the effective period of sections 10 to 21.

Sec. 22. [REPEALER.]

Sections 10 to 21 are repealed effective July 1, 1984.

Sec. 23. [EFFECTIVE DATE.]

Sections 1 to 21 are effective the day following final enactment. Section 22 is effective July 1, 1984."

Delete the title and insert:

"A bill for an act relating to agricultural and residential real estate; requiring 60 days notice of default on a farm real estate mortgage, notice of termination of a farm real estate contract for deed, and notice of commencement of a sale and foreclosure proceedings; providing that a mortgage on farm real estate is reinstated during the redemption period upon payment of installments in default and due during the period of redemption; providing for relief in certain cases from inequitable foreclosure of mortgages; termination of contracts for the conveyance of real estate, and execution sales of real property during an emergency declared by the legislature; postponing certain realty sales and extending the period of redemption of real property during an emergency; providing for possession during the extended period; limiting the right to maintain actions for deficiency judgments; amending Minnesota Statutes 1982, sections 47.20, subdivision 8; 550.18; 559.21, subdivisions 1, 1a, and 2; 580.09; 580.23, subdivision 1; 580.30; and 581.10; proposing new law coded as Minnesota Statutes, chapter 583."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 148; A bill for an act relating to public welfare; establishing and empowering a board for the blind; transferring certain powers and duties of the commissioner of public welfare to the board; appropriating money; proposing new law coded in Minnesota Statutes, chapter 248; repealing Minnesota Statutes 1982, sections 248.07; and 248.08.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [248.10] [PURPOSE.]

The legislature finds that it is in the public interest to assure:

- (1) *That the service needs of blind and visually handicapped persons be met in the most efficient and effective manner; and*
- (2) *That persons with special competence in and awareness of the problems of the blind and visually handicapped are uniquely suited to advise the commissioner of public welfare on the service needs of blind and visually handicapped persons.*

Sec. 2. [248.11] [ADVISORY TASK FORCE ON STATE SERVICES FOR THE BLIND.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of public welfare shall establish and appoint an advisory task force on state services for the blind. The task force shall consist of nine members who shall be representative of consumers and providers of service, and shall include persons with expertise in the service needs of blind and visually handicapped persons. At least five members of the task force shall be blind or visually impaired. No person employed by an agency that provides services under contract with, or receives funds from, the state services for the blind shall be appointed to the task force. Task force members shall be appointed and removed and terms shall expire as provided in section 15.059, subdivision 6, except that the advisory task force shall expire four years after the effective date of this act.

Subd. 2. [DUTIES.] The advisory task force shall meet on a regular basis to perform the following duties:

- (1) *Review and report to the commissioner of public welfare on the service needs of blind and visually handicapped persons throughout the state;*
- (2) *Review and report to the commissioner of public welfare on service delivery problems affecting blind and visually handicapped persons and recommend alternative structures for the delivery of services to blind and visually handicapped persons;*

(3) Advise the commissioner of public welfare on other issues of concern to blind and visually handicapped persons.

Sec. 3. [248.12] [CONSUMER APPEALS.]

Whenever the state services for the blind, or any agency with which the state service contracts for provision of services to blind and visually handicapped persons, denies services to a blind or visually handicapped person, the provider agency shall document the refusal in a notice to the applicant. This notice shall include a description of the service requested and shall detail specific reasons for refusal of the request. Any applicant aggrieved by a decision made under this section shall be entitled to appeal under section 256.045.

Sec. 4. [REPORT TO THE LEGISLATURE.]

The commissioner of public welfare, in consultation with the advisory task force on state services for the blind, shall prepare and submit to the legislature, by January 1, 1985, a study which shall contain:

- (1) an assessment of the current state system for delivering services to blind and visually handicapped persons; and
- (2) recommendations on needed changes in the service delivery system.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective July 1, 1983."

Amend the title as follows:

Page 1, line 2, delete "and" and insert "an advisory task force on state services for the blind; providing for consumer appeals; mandating a report;"

Page 1, delete lines 3 and 4

Page 1, line 5, delete everything up to and including the second semicolon

Page 1, line 6, delete the semicolon and insert a period

Page 1, delete lines 7 and 8

With the recommendation that when so amended 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. 161, A bill for an act relating to insurance premium finance companies; authorizing finance charges based on the federal discount rate; amending Minnesota Statutes 1982, section 59A.09, subdivisions 3 and 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 59A.09, subdivision 3, is amended to read:

Subd. 3. The finance charge (SHALL BE A MAXIMUM OF \$8 PER \$100 PER YEAR FOR AMOUNTS FINANCED OF \$300 OR LESS AND \$6 PER \$100 PER YEAR ON THAT AMOUNT FINANCED OVER \$300 PLUS) *must not exceed five percent in excess of the discount rate on 90 day commercial paper in effect at the federal reserve bank located in the Ninth Federal Reserve District when an insurance premium finance agreement is made or when an additional or subsequent premium is added under an open end agreement. For expenses incurred in servicing the loan including any filing fees, application fee for the examination or investigation of the character of the borrower, comaker or security, and drawing any necessary papers in making the loan, an insurance premium finance company may contract for a flat rate service fee (OF \$10) not exceeding the greater of one percent of the amount financed or \$20 per premium finance agreement. The flat service fee need not be refunded upon prepayment in full before maturity.*

Sec. 2. Minnesota Statutes 1982, section 59A.09, subdivision 4, is amended to read:

Subd. 4. The finance charge shall be computed *in advance on the principal balance of a premium finance agreement according to the actuarial method on terms payable in substantially equal successive monthly installments (OVER A PERIOD OF ONE YEAR. ON A PREMIUM FINANCE AGREEMENT PROVIDING FOR INSTALLMENTS EXTENDING FOR A PERIOD OF LESS THAN OR GREATER THAN ONE YEAR, THE FINANCE CHARGE SHALL BE COMPUTED PROPORTIONATELY).*

Sec. 3. Minnesota Statutes 1982, section 59A.09, subdivision 6, is amended to read:

Subd. 6. (THE MAXIMUM RATE LIMITATIONS OF THIS SECTION SHALL NOT APPLY TO FINANCE CHARGES UNDER AN INSURANCE PREMIUM FINANCE AGREEMENT, IF THE RATE DOES NOT EXCEED THE MAXIMUM RATE PERMISSIBLE UNDER SECTION 334.011 AND THE AGREEMENT WAS MADE TO FINANCE AN INSURANCE POLICY FOR BUSINESS OR AGRICULTURAL PURPOSES, AS DEFINED BY SECTION 334.011. THE MAXIMUM RATE LIMITATIONS OF THIS SECTION SHALL NOT APPLY TO AN INSURANCE PREMIUM FINANCE AGREEMENT, IF THE INSURED IS A CORPORATION OR COOPERATIVE.) *Subdivision 3 applies only to a premium finance agreement in which the related insurance contract is for personal, family, or household use. The rate charged under an agreement made to finance an insurance policy for business, agricultural, or corporate purposes shall be as agreed to by the parties to the agreement.*

Sec. 4. Minnesota Statutes 1982, section 59A.12, subdivision 1, is amended to read:

Subdivision 1. Whenever a financed insurance contract is cancelled, *within 30 days of the effective date of cancellation* the insurer shall return whatever gross unearned premiums, *computed pro rata*, are due under the insurance contract to the premium finance company for the account of the insured or insureds. This action by the insurer (SHALL BE DEEMED TO SATISFY) *satisfies* the insurer's obligations under the insurance contract which relate to the return of the unearned premiums.

Sec. 5. Minnesota Statutes 1982, section 59A.12, subdivision 4, is amended to read:

Subd. 4. (IN THE EVENT THAT) *If* the crediting of returned premiums to the account of the insured results in a surplus over the amount due from the insured, the premium finance company (SHALL) *must* refund (SUCH) *the* excess to the insured *within 30 days after receipt of the returned premium;* (PROVIDED, THAT) *but* no refund (SHALL BE) *is* required if it amounts to less than \$1.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective June 1, 1983."

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections"

Page 1, line 5, after "3" insert "4"

Page 1, line 5, before the period insert “; and 59A.12, subdivisions 1 and 4”

With the recommendation that when so amended the bill pass.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 254, A bill for an act relating to elections; changing the date of precinct caucuses to the second Tuesday in March; amending Minnesota Statutes 1982, section 202A.14, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 202A.14, subdivision 1, is amended to read:

Subdivision 1. [TIME AND MANNER OF HOLDING.] At (8:00) 7:00 p.m. on the (FOURTH) *third* Tuesday in (FEBRUARY) *March* in every state general election year there shall be held for every election precinct a party caucus in the manner provided in sections 202A.14 to 202A.19.

Sec. 2. Minnesota Statutes 1982, section 202A.19, is amended to read:

202A.19 [CAUCUS, SCHOOL SCHEDULE PREEMPTION, EXCUSAL FROM EMPLOYMENT TO ATTEND.]

Subdivision 1. No school board, county board of commissioners, township board, or city council may conduct a meeting after (7:00) 6:00 p.m. on the day of a major political party precinct caucus.

Subd. 2. Every employee who is entitled to attend a major political party precinct caucus is entitled, after giving the employer at least ten days written notice, to absent himself from his work for the purpose of attending the caucus during the time for which the caucus is scheduled without penalty or deduction from his salary or wages on account of his absence other than a deduction in salary for the time he absented himself from his employment.

Subd. 3. *The University of Minnesota may not schedule an event which will take place after 6:00 p.m. on the day of a major political party precinct caucus unless permission to do so has*

been received from the board of regents. No state university may schedule an event which will take place after (7:00) 6:00 p.m. on the day of a major political party precinct caucus unless permission to do so has been received from the state university board. No community college may schedule an event which will take place after (7:00) 6:00 p.m. on the day of a major political party precinct caucus unless permission to do so has been received from the state board for community colleges.

Subd. 4. No school official may deny the use of a public school building for the holding of a major political party precinct caucus if the school office has received a written request for the use of the school building 30 days or more prior to the date of the caucus.

Subd. 5. No public elementary or secondary school may hold a school sponsored event after (7:00) 6:00 p.m. on the day of a major political party precinct caucus.

Subd. 6. No state agency, board, commission, department, or committee shall conduct a public meeting after 6:00 p.m. on the day of a major political party precinct caucus."

Delete the title and insert:

"A bill for an act relating to elections; changing the date and time of precinct caucuses; prohibiting various government, school and university events on caucus night; amending Minnesota Statutes 1982, sections 202A.14, subdivision 1; and 202A.19."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 332, A bill for an act relating to data privacy; establishing standards and procedures for the release of financial information; proposing new law coded as Minnesota Statutes, chapter 13B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [13A.01] [DEFINITIONS.]

For the purpose of this chapter, the following terms have the meanings given them.

Subdivision 1. [FINANCIAL INSTITUTION.] "Financial institution" means any office of a bank, savings bank, industrial loan company, trust company, savings and loan, building and loan, credit union, or consumer finance institution, located in the state.

Subd. 2. [FINANCIAL RECORD.] "Financial record" means an original of, a copy of, or information known to have been derived from, any record held by a financial institution pertaining to a customer's relationship with the financial institution.

Subd. 3. [GOVERNMENT AUTHORITY.] "Government authority" means any agency or department of the state or a local unit of government, or any officer, employee, or agent of it.

Subd. 4. [CUSTOMER.] "Customer" means any natural person or authorized representative of that person who utilized or is utilizing any service of a financial institution, or for whom a financial institution is acting or has acted as a fiduciary, in relation to an account maintained in the person's name.

Subd. 5. [LAW ENFORCEMENT INQUIRY.] "Law enforcement inquiry" means a lawful investigation or official proceeding inquiring into a violation of, or failure to comply with, any criminal or civil statute or any rule or order issued pursuant to it.

Sec. 2. [13A.02] [ACCESS TO FINANCIAL RECORDS BY GOVERNMENT AUTHORITIES PROHIBITED.]

Subdivision 1. [ACCESS BY GOVERNMENT.] Except as authorized by this chapter, no government authority may have access to, or obtain copies of, or the information contained in, the financial records of any customer from a financial institution unless the financial records are reasonably described and:

- (1) The customer has authorized the disclosure;*
- (2) The financial records are disclosed in response to a search warrant;*
- (3) The financial records are disclosed in response to a judicial or administrative subpoena; or*
- (4) The financial records are disclosed pursuant to section 609.535 or other statute or rule.*

Subd. 2. [RELEASE PROHIBITED.] No financial institution, or officer, employee, or agent of a financial institution, may

provide to any government authority access to, or copies of, or the information contained in, the financial records of any customer except in accordance with the provisions of this chapter.

Nothing in this chapter shall require a financial institution to inquire or determine that those seeking disclosure have duly complied with the requirements of this chapter, provided only that the customer authorization, search warrant, subpoena, or written certification pursuant to section 609.535, subdivision 6, or other statute or rule, served on or delivered to a financial institution shows compliance on its face.

Subd. 3. [NOTICE TO CUSTOMER.] Within 180 days after a government authority obtains access to the financial records of a customer pursuant to a search warrant or a judicial or administrative subpoena, it shall notify the customer of its action unless a delay of notice is obtained pursuant to section 3. The notice shall be sufficient to inform the customer of the name of the government authority or government authorities having had access to the records, the financial records to which access was obtained, and the purpose of the law enforcement inquiry, including transfers of financial records made pursuant to subdivision 5. Notice may be given by providing the customer with a copy of the search warrant or subpoena.

Subd. 4. [DUTY OF FINANCIAL INSTITUTIONS.] Upon receipt of a request for financial records made by a government authority, the financial institution shall, unless otherwise provided by law, proceed to assemble the records requested and be prepared to deliver the records to the government authority within a reasonable time upon receipt of the search warrant or subpoena required under this section.

Subd. 5. [USE OF INFORMATION.] Financial records originally obtained pursuant to this chapter may be transferred to another government authority provided the transferred records are pertinent and necessary to the receiving authority in initiating, furthering, or completing a law enforcement inquiry.

When financial records subject to this chapter are transferred to another government authority, the transferring authority shall include the name of the receiving authority and the financial records transferred in the notice required by subdivision 3 of this section or, if the transfer occurs after the notice has been sent to the customer, the transferring authority shall, upon written request by the customer, inform the customer of the name of the government authority to which the financial records were transferred.

Subd. 6. [STATUS OF RECORDS.] All financial records obtained by a government authority pursuant to this section are subject to the provisions of section 13.82, subdivision 5.

Sec. 3. [13A.03] [DELAYED NOTICE.]

Subdivision 1. [APPLICATION.] Upon application of the government authority, a customer notice pursuant to section 2, subdivision 3, may be delayed by order of an appropriate court if the judge finds that:

(1) The law enforcement inquiry being conducted is within the lawful jurisdiction of the government authority seeking the financial records;

(2) There is reason to believe that the records being sought are relevant to a legitimate law enforcement inquiry; and

(3) There is reason to believe that the notice will result in (i) endangering life or physical safety of any person; (ii) flight from prosecution; (iii) destruction of or tampering with evidence; (iv) intimidation of potential witnesses; or (v) otherwise seriously jeopardizing an investigation or official proceeding or unduly delaying a trial or ongoing official proceeding.

An application for delay must be made with reasonable specificity.

Subd. 2. [ORDER.] If the court makes the findings required in subdivision 1, it shall enter an ex parte order granting the requested delay for a period not to exceed 180 days and an order prohibiting the financial institution from disclosing that records have been obtained. If the court finds that there is reason to believe that the notice may endanger the life or physical safety of any person, the court may specify that the delay be indefinite.

Extensions of the delay of notice of up to 90 days each may be granted by the court upon application.

Subd. 3. [NOTICE.] Upon expiration of the period of delay of notification under this section, the customer shall be served with a copy of the notice required by section 2, subdivision 3.

Sec. 4. [13A.04] [EXCEPTIONS.]

Subdivision 1. [STATUTORY VIOLATIONS.] Nothing in this chapter precludes any financial institution, or any officer, employee, or agent of a financial institution, from notifying a government authority that the institution, or officer, employee, or agent has information which may be relevant to a possible violation of any statute or rule and providing access to financial records relevant to the possible violation.

Subd. 2. [RELEASE INCIDENT TO ANOTHER PROCEEDING.] Nothing in this chapter precludes a financial institution, as an incident to perfecting a security interest, proving

a claim in bankruptcy, or otherwise collecting on a debt owing either to the financial institution itself or in its role as a fiduciary, from providing copies of any financial record to any court or government authority.

Subd. 3. [GOVERNMENT ASSISTANCE PROGRAMS.] *Nothing in this chapter precludes a financial institution, as an incident to processing an application for assistance to a customer in the form of a government loan, loan guaranty, or loan insurance agreement, or as an incident to processing a default on, or administering a government guaranteed or insured loan, from providing access to an appropriate government authority with any financial record necessary to permit the authority to carry out its responsibilities under a loan, loan guaranty, or loan insurance agreement.*

Whenever a customer applies for participation in a government loan, loan guaranty, or loan insurance program, the government authority administering the program shall give the customer written notice of the authority's access rights under this subdivision. No further notification shall be required for subsequent access by that authority during the term of the loan, loan guaranty, or loan insurance agreement.

Financial records obtained pursuant to this subdivision may be used only for the purpose for which they were originally obtained.

Subd. 4. [OTHER EXCEPTIONS.] *Nothing in this chapter:*

(a) Prohibits the disclosure of any financial records or information which is not identified with or identifiable as being derived from the financial records of a particular customer;

(b) Prohibits examination by or disclosure to the commissioner of banks of financial records or information in the exercise of his supervisory, regulatory, or monetary functions with respect to a financial institution;

(c) Shall apply when financial records are sought by a government authority under the rules of civil or criminal procedure in connection with litigation to which the government authority and the customer are parties;

(d) Shall apply when financial records are sought by a government authority in connection with a lawful proceeding, investigation, examination, or inspection directed at the financial institution in possession of the records or at a legal entity which is not a customer;

(e) Shall apply to any subpoena or court order issued in connection with proceedings before a grand jury;

(f) Shall apply to subpoenas issued in civil cases pursuant to the rules of civil procedure; or

(g) Shall apply when a government authority is seeking only the name, address, account number, and type of account of any customer or ascertainable group of customers associated with a financial transaction or class of financial transaction.

Sec. 5. [EFFECTIVE DATE.]

This act is effective January 1, 1984.

Amend the title as follows:

Page 1, line 5, delete "13B" and insert "13A"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jensen from the Committee on Transportation to which was referred:

H. F. No. 344, A bill for an act relating to driver's licenses; requiring examination of applicants' knowledge of the effects of alcohol and drugs on drivers; amending Minnesota Statutes 1982, section 171.13, subdivision 1.

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. 360, A bill for an act relating to education; transferring authority for appointing the commissioner of education from the state board of education to the governor; amending Minnesota Statutes 1982, section 121.16.

Reported the same back with the following amendments:

Page 2, after line 9, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

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

The report was adopted.

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

H. F. No. 375, A bill for an act relating to public welfare; authorizing the establishment of community work experience programs on a pilot demonstration basis; proposing new law coded in Minnesota Statutes, chapter 256.

Reported the same back with the following amendments:

Page 1, line 23, after the period insert "*CWEP participants cannot be used to do work which was either the whole or part of an authorized public employee job slot established as of January 1, 1983.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 380, A bill for an act relating to negligence; regulating the liability of good samaritans; amending Minnesota Statutes 1982, section 604.05.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 604.05, is amended to read:

604.05 [GOOD SAMARITAN LAW.]

(A) *Any person, including a public or private nonprofit volunteer firefighter, volunteer police officer, volunteer ambulance attendant, and volunteer first provider of emergency medical services, who (IN GOOD FAITH AND IN THE EXERCISE OF REASONABLE CARE) without compensation or the expectation of compensation renders emergency care at the scene of an emergency or during transit to a location where professional medical care can be rendered, is not liable for any civil damages as a result of acts or omissions by that person in rendering the emergency care unless that person acts in a willful and wanton or reckless manner in providing the care. Any person rendering*

emergency care during the course of regular employment, and receiving compensation or expecting to receive compensation for rendering such care, shall be excluded from the protection of this section.

For the purposes of this section, the scene of an emergency shall be those areas not within the confines of a hospital or other institution which has hospital facilities, or an office of a person licensed to practice one or more of the healing arts pursuant to chapters 147, 148, 150A, or 153.

For the purposes of this section, compensation does not include nominal payments, reimbursement for expenses, or pension benefits."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 390, A bill for an act relating to medical assistance; increasing the asset limit on prepaid funeral contracts; amending Minnesota Statutes 1982, section 256B.07.

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

The report was adopted.

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

H. F. No. 405, A bill for an act relating to public welfare; authorizing grants to county boards to provide semi-independent living services for mentally retarded persons; appropriating money; proposing new law coded in Minnesota Statutes, chapter 252.

Reported the same back with the following amendments:

Page 1, line 13, after "of" insert "*intermediate care services in*"

Page 1, line 13, after "hospitals" insert "*and in community residential facilities*"

Page 2, line 5, delete "90" and insert "95"

Page 2, line 6, delete "50" and insert "80"

Page 2, line 20, after "*hospitals*" insert "*and in intermediate care facilities*"

Page 2, line 24, delete everything before "*maximize*"

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. 490, A bill for an act relating to public welfare; setting standards for determining the county of financial responsibility for purposes of medical assistance, community social services, and supplemental aid; amending Minnesota Statutes 1982, sections 256B.02, subdivisions 2 and 3; 256D.37, by adding a subdivision; and 256E.08, subdivision 7.

Reported the same back with the following amendments:

Page 1, line 16, after "*domicile*" delete "*offering residential*" and insert "*, residential facility offering*".

Page 2, line 11, delete everything after the period

Page 2, delete lines 12 and 13 and insert "*There can be a re-determination of the county of financial responsibility for former recipients of the medical assistance program who have been ineligible for at least one month, so long as that redetermination is in accord with the provisions of this subdivision.*"

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

The report was adopted.

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

H. F. No. 506, A bill for an act relating to public welfare; providing for reimbursement of chiropractic services for people receiving general assistance medical care; clarifying the meaning of medically certified for purposes of eligibility for general assistance; amending Minnesota Statutes 1982, sections 256D.03, subdivision 4; and 256D.05, subdivision 1a.

Reported the same back with the following amendments:

Page 1, line 27, delete "*and*" and insert a new comma

Page 1, line 27, after "*chiropractic*" insert "*, and podiatry*"

Page 3, line 8, strike "medically"

Page 3, line 9, after "*chiropractor,*" insert "*podiatrist,*"

Page 4, after line 18, insert "Sec. 3. [EFFECTIVE DATE.]
Section 2 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 5, delete "medically"

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. 507, A bill for an act relating to the city of St. Cloud; authorizing the creation of a downtown parking district; providing for its finances.

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 512, A bill for an act relating to agriculture; requiring pseudorabies testing; proposing new law coded in Minnesota Statutes 1982, chapter 35.

Reported the same back with the following amendments:

Page 1, line 9, after "*certificate*" insert "*or a record of test*"

Page 1, line 10, delete "*within*" and insert "*not more than*"

Page 1, line 10, delete "*of*" and insert "*prior to*"

Page 1, line 18, delete "*livestock sanitary*" and after "*board*" insert "*of animal health*"

Page 1, after line 20, insert:

"Sec. 2. [APPROPRIATION.]

There is appropriated to the board of animal health from the general fund in the state treasury \$75,000 for the purposes of section 1 for the biennium ending June 30, 1985."

Renumber the remaining section

Page 1, line 22, delete "Section 1 is" and insert "Sections 1 and 2 are"

Page 1, line 23, delete "livestock sanitary" and after "board" insert "of animal health"

Amend the title as follows:

Page 1, line 3, after the semicolon insert "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.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 513, A bill for an act relating to elections; changing certain registration procedures; requiring availability of certain public facilities as polling places; changing requirements that voting machines remain locked after elections; amending Minnesota Statutes 1982, sections 201.071, subdivisions 1, 3, and 6; 204B.16; by adding a subdivision; and 206.21, subdivision 3; repealing Minnesota Statutes 1982, section 201.071, subdivision 7.

Reported the same back with the following amendments:

Page 2, line 1, reinstate the stricken "Date" and delete "Day and month"

Page 2, line 11, delete "this" and after "election" insert "day"

Page 2, delete lines 23 to 36

Page 3, delete line 1 and insert:

"Sec. 2. Minnesota Statutes 1982, section 201.071, subdivision 3, is amended to read:

Subd. 3. [DEFICIENT REGISTRATION.] No registration is deficient if it contains the voter's name, address, date of

birth, prior registration if any and signature. The absence of a zip code number does not cause the registration to be deficient. The election judges shall request an individual to correct a registration card if it is deficient or illegible. No eligible voter may be prevented from voting unless his registration card is deficient or he is duly and successfully challenged in accordance with sections 201.195 or 204C.12.

A registration card accepted prior to August 1, 1983, is not deficient for lack of date of birth. The county or municipality may attempt to obtain the date of birth for a registration card accepted prior to August 1, 1983, by a request to the voter at any time except at the polling place. Failure by the voter to comply with this request does not make the card deficient."

Page 3, line 19, delete "day and month" and insert "date"

Page 4, line 13, delete "the"

Page 4, lines 14 to 18, delete the new language and insert "all automatic recounts have been verified by the appropriate election office and the time for filing a contest of election has passed. When a contest of election has been filed, the voting machines shall remain locked until the voting machine count has been verified in accordance with the orders of the appropriate court"

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

The report was adopted.

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

H. F. No. 519, A bill for an act relating to public welfare; abolishing funding priorities for a certain grant program related to facilities for adult mentally ill persons; amending Minnesota Statutes 1982, section 245.73, subdivision 2.

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

The report was adopted.

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

H. F. No. 520, A bill for an act relating to port authorities; authorizing revenue bond financing of certain facilities; eliminating the interest rate limit on revenue bonds and authorizing private sale; clarifying contractual and operational authority

of port authorities; amending Minnesota Statutes 1982, sections 458.192, subdivisions 1, 4, and by adding a subdivision; 458.194, subdivisions 2, 3, and by adding a subdivision; and 458.195, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 537, A bill for an act relating to education; providing for the inclusion of certain community college and state university faculty members in the definition of an employee under the public employment labor relations act; amending Minnesota Statutes 1982, section 179.63, subdivision 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 179.63, subdivision 7, is amended to read:

Subd. 7. "Public employee" or "employee" means any person appointed or employed by a public employer except:

- (a) elected public officials;
- (b) election officers;
- (c) commissioned or enlisted personnel of the Minnesota national guard;
- (d) emergency employees who are employed for emergency work caused by natural disaster;
- (e) part time employees whose service does not exceed the lesser of 14 hours per week or 35 percent of the normal work week in the employee's bargaining unit;
- (f) employees who hold positions of a basically temporary or seasonal character for a period not in excess of 100 working days in any calendar year;

The exclusions of clauses (e) and (f) shall not apply to:

(1) an employee hired by a school district, *the community college board, or the state university board, except at the university established in section 136.017, and any community services/community education instruction offered on a noncredit basis* to replace an absent teacher or faculty member who at the time of his absence is a "public employee" not within the other exclusions of this subdivision where the replacement employee is employed more than 30 working days as a replacement for that teacher or faculty member; and

(2) an employee hired by a school district, *the community college board, or the state university board, except at the university established in section 136.017, and any community services/community education instruction offered on a noncredit basis* for a teaching position created by increased enrollment, curriculum expansion, courses which are a part of the curriculum whether offered annually or not, or other appropriate reasons.

(EMPLOYEES) *Community college and state university faculty members* included (AS "PUBLIC EMPLOYEES") pursuant to clauses (1) and (2) shall (NOT) be included under master contracts (EXPIRING JUNE 30, 1981, FOR PURPOSES OF SALARY OR FRINGE BENEFITS) commencing on or after July 1, 1983;

(g) *employees providing services for not more than two consecutive quarters to the state university board or the community college board under the terms of a professional/technical services contract as defined in section 16.098;*

(h) employees of charitable hospitals as defined by section 179.35, subdivision 3;

((H)) (i) full time undergraduate students employed by the school which they attend under a work study program or in connection with the receipt of any financial aid, irrespective of number of hours of service per week;

((I)) (j) an individual who renders part time teaching service for less than 300 hours in a fiscal year as an instructor in an adult vocational education program.

Sec. 2. Minnesota Statutes 1982, section 179.70, subdivision 1, is amended to read:

Subdivision 1. A written contract or memorandum of contract containing the agreed upon terms and conditions of employment and such other matters as may be agreed upon by the employer and exclusive representative shall be executed by the parties. The duration of the contract shall be negotiable except in no event shall (CONTRACTS) a contract be for a term (EX-

CEEDING) *that is less than two years or exceeds three years.* Any contract between employer school board and an exclusive representative of teachers shall in every instance be for a term of two years beginning on July 1 of each odd-numbered year. For contracts effective July 1, 1979 or thereafter, the written contract executed by an employer school board and an exclusive representative of teachers shall contain the teachers' compensation including fringe benefits for the entire two year term and shall not contain a wage reopening clause or any other provision for the renegotiation of the teachers' compensation for the second year of the contract. All contracts shall include a grievance procedure which shall provide compulsory binding arbitration of grievances including all disciplinary actions. In the event that the parties cannot reach agreement on the grievance procedure, they shall be subject to the grievance procedure promulgated by the director pursuant to section 179.71, subdivision 5, clause (i). Employees covered by civil service systems created pursuant to chapters 43, 44, 375, 387, 419 or 420, or by provision of a home rule charter pursuant to chapter 410, or by Laws 1941, Chapter 423, may pursue a redress of their grievances through the grievance procedure established pursuant to this section. When the resolution of a grievance is also within the jurisdiction of appeals boards or appeals procedures created by chapters 43, 44, 375, 387, 419 or 420, or by provision of a home rule charter pursuant to chapter 410, or by Laws 1941, Chapter 423, the aggrieved employee shall have the option of pursuing redress through the grievance procedure or the civil service appeals procedure, but once a written grievance or appeal has been properly filed or submitted by the employee or on the employee's behalf with his consent the employee's right to pursue redress in the alternative manner is terminated. This section does not require employers or employee organizations to negotiate on matters other than terms and conditions of employment as defined in section 179.63, subdivision 18.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1983."

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "requiring that no collective bargaining agreement under the state public employment relations act be for a term less than two years;"

Page 1, line 6, delete "section" and insert "sections"

Page 1, line 6, before the period insert "; and 179.70, subdivision 1"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Energy to which was referred:

H. F. No. 549, A bill for an act relating to education; establishing a lending program to fund school energy conservation investments; authorizing the issuance of state bonds pursuant to article XI of the Minnesota Constitution; appropriating money; amending Minnesota Statutes 1982, section 275.125, subdivisions 11a, 11b, and by adding a subdivision; amending Laws 1969, chapter 775, section 4, by adding a subdivision; chapter 822, by adding a section; chapter 1060, by adding a section; and proposing new law coded in Minnesota Statutes, chapters 116J and 124.

Reported the same back with the following amendments:

Page 1, line 19, after the period insert "*Upon passage of legislation creating a body known as the Minnesota energy authority, the duties of the commissioner pursuant to sections 1 to are delegated to the authority.*"

Page 3, delete lines 18 to 28

Page 6, line 14, after the semicolon insert "or"

Page 6, line 15, delete "; or" and insert a new period

Page 6, delete lines 16 to 36

Page 7, delete lines 1 to 9

Page 7, line 18, delete "sections" and insert "section"

Page 7, line 18, delete "and 2"

Page 7, line 19, delete "10" and insert " "

Page 7, line 20, after the period insert "*A sum sufficient to provide 20 months debt service for the bonds sold pursuant to section is appropriated from the general fund and an equal sum is appropriated from the state building fund to the general fund upon the completion of the payment of bonds issued pursuant to section .*"

Page 7, line 24, delete "by this section" and insert "in subdivision I"

Page 7, after line 26, insert:

"Subd. 3. [ADMINISTRATIVE EXPENSES.] *The sum of \$695,318 is appropriated from the general fund to the commis-*

sioner to administer section 1. This sum is available for the fiscal year ending June 30 in the years indicated:

1984	1985
\$375,318	\$320,000

The commissioner may employ persons necessary to perform the functions required by section 1. These employees may be in the unclassified service. The approved complement of the department is increased by 11 positions."

Page 7, line 29, delete "9" and insert "5"

Page 7, line 31, delete " " and insert "\$30,000,000"

Renumber the sections accordingly

Amend the title as follows:

Page 1, line 8, delete "amending Laws 1969, chapter 775,"

Page 1, delete lines 9 and 10

Page 1, line 12, delete "chapters" and insert "chapter" and delete "and 124"

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

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 577, A bill for an act relating to veterans; providing funds for an emergency shelter for veterans and their families; appropriating money.

Reported the same back with the following amendments:

Page 1, line 9, delete "\$5,000" and insert "\$10,000"

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 582, A bill for an act relating to corrections; clarifying the powers of the commissioner of corrections; authorizing the use of necessary force to prevent escape; removing archaic language; amending Minnesota Statutes 1982, sections 241.23; 242.31, subdivisions 1 and 3; 243.17, subdivision 1; 243.52; 243.58; 243.62; and 624.714, subdivision 13.

Reported the same back with the following amendments:

Page 1, before line 11, insert:

"Section 1. Minnesota Statutes 1982, section 241.01, subdivision 3a, is amended to read:

Subd. 3a. [COMMISSIONER, POWERS AND DUTIES.] The commissioner of corrections (SHALL HAVE) *has* the following powers and duties:

(a) To accept persons committed to him by the courts of this state for care, custody, and rehabilitation.

(b) To determine the place of confinement of committed persons in a correctional facility or other facility of the department of corrections and to prescribe reasonable conditions (,) *and* rules (, AND REGULATIONS) for their employment, conduct, instruction, and discipline within or (WITHOUT) *outside* the facility. Inmates shall not exercise custodial functions or have authority over other inmates or serve on the board of directors or hold any executive position in any corporation, private industry or educational program located on the grounds of, or conducted within, a state correctional facility *without written permission from the chief executive officer of the facility.*

(c) To administer the money and property of the department.

(d) To administer, maintain, and inspect all state correctional facilities.

(e) To transfer authorized positions and personnel between state correctional facilities as necessary to properly staff facilities and programs.

(f) To utilize state correctional facilities in the manner (HE DETERMINES) *deemed* to be most efficient and beneficial (IN THE ACCOMPLISHMENT OF THESE) *to accomplish the purposes of this section*, but not to close the Minnesota correctional facility-Stillwater or the Minnesota correctional facility-St. Cloud without legislative approval. *The commissioner may place juveniles and adults at the same state minimum security correctional facilities, if there is total separation of and no regular con-*

tact between juveniles and adults, except contact incidental to admission, classification, and mental and physical health care.

(g) To organize the department and employ personnel he deems necessary to discharge the functions of the department, including a chief executive officer for each facility under his control who shall serve in the unclassified civil service and may, under the provisions of section 43A.33, be removed only for cause, and two internal affairs officers for security who shall be in the unclassified civil service.

(h) To define the duties of these employees and to delegate to them any of his powers, duties and responsibilities, subject to his control and the conditions he prescribes.

(i) To annually develop a comprehensive set of goals and objectives designed to clearly establish the priorities of the department of corrections. This report shall be submitted to the governor and the state legislature commencing January 1, 1976. The commissioner (SHALL HAVE THE POWER TO) *may* establish ad hoc advisory committees."

Page 2, lines 15 and 21, strike " , whereupon" and insert " ; upon receipt."

Page 2, line 20, strike "thereof" and insert "*of the order*"

Page 2, line 24, strike "thereafter"

Page 2, line 25, after "instituted" insert "*at a later date*"

Page 2, line 26, strike "shall include" and insert "*includes,*" and after "to" insert a comma

Pages 2 and 3, delete section 4 and insert:

"Sec. 5. Minnesota Statutes 1982, section 243.17, subdivision 1, is amended to read:

Subdivision 1. [ALLOWED EXPENSES.] The necessary expenses of sheriffs and other *peace* officers incurred in conveying (CONVICTS) *convicted persons and children adjudicated delinquent and committed to the custody of the commissioner of corrections to (THE MINNESOTA CORRECTIONAL FACILITY-STILLWATER. OR THE MINNESOTA CORRECTIONAL FACILITY-ST. CLOUD) the appropriate adult or juvenile correctional facility as designated by the commissioner of corrections,* including per diem and expenses of guards, shall be (APPROVED) *allowed* by the commissioner of finance and paid out of the state treasury. The commissioner of finance may allow (FOR SUCH EXPENSES) *and pay* for the necessary expenses incurred by the sheriff (OR), deputy, or *other peace of-*

ficer in going to and returning from the (MINNESOTA CORRECTIONAL FACILITY-STILLWATER OR THE MINNESOTA CORRECTIONAL FACILITY-ST. CLOUD) *correctional facility* and \$10 per day for each guard (, AND SUCH SUM AS IS NECESSARY FOR RAILROAD FARE AND ACTUAL TRAVELING EXPENSES). Not more than one guard shall be allowed for one prisoner, but one additional guard shall be allowed for every two additional prisoners. (IN ANY COUNTY WHEREIN THE SHERIFF IS PAID UPON A FEE BASIS, HE SHALL ALSO RECEIVE \$10 FOR EACH DAY NECESSARILY SPENT IN CONVEYING PRISONERS TO THE MINNESOTA CORRECTIONAL FACILITY-STILLWATER OR THE MINNESOTA CORRECTIONAL FACILITY-ST. CLOUD.) All bills shall be (RENDERED) in writing, fully itemized, verified, and accompanied by the receipt of the chief executive officer of the (MINNESOTA CORRECTIONAL FACILITY-STILLWATER OR THE MINNESOTA CORRECTIONAL FACILITY-ST. CLOUD) *facility* for the delivery of (SUCH CONVICT OR CONVICTS) *the convicted or adjudicated persons*, in a form prescribed by the commissioner of finance."

Page 3, line 30, strike "injure" and insert "damage"

Page 3, lines 34 and 35, strike "as may appear" and insert "that appears"

Page 4, line 7, strike "Upon the escape of" and insert "If" and after "inmate" insert "escapes"

Page 4, line 21, strike "shall be" and insert "is"

Page 4, line 26, strike "whereby" and insert "in which"

Page 4, after line 28, insert:

"Sec. 9. Minnesota Statutes 1982, section 609.135, subdivision 1, is amended to read:

Subdivision 1. Except when a sentence of life imprisonment is required by law, or when a mandatory minimum term of imprisonment is required by section 609.11, any court may stay imposition or execution of sentence and place the defendant on probation with or without supervision and on the terms the court prescribes, including restitution when practicable. The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony or gross misdemeanor, by the commissioner of corrections, or in any case by some other suitable and consenting person.

A court may not stay the revocation of the driver's license of a person convicted of violating the provisions of section 169.121."

Page 5, line 1, delete "8" and insert "10"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon insert "limiting certain intimate functions;"

Page 1, line 4, after the semicolon insert "providing for the costs of transporting juvenile delinquents committed to the commissioner of corrections; providing for supervision of gross misdemeanor probations;"

Page 1, line 5, after "sections" insert "241.01, subdivision 3a;"

Page 1, line 7, before "and" insert "609.135, subdivision 1;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 592, A bill for an act relating to utilities; providing a penalty for failure to relinquish a coin-operated telephone for an emergency and other telephone-related situations; amending Minnesota Statutes 1982, section 609.78.

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

The report was adopted.

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

H. F. No. 598, A bill for an act relating to public welfare; clarifying responsibility for payment for temporary confinement in state hospitals; amending Minnesota Statutes 1982, section 253B.11, subdivision 2.

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 606, A bill for an act relating to civil commitment; clarifying the definition of person mentally ill and dangerous to the public; clarifying the commissioner's duty to review the correspondence rights of patients; providing for informal admissions of persons under 16 years of age; providing for special emergency admissions of chemically dependent persons; clarifying the role of examiners in certain instances; removing the 60-day hearing requirement for mentally retarded persons; providing for involuntary return to a facility after revocation of provisional discharges; providing for 60-day hearings for persons committed as mentally ill and dangerous; changing the time limitation on certain special review board petitions; amending Minnesota Statutes 1982, sections 253B.02, subdivisions 5, 17, and 18; 253B.03, subdivision 2; 253B.04, subdivision 1; 253B.05, subdivision 2, and by adding a subdivision; 253B.07, subdivisions 1, 3, and 4; 253B.12, subdivisions 1, 3, 4, and by adding a subdivision; 253B.13, subdivision 1; 253B.15, subdivisions 5, 6, and 7; 253B.18, subdivisions 2, 3, 5, and 13; 253B.19, subdivision 5; 253B.22; 253B.23, by adding a subdivision; and Laws 1982, chapter 581, section 26.

Reported the same back with the following amendments:

Page 3, line 4, after "*guardian*" insert " *, so long as it is determined by independent examination that there is reasonable evidence that (a) the proposed patient is mentally ill, mentally retarded, or chemically dependent; and (b) the proposed patient is suitable for treatment*"

Page 3, line 4, after the period, insert "*Consent to treatment of any minor patient shall be secured in accord with sections 144.341 to 144.346, except that a minor 16 years of age or older may give valid consent for hospitalization, routine diagnostic evaluation, and emergency or short term acute care.*"

Page 3, line 16, after "*is*" insert "*believed to be chemically dependent or is*"

Page 3, line 18, after "*person is*" insert "*intoxicated in public or is*"

Page 4, line 2, after "*others*" insert "*or is intoxicated in public*"

Page 4, line 7, delete "*this section*" and insert "*subdivision 1*"

Page 4, after line 8, insert:

"Sec. 8. Minnesota Statutes 1982, section 253B.06, is amended to read:

253B.06 [MEDICAL EXAMINATION.]

Subdivision 1. [MENTALLY ILL AND MENTALLY RETARDED PERSONS.] The head of a treatment facility shall arrange to have every patient hospitalized as *mentally ill or mentally retarded* pursuant to section 253B.04 or 253B.05 examined by a physician as soon as possible but no more than 48 hours following the time of admission.

Subd. 2. [CHEMICALLY DEPENDENT PERSONS.] Patients hospitalized as *chemically dependent* pursuant to sections 253B.04 or 253B.05 shall also be examined within 48 hours of admission. At a minimum, the examination shall consist of a physical evaluation by facility staff according to procedures established by a physician and an evaluation by staff knowledgeable and trained in the diagnosis of the alleged disability related to the need for admission as a *mentally ill, mentally retarded, or chemically dependent person.*

Subd. 3. [DISCHARGE.] At the end of a 48 hour period, any patient admitted pursuant to section 253B.05 shall be discharged if an examination has not been held or if the examiner or evaluation staff person fails to notify the head of the treatment facility in writing that in his opinion the patient is apparently in need of care, treatment, and evaluation as a *mentally ill, mentally retarded, or chemically dependent person."*

Page 12, after line 10, insert:

"Sec. 25. [253B.212] [COMMITMENT BY TRIBAL COURT; RED LAKE BAND OF CHIPPEWA INDIANS.]

Subdivision 1. [COST OF CARE.] The commissioner of public welfare shall have the authority to contract with and receive payment from the U.S. Department of Health and Human Services (Indian Health Service) for the care and treatment of those members of the Red Lake Band of Chippewa Indians who have been committed by tribal court order to the Indian Health Service for care and treatment of mental illness, mental retardation, or chemical dependency.

Subd. 2. [EFFECT GIVEN TO TRIBAL COMMITMENT ORDER.] When, under an agreement entered into pursuant to subdivision 1, the Indian Health Service applies to a regional center for admission of a person committed to the jurisdiction of the health service by the tribal court as *mentally ill, mentally retarded, or chemically dependent*; then the commissioner shall have authority to hold and treat the patient with the consent of the Indian Health Service.

A person admitted to a regional center pursuant to this section shall have all the rights accorded by section 253B.03. In addition, treatment reports, prepared in accordance with the requirements of section 253B.12, subdivision 1, shall be filed with the Indian Health Service within 60 days of commence-

ment of the patient's stay at the facility. A subsequent treatment report shall be filed with the Indian Health Service within six months of the patient's admission to the facility, or prior to discharge, whichever comes first. Provisional discharge or transfer of the patient may be authorized by the head of the treatment facility only with the consent of the Indian Health Service. Discharge from the facility to the Indian Health Service may be authorized by the head of the treatment facility after notice to and consultation with the Indian Health Service."

Page 12, line 11, after the second comma, insert "subdivision 1,"

Page 12, delete lines 30 to 36

Page 13, delete lines 1 to 22

Page 13, line 30, delete everything after the period

Page 13, line 31, delete "not arranged, the" and insert "The"

Page 13, line 32, delete "revocation or"

Page 14, line 19, delete "26" and insert "28"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 15, after the semicolon, insert "authorizing the commissioner to accept admissions to regional centers from the Indian Health Service;"

Page 1, line 19, after the first semicolon, insert "253B.06;"

Page 1, line 23, after "253B.22" insert ", subdivision 1"

Page 1, line 25, delete the period and insert "; proposing new law coded in Minnesota Statutes, chapter 253B."

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. 637, A bill for an act relating to metropolitan transit; regulating eligibility for certain programs; requiring

bidding on certain routes; regulating fares and fare policy; extending debt authority; providing for an evaluation; appropriating money; amending Minnesota Statutes 1982, sections 174.265, subdivisions 3 and 4; 473.408, subdivisions 2 and 3; 473.436, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 473.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 174.24, subdivision 3, is amended to read:

Subd. 3. [FINANCIAL ASSISTANCE.] Payment of financial assistance shall be by contract between the commissioner and an eligible recipient. The commissioner shall determine the total operating cost of any public transit system receiving or applying for assistance in accordance with generally accepted accounting principles. To be eligible for financial assistance, an applicant or recipient shall provide to the commissioner all financial records and other information and shall permit any inspection reasonably necessary to determine total operating cost and correspondingly the amount of assistance which may be paid to the applicant or recipient. Where more than one county or municipality contributes assistance to the operation of a public transit system, the commissioner shall identify one as lead agency for the purpose of receiving moneys under this section.

The commissioner shall adopt rules establishing uniform performance standards for private operators of regular route transit systems in the transit taxing district, as defined in section 473.446, subdivision 2. The rules are subject to the provisions in the administrative procedure act of sections 14.01 to 14.70. Payments to those private operators shall be based on the uniform performance standards and operating deficit and shall not exceed 100 percent of the operating deficit as determined by the commissioner. Payments shall be based on approved estimates of expenditures during the contract period and shall be subject to audit and adjustment after any payment has been made.

Prior to distributing operating assistance to eligible recipients for any contract period, the commissioner shall place all recipients into one of the following classifications: large urbanized area service, urbanized area service, small urban area service, rural area service, and elderly and handicapped service. The commissioner shall distribute funds under this section so that the percentage of total operating cost paid by any recipient from local sources will not exceed the percentage for that recipient's classification. The percentages shall be: for large urbanized area service, 55 percent; for urbanized area service and small urban area service, 40 percent; for rural area service, 35 percent; and

for elderly and handicapped service, 35 percent. The remainder of the total operating cost will be paid from state funds less any assistance received by the recipient from any federal source. For purposes of this subdivision "local sources" means all local sources of funds and includes all operating revenue, tax levies, and contributions from public funds, except that the commissioner may exclude from the total assistance contract revenues derived from operations the cost of which is excluded from the computation of total operating cost.

If a recipient informs the commissioner in writing after the establishment of these percentages but prior to the distribution of financial assistance for any year that paying its designated percentage of total operating cost from local sources will cause undue hardship, the commissioner may reduce (THE PERCENTAGE TO BE PAID FROM LOCAL SOURCES BY THE RECIPIENT AND INCREASE THE PERCENTAGE TO BE PAID FROM LOCAL SOURCES FOR ALL OTHER RECIPIENTS IN ITS CLASSIFICATION SO THAT THE TOTAL STATE FUNDS TO BE RECEIVED BY ALL THE RECIPIENTS IN THE CLASSIFICATION WILL NOT BE ALTERED) *by no more than five percent the percentage to be paid from local sources by the recipient and increase the percentage to be paid from local sources by one or more other recipients inside or outside the classification, provided that no recipient shall have its percentage thus reduced or increased for more than two years successively.* If for any year the funds appropriated to the commissioner to carry out the purposes of this section are insufficient to allow the commissioner to pay the state share of total operating cost as provided in this paragraph, the commissioner shall reduce the state share in each classification to the extent necessary.

Sec. 2. Minnesota Statutes 1982, section 174.265, subdivision 4, is amended to read:

Subd. 4. [ASSISTANCE FOR TRANSIT SERVICE.] An application for financial assistance for (REPLACEMENT) transit services shall: describe the existing service, *if any*, provided to the applicant by the metropolitan transit commission, including the estimated number of passengers carried and the routes, schedules, and fares; describe the transit service proposed for funding under the demonstration program, including the anticipated number of passengers and the routes, schedules, and fares; and indicate the total amount of available local transit funds, the portion of the available local transit funds proposed to be used to subsidize (REPLACEMENT) services, and the amount of state assistance requested for the (REPLACEMENT) services. Financial assistance shall be granted under this subdivision to an applicant community (SERVED BY THE METROPOLITAN TRANSIT COMMISSION AT THE TIME OF APPLICATION) only if the commissioner determines: (a) that, *if any service is provided by the commission to the applicant com-*

munity at the time of application, the service proposed for funding is intended and designed to replace (AND) or substitute for the commission's service (PROVIDED BY THE COMMISSION AT THE TIME OF APPLICATION AND); (b) that the average subsidy per passenger per route for (THE) any replacement service will not exceed the average subsidy per passenger per route (STANDARD AS ADOPTED BY THE COMMISSION IN ITS CURRENT TRANSPORTATION DEVELOPMENT PROGRAM. FINANCIAL ASSISTANCE SHALL BE GRANTED UNDER THIS SUBDIVISION TO AN APPLICANT COMMUNITY NOT SERVED BY THE COMMISSION AT THE TIME OF THE APPLICATION ONLY IF THE COMMISSIONER DETERMINES THAT THE AVERAGE SUBSIDY PER PASSENGER PER TRIP FOR THE SERVICE PROPOSED FOR FUNDING WILL NOT EXCEED THE SUBSIDY PER PASSENGER PER TRIP STANDARD AS ADOPTED BY THE COMMISSION IN ITS CURRENT TRANSPORTATION DEVELOPMENT PROGRAM) during the six months preceding the application on the routes which serve the applicant communities; and (c) that the average subsidy per passenger for any other service proposed will not exceed guidelines established by the commissioner. The amount of financial assistance provided for replacement service under this subdivision shall not exceed the sum of: (a) the portion of the available local transit funds which the applicant proposes to use to subsidize the service, and (b) an amount of state assistance bearing an identical proportional relationship to the amount under (a) as the total amount of state assistance available to the metropolitan transit commission under section 174.24, subdivision 3a bears to the total amount of taxes collected by the commission under section 473.446, subdivision 1, clauses (a) to (c). The commissioner shall transfer the amounts provided to the recipient from the assistance available to the metropolitan transit commission pursuant to section 174.24, subdivision 3.

Sec. 3. [473.407] [CONTRACTS FOR SERVICE.]

At least 60 days before reducing service levels by eliminating any routes, the commission shall publish notice of its intent to accept sealed bids to provide the service planned to be eliminated. The notice shall be published in appropriate trade journals and newspapers of general circulation in the metropolitan area and the state. The commission shall also solicit sealed bids by sending notices by mail to all prospective bidders known to it, and by posting notice on a public bulletin board in its offices. The bids shall include a description of the service to be provided, the cost of the service, the public subsidy required, and the other requirements the chairman of the commission deems appropriate. The operating company under contract to the commission under section 473.405, subdivision 2, to provide the service planned to be eliminated shall be required to submit a bid. The bids shall be opened in public at the hour stated in the notice. The commission shall award a contract to provide the service and receive the re-

requested subsidy to the qualified bidder requiring the least public subsidy, taking into consideration conformance with the specifications, terms, and other conditions imposed in the call for bids, but if the bidder requiring the least subsidy is the operator already under contract to the commission to provide the service, or if the lowest bid is less than ten percent lower than the operator already under contract, the commission may eliminate the service as planned. A record shall be kept, open to public inspection, of all bids, with the names of bidders and the amounts of bids, and with the successful bid indicated.

Sec. 4. Minnesota Statutes 1982, section 473.408, is amended by adding a subdivision to read:

Subd. 2a. [BASE FARE.] The base fare of the metropolitan transit commission shall be established by the commission in accordance with the provisions of this section and the policies of the commission, the restrictions in Laws 1981, chapter 363. The commission shall not increase the base fare in any passenger category more than 15 cents in any calendar year.

Sec. 5. Minnesota Statutes 1982, section 473.436, subdivision 5, is amended to read:

Subd. 5. [BUS PURCHASES AND OTHER IMPROVEMENTS.] In addition to obligations outstanding on January 1, (1980) 1983, the commission may issue certificates of indebtedness, bonds or other obligations in an amount not exceeding (\$9,000,000) \$12,000,000 for the purpose of purchasing buses and related equipment, and constructing maintenance and other buildings, bus shelters and road related improvements.

Sec. 6. Minnesota Statutes 1982, section 473.446, subdivision 1, is amended to read:

Subdivision 1. [TAXATION WITHIN TRANSIT TAXING DISTRICT.] For the purposes of sections 473.401 to 473.451 and the metropolitan transit system, except as otherwise provided in this subdivision the metropolitan transit commission shall levy each year upon all taxable property within the metropolitan transit taxing district, defined in subdivision 2, a transit tax consisting of:

(a) *Except as provided in clause (b), an amount equal to two mills times the assessed value of all such property, the proceeds of which shall be used for payment of the expenses of operating transit and paratransit service;*

(b) *An amount equal to one and one-half mills times the assessed value of all such property in cities and towns receiving fewer than four scheduled runs of regular route service from the commission, the proceeds of which shall be used for pay-*

ment of the expenses of operating transit and paratransit service;

((B)) (c) An additional amount, if any, as the commission determines to be necessary to provide for the full and timely payment of its certificates of indebtedness and other obligations outstanding on July 1, 1977, to which property taxes under this section have been pledged; and

((C)) (d) An additional amount necessary to provide full and timely payment of certificates of indebtedness, bonds, or other obligations issued pursuant to section 473.436 for purposes of acquisition and betterment of property and other improvements of a capital nature and to which the commission has specifically pledged tax levies under this clause.

(IN ANY STATUTORY OR HOME RULE CHARTER CITY OR TOWN IN THE METROPOLITAN TRANSIT TAXING DISTRICT WHICH IS RECEIVING FINANCIAL ASSISTANCE UNDER SECTION 174.265, THE COMMISSION SHALL LEVY A TAX EQUAL TO TEN PERCENT OF THE SUM OF LEVIES PROVIDED FOR IN CLAUSES (A) TO (C), PLUS A LEVY SUFFICIENT TO YIELD THE AMOUNTS OF AVAILABLE LOCAL TRANSIT FUNDS TRANSFERRED PURSUANT TO SECTION 174.265 FROM THE STATE ASSISTANCE AVAILABLE TO THE COMMISSION, LESS ANY AMOUNT PAID TO THE COMMISSION BY THE CITY OR TOWN UNDER A CONTRACT FOR SERVICE ENTERED INTO PURSUANT TO SUBDIVISION 2.)

Sec. 7. [TEMPORARY LEGISLATIVE STUDY COMMISSION ON METROPOLITAN TRANSIT.]

Subdivision 1. [CREATION; MEMBERSHIP.] There is created a temporary legislative study commission on metropolitan transit, consisting of five members of the house of representatives and five members of the senate, named by the customary appointing authority in each house. Members shall be compensated in the same manner and amount as for other legislative service.

Subd. 2. [ORGANIZATION; STAFF.] The commission shall choose a chairperson and other officers as necessary. Staff and administrative support for the commission shall be provided by existing legislative service offices.

Subd. 3. [STUDY.] The commission shall evaluate:

(a) the objectives of the metropolitan transit commission established for the seven-county metropolitan area, and its effectiveness in achieving the purposes established by the legislature;

(b) *the powers, responsibilities, and external accountability of the transit commission;*

(c) *the internal structure of the transit commission, including the contractual relationship with the management company;*

(d) *the efficiency of current labor practices and contracts relative to use of labor required for peak hours, including but not limited to, the use of split shifts and/or part-time workers;*

(e) *governmental arrangements for transit planning and development in the metropolitan area, including the relationship with the department of transportation, the metropolitan council, and the transportation advisory board;*

(f) *the proper role of the transit commission in the governance, regulation, and coordination of transit and other public transportation services in the metropolitan area;*

(g) *the financing of public transit in the metropolitan area, including fare structures and sources and amounts of subsidy.*

Subd. 4. [REPORT.] *The commission shall submit a report of its findings and recommendations to the legislature by February 1, 1984.*

Sec. 8. [TRANSIT ASSISTANCE.]

Subdivision 1. [APPROPRIATION.] *The sums of \$21,030,900 for fiscal year 1984 and \$21,030,900 for fiscal year 1985 are appropriated from the general fund to the commissioner of transportation to be disbursed in accordance with this section. The actual line item amounts shall be detailed on the worksheets of the appropriate standing committees of the senate and house of representatives, a true copy of which is on file in the office of the commissioner of transportation. The appropriation shall be available for the purpose of providing the following:*

(a) *metropolitan transit commission operating grants and social fares;*

(b) *metro mobility projects;*

(c) *private operators—metropolitan area;*

(d) *non-metropolitan transit commission operating assistance statewide.*

Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 7 are effective the day following final enactment. Sections 3 to 6 are effective in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Amend the title as follows:

Page 1, line 2, delete "metropolitan"

Page 1, line 5, delete "providing for an evaluation" and insert "creating a temporary legislative study commission"

Page 1, after line 5, insert "altering tax authority;"

Page 1, line 7, after "sections" insert "174.24, subdivision 3;"

Page 1, line 7, delete "subdivisions 3 and" and insert "subdivision"

Page 1, line 8, delete "subdivisions 2 and 3" and insert "by adding a subdivision"

Page 1, line 8, after "5;" insert "473.446, subdivision 1;"

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

Reported the same back with the following amendments:

Page 3, line 32, strike "him" and insert "*that teacher*" and after "he" insert "*or she*"

Page 3, line 33, after "he" insert "*or she*"

Page 4, line 14, after "he" insert "*or she*"

Page 5, line 17, strike "she" and insert "*that teacher*"

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. 649, A bill for an act relating to data processing systems; directing the legislative reference library to develop and maintain a directory of state information systems; appropriating money; proposing new law coded in Minnesota Statutes, chapter 3.

Reported the same back with the following amendments:

Page 3, line 4, after "*library*", insert "*listing*"

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

The report was adopted.

Rice from the Committee on Appropriations 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 requirements for compliance with standards for zoning ordinances for municipal airports; 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; 360.063, subdivisions 3, 4, and 6; 360.065, subdivision 2; 360.066, subdivision 1; 360.067, subdivision 1; 360.531, subdivision 4; 398A.02; 398A.03; 398A.04, subdivisions 8 and 9; 398A.07, subdivision 2; and Laws 1980, chapter 610, section 1, as amended.

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

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 672, A bill for an act relating to taxation; sales and use; clarifying the taxability or exempt status of certain items or transactions; providing penalties for certain operators or misuse of exemption certificates; clarifying filing dates and penalties for not timely filing or paying the tax; authorizing the filing of security and the use of sampling; providing restrictions on refunds; clarifying payments required before appeal; eliminating the fee for permits; amending Minnesota Statutes 1982, sec-

tions 297A.01, subdivisions 3, 4, and 11; 297A.05; 297A.25, subdivision 1; 297A.27, subdivision 1; 297A.275; 297A.28; 297A.31, subdivision 1; 297A.35, subdivision 1, and by adding a subdivision; and 297A.391; proposing new law coded in Minnesota Statutes, chapter 297A; repealing Minnesota Statutes 1982, section 297A.251.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 297A.01, subdivision 3, is amended to read:

Subd. 3. A "sale" and a "purchase" includes, but is not limited to, each of the following transactions:

(a) Any transfer of title or possession, or both, of tangible personal property, whether absolutely or conditionally, and the leasing of or the granting of a license to use or consume tangible personal property other than manufactured homes used for residential purposes for a continuous period of 30 days or more, for a consideration in money or by exchange or barter. *"Sales" also include the transfer of computer software, meaning information and directions which dictate the function to be performed by data processing equipment and which are sold without adaptation to the specific requirements of the purchaser. Such computer software, whether contained on tape, discs, cards, or other devices, shall be considered tangible personal property;*

(b) The production, fabrication, printing or processing of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production, fabrication, printing or processing;

(c) The furnishing, preparing or serving for a consideration of food, meals or drinks, not including hospitals, sanatoriums, nursing homes or senior citizens homes, meals or drinks purchased for and served exclusively to individuals who are 60 years of age or over and their spouses or to the handicapped and their spouses by governmental agencies, nonprofit organizations, agencies, or churches or pursuant to any program funded in whole or part through 42 USCA sections 3001 through 3045, whether delivered, prepared or served, meals and lunches served at public and private schools, universities or colleges, or the occasional meal thereof by a charitable or church organization. Notwithstanding section 297A.25, subdivision 1, clause (a), taxable food or meals include, but is not limited to, the following:

(i) heated food or drinks;

(ii) sandwiches prepared by the retailer;

(iii) single sales of prepackaged ice cream or ice milk novelties prepared by the retailer;

(iv) hand-prepared or dispensed ice cream or ice milk products including cones, sundaes, and snow cones;

(v) soft drinks and other beverages prepared or served by the retailer;

(vi) gum;

(vii) ice;

(viii) all food sold in vending machines;

(ix) party trays prepared by the retailers; and

(x) all meals and single servings of packaged snack food, single cans or bottles of pop, sold in restaurants and bars;

(d) The granting of the privilege of admission to places of amusement or athletic events and the privilege of use of amusement devices or athletic facilities;

(e) The furnishing for a consideration of lodging and related services by a hotel, rooming house, tourist court, motel or trailer camp and of the granting of any similar license to use real property other than the renting or leasing thereof for a continuous period of 30 days or more;

(f) The furnishing for a consideration of electricity, gas, water, or steam for use or consumption within this state, or local exchange telephone service and intrastate toll service; the tax imposed on amounts paid for telephone services is the liability of and shall be paid by the person paying for the services. Sales by municipal corporations in a proprietary capacity are included in the provisions of this clause. The furnishing of water and sewer services for residential use shall not be considered a sale;

(g) The furnishing for a consideration of cable television services, including charges for basic monthly service, charges for monthly premium service, and charges for any other similar (CABLE) television services;

(h) *Notwithstanding sections 297A.01, subdivision 4, and 297A.25, subdivision 1, clause (h), the sales of horses including claiming sales and fees paid for breeding a stallion to a mare. This clause applies to sales and fees with respect to a horse to be used for racing whose birth has been recorded by the Jockey Club or the United States Trotting Association or the American*

Quarter Horse Association but shall not apply with respect to the sale of a horse bred and born in the state of Minnesota.

Sec. 2. Minnesota Statutes 1982, section 297A.01, subdivision 4, is amended to read:

Subd. 4. A "retail sale" or "sale at retail" means a sale for any purpose other than resale in the regular course of business. Property utilized by the owner only by leasing such property to others or by holding it in an effort to so lease it, and which is put to no use by the owner other than resale after such lease or effort to lease, shall be considered property purchased for resale. Sales of building materials, supplies and equipment to owners, contractors, subcontractors or builders for the erection of buildings or the alteration, repair or improvement of real property are "retail sales" or "sales at retail" in whatever quantity sold and whether or not for purpose of resale in the form of real property or otherwise. *A sale of carpeting, linoleum, or other similar floor covering which includes installation of the carpeting, linoleum, or other similar floor covering is a contract for the improvement of real property.* Aircraft and parts for the repair thereof purchased by a non-profit, incorporated flying club or association utilized solely by the corporation by leasing such aircraft to shareholders of the corporation shall not be considered property purchased for resale. The leasing of the aircraft to the shareholders by the flying club or association shall not be considered a sale notwithstanding subdivision 3 if the tax imposed by this chapter was paid on the initial purchase as provided by this subdivision.

Leasing of aircraft utilized by (THE OWNER ONLY) a lessee for the purpose of (BEING LEASED) leasing to others, whether or not the lessee also utilizes the aircraft for flight instruction where no separate charge is made for aircraft rental or for charter service, (OR BY HOLDING THE AIRCRAFT IN AN EFFORT TO LEASE IT, AND WHICH IS PUT TO NO USE BY THE OWNER OTHER THAN RESALE AFTER THE LEASE,) shall be considered (AIRCRAFT PURCHASED) a purchase for resale; provided, however, that a proportionate share of the lease payment reflecting use for flight instruction or charter service is subject to tax pursuant to section 297A.14.

Sec. 3. [297A.041] [OPERATOR OF FLEA MARKETS; SELLER'S PERMITS REQUIRED; PENALTY.]

When the commissioner determines it is necessary for the efficient administration of this chapter, the commissioner may require the operator of a flea market, craft show, antique show, coin show, stamp show, comic book show, or similar selling event, as a prerequisite to renting or leasing space on the premises owned or controlled by the operator to a person desiring to engage in or conduct business as a seller, to obtain evidence that the seller is the holder of a valid seller's permit issued pursuant

to section 297A.04, or a written statement from the seller that he is not offering for sale any item that is taxable under this chapter.

Flea market, craft show, antique show, coin show, stamp show, comic book show, or similar selling event, as used in this section, means an activity involving a series of sales sufficient in number, scope, and character to constitute a regular course of business.

Any operator who fails or refuses to comply with the provisions of this section shall be subject to a penalty payable to the commissioner of revenue of \$100 for each day of each selling event that the operator fails to obtain evidence that the seller is the holder of a valid seller's permit issued pursuant to section 297A.04.

Sec. 4. [297A.121] [USE OF EXEMPTION CERTIFICATES TO EVADE TAX; PENALTY.]

Any person who gives an exemption certificate for property which will be used for purposes other than the exemption claimed for the purpose of evading payment to the seller of the amount of the tax applicable to the transaction shall be subject to a penalty payable to the commissioner of revenue of \$100 for each transaction where an improper use of an exemption certificate has occurred.

Sec. 5. Minnesota Statutes 1982, section 297A.25, subdivision 1, is amended to read:

Subdivision 1. The following are specifically exempted from the taxes imposed by sections 297A.01 to 297A.44:

(a) The gross receipts from the sale of food products including but not limited to cereal and cereal products, butter, cheese, milk and milk products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products, and food products which are not taxable pursuant to section 297A.01, subdivision 3, clause (c) and which are sold by a retailer, organized as a nonprofit corporation or association, within a place located on property owned by the state or an agency or instrumentality of the state, the entrance to which is subject to an admission charge. This exemption does not include the following:

(i) candy and candy products;

(ii) carbonated beverages, beverages commonly referred to as soft drinks containing less than 15 percent fruit juice, or

bottled water other than noncarbonated and noneffervescent bottled water sold in individual containers of one gallon or more in size;

(b) The gross receipts from the sale of prescribed drugs and medicine intended for use, internal or external, in the cure, mitigation, treatment or prevention of illness or disease in human beings and products consumed by humans for the preservation of health, including prescription glasses, therapeutic and prosthetic devices, but not including cosmetics or toilet articles notwithstanding the presence of medicinal ingredients therein;

(c) The gross receipts from the sale of and the storage, use or other consumption in Minnesota of tangible personal property, tickets, or admissions, electricity, gas, or local exchange telephone service, which under the Constitution or laws of the United States or under the Constitution of Minnesota, the state of Minnesota is prohibited from taxing;

(d) The gross receipts from the sale of tangible personal property (i) which, without intermediate use, is shipped or transported outside Minnesota by the purchaser and thereafter used in a trade or business or is stored, processed, fabricated or manufactured into, attached to or incorporated into other tangible personal property transported or shipped outside Minnesota and thereafter used in a trade or business outside Minnesota, and which is not thereafter returned to a point within Minnesota, except in the course of interstate commerce (storage shall not constitute intermediate use); provided that the property is not subject to tax in that state or country to which it is transported for storage or use, or, if subject to tax in that other state, that state allows a similar exemption for property purchased therein and transported to Minnesota for use in this state; except that sales of tangible personal property that is shipped or transported for use outside Minnesota shall be taxed at the rate of the use tax imposed by the state to which the property is shipped or transported, unless that state has no use tax, in which case the sale shall be taxed at the rate generally imposed by this state; and provided further that sales of tangible personal property to be used in other states or countries as part of a maintenance contract shall be specifically exempt; or (ii) which the seller delivers to a common carrier for delivery outside Minnesota, places in the United States mail or parcel post directed to the purchaser outside Minnesota, or delivers to the purchaser outside Minnesota by means of the seller's own delivery vehicles, and which is not thereafter returned to a point within Minnesota, except in the course of interstate commerce;

(e) The gross receipts from the sale of packing materials used to pack and ship household goods, the ultimate destination of which is outside the state of Minnesota and which are not thereafter returned to a point within Minnesota, except in the course of interstate commerce;

(f) The gross receipts from the sale of and storage, use or consumption of petroleum products upon which a tax has been imposed under the provisions of chapter 296, whether or not any part of said tax may be subsequently refunded;

(g) The gross receipts from the sale of clothing and wearing apparel except the following:

(i) all articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semi-precious stones, and imitations thereof; articles made of, or ornamented, mounted or fitted with precious metals or imitations thereof; watches; clocks; cases and movements for watches and clocks; gold, gold-plated, silver, or sterling flatware or hollow ware and silver-plated hollow ware; opera glasses; lorgnettes; marine glasses; field glasses and binoculars.

(ii) articles made of fur on the hide or pelt, and articles of which such fur is the component material or chief value, but only if such value is more than three times the value of the next most valuable component material.

(iii) perfume, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, aromatic cachous and toilet powders. The tax imposed by this act shall not apply to lotion, oil, powder, or other article intended to be used or applied only in the case of babies.

(iv) trunks, valises, traveling bags, suitcases, satchels, overnight bags, hat boxes for use by travelers, beach bags, bathing suit bags, brief cases made of leather or imitation leather, salesmen's sample and display cases, purses, handbags, pocketbooks, wallets, billfolds, card, pass, and key cases and toilet cases.

(h) the gross receipts from the sale of and the storage, use, or consumption of all materials, including chemicals, fuels, petroleum products, lubricants, packaging materials, including returnable containers used in packaging food and beverage products, feeds, seeds, fertilizers, electricity, gas and steam, used or consumed in agricultural or industrial production of personal property intended to be sold ultimately at retail, whether or not the item so used becomes an ingredient or constituent part of the property produced. Such production shall include, but is not limited to, research, development, design or production of any tangible personal property, manufacturing, processing (other than by restaurants and consumers) of agricultural products whether vegetable or animal, commercial fishing, refining, smelting, reducing, brewing, distilling, printing, mining, quarrying, lumbering, generating electricity and the production of road building materials. Such production shall not include painting, cleaning, repairing or similar processing of property except as part of the original manufacturing process. Machinery, equip-

ment, implements, tools, accessories, appliances, contrivances, furniture and fixtures, used in such production and fuel, electricity, gas or steam used for space heating or lighting, are not included within this exemption; however, accessory tools, equipment and other short lived items, which are separate detachable units used in producing a direct effect upon the product, where such items have an ordinary useful life of less than 12 months, are included within the exemption provided herein;

(i) The gross receipts from the sale of and storage, use or other consumption in Minnesota of tangible personal property (except as provided in section 297A.14) which is used or consumed in producing any publication regularly issued at average intervals not exceeding three months, and any such publication. For purposes of this subsection, "publication" as used herein shall include, without limiting the foregoing, a legal newspaper as defined by Minnesota Statutes 1965, section 331.02, and any supplements or enclosures with or part of said newspaper; and the gross receipts of any advertising contained therein or therewith shall be exempt. For this purpose, advertising in any such publication shall be deemed to be a service and not tangible personal property, and persons or their agents who publish or sell such newspapers shall be deemed to be engaging in a service with respect to gross receipts realized from such newsgathering or publishing activities by them, including the sale of advertising. Machinery, equipment, implements, tools, accessories, appliances, contrivances, furniture and fixtures used in such publication and fuel, electricity, gas or steam used for space heating or lighting, are not exempt;

(j) The gross receipts from all sales, including sales in which title is retained by a seller or a vendor or is assigned to a third party under an installment sale or lease purchase agreement under section 465.71, of tangible personal property to, and all storage, use or consumption of such property by, the United States and its agencies and instrumentalities or a state and its agencies, instrumentalities and political subdivisions. *Sales exempted by this clause include sales pursuant to section 297A.01, subdivision 3, clauses (d) and (f). This exemption shall not apply to property, other than medical, diagnostic, therapeutic, and laboratory equipment, purchased by a tax exempt entity to be used by its contractor or subcontractor for use in the construction or alteration of a building or facility;*

(k) The gross receipts from the isolated or occasional sale of tangible personal property in Minnesota not made in the normal course of business of selling that kind of property, and the storage, use, or consumption of property acquired as a result of such a sale;

(l) The gross receipts from sales of rolling stock and the storage, use or other consumption of such property by railroads, freight line companies, sleeping car companies and express com-

panies taxed on the gross earnings basis in lieu of ad valorem taxes. For purposes of this clause "rolling stock" is defined as the portable or moving apparatus and machinery of any such company which moves on the road, and includes, but is not limited to, engines, cars, tenders, coaches, sleeping cars and parts necessary for the repair and maintenance of such rolling stock.

(m) The gross receipts from sales of airflight equipment and the storage, use or other consumption of such property by airline companies taxed under the provisions of sections 270.071 to 270.079. For purposes of this clause, "airflight equipment" includes airplanes and parts necessary for the repair and maintenance of such airflight equipment, and flight simulators.

(n) The gross receipts from the sale of telephone central office telephone equipment used in furnishing intrastate and interstate telephone service to the public.

(o) The gross receipts from the sale of and the storage, use or other consumption by persons taxed under the in lieu provisions of chapter 298, of mill liners, grinding rods and grinding balls which are substantially consumed in the production of taconite, the material of which primarily is added to and becomes a part of the material being processed.

(p) The gross receipts from the sale of tangible personal property to, and the storage, use or other consumption of such property by, any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious or educational purposes if the property purchased is to be used in the performance of charitable, religious or educational functions, or any senior citizen group or association of groups that in general limits membership to persons age 55 or older and is organized and operated exclusively for pleasure, recreation and other nonprofit purposes, no part of the net earnings of which inures to the benefit of any private shareholders. *Sales exempted by this clause include sales pursuant to section 297A-.01, subdivision 3, clauses (d) and (f). This exemption shall not apply to property, other than medical, diagnostic, therapeutic, and laboratory equipment, purchased by a tax exempt entity to be used by its contractor or subcontractor for use in the construction or alteration of a building or facility;*

(q) The gross receipts from the sale of caskets and burial vaults;

(r) The gross receipts from the sale of an automobile or other conveyance if the purchaser is assisted by a grant from the United States in accordance with 38 United States Code, Section 1901, as amended.

(s) The gross receipts from the sale to the licensed aircraft dealer of an aircraft for which a commercial use permit has been

issued pursuant to section 360.654, if the aircraft is resold while the permit is in effect.

(t) The gross receipts from the sale of building materials to be used in the construction or remodeling of a residence when the construction or remodeling is financed in whole or in part by the United States in accordance with 38 United States Code, Sections 801 to 805, as amended. This exemption shall not be effective at time of sale of the materials to contractors, subcontractors, builders or owners, but shall be applicable only upon a claim for refund to the commissioner of revenue filed by recipients of the benefits provided in Title 38 United States Code, Chapter 21, as amended. The commissioner shall provide by regulation for the refund of taxes paid on sales exempt in accordance with this paragraph.

(u) The gross receipts from the sale of textbooks which are prescribed for use in conjunction with a course of study in a public or private school, college, university and business or trade school to students who are regularly enrolled at such institutions. For purposes of this clause a "public school" is defined as one that furnishes course of study, enrollment and staff that meets standards of the state board of education and a private school is one which under the standards of the state board of education, provides an education substantially equivalent to that furnished at a public school. Business and trade schools shall mean such schools licensed pursuant to section 141.25.

(v) The gross receipts from the sale of and the storage of material designed to advertise and promote the sale of merchandise or services, which material is purchased and stored for the purpose of subsequently shipping or otherwise transferring outside the state by the purchaser for use thereafter solely outside the state of Minnesota.

(w) The gross receipt from the sale of residential heating fuels in the following manner:

(i) all fuel oil, coal, wood, steam, propane gas, and L.P. gas sold to residential customers for residential use;

(ii) natural gas sold for residential use to customers who are metered and billed as residential users and who use natural gas for their primary source of residential heat, for the billing months of November, December, January, February, March and April;

(iii) electricity sold for residential use to customers who are metered and billed as residential users and who use electricity for their primary source of residential heat, for the billing months of November, December, January, February, March and April.

(x) The gross receipts from the sale or use of tickets or admissions to the premises of or events sponsored by an association, corporation or other group of persons which provides an opportunity for citizens of the state to participate in the creation, performance or appreciation of the arts and which qualifies as a tax-exempt organization within the meaning of section 290.05, subdivision 1, clause (i).

(y) The gross receipts from either the sales to or the storage, use or consumption of tangible personal property by an organization of military service veterans or an auxiliary unit of an organization of military service veterans, provided that:

(i) the organization or auxiliary unit is organized within the state of Minnesota and is exempt from federal taxation pursuant to section 501(c), clause (19), of the Internal Revenue Code as amended through December 31, 1978; and

(ii) the tangible personal property which is sold to or stored, used or consumed by the organization or auxiliary unit is for charitable, civic, educational, or nonprofit uses and not for social, recreational, pleasure or profit uses.

(z) The gross receipts from the sale of sanitary napkins, tampons, or similar items used for feminine hygiene.

Sec. 6. Minnesota Statutes 1982, section 297A.27, subdivision 1, is amended to read:

Subdivision 1. *Except as provided in section 297A.275, on or before the 25th day of each month in which taxes imposed by sections 297A.01 to 297A.44 are payable, a return for the preceding reporting period shall be filed with the commissioner in such form as the commissioner may prescribe, verified by a written declaration that it is made under the criminal penalties for wilfully making a false return, and in addition shall contain a confession of judgment for the amount of the tax shown due thereon to the extent not timely paid. Any person making sales at retail at two or more places of business may file a consolidated return subject to such regulations as the commissioner may prescribe.*

Sec. 7. Minnesota Statutes 1982, section 297A.275, is amended to read:

297A.275. [ACCELERATED PAYMENT OF JUNE LIABILITY.]

Every vendor having a liability of \$1,500 or more in May 1982 or in May of each subsequent year, shall remit the June liability in the manner required by this section.

On or before June 25, 1982, or June 25 of each subsequent year, the vendor shall remit the actual May liability and one-half of the estimated June liability to the commissioner and file the return on a form prescribed by the commissioner.

On or before August 25, 1982, or August 25 of each subsequent year, the vendor shall submit a return showing the actual June liability and paying any additional amount of tax not remitted in June. A penalty is hereby imposed equal to ten percent of the (ACTUAL JUNE LIABILITY) *amount of June liability that is now required to be paid in June* less the amount remitted in June. However, the penalty shall not be imposed if the amount remitted in June equals the lesser of (a) 45 percent of the actual June liability, or (b) 50 percent of the preceding May's liability.

Sec. 8. Minnesota Statutes 1982, section 297A.28, is amended to read:

297A.28 [SECURITY.]

Whenever he deems it necessary to insure compliance with sections 297A.01 to 297A.44 the commissioner may require a retailer subject thereto to deposit with him security in such form and in such amount as he may determine but not more than twice the estimated average liability for the period for which the returns are required to be filed, or \$10,000, whichever amount is the lesser. The amount of security may be increased or decreased by the commissioner, subject to the limitations herein provided. The commissioner may sell property deposited as security at public auction if necessary in order to recover any tax or any amount required to be collected, including interest and penalties, if any. Notice of the sale must be served upon the person who deposited the security personally, or by mail in the manner hereinafter prescribed for the service of a notice of a deficiency. After any sale any surplus above the amount due not required as security under this section shall be returned to the person who deposited the security. *In lieu of security, the commissioner may require a retailer to file a bond, issued by a surety company authorized to transact business in this state and approved by the insurance commissioner as to solvency and responsibility.*

Sec. 9. Minnesota Statutes 1982, section 297A.31, subdivision 1, is amended to read:

Subdivision 1. The commissioner shall, as soon as practicable after a return is filed, examine the same and make any investigation or examination of the records and accounts of the person making the return that he deems necessary for determining its correctness. *The commissioner may use statistical or other generally acceptable sampling techniques in examining the returns or records.* The tax computed on the basis of such examination shall be the tax to be paid. If the tax found to be due exceeds the amount of the tax reported as due on the taxpayers return, such excess shall be paid to the commissioner within 60

days after notice of the amount and demand for its payment shall have been mailed to the person making the return. If the amount of the tax found due by the commissioner shall be less than that reported as due on the return, the excess shall be refunded to the person making the return in the manner provided by section 297A.35 (except that no demand therefor shall be necessary), if he has already paid the whole of such tax, or credited against any unpaid tax. Except as otherwise provided in this chapter, no refundment shall be made except as provided in section 297A.35 after the expiration of three years after the filing of the return.

Sec. 10. Minnesota Statutes 1982, section 297A.35, subdivision 1, is amended to read:

Subdivision 1. A person who has, pursuant to the provisions of this chapter, paid to the commissioner an amount of tax for any period in excess of the amount legally due for that period, may file with the commissioner a claim for a refund of such excess *subject to the conditions specified in subdivision 5*. Except as provided in subdivision 4 no such claim shall be entertained unless filed within two years after such tax was paid, or within three years from the filing of the return, whichever period is the longer. The commissioner shall examine the claim and make and file written findings thereon denying or allowing the claim in whole or in part and shall mail a notice thereof to such person at the address stated upon the claim. Any allowance shall include interest on the excess determined at a rate of six percent per annum from the date such excess was paid or collected until the date it is refunded or credited. If such claim is allowed in whole or in part, the commissioner shall credit the amount of the allowance against any taxes under sections 297A.01 to 297A.44 due from the claimant and for the balance of said allowance, if any, the commissioner shall issue his certificate for the refundment of the excess paid, and the commissioner of finance shall cause such refund to be paid out of the proceeds of the taxes imposed by sections 297A.01 to 297A.44, as other state moneys are expended. So much of the proceeds of such taxes as may be necessary are hereby appropriated for that purpose.

Sec. 11. Minnesota Statutes 1982, section 297A.35, is amended by adding a subdivision to read:

Subd. 5. If a vendor has collected from a purchaser and remitted to the state a tax on a transaction which is not subject to the tax imposed by this chapter, the tax shall be refundable to the vendor only if and to the extent that it will be credited to amounts due to the vendor by the purchaser or returned to the purchaser by the vendor.

Sec. 12. Minnesota Statutes 1982, section 297A.391, is amended to read:

297A.391 [PAYMENT OF TAX PENDING APPEAL.]

When a taxpayer appeals (HIS TAX) *any liability assessed under this chapter to the tax court, and the amount in dispute is more than \$4,000, the entire amount of the tax, penalty, and interest assessed by the commissioner shall be paid at the time it is due unless permission to continue prosecution of the petition without payment is obtained as provided herein. The petitioner, upon ten days notice to the commissioner, may apply to the court for permission to continue prosecution of the petition without payment; and, if it is made to appear*

(1) That the proposed review is to be taken in good faith;

(2) That there is probable cause to believe that the taxpayer may be held exempt from payment of the (TAX) *liability* or that the (TAX) *liability* may be determined to be less than 50 percent of the amount due; and

(3) That it would work a substantial hardship upon petitioner to pay the (TAX) *liability*,

the court may permit the petitioner to continue prosecution of the petition without payment, or may fix a lesser amount to be paid as a condition of continuing the prosecution of the petition.

Failure to make payment of the amount required when due shall operate automatically to dismiss the petition and all proceedings thereunder unless the payment is waived by an order of the court permitting the petitioner to continue prosecution of the petition without payment.

Sec. 13. Minnesota Statutes 1982, section 297B.03, is amended to read:

297B.03 [EXEMPTIONS.]

There is specifically exempted from the provisions of this chapter and from computation of the amount of tax imposed by it the following:

(1) Purchase or use, including use under a lease purchase agreement or installment sales contract made pursuant to section 465.71, of any motor vehicle by any person described in and subject to the conditions provided in section 297A.25, subdivision 1, clauses (j), (p) and ((S)) (r).

(2) Purchase or use of any motor vehicle by any person who was a resident of another state at the time of the purchase and who subsequently becomes a resident of Minnesota, provided the

purchase occurred more than 60 days prior to the date such person moved his residence to the state of Minnesota.

(3) Purchase or use of any motor vehicle by any person making a valid election to be taxed under the provisions of section 297A.211.

(4) Purchase or use of any motor vehicle previously registered in the state of Minnesota by any corporation or partnership when such transfer constitutes a transfer within the meaning of sections 351 or 721 of the Internal Revenue Code of 1954, as amended through December 31, 1974.

Sec. 14. [REPEALER.]

Minnesota Statutes 1982, sections 297A.05 and 297A.251, are repealed.

Sec. 15. [EFFECTIVE DATE.]

Sections 1, 3, 8, and 12 are effective July 1, 1983. Sections 2, 4, 6, 7, 9 to 11, 13, and 14 are effective the day following final enactment. The amendments to clauses (j) and (p) of section 5, relating to construction contracts, are effective for contracts entered into after December 31, 1983. The remainder of section 5 is effective the day following final enactment.

Delete the title and insert:

"A bill for an act relating to taxation; sales and use; clarifying the taxability or exempt status of certain items or transactions; providing penalties for certain operators or misuse of exemption certificates; clarifying filing dates and penalties for not timely filing or paying the tax; authorizing the filing of security and the use of sampling; providing restrictions on refunds; clarifying payments required before appeal; eliminating the fee for permits; amending Minnesota Statutes 1982, sections 297A.01, subdivisions 3 and 4; 297A.25, subdivision 1; 297A.27, subdivision 1; 297A.275; 297A.28; 297A.31, subdivision 1; 297A.35, subdivision 1, and by adding a subdivision; 297A.391; and 297B.03; proposing new law coded in Minnesota Statutes, chapter 297A; repealing Minnesota Statutes 1982, sections 297A.05 and 297A.251."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 685, A bill for an act relating to community social services; amending the community social services act to incorporate certain programs for the mentally ill and mentally retarded and the program of day care sliding fees; amending Minnesota Statutes 1982, sections 256E.06, subdivision 2; and 256E.08, subdivision 9; repealing Minnesota Statutes 1982, section 245.87.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 245.84, subdivision 2, is amended to read:

Subd. 2. (WITHIN THE LIMIT OF APPROPRIATIONS AVAILABLE AND SUBJECT TO THE ALLOCATION REQUIREMENTS OF SECTION 245.87) The commissioner shall establish a program (TO MAKE GRANTS TO COUNTIES) for the purpose of reducing according to a sliding fee schedule the costs of child care for eligible families. The commissioner shall promulgate rules to govern the program in accordance with this subdivision. (NO LATER THAN APRIL 1 OF EACH ODD-NUMBERED YEAR, THE COMMISSIONER SHALL NOTIFY ALL COUNTY BOARDS OF THE PROCEDURES FOR APPLYING FOR SLIDING FEE PROGRAM GRANTS. NO LATER THAN JUNE 1 OF EACH ODD-NUMBERED YEAR, EACH COUNTY WISHING TO PARTICIPATE IN THE SLIDING FEE PROGRAM SHALL APPLY TO THE COMMISSIONER FOR A GRANT. NO LATER THAN JULY 1 OF THAT YEAR, THE COMMISSIONER SHALL ALLOCATE TO ALL COUNTIES THAT APPLY AND AGREE TO COMPLY WITH THE PROVISIONS OF SECTIONS 245.84 TO 245.87 GRANTS IN THE AMOUNTS DETERMINED BY RULE.) The commissioner shall require collection of data and periodic reports as the commissioner deems necessary to demonstrate the effectiveness of the program in preventing and reducing dependence of participants on public assistance and in providing other benefits. The commissioner shall report to the legislature no later than January 15 of each odd-numbered year of the effectiveness of the program.

(IN ADDITION TO PAYMENTS FROM PARENTS, CONTRIBUTIONS TO THE COST OF THE PROGRAM SHALL BE MADE BY GRANTEEES AS FOLLOWS: 5 PERCENT IN THE FIRST GRANT YEAR, 15 PERCENT IN THE SECOND AND SUBSEQUENT GRANT YEARS.)

The county board shall establish the income range for eligibility of families for the sliding fee program, which shall be not less than the minimum nor more than the maximum income range, as follows: (a) the minimum income range includes

families having income above 60 percent but less than 70 percent of the state median income for a family of four adjusted for family size; (b) the maximum income range includes families having income above 60 percent but less than 90 percent of the state median income for a family of four adjusted for family size. Families having parents determined by the commissioner, according to criteria which the commissioner shall establish, to be unable to care for the child because of employment, school attendance or other circumstances are eligible for the sliding fee program.

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

(IN EACH CASE WHERE THE GRANTEE CHARGES A FEE THAT IS LESS THAN THE FEE SET BY THE COMMISSIONER FOR THE SAME SERVICE, THE STATE'S PAYMENT SHALL BE LIMITED TO THE DIFFERENCE BETWEEN THE FEE SET BY THE COMMISSIONER AND THE CHARGE FOR CARE.)

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

(THE COMMISSIONER SHALL PROMULGATE TEMPORARY AND PERMANENT RULES IN ACCORDANCE WITH SECTIONS 14.05 TO 14.36 TO IMPLEMENT THIS SECTION. NO MORE THAN SEVEN PERCENT OF ANY GRANT SHALL BE USED FOR THE GRANTEE'S ADMINISTRATION EXPENSES.)

Sec. 2. Minnesota Statutes 1982, section 256E.03, subdivision 2, is amended to read:

Subd. 2. "Community social services" means services provided or arranged for by county boards to fulfill the responsibilities prescribed in section 256E.03, subdivision 1 to the following groups of persons:

(a) Families with children under age 18, who are experiencing child dependency, neglect or abuse, (AND ALSO) preg-

nant adolescents, adolescent parents under the age of 18, and their children, *persons who are under the guardianship of the commissioner of welfare as dependent and neglected wards, and children in need of day care services;*

(b) (PERSONS WHO ARE UNDER THE GUARDIANSHIP OF THE COMMISSIONER OF PUBLIC WELFARE AS DEPENDENT AND NEGLECTED WARDS) *Persons who are at or below the 60th percentile of the state median income, including recipients of public assistance;*

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

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

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

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

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

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

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

Sec. 3. Minnesota Statutes 1982, section 256E.05, subdivision 3, is amended to read:

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

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

(b) Identify and then amend or repeal the portions of all applicable department rules which mandate counties to provide

specific community social services or programs, unless state or federal law requires the commissioner to mandate a service or program. The commissioner shall be exempt from the rulemaking provisions of chapter 14 in amending or repealing rules pursuant to this clause. However, when the commissioner proposes to amend or repeal any rule under the authority granted by this clause, notice shall be provided by publication in the state register. When the commissioner proposes to amend a rule, the notice shall include that portion of the existing rule necessary to provide adequate notice of the nature of the proposed change. When the commissioner proposes to repeal an entire rule, he need only publish that fact, giving the exact citation to the rule to be repealed. In all cases, the notice shall contain a statement indicating that interested persons may submit comment on the proposed repeal or amendment for a period of 30 days after publication of the notice. The commissioner shall take no final action until after the close of the comment period. The commissioner's actions shall not be effective until five days after the commissioner publishes notice of adoption in the state register. If the final action is the same as the action originally proposed, publication may be made by notice in the state register that the amendment and repeals have been adopted as proposed, and by citing the prior publication. If the final action differs from the action as previously proposed in the state register, the text which differs from the original proposal shall be included in the notice of adoption together with a citation to the prior state register publication. The commissioner shall provide to all county boards separate notice of all final actions which become effective under this clause, advising the boards with respect to services or programs which have now become optional, to be provided at county discretion;

(c) Provide to the chairman of each county board, in addition to notice required pursuant to sections 14.05 to 14.36, timely advance notice and a written summary of the fiscal impact of any proposed new rule or changes in existing rule which will have the effect of increasing county costs for community social services;

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

(e) (DESIGN AND IMPLEMENT A METHOD OF MONITORING AND EVALUATING THE SOCIAL SERVICES DELIVERED WITHIN THE STATE, AND ASSURE COMPLIANCE WITH APPLICABLE STANDARDS, GUIDELINES, AND THE COUNTY AND STATE SOCIAL SERVICES PLANS) *Develop standards for the planning, monitoring, and evaluation of the social services provided by county boards, and design and implement a method for monitoring and evaluating social services to assure compliance with applicable standards*

and guidelines, as well as with the county and state social service plans;

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

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

(h) *Promulgate regulations defining in a uniform manner local administrative expenses for social services.*

Sec. 4. Minnesota Statutes 1982, section 256E.06, subdivision 2, is amended to read:

Subd. 2. [MINIMUM FUNDING LEVEL; STATE AIDS.] No county shall receive less in state aids for community social services under subdivision 1 in calendar years (1982) 1984 and (1983) thereafter than 106 percent of the state money it received in the immediately preceding calendar year pursuant to section 256E.06. For purposes of (1983) 1984, the state money the county received in (1982) 1983 shall be the community social service grant plus the state money it received for state fiscal year (1982) 1983 as authorized by (THE HEALTH, WELFARE, AND CORRECTIONS APPROPRIATIONS ACT FOR THE BIENNium ENDING JUNE 30, 1983) *Laws 1981, chapter 360, section 2, for the following activities: (COST OF CARE FOR MENTALLY RETARDED, EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILDREN PURSUANT TO SECTION 252.27, SUBDIVISION 1; COMMUNITY MENTAL HEALTH PILOT PROGRAM PURSUANT TO SECTION 245.72 AND COMMUNITY-BASED RESIDENTIAL PROGRAMS FOR MENTALLY ILL PERSONS) the program of grants for the cost of child care on a sliding fee schedule pursuant to section 245.84, subdivision 2; children under state guardianship pursuant to section 260.38; grants for chronically mentally ill persons pursuant to section 256E.12; and community services for the mentally retarded, as authorized in the official worksheets of the senate and house conferees to Laws 1981, chapter 360, section 2, except that amount of money for those mentally retarded persons who are eligible for the medical assistance program, pursuant to chapter 256B.*

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

No county shall receive more than 130 percent of the amount received in the immediately preceding year as specified in this subdivision. If the amount allocated to any county pursuant to

subdivision 1 is greater than this amount, the excess shall be reallocated to all counties in direct proportion to their initial allocations.

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

Sec. 5. Minnesota Statutes 1982, section 256E.08, subdivision 9, is amended to read:

Subd. 9. [REDUCTION IN SERVICES PROHIBITED.] In calendar year 1983 the county board shall not reduce the funding provided in calendar year 1982 for the following service: cost of care for mentally retarded, epileptic or emotionally handicapped children. *In calendar years 1984 and 1985 the county board shall not reduce the funding provided in calendar year 1983 for the following services: experimental programs to assist chronically mentally ill persons to remain in their own communities; day care provided pursuant to section 245.84, subdivision 2; and community services for the mentally retarded as authorized in the official worksheets of the senate and house conferees to Laws 1981, chapter 360, section 2, except that amount of money for those mentally retarded persons who are eligible for the medical assistance programs, pursuant to chapter 256B.*

Sec. 6. Minnesota Statutes 1982, section 256E.09, subdivision 2, is amended to read:

Subd. 2. [CITIZEN PARTICIPATION.] The county board shall provide opportunities for participation by citizens in the county (, INCLUDING REPRESENTATIVES OF USERS OF SERVICES,) in the development of the biennial plan and in the allocation of money for community social services. At least 60 days prior to publication of the proposed plan the county board shall publish the methods proposed to achieve citizen participation in the planning process. *The county board shall document the inclusion of information in the biennial plan from users of services in each of the groups identified in Minnesota Statutes 1982, section 256E.03, subdivision 2, and representatives of the users of services, as well as providers of services. The county board shall, in addition to providing for whatever other forms of public participation the board deems appropriate, hold at least one public hearing as part of the biennial planning process.*

Sec. 7. Minnesota Statutes 1982, section 256E.09, subdivision 3, is amended to read:

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

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

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

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

(d) A statement describing how the county will fulfill its responsibilities identified in section 256E.08, subdivision 1 to the groups of persons described in section 256E.03, subdivision 2, and a description of each community social service proposed and identification of the agency or person proposed to provide the service. The plan shall specify how the county proposes to make the following services available for persons identified by the county as in need of services: daytime developmental achievement services, subacute detoxification services, residential services and nonresidential social support services as appropriate for the groups identified in section 256E.03, subdivision 2;

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

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

(g) Evidence that serious consideration was given to the purchase of services from private and public agencies, *and the criteria used to determine whether services would be purchased*; and

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

Sec. 8. Minnesota Statutes 1982, section 256E.12, is amended to read:

256E.12 [GRANTS FOR CHRONICALLY MENTALLY ILL PERSONS.]

Subdivision 1. The commissioner shall (ESTABLISH AN EXPERIMENTAL STATEWIDE PROGRAM TO) assist counties in providing services to chronically mentally ill persons. The

(COMMISSIONER) *counties* shall (MAKE GRANTS TO COUNTIES TO ESTABLISH,) operate *programs*, or (CONTRACT WITH) *authorize grants to private providers* to provide services designed to help chronically mentally ill persons remain and function in their own communities.

Subd. 2. To apply for a grant a (COUNTY BOARD) *provider* shall submit to the *county board* an application and budget for the use of the money in the form specified by the commissioner. The (COMMISSIONER) *county* shall make grants only to (COUNTIES) *providers* whose applications and budgets are approved by the commissioner. (A COUNTY RECEIVING A GRANT UNDER THIS SECTION SHALL FINANCE AT LEAST TEN PERCENT OF THE COST OF SERVICES FOR CHRONICALLY MENTALLY ILL PERSONS FROM LOCAL RESOURCES, WHICH MAY INCLUDE PRIVATE CONTRIBUTIONS AND FEDERAL MONEY.)

Subd. 3. (THE COMMISSIONER SHALL ALLOCATE GRANTS UNDER THIS SECTION TO FINANCE UP TO 90 PERCENT OF EACH COUNTY'S COSTS FOR SERVICES FOR CHRONICALLY MENTALLY ILL PERSONS.) The commissioner shall promulgate temporary and permanent rules to govern grant applications, approval of applications, allocation of grants, and maintenance of financial statements by grant recipients. The commissioner shall require collection of data and periodic reports as the commissioner deems necessary to demonstrate the effectiveness of the services in helping chronically mentally ill persons remain and function in their own communities. (THE COMMISSIONER SHALL REPORT TO THE LEGISLATURE NO LATER THAN JANUARY 15, 1983 ON THE EFFECTIVENESS OF THE EXPERIMENTAL PROGRAM AND HIS RECOMMENDATIONS REGARDING MAKING THIS PROGRAM AN INTEGRAL PART OF THE SOCIAL DEVELOPMENT PROGRAMS ADMINISTERED BY COUNTIES. THE EXPERIMENTAL PROGRAM SHALL EXPIRE NO LATER THAN JUNE 30, 1983.)

Sec. 9. Minnesota Statutes 1982, section 260.38, is amended to read:

260.38 [COST, PAYMENT.]

In addition to the usual care and services given by public and private agencies, the necessary cost incurred by the commissioner of public welfare in providing care for such child shall be paid by the county committing such child (WHICH,) subject to uniform regulations established by the commissioner of public welfare (, MAY RECEIVE A REIMBURSEMENT NOT EXCEEDING ONE-HALF OF SUCH COSTS FROM FUNDS MADE AVAILABLE FOR THIS PURPOSE BY THE LEGISLATURE). Where such child is eligible to receive a grant of aid

to families with dependent children or supplemental security income for the aged, blind, and disabled, his needs shall be met through these programs.

Sec. 10. [REPEALER.]

Minnesota Statutes 1982, section 245.87, is repealed.

Sec. 11. [EFFECTIVE DATE.] *Sections 1 to 10 are effective January 1, 1984."*

Amend the title as follows:

Page 1, line 6, after "sections" insert "245.84, subdivision 2; 256E.03, subdivision 2; 256E.05, subdivision 3;"

Page 1, line 7, delete "and"

Page 1, line 7, after "9;" insert "256E.09, subdivisions 2 and 3; 256E.12; and 260.38;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jensen from the Committee on Transportation to which was referred:

H. F. No. 725, A bill for an act relating to transportation; classifying right-of-way appraisals as confidential data; regulating the conveyancing and leasing of certain rights-of-way; providing that the consideration to be paid upon reconveyance be equal to the estimated current market value of the property reconveyed; authorizing the acquisition of fee title under certain conditions; authorizing the lease of certain easements and providing for the distribution of rents; providing for the alteration of public drainage systems affecting trunk highways; authorizing fees for and the services of a licensed real estate broker for disposing of right-of-way; authorizing the commissioner to convey land to a utility under certain circumstances; amending Minnesota Statutes 1982, sections 13.50, subdivision 1; 161.202, subdivision 4; 161.241, subdivision 4; 161.28, subdivision 1; 161.43; 161.44, subdivisions 2 and 9, and by adding a subdivision; 161.46, subdivision 4; and proposing new law coded in Minnesota Statutes, chapter 161.

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

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 727, A bill for an act memorializing the President and Congress of the United States to provide medical care for former members of the military forces who were exposed to atomic radiation in the course of their duties.

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 730, A bill for an act relating to drivers licenses; prohibiting the operation of a motor vehicle in this state by either a resident or nonresident whose license has been revoked, suspended, or cancelled until Minnesota driving privileges are reinstated; amending Minnesota Statutes 1982, section 171.20, subdivision 2; repealing Minnesota Statutes 1982, section 171.181, subdivision 2.

Reported the same back with the recommendation that 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. 749, A bill for an act relating to the city of Fergus Falls; authorizing the city to issue general obligations to finance a solid waste disposal facility.

Reported the same back with the following amendments:

Page 1, line 12, after "buildings" delete "on it" and insert "thereon"

Page 2, line 10, at the end of the line, delete "a" and insert "the"

Page 2, line 22, after "when" insert "such"

Page 2, line 25, delete the period and insert "and"

Page 2, after line 28 insert:

"Sec. 3. [LEASES.]

If the city awards contracts for the purchase and installation of solid waste disposal equipment prior to August 1, 1983 in accordance with Minnesota Statutes, section 471.345, and subsequent to such award determines to acquire such equipment by lease as provided in Minnesota Statutes, section 465.71, such award shall be deemed to comply with the provisions of sections 465.71 and 471.345."

Renumber the sections accordingly

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. 777, A bill for an act relating to Carver County; authorizing the county to finance sewage disposal systems on behalf of cities and towns in the county by the issuance of county general obligation bonds.

Reported the same back with the following amendments:

Page 1, line 8, before "DISPOSAL" insert "COUNTY"

Page 1, line 8, delete "IN CARVER COUNTY"

Page 1, after line 8, insert:

"This act may apply to Carver County and Washington County."

Page 1, line 9, delete "Carver" and insert "Each"

Page 1, line 20, delete "Carver"

Page 3, line 17, after "effective" insert "separately for each of the counties of Carver and Washington"

Page 3, line 17, after "by" delete "the" and insert "its"

Page 3, line 18, delete "of Carver County"

Amend the title as follows:

Page 1, line 2, delete "Carver County" and insert "local government"

Page 1, line 2, delete "the county" and insert "Carver and Washington counties"

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. 788, A bill for an act relating to economic development; creating the Minnesota enterprise fund; transferring certain powers from the department of energy, planning and development; naming the Minnesota small business finance agency an assignee of the rights of a state funded community development corporation; updating and rearranging the Minnesota area redevelopment act to reflect current practices; appropriating money; amending Minnesota Statutes 1982, sections 116J.62; 116J.65, by adding a subdivision; 116J.67, by adding a subdivision; 116J.88, subdivisions 4, 5, 6, 7, 8, and by adding subdivisions; 116J.89, subdivisions 1, 2, 7, 8, 10, and by adding subdivisions; 116J.90, subdivisions 2, 4, and 5; 116J.91, subdivisions 1, 4, 10, 11, 12, 14, 16, 19, and by adding a subdivision; 472.02, subdivisions 1 and 3; 472.03; 472.04, subdivisions 1 and 4; 472.06; 472.07; 472.08; 472.09; 472.12; 472.125; 472.13; 472.14; and 472.15; repealing Minnesota Statutes 1982, sections 116J.88, subdivision 3; 472.02, subdivision 2; 472.04, subdivisions 5 and 6; 472.05; 472.10; and 472.11.

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

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

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

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

The report was adopted.

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

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

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [OUTDOOR RECREATION BONDING.]

To provide the money appropriated by this act from the state building fund, the commissioner of finance, upon request of the governor, shall sell and issue bonds of the state in the amount of \$34,985,000 in the manner and upon terms prescribed by Minnesota Statutes, sections 16A.63 to 16A.671, and the Minnesota Constitution, article XI, sections 4 to 7.

Sec. 2. [METROPOLITAN AREA RECREATION OPEN SPACE; APPROPRIATION FOR ACQUISITION AND DEVELOPMENT.]

\$17,325,000 is appropriated from the state building fund to the state planning agency for payment to the metropolitan council established under Minnesota Statutes, section 473.123. The state planning agency shall transfer the amount to the metropolitan council upon receipt of a certified copy of a council resolution requesting payment. The appropriation shall be used to pay the cost of the acquisition and betterment by the metropolitan council and local governmental units of regional recreation open space in accordance with the council's policy plan as provided in Minnesota Statutes, sections 473.301 to 473.341, including relocation costs and tax equivalents required to be paid by Minnesota Statutes, sections 473.315 and 473.341. Of the amount appropriated by this section, the metropolitan council may expend no more than \$400,000 for staff and independent professional services necessary to acquire and better open space and for the performance of duties of the metropolitan council under this section.

Sec. 3. [DEPARTMENT OF NATURAL RESOURCES; APPROPRIATION FOR ACQUISITION AND DEVELOPMENT.]

The following sums are appropriated from the state building fund to the commissioner of natural resources to acquire and better public outdoor recreation lands and capital improvements:

- (1) For acquisition of state parks and recreation areas, as listed and described in Minnesota Statutes, sections 85.012 and 85.013 \$2,500,000
- (2) For betterment of state parks and recreation areas, as listed and described in Minnesota Statutes, sections 85.012 and 85.013 \$3,450,000
- (3) For betterment of state trails and trails within state parks, and other units of the outdoor recreation system as defined in Minnesota Statutes, section 86A.05 \$1,725,000
- (4) For acquisition of state forests listed and described in Minnesota Statutes, section 89.021 \$ 470,000
- (5) For betterment of R. J. Dorer memorial forest described in Minnesota Statutes, section 89.021, subdivision 33 \$ 230,000
- (6) For betterment of state forest recreation listed and described in Minnesota Statutes, section 89.021 . . . \$ 380,000
- (7) For betterment of state forest roads and bridges \$1,150,000
- (8) For acquisition of fishing management lands including riparian rights and other interests therein needed for management of waters for primary wildlife use and benefit and for access to fishing waters pursuant to Minnesota Statutes, section 97.48, subdivisions 8, 11, and 15 \$ 240,000
- (9) For acquisition of wildlife management areas pursuant to Minnesota Statutes, sections 97.48, subdivision 13, and 97.481, and wetlands under the water bank program pursuant to Minnesota Statutes, section 105.392 \$4,090,000
- (10) For betterment of wildlife management areas, acquired pursuant to Minnesota Statutes, sections 97.48, subdivision 13, and 97.481 \$ 575,000
- (11) For acquisition of natural and scientific areas designated pursuant to Minnesota Statutes, section 84.033 \$ 400,000
- (12) For betterment of natural and scientific areas designated pursuant to Minnesota Statutes, section 84.033 \$ 60,000

(13) For acquisition of wild, scenic, and recreational rivers, designated pursuant to sections 104.25 to 104.40, and canoe and boating routes, portages, and camp sites, as listed and described in Minnesota Statutes, section 85.32 \$ 250,000

(14) For betterment of canoe and boating routes, portages, and camp sites as listed and described in Minnesota Statutes, section 85.32 \$ 50,000

(15) For betterment of such public accesses to public waters pursuant to Minnesota Statutes, section 97.48, subdivision 15 \$ 920,000

(16) For acquisition of such public accesses to public waters pursuant to Minnesota Statutes, section 97.48, subdivision 15 \$1,180,000

Not more than 15 percent of the amount appropriated for any line item contained in this section shall be expended for staff and independent professional services in connection with that acquisition or betterment.

Sec. 4. [LAND ACQUISITION.]

Lands shall be acquired by the commissioner of administration upon request of the commissioner of natural resources and in accordance with policies established in Minnesota Statutes, sections 86A.01 to 86A.09. Those acquired for each unit of the outdoor recreation system shall be suited for the purpose of that unit and suited for management in accordance with the principles applicable to it. The commissioner of natural resources shall submit semiannual work progress reports to the legislative commission on Minnesota resources, in the form requested by the commission, and shall submit a work program to the commission and request its recommendation thereon before expending any funds appropriated by section 4 for any purpose. The commission's recommendation shall be advisory only. Failure to respond to a request within 60 days after receipt shall be deemed a negative recommendation.

Sec. 5. Minnesota Statutes 1982, section 473.147, subdivision 1, is amended to read:

Subdivision 1. The metropolitan council after consultation with the parks and open space commission, municipalities, park districts and counties in the metropolitan area, and after appropriate public hearings, shall prepare and adopt a long-range system policy plan for regional recreation open space as part of the council's metropolitan development guide. The plan shall substantially conform to all policy statements, purposes, goals, standards, and maps in development guide sections and comprehensive plans as developed and adopted by the council pursuant to the chapters of the Minnesota Statutes directly relating to the council. The policy plan shall identify generally the areas which

should be acquired by a public agency to provide a system of regional recreation open space comprising park district, county and municipal facilities which, together with state facilities, reasonably will meet the outdoor recreation needs of the people of the metropolitan area and shall establish priorities for acquisition and development. In preparing or amending the policy plan the council shall consult with and make maximum use of the expertise of the commission. The policy plan shall include a five year capital improvement program, which shall be revised periodically, and shall establish criteria and priorities for the allocation of funds for such acquisition and development. *The legislature in each bonding measure shall designate an anticipated level of funding for such acquisition and development for each of the two succeeding biennia.*

Sec. 6. [BOND SALES EXPENSES.]

\$35,000 is appropriated to the commissioner of finance for bond sale expenses pursuant to Minnesota Statutes, section 16A.64, subdivision 4."

Amend the title as follows:

Page 1, line 2, after "relating to" insert "parks,"

Page 1, line 6, after the semicolon insert "authorizing expenditures for acquisition and betterment of state parks, recreation areas, trails, forests, fishing management lands, wildlife management areas, natural and scientific areas, wild, scenic, and recreational rivers, canoe and boating routes, and public water access;"

Page 1, line 7, before the period insert "; amending Minnesota Statutes 1982, section 473.147, subdivision 1"

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

The report was adopted.

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

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

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

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

Reported the same back with the following amendments:

Page 1, after line 10, insert "*Subdivision 1.* [FEE.]"

Page 1, line 11, delete "a"

Page 1, line 11, strike "salary" and insert "*the salary specified in section 486.05*"

Page 1, line 11, after "the" insert "*court*"

Page 1, line 13, after "per" insert "*original*"

Page 1, lines 16 and 17, strike the old language and delete the new language

Page 1, delete lines 18 to 25

Page 2, delete lines 1 and 2

Page 2, line 4, delete "*second*"

Amend the title as follows:

Page 1, lines 2 and 3, delete "in the second judicial district"

Page 1, line 4, delete "; proposing new law coded"

Page 1, line 5, delete everything before the period

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

The report was adopted.

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

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

Reported the same back with the following amendments:

Page 2, line 21, after "to" insert "609.223, 609.23, 609.231,"

Page 4, lines 13 and 17, delete "self-aggressive" and insert "self-abusive"

Page 6, line 4, strike "shall have"

Page 6, line 5, strike "the right to" and insert "may"

Page 6, line 10, after "facility" insert a new comma

Page 7, line 3, after "be" insert "accessible to the" and delete "as defined in" and insert "pursuant to"

Page 7, line 4, delete ", subdivision 1, and" and insert a new period

Page 7, line 4, before "shall" insert "It"

Page 7, line 6, before "a" insert "unless the report is found to be false;"

Page 7, lines 8, 11, and 12, delete the commas and insert semicolons

Page 7, line 9, delete "from personal interviews"

Page 7, line 10, delete "conducted by the agency and"

Page 7, line 17, delete "need" and insert "may" and after "or" insert ", to the extent possible, the"

Page 7, line 19, before "All" insert "During the licensing agency's investigation,"

Page 7, line 21, after the stricken "records" insert "classified as investigative data pursuant to section 13.19. After the licensing agency's investigation is complete, the data on individuals collected and maintained shall be private data on individuals. All data collected pursuant to this section"

Page 7, line 21, reinstate the stricken "shall be"

Page 7, line 23, strike "in"

Page 7, after line 30, insert:

"Notwithstanding the provisions of section 138.163:

(1) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, the licensing agency finds to be false may be destroyed two years after the finding was made;

(2) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, the licensing agency finds to be unsubstantiated may be destroyed four years after the finding was made;

(3) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, the licensing agency finds to be substantiated may be destroyed seven years after the finding was made."

Page 8, line 23, strike "as are"

Page 8, line 27, strike "clause" and insert "clauses"

Page 8, line 27, after "(2)" insert "and (b)(3),"

With the recommendation that when so amended the bill pass.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

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

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

The report was adopted.

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

H. F. No. 836, A bill for an act relating to the legislative reference library; permitting the library to require certain identifica-

tion of documents deposited; amending Minnesota Statutes 1982, sections 3.195; and 3.302, by adding a subdivision.

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

The report was adopted.

Jensen from the Committee on Transportation to which was referred:

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

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 853, A bill for an act relating to the court system; removing obsolete references to justice of the peace and magistrate; amending Minnesota Statutes 1982, sections 72A.12, subdivision 5; 72A.30; 88.645; 88.78; 97.50, subdivisions 1 and 7; 115.32, subdivision 3; 127.09; 144.12, subdivision 1; 168.46; 169.42, subdivision 5; 169.91; 169.95; 169.965, subdivision 3; 169.966, subdivision 3; 169.971, subdivision 4; 171.08; 171.16, subdivision 1; 181.09; 181.17; 219.32; 219.97, subdivision 13; 290.58; 297A.42, subdivision 2; 299F.40, subdivision 5; 340.85, subdivision 2; 340.91; 345.02; 345.03; 345.14; 346.03; 346.04; 346.09, subdivision 1; 347.04; 351.03; 357.12; 357.16; 357.22; 357.27; 358.15; 359.061; 359.11; 361.27, subdivision 2; 365.52; 366.20; 367.11; 367.25, subdivision 1; 368.01, subdivision 20; 373.09; 390.15; 390.20; 390.31, subdivision 2; 390.33, subdivisions 2 and 6; 395.23; 412.02, subdivision 1; 412.021, subdivision 2; 412.023, subdivision 5; 412.111; 412.861, subdivision 3; 473.608, subdivision 17; 485.07; 488A.021, subdivision 4; 488A.09, subdivision 7; 488A.19, subdivision 5; 490.18; 492.02, subdivision 3; 509.04; 514.29; 514.34; 542.05; 549.03; 550.17; 571.50; 571.58; 571.64; 574.18; 574.20; 574.35; 588.01, subdivision 3; 593.21; 609.27, subdivision 1; 609.415, subdivision 1; 609.66, subdivision 1; 611.07, subdivision 1; 611.17; 611.18; 617.27; 624.62; 625.01; 625.02; 625.03; 625.04; 625.05; 625.06; 625.07; 625.08; 625.09; 625.10; 625.11; 625.12; 625.13; 625.14; 625.15; 625.17; 625.18; 626.04; 626.05, subdivision 1; 626.06; 626.09; 626.11; 626.14; 626.15; 626.17; 626.66; 629.03; 629.13; 629.14; 629.15; 629.16; 629.17; 629.18; 629.23, subdivision 3;

629.31; 629.36; 629.363; 629.364; 629.39; 629.401; 629.403; 629.41; 629.44; 629.45; 629.53; 629.54; 629.55; 629.60; 629.62; 630.17; 630.37; 631.04; 636.08; 641.07; 641.25; and 648.39, subdivisions 2 and 3; repealing Minnesota Statutes 1982, sections 357.14; 367.03, subdivision 4; 367.21; 388.02; 412.02, subdivision 5; 412.171; 487.01, subdivision 8; 488A.283; 488A.284; 492.02, subdivision 2; 542.15; 549.16; 599.21; 599.24; 609.46; 629.56; 629.66; and 629.71.

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

The report was adopted.

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

H. F. No. 857, A bill for an act relating to labor; establishing the job skills partnership; creating a board; appropriating money; proposing new law coded as Minnesota Statutes, chapter 116K.

Reported the same back with the following amendments:

Page 2, line 12, delete "*Preference will be*"

Page 2, delete lines 13 and 14 and insert "*A participating business must match the grant-in-aid made by the Minnesota job skills partnership. The match may be in the form of funding, equipment, or faculty.*"

Page 3, line 16, delete "*and*" and insert "*or*"

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

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 858, A bill for an act relating to veterans; clarifying eligibility for certain educational programs; standardize the definition of "veteran"; improve management of grant program; coordinate program with federal law; amending Minnesota Statutes 1982, section 197.75; proposing new law coded in Minnesota Statutes, chapter 197; repealing Minnesota Statutes 1982, sections 197.09; 197.10; and 197.11.

Reported the same back with the following amendments:

Page 5, after line 25, insert:

"Sec. 3. [APPROPRIATION.]

The sum of \$20,000 is appropriated from the general fund to the commissioner of veterans affairs to be available until June 30, 1985 for the purpose of administering the agent orange information and assistance program."

Page 5, line 30, delete "to" and insert ", 2, and"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, before "amending" insert "providing funds for the agent orange program; 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.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 859, A bill for an act relating to the military; redefining categories of service; restricting state liability for workers' compensation claims, tort claims, and special compensation payments; clarifying applicability of state's uniform code of military justice; reenacting the authority of the adjutant general to repair regimental battle flags; amending Minnesota Statutes 1982, sections 3.732, subdivision 1; 176.011, subdivision 9; 190.05, subdivision 5, and by adding subdivisions; 192.38; 192A.015; and 192A.02, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 190.

Reported the same back with the following amendments:

Page 5, line 34, after "service" insert ", federally funded state active service,"

Page 6, line 3, after the first "service" insert "and federally funded state active service"

Page 6, after line 14, insert:

"Subd. 5b. "Federally funded state active service" means service or duty under United States Code, title 32, as amended through December 31, 1983, and travel to or from that service or duty.

Sec. 6. Minnesota Statutes 1982, section 190.05, is amended by adding a subdivision to read:"

Page 6, line 15, delete "5b" and insert "5c"

Page 6, line 15, before "means" insert "excludes federally funded state active service and"

Page 6, line 16, delete "or 32"

Renumber the sections in sequence

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

The report was adopted.

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

H. F. No. 869, A bill for an act relating to Independent School District No. 709; providing for withdrawal of clerical workers from civil service; amending Laws 1967, chapter 252, section 2, as amended.

Reported the same back with the following amendments:

Page 1, line 17, delete everything after "workers"

Page 1, line 18, delete everything before the comma

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. 870, A bill for an act relating to state government; authorizing the commissioner of the department of economic security to adopt permanent or temporary rules; proposing new law coded in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1982, section 268.12, subdivision 3.

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

The report was adopted.

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

H. F. No. 882, A bill for an act relating to public welfare; permitting reimbursement under the medical assistance program for developmental achievement and semi-independent living services provided to certain mentally retarded and cerebral palsied persons; amending Minnesota Statutes 1982, sections 256B.02, subdivisions 7 and 8; and 256B.03, by adding subdivisions.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 252.24, subdivision 1, is amended to read:

Subdivision 1. [SELECTION OF DEVELOPMENTAL ACHIEVEMENT CENTERS.] The county board shall administer developmental achievement services, *including training and habilitation services provided by licensed developmental achievement centers to residents of intermediate care facilities for the mentally retarded.* The county board shall ensure that transportation is provided for persons who fulfill the eligibility requirements of section 252.23, clause (1), utilizing the most efficient and reasonable means available. The county board may contract for developmental achievement services and transportation from a center which is licensed under the provisions of sections 245.781 to 245.813, 252.28, and 257.175, and in the board's opinion, best provides daytime developmental achievement services for mentally retarded and cerebral palsied persons within the appropriation *and medical assistance resources* made available for this purpose. Daytime developmental achievement services administered by the county board shall comply with standards established by the commissioner pursuant to subdivision 2 *and applicable federal regulations.*

Sec. 2. Minnesota Statutes 1982, section 252.28, is amended to read:

252.28 [COMMISSIONER OF PUBLIC WELFARE; DUTIES.]

Subdivision 1. The commissioner of public welfare (MAY) *shall determine, and may redetermine every fourth year,* the need, location, *size,* and program of public and private residential and day care facilities and services for mentally retarded children and adults.

Subd. 2. The commissioner of public welfare shall:

(1) Establish uniform rules, regulations and program standards for each type of residential and day facility or service for (MORE THAN FOUR) *mentally* retarded persons, including state institutions under control of the commissioner and serving mentally retarded persons.

(2) Grant licenses according to the provisions of Laws 1976, Chapter 243, Sections 2 to 13.

Subd. 3. (1) No new license shall be granted pursuant to this section when the issuance of the license would substantially contribute to an excessive concentration of community residential facilities within any town, municipality or county of the state.

(2) In determining whether a license shall be issued pursuant to this subdivision, the commissioner of public welfare shall specifically consider the population, size, land use plan, availability of community services and the number and size of existing public and private community residential facilities in the town, municipality or county in which a licensee seeks to operate a residence. Under no circumstances may the commissioner newly license any facility pursuant to this section except as provided in section 245.812. The commissioner of public welfare shall establish uniform rules and regulations to implement the provisions of this subdivision.

(3) Licenses for community facilities and services shall be issued pursuant to section 245.821.

Subd. 4. The commissioner shall identify beds targeted for decertification, and shall encourage providers in voluntary decertification efforts. The commissioner shall not recommend to the commissioner of health the decertification of beds determined not to be needed for two years following the implementation of an approved home and community-based services waiver.

Sec. 3. [252.291] [LIMITATION ON DETERMINATION OF NEED.]

Subdivision 1. [MORATORIUM.] Notwithstanding section 252.28, subdivision 1, or any other law or rule to the contrary, the commissioner of public welfare shall deny any request for a determination of need and refuse to grant a license pursuant to section 245.782 for any new intermediate care facility for mentally retarded persons or for an increase in the licensed capacity of an existing facility except as provided in subdivision 2. In no event shall the total of certified intermediate care beds for mentally retarded persons in community facilities and state hospitals exceed 7,500 beds. "Certified bed" means an intermediate care bed for the mentally retarded certified by the commissioner of health for the purposes of the medical assistance program under United States Code, title 42, sections 1395 et seq. and 1396 et seq.

Subd. 2. [EXCEPTIONS.] The commissioner of public welfare in coordination with the commissioner of health may approve a new intermediate care facility for mentally retarded persons only in the following circumstances:

(a) when the facility is developed in accordance with a request for proposal system established pursuant to subdivision 3, clause (c), or

(b) when the facility is necessary to serve the needs of identifiable mentally retarded persons who are seriously behaviorally disordered or who are physically or sensorily impaired, or

(c) to license beds in new facilities where need was determined by the commissioner prior to the effective date of this section.

Subd. 3. [DUTIES OF COMMISSIONER.] The commissioner shall:

(a) establish standard admission criteria for state hospitals and county utilization targets to limit and reduce the number of intermediate care beds in state hospitals and community facilities in accordance with approved waivers under Title XIX of the Social Security Act to assure that appropriate services are provided in the least restrictive setting;

(b) eliminate state hospital beds by consolidating program units and closing other units as necessary to reduce costs and assure quality programming, provided that a staff redeployment plan is in place before the consolidation;

(c) provide technical assistance so that county boards may establish a request for proposal system for meeting individual service plan objectives through home and community-based services, alternative community services, or, if no other alternative will meet the needs of identifiable individuals for whom the county is financially responsible, a new intermediate care facility for mentally retarded persons; and

(d) establish a client tracking and evaluation system as required under applicable federal waiver regulations, Code of Federal Regulations, title 42, sections 431, 435, 440, and 441.

Subd. 4. [MONITORING.] The commissioner of public welfare, in coordination with the commissioner of health, shall implement mechanisms to monitor and analyze the effect of the bed moratorium in the different geographic areas of the state. The commissioner of public welfare shall submit to the legislature annually no later than January 15, an assessment of the impact of the moratorium by geographic areas.

Subd. 5. [RULEMAKING.] The commissioner of public welfare is authorized to adopt permanent and temporary rules to establish uniform rules to implement this section.

Subd. 6. [REPEALER.] The provisions of this section shall be repealed if the home and community-based waiver under the Social Security Act, Title XIX, Section 1915(c) is not approved by December 31, 1984.

Sec. 4. Minnesota Statutes 1982, section 256B.02, subdivision 8, is amended to read:

Subd. 8. "Medical assistance" or "medical care" means payment of part or all of the cost of the following care and services for eligible individuals whose income and resources are insufficient to meet all of such cost:

(1) Inpatient hospital services.

(2) Skilled nursing home services and services of intermediate care facilities, *including training and habilitation services for mentally retarded individuals residing in intermediate care facilities for the mentally retarded.*

(3) Physicians' services.

(4) Outpatient hospital or clinic services.

(5) Home health care services.

(6) Private duty nursing services.

(7) Physical therapy and related services.

(8) Dental services, excluding cast metal restorations.

(9) Laboratory and x-ray services.

(10) The following if prescribed by a licensed practitioner: drugs, eyeglasses, dentures, and prosthetic devices. The commissioner shall designate a formulary committee which shall advise the commissioner on the names of drugs for which payment shall be made, recommend a system for reimbursing providers on a set fee or charge basis rather than the present system, and develop methods encouraging use of generic drugs when they are less expensive and equally effective as trademark drugs. The commissioner shall appoint the formulary committee members no later than 30 days following July 1, 1981. The formulary committee shall consist of nine members, four of whom shall be physicians who are not employed by the department of public welfare, and a majority of whose practice is for persons paying privately or through health insurance, three of

whom shall be pharmacists who are not employed by the department of public welfare, and a majority of whose practice is for persons paying privately or through health insurance, a consumer representative, and a nursing home representative. Committee members shall serve two year terms and shall serve without compensation. The commissioner may establish a drug formulary. Its establishment and publication shall not be subject to the requirements of the administrative procedure act, but the formulary committee shall review and comment on the formulary contents. The formulary shall not include: drugs for which there is no federal funding; over the counter drugs, except for antacids, acetaminophen, family planning products, aspirin, insulin, prenatal vitamins, and vitamins for children under the age of seven; nutritional products; anorectics; and drugs for which medical value has not been established. Payment to drug vendors shall not be modified before the formulary is established. The commissioner may promulgate conditions for prohibiting payment for specific drugs after considering the formulary committee's recommendations.

The basis for determining the amount of payment shall be the actual acquisition costs of the drugs plus a fixed dispensing fee established by the commissioner. Actual acquisition cost includes quantity and other special discounts except time and cash discounts. Establishment of this fee shall not be subject to the requirements of the administrative procedure act. Whenever a generically equivalent product is available, payment shall be on the basis of the actual acquisition cost of the generic drug, unless the prescriber specifically indicates "dispense as written" on the prescription as required by section 151.21, subdivision 2.

Notwithstanding the above provisions, implementation of any change in the fixed dispensing fee which has not been subject to the administrative procedure act shall be limited to not more than 180 days, unless, during that time, the commissioner shall have initiated rulemaking through the administrative procedure act.

- (11) Diagnostic, screening, and preventive services.
- (12) Health care pre-payment plan premiums and insurance premiums if paid directly to a vendor and supplementary medical insurance benefits under Title XVIII of the Social Security Act.
- (13) Abortion services, but only if one of the following conditions is met:

- (a) The abortion is a medical necessity. "Medical necessity" means (1) the signed written statement of two physicians indicating the abortion is medically necessary to prevent the death of the mother, and (2) the patient has given her consent to the abortion in writing unless the patient is physically or legally

incapable of providing informed consent to the procedure, in which case consent will be given as otherwise provided by law;

(b) The pregnancy is the result of criminal sexual conduct as defined in section 609.342, clauses (c), (d), (e)(i), and (f), and the incident is reported within 48 hours after the incident occurs to a valid law enforcement agency for investigation, unless the victim is physically unable to report the criminal sexual conduct, in which case the report shall be made within 48 hours after the victim becomes physically able to report the criminal sexual conduct; or

(c) The pregnancy is the result of incest, but only if the incident and relative are reported to a valid law enforcement agency for investigation prior to the abortion.

(14) Transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by non-ambulatory persons in obtaining emergency or non-emergency medical care when paid directly to an ambulance company, common carrier, or other recognized providers of transportation services. For the purpose of this clause, a person who is incapable of transport by taxicab or bus shall be considered to be non-ambulatory.

(15) To the extent authorized by rule of the state agency, costs of bus or taxicab transportation incurred by any ambulatory eligible person for obtaining non-emergency medical care.

(16) Any other medical or remedial care licensed and recognized under state law unless otherwise prohibited by law.

(17) Home and community-based services provided under an approved service plan of care for persons who, without the services, would, as determined through case management screening, require institutional care in an intermediate care facility for mentally retarded.

Sec. 5. [256B.092] [CASE MANAGEMENT OF MENTALLY RETARDED PERSONS.]

Subdivision 1. [COUNTY OF FINANCIAL RESPONSIBILITY, DUTIES.] Before any services shall be rendered to mentally retarded persons in need of social service and medical assistance, the county of financial responsibility shall conduct a diagnosis in order to determine whether the person is or may be mentally retarded. If a client is diagnosed mentally retarded, that county must conduct a need assessment, develop an individual service plan, and authorize placement for services. If the county of financial responsibility places a client in another county for services, the placement shall be made in cooperation with the host county of service, and arrangements shall be made

between the two counties for ongoing social service, including annual reviews of the client's individual service plan. The host county may not make changes in the service plan without approval by the county of financial responsibility.

Subd. 2. [MEDICAL ASSISTANCE.] To assure quality case management to those county clients who are eligible for medical assistance, the commissioner shall: (a) provide consultation on the case management process; (b) assist county agencies in the screening and annual reviews of clients to assure that appropriate levels of service are provided; (c) provide consultation on service planning and development of services with appropriate options; (d) provide training and technical assistance to county case managers; and (e) authorize payment for medical assistance services.

Subd. 3. [TERMINATION OF SERVICES.] County agency case managers, under rules of the commissioner, shall authorize and terminate services of community and state hospital providers in accordance with individual service plans. Services not needed shall not be authorized by county agencies nor funded by the commissioner.

Subd. 4. [ALTERNATIVE HOME AND COMMUNITY-BASED SERVICES.] The commissioner shall make payments to county boards participating in the medical assistance program to pay costs of providing alternative home and community-based services to medical assistance eligible mentally retarded persons screened under subdivision 7. Payment is available under this subdivision only for: persons who, if not provided these services, would require the level of care provided in an intermediate care facility for mentally retarded persons.

Subd. 5. [FEDERAL WAIVERS.] The commissioner shall apply for any federal waivers necessary to secure, to the extent allowed by law, federal financial participation under Title XIX of the Social Security Act, for the provision of services to persons who, in the absence of the services, would need the level of care provided in a state hospital or a community intermediate care facility for mentally retarded persons. The commissioner may seek amendments to the waivers or apply for additional waivers under Title XIX of the Social Security Act to contain costs. The commissioner shall ensure that grants for payment for the cost of providing home and community-based alternative services under the federal waiver plan shall not exceed the cost of intermediate care services that would have been provided without the waived services.

Subd. 6. [RULES.] The commissioner shall adopt temporary rules to establish required controls, documentation, and reporting of services provided in order to assure proper administration of the approved waiver plan.

Subd. 7. [SCREENING TEAMS ESTABLISHED.] Each county agency shall establish a screening team which, under the direction of the county case manager, shall make an evaluation of need for home or community-based services of persons who are entitled to the level of care provided by an intermediate care facility for mentally retarded persons or for whom there is a reasonable indication that they might need the services in the near future. The screening team shall consist of the case manager, the client, a parent or guardian, a qualified mental retardation professional (as defined in the Code of Federal Regulations, title 42, section 442.401) assigned by the commissioner. The case manager shall consult with the client's physician or other persons as necessary to make this evaluation. Other persons may be invited to attend meetings of the screening team. No member of the screening team shall have any direct or indirect financial interest or service provider interest in the case.

Subd. 8. [SCREENING TEAM DUTIES.] The screening team shall:

- (a) review diagnostic data;*
- (b) review health, social, and developmental assessment data;*
- (c) identify the level of services needed to maintain the person in the most normal and least restrictive setting that is consistent with treatment needs;*
- (d) identify other noninstitutional public assistance or social service that may prevent or delay long-term residential placement;*
- (e) determine whether a client is in serious need of long-term residential care;*
- (f) make recommendations to the county board and the commissioner regarding placement and payment for (1) social service or public assistance support to maintain a client in the client's own home or other place of residence, (2) training and habilitation service, vocational rehabilitation, employment training activities, (3) community residential placement, (4) state hospital placement, or (5) a home and community-based alternative to (3) or (4);*
- (g) make recommendations to the court as may be needed to assist the court in making commitments of mentally retarded persons; and*
- (h) inform clients that appeal may be made to the commissioner pursuant to section 256.045.*

Sec. 6. [256B.50] [RATES FOR COMMUNITY-BASED SERVICES FOR THE MENTALLY RETARDED.]

Subdivision 1. [DEFINITIONS.] (1) For the purposes of this section, the following terms have the meaning given them.

(2) "Commissioner" means the commissioner of public welfare.

(3) "Facility" means a facility licensed as a mental retardation residential facility under section 252.28, licensed as a supervised living facility under chapter 144A, and certified as an intermediate care facility for the mentally retarded.

(4) A "waivered service" means a home for community-based service authorized under the Social Security Act, Title XIX, section 1915(c), and defined in the Minnesota state plan for the provision of medical assistance services. Waivered services include, at a minimum, case management, family training and support, developmental training homes, supervised living arrangements, semi-independent living services, respite care and training and habilitation services.

(5) "Training and habilitation services" are those health and social services needed to insure optimal functioning of persons who are mentally retarded or have related conditions. Training and habilitation services shall be provided by an organization which is separate from the organization which provides the residential services.

Subd. 2. [AUTHORITY.] The commissioner shall establish procedures and rules for determining rates for care of residents of intermediate care facilities for the mentally retarded which qualify as vendors of medical assistance, waivered services, and for provision of training and habilitation services. Approved rates shall be established on the basis of methods and standards that the commissioner finds adequate to provide for the costs that must be incurred for the quality care of residents in efficiently and economically operated facilities and services. The procedures shall specify the costs that are allowable for payment through medical assistance. The commissioner may use experts from outside the department in the establishment of the procedures.

Subd. 3. [RATES FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED.] In establishing rates for care of residents in intermediate care facilities for mentally retarded persons the commissioner shall consider the recommendations contained in the February 11, 1983 report of the legislative auditor on community residential programs for the mentally retarded and the recommendations contained in the 1982 report of the department of public welfare rule 52 task force.

Subd. 4. [WAIVERED SERVICES.] In establishing rates for waived services the commissioner shall consider the need for flexibility in the provision of those services to meet individual needs identified by the screening team.

Subd. 5. [TRAINING AND HABILITATION SERVICES.] (a) Except as provided in subdivision 6, rates for training and habilitation services provided by a developmental achievement center either as a waived service or to residents of an intermediate care facility for mentally retarded persons shall be established and paid in accordance with this subdivision.

(b) Prior to July 1, 1983, the county board shall submit to the commissioner for approval a per diem rate for each developmental achievement center it administers pursuant to section 252.24, subdivision 1, for the period from July 1, 1983, through December 31, 1983, which shall be the rate established for that developmental achievement center for 1983 or 106 percent of the 1982 per diem rate, whichever is lesser.

(c) The base per diem rate established July 1, 1983, may be increased by the county in subsequent calendar years in an amount up to the percentage increase allowed by the legislature in per diem charges made by intermediate care facilities for mentally retarded persons.

(d) The county board in which an intermediate care facility for mentally retarded persons is located shall contract annually with that facility and with the appropriate developmental achievement center for provision of training and habilitation services for each resident of the facility for whom the services are required by the resident's individual service plan. This contract shall specify the payment rate, the training and habilitation services to be provided, and the performance standards for program provision. A similar contract shall be entered into between the county and the developmental achievement center for persons receiving training and habilitation services from that center as a waived service.

(e) The commissioner shall reimburse up to 210 days of training and habilitation services at developmental achievement centers which provided less than or equal to that amount in calendar year 1982. For developmental achievement centers providing more than 210 days of service in 1982, the commissioner shall not pay in excess of the number of days provided by those programs in 1982.

(f) Medical assistance payments for training and habilitation service shall be made to the county board financially responsible for the client. The developmental achievement center shall submit invoices to the medical assistance program following procedures established by the medical assistance program.

Subd. 6. [NEW DEVELOPMENTAL ACHIEVEMENT PROGRAMS, RATES.] *The commissioner upon the recommendation of the local county board shall determine the rate for new developmental achievement programs. The payment rate shall not exceed 125 percent of the average payment rate in the region.*

Subd. 7. [ALTERNATIVE RATES FOR TRAINING AND HABILITATION SERVICES.] *Alternative methods may be proposed by the counties or the commissioner for provision of training and habilitation services during daytime hours apart from a residential facility to persons for whom needs identified in their individual service plan are not met by the training and habilitation services provided at a developmental achievement center. The commissioner shall establish procedures for approval of the proposals and for payment of reasonable rates which shall not exceed the average rate allowed in that county for training and habilitation services pursuant to subdivision 5. Nothing in this subdivision prohibits a county from contracting with a developmental achievement center such purposes.*

Subd. 8. [PAYMENT FOR PERSONS WITH SPECIAL NEEDS.] *The commissioner shall establish by December 31, 1983, procedures to be followed by the counties to seek authorization from the commissioner for payment for waived services or training and habilitation services for very dependent persons with special needs in an amount in excess of the rates allowed pursuant to subdivisions 2, 4, 5, and 6 and procedures to be followed for rate limitation exemptions for intermediate care facilities for mentally retarded persons. No excess payment or limitation exemption shall be authorized unless the need for the service is documented in the individual service plan of the person or persons to be served, the type and duration of the services needed are stated, and there is a reasonable basis for estimated cost of the services.*

The commissioner shall evaluate the services provided pursuant to this subdivision through program and fiscal audits.

Subd. 9. [REPORTING REQUIREMENTS.] *The developmental achievement center shall submit to the county and the commissioner no later than March 31 of each year an annual report which includes the actual program revenues and expenditures, client information, and program information. The information shall be submitted on forms prescribed by the commissioner.*

Subd. 10. [TEMPORARY RULES.] *To implement subdivisions 1 to 9, the commissioner shall adopt temporary and permanent rules in accordance with chapter 14.*

Sec. 7. [FEDERAL REQUIREMENTS.]

If any provision of sections 3, 4, 5, or 6 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. 8. Minnesota Statutes 1982, section 256E.06, is amended by adding a subdivision to read:

Subd. 2a. [STATE TRANSFER OF FUNDS.] Notwithstanding subdivisions 1 and 2 the commissioner is authorized to transfer, prior to distribution of state aids to the counties, up to \$16,000,000 from the biennial appropriation beginning July 1, 1983, to the medical assistance state account to fund training and habilitation services provided to residents of intermediate care facilities for mentally retarded persons as required by federal regulations. Upon federal approval of the state plan, county boards will not be responsible for the funding of developmental achievement center services as a social service to intermediate care facilities for mentally retarded residents. County board responsibility for the services shall be assumed under section 256B.20. County boards continue to be responsible for funding developmental achievement center services for those persons not covered under the Title XIX medical assistance program.

Sec. 9. [APPROPRIATION.]

Up to \$400,000 is appropriated from the general fund to the department of public welfare to match federal money available for costs establishing a client information system and positions needed to administer the mental retardation program. Up to 15 line item positions are authorized for the implementation of provisions of the case management plan, the home and community-based services waiver program, assisting county agencies in screening of clients for medical assistance services, technical assistance in developing community-based alternatives, and management of the mental retardation medical assistance program.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 7 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to public welfare; establishing limitation on the number of beds in the state program for mentally retarded persons; establishing reimbursement rates for residential and training and habilitation services; transferring certain appropriations to medical assistance; establishing case management services and screening teams; amending Minnesota

Statutes 1982, sections 252.24, subdivision 1; 252.28; 256B.02, subdivision 8; and 256E.06, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 252 and 256B."

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. 903, A bill for an act relating to insurance; removing obsolete statutory provisions regulating assessment benefit associations; repealing Minnesota Statutes 1982, sections 63.01 to 63.35.

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. 909, A bill for an act relating to the range association of municipalities and schools; defining its permitted area; amending Minnesota Statutes 1982, section 471.58.

Reported the same back with the following amendments:

Page 1, line 23, strike " ; provided, that in cities, towns or"

Page 1, strike lines 24 and 25

Page 2, strike line 1

Page 2, line 2, strike "inhabitants, such dues shall not exceed the sum of \$250"

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

The report was adopted.

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

H. F. No. 953, A bill for an act relating to the city of Silver Bay; authorizing the establishment of detached banking facilities.

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. 977, A bill for an act relating to liquor; authorizing the city of Farmington to issue a club on-sale license to an Eagles Club.

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

The report was adopted.

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

H. F. No. 987, A bill for an act relating to public utilities; providing for additional investment authority of bond proceeds; amending Minnesota Statutes 1982, section 216B.49, by adding a subdivision.

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. 995, A bill for an act relating to intoxicating liquor; authorizing Clearwater County to issue an off-sale license in Itasca Township.

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

The report was adopted.

Voss from the Committee on Energy to which was referred:

H. F. No. 996, A bill for an act relating to the city of St. Paul; authorizing the Port Authority of St. Paul to acquire and operate a district heating system.

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

The report was adopted.

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

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

Reported the same back with the following amendments:

Page 1, line 15, delete "*serve without*" and insert "*be compensated as provided in section 15.059, subdivision 3.*"

Page 1, delete line 16

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

S. F. No. 44, A bill for an act relating to child support; allowing courts to order support for certain individuals attending secondary school; amending Minnesota Statutes 1982, section 518.54, subdivision 2.

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

House Resolution No. 4, A house resolution congratulating the Future Farmers of America on their work and accomplishments.

Reported the same back with the following amendments:

Page 1, line 7, delete "groups" and insert "chapters"

With the recommendation that when so amended the resolution be adopted.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 102, 161, 254, 332, 344, 375, 380, 390, 490, 507, 513, 519, 520, 537, 582, 592, 598, 606, 643, 657, 672, 685, 725, 727, 730, 749, 777, 794, 801, 804, 806, 835, 836, 838, 853, 859, 869, 870, 903, 909, 953, 977, 987, 995 and 996 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 44 was read for the second time.

**INTRODUCTION AND FIRST READING
OF HOUSE BILLS**

The following House Files were introduced:

Rose introduced:

H. F. No. 1123, A bill for an act relating to crimes; including conservation officers as peace officers authorized to enforce the crime of fleeing a peace officer and related laws; amending Minnesota Statutes 1982, section 65B.605, subdivision 2, and 609.487, subdivision 2.

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

Cohen introduced:

H. F. No. 1124, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted, and obsolete references and text; eliminating certain redundant, conflicting, and superseded provisions; providing instructions to the revisor; amending Minnesota Statutes 1982, sections 10A.275; 10A.31, subdivision 2; 10A.32, subdivision 3b; 10A.335; 11A.24, subdivision 6; 15.06, subdivision 1; 16.861, subdivision 3; 17A.06, subdivision 3; 32.212; 32.213; 35.251; 43A.18, subdivision 5; 45.16, subdivision 2; 48.605, subdivision 1; 60A.07, subdivision 8; 60A.17, subdivision 7a; 93.20, subdivision 9; 98.46, subdivision 16; 100.27, subdivision 9; 112.85, subdivision 2; 116D.05; 116G.03, subdivision 5; 116J.70, subdivision 2a; 120.80, subdivision 1; 120.81, subdivision 1; 121.904, subdivision 11b; 168.021, subdivision 2; 169.451; 169.974, subdivision 2; 169.974, subdivision 6; 169.99, subdivision 1; 171.131, subdivision 2; 179.70, subdivision 1; 238.04, subdivision 2; 244.09, subdivision 1; 252A.13, subdivision 2; 253B.19, subdivision 5; 256.871, subdivision 7; 256.976, subdivision 4; 260.185, subdivision 1; 260.193, subdivision 6; 268.18, subdivision 2; 273.13, subdivisions 6 and 7d; 275.125, subdivision 1; 282.38, subdivisions 1 and 2;

290.012, subdivision 2; 297.02, subdivision 5; 298.28, subdivision 1; 326.241, subdivision 1; 327B.01, subdivisions 11 and 14; 327B.04, subdivision 4; 327B.05, subdivision 1; 327B.09, subdivision 1; 340.069; 354.532, subdivision 4; 363.03, subdivision 10; 367.41, subdivisions 1 and 5; 367.42, subdivision 1; 375B.01; 381.12, subdivision 2; 383A.35; 398A.01, subdivision 8; 462.355, subdivision 4; 462.36, subdivision 1; 462.445, subdivision 14; 462C.04, subdivision 2; 474.03; 508A.46; 515A.1-102; 518.24; and 525.619; amending Laws 1982, chapter 581, section 18, subdivision 4; and Laws 1982, Third Special Session chapter 1, article II, section 7; repealing Minnesota Statutes 1982, section 609.01, subdivision 2; repealing Laws 1976, chapters 2, section 62; and 173, section 53; Laws 1981, chapter 224, section 18; Laws 1982, chapters 416, section 1; 424, sections 3 and 8; and 642, section 8.

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

Osthoff, Minne, Olsen, Pauly and Wynia introduced:

H. F. No. 1125, A bill for an act relating to taxation; adopting certain federal changes in the dependent care credit; amending Minnesota Statutes 1982, section 290.067, subdivisions 1 and 2.

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

Knuth introduced:

H. F. No. 1126, A bill for an act relating to retirement; authorizing the purchase of allowable service credit in the Minnesota state retirement system by a certain member.

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

Brinkman and Schreiber introduced:

H. F. No. 1127, A bill for an act relating to taxation; income; repealing the unitary method of apportioning the income of multistate businesses; amending Minnesota Statutes 1982, sections 290.095, subdivision 3; 290.17, subdivision 2; 290.21, subdivision 4; 290.34, subdivision 2; repealing Minnesota Statutes 1982, section 290.06, subdivision 15; Laws 1982, chapter 523, article XXIX, section 6.

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

O'Connor, Wenzel, Schreiber, McEachern and Vanasek introduced:

H. F. No. 1128, A bill for an act relating to the operation of state government; establishing a division of legal services for the University of Minnesota in the office of the attorney general; proposing new law coded in Minnesota Statutes, chapter 8.

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

Gustafson, Berkelman, Murphy and Mann introduced:

H. F. No. 1129, A bill for an act relating to commerce; providing for the filing and recording of mortgages and deeds of trust of pipeline companies; amending Minnesota Statutes 1982, section 300.115.

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

Jacobs introduced:

H. F. No. 1130, A bill for an act relating to motor vehicles; clarifying requirements for issuance of a Minnesota identification card; amending Minnesota Statutes 1982, section 171.07, subdivision 3.

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

Olsen introduced:

H. F. No. 1131, A bill for an act relating to the environment; establishing an environmental response, compensation, and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, and economic loss resulting from releases of hazardous substances; imposing taxes, fees, and penalties; establishing a hazardous substance compensation trust account; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

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

Gustafson, Sarna and Kelly introduced:

H. F. No. 1132, A bill for an act relating to peace officers; restricting the use of sirens, red lights, uniforms of certain colors, and the term "police"; proposing new law coded in Minnesota Statutes, chapter 626; repealing Minnesota Statutes 1982, section 626.88.

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

Brinkman, Stadum and Heap introduced:

H. F. No. 1133, A bill for an act relating to labor; providing for occupational health and safety; providing for an employee right to know; protecting trade secrets; providing penalties; amending Minnesota Statutes 1982, section 182.651, by adding subdivisions; 182.653, by adding subdivisions; 182.658; 182.66, subdivision 1; 182.661; 182.663, subdivisions 2 and 5; 182.664, subdivisions 3 and 5; 182.666; 182.667, subdivision 2; and 182.668.

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

Segal, Wynia and Piper introduced:

H. F. No. 1134, A bill for an act relating to education; requiring multi-cultural and sex equity education programs in all school districts; creating an advisory committee; appropriating money; proposing new law coded in Minnesota Statutes, chapter 126.

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

Schafer; Anderson, B., and Olsen introduced:

H. F. No. 1135, A bill for an act relating to education; authorizing the establishment of associated school districts; providing for transition relative to school board members and outstanding indebtedness; amending Minnesota Statutes 1982, sections 120.02, by adding a subdivision; 122.02; 122.41; 122.43, subdivision 1; 122.531; 122.532; 122.533; and 123.33, subdivision 1; 275.125, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 123.

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

Marsh and Gruenes introduced:

H. F. No. 1136, A bill for an act relating to crimes; exempting participants in supervised research programs from arrest for certain driving violations; amending Minnesota Statutes 1982, section 169.121, by adding a subdivision.

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

Otis, Kelly, Evans, Brandl and Redalen introduced:

H. F. No. 1137, A bill for an act relating to taxation; providing an income tax credit for employers who create new permanent jobs; proposing new law coded in Minnesota Statutes, chapter 290.

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

Riveness and Swanson introduced:

H. F. No. 1138, A bill for an act relating to local government; permitting certain land transfers by the metropolitan sports facilities commission; amending Minnesota Statutes 1982, section 458.195, subdivision 5; and 473.556, subdivision 6.

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

Blatz; Battaglia; Munger; Nelson, D., and Ludeman introduced:

H. F. No. 1139, A bill for an act relating to game and fish; authorizing reciprocity with Wisconsin in the purchase and sale of annual fishing licenses; proposing new law coded in Minnesota Statutes, chapter 98.

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

Rodosovich, Hoffman, Graba and Frerichs introduced:

H. F. No. 1140, A bill for an act relating to traffic regulations; regulating school buses; amending Minnesota Statutes 1982, sections 169.01, subdivision 6; 169.44, subdivision 8; and 169.45.

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

Berkelman, Gustafson, Munger and Murphy introduced:

H. F. No. 1141, A bill for an act relating to the cities of Duluth and Hermantown; providing for joint determination of the need for ambulance service.

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

Minne, Osthoff, Elioff, Ogren and Kostohryz introduced:

H. F. No. 1142, A bill for an act relating to elections; providing for school district elections to be held at the same time as municipal elections; providing for municipal clerks to administer school district elections; providing for school district elections to be conducted according to the Minnesota election law; amending Minnesota Statutes 1982, sections 122.25, subdivision 2; 123.32, subdivisions 9 and 23; 123.33, subdivision 4; 123.351, subdivisions 1 and 3; 123.51; 128.01; 200.015; 200.02, by adding a subdivision; 201.071, subdivision 1, and by adding a subdivision; 203B.05, subdivision 2; 203B.06, subdivision 3; 204B.02; 204B.14, by adding a subdivision; 204B.16, subdivision 1; 204B.18, subdivision 2; 204B.35, subdivision 1; 204B.40; 204C.02; 204C.19, subdivision 2; 204C.25; 204C.27; 204C.28, by adding a subdivision; 204C.36; 209.02, subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, chapters 206 and 210A; proposing new law coded as Minnesota Statutes, chapter 205A; repealing Minnesota Statutes 1982, sections 123.015; 123.11, subdivisions 2, 3, and 4; 123.32, subdivisions 1, 1a, 2, 3, 4, 5, 6, 7, 8, 8a, 11, 22, 24, 25, 26, 27, and 28; and 201.095.

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

Battaglia, Rose, Neuenschwander, Tunheim and Sparby introduced:

H. F. No. 1143, A bill for an act relating to natural resources; strengthening certain laws regarding the transportation of wild animals; amending Minnesota Statutes 1982, section 97.45, subdivisions 1, 4, 5, 6, 7, and 12.

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

Simoneau, Pauly and Coleman introduced:

H F. No. 1144, A bill for an act relating to workers' compensation; regulating elections of coverage; amending Minnesota Statutes 1982, section 176.012.

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

Elioff, Begich, Battaglia, Minne and Vanasek introduced:

H. F. No. 1145, A bill for an act relating to firearms; extending the length of time a permit to carry is valid; amending Minnesota Statutes 1982, section 624.714, subdivision 7.

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

Battaglia, Neuenschwander, Begich, Solberg and Elioff introduced:

H. F. No. 1146, A bill for an act relating to forestry; formulating a state forest land preservation and conservation policy; imposing duties on state agencies in actions adversely affecting forest lands; removing dollar and term limits on state timber permits; extending certain timber permits; authorizing limited excess weights for timber transport vehicles; removing the exclusive use requirement from timber lands for property taxation purposes; amending Minnesota Statutes 1982, sections 14.11, by adding a subdivision; 90.101, subdivision 1; 90.151, subdivision 1; 169.825, by adding a subdivision; 273.13, subdivision 8a; and Laws 1981, chapter 305, section 11, as amended; proposing new law coded in Minnesota Statutes, chapter 88.

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

Riveness and Swanson introduced:

H. F. No. 1147, A bill for an act relating to local government; permitting the cities of Richfield and Bloomington to implement an energy conservation program; authorizing the financing of a residential energy conservation program; authorizing the issuance of qualified mortgage bonds; requiring a report to the legislature.

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

Sparby, Valan, Eken, Vanasek and Metzen introduced:

H. F. No. 1148, A bill for an act relating to motor vehicles; establishing special license plates for personal vehicles of emergency personnel; amending Minnesota Statutes 1982, section 168.12, by adding a subdivision.

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

Clawson, Ellingson, Jacobs and Halberg introduced:

H. F. No. 1149, A bill for an act relating to liens; right of possession and liens on fabrication molds and patterns; amending Minnesota Statutes 1982, section 514.19.

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

Sherman, Sieben, Jennings, Eken and Kostohryz introduced:

H. F. No. 1150, A bill for an act relating to the state seal; providing a description of the official state seal; proposing new law coded in Minnesota Statutes, chapter 1.

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

Quist introduced:

H. F. No. 1151, A bill for an act relating to state lands; providing for the conveyance of certain state land to the city of St. Peter for use as a roadway.

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

Wynia, Quinn, Skoglund and Haukoos introduced:

H. F. No. 1152, A bill for an act relating to insurance; providing the right to convert from group dental insurance to individual dental insurance under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 62A.

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

Simoneau introduced:

H. F. No. 1153, A bill for an act relating to Anoka County; authorizing the issuance of bonds for the construction of library buildings and an annual levy for debt retirement.

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

Piper introduced:

H. F. No. 1154, A bill for an act relating to energy; data reporting; definition of "earth sheltered"; biennial energy reports; certificate of need fees; amending Minnesota Statutes 1982, sections 13.68, subdivision 1; 116J.06, subdivision 2; 116J.18, subdivision 1; and 116J.28, subdivision 6.

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

Brinkman, Gustafson, Swanson, Levi and Forsythe introduced:

H. F. No. 1155, A bill for an an act relating to commerce; providing for the testing of the ambient air level of formaldehyde in housing; providing approved testing methods; establishing the limits of liability for builders; amending Minnesota Statutes 1982, section 325F.18, by adding subdivisions; repealing Minnesota Statutes 1982, section 325F.18, subdivision 5.

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

Cohen introduced:

H. F. No. 1156, A bill for an act relating to the revisor of statutes; recodifying the laws governing the office of the revisor of statutes and the publication of Minnesota Statutes; amending Minnesota Statutes 1982, sections 15.18; 16.02, subdivision 24; 60B.01, subdivision 1; 336.1-101; 480.057; 524.1-101; and 609.01, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 645; proposing new law coded as Minnesota Statutes, chapter 3C; repealing Minnesota Statutes 1982, chapters 482 and 648.

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

Carlson, D., introduced:

H. F. No. 1157, A bill for an act relating to the city of McGrath; permitting the city to make an additional property tax levy.

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

Wenzel and Sieben introduced:

H. F. No. 1158, A resolution memorializing the President, Congress, and certain executive agencies to distribute federal education grants and aids on the basis of population.

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

Murphy and Battaglia introduced:

H. F. No. 1159, A bill for an act relating to counties; providing conditions for the publication of county accounts; amending Minnesota Statutes 1982, section 375.17.

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

Bergstrom, Eken, Schoenfeld and Anderson, G., introduced:

H. F. No. 1160, A bill for an act relating to homesteads; creating an extended forbearance loan guarantee program; authorizing the state to guarantee loans to forestall foreclosures of mortgages and terminations of contracts for deed on certain residential and agricultural homesteads; giving certain powers and duties to the department of agriculture and the Minnesota housing finance agency; creating extended forbearance loan guarantee funds; appropriating money; proposing new law coded as Minnesota Statutes, chapter 583.

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

Nelson, D.; Heinitz; Anderson, G.; Hoffman and Clawson introduced:

H. F. No. 1161, A bill for an act relating to metropolitan government; providing for the term of the chairman of the metropolitan airports commission; amending Minnesota Statutes 1982, section 473.604, subdivision 1.

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

Norton and Osthoff introduced:

H. F. No. 1162, A bill for an act relating to local government; providing for the development of University Avenue in the cities of Minneapolis and St. Paul; creating a commission to develop and implement transit, housing, and economic development projects; appropriating money.

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

Gustafson, Berkelman and Mann introduced:

H. F. No. 1163, A bill for an act relating to agriculture; excluding pipeline companies from certain restrictions on acquisition of agricultural land; amending Minnesota Statutes 1982, section 500.221, subdivision 2.

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

Sarna, Halberg, Sieben, Simoneau and Wigley introduced:

H. F. No. 1164, A bill for an act relating to employee relations; requiring the commissioner to allow the donation of vacation time by highway patrol employees; amending Minnesota Statutes 1982, section 43A.04, by adding a subdivision.

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

Hoberg and Valan introduced:

H. F. No. 1165, A bill for an act relating to local government; authorizing the city of Moorhead to impose a tax on the gross receipts from the furnishing of certain lodging.

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

Valan introduced:

H. F. No. 1166, A bill for an act relating to Independent School District No. 147; authorizing a transfer of money to the district's general fund from other district funds.

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

Anderson, B., introduced:

H. F. No. 1167, A bill for an act relating to highway traffic regulations; prohibiting the sale, possession, installation, or operation of radar jamming devices with certain exceptions; providing for seizure by peace officers; prescribing a penalty; proposing new law coded in Minnesota Statutes, chapter 169.

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

Bergstrom, Welch and McEachern introduced:

H. F. No. 1168, A bill for an act relating to public welfare; increasing the maximum licensing fee that may be charged under the public welfare licensing act; exempting the department of public welfare from the definition of a "business license"; amending Minnesota Statutes 1982, sections 116J.70, subdivision 2a; and 245.811.

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

Schreiber, Tomlinson, Scheid, Valento and Dempsey introduced:

H. F. No. 1169, A bill for an act relating to taxation; property; changing the meeting dates for local boards of review and the state board of equalization; changing other miscellaneous dates; modifying the appeal process in certain situations; suspending the yearly assessment requirement for one year; amending Minnesota Statutes 1982, sections 270.11, subdivisions 1 and 2; 270.12, subdivisions 2, 3, and by adding a subdivision; 270.13; 270.87; 271.01, subdivision 5; 271.21, subdivision 4; 273.01; 273.33, subdivision 2; 273.37, subdivision 2; 274.01, subdivision 1; 274.14; 274.16; and 275.07, subdivision 1.

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

Clark, K., introduced:

H. F. No. 1170, A resolution memorializing the President and Congress of the United States to reduce defense spending.

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

Otis and Tomlinson introduced:

H. F. No. 1171, A bill for an act relating to taxation; clarifying the income tax treatment of certain debt obligations of state and local governments; amending Minnesota Statutes 1982, sections 80A.09, subdivision 1; 115A.69, subdivision 6; 116A.25; 116J.89, subdivision 6; 136.32; 136A.179; 136A.39; 193.146, subdivision 4; 272.02, subdivision 1; 362A.07; 447.35; 447.49; 458A.05, subdivision 6; 462.551; 462A.19, subdivision 1; 472.09, subdivision 4; 473.448; and 473.545; repealing Minnesota Statutes 1982, sections 116J.89, subdivision 7; 462A.19, subdivision 2; and 474.12.

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

Bishop introduced:

H. F. No. 1172, A bill for an act relating to statutes; conforming certain laws to judicial decisions of unconstitutionality; amending Minnesota Statutes 1982, sections 65B.51, subdivision 1; 154.03; and 573.01.

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

Anderson, B., introduced:

H. F. No. 1173, A bill for an act relating to agriculture; providing for the prevention of economic waste in the marketing of certain agricultural crops produced in Minnesota by establishing minimum prices; providing for supply management and orderly marketing, administration, and enforcement; imposing a penalty; proposing new law coded in Minnesota Statutes, chapter 17.

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

HOUSE ADVISORIES

The following House Advisory was introduced:

Stadum, Heinitz, Metzen, Valan and Brinkman introduced:

H. A. No. 9, A proposal to study interest rates on open-end credit sales in Minnesota.

The advisory was referred to the Committee on Financial Institutions and Insurance.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 316, A bill for an act relating to insurance; accident and health; extending the period of time during which group coverage is in force for terminated employees who elect this coverage; amending Minnesota Statutes 1982, section 62A.17, subdivisions 2 and 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 624, A bill for an act relating to retirement; highway patrol; restating the definition of average monthly salary; amending Minnesota Statutes 1982, section 352B.08, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 9, A Senate Concurrent Resolution relating to Joint Rules; adopting permanent joint rules of the Senate and House of Representatives.

PATRICK E. FLAHAVEN, Secretary of the Senate

Eken moved that the rules be so far suspended that the message from the Senate and Senate Concurrent Resolution No. 9, relating to the Joint Rules of the Senate and House of Representatives, lay over one day and be printed in the Journal of the House for today. The motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 9

A Senate concurrent resolution relating to joint rules; adopting permanent joint rules of the Senate and House of Representatives.

Be It Resolved, by the Senate of the State of Minnesota, the House of Representatives concurring therein:

The Joint Rules of the Senate and House of Representatives for the 73rd Legislature shall read as follows:

JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES

TABLE OF CONTENTS

ARTICLE I: JOINT CONVENTIONS

- 1.01 How Governed
- 1.02 President's Duties
- 1.03 President's Right to Vote
- 1.04 Stating Questions
- 1.05 Order of Debate
- 1.06 Calling Member to Order
- 1.07 Call of the Convention
- 1.08 Elections
- 1.09 No Smoking
- 1.10 Parliamentary Procedure

ARTICLE II: BILLS

- 2.01 Form
- 2.02 Appropriating Money

2.03 Deadlines

2.04 Amending Bills Originating in other House

2.05 Receding From Position

2.06 Conference Committees

2.07 Enrollment and Signature

ARTICLE III: GENERAL PROVISIONS

3.01 Suspension of Joint Rules

3.02 Odd Year Session Adjournment

3.03 Interim Committee and Commission Reports

ARTICLE I: JOINT CONVENTIONS

HOW GOVERNED

Rule 1.01. The Speaker of the House shall preside at all Conventions of the two houses of the Legislature and shall call the members to order. The Chief Clerk of the House shall be the Secretary and the Sergeant at Arms of the House shall be the Sergeant at Arms of the Convention.

PRESIDENT'S DUTIES

Rule 1.02. The President of the Convention shall preserve order and decorum. He may speak on all points of order in preference to other members and shall decide questions of order, subject to an appeal to the Convention by any member. He shall rise to put a question but may state it while seated.

PRESIDENT'S RIGHT TO VOTE

Rule 1.03. The President shall have the right to vote in all cases except appeals from his decisions. He shall vote last on all questions.

STATING QUESTIONS

Rule 1.04. Questions shall be put to the Convention in the following form: "As many as are of the opinion that (the question) shall pass, say 'Aye.'" After an affirmative vote is expressed the nays shall be called as follows: "As many as are of the contrary opinion, say 'No.'" If the President is in doubt or a division is called, those in the affirmative shall rise first and those in the negative afterward.

ORDER OF DEBATE

Rule 1.05. When any member wishes to speak to the Convention on any matter, he shall rise and respectfully address the President, and not speak further until recognized. He shall confine himself to the question under debate and avoid personal remarks. When two or more members rise at the same time, the President shall designate the member to speak first. No member shall speak more than twice on the same question without permission of the Convention.

CALLING MEMBER TO ORDER

Rule 1.06. If any member of the Joint Convention is called to order for offensive words in debate, the member calling him to order shall report the words to which exception is taken and the Secretary shall record them. No member may be called to order for any language used in debate if exception is not taken before any other member has spoken or any other business has taken place. A member called to order shall immediately sit down unless another member moves to permit him to explain. In any case, the Joint Convention, if appealed to, shall decide without debate. Only if the decision is in favor of the member called to order shall he be at liberty to proceed.

CALL OF THE CONVENTION

Rule 1.07. Five members may demand a call of the Convention at any time except after voting has commenced. When such a call is demanded, the doors shall be closed, the roll shall be called, the absent members shall be sent for, and no member may be permitted to leave the Chamber, unless excused by the President, until the call is lifted. Proceedings under the roll call may be suspended by a majority vote of all the members of the Convention. A call of the Convention may be lifted by a majority vote of all the members of the Convention.

ELECTIONS

Rule 1.08. In all elections by the Joint Convention, members shall vote viva voce and the role of Senate members shall be called first. Whenever there is an election of any officer in Joint Convention, the result shall be certified by the President of the Senate and the Speaker of the House and announced by them to their respective houses. The result shall be entered on the Journal of each house and communicated to the Governor by the Secretary of the Convention.

NO SMOKING

Rule 1.09. No person is permitted to smoke in the Chamber or in the gallery during a Joint Convention.

PARLIAMENTARY PROCEDURE

Rule 1.10. The rules of the House shall be the Rules of the Joint Convention of both houses in all cases in which the foregoing rules are not applicable.

ARTICLE II: BILLS

FORM

Rule 2.01. The title of each bill shall clearly state its subject and briefly state its purpose. When a bill amends or repeals an existing act, the title shall refer to the chapter, section or subdivision.

Reference shall be made to Minnesota Statutes for the provisions appearing therein unless reference to previous session laws is required for some special reason.

Bills shall refer to Minnesota Statutes as follows:

"Minnesota Statutes , section"

Bills shall refer to the session laws as follows:

"Laws , chapter , section"

A bill for the amendment of a statute shall contain the full text of the section or subdivision to be amended as it appears in the latest edition of Minnesota Statutes unless it has been amended, in which event it shall contain the full text as amended.

The words and characters constituting the amending matter shall be inserted in the proper place in the text and underscored. The words and characters to be eliminated by the amendment shall be stricken by drawing a line through them. The text of a new section or subdivision shall also be underscored when a bill amends an existing chapter or section by adding a new section or subdivision. In the omnibus appropriation bills required by Joint Rule 2.02, sections making an appropriation or transfer and not amending a statute or session law need not have new material underscored. Before a committee favorably reports upon a bill, the chairman of the committee shall see that the bill conforms to this rule. When a bill is printed in the Journal, the new matter shall be in italics or underscored and the matter to be eliminated shall be capitalized and in parentheses or stricken by drawing a line through it. A bill drafted by the Revisor of Statutes for the purposes of correcting errors in Minnesota Statutes need not comply with the provisions of this paragraph if the bill is labeled "REVISOR'S BILL" immediately below the title, and if there is attached thereto a memorandum of information explaining the reasons for the bill.

If the bill is for an original law and not for an amendment of an existing law, the sections and subdivisions shall be arranged, subdivided, and numbered in like manner as Minnesota Statutes. If such a bill assigns to the sections thereof headnotes or identification by the decimal system of numbering used in Minnesota Statutes, such headnotes and decimal identification may be submitted by standing committee chairmen to the Revisor of Statutes for examination. Any such headnotes shall be capital letters enclosed in brackets, and shall be subject to the provisions of Minnesota Statutes, section 648.36.

All numbers in titles shall be expressed in figures. All numbers of section or chapter of law shall be in figures. In the body of a bill numbers in excess of ten shall be in figures, except for a special reason they may be written, but when written they shall not be followed by numbers or parentheses.

APPROPRIATING MONEY

Rule 2.02 The same bill shall not appropriate public money or property to more than one local or private purpose.

No clause appropriating money for a local or private purpose shall be contained in a bill appropriating money for the State government or public institutions. All resolutions authorizing the issuing of abstracts by the Secretary of the Senate or the Chief Clerk of the House for the payment of money shall be upon the call of "yeas" and "nays."

In odd-numbered years, at least twenty calendar days prior to the last day the Legislature can meet in regular session [May 3, 1983], the Committee on Finance of the Senate and the Committee on Appropriations of the House shall report to their respective houses, unless directed by concurrent resolution to report different appropriation bills, eight separate appropriation bills as follows:

(a) A bill appropriating money for the general administrative and judicial expenses of the State government for the succeeding two fiscal years including salaries, office expenses and supplies and other necessary expenses connected therewith;

(b) A bill covering all appropriations relating to public welfare, health and corrections for the support and maintenance of all State penal and charitable institutions, and other institutions of the State except educational for the two succeeding fiscal years;

(c) A bill appropriating money for the support and maintenance of all State educational institutions for the two succeeding fiscal years;

(d) A bill covering all appropriations providing for the payment of claims against the State of Minnesota which may have been allowed by the Finance Committee of the Senate or the Appropriations Committee of the House;

(e) A bill covering all appropriations made for semi-state activities;

(f) A bill covering all appropriations for construction and major rehabilitation of public buildings to be financed by issuance of bonds;

(g) A bill covering all appropriations for maintenance, repair, and minor rehabilitation and construction of public buildings; and

(h) A bill covering appropriations for the department of transportation.

No other appropriations shall be contained in any of said bills but all other appropriations shall be contained in separate bills.

DEADLINES

Rule 2.03. (a) In odd-numbered years, committee reports on bills favorably acted upon by a committee in the house of origin after the (FIFTH) *sixth* Friday prior to the last Friday on which the Legislature can meet in regular session [April (15) 8, 1983], and committee reports on bills originating in the other house favorably acted upon by a committee after *the Monday before* the third Friday prior to the last Friday on which the Legislature can meet in regular session [April (29) 25, 1983] shall be referred in the Senate to the Committee on Rules and Administration, and in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. Referral is not required when a committee after the earlier date and by the later date set by this paragraph acts on a bill that is a companion to a bill that has met the earlier deadline in the other house. This rule does not apply to the Senate Committees on Finance and on Taxes and Tax Laws, and the House Committees on Appropriations and on Taxes.

Conference Committees on the major appropriation bills specified in Joint Rule 2.02 shall have their reports on the members' desks by the last Thursday on which the Legislature can meet in regular session [May 19, 1983]. After the last Friday on which the Legislature can meet in regular session [May 20, 1983], neither house shall act on bills other than those contained in:

- (1) Reports of Conference Committees;

- (2) Messages from the other house;
- (3) Reports of the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House; or
- (4) Messages from the Governor.

(b) In even-numbered years the Legislature shall establish by concurrent resolution deadlines comparable to those set by paragraph (a) based on the date intended to be the date of adjournment sine die.

AMENDING BILLS ORIGINATING IN OTHER HOUSE

Rule 2.04. Either house shall have the power to amend any bill, memorial, or resolution passed by the other house.

RECEDING FROM POSITION

Rule 2.05 Prior to a Conference Committee on any matter, either house may recede from its position on any difference existing between the two houses. In order to recede, and if the matter is not in the possession of a house, that house shall request return of the matter from the other house. To recede, a majority of a house shall govern, except in cases otherwise provided in the Constitution. If the question is put and lost, it shall not be put again on the same day. A reconsideration of the question shall in all respects be regulated by the rules of that house.

CONFERENCE COMMITTEES

Rule 2.06 In all cases of disagreement between the Senate and House on amendments adopted by either house to a bill, memorial or resolution passed by the other house, a Conference Committee consisting of not less than three members nor more than five members from each house may be requested by either house. The other house shall appoint a similar committee.

The manner of procedure shall be as follows: The house of origin passes a bill and transmits it to the other body. If the other body adopts an amendment to the bill and passes it as amended, it shall return the bill with a record of its actions to the house of origin. If the house of origin refuses to concur in the amendment, it shall ask for a Conference Committee, appoint such a committee on its part, and transmit the bill with a record of its action to the other house. If the other house adheres to its amendment, it shall appoint a like committee and return the bill to the house of origin.

At an agreed upon hour the Conference Committee shall meet. The members from each house shall state to the members from the other house, orally or in writing, the reason for their respective positions. The members shall confer thereon and shall report to their respective houses the agreement they have reached, or, if none, the fact of a disagreement. If an agreement is reported, the house of origin shall act first upon the report. If the report is adopted and repassed as amended by the Conference Committee by the house of origin, the report, the bill and a record of its action shall be transmitted to the other house.

All Conference Committees shall be open to the public. Meetings of Conference Committees shall be announced as far in advance as practical.

Except after the last Thursday on which the Legislature can meet in regular session in odd-numbered years [May 19, 1983], and after the last Thursday on which the Legislature intended, when it adopted the concurrent resolution required by Rule 2.03, paragraph (b), to meet in regular session in even-numbered years, a written copy of a report of a Conference Committee shall be placed on the desk of each member of a house twelve hours before action on the report by that house. If the report has been reprinted in the Journal of either house for a preceding day and is available to the members, the Journal copy shall serve as the written report.

ENROLLMENT AND SIGNATURE

Rule 2.07. After a bill or memorial has been passed by both houses, it shall be carefully and properly enrolled by the Revisor of Statutes under the direction of the Secretary of the Senate for a matter originating in the Senate or the Chief Clerk of the House for a matter originating in the House. The Revisor of Statutes shall obtain the signatures and certificates of the proper officers to the enrolled copy of the bill or memorial and present it to the Governor for his approval.

A bill or memorial may be prepared for presentation to the Governor on good quality paper approximately 8-1/2" x 14" in size and may be produced by means of a copying machine. An enrolled bill shall be labeled "An Act" and it shall be identical to the bill passed by the Legislature. An enrolled bill which is amendatory of any existing law or constitutional provision shall indicate deletions and additions in the manner provided in Rule 2.01 for printed bills.

ARTICLE III: GENERAL PROVISIONS

SUSPENSION OF JOINT RULES

Rule 3.01. Either house may suspend the Joint Rules of the Senate and House by a vote of two-thirds of its members.

ODD YEAR SESSION ADJOURNMENT

Rule 3.02 Adjournment of the regular session in any odd-numbered year to a date certain in the following year shall be equivalent to daily adjournment, except that upon adjournment in any odd-numbered year to a date certain in the following year:

(a) Any bill being considered by a Conference Committee shall be returned to the house of origin, laid on the table, and the Conference Committee shall be discharged;

(b) Any bill referred to the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House pursuant to Joint Rule 2.03 shall be returned to the standing committee to which it was last previously referred; and

(c) Any bill returned by the Governor to the house of origin with his objections following such adjournment shall be laid on the table.

INTERIM COMMITTEE AND COMMISSION REPORTS

Rule 3.03 Except as otherwise provided by law, the report of any interim committee or commission to the Legislature shall be submitted on paper 8-1/2" x 11" in size, spiral bound, stapled, or punched on the left edge to fit a standard size three ring binder intended for that size paper. A brief summary of the recommendations of the commission or committee shall appear first and be clearly separated from its findings, discussions, and exhibits. If the report contains legislative recommendations, a copy of any proposed legislation, particularly if extensive in character, shall if possible be attached as an exhibit at the end of the report.

MESSAGES FROM THE SENATE, Continued

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. 26, A bill for an act relating to commerce; consumer protection; requiring the repair, refund, or replacement of new motor vehicles under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 325F.

PATRICK E. FLAHAVEN, Secretary of the Senate

Begich moved that the House refuse to concur in the Senate amendments to H. F. No. 26, that the Speaker appoint a Con-

ference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 87, 356, 369 and 854.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 708.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 246.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 218.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 87, A bill for an act relating to public welfare; requiring reporting of abuse or neglect of children; exempting determinations of eligibility for day care and foster care licenses from application of the Minnesota criminal offenders rehabilitation law; requiring arrest information and reports to be made available to the commissioner of public welfare for the purpose of investigating applicants for a day care or residential facility

license; establishing the burden of proof in certain appeals; providing for appointment of guardianship of children whose parents are deceased; clarifying investigative authority of welfare agencies in making mandated investigations of physical or sexual abuse and neglect; amending Minnesota Statutes 1982, sections 245.783, subdivision 3; 245.801, subdivision 4; 260.011, subdivision 2; 260.242, subdivision 2, and by adding a subdivision; 364.09; and 626.556, subdivisions 2, 4, 7, and 10.

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

S. F. No. 356, A bill for an act relating to driver's licenses; requiring examination of applicants' knowledge of the effects of alcohol and drugs on drivers; amending Minnesota Statutes 1982, section 171.13, subdivision 1.

The bill was read for the first time.

Gustafson moved that S. F. No. 356 and H. F. No. 344, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 369, 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.

The bill was read for the first time.

Cohen moved that S. F. No. 369 and H. F. No. 603, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 854, A bill for an act relating to commerce; providing for the filing and recording of mortgages and deeds of trust of pipeline companies; amending Minnesota Statutes 1982, section 300.115.

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

S. F. No. 708, A bill for an act relating to the court system; removing obsolete references to justice of the peace and magistrate; amending Minnesota Statutes 1982, sections 72A.12, subdivision 5; 72A.30; 88.645; 97.50, subdivisions 1 and 7; 115.32, subdivision 3; 127.09; 127.17, subdivision 4; 144.12, subdivision 1; 168.46; 169.42, subdivision 5; 169.91; 169.95; 169.965, subdivision 3; 169.966, subdivision 3; 169.971, subdivision 4; 171.08; 171.16, subdivision 1; 181.09; 181.17; 219.32; 219.97, subdivision 13; 290.58; 297A.42, subdivision 2; 299F.40, subdivision 5; 340.85, subdivision 2; 340.91; 345.02; 345.03; 345.04; 345.05;

345.06; 345.14; 346.03; 346.04; 346.09, subdivision 1 347.04; 347.05; 347.06; 357.12; 357.16; 357.22; 357.27; 357.29; 358.15; 359.061; 359.11; 361.27, subdivision 2; 365.52; 366.20; 367.11; 367.25, subdivision 1; 368.01, subdivision 20; 373.09; 375.24; 390.15; 390.20; 390.31, subdivision 2; 390.33, subdivisions 2 and 6; 395.23; 412.02, subdivision 1; 412.021, subdivision 2; 412.023, subdivision 5; 412.111; 412.861, subdivision 3; 473.608, subdivision 17; 485.07; 488A.021, subdivision 4; 488A.09, subdivision 7; 488A.19, subdivision 5; 490.18; 509.04; 514.29; 514.34; 542.09; 549.03; 550.17; 571.50; 571.58; 571.65; 574.20; 574.35; 588.01, subdivision 3; 588.02; 593.21; 609.27, subdivision 1; 609.415, subdivision 1; 609.66, subdivision 1; 611.07, subdivision 1; 611.17; 617.27; 624.62; 625.01; 625.02; 625.03; 625.04; 625.05; 625.06; 625.07; 625.08; 625.09; 625.10; 625.11; 625.12; 625.13; 625.14; 625.15; 625.17; 625.18; 626.04; 626.05, subdivision 1; 626.06; 626.09; 626.11; 626.14; 626.15; 626.17; 626.66; 629.03; 629.13; 629.14; 629.15; 629.16; 629.17; 629.18; 629.23, subdivision 3; 629.31; 629.36; 629.363; 629.364; 629.39; 629.401; 629.403; 629.41; 629.44; 629.45; 629.53; 629.54; 629.55; 629.60; 629.62; 630.17; 630.37; 631.04; 636.08; 641.07; 641.25; and 648.39, subdivision 3; repealing Minnesota Statutes 1982, sections 357.14; 357.15; 367.03, subdivision 4; 367.21; 388.02; 412.02, subdivision 5; 412.171; 487.01, subdivision 8; 488A.283; 488A.284; 492.02, subdivision 2; 542.15; 549.16; 599.21; 599.22; 599.23; 609.46; 629.56; 629.66; and 629.71.

The bill was read for the first time.

Clawson moved that S. F. No. 708 and H. F. No. 853, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 246, A bill for an act relating to elections; reducing the filing fee for candidates for soil and water conservation supervisor; amending Minnesota Statutes 1982, section 204B.11, subdivision 1.

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

S. F. No. 218, A bill for an act relating to commitment of persons who are mentally ill, mentally retarded, or mentally ill and dangerous; requiring mental commitment proceedings for persons acquitted of a criminal charge pursuant to a verdict of not guilty by reason of mental illness or not guilty by reason of mental deficiency to be held in the court in which acquittal took place; modifying the burden of going forward with the evidence on the issues of mental illness, mental retardation, and mental illness and dangerousness in certain cases; amending Minnesota Statutes 1982, sections 253B.02, subdivision 4, and by adding subdivisions; 253B.07, subdivisions 1, 2, 3, and 7, and by adding a subdivision; 253B.08, subdivision 7; 253B.12,

subdivision 4; 253B.18, subdivision 1; 253B.19, subdivision 1; 253B.21, subdivision 5; and 253B.23, subdivision 7.

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

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 26:

Begich, Sarna and Marsh.

CONSENT CALENDAR

S. F. No. 552, A bill for an act relating to corrections; clarifying the duties of the clerk of court with respect to preparation of necessary commitment papers when a person is sentenced for a felony or gross misdemeanor to the custody of the commissioner of corrections or to the superintendent of a work house or work farm; amending Minnesota Statutes 1982, section 243.49.

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

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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.

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

The bill was passed and its title agreed to.

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, section 340.408; and 340.983.

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 111 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Anderson, R.	Beard	Bennett	Berkelman
Anderson, G.	Battaglia	Begich	Bergstrom	Bishop

Blatz	Greenfield	Levi	Price	Solberg
Brandl	Gruenes	Long	Quinn	Sparby
Brinkman	Gustafson	Mann	Quist	Sviggum
Burger	Gutknecht	Marsh	Redalen	Swanson
Carlson, D.	Halberg	McEachern	Reif	Tomlinson
Carlson, L.	Haukoos	McKasy	Rice	Tunheim
Clark, J.	Himle	Metzen	Rodosovich	Uphus
Clark, K.	Hoberg	Minne	Rodriguez, C.	Vanasek
Clawson	Hoffman	Murphy	Rodriguez, F.	Vellenga
Cohen	Jacobs	Nelson, D.	Rose	Voss
Coleman	Jensen	Neuenschwander	St. Onge	Waltman
Dempsey	Johnson	Norton	Sarna	Welch
Dimler	Kahn	O'Connor	Scheid	Welle
Eken	Kalis	Ogren	Schoenfeld	Wenzel
Elioff	Kelly	Olsen	Schreiber	Wigley
Ellingson	Knickerbocker	Onnen	Seaberg	Wynia
Evans	Knuth	Osthoff	Segal	Speaker Sieben
Findlay	Kostohryz	Otis	Shaver	
Fjoslien	Krueger	Peterson	Shea	
Forsythe	Kvam	Piepho	Sherman	
Graba	Larsen	Piper	Simoneau	

Those who voted in the negative were:

DenOuden	Jennings	Schafer	Welker	Zaffke
Erickson	Ludeman	Thiede		
Heinitz	McDonald	Valento		

The bill was passed and its title agreed to.

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.

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

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

The bill was passed and its title agreed to.

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.

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

The bill was passed and its title agreed to.

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; amending Minnesota Statutes 1982, section 473.608, subdivision 20.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Knuth Seaberg

The bill was passed and its title agreed to.

H. F. No. 904 was reported to the House.

Anderson, G., moved that H. F. No. 904 be continued one day. The motion prevailed.

CALENDAR

H. F. No. 588, 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.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 233, A bill for an act relating to probate; requiring annual reports on the personal well-being of wards or conservatees; amending Minnesota Statutes 1982, section 525.58, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

McEachern Welker

The bill was passed and its title agreed to.

H. F. No. 189, A bill for an act relating to energy; requiring certain conservation investments by regulated utilities; amending Minnesota Statutes 1982, sections 116J.09; 116J.18, subdivision 1a; 216A.07, subdivision 3; 216B.03; 216B.16, subdivision 1; and 216B.241, subdivisions 1, 2, and 3.

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

The question was taken on the passage of the bill and the roll was called. There were 76 yeas and 48 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, R.	Fjoslien	Johnson	Onnen	Thiede
Bennett	Forsythe	Kalis	Pauly	Uphus
Bishop	Graba	Knickerbocker	Piepho	Valan
Carlson, D.	Gruenes	Krueger	Schafer	Valento
Dempsey	Gutknecht	Kvam	Schreiber	Waltman
DenOuden	Haukoos	Levi	Seaberg	Welker
Dimler	Heinitz	Ludeman	Shaver	Wigley
Erickson	Hoberg	Marsh	Sherman	Zaffke
Evans	Hokr	McDonald	Stadum	
Findlay	Jennings	Olsen	Sviggum	

The bill was passed and its title agreed to.

S. F. No. 101, A bill for an act relating to the city of St. Paul; providing for the reinstatement of St. Paul policeman's pension fund benefits in certain circumstances; amending Laws 1955, chapter 151, section 13, 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 121 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

DenOuden Gutknecht

The bill was passed and its title agreed to.

H. F. No. 482, A bill for an act relating to open meetings; requiring availability of certain materials; prescribing penalties; amending Minnesota Statutes 1982, section 471.705, subdivision 2; and by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 78 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Findlay	McEachern	Price	Simoneau
Beard	Fjoslien	Metzen	Quinn	Skoglund
Bennett	Forsythe	Minne	Reif	Sparby
Bergstrom	Greenfield	Murphy	Rice	Swanson
Berkelman	Gustafson	Nelson, D.	Riveness	Tomlinson
Blatz	Hoffman	Neuenschwander	Rodosovich	Tunheim
Brandl	Jacobs	Norton	Rodriguez, C.	Vanasek
Carlson, L.	Kahn	O'Connor	Rodriguez, F.	Vellenga
Clark, J.	Kelly	Ogren	Rose	Voss
Clark, K.	Knickerbocker	Olsen	St. Onge	Welle
Clawson	Knuth	Onnen	Scheid	Wenzel
Cohen	Kostohryz	Osthoff	Schoenfeld	Wynia
Coleman	Krueger	Otis	Seaberg	Zaffke
Eken	Larsen	Pauly	Segal	Speaker Sieben
Elioff	Levi	Peterson	Shea	
Ellingson	Long	Piper	Sherman	

Those who voted in the negative were:

Anderson, B.	Erickson	Hoberg	McKasy	Uphus
Anderson, G.	Evans	Hokr	Omann	Valento
Battaglia	Frerichs	Jennings	Piepho	Waltman
Begich	Graba	Jensen	Quist	Welch
Brinkman	Gruenes	Johnson	Redalen	Welker
Burger	Gutknecht	Kalis	Schafer	Wigley
Carlson, D.	Halberg	Kvam	Schreiber	
Dempsey	Haukoos	Ludeman	Solberg	
DenOuden	Heinitz	Marsh	Sviggum	
Dimler	Himle	McDonald	Thiede	

The bill was passed and its title agreed to.

H. F. No. 511, A bill for an act relating to labor; creating an exemption to the minimum wage overtime provisions for silo builders; amending Minnesota Statutes 1982, section 177.25, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Clark, J.	Frerichs	Jennings	Long
Anderson, G.	Clawson	Graba	Jensen	Ludeman
Anderson, R.	Cohen	Greenfield	Johnson	Mann
Battaglia	Coleman	Gruenes	Kahn	Marsh
Beard	DenOuden	Gustafson	Kalis	McDonald
Begich	Eken	Gutknecht	Kelly	McEachern
Bennett	Elioff	Halberg	Knickerbocker	McKasy
Berkelman	Ellingson	Haukoos	Knuth	Metzen
Blatz	Erickson	Heinitz	Kostohryz	Minne
Brandl	Evans	Hoberg	Krueger	Nelson, D.
Brinkman	Findlay	Hoffman	Kvam	Neuenschwander
Burger	Fjoslien	Hokr	Larsen	Norton
Carlson, D.	Forsythe	Jacobs	Levi	O'Connor

Ogren	Quinn	Schafer	Sparby	Waltman
Olsen	Quist	Scheid	Sviggum	Welch
Omann	Redalen	Schoenfeld	Thiede	Welker
Onnen	Reif	Schreiber	Tomlinson	Welle
Osthoff	Rice	Seaberg	Tunheim	Wenzel
Otis	Riveness	Segal	Uphus	Wigley
Pauly	Rodosovich	Shea	Valan	Wynia
Peterson	Rodriguez, C.	Sherman	Valento	Speaker Sieben
Piepho	Rodriguez, F.	Simoneau	Vanasek	
Piper	Rose	Skoglund	Vellenga	
Price	St. Onge	Solberg	Voss	

Those who voted in the negative were:

Carlson, L. Murphy Swanson Zaffke

The bill was passed and its title agreed to.

H. F. No. 553, A bill for an act relating to elections; changing certain election procedures, requirements, and time limits; amending Minnesota Statutes 1982, sections 201.071, subdivision 1; 203B.02, subdivision 1; 203B.04, subdivision 1; 203B.21, subdivision 2; 204B.12, subdivision 1; 204B.19, subdivision 1; 204B.21, subdivision 1; 204B.27, subdivision 1; 204B.34, subdivision 1; 204B.35, subdivision 4; 204C.03, by adding a subdivision; 204C.05, subdivision 1; 204C.32, subdivision 2; 204C.33, subdivision 2; 204D.06; 204D.11, subdivisions 1 and 5; 204D.14; 204D.15, subdivision 2; 205.03, subdivisions 1 and 3; and 209.02, subdivision 4; repealing Minnesota Statutes 1982, sections 201.091, subdivisions 6 and 7; 204B.12, subdivision 2; and 204B.36, subdivision 5.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

H. F. No. 564, A bill for an act relating to the state board of investment; modifying the procedures for purchase and sale of securities; clarifying the membership of the investment advisory council; abolishing certain restrictions on stock investments; modifying procedures for the mortality adjustments for the post-retirement investment fund; authorizing additional investment alternatives; amending Minnesota Statutes 1982, sections 11A.07, subdivision 4; 11A.08, subdivision 1, as amended; 11A.17, subdivision 4; 11A.18, subdivisions 5, 9, and 11; 11A.24, subdivisions 1, 5, and 6.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 581, A bill for an act relating to counties providing for the formal extinction of certain abandoned interests in county highways; amending Minnesota Statutes 1982, section 163.11, by adding a subdivision.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 601, A bill for an act relating to retirement; miscellaneous amendments to the law governing the public employees retirement association; amending Minnesota Statutes 1982, sections 353.27, subdivisions 4 and 12; 353.28, subdivision 5; 353.29, subdivisions 6 and 8; 353.32, subdivision 1; 353.33, subdivision 5; and 353.34, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Anderson, G.	Anderson, R.	Battaglia	Beard
--------------	--------------	--------------	-----------	-------

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

The bill was passed and its title agreed to.

H. F. No. 667, A bill for an act relating to employment; providing leaves of absence for adoptive parents; proposing new law coded in Minnesota Statutes, chapter 181.

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 2 nays as follows:

Those who voted in the affirmative were:

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

Swiggum	Tunheim	Vanasek	Welch	Wynia
Swanson	Uphus	Vellenga	Welle	Speaker Sieben
Thiede	Valan	Voss	Wenzel	
Tomlinson	Valento	Waltman	Wigley	

Those who voted in the negative were:

Welker Zaffke

The bill was passed and its title agreed to.

H. F. No. 673, A bill for an act relating to elections; changing eligibility requirements and compensation for election judges; permitting time off from work for election judges; amending Minnesota Statutes 1982, sections 204B.19, subdivision 2; and 204B.31; proposing new law coded in Minnesota Statutes, chapter 204B.

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

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 11 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

DenOuden	Haukoos	Ludeman	Valento	Welker
Erickson	Hokr	Schafer		
Frerichs	Jennings	Thiede		

The bill was passed and its title agreed to.

Swanson was excused for the remainder of today's session.

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. 250, 384, 540, 631, 760, 830, 230, 558, 605, 697, 721 and 787 which it recommended to pass.

S. F. Nos. 186 and 240 which it recommended to pass.

H. F. Nos. 91, 733, 412, 474, 89, 270 and 745 which it recommended progress.

H. F. No. 785 which it recommended be re-referred to the Committee on Appropriations.

H. F. No. 138 which it recommended be re-referred to the Committee on Regulated Industries.

H. F. No. 239 which it recommended to pass with the following amendment offered by Brinkman:

Page 1, line 17, strike "commissioner of"

Page 1, line 18, strike "public safety" and insert "authority issuing the license"

Page 1, line 19, after "to" insert "licensees who by affidavit establish that they are"

Page 1, line 24, after the period insert: "The issuing authority must submit to the commissioner the proof of financial responsibility or exemption affidavit submitted by the license applicant."

Page 1, line 26, after "effect" insert "for the period covered by the license"

H. F. No. 159 which it recommended to pass with the following amendment offered by Rodriguez, C.:

Page 2, line 8, after "include" insert "written"

Page 3, line 15, delete "and"

Page 3, line 17, after "services" insert "; and"

(1) *The procedures for consideration of whether there is a need for a further assessment or of whether there is a need for a review of the adequacy of a current individual education plan of a handicapped pupil who is removed from class'*

H. F. No. 251 which it recommended to pass with the following amendment offered by Rodriguez, F.:

Page 2, line 11, after "(3)" insert "*Unless otherwise provided for by law,*"

H. F. No. 491 which it recommended to pass with the following amendment offered by Otis:

Page 3, line 19, delete "and"

Page 3, line 23, before the period insert "; and"

(d) *agency rules adopted under section 16.085'*

H. F. No. 521 which it recommended to pass with the following amendment offered by Wynia and Voss:

Page 23, line 34, after "form" insert "*must be made orally and provided in writing'*"

Page 23, line 35, delete "must" and strike "be provided"

Page 23, line 36, reinstate the old language and delete the new language

Page 24, line 1, delete "*transaction is completed'*"

H. F. No. 610 which it recommended to pass with the following amendments:

Offered by Rice:

Page 5, line 6, after "exceed" insert "*the yield on the original loan.*" and delete the balance of the line

Page 5, delete line 7

Page 9, line 3, delete "*the maximum rate of*" and insert "*the yield on the original loan.*"

Page 9, delete lines 4 and 5

Offered by Berkelman:

Page 10, line 20, strike "and" and insert "or"

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 call was taken in the Committee of the Whole:

Welker moved to amend S. F. No. 186, the first engrossment, as follows:

Page 1, delete lines 9 to 25, and insert:

"WHEREAS, the present system is not protecting the consumer from rapid price increases and is instead operating to subsidize more expensive imports and uneconomic production of natural gas; and

WHEREAS, utility companies holding old contracts for natural gas at low prices are resisting decontrol because regulations are actually forcing pipelines into paying for high cost gas even when low cost supplies are readily available; and

WHEREAS, the present regulatory system is partially to blame for the continuous and steadily rising price at a time of excess supplies; and

WHEREAS, natural gas decontrol will very likely operate much as crude oil decontrol did two years ago, namely, pushing up prices moderately over a short period, followed by a long-term drop in prices; NOW, THEREFORE,

BE IT RESOLVED by the Legislature of the State of Minnesota that Congress should act to speed up the decontrol of natural gas because it is in the long-term best interest of consumers to do so."

Page 2, delete lines 1 to 9

Amend the title as follows:

Page 1, line 2, delete "freeze"

Page 1, delete lines 3 and 4, and insert "speed up the deregulation of natural gas prices."

The question was taken on the amendment and the roll was called. There were 49 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Evans	Hokr	Piepho	Swiggum
Berkelman	Findlay	Jennings	Quist	Thiede
Bishop	Fjoslien	Johnson	Redalen	Uphus
Blatz	Forsythe	Kvam	Reif	Valan
Burger	Frerichs	Ludeman	Schafer	Valento
Carlson, D.	Gutknecht	Marsh	Schreiber	Waltman
Dempsey	Haukoos	McDonald	Seaberg	Welker
DenOuden	Heinitz	Omann	Shaver	Wigley
Dimler	Himle	Onnen	Sherman	Zaffke
Erickson	Hoberg	Pauly	Stadum	

Those who voted in the negative were:

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

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

MOTIONS AND RESOLUTIONS

Eken moved that H. F. No. 727, now on Technical General Orders, be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Eken moved that House Resolution No. 4 be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Wenzel moved that H. F. No. 639 be recalled from the Committee on Taxes and be re-referred to the Committee on Agriculture. The motion prevailed.

Redalen moved that his name be stricken as an author on H. F. No. 722. The motion prevailed.

Schafer moved that the names of DenOuden and Kvam be added as authors on H. F. No. 738. The motion prevailed.

Beard moved that the name of Sarna be stricken and the name of Solberg be added as second author on H. F. No. 916. The motion prevailed.

Bishop moved that the name of Coleman be stricken and the name of Segal be added as an author on H. F. No. 1017. The motion prevailed.

Segal moved that the name of Norton be stricken and the name of Coleman be added as an author on H. F. No. 1018. The motion prevailed.

Anderson, G., moved that the name of Wenzel be added as an author on H. F. No. 1029. The motion prevailed.

Price moved that the name of Nelson, D., be stricken as an author on H. F. No. 1039. The motion prevailed.

Thiede moved that the name of Wenzel be added as an author on H. F. No. 1111. The motion prevailed.

Brinkman moved that the names of Heinitz and Valento be added as authors on H. F. No. 1127. The motion prevailed.

Riveness moved that the names of Blatz and Himle be added as authors on H. F. No. 1138. The motion prevailed.

Wenzel moved that the names of McEachern, Uphus and Graba be added as authors on H. F. No. 1158. The motion prevailed.

Tomlinson moved that he be shown as chief author, that Nelson, K., be shown as second author and that Olsen be added as an author on H. F. No. 771. The motion prevailed.

Jennings moved that H. F. No. 321 be returned to its author. The motion prevailed.

PROTEST AND DISSENT

A formal statement of protest and dissent is an unusual action and one not to be taken lightly. Unfortunately, the conduct of the closing debate on H. F. No. 89, during the Committee of the Whole, on Monday, April 4, 1983, leaves us with no alternative if we wish to set the official record straight.

Specifically, we must register a formal objection to the conduct of Representative Greenfield, Representative Brandl and Representative Cohen in those closing minutes of debate, and to the Speaker's refusal to recognize us to voice our objection at that time.

The effort by Representative Greenfield, to continue a one-sided harangue on a bill he intended to lay over, showed a remarkable lack of good judgment and, at the very least, seemed to reflect a lack of respect for customary legislative courtesy.

Representative Brandl's use, or rather abuse, of the "point of personal privilege" to carry the argument on, once the bill was laid over, displayed equally poor judgment.

It is, however, the comments of Representative Cohen that particularly need to be addressed in this statement. He is entitled to support or oppose any bill he wishes, for any reason he wishes. He is also obligated, however, to extend that same right to others. He has absolutely no right to question anyone's motives other than his own.

The bill in question is very controversial and many actions, by many people, on both sides of the issue, may have been a cause for concern. That does not, however, give Mr. Cohen, or anyone else, the right to launch the kind of sweeping, vitriolic personal attack we were subjected to on Monday, simply because we disagree.

Such judgments are simply not appropriate in the legislative process and the cause of good government can only be served if all members are allowed to vote their conscience without being subjected to the kind of self-righteous, inflammatory rhetoric that occurred on Monday.

REP. DAVID M. JENNINGS, REP. MARY FORSYTHE and REP. MARCUS MARSH.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, April 11, 1983. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, April 11, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

