

## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## THIRTY-FIFTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 14, 1983

The House of Representatives convened at 2:00 p.m. and was called to order by Ann Wynia, Speaker pro tem.

Prayer was offered by Pastor Marvin Sandness, Christ Lutheran Church, Capitol Hill, St. Paul, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Elioff	Knuth	Pauly	Sherman
Anderson, G.	Ellingson	Kvam	Piepho	Simoneau
Battaglia	Erickson	Larsen	Piper	Skoglund
Begich	Evans	Levi	Price	Solberg
Bennett	Findlay	Long	Quinn	Sparby
Bergstrom	Fjoslien	Ludeman	Quist	Stadum
Berkelman	Forsythe	Mann	Redalen	Sviggum
Bishop	Frerichs	Marsh	Reif	Thiede
Blatz	Graba	McEachern	Rice	Tomlinson
Brandl	Greenfield	Metzen	Rodosovich	Uphus
Brinkman	Gruenes	Munger	Rodriguez, F.	Valan
Burger	Gustafson	Murphy	Rose	Valento
Carlson, D.	Gutknecht	Nelson, D.	St. Onge	Vellenga
Carlson, L.	Haukoos	Nelson, K.	Sarna	Voss
Clark, J.	Heap	Neuenschwander	Schafer	Waltman
Clark, K.	Himle	Norton	Scheid	Welch
Cohen	Jacobs	Ogren	Schoenfeld	Welker
Coleman	Jennings	Olsen	Schreiber	Welle
Dempsey	Johnson	Omann	Seaberg	Wenzel
DenOuden	Kahn	Onnen	Segal	Wigley
Dimler	Kalis	Osthoff	Shaver	Wynia
Eken	Kelly	Otis	Shea	Zaffke

A quorum was present.

Anderson, R.; Beard; Clawson; Halberg; Heinitz; Hoberg; Hoffman; Hokr; Jensen; Knickerbocker; Kostohryz; McDonald; McKasy; Minne; O'Connor; Peterson; Riveness; Rodriguez, C.; Staten; Swanson; Tunheim and Vanasek were excused.

Krueger was excused until 2:40 p.m. and Sieben was excused until 2:35 p.m.

The Chief Clerk proceeded to read the Journals of the preceding days. Kelly 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. 360, 423, 426, 516, 538, 566, 763, 764, 849, 901, 907, 914, 934, 946, 954, 958, 1062, 1079, 1081, 1086, 1107, 1111, 1122, 1161, 259, 500, 636, 798, 928, 933, 950, 959, 1094, 244, 294, 544, 575, 584, 585, 623, 765, 793, 829, 891, 976, 76, 1057, 1067, 1090, 1108, 1147, 1154, 91, 431, 741, 745, 818, 892, 906, 911, 916, 973, 1027 and 1032 and S. F. Nos. 513, 530, 554 and 568 have been placed in the members' files.

S. F. No. 530 and H. F. No. 1086, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Rose moved that S. F. No. 530 be substituted for H. F. No. 1086 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 568 and H. F. No. 976, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Knuth moved that the rules be so far suspended that S. F. No. 568 be substituted for H. F. No. 976 and that the House File be indefinitely postponed. The motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 45, A bill for an act relating to commerce; providing procedures for opening checking accounts; extending civil liability for issuing a worthless check; clarifying conciliation court jurisdiction regarding dishonored checks; modifying procedures to prove issuance of a worthless check; expanding types of worthless checks prohibited; requiring banks to release certain checking account information; increasing penalties for issuing a worthless or forged check; amending Minnesota Statutes 1982, sections 487.30, subdivision 4; 488A.12, subdivision 3; 488A.29, subdivision 3; 609.535, subdivisions 2, 3, 5, 6, 7, and 8, and by adding subdivisions; and 609.625, subdivision 1; proposing new law coded in Minnesota Statutes, chapters 48, 332, and 609.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [48.512] [PROCEDURES FOR OPENING CHECKING ACCOUNTS.]**

*Subdivision 1. [DEFINITIONS.] For the purpose of this section the following terms have the meanings given:*

*(a) "Financial intermediary" means any person doing business in this state who offers transaction accounts to the public.*

*(b) "Transaction account" means a deposit or account established and maintained by a natural person or persons under an individual or business name for personal, household, or business purposes, on which the depositor or account holder is permitted to make withdrawals by negotiable or transferable instruments, payment orders of withdrawal, or other similar device for the purpose of making payments or transfers to third persons or others, including demand deposits or accounts subject to check, draft, negotiable order of withdrawal, share draft, or other similar item. Provided, a transaction account shall not include the deposit or account of a partnership having more than three partners, the personal representative of an estate, the trustee of a trust or a limited partnership.*

*Subd. 2. [REQUIRED INFORMATION.] Before opening or authorizing signatory power over a transaction account, a financial intermediary shall require each applicant to provide the following information on an application document signed by the applicant under the penalties for perjury in section 609.48:*

- (a) full name,*
- (b) birth date,*
- (c) address of residence,*
- (d) address of current employment, if employed,*
- (e) telephone numbers of residence and place of employment, if any,*
- (f) social security number,*

*(g) driver's license or identification card number issued pursuant to section 171.07. If the applicant does not have a driver's license or identification card, the applicant may provide an identification document number issued for identification purposes by any state, federal, or foreign government if the docu-*

ment includes the applicant's photograph, full name, birth date, and signature,

(h) whether the applicant has had a transaction account at the same or another financial intermediary within 12 months immediately preceding the application, and, if so, the account number for each account,

(i) whether the applicant has had a transaction account closed by financial intermediary without the applicant's consent within 12 months immediately preceding the application, and, if so, the reason the account was closed,

(j) whether the applicant has been convicted of a criminal offense involving the use of a check or other similar item within 24 months immediately preceding the application.

A financial intermediary may require an applicant to disclose additional information.

**Subd. 3. [ACCOUNT OPENING DATE.]** All checks, drafts, negotiable orders of withdrawal, share drafts, or other similar items which are drawn against a transaction account after the effective date of this section shall, for a period of not less than 12 months, clearly display on the face thereof the month and year in which the account was opened, if:

(a) the applicant represents on the application document that he has not maintained a transaction account within 12 months immediately preceding the application; or

(b) the applicant represents on the application document that he has had a transaction account closed without his consent within 12 months immediately preceding the application; or

(c) the applicant represents on the application document that he has been convicted of a criminal offense involving the use of a check or other similar item within 24 months immediately preceding the application.

**Subd. 4. [IDENTIFICATION IS REQUIRED.]** A financial intermediary shall not open or authorize signatory power over a transaction account if none of the applicants provides a driver's license, identification card, or identification document as required by subdivision 2. When a minor is the applicant and the minor does not have a driver's license or identification card issued pursuant to section 171.07, the identification requirements of subdivision 2, clause (g) and this subdivision shall be satisfied if the minor's parent or guardian provides the parent's or guardian's own driver's license or identification card issued pursuant to section 171.07 and records the number of this license or identification card on the account application.

*Subd. 5. [NO LIABILITY.] The requirements of this section shall not be construed to impose any liability on financial intermediaries offering transaction accounts nor to limit a financial intermediary's discretion as to whether to grant or deny an application subject to this section.*

### [WORTHLESS CHECK COLLECTIONS]

#### Sec. 2. [332.50] [CIVIL LIABILITY FOR ISSUANCE OF WORTHLESS CHECK.]

*Subdivision 1. [DEFINITIONS.] "Check" means a check, draft, order of withdrawal or similar negotiable or nonnegotiable instrument.*

*"Credit" means an arrangement or understanding with the drawee for the payment of the check.*

*Subd. 2. [ACTS CONSTITUTING.] Whoever issues any check which, at the time of issuance, he intends shall not be paid, is liable to the holder for a civil penalty of \$100 plus the amount of the check, interest at the rate payable on judgments pursuant to section 549.09 on the face amount of the check from the date of dishonor, reasonable attorney fees, and a service charge not exceeding \$15 if written notice of the charges authorized by this subdivision was conspicuously displayed on the premises when the check was issued and a notice of dishonor and a copy of sections 2 and 609.535 are sent to the drawer in compliance with subdivision 3.*

*Subd. 3. [PROOF OF INTENT.] Any of the following is evidence sufficient to establish a rebuttable presumption that the person at the time he issued the check intended it should not be paid:*

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

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

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

*Notice of nonpayment or dishonor and a copy of sections 2 and 609.535 shall be sent by the payee or holder of the check to the drawer by certified mail, return receipt requested, or by*

regular mail, supported by an affidavit of service by mailing, to the address printed or written on the check. The issuance of a check with an address printed or written on it is a representation by the drawer that the address is the correct address for receipt of mail concerning the check. Failure of the drawer to receive a regular or certified mail notice sent to that address is not a defense to liability under this section, nor does it rebut the presumption of intent established by this subdivision.

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

Subd. 4. [PROOF OF LACK OF FUNDS OR CREDIT.] If the check has been protested, the notice of protest thereof is admissible as proof of presentation, nonpayment, and protest, and is evidence sufficient to establish a rebuttable presumption that there was a lack of funds or credit with the drawee.

Subd. 5. [PROOF OF IDENTITY.] The check is prima facie evidence of the identity of the drawer if the person receiving the check:

(a) records the following information about the drawer on the check, unless it is printed on the face of the check:

- (1) full name,
- (2) home or work address,
- (3) home or work telephone number, and
- (4) identification number issued pursuant to section 171.07;

(b) compares the drawer's physical appearance, signature, and the personal information recorded on the check with the drawer's identification card issued pursuant to section 171.07; and

(c) initials the check to indicate compliance with these requirements.

Subd. 6. [EXCEPTION.] Subdivision 3, clause (2) does not apply to a postdated check.

Subd. 7. [DEFENSES.] Any defense otherwise available to the drawer also applies to liability under this section.

Sec. 3. Minnesota Statutes 1982, section 487.30, subdivision 4, is amended to read:

Subd. 4. [JURISDICTION; (WORTHLESS) DISHONORED CHECKS.] The conciliation court has jurisdiction to

determine a civil action commenced by a plaintiff, resident of the county, to recover the amount of a (WORTHLESS) *dishonored* check issued in the county (WITHIN THE MEANING OF SECTION 609.535,) notwithstanding that the defendant or defendants are not residents of the county; provided that the notice of nonpayment or dishonor (REQUIRED BY) *described* in section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check or other order of payment of money may commence a conciliation court action in the county where the (WORTHLESS) *dishonored* check was issued to recover the amount of the check. This subdivision does not apply to a check or other order for payment of money that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this subdivision may be served anywhere within the state of Minnesota. The conciliation court clerk shall attach a copy of the dishonored check or other order for payment of money to the summons before it is issued.

Sec. 4. Minnesota Statutes 1982, section 488A.12, subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1,250. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Hennepin.

(b) Notwithstanding the provisions of clause (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Hennepin county, and the summons in the action may be served anywhere within the state of Minnesota.

(c) Notwithstanding the provisions of clause (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine a civil action commenced by a plaintiff, a resident of Hennepin county, to recover the amount of a (WORTHLESS) *dishonored* check issued in the county (WITHIN THE MEANING OF SECTION 609.535), notwithstanding that the defendant or defendants are not residents of Hennepin county; provided that the notice of nonpayment or dishonor (REQUIRED BY) *described* in section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check or other order of payment of money may commence a conciliation court action in the county where the (WORTHLESS) *dishonored* check was issued to recover the amount of the check. This clause does not apply to a check or other order for payment of money

that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the dishonored check or other order for payment of money to the summons before it is issued.

Sec. 5. Minnesota Statutes 1982, section 488A.29, subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1,250. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) Notwithstanding the provisions of clause (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere in the state of Minnesota.

(c) Notwithstanding the provisions of clause (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine a civil action commenced by a plaintiff, resident of Ramsey county, to recover the amount of a (WORTHLESS) *dishonored* check issued in the county (WITHIN THE MEANING OF SECTION 609.535), notwithstanding that the defendant or defendants are not residents of Ramsey county; provided that the notice of nonpayment or dishonor (REQUIRED BY) *described in* section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check or other order of payment of money may commence a conciliation court action in the county where the (WORTHLESS) *dishonored* check was issued to recover the amount of the check. This clause does not apply to a check or other order for the payment of money that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the dishonored check or other order for payment of money to the summons before it is issued.

Sec. 6. Minnesota Statutes 1982, section 609.535, subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING.] Whoever issues any check or other order for the payment of money which, at the



time of issuance, he intends shall not be paid, is guilty of a (MISDEMEANOR) crime and is punishable as provided in subdivision 10. The court may order the defendant to reimburse the law enforcement agency for the expense of furnishing information under subdivision 6. In addition, restitution may be ordered by the court.

Sec. 7. Minnesota Statutes 1982, section 609.535, subdivision 3, is amended to read:

Subd. 3. [PROOF OF INTENT.] Any of the following is evidence sufficient to (SUSTAIN A FINDING) establish a rebuttable presumption that the person at the time he issued the check or other order for the payment of money, intended it should not be paid:

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

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

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

(4) Where the check is issued for the purchase of personal property, the drawer stops payment on the check without first returning the property to the seller, unless the drawer has a colorable defense to the duty to pay for the property.

Notice of nonpayment or dishonor and a copy of sections 2 and 609.535 shall be sent by the payee or holder of the check to the maker or drawer by certified mail, return receipt requested, or by regular mail, supported by an affidavit of service by mailing, to the address printed or written on the check. (REFUSAL BY THE MAKER OR DRAWER OF THE CHECK TO ACCEPT CERTIFIED MAIL NOTICE OR FAILURE TO CLAIM CERTIFIED OR REGULAR MAIL NOTICE SHALL NOT CONSTITUTE A DEFENSE THAT NOTICE WAS NOT RECEIVED) The issuance by the drawer or maker of a check, draft, or other order for the payment of money with an address printed or written on the instrument at the time of issuance constitutes a representation by the drawer or maker that he has designated that address as the place for receipt of mail concerning that check, draft, or other order. Failure of the drawer or maker to receive a regular or certified mail notice

*sent to that address by the payee or holder shall not constitute a defense to a charge of violating section 609.535 or rebut the presumption of intent established by this subdivision.*

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

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

Sec. 8. Minnesota Statutes 1982, section 609.535, subdivision 5, is amended to read:

Subd. 5. [EXCEPTIONS.] This section does not apply to a postdated check, draft, or other order for the payment of money unless the payee or the payee's employee who received the check, draft, or other order for the payment of money did not know that it was post-dated, or to a check, draft, or other order for the payment of money given for a past consideration, except a payroll check or a check, draft, or other order for the payment of money issued to a fund for employee benefits.

Sec. 9. Minnesota Statutes 1982, section 609.535, subdivision 6, is amended to read:

Subd. 6. [RELEASE OF ACCOUNT INFORMATION TO LAW ENFORCEMENT AUTHORITIES.] A drawee shall not be liable in a civil or criminal proceeding for releasing the information specified below to any state, county, or local law enforcement or prosecuting authority which first certifies in writing that it is investigating or prosecuting a complaint against the drawer under this section or section 609.52, subdivision 2, clause (3)(a), and that 15 days have elapsed since the mailing of the notice required by (SUBDIVISION) subdivisions 3 and 8. This subdivision applies to the following information relating to the drawer's account:

(1) Documents relating to the opening of the account by the drawer;

(2) (CORRESPONDENCE BETWEEN THE DRAWER AND THE DRAWEE RELATING TO THE STATUS OF THE ACCOUNT) *Notices regarding nonsufficient funds, overdrafts, and the dishonor of any instrument drawn on the account within a period of six months of the date of request;*

(3) Periodic statements mailed to the drawer by the drawee for the periods immediately prior to, during, and subsequent to the issuance of any check or other order for the payment of

money which is the subject of the investigation or prosecution; or

(4) The last known home and business addresses and telephone numbers of the drawer.

*The drawee shall release all of the information described in clauses (1) to (4) which it possesses within ten days after receipt of a request conforming to all of the provisions of this subdivision. The drawee may impose a reasonable fee for the cost for furnishing this information to law enforcement or prosecuting authorities, not to exceed 15 cents per page.*

Sec. 10. Minnesota Statutes 1982, section 609.535, subdivision 7, is amended to read:

Subd. 7. [RELEASE OF ACCOUNT INFORMATION TO PAYEE OR HOLDER.] (IF THERE IS A WRITTEN REQUEST TO A DRAWEE FROM A PAYEE OR HOLDER OF A CHECK OR OTHER ORDER FOR THE PAYMENT OF MONEY THAT HAS BEEN DISHONORED OTHER THAN BY A STOP PAYMENT ORDER, WHICH REQUEST IS ACCOMPANIED BY A COPY OF THE DISHONORED CHECK OR OTHER ORDER FOR PAYMENT OF MONEY, THE) A drawee is not liable in a civil or criminal proceeding for releasing the information specified in clauses (1) and (2) to the payee or holder (ANY OF) of a check or other order for the payment of money that has been dishonored who first makes a written request for this information and states in writing that the check or other order for the payment of money has not been honored and that ten business days have elapsed since the mailing of the notice described in subdivision 8 and who accompanies this request with a copy of the dishonored check or other order for the payment of money and a copy of the notice of dishonor.

*The requesting payee or holder shall notify the drawee immediately to cancel this request if payment is made before the drawee has released this information.*

*This subdivision applies to the following information relating to the drawer's account:*

(1) Whether at the time the check or other order for payment of money was issued or presented for payment the drawer had sufficient funds or credit with the drawee, and whether at that time the account was open, closed or restricted for any reason and the date it was closed or restricted; and

(2) The last known home and business addresses and telephone numbers of the drawer.

*The drawee shall release all of the information described in clauses (1) and (2) which it possesses within ten days after receipt of a request conforming to all of the provisions of this subdivision. The drawee may require the person requesting the information to pay the reasonable costs, not to exceed 15 cents per page, of reproducing and mailing the requested information.*

Sec. 11. Minnesota Statutes 1982, section 609.535, subdivision 8, is amended to read:

Subd. 8. [NOTICE.] The provisions of subdivisions 6 and 7 are not applicable unless the notice to the maker or drawer required by subdivision 3 states that if the check or other order for the payment of money is not paid in full within five business days after mailing of the notice, the drawee (MAY) *will be authorized to release information relating to the account to the payee or holder of the check or other order for the payment of money and may also release this information to law enforcement or prosecuting authorities.*

Sec. 12. Minnesota Statutes 1982, section 609.535, is amended by adding a subdivision to read:

Subd. 9. [PROOF OF IDENTITY.] *In any prosecution under this section or section 609.52, subdivision 2, clause (3)(a), the check, draft, or other order for the payment of money is prima facie evidence of the identity of the drawer of a check, draft, or order if the person receiving the check, draft, or order:*

*(a) records the following information about the drawer on the check, unless it is printed on the face of the check, draft, or other order:*

*(1) full name,*

*(2) home or work address,*

*(3) home or work telephone number, and*

*(4) identification number issued pursuant to section 171.07;*

*(b) compares the drawer's physical appearance, signature, and the personal information recorded on the check, draft, or other order with the drawer's identification card issued pursuant to section 171.07; and*

*(c) initials the check to indicate compliance with these requirements.*

Sec. 13. Minnesota Statutes 1982, section 609.535, is amended by adding a subdivision to read:

*Subd. 10. [PENALTIES.] Whoever violates subdivision 2 may be sentenced as follows:*

*(1) to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if the aggregate amount of the checks, drafts, or other orders exceeds \$2,500; or*

*(2) to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, if the aggregate amount of the checks, drafts, or other orders exceeds \$150 but is not more than \$2,500; or*

*(3) to imprisonment for not more than 90 days or to payment of a fine of not more than \$500, or both, if the aggregate amount of the checks, drafts, or other orders is \$150 or less.*

*The amount of any checks, drafts, or other orders for the payment of money issued by the defendant in violation of subdivision 2 within any six-month period may be aggregated and the defendant charged and punished accordingly in applying the provisions of this subdivision; and when two or more violations of subdivision 2 are committed by the same person in two or more counties, the defendant may be prosecuted in any county in which one of the offenses was committed and his checks, drafts, or other orders for the payment of money may be aggregated pursuant to this subdivision. The election to aggregate checks, drafts, or other orders for the payment of money within any six-month period and to charge the defendant accordingly under this section shall not bar any prosecution of the defendant on nonaggregated checks, drafts, or other orders for the payment of money issued by the defendant during that same six-month period.*

*Sec. 14. Minnesota Statutes 1982, section 609.625, subdivision 1, is amended to read:*

**609.625 [AGGRAVATED FORGERY.]**

*Subdivision 1. [MAKING OR ALTERING WRITING OR OBJECT.] Whoever, with intent to defraud, falsely makes or alters a writing or object of any of the following kinds so that it purports to have been made by another or by himself under an assumed or fictitious name, or at another time, or with different provisions, or by authority of one who did not give such authority, is guilty of aggravated forgery and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both*

*(1) A writing or object other than a check, draft, or other order for the payment of money whereby, when genuine, legal rights, privileges, or obligations are created, terminated, trans-*

ferred, or evidenced, or any writing normally relied upon as evidence of debt or property rights; or

(2) An official seal or the seal of a corporation; or

(3) A public record or an official authentication or certification of a copy thereof; or

(4) An official return or certificate entitled to be received as evidence of its contents; or

(5) A court order, judgment, decree, or process; or

(6) The records or accounts of a public body, office, or officer; or

(7) The records or accounts of a bank or person, with whom funds of the state or any of its agencies or subdivisions are deposited or entrusted, relating to such funds.

Sec. 15. [609.636] [CHECK FORGERY.]

*Subdivision 1. [CHECK FORGERY; ELEMENTS.] Whoever, with intent to defraud, falsely makes or alters a check, draft, or other order for the payment of money so that it purports to have been made by another or by himself under an assumed or fictitious name, or at another time, or with different provisions, or by the authority of one who did not give such authority, is guilty of check forgery and may be sentenced as provided in subdivision 2.*

*Subd. 2. [PENALTIES.] Whoever violates this section is punishable as follows:*

*(a) if the aggregate face amounts of the checks, drafts, or other orders forged by the defendant is more than \$2,500, to imprisonment for not more than 15 years or to payment of a fine of not more than \$15,000, or both; or*

*(b) if the aggregate face amounts of the checks, drafts, or other orders forged by the defendant is more than \$150 but does not exceed \$2,500, to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both; or*

*(c) if the aggregate face amounts of the checks, drafts, or other orders forged by the defendant is \$150 or less, to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.*

*In any prosecution under this section, the amount of any checks, drafts, or other orders for the payment of money falsely*

*made or altered by the defendant in violation of subdivision 1 within any six-month period may be aggregated and the defendant charged and punished accordingly in applying the provisions of this subdivision; and when two or more violations of subdivision 1 are committed by the same person in two or more counties, the defendant may be prosecuted in any county in which one of the offenses was committed, and his checks, drafts, or other orders for the payment of money may be aggregated pursuant to this subdivision. The election to aggregate checks, drafts, or other orders for the payment of money within any six-month period and to charge the defendant accordingly under this section shall not bar any prosecution of the defendant on nonaggregated checks, drafts, or other orders for the payment of money falsely made or altered by the defendant during that six-month period.*

**Sec. 16. [609.637] [OBTAINING SIGNATURE ON CHECK BY FALSE PRETENSE.]**

*Whoever, by false pretense, obtains the signature of another to a check, draft, or other order for the payment of money may be punished as though the check, draft, or other order was a forgery under section 15."*

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. 300, A bill for an act relating to energy; creating the Minnesota conservation partnership; establishing a program of loans and financial assistance for households and municipalities; authorizing the issuance of bonds; appropriating money; proposing new law coded in Minnesota Statutes, chapter 4; repealing Minnesota Statutes 1982, section 3.351.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [TRANSFER OF CERTAIN POWERS RELATING TO ENERGY FROM THE DEPARTMENT OF ENERGY, PLANNING AND DEVELOPMENT TO THE MINNESOTA DEPARTMENT OF ENERGY.]**

*Subdivision 1. [AUTHORIZATION.] The Minnesota department of energy is the successor to the department of energy, planning and development in the administration of certain laws related to energy. The department is a continuation of the former authority and not a new authority for the purpose of*

*succession to the rights, powers, duties, and obligations of the department of energy, planning and development relating to energy as they were constituted immediately prior to the effective date of this act.*

*Subd. 2. [EFFECT OF RULES TRANSFERRED.] All rules previously adopted under the authority of a power, duty, or responsibility transferred by this act to the department of energy remain in force until modified or repealed in accordance with law by the department of energy.*

*Subd. 3. [EFFECT OF PENDING PROCEEDINGS.] Any proceeding, court action, prosecution, or other business or matter pending on the effective date of this act and undertaken or commenced by the department of energy, planning and development under the authority of any power, duty, or responsibility transferred by this act to the department of energy may be conducted and completed by the department of energy in the same manner, under the same terms and conditions, and with the same effect as though no transfer were made.*

*Subd. 4. [TRANSFER OF CUSTODY OF DOCUMENTS.] Every individual responsible under law for administration of any function transferred by this act to the department of energy shall, upon request by the department of energy or by any of its designated employees, transfer custody of all books, maps, plans, papers, records, contracts, and other documents relating to the transferred function and necessary or convenient for the proper discharge of the agency's new duties. The transfer shall be made in accordance with the directions of the department of energy or its designated representative.*

*Subd. 5. [APPROPRIATIONS.] All unexpended and unencumbered funds appropriated to the department of energy, planning and development for the purpose of performing any of the functions, powers, or duties which are transferred by this act are transferred to the department receiving those functions, powers, or duties.*

*Subd. 6. [PERSONNEL.] The positions associated with the responsibilities being transferred are abolished in the department of energy, planning and development. The approved staff complement for that agency is decreased accordingly. The employees who filled the positions abolished in the department of energy, planning and development become employees of the agencies to which the duties are transferred. Personnel changes are effective on the date of transfer of responsibilities.*

*Subd. 7. [EFFECT OF TRANSFER.] Nothing in this act relating to transfer of employees from one state agency to another shall be construed to abrogate or modify rights now enjoyed by affected employees under collective bargaining agree-*



*ments between the state and an exclusive representative of state employees.*

**Sec. 2. [116H.41] [CREATION OF DEPARTMENT.]**

*There is created in the executive branch the Minnesota department of energy. The department shall be under the supervision of a commissioner who shall organize the department. The commissioner shall be appointed by the governor under section 15.06. The commissioner may appoint a deputy commissioner and a personal secretary to serve at his pleasure. The commissioner and his deputy and his personal secretary shall serve in the unclassified service and shall be members of the Minnesota state retirement system. The department shall be responsible for the administration of the laws contained in chapter 116H and for the performance of other duties assigned to it.*

**Sec. 3. [116H.42] [ENERGY COORDINATION BOARD.]**

*Subdivision 1. [CREATION.] There is created an energy coordination board. The board shall be composed of the commissioner of the department of energy as chairperson and the heads of the following agencies:*

*(1) economic development function of the department of energy, planning and development or the successor agency which assumes those functions;*

*(2) housing finance agency;*

*(3) administration department;*

*(4) public service department;*

*(5) agricultural department;*

*(6) natural resources department;*

*(7) statewide planning function of the department of energy, planning and development or the successor agency which assumes those functions;*

*(8) public utilities commission;*

*(9) education department.*

*Subd. 2. [POWERS AND DUTIES.] The energy coordination board shall serve as the chief advisory board to the governor on coordinating energy activities within state government. It shall assist in the development of policies, plans, and programs*

*for improving the coordination, administration, and effectiveness of energy activities.*

*The energy coordination board shall oversee and direct the activities of the intervention office created in section 4.*

**Sec. 4. [116H.425] [INTERVENTION OFFICE.]**

*There is created under the energy coordination board created by section 3 an intervention office to carry out intervention activities before federal and other energy regulatory agencies outside of the state. The office shall be staffed as the need arises by appropriate employees of the departments and agencies represented on the energy coordination board. Policies and functions of the intervention office shall be carried out under the direction of the commissioner of energy.*

**Sec. 5. [116H.50] [COORDINATION OF FEDERAL AND STATE RESIDENTIAL WEATHERIZATION PROGRAMS.]**

**Subdivision 1. [TRANSFER OF RESIDENTIAL WEATHERIZATION AUTHORIZATION.]** *Effective July 1, 1984, all powers, responsibilities and authorities for weatherizing the residences of low-income persons with money made available to the state by federal law and any other federal or state money made available for employment in weatherization programs are transferred from the department of economic security to the department of energy as provided in section 15.039.*

*Between the effective date of this act and July 1, 1984, the commissioner of economic security and the commissioner of energy shall prepare for an orderly transition of powers and authorities relating to the low-income weatherization program.*

**Sec. 6. [DEFINITIONS.]**

**Subdivision 1.** *For purposes of sections 2 to 16 the terms defined in this section have the meanings ascribed to them unless the context in which they are used clearly indicates otherwise.*

**Subd. 2. "Board"** *means the Minnesota energy coordination board established in section 3.*

**Subd. 3. "Commissioner"** *means the commissioner of the department of energy.*

**Subd. 4. "Department"** *means the department of energy established by this act.*

**Subd. 5. "Authority"** *means the Minnesota energy authority created in section 7.*

Subd. 6. "Person" includes an individual, firm, partnership, corporation, or association.

Subd. 7. "Conservation" means a product or system designed to reduce the amount of energy needed for an energy-consuming activity or process. Conservation includes but is not limited to thermal insulation and air infiltration control in buildings, products or methods that reduce energy consumption for transportation or soil tillage practices, improvements in combustion efficiency or heat transfer efficiency in boilers, furnaces or direct-fired process heaters, and changes to industrial production equipment that result in lower energy use per unit of output.

Subd. 8. "Municipality" means a city, town, county, school district, special taxing district, or a municipal power agency governed by chapter 453, or a group or combination of those units operating under an agreement to jointly undertake projects authorized by this act.

Subd. 9. "Alternative energy source" means a source of energy available from indigenous Minnesota resources including but not limited to peat, biomass, solar energy, wind, municipal wastes, agricultural or forestry wastes, hydro-power, and agricultural crops suitable for conversion to an energy fuel.

Subd. 10. "Renewable energy source" means a source of energy occurring in Minnesota which, when consumed for energy purposes, is replaced within a matter of days, months, or years by new or additional supplies of the energy source. Renewable energy sources include, but are not limited to, forestry products and forest harvest residues, solar energy, wind energy, water-power, and agricultural wastes.

Subd. 11. "Energy recovery" means the extraction of energy from materials, components or processes which would normally represent wasted energy resources. Municipal solid wastes, volatile sewer gases, and power plant waste heat, among others, offer the potential for energy recovery.

## Sec. 7. [116H.76] [ENERGY AUTHORITY.]

Subdivision 1. [CREATION.] There is created as an independent agency in the executive branch a duly constituted authority of the state called the Minnesota energy authority which shall perform the functions and duties authorized in sections 8 to 12. Principal responsibilities of the authority shall include evaluation of energy related projects proposed by persons and municipalities of the state and assistance to proposers for accomplishing those projects deemed technically worthy and fiscally sound.

Subd. 2. [MEMBERSHIP.] The authority shall be composed of the commissioner of energy, the commissioner of fi-

nance, the director of the housing finance agency, and 12 public members appointed by the governor with advice and consent of the senate. At least four of the public members shall be experienced in the extension of credit to borrowers or possess other financial expertise useful to programs operated by the authority. Other members shall have demonstrated interest and expertise in energy conservation or resource development and may be selected from groups representing small business, labor, education, farming or agribusiness, and residential renters. The governor shall designate a chairperson of the authority from among its members.

*Membership terms, compensation, and removal of members and filling of vacancies shall be as provided in section 15.0575.*

*Subd. 3. [CONFLICT OF INTEREST.] No member or employee of the authority shall participate in any manner in any decision or action of the authority where he has a direct or indirect conflict. Each member of the authority shall file a statement of economic interest with the board of ethical practices as provided in section 10A.09.*

*Subd. 4. [STAFFING.] The commissioner of energy shall appoint an executive director and shall hire other employees as needed to carry out the duties of the authority. The executive director shall be in the unclassified service. The authority may contract, through the commissioner, with the housing finance agency or other public or private providers of finance expertise for professional services that relate to financial management. Authority for interagency service contracts for financial management expertise shall expire June 30, 1985.*

*Subd. 5. The management and control of the authority shall be vested solely in the members in accordance with provisions of this act.*

*Subd. 6. All powers and duties of the authority shall be vested in the members in office from time to time and a majority of the members of the authority constitutes a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies. Action may be taken by the authority upon a vote of a majority of the members present.*

*Subd. 7. The members and officers of the authority shall not be liable personally, either jointly or severally, for any debt or obligation created or incurred by the authority.*

**Sec. 8. [SPECIFIC POWERS AND DUTIES OF THE AUTHORITY.]**

*Subdivision 1. The authority shall perform, direct, or closely oversee the functions and programs delegated to it by sections*

7 to 12. In order to accomplish these activities the authority may request that staff be loaned by existing state agencies, or contract for services from public or private sources.

The powers and authorities granted to the authority shall be broadly interpreted to facilitate innovative leadership in all areas of energy including policy setting, goal definition, strategic planning, conservation, development of renewable and alternative energy sources, energy recovery, and monitoring.

Subd. 2. The authority shall assume an active role in a campaign for energy efficiency. The authority shall actively promote public awareness of the potentials and benefits of energy efficiency.

Subd. 3. The authority shall perform market analysis studies relating to conservation, alternative and renewable energy sources, and energy recovery.

Subd. 4. The authority shall assure that programs under its control and direction make accommodation wherever possible for job creation and the needs of low income families and persons.

Subd. 5. The authority shall be responsible for establishing energy efficiency goals for the state. These goals shall include all sectors of the state's economy including public, residential, business, and transportation. The authority shall monitor progress toward accomplishing energy efficiency goals set for the state.

Subd. 6. The authority shall maintain oversight of energy legislation and programs authorized by the legislature. The authority shall annually, not later than February 1, report to the governor and the legislature on the effectiveness and efficiency of these programs.

Subd. 7. The authority shall operate a program of loan guarantees for commercial projects as specified in section 9.

Subd. 8. The authority shall operate a revenue bonding program for commercial projects as specified in section 10.

Subd. 9. The authority shall issue revenue bonds in its own name for purposes of the program authorized in subdivision 8 and section 10.

Subd. 10. The authority shall operate a program of loans to municipalities for capital expenses relating to energy conservation, recovery, or development as specified in section 11.

*Subd. 11. The authority shall issue loans to municipalities from funds generated by the sale of general obligation bonds issued by the commissioner of finance.*

*Subd. 12. The authority shall administer the district heating loan program established in section 116J.36 on behalf of the commissioner.*

*Subd. 13. The authority shall promulgate rules and temporary rules to operate the loan programs and loan guarantee program authorized in subdivisions 7 to 11.*

*Subd. 14. The authority shall provide direct assistance to businesses that plan to begin or expand their operations into the area of energy. The assistance shall include:*

*(a) providing data currently collected by the state that relates to resources, markets, economics, demographics, loans, and business planning;*

*(b) performing a limited technical review of prototypes or processes;*

*(c) conducting a limited number of feasibility studies to assist business development;*

*(d) conducting workshops, seminars, and other educational opportunities that relate to starting energy businesses or specific technical subjects, when appropriate, working in cooperation with the department of education and appropriate educational institutions in the state; and*

*(e) sharing information or networking among energy developers by use of newsletters, conferences, or the like.*

*Subd. 15. The authority shall operate, on behalf of the commissioner, the program of energy improvement loans to schools created by the concepts embedded in an act styled as H. F. No. 549 on March 28, 1983. Any appropriation made in furtherance of that program, and any specific authorities or responsibilities attendant to the program, are appropriated to and shall be exercised by the authority.*

*Subd. 16. The authority may provide general technical assistance to project applicants to assure the preparation of complete, fully descriptive proposals for projects.*

*Subd. 17. The authority may seek out and assist with the preparation of proposals for innovative conservation, renewable, alternative, or energy recovery projects.*

Subd. 18. The authority may engage or assist in the development and operation of conservation or alternative or renewable energy system equipment. This includes development and operation of projects for which assistance is provided by the federal government or another funding source.

Subd. 19. The authority may manage and dispense funds made available to it for the purpose of research studies or demonstration projects related to energy conservation or other activities deemed appropriate by the authority.

Subd. 20. The authority may accept appropriations, gifts, grants, bequests, and devises and utilize or dispose of the same to carry out any provisions of sections 2 to 16. All gifts, grants, bequests, and revenues from other such sources are hereby appropriated to the authority for purposes of this act.

## Sec. 9. [ENERGY LOAN GUARANTY PROGRAM.]

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

(a) "Fund" means the energy loan guaranty fund created by subdivision 2.

(b) "Lender" means any state or federally chartered bank, credit union, savings bank, savings and loan association, savings association, trust company or a lender certified by the secretary of housing and urban development or the administrator of veterans affairs or approved or certified by the administrator of the farmers home administration.

(c) "Loan" means a loan or advance of credit, secured by a mortgage, to a borrower for purposes specified by authority rule.

(d) "Mortgage" means (1) a second mortgage on the real property on which the capital improvements are to be made or a first mortgage on the property, if there is no outstanding mortgage on the property at the time the loan is made, and (2) any security interest, under sections 336.9-101 to 336.9-508, in personal property or fixtures acquired with the proceeds of an insured loan, which the authority may require by rule.

(e) "Qualified energy project" means acquiring, installing or constructing any conservation, renewable energy, alternative energy or other capital improvements for use in a trade or business and as provided by authority rule.

Subd. 2. [ENERGY LOAN GUARANTY FUND.] An energy loan guaranty fund is created. The fund shall be used by the authority as a revolving fund for carrying out the provisions

of this section with respect to loans insured under subdivision 3.

**Subd. 3. [INSURANCE OF LOANS.] (a) [AUTHORIZATION.]** *The authority is authorized, upon application by a lender, to insure any eligible loan as provided in this section; and under terms as the authority may prescribe by rule, to make commitments for the insuring of loans prior to the date of their execution or disbursement.*

**(b) [ELIGIBILITY REQUIREMENTS.]** *To be eligible for insurance under this section:*

**(1)** *The proceeds of the loan shall be used solely for the purpose of financing a qualified energy project.*

**(2)** *The loan agreement shall have a maturity satisfactory to the authority, but not to exceed 20 years unless the loan is made in connection with financing for the purchase or construction of the building, in which case the maturity shall not exceed the maturity of the loan financing or 20 years, whichever is less.*

**(3)** *The loan agreement shall contain complete amortization provisions satisfactory to the authority requiring periodic payments by the borrower not in excess of his reasonable ability to pay as determined by the authority.*

**(4)** *The loan agreement shall contain such terms and provisions with respect to insurance, repairs, alterations, payment of taxes, foreclosure proceedings, acceleration of maturity, delinquency charges and any other matters as the authority may prescribe.*

**(5)** *The loan shall be secured by a mortgage which has priority over any other liens against the property, except a contract for deed or first mortgage securing a loan, the proceeds of which were used to acquire or construct the property.*

**(c) [CONCLUSIVE EVIDENCE OF INSURABILITY.]** *Any contract of insurance executed by the authority under this section shall be conclusive evidence of the eligibility of the loan for insurance, and the validity of any contract of insurance properly executed and in the hands of any approved lender shall not be contestable, except for fraud or misrepresentation on the part of the lender.*

**(d) [PREMIUMS.]** *The authority is authorized to fix premium charges not to exceed one-half of one percent of the original principal amount of the loan for the insurance of the loan under this section.*



(e) [PROCEDURES UPON DEFAULT.] *The failure of the borrower to make any payment as provided by any loan agreement insured under this section shall be considered a default under the loan. If the default continues for a period of 30 days, the lender shall be entitled to receive the benefits of the insurance upon assignment, transfer, and delivery to the authority, within 120 days of the default, of the following:*

(1) *all rights and interest arising under the loan, mortgage, and any other security interests securing the loan;*

(2) *all claims of the lender against the borrower or others, arising out of the mortgage transactions;*

(3) *all policies of insurance, surety bonds or other guarantees and any claims thereunder;*

(4) *any balance of the loan not advanced to the borrower;*

(5) *any cash or property held by the lender, or to which it is entitled, including deposits made to the account of the borrower which have not been applied in reduction of the principal of the loan indebtedness; and*

(6) *all records, documents, books, papers, and accounts relating to the loan transaction.*

*Alternatively, the lender may in the event of default under the loan, in accordance with rules of and within a period to be determined by the authority, obtain possession of the property, through foreclosure or otherwise, and receive the benefits of the insurance as provided in paragraph (f) upon:*

(1) *prompt conveyance to the authority of title to the property, as provided in rules promulgated by the authority, and*

(2) *assignment to the authority of all claims of the lender against the borrower or others, arising out of the loan transaction or foreclosure, except claims which have been released with the consent of the authority.*

(f) [PAYMENT OF INSURANCE.] *Upon the lender's compliance with the requirements provided in or established under paragraph (e) the partnership shall pay to the lender an amount equal to the outstanding unpaid principal indebtedness at the time of default less ten percent, or such greater amount as the authority may have stipulated when insuring the loan, plus interest from the date of default.*

Subd. 4. [INVESTMENT INTEREST.] *All interest and profits accruing from investment of the fund's money shall be credited to and be a part of the fund, and any loss incurred in the*

*principal of the investments of the fund shall be borne by the fund.*

**Subd. 5. [MAXIMUM AUTHORIZED INSURANCE.]** *The authority may not at any time issue insurance under this section aggregating in excess of an amount equal to the current balance contained in the fund multiplied by ten.*

**Sec. 10. [REVENUE BOND PROGRAM.]**

**Subdivision 1. [AUTHORITY TO MAKE LOANS.]** *The authority may make loans to individuals, partnerships, corporations, or other entities for the financing of capital improvements to be used in connection with a trade or business if the principal purpose of improvement is energy conservation or to reduce the usage of conventional fuels as a source of energy, as provided by the authority's rules.*

**Subd. 2. [BONDING AUTHORITY.]** *The authority may borrow money and may issue bonds, notes, or other obligations as evidence of the borrowing in accordance with sections 462A.08 to 462A.13, 462A.16 and 462A.17, all with the force and effect stated and the incidental powers granted and duties imposed in those sections. A revenue bond issued pursuant to this section shall be signed by the governor or the governor's designee after his review to assure that the bond is in the public interest. The authority may sell any of its obligations at public or private sale, at the price or prices as the authority determines are appropriate, notwithstanding the limitations on sale price in section 462A.09.*

**Subd. 3. [LIMITATIONS ON OBLIGATIONS.]** *Neither the state nor any agency or political subdivision of the state shall be liable on bonds, notes, or other obligations issued by the authority. No bond, note, or other obligation of the authority shall constitute a debt or loan of the credit of the state or any political subdivision or any individual member of the authority. Notwithstanding the provisions of section 462A.08, subdivision 3, the bonds, notes, and other obligations issued by the authority shall be payable solely from the revenues and other moneys derived from the operation of the program authorized by this section.*

**Subd. 4. [RESERVE FUND.]** *A general reserve fund is created and is eligible to receive appropriations. The authority may irrevocably pledge and appropriate all or a segregated portion of the reserve fund to make principal and interest payments when due on all or one or more series of its obligations for which other funds are not available, pursuant to the terms and conditions the authority shall prescribe. Unless the reserve fund has been pledged and appropriated to secure the obligations, the reserve fund shall not be available to make principal or interest*

payments on the obligations. The authority may not issue obligations secured by the reserve fund if the sum of the obligations to be issued and the outstanding obligations secured by the reserve fund or the segregated portion of the fund exceed the amount on deposit in the fund or segregated portion multiplied by ten.

**Subd. 5. [LOAN PAYMENTS; FEES.]** The authority may impose and collect interest and amortization payments on loans, may authorize the collection of fees and charges, and may require funds to be placed in escrow. The payments, fees, charges and amounts placed in escrow shall be sufficient to provide for the payment and security of the obligations issued and for their servicing, to provide for insurance against losses, and to cover the cost of issuance of the obligations and technical, consultative and other assistance services.

**Subd. 6. [INVESTMENT INCOME.]** All interest and profits accruing from investment of the reserve fund's moneys shall be credited to and be part of the reserve fund, and any loss incurred in the investment of the reserve fund shall be borne by the fund. The assets of the reserve fund shall be invested only in direct obligations of the United States or in insured depository accounts up to the amount of the insurance, in any institution insured by an agency of the United States government.

**Subd. 7. [ADDITIONAL POWERS.]** In addition to the powers specifically enumerated, the authority shall have any corporate powers necessary to effectuate or appropriate to the efficient implementation and operation of the revenue bond loan program authorized by this section, except to the extent explicitly limited by this section.

## **Sec. 11. [LOANS TO MUNICIPALITIES.]**

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

(a) "Municipality" means a statutory or home rule charter city, county, township, school district or other political subdivision with ad valorem taxing authority.

(b) "Qualified improvements" means improvements to public land, buildings or other capital improvements undertaken by a municipality for the principal purpose of energy conservation or to reduce usage of conventional energy sources, as provided by rules adopted by the authority.

**Subd. 2. [AUTHORITY TO MAKE LOANS.]** The authority may make loans to municipalities to finance the acquisition or construction of qualified improvements, including interest costs incurred during the first three years after the loan is made.

*Subd. 3. [APPLICATIONS.] Application for a loan pursuant to this section shall be made by the municipality to the authority. The authority shall establish the procedures, form, and required contents of the applications.*

*Subd. 4. [MUNICIPAL OBLIGATION.] The authority shall not make a loan until it has entered into an irrevocable agreement with the municipality providing that the municipality shall make payments equal to the principal and interest payments on the state bonds at the times transfers are required to be made pursuant to sections 16A.64 and 16A.65. The agreement shall obligate the municipality to levy an ad valorem property tax equal to the amounts necessary to make the payments. The amount required to be levied may be reduced by any other available amounts contained in a special fund dedicated to payment of the loan obligation.*

*Subd. 5. [RECEIPTS.] The principal and interest payments received by the authority in repayment of the loans authorized by this section shall be deposited in the state treasury and credited to the state bond fund and are appropriated to the commissioner of finance for the purpose of that fund.*

**Sec. 12. [ . . . . ] [GENERAL POWERS OF THE AUTHORITY.]**

*Subdivision 1. For the purpose of exercising the specific powers granted in sections 8 to 11 and effectuating the other purposes of this act, the authority shall have the general powers granted in this section.*

*Subd. 2. It may sue and be sued.*

*Subd. 3. It may have a seal and alter the same at will.*

*Subd. 4. It may make, and from time to time, amend and repeal rules and temporary rules not inconsistent with the provisions of this act.*

*Subd. 5. It may acquire, hold and dispose of personal property for its corporate purposes.*

*Subd. 6. It may enter into agreements or other transactions with any federal or state agency, any person and any domestic or foreign partnership, corporation, association or organization.*

*Subd. 7. It may acquire real property, or an interest therein, in its own name, by purchase or foreclosure, where such acquisition is necessary or appropriate to protect any loan in which the authority has an interest and may sell, transfer and convey any such property to a buyer and, in the event such sale, transfer*

*or conveyance cannot be effected with reasonable promptness or at a reasonable price, may lease such property to a tenant.*

*Subd. 8. It may procure insurance against any loss in connection with its property in such amounts, and from such insurers, as may be necessary or desirable.*

*Subd. 9. It may consent, whenever it deems it necessary or desirable in the fulfillment of its corporate purpose, to the modification of the rate of interest, time of payment or any installment of principal or interest, or any other term, of any loan, loan commitment, contract or agreement of any kind to which the authority is a party.*

Sec. 13. [ . . . . . ] [FINANCIAL INFORMATION.]

*Financial information, including but not limited to credit reports, financial statements and net worth calculations, received or prepared by the agency regarding any authority loan or loan guarantee is private data on individuals, pursuant to section 13.02, subdivision 12.*

Sec. 14. Minnesota Statutes 1982, section 116C.03, subdivision 2, is amended to read:

Subd. 2. The board shall include as permanent members the commissioner of the department of energy, planning and development, the director of the pollution control agency, the commissioner of natural resources, the commissioner of agriculture, *the commissioner of energy*, the commissioner of health, the commissioner of transportation, and a representative of the governor's office designated by the governor. The governor shall appoint five members from the general public to the board, subject to the advice and consent of the senate.

Sec. 15. Minnesota Statutes 1982, section 116J.03, subdivision 1, is amended to read:

Subdivision 1. [SCOPE.] As used in sections (116J.05 TO 116J.35;) 116J.41 to 116J.54; 116J.58 to 116J.91; 299A.03; and 299A.04, the terms defined in this section have the meaning given them.

Sec. 16.

*As used in sections 2 to 18, the term "commissioner" means the commissioner of the department of energy.*

Sec. 17. Minnesota Statutes 1982, section 116J.09, is amended to read:

116J.09 [DUTIES.]

The commissioner shall:

(a) Manage the department as the central repository within the state government for the collection of data on energy;

(b) Prepare and adopt an emergency allocation plan specifying actions to be taken in the event of an impending serious shortage of energy, or a threat to public health, safety, or welfare;

(c) Undertake a continuing assessment of trends in the consumption of all forms of energy and analyze the social, economic, and environmental consequences of these trends;

(d) Carry out energy conservation measures as specified by the legislature and recommend to the governor and the legislature additional energy policies and conservation measures as required to meet the objectives of sections 116J.05 to 116J.30;

(e) Collect and analyze data relating to present and future demands and resources for all sources of energy, and specify energy needs for the state and various service areas as a basis for planning large energy facilities;

(f) (REQUIRE CERTIFICATE OF NEED FOR CONSTRUCTION OF LARGE ENERGY FACILITIES) *Effective July 1, 1984, administer federal and state residential weatherization programs, except programs specifically delegated to and operated by the housing finance agency under chapter 462A. Between the effective date of this act and July 1, 1984, the commissioner of economic security and the commissioner of energy shall prepare for an orderly transition of powers and authorities relating to the low-income weatherization program;*

(g) Evaluate policies governing the establishment of rates and prices for energy as related to energy conservation, and other goals and policies of sections 116J.05 to 116J.30, and make recommendations for changes in energy pricing policies and rate schedules;

(h) Study the impact and relationship of the state energy policies to international, national, and regional energy policies;

(i) Design and implement a state program for the conservation of energy; this program shall include but not be limited to, general commercial, industrial, and residential, and transportation areas; such program shall also provide for the evaluation of energy systems as they relate to lighting, heating, refrigeration, air conditioning, building design and operation, and appliance manufacturing and operation;

(j) Inform and educate the public about the sources and uses of energy and the ways in which persons can conserve energy;

(k) Dispense funds made available for the purpose of research studies and projects of professional and civic orientation, which are related to either energy conservation or the development of alternative energy technologies which conserve nonrenewable energy resources while creating minimum environmental impact;

(l) Charge other governmental departments and agencies involved in energy related activities with specific information gathering goals and require that those goals be met;

*(m) Effective July 1, 1984, administer for the state, energy programs pursuant to federal law, regulations, or guidelines, including the crisis fuel assistance program, and coordinate the programs and activities with other state agencies, units of local government, and educational institutions. Between the effective date of this act and July 1, 1984, the commissioner of economic security and the commissioner of energy shall prepare for an orderly transition of powers and authorities relating to the crisis fuel assistance program and related programs;*

(n) Serve as a member of the environmental quality board;

(o) Serve as chairperson of the energy coordination board;

(p) Serve as executive director and member of the energy authority.

Sec. 18. Minnesota Statutes 1982, section 116J.10, is amended to read:

#### 116J.10 [POWERS.]

The commissioner may:

(a) Adopt rules pursuant to chapter 14 as necessary to carry out the purposes of sections 116J.05 to 116J.30 and, when necessary for the purposes of section 116J.15, adopt temporary rules pursuant to sections 14.29 to 14.36;

(b) Make all contracts pursuant to sections 116J.05 to 116J.30 and do all things necessary to cooperate with the United States government, and to qualify for, accept and disburse any grant intended for the administration of sections 116J.05 to 116J.30. Notwithstanding (ANY) other law the commissioner is designated the state agent to apply for, receive and accept federal or other funds made available to the state for the purposes of sections 116J.05 to 116J.30.

(c) Contract for professional services if such work or services cannot be satisfactorily performed by employees of the department or by any other state agency;

(d) Enter into interstate compacts to jointly carry out such research and planning with other states or the federal government where appropriate;

(e) Distribute informational material at no cost to the public upon reasonable request;

(f) Provide on-site technical assistance to units of local government (IN ORDER) to enhance local capabilities for dealing with energy problems;

(g) (ADMINISTER FOR THE STATE, ENERGY PROGRAMS PURSUANT TO FEDERAL LAW, REGULATIONS OR GUIDELINES, EXCEPT FOR THE CRISIS FUEL ASSISTANCE AND LOW INCOME WEATHERIZATION PROGRAMS ADMINISTERED BY THE DEPARTMENT OF ECONOMIC SECURITY, AND COORDINATE THE PROGRAMS AND ACTIVITIES WITH OTHER STATE AGENCIES, UNITS OF LOCAL GOVERNMENT AND EDUCATIONAL INSTITUTIONS) *Intervene in certificate of need proceedings.*

Sec. 19. Minnesota Statutes 1982, section 216B.16, is amended by adding a subdivision to read:

*Subd. 12. [INTERVENOR PAYMENT.] The commission may order a utility to pay all or a portion of a party's intervention costs in any proceeding when the commission finds that the intervenor has materially assisted the commission's deliberation and the intervenor has insufficient financial resources to afford the costs of intervention.*

Sec. 20. [116H.55] [CERTIFICATE OF NEED.]

*Subdivision 1. [ASSESSMENT OF NEED CRITERIA.] The commissioner of energy shall, pursuant to chapter 14 and sections 116J.05 to 116J.30, adopt assessment of need criteria to be used in the determination of need for large energy facilities pursuant to this section.*

*Subd. 2. [TRANSFER OF CERTIFICATE OF NEED PROGRAM.] All powers, responsibilities and authorities for the issuance of certificates of need for large energy facilities is transferred from the department of energy, planning and development or its successor agency to the energy department as provided in section 15.039.*



Sec. 21. Minnesota Statutes 1982, section 462A.02, subdivision 10, is amended to read:

Subd. 10. It is further declared that supplies of conventional energy resources are rapidly depleting in quantity and rising in price and that the burden of these occurrences falls heavily upon the citizens of Minnesota generally and persons of low and moderate income in particular. These conditions are adverse to the health, welfare, and safety of all of the citizens of this state. It is further declared that it is a public purpose to ensure the availability of financing to be used by (LOW AND MODERATE INCOME PEOPLE) all citizens of the state to install in their dwellings reasonably priced energy conserving systems including those using alternative energy resources and equipment or other directly related repairs, improvements, and installations essential for energy conservation, so that by the improvement of the energy efficiency of all housing, the adequacy of the total energy supply may be preserved for the benefit of all citizens.

Sec. 22. Minnesota Statutes 1982, section 462A.05, is amended by adding a subdivision to read:

Subd. 14b. It may agree to purchase, make, or otherwise participate in the making, and may enter into commitments for the purchase, making, or participating in the making, of loans to persons and families, without limitations relating to the maximum incomes of the borrowers, to assist in energy conservation rehabilitation measures for existing housing owned by those persons or families including, but not limited to: weatherstripping and caulking, chimney construction or improvement, furnace or space heater repair, cleaning or replacement, insulation, storm windows and doors, and structural or other directly related repairs essential for energy conservation. Loans shall be made only when the agency determines that financing is not otherwise available, in whole or in part, from private lenders upon equivalent terms and conditions.

Sec. 23. Minnesota Statutes 1982, section 462A.05, is amended by adding a subdivision to read:

Subd. 23. The agency may participate in loans or establish a fund to insure loans, or portions of loans, which are made by any banking institution, savings and loan association, or other lender approved by the agency, organized under the laws of this or any other state or of the United States having an office in this state, to owners of renter occupied homes or apartments which do not comply with standards set forth in section 116J.27, subdivision 3, without limitations relating to the maximum incomes of the owners or tenants. The proceeds of the insured portion of the loan must be used to pay the costs of improvements, including all related structural and other improvements, which will reduce energy consumption.

Sec. 24. Minnesota Statutes 1982, section 462A.21, is amended by adding a subdivision to read:

*Subd. 4j. It may expend money for the purposes of section 462A.04, subdivision 23, and may pay the costs and expenses for the development and operation of the program.*

Sec. 25. [462A.27] [RULES.]

*The agency may adopt temporary and permanent rules necessary for the efficient administration of sections 15 to 18. The rules authorized under this section may be adopted without complying with the administrative procedures act contained in chapter 14.*

Sec. 26. [462A.072] [PROVISION OF FINANCIAL EXPERTISE TO OTHER AGENCIES.]

*Upon request of the commissioner of energy, the director shall provide financial management assistance to the energy authority. Reimbursement for these services shall be at a reasonable rate established by negotiation between the director and the commissioner of energy.*

Sec. 27. [APPROPRIATION.]

*Subdivision 1. \$5,000,000 is appropriated from the general fund to the authority to be deposited in the energy loan guaranty fund.*

*Subd. 2. \$100,000 is appropriated from the general fund to the energy coordination board for purposes of operating the intervention office. Money from this appropriation may be used for state employees involved in intervention activities or for contracts with outside consultants.*

*Subd. 3. \$5,000,000 is appropriated from the general fund to the authority to be deposited in the general reserve fund pursuant to section 10.*

*Subd. 4. There is appropriated to the authority monies appropriated in Laws 1981, chapter 334, section 12 and such other funding as may be delegated by other law for the purpose of making loans to municipalities pursuant to section 11.*

*Subd. 5. The sum of \$90,500 is appropriated from the general fund to the department of energy for purposes of the energy business development assistance program in section 8, subdivision 14.*

*Subd. 6. Appropriations made in subdivisions 1, 3, and 4 shall not lapse but shall remain available until expended.*

## Sec. 28. [BOND SALE.]

*To provide the funds appropriated by section 27, the commissioner of finance shall issue and sell the bonds authorized by and as provided in Laws 1981, chapter 334, section 12."*

Delete the title and insert:

"A bill for an act relating to energy; creating the Minnesota energy authority; establishing a program of loans and financial assistance for households and municipalities; authorizing the issuance of bonds; appropriating money; transferring powers; amending Minnesota Statutes 1982, sections 116C.03, subdivision 2; 116J.03, subdivision 1; 116J.09; 116J.10; 216B.16, by adding a subdivision; 462A.02, subdivision 10; 462A.05, by adding subdivisions; and 462A.21, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 116H; and 462A."

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. 315, A bill for an act relating to public welfare; defining persons responsible for a child's care under the child abuse reporting law; amending Minnesota Statutes 1982, section 626.556, subdivisions 1, 2, 7, and 10.

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

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 361, A bill for an act relating to safety; establishing a traffic safety education improvement program; imposing an additional fee for driver's license renewal for the traffic safety education improvement fund; appropriating money; amending Minnesota Statutes 1982, section 171.06, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 126.

Reported the same back with the following amendments:

Page 1, line 15, delete "education" and insert "public safety"

Page 1, line 21, delete "education" and insert "public safety"

Page 1, line 23, after "organizations" insert "and shall be available to licensed driver training schools"

Page 1, line 26, delete "education" and insert "public safety"

Page 2, line 1, delete "education" and insert "public safety"

Page 2, line 7, delete "education" and insert "public safety"

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

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

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 223.16, is amended by adding a subdivision to read:

*Subd. 2a. [CASH SALE.] "Cash sale" means a sale for which cash or a check has been received by the seller, and includes a sale for which a scale ticket, clearly marked "CASH" has been received by the seller prior to the completion of the grain shipment; provided that cash or a check is tendered for the ticket within ten days after the sale.*

Sec. 2. Minnesota Statutes, section 223.16, subdivision 7, is amended to read:

*Subd. 7. [(ITINERANT) INDEPENDENT GRAIN BUYER.] "(ITINERANT) Independent grain buyer" means a person (WHO TRAVELS FROM PLACE TO PLACE TO PURCHASE GRAIN FOR RESALE USING A TRUCK, SEMI-TRAILER OR TRAILER OWNED OR OPERATED BY THAT PERSON) without a private or public grain warehouse license who is licensed to engage in the business of purchasing grain for resale.*

Sec. 3. Minnesota Statutes 1982, section 223.16, subdivision 11, is amended to read:

Subd. 11. [PRODUCER.] "Producer" means a person who (OWNS OR MANAGES A GRAIN PRODUCING OR GROWING OPERATION AND HOLDS OR SHARES THE RESPONSIBILITY FOR MARKETING THE GRAIN PRODUCED) *grows an agricultural commodity on land that he or she owns or leases.*

Sec. 4. Minnesota Statutes 1982, section 223.16, is amended by adding a subdivision to read:

Subd. 12a. [SCALE TICKET.] "Scale ticket" means a memorandum issued by a grain elevator or warehouse operator to a depositor at the time grain is delivered, showing the weight and kind of grain.

Sec. 5. Minnesota Statutes 1982, section 223.16, is amended by adding a subdivision to read:

Subd. 16. [VOLUNTARY EXTENSION OF CREDIT CONTRACT.] "Voluntary extension of credit contract" means a contract for the purchase of a specific amount of grain in which the title to the grain passes to the grain buyer upon delivery, but the price is to be determined or payment for the grain is to be made at a date later than the date of delivery of the grain to the grain buyer. Voluntary extension of credit contracts include deferred or delayed payment contracts, unpriced sales, no price established contracts, average pricing contracts, and all other contractual arrangements with the exception of cash sales and grain storage agreements evidenced by a grain warehouse receipt.

Sec. 6. Minnesota Statutes 1982, section 223.17, is amended to read:

223.17 [LICENSES; BONDING; CLAIMS; DISBURSEMENTS.]

Subdivision 1. [LICENSES.] An application for a grain buyer's license must be filed with the commissioner and the license issued before any grain may be purchased. The types of grain buyers' licenses are:

- (a) private grain warehouse operator's license;
- (b) public grain warehouse operator's license; and
- (c) (NONWAREHOUSE GRAIN BUYER'S LICENSE; AND)

((D) ITINERANT) *independent* grain buyer's license.

Public grain warehouse operators' licenses cover both grain buying and grain storage. The applicant for a grain buyer's license shall identify all grain buying locations owned or controlled by the grain buyer and all vehicles owned or controlled by the grain buyer used to transport purchased grain. *Every applicant for a grain buyer's license shall have a permanent established place of business at each licensed location. An "established place of business" means a permanent enclosed building, including a house or a farm, either owned by the applicant or leased by the applicant for a period of at least one year, and where the books, records, and files necessary to conduct the business are kept and maintained.*

Subd. 2. [LICENSE RENEWAL.] A license must be renewed annually. If a person receives more than one license from the commissioner, the licenses shall be issued at the same time, but only after all conditions for each license are met. Multiple licenses should be combined into one license if possible.

Subd. 3. [GRAIN BUYERS AND STORAGE FUND; FEES.] The commissioner shall set the fees for inspections and licenses under sections 223.15 to 223.19 at levels necessary to pay the expenses of administering and enforcing sections 223.15 to 223.19. *These fees may be adjusted pursuant to the provisions of section 16A.128. The fee adjustments are not subject to the provisions of chapter 14.*

There is created in the state treasury the grain buyers and storage fund. Money collected pursuant to sections 223.15 to 223.19 shall be paid into the state treasury and credited to the grain buyers and storage fund and is appropriated to the commissioner for the administration and enforcement of sections 223.15 to (223.19) *223.23*.

Subd. 4. [BOND.] Before a *grain buyer's* license is issued, the applicant for (A GRAIN BUYERS) *the* license (SHALL) *must* file with the commissioner a bond in a penal sum prescribed by the commissioner but not (MORE) *less* than the following amounts:

(a) (\$10,000 FOR EACH PRIVATE OR PUBLIC GRAIN WAREHOUSE UP TO A MAXIMUM OF FIVE GRAIN WAREHOUSES;)

((B) \$10,000 FOR EACH SEMITRAILER USED BY AN ITINERANT GRAIN BUYER UP TO A MAXIMUM OF FIVE SEMITRAILERS;)

((C) \$5,000 FOR EACH TRUCK USED BY AN ITINERANT GRAIN BUYER UP TO A MAXIMUM OF FIVE TRUCKS;)

((D) \$5,000 FOR EACH TRAILER USED BY AN ITINERANT GRAIN BUYER UP TO A MAXIMUM OF FIVE TRAILERS; AND)

((E) \$50,000 FOR EACH NONWAREHOUSE GRAIN BUYER) \$10,000 for grain buyers whose gross annual sales are \$100,000 or less;

(b) \$20,000 for grain buyers whose gross annual sales are more than \$100,000 but not more than \$750,000;

(c) \$30,000 for grain buyers whose gross annual sales are more than \$750,000 but not more than \$1,500,000;

(d) \$40,000 for grain buyers whose gross annual sales are more than \$1,500,000 but not more than \$3,000,000; and

(e) \$50,000 for grain buyers whose gross annual sales exceed \$3,000,000. A grain buyer who has filed a bond with the commissioner prior to July 1, 1983 is not required to increase the amount of the bond to comply with this section until July 1, 1984.

A first-time applicant for a grain buyer's license after July 1, 1983 shall file a \$20,000 bond with the commissioner. This bond shall remain in effect for the first year of his license. Thereafter, the licensee shall comply with the applicable bonding requirements contained in clauses (a) to (e) of this section.

In lieu of the bond required by this subdivision the applicant may deposit with the state treasurer cash, a certified check, a cashier's check, a postal, bank, or express money order, assignable bonds or notes of the United States, or an assignment of a bank savings account or investment certificate or an irrevocable bank letter of credit as defined in section 336.5-103, in the same amount as would be required for a bond.

Subd. 5. [VOLUNTARY EXTENSION OF CREDIT AND CASH SALES.] (UPON DEMAND BY A SELLER OF GRAIN, A GRAIN BUYER SHALL PAY 90 PERCENT OF THE ESTIMATED OR ACTUAL VALUE OF GRAIN PURCHASED AT THE TIME THE PHYSICAL POSSESSION OF THE GRAIN IS CONVEYED FROM THE SELLER TO THE GRAIN BUYER.) Each grain buyer shall, before the close of the next business day following the cash sale and transfer of possession of grain, actually deliver a check to the seller or his duly authorized representative, or shall wire or mail transfer funds to the seller's account in an amount equal to 80 percent of the grain's value at the time of delivery. The grain buyer shall complete final settlement as rapidly as possible through ordinary diligence. Any transaction (WHEREIN THIS DEMAND IS NOT EXERCISED) which does not comply with

*these requirements constitutes a voluntary extension of credit (AND IS NOT AFFORDED PROTECTION UNDER THE GRAIN BUYER'S BOND), and shall comply with the requirements of section 8.*

**Subd. 6. [GRAIN PURCHASES FROM UNLICENSED PRODUCERS.]** *No grain buyer may refuse to purchase grain from a producer solely because he or she is not licensed by the commissioner; provided, that any producer who buys grain from other producers shall be licensed and bonded as required by this chapter.*

**Subd. 7. [GRAIN BUYERS TRUST FUND.]** *(a) There is created in the state treasury a grain buyers trust fund. Money in this fund is for the benefit of producers who have suffered losses due to breach of contract for grain sold to grain buyers, and for the administration of this chapter by the commissioner.*

*(b) The fund shall be established through the assessment of fees based on a maximum rate of one mill per dollar of the total dollar volume of grain purchased by grain buyers from producers as prescribed by the commissioner. The mill rate may be adjusted pursuant to the provisions of section 16A.128. The fee adjustments are not subject to the provisions of chapter 14. Fee assessments shall cease at the time the trust fund exceeds \$10,000,000 and shall be reinstated when the fund is less than \$8,000,000. No claims arising prior to January 1, 1985 may be filed against or honored by the fund.*

*(c) Money collected pursuant to this subdivision shall be paid to the commissioner and shall be deposited into the grain buyers trust fund. The trust fund shall be administered by the commissioner. Any valid claim filed against the trust fund which exceeds the amount of money available in the fund shall be paid by the commissioner as soon as the fund balance is sufficient to pay the claim. The commissioner may order any portion of the trust fund not needed for immediate use to be invested by the treasurer in any institution or security regulated by the federal government. Any interest accumulated through investments shall be deposited into the trust fund. In any year, the commissioner may use up to \$100,000 of money collected to defray the costs of administering and enforcing chapter 223 and informing producers of its provisions.*

*(d) Each licensed grain buyer shall file with the department a quarterly report showing the total dollar amount of all grain purchased from producers and shall remit the appropriate fee based on the mill rate prescribed by the commissioner. A grain buyer who fails to file a quarterly report and pay the prescribed fee is subject to the provisions of subdivision 8.*

**Subd. (6) 8. [(CONFIDENTIAL STATEMENTS REQUIRED) FINANCIAL STATEMENTS; LICENSE REVOCATION]**



TION.] For the purpose of fixing or changing the amount of a required bond or for any other proper reason, the commissioner shall require an annual financial (STATEMENTS) statement from a licensee which has been prepared in accordance with generally accepted accounting principles and which meets the following requirements:

(a) The financial statement shall include, but not be limited to the following: (1) a balance sheet; (2) a statement of income (profit and loss); (3) a statement of retained earnings; and (4) a statement of changes in financial position.

(b) The financial statement shall be accompanied by a report of audit or review conducted by an independent public accountant or a compilation report of the financial statement which is prepared by a grain commission firm or a management firm approved by the commissioner in accordance with standards established by the American Institute of Certified Public Accountants. The accountant's report of audit or review shall include the accountant's certifications, assurances, opinions, comments, and notes with respect to the financial statement.

(c) The financial statement shall be accompanied by a certification by the chief executive officer or his designee of the licensee, under penalty of perjury, that the financial statement accurately reflects the financial condition of the licensee for the period specified in the statement.

Only one financial statement must be filed for a chain of warehouses owned or operated as a single business entity, unless otherwise required by the commissioner. If the licensee fails to furnish financial statements or to furnish any new bond or fee required, the commissioner may immediately suspend the license and the licensee shall surrender the license to the commissioner. Within 15 days the licensee may request an administrative hearing subject to chapter 14 to determine whether the license should be revoked. If no request is made within 15 days, the commissioner shall revoke the license. All financial statements submitted to the commissioner are confidential.

Subd. (7) 9. [PRODUCER BOND AND CONTRACT CLAIMS.] A producer claiming to be damaged by a breach of the conditions of a (BOND OF) contract for the purchase of grain by a licensed grain buyer may file a written claim with the commissioner. The claim must state the facts constituting the claim. The claim must be filed with the commissioner within 180 days of the breach of the conditions of the (BOND) contract. If (THE COMMISSIONER BELIEVES THAT) a claim is valid, the commissioner may immediately suspend the license, in which case the licensee shall surrender the license to the commissioner. Within 15 days the licensee may request an administrative hearing subject to chapter 14 to determine whether the license should

be revoked. If no request is made within 15 days, the commissioner shall revoke the license.

Subd. (8) 10. [BOND DISBURSEMENT.] (a) The bond shall provide for payment of loss caused by the grain buyer's failure to pay, upon the owner's demand, the purchase price of grain sold to the grain buyer. *The commissioner may make a claim in the amount of the assessment owed against the bond of any grain buyer who fails to pay the assessment required by subdivision 7.* The bond shall be conditioned upon the grain buyer being duly licensed as provided herein. (THE BOND SHALL NOT COVER ANY TRANSACTION WHICH CONSTITUTES A VOLUNTARY EXTENSION OF CREDIT.)

(b) Upon (NOTIFICATION OF DEFAULT) *close of the claim-filing period*, the commissioner shall determine the validity of all claims and notify all parties having filed claims. An aggrieved party may appeal the commissioner's determination by requesting, within 15 days, that the commissioner initiate a contested case proceeding. In the absence of such a request, or following the issuance of a final order in a contested case, the surety company shall issue payment *promptly* to those claimants entitled to payment. *The commissioner shall also notify the treasurer to make prompt payment from the trust fund under provisions in this subdivision.* (WHEN THE COMMISSIONER DETERMINES IT NECESSARY,) The commissioner may apply to the district court for an order appointing a trustee or receiver to manage and supervise the operations of the grain buyer in default. The commissioner may participate in any resulting court proceeding as an interested party.

(c) If a grain buyer has become liable to more than one producer by reason of breaches of the conditions of the bond and the amount of the bond is insufficient to pay the entire liability to all producers entitled to the protection of the bond, the proceeds of the bond shall be apportioned among the bona fide claimants.

(d) The bond shall not be cumulative from one licensing period to the next. The maximum liability of the bond shall be its face value for the licensing period.

(e) *The grain buyers trust fund shall provide for payment to producers who have encountered losses by the failure of a grain buyer to make settlement on the purchase price of grain. Valid claims shall be first assessed against the bond and supplemented by payment from the trust fund. The maximum allowable claim against the trust fund is 90 percent of the claimant's loss.*

(f) *Claims arising from a breach of the conditions of a voluntary extension of credit contract where pricing has not occurred prior to the filing of a claim with the commissioner shall be valued in accordance with section 8, subdivision 6.*

(g) A producer having filed a claim against a grain buyer who has also filed an action for legal or equitable remedies in a state or federal court shall also submit to the commissioner a copy of the action filed with the court. In the event the court issues an order for payment by the buyer for the grain for which the producer has also received payment from the trust fund, the producer shall remit to the commissioner the amount of payment received from the court up to the amount of payment received from the trust fund.

(h) The commissioner may subrogate in behalf of the producer or petition the court to recover any sum that has been paid from the trust fund to make settlement of a claim filed against the grain buyer in default. The producer, having received payment from the trust fund, shall render all necessary assistance to aid the commissioner in matters of subrogation or in instances where the commissioner has petitioned the court to recover from the grain buyer in default the amount paid from the trust fund.

Subd. 11. [DEFAULTS; VIOLATIONS.] If the commissioner finds, after an investigation is conducted, that a complaint is valid or that a licensee is in violation of the provisions of this section, the commissioner may immediately suspend the license, in which case the licensee shall surrender the license to the commissioner. Within 15 days, the licensee may request an administrative hearing subject to chapter 14 to determine whether the license should be revoked. If no request is made within 15 days, the commissioner shall revoke the license.

Sec. 7. [223.175] [VOLUNTARY EXTENSION OF CREDIT CONTRACTS; FORM.]

Grain buyers using voluntary extension of credit contracts must include in the contracts those items prescribed by the commissioner by rule. The contract shall include a statement of the legal and financial responsibilities of grain buyers and sellers established in this chapter. The contract shall also include the following statement in not less than ten point, all capital type, framed in a box with space provided for the seller's signature: "THIS CONTRACT CONSTITUTES A VOLUNTARY EXTENSION OF CREDIT. THIS CONTRACT IS NOT COVERED BY ANY GRAIN BUYER'S BOND." The seller shall sign the contract in the space provided beneath the statement.

Sec. 8. [223.177] [PURCHASE BY VOLUNTARY EXTENSION OF CREDIT CONTRACTS.]

Subdivision 1. [INDICATION OF INTENTION.] Every grain buyer who intends to purchase grain by voluntary extension of credit contracts shall indicate his intention to do so

annually to the commissioner on a form provided by the commissioner.

Subd. 2. [ORAL CONTRACTS.] Any grain buyer entering into a voluntary extension of credit contract orally or by phone shall give or mail to the seller a written confirmation conforming to the requirements of section 7 before the close of the next business day.

Subd. 3. [EXECUTION OF CONTRACTS.] All voluntary extension of credit contracts shall be executed before the close of the next business day after the contract is entered into or, in the case of an oral or phone contract, after the written confirmation is received by the seller. Provided, however, that if a scale ticket has been received by the seller prior to the completion of the grain shipment, the contract must be executed within ten days after the sale.

Subd. 4. [GRAIN, RIGHTS, OR PROCEEDS HELD.] A licensed grain buyer purchasing grain by voluntary extension of credit contracts shall at all times maintain grain, rights in grain, or proceeds from the sale of grain totaling 90 percent of the grain buyer's obligation for grain purchased by voluntary extension of credit contracts. That amount must be evidenced or represented by one or more of the following:

(a) grain owned and actually held by the grain buyer in a grain warehouse owned or controlled by the grain buyer;

(b) rights in grain evidenced or represented by warehouse receipts issued by a state or federally licensed grain warehouse;  
or

(c) proceeds from the sale of grain on a voluntary extension of credit contract evidenced or represented by one or more of the following:

(1) cash on hand or cash held on account in federally or state licensed institutions;

(2) short-term investments held in time accounts with federally or state licensed institutions;

(3) balances on grain margin accounts;

(4) voluntary extension of credit contracts for grain shipped to a processor or terminal as purchaser, less any payment or advance that has been received, provided that the price terms of the contracts remain open; or

(5) an irrevocable letter of credit, as defined in section 336.5-103, or other evidence of proceeds from the sale of grain acceptable to the commissioner.

**Subd. 5. [PRICE PROTECTION.]** A licensed grain buyer shall practice an effective method of price protection sufficient to protect the grain buyer against market fluctuations, as would be the case in procurement of options on a duly licensed commodity exchange.

**Subd. 6. [VALUE OF GRAIN.]** For the purpose of computing the dollar value of inventories of voluntary extension of credit obligations, the value of grain must be figured at the current market price on the day of delivery.

**Subd. 7. [TRANSFER OF TITLE.]** The title to grain delivered on a voluntary extension of credit contract transfers to the grain buyer on the day of delivery.

**Subd. 8. [STORAGE AND SERVICE CHARGES.]** No storage charges may be charged with respect to grain purchased on voluntary extension of credit contracts. There may be a service charge.

**Subd. 9. [RECORDS.]** A grain buyer shall keep sufficiently detailed books and records of voluntary extension of credit contracts and evidences of grain, rights in grain, and the proceeds from the sale of grain so as to clearly show compliance with section 6, subdivision 7, and this section. The commissioner or his authorized agent shall inspect these books and records at such time and place and to such an extent as he may deem necessary to determine whether grain buyers are complying with the provisions of this chapter. The commissioner may obtain any additional information he deems necessary and is authorized to enter upon any public or private premises during regular business hours in order to carry out the provisions of this subdivision.

**Sec. 9.** Minnesota Statutes 1982, section 223.18, is amended to read:

**223.18 [PENALTY.]**

A person buying grain without first obtaining a grain buyer's license is guilty of a misdemeanor. Each day of operation without a grain buyer's license constitutes a separate offense. In case of license revocation, no new license shall be granted to the person whose license was revoked nor to anyone either directly or indirectly engaged with him in the licensed business for two years. A grain dealer who withholds records from the commissioner, keeps or files false records, alters records fraudulently, or presents to the commissioner any false records is guilty of a crime and, upon conviction, may be punished by a fine of not

*more than \$50,000, or by imprisonment for not more than five years, or both.*

Sec. 10. Minnesota Statutes 1982, section 223.19, is amended to read:

223.19 [RULES.]

*The commissioner may (PROMULGATE) make temporary or permanent rules pursuant to chapter 14 to carry out the provisions of sections 223.15 to (223.19) 223.23.*

Sec. 11. [223.20] [REGULATION OF GRAIN BUYERS AND GRAIN STORAGE.]

*The commissioner may create a separate division within the department of agriculture for the purpose of administering this chapter and chapter 232.*

Sec. 12. [223.21] [ATTORNEY GENERAL; ENFORCEMENT.]

*The attorney general shall, upon request of the commissioner, assist the commissioner in enforcing this chapter.*

Sec. 13. [223.22] [JOINT STUDY COMMITTEE.]

*A joint committee, composed of members of the house and senate agriculture committees, shall travel throughout the state to assess the need and producer support for the trust fund provisions of this chapter.*

Sec. 14. [223.23] [REFERENDUM.]

*On August 1, 1984, the commissioner shall hold a referendum election among all producers, as defined in section 223.16, subdivision 11, to determine the establishment of the grain buyers trust fund. The commissioner shall arrange for the election to be held at polling places which are reasonably convenient to all producers in the state, and shall provide notice of the election by means of media having a general circulation in the state. General polling procedures shall be established by the commissioner by rule pursuant to chapter 14 and shall ensure that only producers are entitled to vote in the election. The selection of specific polling places, however, shall not be subject to chapter 14.*

*Ballots shall be available at all polling places, and shall allow for a yes or no response to the following question: "Shall the grain buyers trust fund be established?" All ballots shall be counted under the supervision of the commissioner. A majority of those voting shall determine the outcome of the referendum election.*

Sec. 15. Minnesota Statutes 1982, section 336.9-401, is amended to read:

**336.9-401 [PLACE OF FILING; ERRONEOUS FILING; REMOVAL OF COLLATERAL.]**

(1) The proper place to file in order to perfect a security interest is as follows:

(a) When the collateral is (EQUIPMENT USED IN FARMING OPERATIONS, OR FARM PRODUCTS, OR ACCOUNTS OR GENERAL INTANGIBLES ARISING FROM OR RELATING TO THE SALE OF FARM PRODUCTS BY A FARMER, OR) consumer goods, or motor vehicles which are not inventory, then in the office of the county recorder in the county of the debtor's residence if the debtor is an individual who is a resident of this state but if the debtor is an individual who is not a resident of this state or is a corporation, partnership or other organization then in the office of the secretary of state (, AND IN ADDITION WHEN THE COLLATERAL IS CROPS GROWING OR TO BE GROWN IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY WHERE THE LAND IS LOCATED);

(b) *When the collateral is equipment to be used in farming operations, or farm products, or accounts or general intangibles arising from or relating to the sale of farm products by a farmer, or crops growing or to be grown, then in the office of the county recorder in the county of the debtor's residence or principal place of business if the debtor is a resident of this state, but if the debtor is not a resident of this state, then in the office of the secretary of state;*

(c) When the collateral is timber to be cut or is minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 336.9-103, or when the financing statement is filed as a fixture filing (section 336.9-313) and the collateral is goods which are or are to become fixtures, then in the office where a mortgage on the real estate would be filed or recorded;

((C)) (d) In all other cases, in the office of the secretary of state.

(2) A filing which is made in good faith in an improper place or not in all of the places required by this section is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this article and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper place in this state continues effective even though the debtor's residence in this state or the use of the collateral, whichever controlled the original filing, is thereafter changed.

(4) The rules stated in section 336.9-103 determine whether filing is necessary in this state.

(5) Notwithstanding the preceding subsections, the proper place to file in order to perfect a security interest in collateral, including fixtures, of a transmitting utility is the office of the secretary of state. Such a filing shall not be deemed a separate filing from the filings required by other laws, if applicable, set forth in subsection (3) of section 336.9-302. This filing constitutes a fixture filing (section 336.9-313) as to the collateral described therein which is or is to become fixtures.

(6) For the purposes of this section, the residence of an organization is its place of business if it has one or its chief executive office if it has more than one place of business.

(7) "Motor vehicle" means any device propelled or drawn by any power other than muscular power in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting building and road construction equipment.

Sec. 16. Laws 1982, chapter 635, section 9, is amended to read:

Sec. 9. [REPEALER.]

Minnesota Statutes 1980, sections 223.04; 223.07; 223.08; 223.09; 223.10; 223.11; 232.01; 232.02, subdivisions 4, 5, 6, 7, 8 and 9; 232.03; 232.04; and 232.06, subdivision 5; Minnesota Statutes 1981 Supplement, sections 223.01; 223.02; 223.03; 223.05; and 232.02, subdivisions 1, 2 and 3, are repealed. (SECTIONS 1 TO 6 ARE REPEALED JULY 1, 1983. ANY CLAIMS UNDER SECTIONS 1 TO 6 WHICH ARE NOT SETTLED BEFORE JULY 1, 1983, MAY BE SETTLED UNDER THE PROVISIONS OF SECTION 4, SUBDIVISIONS 7 AND 8, AS THEY EXISTED PRIOR TO JULY 1, 1983.)

Sec. 17. [REVIVAL.]

*Notwithstanding Minnesota Statutes 1982, section 645.36, the action taken in section 16 revives Minnesota Statutes 1982, sections 223.15 to 223.19.*

Sec. 18. [APPROPRIATION.]

*The sum of \$200,000 is appropriated from the general fund to the commissioner for the purposes of administering and en-*



*forcing this chapter. \$ of this appropriation is allocated for the purpose of carrying out the duties and functions imposed by sections 15 and 16.*

*The personnel complement of the department of agriculture is increased by five.*

Sec. 19. [REPEALER.]

*Minnesota Statutes 1982, section 223.16, subdivision 8, is repealed.*

Sec. 20. [EFFECTIVE DATE.]

*Sections 1 to 5, section 6, subdivisions 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11, and sections 7 to 19 are effective July 1, 1983. Section 6, subdivision 7, is effective January 1, 1985, if approved by a majority of those voting in the referendum required by section 14."*

Delete the title and insert:

"A bill for an act relating to agriculture; making certain changes in the grain buyers act; changing the place of filing of farm product liens; imposing a penalty; appropriating money; amending Minnesota Statutes 1982, sections 223.16, subdivisions 7, 11, and by adding subdivisions; 223.17; 223.18; 223.19; and 336.9-401; Laws 1982, chapter 635, section 9; proposing new law coded in Minnesota Statutes, chapter 223; repealing Minnesota Statutes 1982, section 223.16, subdivision 8."

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. 429, A bill for an act relating to automobile insurance; prohibiting any right of subrogation on underinsurance claims; amending Minnesota Statutes 1982, section 65B.53; by adding a subdivision.

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. 435, A bill for an act relating to crimes; establishing degrees of burglary; prescribing penalties; providing mandatory terms of incarceration; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, section 609.58.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [609.581] [DEFINITIONS.]

*Subdivision 1. [TERMS DEFINED.] For purpose of section 2 the terms defined in this section have the meanings given them.*

*Subd. 2. [BUILDING]. "Building" means a dwelling or other structure suitable for affording shelter for human beings or appurtenant to or connected with a structure so adapted.*

*Subd. 3. [DWELLING.] "Dwelling" means a building used as a permanent or temporary residence by a person.*

*Subd. 4. [ENTERS A BUILDING WITHOUT CONSENT.] "Enters a building without consent" means:*

*(a) to enter a building without the consent of the person in lawful possession; or*

*(b) to enter a building by using artifice, trick, or misrepresentation to obtain consent to enter from the person in lawful possession; or*

*(c) to remain within a building without the consent of the person in lawful possession.*

*Whoever enters a building while open to the general public does so with consent except when consent was expressly withdrawn before entry.*

Sec. 2. [609.582] [BURGLARY.]

*Subdivision 1. [BURGLARY IN THE FIRST DEGREE.] Whoever enters a building without consent of the lawful possessor with intent to commit a crime commits burglary in the first degree and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$20,000, or both, if:*

*(a) the building is a dwelling and another person not an accomplice is present in it;*

(b) *the burglar possesses a dangerous weapon or explosive when entering or at any time while in the building; or*

(c) *the burglar assaults a person within the building.*

**Subd. 2. [BURGLARY IN THE SECOND DEGREE.]** *Whoever enters a building without consent of the lawful possessor with intent to commit a crime commits burglary in the second degree and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if:*

(a) *the building is a dwelling; or*

(b) *the portion of the building entered contains a banking business or other business of receiving securities or other valuable papers for deposit or safekeeping and the entry is with force or threat of force; or*

(c) *the portion of the building entered contains a pharmacy licensed pursuant to section 151.19 or other lawful business or practice in which controlled substances are held or stored, and the entry is forcible; or*

(d) *when entering or while in the building, the burglar possesses a burglary tool.*

**Subd. 3. [BURGLARY IN THE THIRD DEGREE.]** *Whoever enters a building without consent of the lawful possessor with intent to steal or commit any felony or gross misdemeanor commits burglary in the third degree and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.*

**Subd. 4. [BURGLARY IN THE FOURTH DEGREE.]** *Whoever enters a building without consent of the lawful possessor with intent to commit a misdemeanor other than to steal commits burglary in the fourth degree and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.*

**Subd. 5. [DEFINITION; REASONS FOR DEPARTURE.]** *For purposes of subdivision 6, "reasons for departure" means substantial and compelling aggravating or mitigating factors. Agreement by the defendant to make restitution to the victim or to perform community work service, or a combination of restitution and community work service may be a mitigating factor for purposes of subdivision 6.*

**Subd. 6. [SENTENCING FIRST BURGLARY OF DWELLING.]** *In determining an appropriate sentence for a first offense of burglary of a dwelling, the court shall presume that*

*a stay of execution with a 120-day period of incarceration as a condition of probation shall be imposed unless the defendant's criminal history score determined according to the sentencing guidelines indicates a presumptive executed sentence, in which case the presumptive executed sentence shall be imposed unless the court departs from the sentencing guidelines pursuant to section 244.10. Any departure from the presumed 120-day period of incarceration or from a presumptive executed sentence under the sentencing guidelines shall be supported by written findings as to the reasons for departure. A stay of imposition of sentence may be granted as a departure from the presumed 120-day sentence if supported by written findings as required by this subdivision.*

Sec. 3 [REPEALER.]

*Minnesota Statutes 1982, section 609.58, is repealed.*

Sec. 4. [EFFECTIVE DATE.]

*Sections 1 to 3 are effective August 1, 1983, and apply to all crimes committed on or after that date."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

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

Reported the same back with the following amendments:

Page 1, line 13, before "fire" insert "grass"

Page 1, line 14, delete "by and"

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. 457, A bill for an act relating to costs and attorneys fees; providing for recovery of costs and attorney fees by prevailing parties in civil actions against the state and administrative contested cases; proposing new law coded in Minnesota Statutes, chapters 3 and 14.

Reported the same back with the following amendments:

Page 3, line 8, delete "*court appointed*"

Page 5, line 3, delete "*agency*" and insert "*hearing examiner*"

Page 5, line 13, delete "*agency*" and insert "*hearing examiner*"

Page 5, line 13, delete "*regulation*" and insert "*rule*"

Page 5, line 22, delete "*an agency*" and insert "*the hearing examiner*"

Page 6, line 14, delete "*deciding*"

Page 6, line 18, delete "*An agency*" and insert "*The office of administrative hearings*"

Page 6, line 33, delete "*in*" and insert "*on*"

Page 7, lines 2 and 6, delete "*of the agency*"

Page 7, lines 11 and 12, delete "*After consultation with each agency,*"

Page 7, line 21, delete "*district*"

Page 7, line 29, delete "*may*" and insert "*shall*"

Page 7, line 34, delete "*, after consultation with the*"

Page 7, delete line 35

Page 7, line 36, delete "*law activities of the attorney general's office,*"

With the recommendation that when so amended the bill be re-referred to the Committee on Appropriations without further recommendation.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 495, A bill for an act relating to mental health; regulating the collection, use, and disclosure of mental health agency data; amending the competency of witnesses statutes to provide an exemption for professional consultations; amending Minnesota Statutes 1982, sections 13.46, subdivision 1, and by adding a subdivision; 245.69, subdivision 2; and 595.02.

Reported the same back with the following amendments:

Delete sections 1 and 2

Page 2, line 27, delete "Sec." and insert "Section"

Page 3, line 30, after the period, insert "*Notwithstanding any exchange of information which occurs in team meetings or in connection with a quality assurance procedure required by this subdivision or by rule, the outpatient's nurse, psychologist or physician shall not, without the consent of the outpatient, disclose the information in a civil or criminal proceeding or before any person who has authority to take evidence.*"

Page 4, line 11, reinstate the stricken "Data on", and after "(INDIVIDUALS)" insert "*individual outpatients*", and restore the remainder of the line

Page 4, line 12, reinstate the stricken "centers" and delete the remainder of the line

Page 4, delete lines 13 and 14

Page 4, line 15, delete the new language

Page 4, line 17, delete the new language and insert "*shall be administered in a manner which provides security for and limits access to the data. This data shall not be disclosed except:*

(1) *To the outpatient who is the subject of the data, subject to the provisions of section 144.335;*

(2) *As expressly authorized in writing by the data subject;*

(3) *As required for administration of services within the center;*

(4) *As required by valid court order;*

(5) *As permitted by state or federal law; and*

(6) *To the commissioner of public welfare, for purposes of auditing compliance with the rules and this subdivision.*

*Only necessary and relevant data shall be maintained. The clinic or center may deny parental access to data on a minor outpatient when the minor requests the denial and it has been determined that honoring this request is in the best interests of the minor. Nothing in this section shall be construed to include data collected by the approved clinic or center as data within the welfare system as provided by chapter 13, or to impose any liability on the commissioner pursuant to chapter 13."*

Page 4, line 23, delete "nonprivate and summary"

Page 4, line 24, delete "clients," and insert "quality assurance mechanisms"

Delete section 4

Page 8, line 17, delete "Sections 1 to 4 are" and insert "Section 1 is"

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 4 and 5

Page 1, line 6, delete "sections 13.46," and insert "section"

Page 1, line 7, delete everything before "245.69,"

Page 1, line 8, delete "; and 595.02"

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. 532, A bill for an act relating to criminal justice; requiring peace officers to make arrests based on probable cause in cases of domestic assault; requiring peace officers to notify victims of domestic assault of the legal remedies available; amending Minnesota Statutes 1982, section 629.341, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 629.341, is amended to read:

Subdivision 1. Notwithstanding the provisions of section 629.34 or any other law or rule to the contrary, a peace officer may arrest without a warrant a person anywhere, including at his place of residence if the peace officer has probable cause to believe the person within the preceding four hours has assaulted or made a terroristic threat against his spouse (OR), former spouse, other person with whom he resides or has formerly resided, or person with whom he has a child in common regardless of whether he has ever been married to or lived with the person, although the assault did not take place in the presence of the peace officer. (A) The peace officer (MAY NOT) shall arrest a person pursuant to this section (WITHOUT FIRST OBSERVING) if he observes recent physical injury to, or impairment of, physical condition of the alleged victim which appears to have been caused by an assault.

Subd. 2. [EXEMPTION FROM LIABILITY.] Any peace officer acting in good faith and exercising due care in the making of an arrest pursuant to subdivision 1 shall have immunity from civil liability that otherwise might result by reason of his action.

Subd. 3. [NOTICE TO VICTIM.] The peace officer shall advise the victim of the telephone number of a shelter or other crime victim services in the community and give the victim immediate notice of the legal rights and remedies available. The notice shall include furnishing the victim a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county attorney to file a criminal complaint. You also have the right to apply to the court by filing a petition requesting an order for protection from domestic abuse which could include the following: (a) an order restraining the abuser from further acts of abuse; (b) an order directing the abuser to leave your household; (c) an order preventing the abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; (e) an order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so." The statement shall include the resource listing, including the telephone number, for the area battered women's shelter, to be designated by the commissioner of corrections.

The notice to the victim shall be printed on a card which shall be provided by the commissioner of corrections.

Subd. 4. [REPORT REQUIRED.] Whenever a peace officer investigates an alleged assault or terroristic threat made by a



*person against his spouse, former spouse, or other person with whom he resides or has formerly resided, the officer shall make a written report of the incident.*

*Subd. 5. [TRAINING.] The board of peace officer standards and training shall provide a copy of sections 1 and 2 to every law enforcement agency in this state on or before June 30, 1983.*

Sec. 2 Minnesota Statutes 1982, section 629.72, is amended by adding a subdivision to read:

*Subd. 4. [SERVICE OF ORDER FOR PROTECTION.] If an order for protection is issued pursuant to section 518A.01 while the arrested person is still in detention, the order shall be served upon the arrested person during detention if possible."*

Delete the title and insert:

"A bill for an act relating to criminal justice; requiring peace officers to make arrests based on probable cause in cases of domestic assault; requiring peace officers to notify victims of domestic assault of the legal remedies available; requiring police reports; amending Minnesota Statutes 1982, sections 629.341; and 629.72, by adding a subdivision."

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. 547, A bill for an act relating to taxation; imposing or altering certain income tax, withholding tax, sales, and excise tax penalties; extending the time limitations within which certain indictments may be filed; amending Minnesota Statutes 1982, sections 290.53, subdivision 4, and by adding a subdivision; 290.92, subdivision 15; 290A.11, subdivision 2; 297A.08; 297A.39, subdivision 4, and by adding a subdivision; and 297B.10.

Reported the same back with the following amendments:

Page 1, line 23, reinstate the stricken "as to any material matter,"

Page 2, line 5, strike "and six months"

Page 4, line 30, delete "or fails to truthfully account for and pay the tax,"

Page 4, line 32, delete "\$150" and insert "\$300"

Page 6, line 12, delete "\$150" and insert "\$300"

Page 6, line 18, delete "and six months"

Page 7, line 11, delete "\$150" and insert "\$300"

Page 7, line 14, delete "\$150" and insert "\$300"

Page 7, line 19, delete "and six months"

Page 8, line 5, delete "\$150" and insert "\$300"

Page 8, line 13, delete "and six months"

Page 8, line 25, delete "\$150" and insert "\$300"

Page 9, line 4, delete "\$150" and insert "\$300"

Page 9, line 13, delete "and six months"

Page 9, delete lines 21 to 25 and insert:

*"This act is effective for offenses committed the day after final enactment."*

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 622, A bill for an act relating to retirement; volunteer firefighters' relief associations; adding definitions; clarifying ambiguous language; amending Minnesota Statutes 1982, sections 424A.01; 424A.02; 424A.04; 424A.05; and 424A.08; proposing new law coded in Minnesota Statutes, chapter 424A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 69.772, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION.] This section shall apply to any firefighter's relief association specified in section 69.771, subdivision 1, which pays a lump sum service pension, but which

does not pay a monthly service pension, to a retiring firefighter when at least the minimum requirements for entitlement to a service pension specified in section 424A.02, or any applicable special legislation and the articles of incorporation or bylaws of the relief association have been met. Each firefighter's relief association to which this section applies shall determine the accrued liability of the special fund of the relief association in accordance with the (APPLICABLE) accrued liability table set forth in subdivision 2 and the financial requirements of the relief association and the minimum obligation of the municipality in accordance with the procedure set forth in subdivision 3.

Sec. 2. Minnesota Statutes 1982, section 69.772, subdivision 2, is amended to read:

Subd. 2. [DETERMINATION OF ACCRUED LIABILITY.]  
(EACH FIREFIGHTERS' RELIEF ASSOCIATION WHICH PAYS A SERVICE PENSION WHEN A RETIRING FIREFIGHTER MEETS THE MINIMUM REQUIREMENTS FOR ENTITLEMENT TO A SERVICE PENSION SPECIFIED IN SECTION 424A.02 AND WHICH IN ITS ARTICLES OF INCORPORATION OR BYLAWS REQUIRES SERVICE CREDIT FOR A PERIOD OF SERVICE LESS THAN 20 YEARS OF ACTIVE SERVICE FOR A TOTALLY NONFORFEITABLE SERVICE PENSION AS PROVIDED IN SECTION 424A.09 SHALL DETERMINE THE ACCRUED LIABILITY OF THE SPECIAL FUND OF THE FIREFIGHTERS' RELIEF ASSOCIATION RELATIVE TO EACH ACTIVE OR DEFERRED MEMBER OF THE RELIEF ASSOCIATION, CALCULATED INDIVIDUALLY USING THE FOLLOWING TABLE:)

(CUMULATIVE

ACCRUED

YEAR

LIABILITY

1

\$35

2

71

3

110

4

150

5

192

6

236

7

283

8	332
9	383
10	437
11	494
12	553
13	616
14	681
15	750

## 16 AND THEREAFTER

50 ADDITIONAL  
PER YEAR)

Each firefighters' relief association which pays a service pension when a retiring firefighter meets the minimum requirements for entitlement to a service pension specified in section 424A.02 and which in its articles of incorporation or bylaws requires service credit for a period of service of at least 20 years of active service for a totally nonforfeitable service pension shall determine the accrued liability of the special fund of the firefighters' relief association relative to each active or deferred member of the relief association, calculated individually using the following table:

Cumulative Year	Accrued Liability
1	\$(30) 60
2	(62) 124
3	(95) 190
4	(130) 260
5	(167) 334
6	(205) 410
7	(246) 492

8	(288) 576
9	(333) 666
10	(380) 760
11	(429) 858
12	(481) 962
13	(535) 1070
14	(592) 1184
15	(652) 1304
16	(714) 1428
17	(780) 1560
18	(849) 1698
19	(922) 1844
20	(1000) 2000
21 and thereafter	(50) 100 additional per year

(THE ACCRUED LIABILITY OF THE SPECIAL FUND FOR EACH ACTIVE OR DEFERRED MEMBER OF THE RELIEF ASSOCIATION SHALL BE DETERMINED AS THE MULTIPLE OR PORTION OF THE ACCRUED LIABILITY AMOUNTS CORRESPONDING TO THE CUMULATIVE YEARS OF ACTIVE SERVICE WITH THE FIRE DEPARTMENT TO WHICH THE RELIEF ASSOCIATION IS AFFILIATED TO THE CREDIT OF THE MEMBER AS SET FORTH IN THE APPLICABLE TABLE THAT THE LUMP SUM SERVICE PENSION AMOUNT CURRENTLY PROVIDED FOR IN THE ARTICLES OF INCORPORATION OR THE BYLAWS OF THE RELIEF ASSOCIATION BEARS TO A LUMP SUM SERVICE PENSION OF \$50 PER YEAR OF SERVICE) *As set forth in the table the accrued liability for each member or deferred member of the relief association corresponds to the cumulative years of active service to the credit of the member. The accrued liability of the special fund for each active or deferred member is determined by multiplying the accrued liability from the chart by the ratio of the lump sum service pension amount currently provided for in the bylaws of the relief association to a service pension of \$100 per year of service. If a member has fractional service as of December 31, the figure for service credit*

to be used for the determination of accrued liability pursuant to this section shall be rounded (UP) to the nearest full year of service credit. The total accrued liability of the special fund (OF THE RELIEF ASSOCIATION) as of December 31 shall be the sum of the accrued liability attributable to each active or deferred member of the relief association.

Sec. 3. Minnesota Statutes 1982, section 69.772, subdivision 3, is amended to read:

Subd. 3. [FINANCIAL REQUIREMENTS OF THE RELIEF ASSOCIATION; MINIMUM OBLIGATION OF THE MUNICIPALITY.] During the month of July, the officers of the relief association shall determine the overall funding balance of the special fund (OF THE RELIEF ASSOCIATION) for the current calendar year, the financial requirements of the special fund (OF THE RELIEF ASSOCIATION) for the following calendar year and the minimum obligation of the municipality with respect to the special fund (OF THE RELIEF ASSOCIATION) for the following calendar year in accordance with the requirements of this subdivision.

(1) The overall funding balance of the special fund (OF THE RELIEF ASSOCIATION) for the current calendar year shall be determined in the following manner:

(a) The total accrued liability of the special fund (OF THE RELIEF ASSOCIATION) for all active and deferred members of the relief association as of December 31 of the current year shall be calculated pursuant to subdivisions 2 and 2a, if applicable.

(b) The total present assets of the special fund (OF THE RELIEF ASSOCIATION) projected to December 31 of the current year, including receipts by and disbursements from the special fund anticipated to occur on or before December 31 shall be calculated.

(c) The amount of the total present assets of the special fund (OF THE RELIEF ASSOCIATION) calculated pursuant to clause (b) shall be subtracted from the amount of the total accrued liability of the special fund (OF THE RELIEF ASSOCIATION) calculated pursuant to clause (a). If the amount of total present assets exceeds the amount of the total accrued liability, then the special fund shall be considered to have a surplus over full funding. If the amount of the total present assets is less than the amount of the total accrued liability, then the special fund shall be considered to have a deficit from full funding. If the amount of total present assets is equal to the amount of the total accrued liability, then the special fund shall be considered to be fully funded.

(2) The financial requirements of the special fund (OF THE RELIEF ASSOCIATION) for the following calendar year shall be determined in the following manner:

(a) The total accrued liability of the special fund (OF THE RELIEF ASSOCIATION) for all active and deferred members of the relief association as of December 31 of the calendar year next following the current calendar year shall be calculated pursuant to subdivisions 2 and 2a, if applicable.

(b) The increase (OR DECREASE) in the total accrued liability of the special fund (OF THE RELIEF ASSOCIATION) for the following calendar year over the total accrued liability of the special fund (OF THE RELIEF ASSOCIATION) for the current year shall be calculated.

(c) If the special fund (OF THE RELIEF ASSOCIATION) is fully funded, the financial requirement of the special fund for the following calendar year shall be (EITHER THE POSITIVE OR) the (NEGATIVE) figure which represents the increase (OR THE DECREASE) in the total accrued liability of the special fund (RESPECTIVELY) as calculated pursuant to subclause (b).

(d) If the special fund (OF THE RELIEF ASSOCIATION) has a deficit from full funding, the financial requirements of the special fund for the following calendar year shall be the financial requirements of the special fund calculated as though the special fund were fully funded pursuant to subclause (c) plus an amount equal to one-tenth of the amount of the deficit from full funding of the special fund as determined pursuant to this section for the calendar year 1971 until that deficit is fully retired, and plus an amount equal to one-tenth of the increase in the deficit from full funding of the special fund resulting from an increase in the amount of the service pension accruing subsequent to December 31, 1971 until each increase in the deficit is fully retired.

(e) If the special fund (OF THE RELIEF ASSOCIATION) has a surplus over full funding, the financial requirements of the special fund for the following calendar year shall be the financial requirements of the special fund calculated as though the special fund were fully funded pursuant to subclause (c) reduced by an amount equal to one-tenth of the amount of the surplus over full funding of the special fund.

(3) The minimum obligation of the municipality with respect to the special fund (OF THE RELIEF ASSOCIATION) shall be the financial requirements of the special fund (OF THE RELIEF ASSOCIATION) reduced by the amount of any fire state aid payable pursuant to sections 69.011 to 69.051 anticipated to be received by the municipality for transmittal to the special fund (OF THE RELIEF ASSOCIATION) during the following

calendar year, an amount of interest on the assets of the special fund projected to the (END OF THE CURRENT) *beginning of the following* calendar year calculated at the rate of five percent per annum, and the amount of any anticipated contributions to the special fund by the members of the relief association during the following calendar year.

Sec. 4. [424A.001] [DEFINITIONS.]

*Subdivision 1. [TERMS DEFINED.] As used in chapter 424A, the terms defined in this section have the meanings given.*

*Subd. 2. [FIRE DEPARTMENT.] "Fire department" includes municipal fire department and independent nonprofit firefighting corporation.*

*Subd. 3. [MUNICIPALITY.] "Municipality" means a municipality which has a fire department with which the relief association is directly associated, or the municipalities which contract with the independent nonprofit firefighting corporation of which the relief association is a subsidiary.*

*Subd. 4. [RELIEF ASSOCIATION.] "Relief association" means (a) a volunteer firefighters' relief association or volunteer firefighters' division or account of a partially salaried and partially volunteer firefighters' relief association organized and incorporated under chapter 317 and any laws of the state, governed by chapters 69 and 424A, and directly associated with a fire department established by municipal ordinance; or (b) any separate incorporated volunteer firefighters' relief association subsidiary to and providing service pension and retirement benefit coverage for members of an independent nonprofit firefighting corporation organized under the provisions of chapter 317, governed by chapter 424A, and operating exclusively for firefighting purposes.*

*Subd. 5. [SPECIAL FUND.] "Special fund" means special fund of a volunteer firefighters' relief association or the account for volunteer firefighters within the special fund of a partially salaried and partially volunteer firefighters' relief association.*

*Subd. 6. [SURVIVING SPOUSE.] For purposes of this chapter, and the governing bylaws of any relief association to which this chapter applies, the term "surviving spouse" means any person who was the dependent spouse of a deceased active member or retired former member living with the member at the time of the death of the active member or retired former member for at least one year prior to the date on which the member terminated active service and membership.*

Sec. 5. Minnesota Statutes 1982, section 424A.01, is amended to read:



**424A.01 [MEMBERSHIP IN A VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION.]**

Subdivision 1. [MINORS.] It is unlawful for any municipality or independent nonprofit firefighting corporation to employ a minor as a volunteer firefighter or to permit a minor to serve in any capacity performing any firefighting duties with a volunteer fire department.

Subd. 2. [STATUS OF SUBSTITUTE OR PROBATIONARY VOLUNTEER FIREFIGHTERS.] No person who is serving as a substitute or a probationary volunteer firefighter shall be deemed to be a firefighter for purposes of chapter 69 or this chapter nor shall be authorized to be a member of any volunteer firefighters' relief association governed by chapter 69 or this chapter.

Subd. 3. [STATUS OF NONMEMBER VOLUNTEER FIREFIGHTERS.] No person who is serving as a firefighter in a (MUNICIPAL) fire department (OR AN INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION) but who is not a member of the applicable firefighters' relief association shall be entitled to any service pension (, RETIREMENT) or ancillary benefits (OR PENSION OR RETIREMENT BENEFIT COVERAGE) from the relief association.

Subd. 3a. [SERVICE CREDIT FOR CERTAIN PROBATIONARY VOLUNTEER FIREFIGHTERS.] Unless the by-laws of the (VOLUNTEER FIREFIGHTERS) relief association clearly provide to the contrary, any person:

(a) who has served as a probationary volunteer firefighter with a (MUNICIPAL) fire department (TO) *with* which a (VOLUNTEER FIREFIGHTERS) relief association (GOVERNED BY CHAPTER 69 AND THIS CHAPTER) is directly associated (OR WITH AN INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION TO WHICH A VOLUNTEER FIREFIGHTERS RELIEF ASSOCIATION GOVERNED BY CHAPTER 69 AND THIS CHAPTER IS SUBSIDIARY); and

(b) who is a member of that (VOLUNTEER FIREFIGHTERS) relief association;

(SHALL BE) is entitled to have the period of service as a probationary volunteer firefighter credited as a period of active service as an active member of the (MUNICIPAL) fire department (OR THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION, WHICHEVER IS APPLICABLE,) for purposes of calculating a service pension or (OTHER RETIREMENT) *ancillary* benefits.

Subd. 4. [EXCLUSION OF PERSONS CONSTITUTING AN UNWARRANTED HEALTH RISK.] The board of trustees of every (VOLUNTEER FIREFIGHTERS') relief association (GOVERNED BY CHAPTER 69 OR THIS CHAPTER SHALL HAVE THE RIGHT TO) *may* exclude from membership in the relief association all applicants who, due to some medically determinable physical or mental impairment or condition, would constitute (FOR THE RELIEF ASSOCIATION) a predictable and unwarranted risk of (THE COMMENCEMENT OF A RETIREMENT) *imposing liability for an ancillary benefit* at any age earlier than the minimum age specified for receipt of a service pension. Notwithstanding any provision of section 363.02, subdivision 5, it shall be a good and valid defense to a complaint or action brought under chapter 363 that the board of trustees of the relief association made a good faith determination that the applicant suffers from an impairment or condition constituting a predictable and unwarranted risk for the relief association if the determination was made following consideration of: (a) *the person's medical history*; and (b) the report of the physician completing a physical examination of the applicant completed at the expense of the relief association (AND OF THE PERSON'S MEDICAL HISTORY).

Sec. 6. Minnesota Statutes 1982, section 424A.02, is amended to read:

424A.02 [VOLUNTEER FIREFIGHTERS; SERVICE PENSIONS.]

Subdivision 1. [AUTHORIZATION.] Any (VOLUNTEER FIREFIGHTERS') relief association (OR VOLUNTEER FIREFIGHTERS' DIVISION OR ACCOUNT OF A PARTIALLY SALARIED AND PARTIALLY VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION ORGANIZED AND INCORPORATED UNDER CHAPTER 317 AND ANY LAWS OF THE STATE AND DIRECTLY ASSOCIATED WITH A FIRE DEPARTMENT ESTABLISHED BY MUNICIPAL ORDINANCE OR ANY SEPARATE INCORPORATED VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION SUBSIDIARY TO AND PROVIDING SERVICE PENSION AND RETIREMENT BENEFIT COVERAGE FOR MEMBERS OF AN INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION ORGANIZED UNDER THE PROVISIONS OF CHAPTER 317 AND OPERATING EXCLUSIVELY FOR FIREFIGHTING PURPOSES, WHETHER OR NOT THE NONPROFIT FIREFIGHTING CORPORATION QUALIFIES FOR FIRE STATE AID PURSUANT TO CHAPTER 69); when its articles of incorporation or bylaws so provide, may pay out of the assets of (THE) *its* special fund (OF THE VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION OR VOLUNTEER FIREFIGHTERS' ACCOUNT,) a service pension to each of its members who: (1) separates from active service with the fire

department (OR THE INDEPENDENT NONPROFIT FIRE-FIGHTING CORPORATION, WHO); (2) reaches the age of 50 years (AND WHO); (3) completes at least ten years of active service as an active member of the municipal fire department to which the relief association is associated (OR OF THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION TO WHICH THE RELIEF ASSOCIATION IS SUBSIDIARY, AND WHO); (4) completes at least ten years of active membership with the (VOLUNTEER FIREFIGHTERS') relief association (OR VOLUNTEER FIREFIGHTERS' ACCOUNT) prior to separation from active service; and (WHO) (5) complies with any additional conditions as to age, service and membership which are prescribed by the bylaws of the relief association. *The service pension may be paid whether or not the municipality or nonprofit firefighting corporation to which the relief association is associated qualifies for fire state aid under chapter 69.* In the case of a member who has completed at least ten years of active service as an active member of the (MUNICIPAL) fire department to which the relief association is associated (OR OF THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION TO WHICH THE RELIEF ASSOCIATION IS SUBSIDIARY) on the date that the (VOLUNTEER FIREFIGHTERS') relief association is established and incorporated, the requirement that the member complete at least ten years of active membership with the (VOLUNTEER FIREFIGHTERS') relief association (OR VOLUNTEER FIREFIGHTERS' ACCOUNT) prior to separation from active service may be waived by the board of trustees of the relief association if the member completes at least ten years of inactive membership with the (VOLUNTEER FIREFIGHTERS') relief association (OR VOLUNTEER FIREFIGHTERS' ACCOUNT) prior to the payment of the service pension. During the period of inactive membership, the member shall not be entitled to receive any disability benefit coverage, shall not be entitled to receive any additional service credit towards computation of a service pension, and shall be deemed to have the status of a person entitled to a deferred service pension pursuant to subdivision 7.

No municipality or nonprofit firefighting corporation is authorized to delegate the power to take final action in setting a service pension or (RETIREMENT) *ancillary* benefit amount or level to the board of trustees of the (VOLUNTEER FIREFIGHTERS) relief association or to approve in advance a service pension or (RETIREMENT) *ancillary* benefit amount or level equal to the maximum amount or level which this chapter would allow rather than a specific dollar amount or level.

No (VOLUNTEER FIREFIGHTERS') relief association (OR VOLUNTEER FIREFIGHTERS' DIVISION OR ACCOUNT OF A PARTIALLY SALARIED AND PARTIALLY VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION IS AUTHORIZED TO) *as defined in section 424A.001, subdivision 4,* shall pay a service pension or disability benefit to any former member

of the relief association if that person has not separated from active service with the fire department to which the (VOLUNTEER FIREFIGHTERS') relief association is directly associated (OR WITH THE INDEPENDENT NONPROFIT FIRE-FIGHTING CORPORATION TO WHICH THE VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION IS SUBSIDIARY).

(SUBD. 2. [NONFORFEITABLE PORTION OF SERVICE PENSION.] ANY VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION OR VOLUNTEER FIREFIGHTERS' ACCOUNT TO WHICH THIS SECTION APPLIES, WHEN ITS ARTICLES OF INCORPORATION OR BYLAWS SO PROVIDE AND WHEN A RETIRING MEMBER MEETS THE MINIMUM AGE AND SERVICE REQUIREMENTS SET FORTH IN SUBDIVISION 1 BUT HAS NOT COMPLETED 20 YEARS OF SERVICE MAY PAY A PORTION OF THE SERVICE PENSION AMOUNT EARNED TO DATE AS SPECIFIED IN THE BYLAWS, BUT NOT TO EXCEED THE PERCENTAGE APPLICABLE FOR EACH FULL YEAR OF SERVICE COMPLETED AS FOLLOWS:

COMPLETED YEARS OF SERVICE	NONFORFEITABLE PORTION OF ANNUAL OR PRORATA PENSION AMOUNT)
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*Subd. 2. [NONFORFEITABLE PORTION OF SERVICE PENSION.] If the articles of incorporation or bylaws of a relief association so provide, a relief association may pay a reduced service pension to a retiring member who has completed fewer than 20 years of service. The reduced service pension may be paid when the retiring member meets the minimum age and service requirements of subdivision 1.*

*The amount of the reduced service pension shall not exceed the amount calculated by multiplying the service pension appropriate for the completed years of service as specified in the bylaws times the applicable nonforfeitable percentage of pension. The applicable nonforeitable percentage of pension amounts are as follows:*

<i>Completed Years of Service</i>	<i>Nonforfeitable Percentage of Pension Amount</i>
10	60 percent
11	64 percent
12	68 percent
13	72 percent
14	76 percent

15	80 percent
16	84 percent
17	88 percent
18	92 percent
19	96 percent
20 and thereafter	100 percent

Subd. 3. [FLEXIBLE SERVICE PENSION MAXIMUMS.] On or before August 1 of each year as part of the certification of the financial requirements and minimum municipal obligation made pursuant to section 69.772, subdivision 4, or 69.773, subdivision 5, the secretary or some other official of the relief association designated in the bylaws of each (VOLUNTEER FIREFIGHTERS') relief association (OR VOLUNTEER FIREFIGHTERS' ACCOUNT, OTHER THAN A RELIEF ASSOCIATION OR ACCOUNT WHICH IN ITS BYLAWS PROVIDES SOLELY FOR THE PAYMENT OF A DEFINED CONTRIBUTION SERVICE PENSION AS AUTHORIZED PURSUANT TO SUBDIVISION 4,) shall calculate and certify to the governing body of the applicable qualified municipality the average amount of available financing per active covered firefighter for the most recent three-year period. The amount of available financing shall include any amounts of fire state aid received or receivable by the relief association (OR ACCOUNT), any amounts of municipal contributions to the relief association (OR ACCOUNT) raised from levies on real estate or from other available revenue sources exclusive of fire state aid, and one-tenth of the amount of assets in excess of the accrued liabilities of the relief association (OR ACCOUNT) calculated pursuant to sections 69.772, subdivision 2; 69.773, subdivisions 2 and 4; or 69.774, subdivision 2, if any. The maximum service pension which the relief association may provide for in its bylaws for payment to a member retiring after the calculation date when the minimum age and service requirements specified in subdivision 1 are met shall be determined using the applicable following table.

For a relief association (OR ACCOUNT) where the governing bylaws provide for a monthly service pension to a retiring member, if the average amount of available financing per active covered firefighter does not exceed the minimum average amount specified below, then the maximum monthly service pension

amount per month for each year of service credited which may be provided for in the bylaws shall be the greater of: (1) the service pension amount provided for in the bylaws on the date of calculation; or (2) the maximum service pension figure corresponding to the average amount of available financing per active covered firefighter;

Minimum Average Amount of Available Financing per Firefighter	Maximum Service Pension Amount Payable per Month for Each Year of Service
\$	\$ .25
37	.50
75	1.00
112	1.50
149	2.00
186	2.50
224	3.00
261	3.50
298	4.00
336	4.50
373	5.00
447	6.00
522	7.00
597	8.00
671	9.00
746	10.00
820	11.00
895	12.00
969	13.00

1044	14.00
1119	15.00
1193	16.00
1268	17.00
1342	18.00
1417	19.00
1491	20.00
1566	21.00
1640	22.00
1678 or more	22.50

For a relief association (OR ACCOUNT) in which the governing bylaws provide for a lump sum service pension to a retiring member, if the average amount of available financing per active covered firefighter does not exceed the minimum average amount specified below, then the maximum lump sum service pension amount for each year of service credited which may be provided for in the bylaws shall be the greater of: (1) the service pension amount provided for in the bylaws on the date of the calculation; or (2) the maximum service pension figure corresponding to the average amount of available financing per active covered firefighter:

Minimum Average Amount of Available Financing per Firefighter	Maximum Lump Sum Service Pension Amount Payable for Each Year of Service
\$	\$10
10	20
14	30
20	40
24	50
28	60
38	80

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[35th Day

48	100
58	120
68	140
76	160
86	180
96	200
116	240
134	280
154	320
172	360
192	400
212	440
230	480
250	520
268	560
288	600
308	640
326	680
346	720
364	760
384	800
432	900
480	1000
528	1100
576	1200



624	1300
672	1400
720	1500
768	1600
816	1700
864	1800
912	1900
960	2000
1008	2100
1056	2200
1104	2300
1152	2400
1200	2500
1248	2600
1296	2700
1344	2800
1392	2900
1440 or more	3000

For a relief association (OR ACCOUNT) in which the governing bylaws provide for a monthly benefit service pension as an alternative form of service pension payment to a lump sum service pension at the option of the retiring member, the maximum service pension amount shall be determined using the applicable table contained in this subdivision.

Subd. 4. [DEFINED CONTRIBUTION LUMP SUM SERVICE PENSIONS.] If the bylaws governing the (VOLUNTEER FIREFIGHTERS') relief association (OR VOLUNTEER FIREFIGHTERS' ACCOUNT OF A FIREFIGHTERS' RELIEF ASSOCIATION) so provide exclusively, the relief association (OR ACCOUNT) may pay a defined contribution lump sum service pension in lieu of any defined benefit service pension governed by subdivision 2. An individual account for each fire-

fighter who is a member of the relief association shall be established. To each individual member account shall be credited a right to an equal share of: (a) any amounts of fire state aid received by the relief association (OR ACCOUNT,); (b) any amounts of municipal contributions to the relief association (OR ACCOUNT) raised from levies on real estate or from other available revenue sources exclusive of fire state aid (,); and (c) any amounts equal to the share of the assets of the special fund to the credit of: (1) any former member who terminated active service with the fire department (OF THE MUNICIPALITY) to which the relief association is associated (OR THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION TO WHICH THE RELIEF ASSOCIATION IS A SUBSIDIARY) prior to meeting the minimum service requirement provided for in subdivision 1 and has not returned to active service with the fire department (OR INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION) for a period no shorter than five years; or (TO THE CREDIT OF) (2) any retired member who retired prior to obtaining a full nonforfeitable interest in the amounts credited to the individual member account pursuant to subdivision 2 and any applicable provision of the bylaws of the relief association. In addition, any interest or investment income earned on the assets of the special fund shall be credited in proportion to the share of the assets of the special fund to the credit of each individual member account. At the time of retirement pursuant to subdivision 1 and any applicable provision of the bylaws of the relief association, a retiring member shall be entitled to that portion of the assets of the special fund to the credit of the member in the individual member account which is nonforfeitable pursuant to subdivision 2 and any applicable provision of the bylaws of the relief association based on the number of years of service to the credit of the retiring member.

Subd. 5. [SERVICE CREDIT MAXIMUM.] No relief association (OR ACCOUNT TO WHICH THIS CHAPTER APPLIES AND WHERE) *for which* the governing bylaws provide (FOR) a monthly service pension to a retiring member shall credit any member with service in excess of 30 years (; PROVIDED, HOWEVER, THAT FOR ANY). *For a* member of a relief association (OR ACCOUNT) who, as of July 1, 1979, has received credit for service in excess of 30 years, the limitation on the crediting of further service credit provided for in this subdivision (SHALL APPLY) *applies* to any additional years of service occurring after July 1, 1979.

Subd. 6. [PAYMENT OF SERVICE PENSIONS; NONAS-SIGNABILITY.] The method of calculating service pensions shall be applied uniformly, except as otherwise provided in this section. No service pension shall be paid to any person while the person remains an active member of the respective (MUNICIPAL) fire department (OR NONPROFIT FIREFIGHTING CORPORATION), and no person who is receiving a service pension shall be entitled to receive any other benefits from the spe-

cial fund of the relief association (OR ACCOUNT). No service pension or (RETIREMENT) *ancillary* benefits paid or payable from the special fund of a relief association (OR ACCOUNT) to any person receiving or entitled to receive a service pension or (OTHER) *ancillary* benefits shall be subject to garnishment, judgment, execution or other legal process (AND). No person entitled to a service pension or (OTHER RETIREMENT) *ancillary* benefits from the special fund of a relief association (OR ACCOUNT SHALL HAVE THE RIGHT TO) *may* assign any service pension or (RETIREMENT) *ancillary* benefit payments, nor shall the association have the authority to recognize any assignment or pay over any sum which has been assigned.

Subd. 7. [DEFERRED SERVICE PENSIONS.] A member of a relief association (OR ACCOUNT) to which this section applies (WHO) *is entitled to a deferred service pension if the member:*

(1) has completed the lesser of the minimum period of active service with the (MUNICIPAL) fire department (OR INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION) specified in the bylaws or 20 years of active service with the (MUNICIPAL) fire department (TO WHICH THE RELIEF ASSOCIATION OR ACCOUNT IS DIRECTLY ASSOCIATED WITH OR THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION OF WHICH THE RELIEF ASSOCIATION IS A SUBSIDIARY, WHO); (2) has completed at least ten years of active membership in the relief association (OR ACCOUNT); and (WHO) (3) separates from active service and membership prior to reaching the age of 50 years or the minimum age for retirement and commencement of a service pension specified in the bylaws governing the relief association (OR ACCOUNT) if that age is greater than the age of 50 years (SHALL BE ENTITLED TO A DEFERRED SERVICE PENSION TO). *The deferred service pension shall commence (UPON) when the former member (REACHING) reaches the age of 50 years or the minimum age specified in the bylaws governing the relief association (OR ACCOUNT) if that age is greater than the age of 50 years and (UPON) when the former member (MAKING) makes a valid written application.* Any relief association (OR ACCOUNT) which provides a lump sum service pension may, when its governing bylaws so provide, pay interest on the deferred lump sum service pension during the period of deferral. If provided for, interest shall be paid at the rate actually earned by the relief association (OR ACCOUNT), but not to exceed the interest rate specified in section 356.215, subdivision 4, clause (4), and shall be compounded annually based on calendar year balances. The deferred service pension shall be governed by and shall be calculated pursuant to any general statute, special law, relief association articles of incorporation or relief association bylaw provisions applicable as of the date on which the member separated from active service with the fire department (OR THE

NONPROFIT FIREFIGHTING CORPORATION) and active membership in the relief association (OR ACCOUNT).

Subd. 8. [LUMP SUM SERVICE PENSIONS; INSTALLMENT PAYMENTS.] Any relief association (OR ACCOUNT), if the governing bylaws so provide, may *pay*, at the option of the retiring member and in lieu of a single payment of a lump sum service pension, (PAY) a lump sum service pension in installments.

The election of installment payments shall be irrevocable and shall be made by the retiring member in writing and filed with the secretary of the relief association no later than 30 days prior to the commencement of payment of the service pension. The amount of the installment payments shall be determined so that the present value of the aggregate installment payments computed at an interest rate of five percent, compounded annually, is equal to the amount of the single lump sum payment which would have been made had the installment payments option not been elected. The payment of each installment shall include interest at the rate or five percent, compounded annually on the reserve supporting the remaining installment payments as of the date on which the previous installment payment was paid and computed from the date on which the previous installment payment was paid to the date of payment for the current installment payment.

To the extent that the commissioner of insurance deems it to be necessary or practical, the commissioner may specify and issue procedures, forms or mathematical tables for use in performing the calculations required pursuant to this subdivision.

Subd. 9. [LIMITATION ON (RETIREMENT) ANCILLARY BENEFITS (OTHER THAN SERVICE PENSION).] Any relief association (OR ACCOUNT TO WHICH THIS SECTION APPLIES, IF THE GOVERNING BYLAWS SO PROVIDE, MAY PROVIDE RETIREMENT COVERAGE FOR AND) may pay (ANY ONE OR ANY COMBINATION DEATH, DISABILITY, FUNERAL AND SURVIVORSHIP) *ancillary* benefits which would constitute an authorized disbursement as specified in section 424A.05 subject to the following limitations:

((1)) (a) With respect to a relief association (OR ACCOUNT WHERE THE) *in which* governing bylaws provide for a lump sum service pension to a retiring member, no (RETIREMENT) *ancillary* benefit may be paid to any former member or paid to any person on behalf of any former member (SUBSEQUENT TO) *after* the former member (TERMINATING) (1) *terminates* active service with the (MUNICIPAL) fire department (TO WHICH THE RELIEF ASSOCIATION OR ACCOUNT IS DIRECTLY ASSOCIATED OR THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORA-

TION OF WHICH THE RELIEF ASSOCIATION IS A SUBSIDIARY, WHICHEVER IS APPLICABLE,) and active membership in the relief association (OR ACCOUNT,); and (COMMENCING) (2) commences receipt of a service pension as authorized pursuant to this section; and

((2)) (b) With respect to any relief association (OR ACCOUNT), no (RETIREMENT) *ancillary* benefit paid or payable to any member, to any former member, or to any person on behalf of any member or former member, may exceed in amount the total *earned* service pension of the member or former member. The total earned service pension is calculated using the service pension amount specified in the (GOVERNING) bylaws of the relief association and the years of service credited to the member or former member. The years of service are determined as of (1) the date the member or former member became entitled to the (RETIREMENT) *ancillary* benefit; or (2) the date the member or former member died entitling a survivor or the estate of the member or former member to (A RETIREMENT) an *ancillary* benefit (ON BEHALF OF THE MEMBER OR FORMER MEMBER,). The survivor benefit may be calculated (1) without regard to whether the member or former member had attained the minimum amount of service and membership credit specified in the governing bylaws (OR NOT); and (2) without regard to the percentage amounts specified in subdivision 2; except that the bylaws of any relief association may provide for the payment of a survivor benefit (EQUIVALENT OF) in an amount not to exceed five times the yearly service pension amount specified in the bylaws on behalf of any member who dies before having performed five years of active service in the fire department with which the relief association is affiliated.

Subd. 9a. [POST RETIREMENT INCREASES.] Notwithstanding any provision of general or special law to the contrary, a (VOLUNTEER FIREFIGHTERS') relief association paying a monthly service pension may (, FROM TIME TO TIME, WITH MUNICIPAL APPROVAL PURSUANT TO SUBDIVISION 10 AND SECTION 69.772, SUBDIVISION 6, OR SECTION 69.773, SUBDIVISION 6, WHICHEVER IS APPLICABLE,) provide a post retirement increase to retired members and (OTHER RETIREMENT) *ancillary* benefit recipients of the relief association if (1) the relief association adopts an appropriate bylaw amendment; and (2) the bylaw amendment is approved by the municipality pursuant to subdivision 10 and section 69.773, subdivision 6. The post retirement increase (MAY ONLY BE GRANTED PURSUANT TO AN AMENDMENT TO THE BYLAWS OF THE RELIEF ASSOCIATION AND) shall be applicable only to retired members and (OTHER RETIREMENT) *ancillary* benefit recipients receiving a service pension or (RETIREMENT) *ancillary* benefit as of the effective date of the bylaw amendment. The authority to provide a post retirement increase to retired members and (OTHER RETIRE-

MENT) *ancillary* benefit recipients of a relief association contained in this subdivision shall supersede any prior special law authorization relating to the provision of post retirement increases.

Subd. 10. [LOCAL APPROVAL OF BYLAW AMENDMENTS; FILING REQUIREMENTS.] Each relief association (OR ACCOUNT) to which this section applies shall file (A COMPLETE CURRENT COPY OF ITS GOVERNING BYLAWS WITH THE COMMISSIONER OF INSURANCE ON OR BEFORE JULY 1, 1980 AND SHALL IMMEDIATELY FILE) a revised copy of its governing bylaws with the commissioner of insurance upon the adoption of any amendment to its governing bylaws by the relief association or upon the approval of any amendment to its governing bylaws granted by the governing body of (THE) *each* municipality (IN WHICH) *served by* the fire department to which the relief association (OR ACCOUNT) is directly associated (OR BY THE GOVERNING BODIES OF ALL MUNICIPALITIES WITH WHICH THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION OF WHICH THE RELIEF ASSOCIATION IS A SUBSIDIARY HAS CONTRACTED WHICHEVER IS APPLICABLE). Failure of the relief association to file a copy of the bylaws or any bylaw amendments with the commissioner of insurance shall disqualify the municipality from the distribution of any future fire state aid until this filing requirement has been completed.

If the special fund of the relief association does not have a surplus over full funding pursuant to section 69.772, subdivision 3, clause (2), subclause (e), or 69.773, subdivision 4, and if the municipality is required to provide financial support to the special fund of the relief association pursuant to section 69.772 or 69.773 (IN THE EVENT THAT THE FIRE DEPARTMENT TO WHICH THE RELIEF ASSOCIATION OR ACCOUNT IS DIRECTLY ASSOCIATED IS A MUNICIPAL FIRE DEPARTMENT, OR IF THE RELIEF ASSOCIATION IS A SUBSIDIARY OF A NONPROFIT FIREFIGHTING CORPORATION), no bylaw amendment which would affect the amount of, the manner of payment of, or the conditions for qualification for service pensions or (OTHER RETIREMENT) *ancillary* benefits or disbursements other than administrative expenses authorized pursuant to section 69.80 payable from the special fund of the relief association (OR ACCOUNT) shall be effective until it has been ratified by the governing body or *bodies* of the (MUNICIPALITY IN WHICH THE FIRE DEPARTMENT TO WHICH THE RELIEF ASSOCIATION OR ACCOUNT IS DIRECTLY ASSOCIATED OR BY THE GOVERNING BODIES OF ALL) *appropriate* municipalities (WITH WHICH THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION OF WHICH THE RELIEF ASSOCIATION IS A SUBSIDIARY HAS CONTRACTED, WHICHEVER IS APPLICABLE). If (THE FIRE DEPARTMENT WITH WHICH

THE RELIEF ASSOCIATION IS DIRECTLY ASSOCIATED IS A MUNICIPAL FIRE DEPARTMENT AND) the municipality is not required to provide financial support to the special fund (OF THE RELIEF ASSOCIATION) pursuant to this section, the relief association may adopt or amend *without municipal ratification* its articles of incorporation or bylaws which increase or otherwise affect the (RETIREMENT COVERAGE PROVIDED BY OR THE) service pensions or (RETIREMENT) *ancillary* benefits payable from the special fund (OF THE RELIEF ASSOCIATION SHALL BE EFFECTIVE WITHOUT MUNICIPAL RATIFICATION) so long as (THIS DOES) *the changes do not* cause the amount of the resulting increase in the accrued liability of the special fund (OF THE RELIEF ASSOCIATION) to exceed 90 percent of the amount of the prior surplus over full funding and (THIS DOES) *the changes do not* result in the financial requirements of the special fund (OF THE RELIEF ASSOCIATION) exceeding the expected amount of the future fire state aid to be received by the relief association (AS).

*If the relief association pays only a lump sum pension, the financial requirements are to be determined by the board of trustees following the preparation of an estimate of the expected increase in the accrued liability and annual accruing liability of the relief association attributable to the change (, IF THE RELIEF ASSOCIATION PAYS ONLY A LUMP SUM SERVICE PENSION OR). If the relief association pays a monthly benefit service pension, the financial requirements are to be determined by the board of trustees following either an updated actuarial valuation including the proposed change or an estimate of the expected actuarial impact of the proposed change prepared by the actuary of the relief association (IF THE RELIEF ASSOCIATION PAYS A MONTHLY BENEFIT SERVICE PENSION). If a relief association adopts or amends its articles of incorporation or bylaws without municipal ratification pursuant to this subdivision, and, subsequent to the amendment or adoption, the financial requirements of the special fund (OF THE RELIEF ASSOCIATION) pursuant to this section are such so as to require financial support from the municipality, the provision which was implemented without municipal ratification shall no longer be effective without municipal ratification, and any service pensions or (RETIREMENT) *ancillary* benefits payable after that date shall be paid only in accordance with the articles of incorporation or bylaws as amended or adopted with municipal ratification.*

Sec. 7. Minnesota Statutes 1982, section 424A.02, is amended by adding a subdivision to read:

*Subd. 11. [DISTRIBUTION OF ASSETS UPON DISSOLUTION IN CERTAIN CASES.] If the fire department which is associated with a relief association is dissolved or eliminated by action of the governing body of the municipality in which the*

*fire department is located, the relief association shall distribute its assets and be dissolved in the following manner:*

*(1) Within six months after the dissolution of the fire department, the board of trustees of the relief association shall convert all of the assets of the relief association to cash or negotiable instruments.*

*(2) The board shall then determine and pay all of the legal obligations of the association, including the costs relating to dissolution of the corporate existence of the association, but excluding pension obligations to members.*

*(3) After payment of the legal obligations of the association, the board shall determine the pro rata share of each member of the association. The pro rata share shall be that portion of the remaining assets of the association based on the proportion which the months of active service performed in the associated fire department bears to the total number of months of active service which have been performed in the associated fire department by all of the persons who are then members of the relief association. At the time of dissolution of the corporation, each member shall be paid the member's pro rata share.*

Sec. 8. Minnesota Statutes 1982, section 424A.03, subdivision 1, is amended to read:

Subdivision 1. [LIMITATION ON NONUNIFORMITY OF PENSIONS.] (NO) *Every* partially salaried and partially volunteer firefighters' relief association shall provide service pensions to volunteer firefighter members (WHICH DIFFER IN NATURE OR AMOUNT IF THE DIFFERENCE IS BASED ON COMPENSATION PAID FOR FIREFIGHTING SERVICES RENDERED BY ANY FIREFIGHTER MEMBER NOR BASE THE SERVICE PENSIONS AND RETIREMENT BENEFITS IT PROVIDES UPON ANY RATE OR AMOUNT OF COMPENSATION WHICH IS PAID FOR FIREFIGHTING SERVICES) *based on the years of service of the members not on the compensation paid to the members for firefighting services. Each relief association shall provide service pensions to salaried members as set forth in chapter 424 and applicable special laws.*

Sec. 9. Minnesota Statutes 1982, section 424A.04, is amended to read:

424A.04 [VOLUNTEER RELIEF ASSOCIATIONS; BOARD OF TRUSTEES.]

Subdivision 1. [MEMBERSHIP.] *Every* (VOLUNTEER FIREFIGHTERS') relief association *directly associated with the municipal fire department* shall be managed by a board of trustees consisting of nine members. Six trustees shall be elected from the membership of the relief association and three trustees shall be drawn from the officials of the (MUNICIPALITY



WHICH HAS A) *municipalities served by the fire department to which the relief association is directly associated (OR THE MUNICIPALITY WHICH CONTRACTS OR THE MUNICIPALITIES WHICH CONTRACT WITH THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION OF WHICH THE RELIEF ASSOCIATION IS A SUBSIDIARY).* The by-laws of a (VOLUNTEER FIREFIGHTERS') *relief association* may provide that one of the six trustees (REQUIRED TO BE) elected from (THE MEMBERSHIP OF) the relief association may be a retired member (OF THE RELIEF ASSOCIATION) receiving a monthly pension *who is elected by the membership of the (FIRE DEPARTMENT) relief association.* The three ex officio trustees (, IF THE RELIEF ASSOCIATION IS DIRECTLY ASSOCIATED WITH THE FIRE DEPARTMENT OF A MUNICIPALITY,) shall be the mayor, the clerk, clerk-treasurer or finance director, and the chief of the municipal fire department. (THE THREE EX OFFICIO TRUSTEES,)

(IF THE) *Every relief association that is a subsidiary of an independent nonprofit firefighting (RELIEF) corporation (,) shall be managed by a board of trustees consisting of ten members. Six trustees shall be elected from the membership of the relief association, three trustees shall be drawn from the officials of the municipalities served by the fire department to which the relief association is directly associated, and one trustee shall be the fire chief. The bylaws of a relief association may provide that one of the six trustees elected from the relief association may be a retired member receiving a monthly pension who is elected by the membership of the relief association. The three ex officio trustees who are the elected officials shall be selected as follows:*

(1) *if only one municipality contracts with the independent nonprofit firefighting corporation, the ex officio trustees shall be three elected officials of the contracting municipality who are designated by the governing body of the municipality (IF ONLY ONE MUNICIPALITY CONTRACTS WITH THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION,);* (2) *if two municipalities contract with the independent nonprofit firefighting corporation, the ex officio trustees shall be two elected officials of the largest municipality in population and one elected official of the next largest municipality in population who are designated by the governing bodies of the applicable municipalities (IF TWO MUNICIPALITIES CONTRACT WITH THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION,);* or (3) *if three or more municipalities contract with the independent nonprofit corporation, the ex officio trustees shall be one elected official of each of the three largest municipalities in population who are designated by the governing bodies of the applicable municipalities (IF THREE OR MORE MUNICIPALITIES CONTRACT WITH THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION).* An ex officio trustee shall have all (OF) the

rights and duties accorded to any other trustee except the right to be an officer of the board of trustees. A board shall have at least three officers, which shall be a president, a secretary and a treasurer. These officers shall be elected from among the elected trustees by either the full board of trustees or by the membership, as specified in the bylaws, and in no event shall any trustee hold more than one officer position at any one time. The terms of the elected trustees and of the officers of the board shall be specified in the bylaws of the relief association, but shall not exceed three years. If the term of the elected trustees exceeds one year, the election of the various trustees elected from the membership shall initially and shall thereafter continue to be staggered on as equal a basis as is practicable.

Subd. 2. [FIDUCIARY DUTY.] It shall be the duty of the board of trustees to faithfully administer any provisions of statute or special law applicable to the relief association without prejudice and consistent with the expressed intent of the legislature. The members of the board shall act as trustees with a fiduciary obligation to the state of Minnesota which authorized the creation of the relief association, to the taxpayers who aid in its financing, and to the firefighters who are its beneficiaries.

Sec. 10. Minnesota Statutes 1982, section 424A.05, is amended to read:

424A.05 [RELIEF ASSOCIATION SPECIAL FUND.]

Subdivision 1. [ESTABLISHMENT OF SPECIAL FUND.] Every (VOLUNTEER FIREFIGHTERS') relief association shall establish and maintain a special fund within the relief association.

Subd. 2. [SPECIAL FUND ASSETS AND REVENUES.] The special fund shall be credited with all fire state aid moneys received pursuant to sections 69.011 to 69.051, all taxes levied by or other revenues received from the municipality pursuant to sections 69.771 to 69.776 or any applicable special law requiring municipal support for the relief association, any moneys or property donated, given, granted or devised by any person which is specified for use for the support of the special fund (OF THE RELIEF ASSOCIATION) and any interest earned upon the assets of the special fund. The treasurer of the relief association shall be the custodian of the assets of the special fund and shall be the recipient on behalf of the special fund of all revenues payable to the special fund. The treasurer shall maintain adequate records documenting any transaction involving the assets or the revenues of the special fund. These records and the bylaws of the relief association shall be public and shall be open for inspection by any member of the relief association, any officer or employee of the state or the municipi-

pality or any member of the public, at reasonable times and places.

Subd. 3. [AUTHORIZED DISBURSEMENTS FROM THE SPECIAL FUND.] Disbursements from the special fund shall not be made for any purpose other than one of the following:

(1) For the payment of service pensions to retired members of the relief association if authorized and paid pursuant to law and the bylaws governing the relief association;

(2) For the payment of temporary or permanent disability (RETIREMENT) benefits to disabled members of the relief association if authorized and paid pursuant to law and specified in amount in the bylaws governing the relief association;

(3) For the payment of survivor (RETIREMENT) benefits to surviving spouses and surviving children of deceased members of the relief association if authorized by and paid pursuant to law and specified in amount in the bylaws governing the relief association;

(4) For the payment of any funeral benefits to the surviving spouse, or if no surviving spouse, the estate, of the deceased member of the relief association if authorized by law and specified in amount in the bylaws governing the relief association;

(5) For the payment of the fees, dues and assessments to the Minnesota state fire department association and to the state volunteer firefighters' benefit association in order to entitle relief association members to membership in and the benefits of these state associations; and

(6) For the payment of administrative expenses of the relief association as authorized pursuant to section 69.80.

Subd. 4. [INVESTMENTS OF ASSETS OF THE SPECIAL FUND.] The assets of the special fund shall be invested only in securities authorized by section 69.775.

(SUBD. 5. [DEFINITION OF SURVIVING SPOUSE.] FOR PURPOSES OF THIS SECTION, SECTION 424A.02, AND THE GOVERNING BYLAWS OF ANY RELIEF ASSOCIATION TO WHICH THIS CHAPTER APPLIES, THE TERM "SURVIVING SPOUSE" MEANS ANY PERSON WHO WAS THE DEPENDENT SPOUSE OF A DECEASED ACTIVE MEMBER OR RETIRED FORMER MEMBER LIVING WITH THE MEMBER AT THE TIME OF THE DEATH OF THE ACTIVE MEMBER OR RETIRED FORMER MEMBER FOR AT LEAST ONE YEAR PRIOR TO THE DATE ON

WHICH THE MEMBER TERMINATED ACTIVE SERVICE AND MEMBERSHIP.)

Sec. 11. Minnesota Statutes 1982, section 424A.08, is amended to read:

424A.08 [MUNICIPALITY WITHOUT RELIEF ASSOCIATION; AUTHORIZED DISBURSEMENTS.]

Any qualified municipality which is entitled to receive fire state aid but which has no volunteer firefighters' relief association directly associated with its (MUNICIPAL) fire department (AND DOES NOT CONTRACT WITH AN INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION WHICH HAS A SUBSIDIARY VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION,) shall deposit the fire state aid in a special account in the municipal treasury. Disbursement from the special account shall not be made for any purpose except:

(1) Payment of the fees, dues and assessments to the Minnesota state fire department association and to the state volunteer firefighters' benefit association in order to entitle its firefighters to membership in and the benefits of these state associations;

(2) Payment of the cost of purchasing and maintaining needed equipment for the fire department; and

(3) Payment of the cost for construction, acquisition, repair and maintenance of buildings or other premises to house the fire department.

Sec. 12. [EFFECTIVE DATE.]

*This act is effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to retirement; volunteer firefighters' relief associations; adding definitions; providing for distribution of assets upon dissolution; clarifying ambiguous language; amending Minnesota Statutes 1982, sections 69.772, subdivisions 1, 2, and 3; 424A.01; 424A.02, by adding a subdivision; 424A.03, subdivision 1; 424A.04; 424A.05; and 424A.08; proposing new law coded in Minnesota Statutes, chapter 424A."

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. 659, A bill for an act relating to housing; eliminating requirements that housing programs for urban Indians combine appropriated money with funds from other sources whenever possible; amending Minnesota Statutes 1982, section 462A.07, subdivision 15; and Laws 1978, chapter 670, section 3, subdivision 3.

Reported the same back with the following amendments:

Page 1, lines 16 to 18, reinstate the stricken language

Page 1, lines 20 to 22, reinstate the stricken language

Page 1, line 22, before the period insert "*except that interest earned on the portion of an appropriation to be expended for Indian housing programs in the city of Duluth does not have to be combined with money from other sources*"

Page 2, lines 6 to 8, reinstate the stricken language

Page 2, line 8, before the period insert "*except that interest earned on the portion of the appropriation to be expended for Indian housing programs in the city of Duluth does not have to be combined with proceeds of bond sales*"

Amend the title as follows:

Page 1, line 2, delete "eliminating" and insert "modifying"

Page 1, line 3, after "Indians" insert "in the city of Duluth"

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. 735, A bill for an act relating to insurance; providing for certain unfair or deceptive acts or practices; prescribing penalties; amending Minnesota Statutes 1982, section 72A.20, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 72A; repealing Minnesota Statutes 1982, section 72A.20, subdivision 12.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 72A.20, is amended by adding a subdivision to read:

*Subd. 12a. [UNFAIR OR DECEPTIVE SERVICE.] Unfair or deceptive service includes, but is not limited to, the following:*

(1) knowingly permitting a claim or claims, or permitting with such frequency as to indicate a general business practice, the claims and complaints of insureds, claimants, or beneficiaries to be processed in an unreasonable length of time, or in an unfair, deceptive, or fraudulent manner, or in violation of rules the commissioner of insurance makes in the public interest to ensure the prompt, fair, and honest processing of claims and complaints;

(2) knowingly misrepresenting to insured, claimants, or beneficiaries pertinent facts or insurance policy provisions relating to any coverages at issue;

(3) intentionally failing to investigate and process claims within a reasonable time;

(4) intentionally failing to affirm or deny coverage of claims within a reasonable time after proof of loss requirements have been completed and submitted by the insureds, claimants, or beneficiaries;

(5) knowingly and intentionally not attempting in good faith to effectuate settlements of claims in which liability has become reasonably clear;

(6) attempting to settle a claim by an insured, claimant, or beneficiary for less than the amount to which a reasonable person would have believed he or she was entitled by reference to written or printed advertising material accompanying or made part of an application;

(7) knowingly attempting to settle claims on the basis of an application which was altered without notice to the insured, claimant, or his or her representative, agent, or broker or which was altered without the knowledge or consent of these persons;

(8) making known to insureds, claimants, or beneficiaries a practice of the insurer of appealing from arbitration or court or jury awards in favor of these persons for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration or by a court or jury;

(9) failing to settle claims within a reasonable time under one portion of the insurance policy coverage in order to in-

*fluence settlement under other portions of the insurance policy where liability has become apparent;*

*(10) failing upon demand to provide with reasonable promptness in writing a reasonable explanation of the basis relied on in the insurance policy, in relation to the facts or applicable law, for the denial of a claim or for the offer of a compromise settlement; or*

*(11) misleading an insured, claimant, or beneficiary as to the applicable statute of limitations or other applicable law.*

## Sec. 2. [72A.295] [CIVIL REMEDY.]

*Subdivision 1. An insured or claimant injured by a violation of sections 72A.17 to 72A.32 may recover damages, including those set forth in section 549.20, in a civil action, except that damages awarded under section 549.20 are limited to three times the maximum coverage limits of the applicable policy coverage. This is in addition to any other rights, remedies, actions, claims for damages, or penalties which may be claimed or available.*

*Subd. 2. An action under sections 72A.17 to 72A.32 against an insurance company shall be tried separately from a third party action against an insured.*

## Sec. 3. [REPEALER.]

*Minnesota Statutes 1982, section 72A.20, subdivision 12, is repealed."*

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. 737, A bill for an act relating to the collection and dissemination of data; requiring the bureau of criminal apprehension to compile criminal history data relating to misdemeanor assaults; requiring law enforcement agencies to collect and furnish misdemeanor assault data to the bureau; proposing new law coded in Minnesota Statutes, chapter 299C.

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. 738, A bill for an act relating to counties; permitting counties to issue notes to finance purchase of necessary capital equipment; amending Minnesota Statutes 1982, section 373.01, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 17, after "notes" insert "*in accordance with section 475.61,*"

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

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 744, A bill for an act relating to motor vehicles; providing for special, free license plates for recipients of the congressional medal of honor; proposing new law coded in Minnesota Statutes, chapter 168.

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. 774, A bill for an act relating to crimes; prohibiting assaulting a peace officer; prescribing penalties; amending Minnesota Statutes 1982, section 609.224; proposing new law coded in Minnesota Statutes, chapter 609.

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. 782, A bill for an act relating to crimes; providing for increases in maximum authorized fines for crimes and petty misdemeanors; amending Minnesota Statutes 1982, sections 609.02, subdivisions 3, 4, and 4a; and 609.03; proposing new law



coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, sections 609.031 and 609.032.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 3.736, subdivision 4, is amended to read:

Subd. 4. [LIMITS.] The total liability of the state and its employees acting within the scope of their employment on any tort claim shall not exceed:

(a) (\$100,000) \$200,000 when the claim is one for death by wrongful act or omission and (\$100,000) \$200,000 to any claimant in any other case.

(b) (\$500,000) \$600,000 for any number of claims arising out of a single occurrence. If the amount awarded to or settled upon multiple claimants exceeds (\$500,000) \$600,000, any party may apply to any district court to apportion to each claimant his proper share of the (\$500,000) \$600,000. The share apportioned each claimant shall be in the proportion that the ratio of the award or settlement made to him bears to the aggregate awards and settlements for all claims arising out of the occurrence.

The limitation imposed by this subdivision on individual claimants includes damages claimed for loss of services or loss of support arising out of the same tort.

Sec. 2. Minnesota Statutes 1982, section 466.04, subdivision 1, is amended to read:

Subdivision 1. [LIMITS; PUNITIVE DAMAGES.] Liability of any municipality on any claim within the scope of sections 466.01 to 466.15 shall not exceed:

(a) (\$100,000) \$200,000 when the claim is one for death by wrongful act or omission and (\$100,000) \$200,000 to any claimant in any other case;

(b) (\$300,000) \$600,000 for any number of claims arising out of a single occurrence.

No award for damages on any such claim shall include punitive damages.

Sec. 3. Minnesota Statutes 1982, section 466.04, subdivision 3, is amended to read:

Subd. 3. [DISPOSITION OF MULTIPLE CLAIMS.] Where the amount awarded to or settled upon multiple claimants exceeds (\$300,000) \$600,000, any party may apply to any district court to apportion to each claimant his proper share of the total amount limited by subdivision 1. The share apportioned each claimant shall be in the proportion that the ratio of the award or settlement made to him bears to the aggregate awards and settlements for all claims arising out of the occurrence.

Sec. 4. Minnesota Statutes 1982, section 609.02, subdivision 3, is amended to read:

Subd. 3. [MISDEMEANOR.] "Misdemeanor" means a crime for which a sentence of not more than 90 days or a fine of not more than (\$500) \$700, or both, may be imposed.

Sec. 5. Minnesota Statutes 1982, section 609.02, subdivision 4, is amended to read:

Subd. 4. [GROSS MISDEMEANOR.] "Gross misdemeanor" means any crime (WHICH IS NOT A FELONY OR MISDEMEANOR) for which the maximum sentence of imprisonment which may be imposed is more than 90 days but less than one year and one day. The maximum fine which may be imposed for a gross misdemeanor is \$3,000.

Sec. 6. Minnesota Statutes 1982, section 609.02, subdivision 4a, is amended to read:

Subd. 4a. [PETTY MISDEMEANOR.] "Petty misdemeanor" means a petty offense which is prohibited by statute, which does not constitute a crime and for which a sentence of a fine of not more than (\$100) \$200 may be imposed.

Sec. 7. Minnesota Statutes 1982, section 609.03, is amended to read:

**609.03 [PUNISHMENT WHEN NOT OTHERWISE FIXED.]**

If a person is convicted of a crime for which no punishment is otherwise provided he may be sentenced as follows:

(1) If the crime is a felony, to imprisonment for not more than five years or to payment of a fine of not more than (\$5,000) \$15,000, or both; or

(2) If the crime is a gross misdemeanor, to imprisonment for not more than one year or to payment of a fine of not more than (\$1,000) \$3,000, or both; or

(3) If the crime is a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than (\$500) \$700, or both; or

(4) If the crime is other than a misdemeanor and a fine is imposed but the amount is not specified, to payment of a fine of not more than (\$750) \$1,000, or to imprisonment for a specified term of not more than six months if the fine is not paid.

**Sec. 8. [609.033] [INCREASED MAXIMUM PENALTIES FOR PETTY MISDEMEANORS; MISDEMEANORS.]**

*Subdivision 1. [PETTY MISDEMEANORS.] Any law of this state which provides for a maximum fine of \$100 as a penalty for a violation shall, after August 1, 1983, be deemed to provide a maximum fine of \$200.*

*Subd. 2. [MISDEMEANORS.] Any law of this state which provides for a maximum fine of \$500 as a penalty for a violation shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$700.*

**Sec. 9. [609.034] [INCREASED MAXIMUM PENALTY FOR ORDINANCE VIOLATIONS.]**

*Any law of this state or municipal charter which limits the power of any statutory or home rule charter city, town, county, or other political subdivision to prescribe a maximum fine of \$500 or less for an ordinance shall on or after August 1, 1983, be deemed to provide that the statutory or home rule charter city, town, county, or other political subdivision has the power to prescribe a maximum fine of \$700.*

**Sec. 10. [609.0341] [INCREASED MAXIMUM FINES FOR GROSS MISDEMEANORS; FELONIES; OTHER FINES.]**

*Subdivision 1. [GROSS MISDEMEANORS.] Any law of this state which provides for a maximum fine of \$1,000 or for a maximum term of imprisonment of one year or which is defined as a gross misdemeanor shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$3,000 and for a maximum term of imprisonment of one year.*

*Subd. 2. [FELONIES.] (a) Any law of this state which provides for a maximum fine of \$2,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$4,000.*

*(b) Any law of this state which provides for a maximum fine of \$3,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$5,000.*

(c) Any law of this state which provides for a maximum fine of \$5,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$15,000.

(d) Any law of this state which provides for a maximum fine of \$7,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$20,000.

(e) Any law of this state which provides for a maximum fine of \$10,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$25,000.

(f) Any law of this state which provides for a maximum fine of \$15,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$30,000.

(g) Any law of this state which provides for a maximum fine of \$20,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$35,000.

(h) Any law of this state which provides for a maximum fine of \$25,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$40,000.

(i) Any law of this state which provides for a maximum fine of \$30,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$45,000.

(j) Any law of this state which provides for a maximum fine of \$40,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$50,000.

Sec. 11. Minnesota Statutes 1982, section 609.52, subdivision 3, is amended to read:

Subd. 3. [SENTENCE.] Whoever commits theft may be sentenced as follows:

(1) To imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if the value of the property or services stolen exceeds \$2,500; or

(2) To imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, if the value of the property or services stolen is more than (\$150) \$300 but not more than \$2,500; or

(3) To imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, notwithstanding the value of the property or services stolen is not more than (\$150) \$300, if any of the following circumstances exist:

(a) The property is taken from the person of another or from a corpse, or grave or coffin containing a corpse; or

(b) The property taken is a record of a court or officer, or a writing, instrument or record kept, filed or deposited according to law with or in the keeping of any public officer or office; or

(c) The property is taken from a burning building or upon its removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle; or

(d) The property taken consists of public funds belonging to the state or to any political subdivision or agency thereof; or

(4) To imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if the property stolen is an article representing a trade secret; or if the property stolen is an explosive or an incendiary device; or

(5) In all other cases where the value of the property or services stolen is (\$150) \$300 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$500, or both, provided, however, in any prosecution under clause (1), clause (2), clause (3)(a), (b) and (c), clause (4), and clause (13) of subdivision 2 of the value of the money or property received by the defendant in violation of any one or more of the above provisions within any six month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

#### Sec. 12. [REPEALER.]

*Minnesota Statutes 1982, sections 609.031 and 609.032 are repealed.*

#### Sec. 13. [EFFECTIVE DATE.]

*Sections 2 and 3 are effective August 1, 1984, and apply to claims arising on or after that date. Sections 1 and 4 to 12 are effective August 1, 1983, and apply to offenses committed on or after that date."*

Delete the title and insert:

"A bill for an act relating to courts; providing for increases in maximum authorized fines for crimes and petty misdemeanors; increasing the value of stolen property necessary for

felony theft; increasing the maximum government tort liability limits; amending Minnesota Statutes 1982, sections 3.736, subdivision 4; 466.04, subdivisions 1 and 3; 609.02, subdivisions 3, 4, and 4a; 609.03; and 609.52, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, sections 609.031 and 609.032."

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

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

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 168.345, is amended to read:

168.345 [MOTOR VEHICLE REGISTRATIONS; INFORMATION.]

*Subdivision 1. [INFORMATION OVER TELEPHONE.]* Notwithstanding the provisions of any other law, information concerning motor vehicle registrations shall not be furnished on the telephone to any person except the personnel of law enforcement agencies, and the personnel of federal, state, and local governmental units.

*Subd. 2. [IDENTIFICATION; RECORD.]* *Before giving information (other than information given over the telephone) concerning individual motor vehicle registrations to any person the registrar shall first require the person requesting the information to present identification in a form satisfactory to the registrar. The registrar shall record the name and address of the person requesting the information and the registration on which information is requested, and shall retain this information in a permanent file."*

Delete the title and insert:

"A bill for an act relating to motor vehicles; requiring identification of persons requesting registration information; amending Minnesota Statutes 1982, section 168.345."

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. 800, A resolution memorializing the President and Secretary of State of the United States to protest discrimination against Soviet Jews and seek an end to restrictions on their emigration.

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

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

Reported the same back with the following amendments:

Page 1, line 18, after "any" insert "*and shall recognize the primary obligation of parents to support their children*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

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

Reported the same back with the following amendments:

Page 4, after line 10, insert:

"Sec. 5. Minnesota Statutes 1982, section 169.59, subdivision 3, is amended to read:

Subd. 3. [BACK-UP LIGHTS.] Any vehicle may be equipped with not more than two back-up lamps, either separately or in combination with another lamp, *and not more than two rear cornering lamps*, except that (NO SUCH BACK-UP LAMP SHALL) *the lamps must not* be continuously lighted when the vehicle is in forward motion, nor shall it project a glaring light."

Renumber the remaining section

Amend the title as follows:

Page 1, line 9, after "8;" insert "169.59, subdivision 3;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

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

Reported the same back with the following amendments:

Page 2, line 3, strike "three" and insert "six"

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. 855, A bill for an act relating to contracts; prohibiting the enforcement of indemnification agreements in construction contracts; proposing new law coded as Minnesota Statutes, chapter 337.

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. 874, A bill for an act relating to libraries; defining misuse of library materials; prescribing a penalty; proposing new law coded in Minnesota Statutes, chapter 134.

Reported the same back with the following amendments:

Page 1, line 13, after "a" insert "petty"

Page 1, line 20, after "a" insert "petty"

Page 2, line 9, after "a" insert "petty"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 886, A bill for an act relating to motor vehicles; providing for registration, taxation, and special license plates for classic motorcycles; proposing new law coded in Minnesota Statutes, chapter 168.

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. 894, A bill for an act relating to collection and dissemination of data; classifying government data as public, private, and nonpublic; clarifying issues relating to classifications of data, access to data, the effect of death of individuals on classifications, and the temporary classification of data; refining provisions of the data practice act; amending Minnesota Statutes 1982, sections 13.02, subdivision 8; 13.03, subdivisions 2, 3, and 4, and by adding subdivisions; 13.04, subdivisions 2 and 3; 13.05, subdivisions 3, 7, and 9; 13.06, subdivisions 1 and 6; 13.31, subdivision 2; 13.43, subdivision 2; 13.44; 13.67; and proposing new law coded in Minnesota Statutes, chapter 13.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 13.02, is amended by adding a subdivision to read:

*Subd. 8a. [NOT PUBLIC DATA.] "Not public data" means any government data which is classified by statute, federal law, or temporary classification as confidential, private, nonpublic, or protected nonpublic.*

Sec. 2. Minnesota Statutes 1982, section 13.03, subdivision 3, is amended to read:

*Subd. 3. [REQUEST FOR ACCESS TO DATA.] Upon request to a responsible authority or designee, a person shall be permitted to inspect and copy public government data at reasonable times and places, and if the person requests, he shall be informed of the data's meaning. The responsible authority or designee shall provide copies of public government data upon request. The responsible authority may require the requesting person to pay the actual costs of making, certifying and compiling the copies. If the responsible authority or designee is not able to provide copies at the time a request is made he shall supply copies as soon as reasonably possible.*

*When a request under this subdivision involves any person's receipt of copies of public government data which is an entire formula, pattern, compilation, program, device, method, technique, process, data base, or system developed with a significant expenditure of public funds by the agency, the responsible authority may charge a reasonable fee for the information in addition to the costs of making, certifying, and compiling the copies. Any fee charged must be clearly demonstrated by the agency to relate to the actual development costs of the information. The responsible authority, upon the request of any person, shall provide sufficient documentation which explains and justifies the fee being charged.*

*If the responsible authority or designee determines that the requested data is classified so as to deny the requesting person access, the responsible authority or designee shall so inform the requesting person of the determination either orally at the time of the request, (AND) or in writing as soon (THEREAFTER) after that time as possible, and shall cite the (STATUTE) specific statutory section, temporary classification, or specific provision of federal law on which the determination is based. Upon the request of any person denied access to data, the responsible authority or designee shall certify in writing that the request has been denied and shall cite the specific statutory section, temporary classification or specific provision of federal law which was the basis for the denial.*

Sec. 3. Minnesota Statutes 1982, section 13.03, subdivision 4, is amended to read:

**Subd. 4. [CHANGE IN CLASSIFICATION OF DATA.]** The classification of data in the possession of an agency shall change if it is required to do so to comply with either judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

*If data on individuals can be classified as either private or confidential by any provision of this chapter, or any other statute or federal law, then the correct classification of the data shall be presumed to be private.*

*To the extent that government data is disseminated to state agencies, political subdivisions, or statewide systems by another state agency, political subdivision, or statewide system, the data disseminated shall have the same classification in the possession of the agency receiving it as it had in the possession of the entity providing it.*

**Sec. 4.** Minnesota Statutes 1982, section 13.03, is amended by adding a subdivision to read:

**Subd. 5. [DISCOVERABILITY OF NOT PUBLIC DATA.]** Access to data classified as not public may be sought by a party in a civil or criminal proceeding, whether administrative or judicial, by seeking discovery of the data pursuant to the appropriate rules of administrative, arbitration, civil, or criminal legal actions. The classification of data as not public shall not create a presumption that the data is not discoverable. The presiding officer shall decide whether the data is discoverable under the rules of civil, criminal, or administrative procedure appropriate to the action.

*In addition, the hearing examiner, arbitrator, or judicial officer shall consider whether the benefit to the party seeking the data outweighs any harm to the confidentiality interests of the agency maintaining the data, or of any person who has provided the data or who is the subject of the data, or to the privacy interest of any individual identified in the data. The presiding officer may issue any protective orders he deems necessary to assure proper treatment of the data by the parties.*

**Sec. 5.** Minnesota Statutes 1982, section 13.03, is amended by adding a subdivision to read:

**Subd. 6. [COURT ORDERS.]** Data classified as not public may be provided, pursuant to a valid court order, to a party named in a civil or criminal proceeding, whether administrative or judicial. In determining whether or not to issue an order, or in any action brought to challenge an order previously issued, the hearing examiner, arbitrator, or judicial officer shall decide whether to order the data to be released under the rules of civil, criminal, or administrative procedure appropriate to the

*action. In addition the presiding officer shall consider whether the benefit to the party seeking the data outweighs any harm to the confidentiality interests of the agency maintaining the data, or of any person who has provided the data or who is identified in the data, or to the privacy interest of any individual identified in the data.*

Sec. 6. Minnesota Statutes 1982, section 13.03, is amended by adding a subdivision to read:

*Subd. 7. [DATA TRANSFERRED TO ARCHIVES.] When government data, which is classified as not public by this chapter or any other statute, is approved by the records disposition panel established by section 138.17 for preservation in the state archives; or is physically transferred to the state archives, the data shall no longer be classified as not public and access to and use of the data shall be governed by section 138.17.*

Sec. 7. Minnesota Statutes 1982, section 13.04, subdivision 2, is amended to read:

**Subd. 2. [INFORMATION REQUIRED TO BE GIVEN INDIVIDUAL.]** An individual asked to supply private or confidential data concerning himself shall be informed of: (a) the purpose and intended use of the requested data within the collecting state agency, political subdivision or statewide system; (b) whether he may refuse or is legally required to supply the requested data; (c) any known consequence arising from his supplying or refusing to supply private or confidential data; and (d) the identity of other persons or entities authorized by state or federal law to receive the data. This requirement shall not apply when an individual is asked to supply investigative data, pursuant to section 13.82, subdivision 5, to a law enforcement officer.

Sec. 8. Minnesota Statutes 1982, section 13.04, subdivision 3, is amended to read:

**Subd. 3. [ACCESS TO DATA BY INDIVIDUAL.]** Upon request to a responsible authority, an individual shall be informed whether he is the subject of stored data on individuals, and whether it is classified as public, private or confidential. Upon his further request, an individual who is the subject of stored private or public data on individuals shall be shown the data without any charge to him and, if he desires, shall be informed of the content and meaning of that data. (AFTER AN INDIVIDUAL HAS BEEN SHOWN THE PRIVATE DATA AND INFORMED OF ITS MEANING, THE DATA NEED NOT BE DISCLOSED TO HIM FOR SIX MONTHS THEREAFTER UNLESS A DISPUTE OR ACTION PURSUANT TO THIS SECTION IS PENDING OR ADDITIONAL DATA ON THE INDIVIDUAL HAS BEEN COLLECTED OR CREATED.) The responsible authority shall provide copies of the

private or public data upon request by the individual subject of the data. The responsible authority may require the requesting person to pay the actual costs of making, certifying, and compiling the copies.

The responsible authority shall comply immediately, if possible, with any request made pursuant to this subdivision, or within five days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible. If he cannot comply with the request within that time, he shall so inform the individual, and may have an additional five days within which to comply with the request, excluding Saturdays, Sundays and legal holidays.

Sec. 9. Minnesota Statutes 1982, section 13.05, subdivision 3, is amended to read:

Subd. 3. [GENERAL STANDARDS FOR COLLECTION AND STORAGE.] Collection and storage of (PUBLIC, PRIVATE OR CONFIDENTIAL) *all* data on individuals and *the* use and dissemination of private and confidential data on individuals shall be limited to that necessary for the administration and management of programs specifically authorized by the legislature, local governing body or mandated by the federal government.

Sec. 10. Minnesota Statutes 1982, section 13.05, subdivision 7, is amended to read:

Subd. 7. [PREPARATION OF SUMMARY DATA.] The use of summary data derived from private or confidential data on individuals under the jurisdiction of one or more responsible authorities shall be permitted. Unless classified pursuant to section 13.06, *another statute or federal law*, summary data is public. The responsible authority shall prepare summary data from private or confidential data on individuals upon the request of any person, provided that the request is in writing and the cost of preparing the summary data is borne by the requesting person. The responsible authority may delegate the power to prepare summary data (1) to the administrative officer responsible for any central repository of summary data; or (2) to a person outside of its agency if the person, in writing, sets forth his purpose and agrees not to disclose, and the agency reasonably determines that the access will not compromise private or confidential data on individuals.

Sec. 11. Minnesota Statutes 1982, section 13.05, subdivision 9, is amended to read:

Subd. 9. [INTERGOVERNMENTAL ACCESS OF DATA.] A responsible authority shall allow another responsible authority access to data classified as not public only when the access is authorized or required by statute or federal law. An agency that

supplies government data under this subdivision may require the requesting agency to pay the actual cost of supplying the data.

(DATA SHALL HAVE THE SAME CLASSIFICATION IN THE HANDS OF THE AGENCY RECEIVING IT AS IT HAD IN THE AGENCY PROVIDING IT.)

Sec. 12. Minnesota Statutes 1982, section 13.06, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION TO COMMISSIONER.] Notwithstanding the provisions of section 13.03, the responsible authority of a state agency, political subdivision or statewide system may apply to the commissioner for permission to classify data or types of data on individuals as private or confidential, or data not on individuals as non-public or protected non-public, for its own use and for the use of other similar agencies, political subdivisions or statewide systems on a temporary basis until a proposed statute can be acted upon by the legislature. The application for temporary classification is public.

Upon the filing of an application for temporary classification, the data which is the subject of the application shall be deemed to be classified as set forth in the application for a period of 45 days, or until the application is disapproved, *rejected*, or granted by the commissioner, whichever is earlier.

*If the commissioner determines that an application has been submitted for purposes not consistent with this section, the commissioner may immediately reject the application, give notice of that rejection to the applicant, and return the application. When the applicant receives the notice of rejection from the commissioner, the data which was the subject of the application shall have the classification it had before the application was submitted to the commissioner.*

Sec. 13. Minnesota Statutes 1982, section 13.06, subdivision 6, is amended to read:

Subd. 6. [EXPIRATION OF TEMPORARY CLASSIFICATION.] (EMERGENCY CLASSIFICATIONS GRANTED BEFORE JULY 1, 1979 ARE REDESIGNATED AS TEMPORARY CLASSIFICATIONS.) All temporary classifications granted under this section (PRIOR TO APRIL 24, 1980 AND STILL IN EFFECT, AND ALL TEMPORARY CLASSIFICATIONS THEREAFTER APPLIED FOR AND GRANTED PURSUANT TO THIS SECTION) shall expire (ON JULY 31, 1981 OR) 24 months after the classification is granted (, WHICH-EVER OCCURS LATER).

Sec. 14. Minnesota Statutes 1982, section 13.31, subdivision 2, is amended to read:

Subd. 2. [PUBLIC DATA.] The names and addresses of applicants for and recipients of benefits (CHARACTERIZED AS THE URBAN HOMESTEADING, HOME OWNERSHIP, AND NEW HOUSING PROGRAMS OPERATED BY A HOUSING AND REDEVELOPMENT AUTHORITY IN A CITY OF THE FIRST CLASS), aid, or assistance through programs administered by any political subdivision, state agency, or statewide system that are intended to assist with the purchase of housing or other real property are classified as public data on individuals.

Sec. 15. Minnesota Statutes 1982, section 13.41, is amended by adding a subdivision to read:

Subd. 5. [RELEASING DATA.] A licensing agency may make data classified as private or confidential pursuant to this section accessible to any person, agency, or the public if the licensing agency determines that the access will aid the law enforcement process; promote public health or safety, or dispel widespread rumor or unrest.

Sec. 16. Minnesota Statutes 1982, section 13.43, subdivision 2, is amended to read:

Subd. 2. Except for employees described in subdivision 5, the following personnel data on current and former employees, volunteers and independent contractors of a state agency, statewide system or political subdivision and members of advisory boards or commissions is public: name; actual gross salary; salary range; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; job title; job description; education and training background; previous work experience; date of first and last employment; the status of any complaints or charges against the employee, whether or not the complaint or charge resulted in a disciplinary action; and the final disposition of any disciplinary action and supporting documentation; work location; a work telephone number; badge number; honors and awards received; (DATA WHICH ACCOUNTS FOR THE INDIVIDUAL'S WORK) time sheets or other comparable data which account for employee's work time, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave; and, city and county of residence.

Sec. 17. Minnesota Statutes 1982, section 13.43, is amended by adding a subdivision to read:

Subd. 8. [INTERNAL AFFAIRS DATA.] Data collected, created, and maintained by law enforcement agencies in investi-

*gations of agency personnel, including statements made to law enforcement agencies by individuals, shall be considered personnel data for purposes of this chapter.*

Sec. 18. Minnesota Statutes 1982, section 13.44, is amended to read:

#### 13.44 [PROPERTY COMPLAINT DATA.]

The (NAMES) *identities* of individuals who register complaints with state agencies or political subdivisions concerning violations of state laws or local ordinances concerning the use of real property are classified as confidential, pursuant to section 13.02, subdivision 3.

Sec. 19. Minnesota Statutes 1982, section 13.46, subdivision 2, is amended to read:

Subd. 2. [GENERAL.] Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:

- (a) pursuant to section 13.05;
- (b) pursuant to a valid court order;
- (c) pursuant to a statute specifically authorizing access to the private data;
- (d) to an agent of the welfare system, including appropriate law enforcement personnel, who are acting in the investigation, prosecution, criminal or civil proceeding relating to the administration of a program;
- (e) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;
- (f) to administer federal funds or programs; or
- (g) between personnel of the welfare system working in the same program.

*Data on individual clients or patients of community mental health centers or mental health divisions of counties and other providers under contract to deliver mental health services shall be treated as provided in sections 19, 20, and 21.*

Sec. 20. Minnesota Statutes 1982, section 13.46, is amended by adding a subdivision to read:



*Subd. 7. [MENTAL HEALTH CENTER DATA.] Data on individual clients and patients of public or private community mental health centers or mental health divisions of counties and other providers under contract to deliver mental health services shall not be disclosed, except:*

- (a) pursuant to section 13.05;*
- (b) pursuant to a valid court order; or*
- (c) pursuant to a statute specifically authorizing access to or disclosure of private data.*

**Sec. 21.** Minnesota Statutes 1982, section 13.46, is amended by adding a subdivision to read:

*Subd. 8. [ACCESS FOR AUDITING.] To the extent required by state or federal law, qualified representatives of federal, state, or local agencies shall have access to data maintained by public or private community mental health centers, mental health divisions of counties, and other providers under contract to deliver mental health services which is necessary to achieve the purpose of auditing. Public or private community mental health centers, mental health divisions of counties, and other providers under contract to deliver mental health services shall not permit this data to identify any particular patient or client by name or contain any other unique personal identifier.*

**Sec. 22.** Minnesota Statutes 1982, section 13.46, is amended by adding a subdivision to read:

*Subd. 9. [FRAUD.] In cases of suspected fraud, when access to mental health data maintained by public or private community mental health centers or mental health divisions of counties and other providers under contract to deliver mental health services is necessary to a proper investigation, the county board or the appropriate prosecutorial authority shall refer the matter to the commissioner of public welfare. The commissioner and his agents, while maintaining the privacy rights of individuals and families, shall have access to mental health data to conduct an investigation. If, as a result of the investigation, the commissioner deems it appropriate, he shall refer the matter to the appropriate legal authorities and may disseminate to those authorities whatever mental health data are necessary to properly prosecute the case.*

**Sec. 23. [13.58] [HOMESTEAD APPLICATION DATA.]**

*The following data collected and maintained by political subdivisions are classified as private data, pursuant to section 13.02, subdivision 12: the social security account numbers and detailed*

*financial data submitted by individuals who are applying for Class 3CC homestead classifications pursuant to section 273.13.*

Sec. 24. [13.59] [REDEVELOPMENT DATA.]

*Subdivision 1. [PRIVATE DATA.] The following data collected in surveys of individuals conducted by cities and housing and redevelopment authorities for the purposes of planning, development, and redevelopment, are classified as private data, pursuant to section 13.02, subdivision 12: the names and addresses of individuals and the legal descriptions of property owned by individuals.*

*Subd. 2. [NONPUBLIC DATA.] The following data collected in surveys of businesses conducted by cities and housing and redevelopment authorities, for the purposes of planning, development, and redevelopment, are classified as nonpublic data, pursuant to section 13.02, subdivision 9: the names, addresses, and legal descriptions of business properties and the commercial use of the property to the extent disclosure of the use would identify a particular business.*

Sec. 25. [13.64] [DEPARTMENT OF ADMINISTRATION DATA.]

*Data on individuals that could reasonably be used to determine the identity of an individual supplying data for an audit, study, or investigation are classified as private data pursuant to section 13.02, subdivision 12, if (a) the data supplied by the individual were needed for an audit, study, or investigation, and (b) the data would not have been provided to the management analysis division without assurance to the individual that his identity would remain private.*

Sec. 26. Minnesota Statutes 1982, section 13.67, is amended to read as follows:

13.67 [EMPLOYEE RELATIONS DATA.]

The following data collected, created or maintained by the department of employee relations are classified as nonpublic data pursuant to section 13.02, subdivision 9:

(a) The commissioner's plan prepared by the department, pursuant to section 3.855, which governs the compensation and terms and conditions of employment for employees not covered by collective bargaining agreements until the plan is submitted to the legislative commission on employee relations;

(b) Data pertaining to grievance or interest arbitration that has not been presented to the arbitrator or other party during the arbitration process; (AND)

(c) Notes and preliminary drafts of reports prepared during personnel investigations and personnel management reviews of state departments and agencies; and

(d) *The managerial plan prepared by the department, pursuant to section 43A.18, which governs the compensation and terms and conditions of employment for employees in managerial positions, as specified in section 43A.18, subdivision 3, and for employees in the career executive service pursuant to section 43A.18, subdivision 3, clause (c), until the plan is submitted to the legislative commission on employee relations.*

Sec. 27. [13.74] [ENVIRONMENTAL QUALITY DATA.]

*The following data collected and maintained by the environmental quality board are classified as private data, pursuant to section 13.02, subdivision 12: the names and addresses of individuals who submitted information and letters concerning personal health problems associated with high voltage power lines.*

Sec. 28. [EFFECTIVE DATE.]

*Sections 1 to 27 are effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to collection and dissemination of data; classifying government data as public, private, and non-public; clarifying issues relating to classifications of data, access to data, and the temporary classification of data; refining provisions of the data practices act; amending Minnesota Statutes 1982, sections 13.02, by adding a subdivision; 13.03, subdivisions 3 and 4, and by adding subdivisions; 13.04, subdivisions 2 and 3; 13.05, subdivisions 3, 7, and 9; 13.06, subdivisions 1 and 6; 13.31, subdivision 2; 13.41, by adding a subdivision; 13.43, subdivision 2, and by adding a subdivision; 13.44; 13.46, subdivision 2, and by adding subdivisions; 13.67; and proposing new law coded in Minnesota Statutes, chapter 13."

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. 898, A bill for an act relating to courts; authorizing the appointment of court referees; removing term of office restrictions for district court judges assigned to the family court division of the fourth judicial district; amending Minnesota Statutes 1982, sections 260.031, subdivision 1; 484.65, subdi-

visions 1, 4, 5, and 6; and 484.70, subdivision 1; repealing Minnesota Statutes 1982, section 260.019, subdivision 3.

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. 899, A bill for an act relating to courts; permitting the establishment of compulsory nonbinding arbitration programs for use in civil proceedings; proposing new law coded in Minnesota Statutes, chapter 484.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [484.73] [JUDICIAL ARBITRATION.]**

*Subdivision 1. [AUTHORIZATION.] A majority of the district court judges of the fourth judicial district may authorize the establishment of a system of mandatory, nonbinding arbitration within the district to assist the court in disposing of any civil action in which the amount in controversy, based on the pleadings, does not exceed \$15,000, exclusive of interest and costs. If the amount in controversy, based on the pleadings, is more than \$15,000 but less than \$50,000, exclusive of interest and costs, and if all parties agree to voluntary arbitration, the court administrator shall schedule the case for arbitration as provided in this section.*

*Subd. 2. [TRIAL DE NOVO.] Any party aggrieved by an arbitration award made pursuant to this section may appeal to the district court of the county of Hennepin for trial de novo.*

*Subd. 3. [RULES.] Rules governing pleadings, practice, procedure, jurisdiction, objections to appointment of an arbitrator, and forms for judicial arbitration shall be promulgated by a majority of the district court judges in the district, subject to the approval of the supreme court. The uniform arbitration act shall not be construed to apply to arbitration under this section except as otherwise provided in the rules of the judicial district."*

Amend the title as follows:

Page 1, line 3, after "in" insert "certain"

Page 1, line 4, after "proceedings" insert "in Hennepin County"

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. 918, A bill for an act relating to highway traffic regulations; providing for limitations on persons who must be brought to detoxification facilities; providing for commitment of certain driving-while-intoxicated offenders; providing for withholding of driving privileges until detoxification costs are paid; amending Minnesota Statutes 1982, section 169.1231.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 169.121, subdivision 1, is amended to read:

Subdivision 1. [CRIME.] It is a misdemeanor for any person to drive, operate or be in physical control of any motor vehicle within this state:

- (a) When the person is under the influence of alcohol;
- (b) When the person is under the influence of a controlled substance;
- (c) When the person is under the influence of a combination of any two or more of the elements named in clauses (a) and (b); or
- (d) When the person's alcohol concentration is 0.10 or more.

The provisions of this subdivision apply, but are not limited in application, to any person who drives, operates, or is in physical control of any motor vehicle in the manner prohibited by this subdivision upon the ice of any lake, stream, or river, including but not limited to the ice of any boundary water.

(WHEN AN ACCIDENT HAS OCCURRED, A PEACE OFFICER MAY LAWFULLY ARREST A PERSON FOR VIOLATION OF THIS SECTION WITHOUT A WARRANT UPON PROBABLE CAUSE, WITHOUT REGARD TO WHETHER THE VIOLATION WAS COMMITTED IN THE OFFICER'S PRESENCE.)

Sec. 2. Minnesota Statutes 1982, section 169.121, is amended by adding a subdivision to read:

*Subd. 1a. [ARREST.] When an accident has occurred, a peace officer may lawfully arrest a person for violation of subdivision 1 without a warrant upon probable cause, without regard to whether the violation was committed in the officer's presence.*

*When a peace officer has probable cause to believe that a person is driving or operating a motor vehicle in violation of subdivision 1, and before a stop or arrest can be made the person escapes from the geographical limits of the officer's jurisdiction, the officer in fresh pursuit of the person may stop or arrest the person in another jurisdiction within this state and may exercise the powers and perform the duties of a peace officer under sections 169.121 and 169.123. An officer acting in fresh pursuit pursuant to this subdivision is serving in his regular line of duty as fully as though he was within his jurisdiction.*

*The express grant of arrest powers in this subdivision does not limit the arrest powers of peace officers pursuant to sections 626.65 to 626.70 or section 629.40 in cases of arrests for violation of subdivision 1 or any other provision of law.*

**Sec. 3.** Minnesota Statutes 1982, section 169.123, subdivision 3, is amended to read:

**Subd. 3. [MANNER OF MAKING TEST; ADDITIONAL TESTS.]** Only a physician, medical technician, physician's trained mobile intensive care paramedic, registered nurse, medical technologist or laboratory assistant acting at the request of a peace officer may withdraw blood for the purpose of determining the presence of alcohol or controlled substance. This limitation does not apply to the taking of a breath or urine specimen. The person tested has the right to have a person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a peace officer; provided, that the additional test specimen on behalf of the person is obtained at the place where the person is in custody, after the test administered at the direction of a peace officer, and at no expense to the state. The failure or inability to obtain an additional test or tests by a person shall not preclude the admission in evidence of the test taken at the direction of a peace officer unless the additional test was prevented or denied by the peace officer. The physician, medical technician, physician's trained mobile intensive care paramedic, medical technologist, laboratory assistant or registered nurse drawing blood at the request of a peace officer for the purpose of determining alcohol concentration shall in no manner be liable in any civil or criminal action except for negligence in drawing the blood. The person administering a *breath* test (AT THE REQUEST AND DIRECTION OF A PEACE OFFICER) shall be fully trained in the administration of (THE) *breath* tests pursuant to *training* (STANDARDS PROMULGATED BY RULE) *given* by the commissioner of public safety.

## Sec. 4. [REPEALER.]

*Minnesota Statutes 1982, section 169.1231, is repealed.*

## Sec. 5. [EFFECTIVE DATE.]

*Section 3 is effective the day after final enactment and applies to all tests given prior to that date."*

Delete the title and insert:

"A bill for an act relating to highway traffic regulations; permitting inter-jurisdictional fresh pursuit of drivers suspected of driving under the influence of alcohol or a controlled substance; eliminating mandatory detoxification of intoxicated drivers; amending Minnesota Statutes 1982, sections 169.121, subdivision 1, and by adding a subdivision; 169.123, subdivision 3; repealing Minnesota Statutes 1982, section 169.1231."

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 924, A bill for an act relating to motor vehicles; allocating funds credited to the trunk highway fund and to the general fund; increasing the fee for certain reinstatement of driver's license following revocation; establishing the alcohol problem assessment fund; appropriating money; amending Minnesota Statutes 1982, sections 171.26; and 171.29, and by adding a subdivision.

Reported the same back with the recommendation that 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. 938, A bill for an act relating to the city of Plymouth; giving the city the powers of a port authority.

Reported the same back with the following amendments:

Page 1, after line 9, insert:

"Sec. 2. [CITY OF PLYMOUTH; GROUP WORKERS' COMPENSATION SELF-INSURANCE POOLS.]

*Subdivision 1. [FORMATION OF POOLS WITH PRIVATE EMPLOYERS.] Notwithstanding any contrary provision of other law, ordinance, or charter, the city of Plymouth may enter into a self-insurance pool with private employers to self insure workers' compensation liability of pool members. Any pool formed pursuant to this section shall be operated under bylaws established by members of the pool. The initial bylaws and amendments to them shall not be effective unless approved by the city of Plymouth and the commissioner of insurance. The bylaws shall address the following subjects:*

*(a) Qualifications for group self-insurer membership, including underwriting standards.*

*(b) The method of selecting the board of directors, including the directors' terms of office.*

*(c) The procedure for amending the bylaws or plan of operation.*

*(d) Investment of assets of the fund.*

*(e) Frequency and extent of loss control or safety engineering services provided to members.*

*(f) A schedule for payment and collection of premiums.*

*(g) Expulsion procedures, including expulsion for nonpayment of premiums and expulsion for excessive losses.*

*(h) Delineation of authority granted to the administrator.*

*(i) Delineation of authority granted to the service company.*

*(j) Basis for determining premium contributions by members including any experience rating program.*

*(k) Procedures for resolving disputes between members of the group, which shall not include submitting them to the commissioner.*

*(l) Basis for determining distribution of any surplus to the members, or assessing the membership to make up any deficit.*

*(m) Provisions for security to be furnished by private employers to insure assessments are paid in case of private employer insolvency.*

*The members participating in the pool may establish a joint board with appropriate powers to manage the pool. Each member of the pool shall pay to the pool the amounts assessed against*



*it pursuant to the bylaws. A member may withdraw only after it has reimbursed the pool for the amounts for which it is obligated under the terms of the agreement.*

*Subd. 2. [APPROVAL OF COMMISSIONER.] A pool formed pursuant to this section shall not be effective or begin operation until it has been approved by the commissioner of insurance in the manner provided in Minnesota Statutes, section 471.982. Section 471.982 and any applicable rules adopted pursuant to it shall apply to any pool formed pursuant to this section. As a condition of its authority to self insure workers' compensation liability, the pool shall be a member of the Minnesota workers' compensation reinsurance association."*

Renumber the remaining section

Amend the title as follows:

Page 1, line 3, before the period insert " ; authorizing the city to form group workers compensation self-insurance pools pursuant to Minnesota Statutes, section 176.181"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 960, A bill for an act relating to motor vehicles; exempting certain vehicles from license fees; authorizing the use of certain state department vehicles without uniform coloring or marking; amending Minnesota Statutes 1982, sections 16.75, subdivision 7; and 168.012, subdivision 1.

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

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 1003, A bill for an act relating to transportation; transferring certain rules to the transportation regulation board; providing that certain fees and fine money be credited to the trunk highway fund; modifying certain laws relating to the regulation of building movers; prescribing penalties; amending Minnesota Statutes 1982, sections 174A.02, subdivision 2; 174A.06; 221.061; 221.071; 221.131; 221.296, subdivision 5; 221.64; 221.81; proposing new law coded in Minnesota Statutes,

chapter 221; repealing Minnesota Statutes 1982, section 160.26, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 174A.02, subdivision 2, is amended to read:

Subd. 2. [SPECIFIC FUNCTIONS AND POWERS.] The board shall further hold hearings and issue orders in cases brought before it by either the commissioner or by a third party in the following areas:

(a) Adequacy of services which (ALL) carriers are providing to the public, including the continuation, termination or modification of (ALL) services and facilities.

(b) The reasonableness of tariffs of rates, fares, and charges, or (ANY) a part or classification thereof (, AND PRESCRIBE THE FORM AND MANNER OF FILING, POSTING AND PUBLICATION THEREOF). The board may authorize common carriers by rail and motor carrier for hire to file tariffs of rates, fares, and charges individually or by group. (ALL SUCH) Carriers participating in group rate making (SHALL) have the free and unrestrained right to take independent action either before or after (ANY) a determination arrived at through such procedure.

(c) The issuing of franchises, permits, or certificates of convenience and necessity.

Sec. 2. Minnesota Statutes 1982, section 174A.06, is amended to read:

174A.06 [CONTINUATION OF RULES OF PUBLIC SERVICE COMMISSION, PUBLIC UTILITIES COMMISSION, AND DEPARTMENT OF TRANSPORTATION.]

(ALL RULES,) Orders and directives heretofore in force, issued or promulgated by the public service commission, *public utilities commission*, or the department of transportation under authority of chapters (174,) 216A, 218, 219, and 221 (AND 222 SHALL) remain and continue in force and effect until repealed, modified, or superseded by duly authorized (RULES,) orders or directives of the transportation regulation board. *Rules adopted by the public service commission, public utilities commission or the department of transportation under authority of the following sections are transferred to the transportation regulation board and continue in force and effect until repealed, modi-*

*fied, or superseded by duly authorized rules of the transportation regulation board:*

(1) *section 218.041 except rules related to the form and manner of filing railroad rates, railroad accounting rules, and safety rules;*

(2) *section 219.40;*

(3) *rules relating to rates or tariffs, or the granting, limiting, or modifying of permits or certificates of convenience and necessity under section 221.031, subdivision 1;*

(4) *rules relating to the sale, assignment, pledge, or other transfer of a stock interest in a corporation holding authority to operate as a permit carrier as prescribed in section 221.151, subdivision 1, or a local cartage carrier under section 221.296, subdivision 8;*

(5) *rules relating to rates, charges, and practices under section 221.161, subdivision 4; and*

(6) *rules relating to rates, tariffs, or the granting, limiting, or modifying of permits or certificates of convenience and necessity under section 221.296, subdivision 2.*

The board shall review the transferred rules, orders, and directives and, when appropriate, develop and adopt new rules, orders, or directives within 18 months of July 1, (1981) 1985.

Sec. 3. Minnesota Statutes 1982, section 221.061, is amended to read:

**221.061 [OPERATION CERTIFICATE FOR REGULAR ROUTE COMMON CARRIER OR PETROLEUM CARRIER.]**

(ANY) A person desiring a certificate authorizing operation as a regular route common carrier or petroleum carrier, or an extension of or amendment to (SUCH) *that* certificate, shall file a petition (THEREFOR) with the board which (SHALL) *must* contain (SUCH) information as the board, by rule may prescribe.

Upon the filing of a petition for a certificate, the petitioner shall pay (INTO THE STATE TREASURY) *to the commissioner* as a fee for (THE ISSUANCE THEREOF) *issuing the certificate* the sum of \$75 and for (ANY) a transfer or lease of (SUCH) *the* certificate the sum of \$37.50.

The petition (SHALL) *must* be processed as any other petition. The board shall cause a copy and a notice of hearing thereon

to be served upon (ANY) a competing carrier operating into (ANY) a city located on the proposed route of the petitioner and to (SUCH) other persons or bodies politic which the (COMMISSION) board deems interested in the petition. (SUCH) A competing carrier and other persons or bodies politic are hereby declared to be interested parties to the proceedings.

If, during the hearing, an amendment to the petition is proposed which appears to be in the public interest, the board may allow (THE SAME) it when the issues and the territory are not unduly broadened by the amendment.

Sec. 4. Minnesota Statutes 1982, section 221.071, is amended to read:

**221.071 [ISSUANCE OF CERTIFICATE TO REGULAR ROUTE COMMON CARRIER OR PETROLEUM CARRIER.]**

If the board finds from the evidence that the petitioner is fit and able to properly perform the services proposed and that public convenience and necessity requires the granting of the petition or (ANY) a part (THEREOF) of it, it shall issue a certificate of public convenience and necessity to the petitioner. In determining whether a certificate should be issued, the board shall give primary consideration to the interests of the public that might be affected (THEREBY), to the transportation service being furnished by (ANY) a railroad which may be affected by the granting of the certificate, and to the effect which the granting of the certificate will have upon other transportation service essential to the communities which might be affected by the granting of the certificate. The board may issue a certificate as applied for or issue it for a part only of the authority sought and may attach to the authority granted (SUCH) terms and conditions as in its judgment public convenience and necessity may require.

The board may grant a temporary certificate, ex parte, valid for a period not exceeding six months, upon a showing that no regular route common carrier is then authorized to serve on the route sought, that there is no other petition on file with the board covering said route, and that there is a need for the proposed service.

A certificate which has been issued to a regular route common carrier may be amended by the board on ex parte petition and payment of a (FEE OF) \$25 fee to the commissioner so as to grant an additional or alternate route where there is no other means of transportation over (SUCH) the proposed additional route or between the termini (THEREON); and (SUCH) the proposed additional route does not exceed ten miles in length.

Sec. 5. Minnesota Statutes 1982, section 221.131, is amended to read:

## 221.131 [PERMITS; TERMS, FEES, IDENTIFICATION CARDS.]

Permits issued (PURSUANT TO) *under* the provisions of sections 221.011 to 221.291 (SHALL BE) *are* effective for a 12-month period. Each permit holder (SHALL HAVE) *has* one annual renewal date encompassing (ALL OF) the permits held by him. The permit holder shall pay (INTO THE TREASURY OF THE STATE OF MINNESOTA) *to the commissioner* a fee of \$25 for each kind of permit, reinstatement, or extension of authority for which a petition is filed, except on annual renewal, (PURSUANT TO) *under* section 221.121 and a registration fee of \$20 on each vehicle, including pickup and delivery vehicles, operated by him under authority of the permit during the 12-month period or fraction of the 12-month period. Trailers used by petitioner in combination with power units (SHALL) *are not* (BE) counted as vehicles in the computation of fees under this section if the petitioner pays the fees for power units. The commissioner shall furnish a distinguishing identification card for each vehicle or power unit for which a fee has been paid, (WHICH) *and the* identification card (SHALL) *must* at all times be carried in the vehicle or power unit to which it has been assigned. Identification cards may be reassigned to another vehicle or power unit without fee by the commissioner upon petition of the permit holder. Identification cards issued under the provisions of this section (SHALL BE) *are* valid only for the period for which the permit is effective. The name and residence of the permit holder (SHALL) *must* be stenciled or otherwise shown on both sides of each registered vehicle operated under the permit. In the event a permit has been suspended or revoked, the board may consider a petition for reinstatement of the permit, upon the same procedure required for an original petition, and may, in its discretion, grant or deny the permit. Regular route common carriers and petroleum carriers, operating under sections 221.011 to 221.291, shall annually on or before January 1 of each calendar year, pay (INTO THE TREASURY OF THE STATE OF MINNESOTA) *to the commissioner* an annual registration fee of \$20 for each vehicle, including pickup and delivery vehicles, operated during (ANY) a calendar year.

The department may issue special "floater" identification cards up to a maximum of five per motor carrier. Floater cards may be freely transferred between vehicles used under short-term leases by the motor carrier. The motor carrier shall pay *to the commissioner* a fee of \$100 for each floater card issued.

A fee of \$3 (SHALL BE), *to be paid to the commissioner*, is charged for the replacement of an unexpired identification card which has been lost or damaged by the owner.

The provisions of this section are limited by the provisions of (ANY) applicable federal law.

Sec. 6. Minnesota Statutes 1982, section 221.221, is amended to read:

221.221 [ENFORCEMENT POWERS.]

Transportation representatives and hazardous material specialists of the department *shall have the powers conferred by law upon police officers* for the purpose of enforcing the provisions of this chapter and *section 296.17, subdivisions 10 and 17 and the applicable rules of the commissioner (AND), the board (ISSUED PURSUANT TO THIS CHAPTER), and the commissioner of revenue, but for no other purpose (, SHALL HAVE ALL THE POWERS CONFERRED BY LAW UPON POLICE OFFICERS)*. The powers shall include the authority to conduct inspections at designated highway weigh stations or under other appropriate circumstances within the state for the purpose of viewing log books, licenses, health certificates and other documents or equipment required to be maintained within commercial motor vehicles operating in Minnesota pursuant to applicable state motor vehicle carrier laws and rules.

Sec. 7. Minnesota Statutes 1982, section 221.296, subdivision 5, is amended to read:

Subd. 5. [PERMIT FEES.] Upon filing (OF) a petition for a permit the petitioner shall pay to the (STATE TREASURY) *commissioner* as a fee for the issuance (THEREOF) *of the permit*, the sum of \$50, and shall thereafter pay an annual renewal fee of \$75 plus \$5 per motor vehicle if the local cartage carrier operates less than five motor vehicles, or \$100 plus \$5 per motor vehicle if the local cartage carrier operates at least five but less than 15 motor vehicles, or \$150 plus \$5 per motor vehicle if the local cartage carrier operates 15 or more vehicles provided that (SAID) *the* \$5 per motor vehicle charge (SHALL) *does not apply to taxicabs operated (PURSUANT TO) under a local cartage permit. Upon issuance of the permit the commissioner shall assign the carrier a permit number, which (SHALL) must be painted or prominently displayed on both sides of (ALL) vehicles used by the local cartage carrier under authority of (SAID) the permit.*

Sec. 8. Minnesota Statutes 1982, section 221.64, is amended to read:

221.64 [REGISTRATION FEE; EXEMPTIONS.]

(SUCH) Registration as herein provided (SHALL) *must be granted upon petition, without hearing, upon payment of an initial filing fee in the amount of \$25 to the commissioner. Upon petition, and payment of (SAID) the fee if applicable, the commissioner shall furnish to the registration holder a distinguishing identification stamp for each motor vehicle included in*

(SAID) *the registration (WHICH) and the stamp (SHALL) must at all times be carried in the registered vehicle of the registration holder. For each identification stamp issued, the commissioner shall establish and collect a fee of no more than \$5 (TO BE DEPOSITED IN THE STATE TREASURY), provided that a lesser fee may be collected (PURSUANT TO) under the terms of reciprocal agreements between the commissioner and the regulatory bodies of other states or provinces of the Dominion of Canada.*

Sec. 9. Minnesota Statutes 1982, section 221.81, is amended to read:

**221.81 [BUILDING MOVER REGULATION.]**

Subdivision 1. [(DEFINITION) *DEFINITIONS.*] *For the purposes of this section, the terms used in this section have the meanings given them in this subdivision.*

(a) "Building mover" means (ANY) *a person, corporation, or other entity engaged in the business of raising, supporting off the foundation, and moving buildings (, EXCLUDING MANUFACTURED HOMES) on and over public streets and highways. Building mover does not include a person who moves manufactured homes or farm buildings.*

(b) "Political subdivision" means *a city, town, or county.*

(c) "Road authority" has the meaning given it in section 160.02, subdivision 9.

Subd. 2. [LICENSE.] (ALL BUILDING MOVERS OPERATING IN MINNESOTA SHALL BE LICENSED BY THE BOARD) *No person may operate as a building mover in this state unless licensed by the commissioner.*

Subd. 3. [LICENSE APPLICATION.] To obtain a license to operate as a building mover an applicant shall file (A PETITION) *an application* with the commissioner specifying the name and address of its officers and other information as the (BOARD) *commissioner* may reasonably require. The (BOARD) *commissioner* shall issue the license upon compliance by the applicant with (BONDING AND INSURING) *insurance* requirements (SET BY RULE OF THE DEPARTMENT) and payment of an initial \$150 filing fee. A license once granted (SHALL CONTINUE) *continues* in full force and effect, subject to a \$100 annual renewal fee and compliance with (BONDING AND INSURING) *insurance* requirements, unless revoked or suspended.

The commissioner, upon approval of a license for a building mover, shall issue a sufficient number of cab cards to each

licensed mover to provide one cab card for each power unit used in moving buildings. The fee is (\$50) \$10 for each cab card issued. The cab card must be carried at all times in a readily available place in the cab of the power unit for which it was issued. The building mover may also purchase up to five floater cab cards for a fee of (\$200) \$100 for each floater card issued. Cab cards (SHALL BE) are effective for a 12-month period and (SHALL) continue from year to year thereafter upon payment of the required fee. Cab cards (SHALL) are only (BE) good for the period for which the license is effective.

**(LICENSES SHALL BE TRANSFERABLE PURSUANT TO THE PROVISIONS OF SECTION 221.151.)**

*Subd. 3a. [INSURANCE.] Each building mover shall have in effect the following:*

*(a) comprehensive general liability insurance including completed operations, underground property damage, and collapse coverage in the amount of at least \$500,000 for bodily injury or property damage; and*

*(b) motor vehicle liability insurance in the amount of at least \$500,000 for bodily injury or property damage.*

*The insurance must be written by an insurer licensed to do business in the state of Minnesota. Each building mover shall file with the commissioner a certificate evidencing the insurance. The insurance policy must provide that the policy may not be canceled without the insurer first giving 30 days written notice to the commissioner of the impending cancellation.*

*Subd. 3b. [LOCAL PERMITS.] A building mover may not move a building on or across a street or highway without first obtaining a permit from the road authority having jurisdiction over the street or highway.*

*Subd. 3c. [LOCAL REGULATION.] No license to move buildings or bond, cash deposit, or insurance coverage may be required by a political subdivision of the state other than the license and insurance coverage required by the commissioner. A road authority may charge a fee for services performed and may require a permit which reasonably regulates the hours, routing, movement, parking, or speed limit for a building mover operating on streets or highways under its jurisdiction. A building mover shall comply with the state building code in jurisdictions which have adopted the state building code, and with local ordinances which regulate the moving or removing of buildings. A building mover may not be required to pay a route approval fee to, or obtain a permit for the movement of a building on streets or highways from, a political subdivision which is not also the road authority. This section does not prohibit a political sub-*



*division from charging a permit fee for regulation of activities which do not involve the use of public streets or highways. Neither the state nor a political subdivision may regulate rates charged by building movers.*

Subd. 4. [LICENSE REVOCATION, SUSPENSION, DENIAL.] The (BOARD) commissioner, after notice and a hearing, may revoke, suspend, or deny a license for:

(a) failure (TO PAY APPLICATION OR RENEWAL FEES;)

((B) FAILURE TO COMPLY WITH BONDING AND INSURING REQUIREMENTS;)

((C) CONDUCT) of the applicant or license holder (THAT IMPAIRS USAGE OF) *to reimburse the road authority for damage to public highways, roads, streets, or utilities which are not paid for by the license holder's insurer;*

((D)) (b) conduct of the applicant or license holders that endangers the health and safety of users of the public highways, roads, streets, or utilities; (OR)

((E) A COURSE OF) (c) conduct of the applicant or license holder that (DEMONSTRATES UNSAFE OR HAZARDOUS OPERATION OF THE BUSINESS) *obstructs traffic in a manner other than as authorized in the permit;*

(d) *violation of the provisions of this section; or*

(e) *failure to obtain required local moving permits or permits required by section 169.86.*

Subd. 5. [SUSPENSION BY COMMISSIONER.] The commissioner (MAY) *shall* suspend a license without a hearing for the following reasons:

((1)) (a) failure to pay the (APPLICATION OR) renewal fee; or

((2)) (b) failure to comply with (BONDING AND) insurance requirements.

The suspension (SHALL CONTINUE) *continues* until the fees (HAVE BEEN) *are* paid and the (BONDING AND) insurance requirements (HAVE BEEN) *are* satisfied.

Subd. 6. [(APPLICATION OF VIOLATION AND PENALTY PROVISIONS) PENALTIES.] (THE VIOLATION AND PENALTY PROVISIONS OF SECTION 221.291 ARE APPLICABLE TO THIS SECTION) *A person who violates, or aids*

*or abets the violation of, any of the provisions of this section is guilty of a misdemeanor. Every distinct violation is a separate offense.*

(SUBD. 7. [RULES.] THE COMMISSIONER SHALL PROMULGATE RULES ESTABLISHING BONDING AND INSURING REQUIREMENTS.)

(SUBD. 8. [LOCAL REGULATION.] NO LICENSE TO MOVE BUILDINGS, BOND OR INSURANCE COVERAGE SHALL BE REQUIRED BY A POLITICAL SUBDIVISION OF THE STATE OTHER THAN THE LICENSE, BOND AND INSURANCE COVERAGE ISSUED OR REQUIRED BY THE BOARD OR COMMISSIONER. A POLITICAL SUBDIVISION OR THE DEPARTMENT MAY REQUIRE A PERMIT WHICH REASONABLY REGULATES THE HOURS, ROUTING, MOVEMENT, PARKING OR SPEED LIMIT FOR A BUILDING MOVER OPERATING ON STREETS OR ROADS WITHIN THE JURISDICTION OF THE POLITICAL SUBDIVISION OR HIGHWAYS WITHIN THE JURISDICTION OF THE COMMISSIONER. NEITHER THE STATE NOR A POLITICAL SUBDIVISION MAY REGULATE RATES CHARGED BY BUILDING MOVERS.)

(SUBD. 9. [FEES DEPOSITED IN GENERAL FUND.] ALL FEES COLLECTED PURSUANT TO THIS SECTION SHALL BE DEPOSITED IN THE GENERAL FUND.)

Sec. 10. [221.82] [COSTS TO BE PAID FROM THE TRUNK HIGHWAY FUND.]

*The costs of administering the provisions of this chapter must be paid from the trunk highway fund.*

Sec. 11. [221.83] [RECEIPTS TO BE CREDITED TO TRUNK HIGHWAY FUND.]

*Money received by the commissioner under the provisions of this chapter must be paid into the state treasury and credited to the trunk highway fund.*

Sec. 12. Minnesota Statutes 1982, section 296.17, subdivision 10, is amended to read:

Subd. 10. [LICENSE.] (a) No motor carrier (SHALL) may operate a commercial motor vehicle upon the highways of this state unless and until he has been issued a license pursuant to this section or has obtained a trip permit or temporary authorization as provided in this section.

(b) A license shall be issued to any responsible person qualifying as a motor carrier who makes application therefor and who

(SHALL PAY) *pays* to the commissioner, at the time thereof, a license fee of (\$10. SUCH) \$20. The license (SHALL REMAIN) *is valid for a period of two years or until revoked by the commissioner or until surrendered by the motor carrier.* (SUCH) *The license, photocopy, or electrostatic copy of it, shall be carried in the cab of every commercial motor vehicle while it is being operated in Minnesota by a licensed motor carrier.*

Sec. 13. Minnesota Statutes 1982, section 296.17, subdivision 17, is amended to read:

Subd. 17. [TRIP PERMITS AND TEMPORARY AUTHORIZATIONS.] (a) A motor carrier may obtain a trip permit which shall authorize an unlicensed motor carrier to operate a commercial motor vehicle in Minnesota for a period of five consecutive days beginning and ending on the dates specified on the face of the permit. The fee for (SUCH) *the* permit shall be (\$5) \$15. Fees for trip permits shall be in lieu of the road tax otherwise assessable against (SUCH) *the* motor carrier on account of (SUCH) *the* commercial motor vehicle operating therewith, and no reports of mileage shall be required with respect to (SUCH) *the* vehicle.

The above permit shall be issued in lieu of license if in the course of the motor carrier's operations he operates on Minnesota highways no more than three times in any one calendar year.

(b) Whenever the commissioner is satisfied that unforeseen or uncertain circumstances have arisen which requires a motor carrier to operate in this state a commercial motor vehicle for which neither a trip permit pursuant to clause (a) of this subdivision nor a license pursuant to subdivisions 7 to 22 has yet been obtained, and if the commissioner is satisfied that prohibition of (SUCH) *that* operation would cause undue hardship, the commissioner may provide the motor carrier with temporary authorization for the operation of (SUCH) *the* vehicle. A motor carrier receiving temporary authorization pursuant to this subdivision shall perfect the same either by obtaining a trip permit or a license, as the case may be, for the vehicle at the earliest practicable time.

Sec. 14. Minnesota Statutes 1982, section 296.17, subdivision 20, is amended to read:

Subd. 20. [ENFORCEMENT POWERS.] (a) The commissioner is (HEREBY) authorized and directed to enforce the provisions of subdivisions 7 to 22. In addition, the commissioner of public safety is (HEREBY) authorized and directed to (UTILIZE) *use* the Minnesota state patrol to assist in the enforcement of the provisions of subdivisions 7 to 22 *and the commissioner of transportation is authorized and directed to en-*

force the provisions of subdivisions 10 and 17 as provided in section 221.221.

(b) The officers of the Minnesota state patrol shall in addition to all other powers granted to them by Minnesota Statutes have the power of making arrests, service process, and appearing in court in all matters and things relating to subdivisions 7 to 22 and the administration and enforcement thereof.

Sec. 15. Minnesota Statutes 1982, section 296.25, subdivision 1, is amended to read:

Subdivision 1. Any person who fails to comply with any provisions of sections 296.01 to 296.421, or who makes any false statement in any report, record, or sales ticket required by sections 296.12, 296.14, 296.17, subdivision 5, 296.18, subdivision 2, or 296.21, shall be guilty of a misdemeanor. *A fine of \$200 shall be imposed on a person who fails to obtain a license or trip permit required under section 296.17, subdivisions 10 and 17.*

Prosecutions commenced under this section may be brought in the county in which the defendant resides or in Ramsey county.

The county attorney of any county in which (SUCH) the action is commenced, shall on request of the commissioner of revenue, prosecute violations of this chapter. Costs, fees, and expenses incurred by any county attorney in litigation in connection with (SUCH ACTIONS) the action may be paid from appropriations to the commissioner of revenue for the administration of this chapter.

Sec. 16. Laws 1980, chapter 534, section 87, as amended by Laws 1981, chapter 357, section 108, is amended to read:

Sec. 87. [EFFECTIVE DATE.]

This act is effective on July 1, (1983) 1985.

Sec. 17. [COMPLEMENT.]

*The approved complement of the department of transportation is increased by eight positions for the purpose of enforcing chapter 221 and section 296.17, subdivisions 10 and 17.*

Sec. 18. [REPEALER.]

*Minnesota Statutes 1982, section 160.26, subdivision 3, is repealed.*

Sec. 19. [EFFECTIVE DATE.]

*Sections 1 to 11 and 13 to 18 are effective July 1, 1983. Section 12 is effective April 1, 1984."*

Delete the title and insert:

"A bill for an act relating to transportation; providing for the transfer of certain rules to the transportation regulation board; providing that certain fees and fine money be credited to the trunk highway fund; modifying certain laws relating to the regulation of building movers; increasing enforcement powers of certain transportation representatives; changing fees for motor vehicle fuel permits; delaying the effective date of the transportation regulation board; prescribing penalties; amending Minnesota Statutes 1982, sections 174A.02, subdivision 2; 174A.06; 221.061; 221.071; 221.131; 221.221; 221.296, subdivision 5; 221.64; 221.81; 296.17, subdivisions 10, 17, and 20; and 296.25, subdivision 1; and Laws 1980, chapter 534, section 87, as amended; proposing new law coded in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1982, section 160.26, subdivision 3."

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. 1011, A bill for an act relating to wrongful death; allowing award of punitive damages in actions for death by wrongful act; amending Minnesota Statutes 1982, section 573.02, subdivision 1.

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. 1017, A bill for an act relating to marriage licenses; increasing the marriage license fee; amending Minnesota Statutes 1982, section 517.08, subdivisions 1b and 1c.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 357.021, subdivision 2, is amended to read:

Subd. 2. The fees to be charged and collected by the clerk of district court shall be as follows:

(1) In every civil action or proceeding in said court, the plaintiff, petitioner, or other moving party shall pay, when the first paper on his part is filed in said action, a fee of \$20, except that in an action for marriage dissolution, a fee of (\$35) \$55.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper on his or their part is filed in said action, a fee of \$15.

The party requesting a trial by jury shall pay \$15.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 106, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding \$5 and \$3.50 for an uncertified copy.

(3) Issuing a subpoena \$1 for each name.

(4) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$5.

(5) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$5.

(6) Filing and entering a satisfaction of judgment, partial satisfaction or assignment of judgment, \$5.

(7) Certificate as to existence or non-existence of judgments docketed, \$1 for each name certified to and \$1 for each judgment certified to.

(8) Filing and indexing trade name; or recording notary commission; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians or optometrists, \$5.

(9) For the filing of each partial, final, or annual account in all trusteeships, \$10.

(10) All other services required by law for which no fee is provided such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

Sec. 2. Minnesota Statutes 1982, section 357.021, subdivision 2a, is amended to read:

Subd. 2a. Of the marriage dissolution fee collected pursuant to subdivision 1, the clerk shall pay \$15 to the state treasurer to be deposited in the general fund for the purposes of funding grant programs for emergency shelter services and support services to battered women under sections 241.61 to 241.66 and for administering displaced homemaker programs established by July 1, 1983 under section 4.40.

*Of the dissolution fee collected pursuant to subdivision 2, clause (1), the clerk shall also pay \$10 to the state treasurer to be deposited in the general fund for the purpose of funding grant programs for emergency shelter services and support services to battered women under sections 241.61 to 241.66 and the clerk shall also pay \$10 to the state treasurer to be deposited in the general fund for the purposes of funding displaced homemaker programs established after July 1, 1983, under section 4.40 in areas of the state where those programs previously did not exist. The state treasurer shall identify and report to the commissioner of finance all amounts deposited in the general fund under this section.*

Sec. 3. Minnesota Statutes 1982, section 517.08, subdivision 1b, is amended to read:

Subd. 1b. [TERM OF LICENSE; FEE.] The clerk shall examine upon oath the party applying for a license relative to the legality of the contemplated marriage. If at the expiration of a five-day period, he is satisfied that there is no legal impediment to it, he shall issue the license, containing the full names of the parties before and after marriage, and county and state of residence, with the district court seal attached, and make a record of the date of issuance. The license shall be valid for a period of six months. In case of emergency or extraordinary circumstances, a judge of the county court or a judge of the district court of the county in which the application is made, may authorize the license to be issued at any time before the expiration of the five days. The clerk shall collect from the applicant a fee of (\$30) \$40 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the clerk for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A clerk who knowingly issues or signs a marriage license in any manner

other than as provided in this section shall pay to the parties aggrieved an amount not to exceed \$1,000.

Sec. 4. Minnesota Statutes 1982, section 517.08, subdivision 1c, is amended to read:

Subd. 1c. [DISPOSITION OF LICENSE FEE.] Of the marriage license fee collected pursuant to subdivision 1b, the clerk shall pay \$15 to the state treasurer to be deposited in the general fund for the purposes of funding grant programs for emergency shelter services and support services to battered women under sections 241.61 to 241.66 and for administering displaced homemaker programs established by July 1, 1983, under section 4.40.

*Of the marriage license fee collected pursuant to subdivision 1b, the clerk shall also pay \$5 to the state treasurer to be deposited in the general fund for the purpose of funding displaced homemaker programs established after July 1, 1983, under section 4.40 in areas of the state where those programs previously did not exist. Of the marriage license fee collected pursuant to subdivision 1b, the clerk shall also pay \$5 to the state treasurer to be deposited in the general fund for the purpose of funding grant programs for emergency shelter services and support services to battered women under sections 241.61 to 241.66.*

The state treasurer shall identify and report to the commissioner of finance all amounts deposited in the general fund under this section.

#### Sec. 5. [EFFECTIVE DATE.]

*Sections 1 to 4 are effective July 1, 1983, and apply to all licenses issued and first papers filed in marriage dissolution actions on or after that date."*

Delete the title and insert:

"A bill for an act relating to marriage license and marriage dissolution fees; increasing the marriage license fee; increasing the marriage dissolution filing fees; providing moneys for battered women's programs and for new displaced homemaker programs; amending Minnesota Statutes 1982, sections 357.021, subdivisions 2 and 2a; 517.08, subdivisions 1b and 1c."

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

The report was adopted.



Mann from the Committee on Transportation to which was referred:

H. F. No. 1020, A bill for an act relating to transportation; defining certain terms relating to motor vehicle carriers; delineating exemptions; prescribing rules for operation of carriers; providing for investigation of carriers; providing for regulation of carriers of hazardous materials; providing for granting of certificates for operation; setting procedures for establishing rate schedules; providing for fees; providing for annual registration; requiring certificates of insurance; allowing permits to be assigned or transferred under certain conditions; providing hearing procedures regarding rate schedules; requiring shipping documents; providing for regulation of interstate carriers; authorizing suspension of operating authority under certain conditions; requiring refunds for overcharges; providing enforcement powers; providing penalties; providing for annual renewal of identification stamps; regulating local cartage carriers; delaying transfer of duties, functions, and powers from the public utilities commission to the board until established and appointed; amending Minnesota Statutes 1982, sections 168.013, subdivision 1e; 174.22, subdivision 2; 221.011, subdivisions 3, 9, 11, 12, 14, 15, 16, 19, 21, and 24, and by adding subdivisions; 221.021; 221.031; 221.041; 221.071; 221.111; 221.121; 221.131; 221.141, subdivision 1, and by adding a subdivision; 221.151; 221.161; 221.171; 221.181; 221.221; 221.251; 221.291; 221.296, subdivisions 2, 3, and 4; and 221.64; proposing new law coded in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1982, sections 221.011, subdivisions 4 and 22; 221.032; 221.141, subdivision 2; 221.292; 221.294; and 221.296, subdivision 1.

Reported the same back with the following amendments:

Page 5, line 13, delete "*having a capacity of seven to 16 persons and*" and after "*used*" insert "*in a ridesharing arrangement and used*"

Page 5, line 16, strike the period and insert a colon

Page 5, after line 16 insert:

"(a) *when the vehicle is operated by a person who does not drive the vehicle for that person's principal occupation but is driving it only to or from that person's principal place of employment or to or from a transit stop authorized by a local transit authority; or*

(b) *when the vehicle is operated for personal use at other times by an authorized driver.*"

Page 6, line 12, delete the new language

Page 6, line 16, before the period insert *"transporting passengers and their luggage"*

Page 8, line 19, delete *"having a"*

Page 8, line 20, delete *"capacity of seven to 16 persons and"* and after *"used"* insert *"in a ridesharing arrangement and used"*

Page 8, line 34, after *"freight"* insert *"other than household goods and petroleum products,"*

Page 10, line 6, delete. *"under conditions prescribed by the board and"*

Page 12, delete line 34

Page 12, line 35, delete *"57,000 pounds"* and insert *"operated in an area having a 150-mile radius from that person's home post office"*

Page 13, line 8, delete *"18"* and insert *"20"*

Page 19, line 32, after *"Trailers"* insert *"and semitrailers"*

Page 21, lines 5 and 6, reinstate *"(SECURE AND CAUSE TO BE FILED)"*

Page 21, line 6, delete new language

Page 27, line 35, before *"No"* insert:

*"Subdivision 1. [COMPENSATION FIXED.]"*

Page 28, after line 8, insert:

*"Subd. 2. [EXCEPTION.] A person engaged in the transportation of household goods for the federal government or an agency of the federal government or the transportation of household goods for the state government or an agency of the state government when competitive bids are required by law is exempt from subdivision 1."*

Page 28, line 12, delete *"carry in the vehicle a bill of lading which conforms"* and insert *"conform"*

Page 28, line 14, delete everything before the period and insert *"with respect to shipping documents"*

Page 28, line 15, delete *"MATERIAL"* and insert *"WASTE"*

Page 28, line 20, delete "*this section*" and insert "*subdivision 2*"

Page 29, lines 14 and 18, after "*fees*" insert "*or renew permits*"

Page 29, line 31, after "*registration*" insert "*or permit renewal*"

Page 31, lines 20 and 21, reinstate "(OR UNDER OTHER APPROPRIATE CIRCUMSTANCES)"

Page 31, lines 25 to 36, delete the new language

Page 34, line 16, delete "*gross*"

Page 34, line 17, delete "\$600" and insert "*the maximum fine which may be imposed for a misdemeanor*"

Page 34, line 21, delete "*gross*"

Page 34, line 22, delete "\$600" and insert "*the maximum fine which may be imposed for a misdemeanor*"

Page 35, line 30, delete "33" and insert "35"

Amend the title as follows:

Page 1, line 20, delete "delaying transfer of" and insert "assigning"

Page 1, line 21, delete "from" and insert "to" and delete "to" and insert "until"

Page 1, line 22, delete "until" and insert "is"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 1029, A bill for an act relating to transportation; modifying the definition of truck-tractor to include the power unit of automobile carriers; adjusting the motor vehicle registration tax on certain trailers; requiring proof of payment of the federal heavy use tax on heavy trucks; increasing the maximum allowable width on vehicles from 8 to 8-1/2 feet; modifying vehicle length requirements to allow longer semitrailers and vehicle combinations; modifying the gross weight seasonal increase to

include all axle combinations; modifying the distance a peace officer may require a vehicle to travel to a scale; increasing width requirement on loads of baled hay before flashing amber lights are required; amending Minnesota Statutes 1982, sections 168.011, subdivision 12; 168.013, subdivision 1d, and by adding a subdivision; 169.01, subdivision 7; 169.80, subdivision 2; 169.81, subdivisions 2 and 3; 169.825, subdivision 11; 169.85; and 169.862; repealing Minnesota Statutes 1982, sections 169.80, subdivision 2a; and 169.81, subdivisions 3a, 3b, and 7.

Reported the same back with the following amendments:

Page 1, line 33, delete "*not*" and "*more than four*"

Page 2, line 36, delete "*not*" and "*more than four*"

Page 7, line 23, after "*carriers*" insert "*, or livestock carriers*"

Page 9, after line 15, delete Sec. 9. and insert:

"Sec. 9. Minnesota Statutes 1982, section 169.85, is amended to read:

169.85 [WEIGHING; PENALTY.]

The driver of any vehicle which has been lawfully stopped may be required by a peace officer to submit the vehicle and load to a weighing by means of portable or stationary scales, and the peace officer may require that the vehicle be driven to the nearest available scales in the event the scales are within five miles. Official traffic control devices as authorized by section 169.06 may be used to direct the driver to the nearest scale. When any truck weight enforcement operation is conducted by means of portable or stationary scales and signs giving notice of the operation are posted within the highway right-of-way and adjacent to the roadway within two miles of the operation, the driver of every truck or combination of vehicles registered for or weighing in excess of 12,000 pounds, and the driver of every charter bus, shall proceed to the scale site and submit the vehicle to weighing and inspection.

Upon weighing a vehicle and load, as provided in this section, an officer may require the driver to stop the vehicle in a suitable place and remain standing until a portion of the load is removed that is sufficient to reduce the gross weight of the vehicle to the limit permitted under section 169.825. *A suitable place is a location where loading or tampering with the load is not prohibited by federal, state, or local law, rule or ordinance.* A driver may be required to unload a vehicle only if the weighing officer determines that (a) on routes subject to the provisions of section 169.825, the weight on any axle exceeds the lawful gross weight prescribed by section 169.825, by 2,000 pounds or more, or the

weight on any group of two or more consecutive axles in cases where the distance between the centers of the first and last axles of the group under consideration is ten feet or less exceeds the lawful gross weight prescribed by section 169.825, by 4,000 pounds or more; or (b) on routes designated by the commissioner in section 169.832, subdivision 11, the overall weight of the vehicle or the weight on any axle or group of consecutive axles exceeds the maximum lawful gross weights prescribed by section 169.825; or (c) the weight is unlawful on any axle or group of consecutive axles on any road restricted in accordance with section 169.87. All material so unloaded shall be cared for by the owner or driver of the vehicle at the risk of the owner or driver.

Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing as required in this section, or who fails or refuses, when directed by an officer upon a weighing of the vehicle, to stop the vehicle and otherwise comply with the provisions of this section, is guilty of a misdemeanor."

Page 11, after line 31, insert:

"Sec. 11. Minnesota Statutes 1982, section 169.871, subdivision 1, is amended to read:

Subdivision 1. The owner or lessee of a vehicle that is operated with a gross weight in excess of a weight limit imposed under sections 169.825 and 169.832 to *169.851 and* 169.87 or a shipper who ships or tenders goods for shipment in a single truck or combination vehicle that exceeds a weight limit imposed under sections 169.825 and 169.832 to *169.851 and* 169.87 is liable for a civil penalty as follows:

(a) If the total gross excess weight is not more than (3,000) *1,000* pounds, one cent per pound for each pound in excess of the legal limit;

(b) If the total gross excess weight is more than (3,000) *1,000* pounds but not more than (4,000) *3,000* pounds, \$10 *plus* five cents per pound for each pound in excess of (THE LEGAL LIMIT) *1,000 pounds*;

(c) If the total gross excess weight is more than (4,000) *3,000* pounds but not more than (6,000) *5,000* pounds, (15) *\$110 plus* ten cents per pound for each pound in excess of (THE LEGAL LIMIT) *3,000 pounds*; (OR)

(d) If the total gross excess weight is more than (6,000) *5,000* pounds, (30) *but not more than 7,000 pounds, \$310 plus* 15 cents per pound for each pound in excess of (THE LEGAL LIMIT) *7,000 pounds*;

(e) *If the total gross excess weight is more than 7,000 pounds, \$610 plus 20 cents per pound for each pound in excess of 7,000 pounds.*

Any penalty imposed upon a defendant under this section shall not exceed the (MAXIMUM) penalty prescribed by this subdivision. Any fine paid by the defendant in a criminal overweight action that arose from the same overweight violation shall be applied toward payment of the civil penalty. A peace officer who cites a driver for a violation of the weight limitations established by sections 169.81 to 169.851 and 169.87 shall give written notice to the driver that he or another may also be liable for the civil penalties provided herein in the same or separate proceedings.

Sec. 12. Minnesota Statutes 1982, section 169.872, is amended by adding a subdivision to read:

*Subd. 1a. The owner or lessee of a vehicle that is operated with a gross weight in excess of a weight limit imposed by permit under sections 169.86 and 169.862 and a shipper who ships or tenders goods for shipment in a single truck or combination vehicle that exceeds a weight limit permitted under sections 169.86 or 169.862 is liable for a civil penalty at a rate of five cents per pound for each pound in excess of the weight permitted under section 169.86 or 169.862, or \$100, whichever is greater.*

*Any penalty imposed upon a defendant under this section shall not exceed the penalty prescribed by this subdivision. Any fine paid by the defendant in a criminal overweight action that arose from the same overweight violation may not be applied toward payment of the civil penalty. A peace officer who cites a driver for a violation of the weight limitations established by permit pursuant to section 169.86 or 169.862 shall give written notice to the driver that the driver or another may also be liable for the civil penalty provided in this subdivision in the same or separate proceedings."*

Page 11, line 36, delete "and" and after "11" insert ", 12 and 13"

Renumber the sections accordingly

Amend the title as follows:

Page 1, line 20, delete "and" and after "169.862;" insert "169.871, subdivision 1; and 169.872, by adding a subdivision;"

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. 1046, A bill for an act relating to the city of Baxter; authorizing the city to employ a full-time police officer; providing exception to peace officer licensing requirement.

Reported the same back with the following amendments:

Page 1, after line 11, insert *"The person employed by the city of Baxter police department under this section shall, as a condition of retention of his position as a full-time police officer after October 31, 1985, successfully complete all academic and basic skills training requirements for transition from part-time to full-time peace officer status and successfully complete the peace officer licensing examination by September 1, 1985. The exemption from peace officer licensure established under this section expires on November 1, 1985."*

Page 1, line 13, delete *"without local approval"*

Page 1, line 14, delete everything after *"1983"* and insert a period

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. 1058, A bill for an act relating to limited partnerships; providing for withdrawals of certain partners; providing for liabilities of partners; amending Minnesota Statutes 1982, sections 322A.27; and 322A.33.

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

The report was adopted.

Mann from the Committee on Transportation to which was referred:

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

Reported the same back with the following amendments:

Page 2, line 14, strike "\$5," and insert "\$10"

With the recommendation that when so amended 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. 1105, A bill for an act relating to crimes; prohibiting fingerprinting or thumbprinting as a condition of negotiation of a check; providing penalties; proposing new law coded in Minnesota Statutes, chapter 609.

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. 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, sub-



division 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.

Reported the same back with the following amendments:

Page 24, line 2, strike "Not later than January 1, 1975"

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

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

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.

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. 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.

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:

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

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:

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

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1969, chapter 937, section 1, subdivision 9, as added by Laws 1982, chapter 491, section 2, is amended to read:

Subd. 9. The city coordinator of the city of Minneapolis may appoint a person to the following positions to perform the duties and services he may direct:

- (a) Purchasing agent;
- (b) Management information services director;
- (c) Director of labor relations;
- (d) Director of affirmative action;
- (e) Manager of auditorium;
- (f) Director of federal programs;
- (g) Legislative liaison;
- (h) Director of energy programs;
- (i) Manager of licenses and consumer services;
- (j) Manager, finance—city council;

(k) *Officer, cable communications.*

Sec. 2. Laws 1969, chapter 937, section 1, subdivision 17, as added by Laws 1982, chapter 491, section 2, is amended to read:

Subd. 17. *A person may be appointed to the following positions by a majority vote (,) of the city council, upon the approval of the mayor of the city of Minneapolis (MAY APPOINT A PERSON TO THE FOLLOWING POSITIONS), to perform the duties and services they may direct:*

(a) Chief engineer of the fire department. Laws 1969, chapter 937, section 2 shall only apply to a chief engineer appointed pursuant to this subdivision.

(b) Executive secretary, capital long range improvement committee.

Sec. 3. Laws 1969, chapter 937, is amended by adding a section to read:

Sec. 2a. [RIGHT TO RETAIN CERTAIN BENEFITS.]

*Subdivision 1. Notwithstanding any provision of the Minneapolis city charter, Veterans' Preference Act, or civil service rule, law, or regulation to the contrary, any employee in the classified service of the city, holding or who shall hereinafter be appointed to an unclassified service position described in the city charter, but which is not listed in Laws 1969, chapter 937, section 1, as amended, shall be deemed to be on leave of absence during his tenure in an appointive position, and upon the termination of his service shall be returned to his permanent civil service classification. If no vacancy is available in his permanent civil service classified position, seniority shall prevail and the person most recently certified to the position shall be returned to the permanent civil service classification held by him prior to the certification.*

*Subd. 2. Except for any incumbent holding a position under Laws 1969, chapter 937, section 1, subdivision 17, clause (a) who has not been formally appointed to that position, all classified employees described in Laws 1969, chapter 937, sections 1 and 2a, as amended shall continue to accrue seniority in their former position and as city employees while serving in their appointive position.*

*Subd. 3. Elected officials shall have only the leave of absence benefits provided under state law.*

Sec. 4. [EFFECTIVE DATE.]

*This act is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the Minneapolis city council."*

Delete the title and insert:

"A bill for an act relating to the city of Minneapolis; changing the position of cable communications officer to the unclassified service; changing procedures for the appointment of certain positions; providing for the right to retain certain benefits for employees; amending Laws 1969, chapter 937, section 1, subdivisions 9, as amended, and 17, and by adding a section."

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

S. F. No. 337, A bill for an act relating to drivers' licenses; requiring licenses of a distinguishing color for persons under 19 years of age; amending Minnesota Statutes 1982, section 171.07, subdivision 1.

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 45, 315, 429, 435, 495, 532, 547, 622, 735, 737, 744, 774, 782, 795, 802, 813, 814, 855, 874, 886, 894, 898, 899, 918, 938, 960, 1011, 1020, 1029, 1046, 1058, 1092, 1105, 1124, 1171 and 1172 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 530, 568, 115, 161 and 337 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Nelson, D.; Jensen and Kalis introduced:

H. F. No. 1194, A bill for an act relating to local and urban government; providing for the inventory, classification, and protection of aggregate deposits or resources within the state; proposing new law coded in Minnesota Statutes, chapter 84.

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

Eken, Evans and Valan introduced:

H. F. No. 1195, A bill for an act relating to loan guarantees for persons obtaining loans on farm land within the White Earth Indian Reservation; proposing new law coded as Minnesota Statutes, chapter 41A.

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

Marsh, Findlay, McKasy, Omann and Gutknecht introduced:

H. F. No. 1196, A bill for an act relating to taxation; changing terminology, eligibility, and procedures relating to enterprise zones; exempting certain property from the sales tax and property tax; exempting certain corporate income from the income tax; amending Minnesota Statutes 1982, sections 273.1312; and 273.1313.

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

Clawson and Kalis introduced:

H. F. No. 1197, A bill for an act relating to traffic regulations; providing for limitations on persons who must be brought to detoxification centers; providing for commitment of certain driving-while-intoxicated offenders; providing for withholding of driving privileges until detoxification costs are paid; amending Minnesota Statutes 1982, section 169.1231.

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

Jennings, Johnson, Waltman, Frerichs and Redalen introduced:

H. F. No. 1198, A bill for an act relating to taxation; property; providing for the valuation of agricultural land; amending Minnesota Statutes 1982, sections 124.2131, subdivision 1; and 273.11, subdivision 7.

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

Jennings, Johnson, Waltman, Pauly and Burger introduced:

H. F. No. 1199, A bill for an act proposing an amendment to the Minnesota Constitution, article X, by adding a section providing that homestead property taxes may not exceed a percentage of market value.

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

Clawson and Kalis introduced:

H. F. No. 1200, A bill for an act relating to traffic regulations; providing for a mandatory alcohol problem assessment; amending Minnesota Statutes 1982, section 169.121, subdivision 8.

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

Hoffman; Kostohryz; Price; Rodriguez, F., and O'Connor introduced:

H. F. No. 1201, A bill for an act relating to local government; permitting Ramsey and Washington counties to provide interim and long term financing of solid waste and related facilities; providing for a waste management district.

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

Shea and Ogren introduced:

H. F. No. 1202, A bill for an act relating to agriculture; providing an additional tax on certain capital gains from the sale of agricultural land; limiting certain tax reductions; amending Minnesota Statutes 1982, sections 124.2137, subdivision 1; 290.01, subdivisions 20a, as amended, and 20b, as amended; and 290.091; proposing new law coded in Minnesota Statutes, chapter 290.

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

Norton, Blatz, Coleman and Vellenga introduced:

H. F. No. 1203, A bill for an act relating to landlords and tenants; requiring landlords of residential rental units to notify tenants of their rights and duties under state law; providing a penalty; proposing new law coded in Minnesota Statutes, chapter 504.

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

St. Onge; Berkelman; Carlson, D.; Elioff and Sparby introduced:

H. F. No. 1204, A bill for an act relating to public welfare; clarifying the commissioner of public welfare's authority to close state institutions; amending Minnesota Statutes 1982, section 246.01.

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

Ellingson, Coleman, Seaberg, Dempsey and Kelly introduced:

H. F. No. 1205, A bill for an act relating to liens on personal property; adopting the Council of State Government Model Act; proposing new law coded in Minnesota Statutes, chapter 514.

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

Kelly, Osthoff and Clawson introduced:

H. F. No. 1206, A bill for an act relating to judges; providing for the election of incumbent judges by submitting to the voters whether they should succeed themselves; amending Minnesota Statutes 1982, sections 204B.06, subdivision 6, and by adding a subdivision; 204B.34, subdivision 3; 204B.36, subdivisions 4 and 5; 204D.08, subdivision 6; proposing new law coded in Minnesota Statutes, chapter 204C.

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

Kelly introduced:

H. F. No. 1207, A bill for an act relating to crimes; prohibiting tampering with a witness; establishing degrees of burglary; increasing penalties; amending Minnesota Statutes 1982, section 609.498; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, section 609.58.

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

Ellingson introduced:

H. F. No. 1208, A bill for an act relating to commerce; mechanics' liens; providing notice requirements for certain contractors; increasing the time periods relating to an owner's obligation to pay a contractor and the duration of the lien; amending Minnesota Statutes 1982, sections 514.011, subdivisions 1 and 2; 514.07; and 514.08, subdivision 1.

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

Munger introduced:

H. F. No. 1209, A bill for an act relating to the environment; transferring the functions of the environmental quality board under the environmental coordination procedures act to the commissioner of energy, planning and development and the business licensing bureau; amending Minnesota Statutes 1982, sections 116C.24, subdivision 3, and by adding a subdivision; 116C.25; 116C.32; 116C.33, subdivision 2; and 116C.34.

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



Osthoff, Onnen, Gruenes and Kostohryz introduced:

H. F. No. 1210, A bill for an act relating to education; establishing a demonstration grant program for elementary pupils; appropriating money.

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

McDonald, Schoenfeld, Gutknecht and Fjoslien introduced:

H. F. No. 1211, A resolution memorializing the United States Congress to support Beam-Weapon Missile Defense Development.

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

Carlson, L.; Clawson; Metzen; Wigley and Rodriguez, F., introduced:

H. F. No. 1212, A bill for an act relating to retirement; post retirement adjustments payable by the Minneapolis Teachers' Retirement Fund Association.

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

Norton, by request, introduced:

H. F. No. 1213, A bill for an act relating to welfare; requiring parents of children on probation or parole to pay the costs of foster care; providing for payment of costs of care for emotionally handicapped children; amending Minnesota Statutes 1982, sections 242.19, subdivision 2; 252.27, subdivision 1; and 260.251, subdivision 1; and proposing new law coded in chapter 260.

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

Schoenfeld, Wigley, Kalis, Eken and Rice introduced:

H. F. No. 1214, A bill for an act relating to the agriculture interpretive center at Waseca; providing for construction of improvements; providing for the sale of state building bonds.

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

Fjoslien, Mann, Welker and Valento introduced:

H. F. No. 1215, A bill for an act relating to insurance; allowing certain aircraft owners to elect not to carry passenger seat liability coverage if they will not be carrying passengers; amending Minnesota Statutes 1982, sections 60A.081, subdivision 2; and 360.59, subdivision 10.

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

Kalis; Schoenfeld; Kvam; Anderson, G., and Redalen introduced:

H. F. No. 1216, A bill for an act relating to taxation; clarifying the term agricultural production for purposes of the sales tax; prohibiting certain retroactive imposition of tax, penalty, and interest; amending Minnesota Statutes 1982, section 297A.25, subdivision 1.

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

Kelly introduced:

H. F. No. 1217, A bill for an act relating to crimes; requiring joint trials for defendants charged with the same offense; providing an exception to the joint trial requirement; proposing new law coded in Minnesota Statutes, chapter 631.

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

Kelly, Brinkman, Jacobs, Dempsey and Kvam introduced:

H. F. No. 1218, A bill for an act relating to taxation; allowing certain dealers to be licensed as distributors for purpose of payment of the gasoline excise tax; amending Minnesota Statutes 1982, section 296.06, subdivision 2.

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

Anderson, G., introduced:

H. F. No. 1219, A bill for an act relating to appropriations; changing membership in the transportation regulation board and public utilities commission; appropriating money; amending Minnesota Statutes 1982, sections 174A.01, subdivision 2; and 216A.03, subdivision 1.

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

Staten; Greenfield; Clark, K., and Kahn introduced:

H. F. No. 1220, A bill for an act relating to state investment policy; prohibiting certain investments in countries not following human rights standards; proposing new law coded in Minnesota Statutes, chapter 11A.

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

#### HOUSE ADVISORIES

The following House Advisories were introduced:

Sparby introduced:

H. A. No. 10, A proposal to examine the need for a chemical dependency awareness program in non-urban Minnesota.

The advisory was referred to the Committee on Health and Welfare.

Blatz, Swanson, McEachern, Elioff and Hokr introduced:

H. A. No. 11, A proposal to study quality control review and fraud investigations in Minnesota welfare programs.

The advisory was referred to the Committee on Health and Welfare.

Clark, J.; Begich; Rice; Simoneau and Heap introduced:

H. A. No. 12, A proposal for a House study of long term sheltered workshops.

The advisory was referred to the Committee on Labor-Management Relations.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 25, A bill for an act relating to the city of Lake Park; authorizing the issuance of general obligation bonds to finance construction of municipal facilities.

H. F. No. 171, A bill for an act relating to public cemeteries; providing for simplified reinvestment in the cemetery association of certain unused cemetery land; amending Minnesota Statutes 1982, section 306.241; proposing new law coded in Minnesota Statutes, chapter 306.

H. F. No. 552, A bill for an act relating to elections; recodifying the municipal elections law; amending Minnesota Statutes 1982, sections 205.02; 205.07, subdivision 1; 205.10; 205.13; 205.16; 205.17; and 205.20; and 205.84; proposing new law coded in Minnesota Statutes, chapter 205; repealing Minnesota Statutes 1982, sections 205.03; 205.04; 205.11; 205.14; 205.15; 205.19; and 205.21.

H. F. No. 576, A bill for an act relating to insurance; health and accident; providing coverage for adopted children from the date of placement for adoption; proposing new law coded in Minnesota Statutes, chapter 62A.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 396, A bill for an act relating to retirement; authorizing benefit increases for retired Eveleth police officers, firefighters, and surviving spouses.

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

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

H. F. No. 597, A bill for an act relating to retirement; adding a correctional employees plan member to the state retirement system board; consolidating and eliminating obsolete language; amending Minnesota Statutes 1982, sections 352.03, subdivision 1; and 352B.29.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 609, A bill for an act relating to commerce; motor vehicle sales and distribution; requiring certain payments to be made upon termination of motor vehicle franchises; amending Minnesota Statutes 1982, section 80E.09, subdivision 1.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 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.

The Senate has appointed as such committee Mr. Dahl, Ms. Reichgott and Ms. Olson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

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

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Moe, D. M.; Merriam and Ulland.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Norton moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 164. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 7, 148, 280 and 282.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 332, 338, 339 and 358.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 598, 621, 627 and 639.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 645, 673 and 723.

PATRICK E. FLAHAVEN, Secretary of the Senate

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 92, 204, 234, 238, 263, 402 and 416.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 147, 659, 767, 827, 833, 855 and 936.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 346, 591 and 684.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 403, 746, 844 and 1104.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 551, 948 and 1083.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 597, 653 and 681.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 603, 705 and 972.

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. 611.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 34, 175, 529 and 606.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 734 and 784.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 967 and 1009.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 7, A bill for an act relating to St. Louis County; providing for the tort liability of the St. Louis County Promotional Bureau.

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

S. F. No. 148, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to extend timber permits; amending Laws 1981, chapter 305, section 11, as amended.

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

S. F. No. 280, 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 13A.

The bill was read for the first time.

Quinn moved that S. F. No. 280 and H. F. No. 332, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 282, A bill for an act relating to housing and redevelopment authorities; increasing the per diem compensation for attendance of commissioners at meetings; amending Minnesota Statutes 1982, section 462.441.

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

S. F. No. 332, A bill for an act relating to financial institutions; banks; authorizing the leasing of personal property to employees, stockholders, directors, or officers; amending Minnesota Statutes 1982, section 48.152, subdivision 8; repealing Minnesota Statutes 1982, section 48.152, subdivision 9.

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

S. F. No. 338, A bill for an act relating to motor vehicles; maintaining the maximum interest rate on certain loans under the Motor Vehicle Retail Installment Sales Act at the current rate; amending Minnesota Statutes 1982, section 168.72, subdivision 2.

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

S. F. No. 339, A bill for an act relating to taxation; real property; extending the homestead credit to certain noncontiguous property; amending Minnesota Statutes 1982, sections 273.13, subdivision 7; and 290A.03, subdivision 6.

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

S. F. No. 358, A bill for an act relating to counties; permitting changes to appointed coroners, medical examiners, and death investigations in certain conditions; amending Minnesota Statutes 1982, sections 390.005, by adding a subdivision; and 390.35.

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

S. F. No. 598, A bill for an act relating to insurance premium finance companies; authorizing finance charges based on the federal discount rate; amending Minnesota Statutes 1982, sections 59A.09, subdivisions 3, 4 and 6; and 59A.12, subdivisions 1 and 4.

The bill was read for the first time.

Kelly moved that S. F. No. 598 and H. F. No. 161, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 621, A bill for an act relating to state government; allowing the acceptance of gifts to the state without the governor's approval; authorizing the commissioner of administration to rent state property without the governor's approval; authorizing the state to transfer surplus state property to local units of government; allowing the governor and lieutenant governor to use unmarked state cars; regulating the state building code's application to hospitals; amending Minnesota Statutes 1982, sections 7.09, subdivision 1; 16.02, subdivisions 14 and 18; 16.75, subdivision 7; 16.753, subdivision 5; and 16.851, subdivision 3.

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

S. F. No. 627, A bill for an act relating to the Minnesota humane society; providing for appointment of the executive director by the governor; amending Minnesota Statutes 1982, section 343.01, subdivision 3.

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

S. F. No. 639, A bill for an act relating to energy; changing a cross-reference for nonpublic data reporting; amending the definition of "earth sheltered"; changing the due date of biennial energy reports; amending Minnesota Statutes 1982, sections 13.68, subdivision 1; 116J.06, subdivision 2; and 116J.18, subdivision 1.

The bill was read for the first time.

Piper moved that S. F. No. 639 and H. F. No. 1154, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 645, A resolution memorializing the President and Congress to authorize the issuance of qualified mortgage bonds beyond the current expiration date of December 31, 1983.

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

S. F. No. 673, A bill for an act relating to motor vehicles; providing for handicapped persons to obtain special plates for recreational vehicles; amending Minnesota Statutes 1982, section 168.021, subdivision 1.

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

S. F. No. 723, A bill for an act relating to public welfare; providing guidelines for considering race and ethnic origin in foster care and adoption placement; requiring recruitment, periodic review, reporting, and recordkeeping; providing for a voluntary task force; amending Minnesota Statutes 1982, sections 257.01; 257.071, subdivision 2, and by adding subdivisions; 259.27, subdivisions 1 and 2; 259.28; 260.181, subdivision 3; 260.191, subdivision 1; 260.192; and 260.242, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 257 and 259.

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

S. F. No. 92, A bill for an act relating to towns, cities, and counties; requiring other government units to give notice to towns, cities, and counties of actions that affect land use or taxation; proposing new law coded in Minnesota Statutes, chapter 471.

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

S. F. No. 204, A bill for an act relating to taxation; defining "isolated or occasional sales" for purposes of the sales tax exemption; amending Minnesota Statutes 1982, section 297A.25, subdivision 1.

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

S. F. No. 234, A bill for an act relating to the town of Winemere; permitting the town to have the powers of a metropolitan area town.

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

S. F. No. 238, A bill for an act relating to mining; including peat within the provisions of mineland reclamation laws; requiring adoption of certain reclamation rules prior to issuance of

metallic mining permits; amending Minnesota Statutes 1982, sections 93.44; 93.46, subdivisions 2 and 6; and 93.481, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 93.

The bill was read for the first time.

Munger moved that S. F. No. 238 and H. F. No. 733, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 263, A bill for an act relating to insurance; health and accident; providing reimbursement for the services of certain licensed and certified registered nurses on an equal basis with other licensed health professional services; amending Minnesota Statutes 1982, sections 62A.03, subdivision 1; and 62A.15.

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

S. F. No. 402, A bill for an act relating to state government; implementing an executive order transferring the state soil and water conservation board from the department of natural resources to the department of agriculture; amending Minnesota Statutes 1982, section 40.03.

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

S. F. No. 416, A bill for an act relating to certain towns in Goodhue County; authorizing the town board to set the hours the polling places will be open in town elections.

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

S. F. No. 147, A bill for an act relating to retirement; employee and employer contributions to the Minnesota state retirement system; amending Minnesota Statutes 1982, section 352.92, subdivisions 1 and 2.

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

S. F. No. 659, A bill for an act relating to the city of Crookston; providing for membership in the public employees police and fire fund by a certain police officer.

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

S. F. No. 767, A bill for an act relating to retirement; authorizing the purchase of prior service credit in the Minnesota state retirement system by certain employees or former employees of the legislature or joint legislative agencies or commissions; proposing new law coded in Minnesota Statutes, chapter 352D.

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

S. F. No. 827, A bill for an act relating to retirement; public employees retirement association; removing a waiting period prior to the effect of an optional annuity for disabilitants; amending Minnesota Statutes 1982, sections 353.33, subdivision 3a; and 353.656, subdivision 1a.

The bill was read for the first time.

Schreiber moved that S. F. No. 827 and H. F. No. 793, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 833, A bill for an act relating to retirement; White Bear Lake volunteer firefighters; providing for incentive benefit amounts, validating prior actions; repealing Laws 1971, chapter 214; Laws 1979, chapter 201, sections 30 and 31; Laws 1981, chapter 224, section 257.

The bill was read for the first time.

Reif moved that S. F. No. 833 and H. F. No. 907, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 855, A bill for an act relating to motor vehicles; exempting certain vehicles from license fees; authorizing the use of certain state department vehicles without uniform coloring or marking; amending Minnesota Statutes 1982, sections 16.75, subdivision 7; and 168.012, subdivision 1.

The bill was read for the first time.

Neuenschwander moved that S. F. No. 855 and H. F. No. 960, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 936, A bill for an act relating to retirement; the Minneapolis police relief association; board membership; sources and uses of funds; member contributions; amending Laws 1949, Chapter 406, Sections 1, Subdivision 1, as amended; 3, as amended; 4, Subdivisions 2 and 3, as amended; 5, Subdivisions 1, 3,

and 5, as amended; and 6, Subdivision 3, as amended; Laws 1953, Chapter 127, Sections 1, Subdivisions 1, as amended, and 4, and by adding a subdivision; and Laws 1965, Chapter 493, Section 5.

The bill was read for the first time.

Sarna moved that S. F. No. 936 and H. F. No. 911, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 346, A bill for an act relating to agriculture; granting the commissioner powers relating to agricultural promotion; changing certain procedures related to fees; redefining certain terms; changing the coverage of the consolidated food licensing law; permitting the sale of certain eggs for human consumption; updating certain provisions; specifying certain plumbing and sewage disposal requirements; changing the coverage of certain animal processing laws; prohibiting sale or possession of certain meat; changing certain fees; changing the dates of reports from and payments to certain agricultural societies; eliminating certain duties of the commissioner of agriculture and county agricultural agents; eliminating the prohibition on manufacture or use of certain preservative compounds; eliminating provisions relating to the dairy industry; adjusting fees for inspection of warehouses; directing the commissioner of agriculture to adopt a mandatory collective ratemaking procedure for warehousemen; amending Minnesota Statutes 1982, sections 17.101; 17B.15, subdivision 1; 28A.03; 29.235; 31.01, subdivision 20; 31.10; 31.101, subdivisions 3, 4, 5, 6, 7, and 8; 31.51, subdivision 2; 31.56, subdivision 1; 31A.02, subdivision 5; 31A.10; 31A.15; 32.394, subdivision 8; 34.05, subdivision 1; 38.02, subdivisions 1 and 3; 231.11; 231.12; 231.16; 232.22, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 31; repealing Minnesota Statutes 1982, sections 17.031; 17.032; 17B.15, subdivision 2; 31.401 to 31.406; 32.472; and 32.473.

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

S. F. No. 591, A bill for an act relating to insurance; health and accident; prohibiting provider discrimination in insurance policies covering mental health services; amending Minnesota Statutes 1982, section 62A.152, by adding a subdivision.

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

S. F. No. 684, A bill for an act relating to mortgage registry tax; providing for a valid and recordable security in a variable debt instrument; waiving mortgage registry tax for marriage dissolution instruments; amending Minnesota Statutes 1982, sections 287.01, subdivision 3; 287.03; and 287.04.

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

S. F. No. 403, A bill for an act relating to agriculture; making certain changes in the family farm security loan program; amending Minnesota Statutes 1982, sections 15.38, by adding a subdivision; 16.02, subdivision 14; 41.52, by adding a subdivision; 41.53, subdivision 2; 41.54, subdivision 2; 41.55; 41.56, subdivisions 4, 5, and by adding subdivisions; 41.57, subdivision 2, and by adding a subdivision; 41.58, subdivision 1; 41.59, subdivisions 1, 2, and 3; and 41.61, subdivision 1.

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

S. F. No. 746, A bill for an act relating to counties; permitting counties to issue notes to finance purchase of necessary capital equipment; amending Minnesota Statutes 1982, section 373.01, by adding a subdivision.

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

S. F. No. 844, A bill for an act relating to crimes; changing the penalty for the theft of controlled substances; amending Minnesota Statutes 1982, section 609.52, subdivision 3.

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

S. F. No. 1104, 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.

S. F. No. 551, A bill for an act relating to waters; requiring legislative approval for diversion of water outside the state; amending Minnesota Statutes 1982, section 105.405, subdivision 2.

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

S. F. No. 948, 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.



Nelson, D., moved that S. F. No. 948 and H. F. No. 1161, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1083, A bill for an act relating to transportation; authorizing placement of vending machines in highway rest areas, tourist information centers, and weigh stations; amending Minnesota Statutes 1982, sections 160.08, subdivision 7; and 160.28.

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

S. F. No. 597, A bill for an act relating to financial institutions; credit unions; requiring applicants to form a credit union to submit certain information to the commissioner of banks; expanding the class of persons who may become members; allowing certain small groups to join an existing credit union or form a separate credit union; amending Minnesota Statutes 1982, sections 52.01; 52.05; and 168.67.

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

S. F. No. 653, A bill for an act relating to natural resources; authorizing the marking of canoe and boating routes on the Pine river; amending Minnesota Statutes 1982, section 85.32, subdivision 1.

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

S. F. No. 681, A bill for an act relating to taxation; increasing the fee for issuance of a petroleum products distributors license; increasing the fee for issuance of special fuel dealers or bulk purchasers licenses; increasing the fee for issuance of a motor carrier license; increasing the fee for issuance of a temporary trip permit; amending Minnesota Statutes 1982, sections 296.06, subdivision 2; 296.12, subdivisions 1 and 2; and 296.17, subdivisions 10 and 17.

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

S. F. No. 603, A bill for an act relating to elections; providing for the preparation and availability of correct precinct lists; amending Minnesota Statutes 1982, section 201.091, subdivision 2.

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

S. F. No. 705, A bill for an act relating to Blue Earth County; providing for the taxation of the Rapidan Dam power generating facility.

The bill was read for the first time.

Wigley moved that S. F. No. 705 and H. F. No. 835, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 972, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell certain lands in St. Louis County; appropriating money.

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

S. F. No. 611, A bill for an act relating to occupations and professions; limiting municipal regulation of tow truck operators; limiting removal by tow trucks from private property; proposing new law coded in Minnesota Statutes, chapter 465.

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

S. F. No. 34, A bill for an act relating to elections; requiring representation of unorganized townships in appointment of election judges by certain county boards; amending Minnesota Statutes 1982, section 204B.21.

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

S. F. No. 175, A bill for an act relating to elections; including certain transportation expenses in the list of noncampaign disbursements; amending Minnesota Statutes 1982, section 10A.01, subdivision 10c.

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

S. F. No. 529, A bill for an act relating to human rights; prohibiting discrimination because of disability; providing penalties; amending Minnesota Statutes 1982, sections 363.01, subdivision 25, and by adding subdivisions; 363.02, subdivisions 1 and 5; 363.03, subdivisions 1, 3, 4, and 7; and repealing Minnesota Statutes 1982, section 363.03, subdivision 4a.

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

S. F. No. 606, A bill for an act relating to retirement; public employees funds generally; increasing interest rates paid on refunds and rates required for repayment of refunds and other payments to the funds; amending Minnesota Statutes 1982, sections 3A.03, subdivision 2; 352.029, subdivision 4; 352.04, subdivision 8; 352.12, subdivision 1; 352.22, subdivision 2; 352.23; 352.27; 352.271; 352B.11, subdivisions 1, 3, and 4; 352C.09, subdivision 2; 353.01, subdivision 16; 353.27, subdivision 12; 353.28, subdivision 5; 353.32, subdivision 1; 353.34, subdivision 2; 353.35; 353.36, subdivision 2; 354.47, subdivision 1; 354.49, subdivision 2; 354.50, subdivision 2; 354.51, subdivisions 4 and 5; 354.52, subdivision 4; 354.53, subdivision 1; 354.532, subdivision 3; 354A.093; 354A.32; 354A.35, subdivisions 1 and 2; 354A.37, subdivisions 3 and 4; 354A.38, subdivision 3; 422A.09, subdivision 3; 422A.11, subdivision 2; 422A.16, subdivision 5; 422A.22, subdivisions 1, 4 and 5; 422A.221, subdivision 2; and 490.124, subdivision 12; repealing Minnesota Statutes 1982, section 354.49, subdivision 3.

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

S. F. No. 734, A bill for an act relating to public welfare; modifying the procedure by which a vendor of care in the medical assistance program may seek review of proposed action on the part of the commissioner to make monetary recoveries or impose sanctions; permitting the commissioner to limit or suspend the eligibility of persons for medical assistance upon conviction of a criminal offense; allowing the commissioner access to medical records of medical assistance recipients without written authorization; amending Minnesota Statutes 1982, sections 256.045, subdivision 3; 256B.061; and 256B.27, subdivisions 3 and 4.

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

S. F. No. 784, A bill for an act relating to public welfare; setting eligibility criteria for community social services; requiring information from users to be included in the planning process; prescribing duties of the commissioner; amending Minnesota Statutes 1982, sections 256E.03, subdivision 2; 256E.05, subdivision 3; and 256E.09, subdivisions 2 and 3.

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

S. F. No. 967, A bill for an act relating to real property; 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 proceeding; providing that a mortgage on farm real estate is rein-

stated during the redemption period upon payment of installments in default and due during the period of redemption; authorizing farm working capital loan guarantees until June 1, 1983; amending Minnesota Statutes 1982, sections 47.20, subdivision 8; 550.18; 559.21, subdivisions 1, 1a, and 2; 580.09; 580.28, subdivision 1; 580.30; and 581.10.

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

S. F. No. 1009, A bill for an act relating to transportation; defining certain terms relating to motor vehicle carriers; delineating exemptions; prescribing rules for operation of carriers; providing for investigation of carriers; providing for regulation of carriers of hazardous materials; providing for granting of certificates for operation; setting procedures for establishing rate schedules; providing for fees; providing for annual registration; requiring certificates of insurance; allowing permits to be assigned or transferred under certain conditions; providing hearing procedures regarding rate schedules; requiring shipping documents; providing for regulation of interstate carriers; authorizing suspension of operating authority under certain conditions; requiring refunds for overcharges; providing enforcement powers; providing penalties; providing for annual renewal of identification stamps; regulating local cartage carriers; assigning duties, functions, and powers to the public utilities commission until the transportation regulation board is established and appointed; amending Minnesota Statutes 1982, sections 168.013, subdivision 1e; 174.22, subdivision 2; 221.011, subdivisions 3, 9, 11, 12, 14, 15, 16, 19, 21, and 24, and by adding subdivisions; 221.021; 221.031; 221.041; 221.071; 221.111; 221.121; 221.131; 221.141, subdivision 1, and by adding a subdivision; 221.151; 221.161; 221.171; 221.181; 221.221; 221.251; 221.291; 221.296, subdivisions 2, 3, and 4; and 221.64; proposing new law coded in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1982, sections 221.011, subdivisions 4 and 22; 221.032; 221.141, subdivision 2; 221.292; 221.294; and 221.296, subdivision 1.

The bill was read for the first time.

Dempsey moved that S. F. No. 1009 and H. F. No. 1020, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

### CONSENT CALENDAR

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 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 106 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Kvam	Piper	Solberg
Anderson, G.	Erickson	Larsen	Price	Sparby
Battaglia	Evans	Levi	Quinn	Stadum
Begich	Findlay	Long	Quist	Sviggum
Bennett	Fjoslien	Ludeman	Redalen	Thiede
Bergstrom	Forsythe	Mann	Reif	Tomlinson
Berkelman	Frerichs	Marsh	Rice	Uphus
Blatz	Graba	McEachern	Rodosovich	Valan
Brandl	Greenfield	Metzen	Rodriguez, F.	Valento
Brinkman	Gruenes	Munger	Rose	Voss
Burger	Gustafson	Murphy	St. Onge	Waltman
Carlson, D.	Cutknecht	Nelson, D.	Sarna	Welch
Carlson, L.	Haukoos	Neuenschwander	Schafer	Welker
Clark, J.	Heap	Norton	Schoenfeld	Welle
Clark, K.	Himle	Ogren	Schreiber	Wenzel
Cohen	Jacobs	Olsen	Seaberg	Wigley
Coleman	Jennings	Omann	Segal	Wynia
Dempsey	Johnson	Onnen	Shaver	Zaffke
DenOuden	Kahn	Osthoff	Shea	
Dimler	Kalis	Otis	Sherman	
Eken	Kelly	Pauly	Simoneau	
Elioff	Knuth	Piepho	Skoglund	

The bill was passed and its title agreed to.

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 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 107 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Coleman	Cutknecht	Mann	Piepho
Anderson, G.	Dempsey	Haukoos	Marsh	Piper
Battaglia	DenOuden	Heap	McEachern	Price
Begich	Dimler	Himle	Metzen	Quinn
Bennett	Elioff	Jacobs	Munger	Quist
Bergstrom	Ellingson	Jennings	Murphy	Redalen
Berkelman	Erickson	Johnson	Nelson, D.	Reif
Blatz	Evans	Kahn	Neuenschwander	Rice
Brandl	Findlay	Kalis	Norton	Rodosovich
Brinkman	Fjoslien	Kelly	Ogren	Rodriguez, F.
Burger	Forsythe	Knuth	Olsen	Rose
Carlson, D.	Frerichs	Kvam	Omann	St. Onge
Carlson, L.	Graba	Larsen	Onnen	Sarna
Clark, J.	Greenfield	Levi	Osthoff	Schafer
Clark, K.	Gruenes	Long	Otis	Scheid
Cohen	Gustafson	Ludeman	Pauly	Schoenfeld

Schreiber	Simoneau	Thiede	Voss	Wigley
Seaberg	Skoglund	Tomlinson	Waltman	Wynia
Segal	Solberg	Uphus	Welch	Zaffke
Shaver	Sparby	Valan	Welker	
Shea	Stadum	Valento	Welle	
Sherman	Sviggum	Vellenga	Wenzel	

The bill was passed and its title agreed to.

S. F. No. 708 was reported to the House.

There being no objection S. F. No. 708 was continued one day.

H. F. No. 859 was reported to the House.

There being no objection H. F. No. 859 was continued one day.

H. F. No. 259, A bill for an act relating to watercraft safety; requirement for rear view mirrors while towing skiers; amending Minnesota Statutes 1982, section 361.09, 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 98 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Kvam	Piepho	Simoneau
Battaglia	Erickson	Larsen	Piper	Skoglund
Begich	Evans	Levi	Price	Solberg
Bennett	Findlay	Long	Quinn	Stadum
Bergstrom	Fjoslien	Ludeman	Quist	Thiede
Berkelman	Forsythe	Marsh	Redalen	Tomlinson
Bishop	Frerichs	McEachern	Reif	Uphus
Blatz	Graba	Metzen	Rodosovich	Valan
Brandl	Greenfield	Munger	Rodriguez, F.	Valento
Burger	Gruenes	Murphy	Rose	Vellenga
Carlson, D.	Gustafson	Nelson, D.	St. Onge	Voss
Carlson, L.	Gutknecht	Neuenschwander	Sarna	Waltman
Clark, J.	Heap	Norton	Schafer	Welker
Clark, K.	Himle	Ogren	Scheid	Welle
Cohen	Jacobs	Olsen	Schoenfeld	Wenzel
Coleman	Johnson	Omman	Schreiber	Wigley
Dempsey	Kahn	Onnen	Seaberg	Wynia
DenOuden	Kalis	Osthoff	Segal	Zaffke
Dimler	Kelly	Otis	Shea	
Elioff	Knuth	Pauly	Sherman	

Those who voted in the negative were:

Anderson, B.	Haukoos	Jennings	Sviggum
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The bill was passed and its title agreed to.

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

The bill was read for the 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 108 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Knuth	Piepho	Simoneau
Anderson, G.	Ellingson	Kvam	Piper	Skoglund
Battaglia	Erickson	Larsen	Price	Solberg
Begich	Evans	Levi	Quinn	Sparby
Bennett	Findlay	Long	Quist	Stadum
Bergstrom	Fjoslien	Ludeman	Redalen	Sviggum
Berkelman	Forsythe	Mann	Reif	Thiede
Bishop	Frerichs	Marsh	Rice	Tomlinson
Blatz	Graba	McEachern	Rodosovich	Valan
Brandl	Greenfield	Metzen	Rodriguez, F.	Valento
Brinkman	Gruenes	Munger	Rose	Vellenga
Burger	Gustafson	Murphy	St. Onge	Voss
Carlson, D.	Gutknecht	Nelson, D.	Sarna	Waltman
Carlson, L.	Haukoos	Neuenschwander	Schafer	Welch
Clark, J.	Heap	Norton	Scheid	Welker
Clark, K.	Himle	Ogren	Schoenfeld	Welle
Cohen	Jacobs	Olsen	Schreiber	Wenzel
Coleman	Jennings	Omann	Seaberg	Wigley
Dempsey	Johnson	Onnen	Segal	Wynia
DenOuden	Kahn	Osthoff	Shaver	Zaffke
Dimler	Kalis	Otis	Shea	
Eken	Kelly	Pauly	Sherman	

The bill was passed and its title agreed to.

H. F. No. 516, A bill for an act relating to the city of Montevideo; giving it certain powers of a statutory city.

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 104 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Carlson, L.	Evans	Heap	Levi
Anderson, G.	Clark, J.	Findlay	Himle	Long
Battaglia	Clark, K.	Fjoslien	Jacobs	Ludeman
Begich	Cohen	Forsythe	Jennings	Marsh
Bennett	Dempsey	Frerichs	Johnson	McEachern
Bergstrom	DenOuden	Graba	Kahn	Metzen
Berkelman	Dimler	Greenfield	Kalis	Munger
Eken	Eken	Gruenes	Kelly	Murphy
Brandl	Elioff	Gustafson	Knuth	Nelson, K.
Burger	Ellingson	Gutknecht	Kvam	Neuenschwander
Carlson, D.	Erickson	Haukoos	Larsen	Norton

Ogren	Quinn	Scheid	Solberg	Voss
Olsen	Quist	Schoenfeld	Sparby	Waltman
Omann	Redalen	Schreiber	Stadum	Welch
Onnen	Reif	Seaberg	Sviggum	Welker
Osthoff	Rice	Segal	Thiede	Welle
Otis	Rodriguez, F.	Shaver	Tomlinson	Wenzel
Pauly	Rose	Shea	Uphus	Wigley
Piepho	St. Onge	Sherman	Valan	Wynia
Piper	Sarna	Simoneau	Valento	Zaifke
Price	Schafer	Skoglund	Vellenga	

The bill was passed and its title agreed to.

The Speaker assumed the Chair.

H. F. No. 584 was reported to the House.

Murphy moved to amend H. F. No. 584, the first engrossment, as follows:

Page 2, line 32, delete "*price is paid in full by the*" and after "*consignor*" insert "*has been paid in full*"

The motion prevailed and the amendment was adopted.

H. F. No. 584, A bill for an act relating to commerce; regulating the consignment of works of art; specifying the rights and duties of consignors and consignees; defining terms; proposing new law coded as Minnesota Statutes, chapter 324.

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

The question was taken on the passage of the bill and the roll was called. There were 105 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dimler	Jennings	Neuenschwander	Rose
Anderson, G.	Eken	Johnson	Norton	St. Onge
Battaglia	Elioff	Kahn	Ogren	Schafer
Begich	Ellingson	Kalis	Olsen	Scheid
Bennett	Erickson	Kelly	Omann	Schoenfeld
Bergstrom	Evans	Kauth	Onnen	Schreiber
Berkelman	Findlay	Kvam	Osthoff	Shaver
Bishop	Fjoslien	Larsen	Otis	Shea
Blatz	Forsythe	Levi	Pauly	Sherman
Brandl	Frerichs	Long	Piepho	Simoneau
Brinkman	Graba	Ludeman	Piper	Skoglund
Burger	Greenfield	Mann	Price	Solberg
Carlson, D.	Gruenes	Marsh	Quinn	Stadum
Carlson, L.	Gustafson	McEachern	Quist	Sviggum
Clark, J.	Gutknecht	Metzen	Redalen	Thiede
Clark, K.	Hankooos	Munger	Reif	Tomlinson
Cohen	Heap	Murphy	Rice	Uphus
Coleman	Himle	Nelson, D.	Rodosovich	Valan
Dempsey	Jacobs	Nelson, K.	Rodriguez, F.	Valento



Vellenga  
Voss

Waltman  
Welch

Welker  
Wenzel

Wigley  
Wynia

Zaffke  
Speaker Sieben

Those who voted in the negative were:

DenOuden

Seaberg

Sparby

Welle

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

H. F. No. 741, A bill for an act relating to real estate; regulating the duties of a county recorder; amending Minnesota Statutes 1982, sections 386.31; 386.36; 580.24; 580.25; 582.03; 582.04; repealing Minnesota Statutes 1982, section 357.181.

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 111 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Ellingson  
Erickson  
Evans  
Findlay  
Fjoslien  
Forsythe  
Frerichs  
Graba  
Greenfield  
Grüenes  
Gustafson  
Gutknecht  
Haukoos  
Heap  
Himle  
Jacobs  
Jennings  
Johnson  
Kahn  
Kalis  
Kelly  
Knuth  
Krueger

Kvam  
Larsen  
Levi  
Long  
Ludeman  
Mann  
Marsh  
McEachern  
Metzen  
Munger  
Murphy  
Nelson, D.  
Nelson, K.  
Neuenschwander  
Norton  
Ogren  
Olsen  
Omman  
Onnen  
Osthoff  
Otis  
Pauly  
Piepho

Piper  
Price  
Quinn  
Quist  
Redalen  
Reif  
Rice  
Rodosovich  
Rodriguez, F.  
Rose  
St. Onge  
Sarna  
Schafer  
Scheid  
Schoenfeld  
Schreiber  
Seaberg  
Shaver  
Shea  
Sherman  
Simoneau  
Skoglund  
Solberg

Sparby  
Stadum  
Sviggum  
Thiede  
Tomlinson  
Uphus  
Valan  
Valento  
Vellenga  
Voss  
Waltman  
Welch  
Welker  
Welle  
Wenzel  
Wigley  
Wynia  
Zaffke  
Speaker Sieben

The bill was passed and its title agreed to.

H. F. No. 764, A bill for an act relating to retirement; qualifying park district police for certain pension aids; amending Minnesota Statutes 1982, section 69.011, 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 110 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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

The bill was read for the 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 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Kvam	Piper	Sparby
Anderson, G.	Erickson	Larsen	Price	Stadum
Battaglia	Evans	Levi	Quinn	Sviggum
Begich	Findlay	Long	Quist	Thiede
Bennett	Fjoslien	Ludeman	Redalen	Tomlinson
Bergstrom	Forsythe	Mann	Reif	Uphus
Berkelman	Frerichs	Marsh	Rice	Valan
Bishop	Graba	McEachern	Rodosovich	Valento
Blatz	Greenfield	Metzen	Rodriguez, F.	Vellenga
Brandl	Gruenes	Munger	Rose	Voss
Brinkman	Gustafson	Murphy	St. Onge	Waltman
Burger	Gutknecht	Nelson, D.	Sarna	Welch
Carlson, D.	Haukoos	Nelson, K.	Scheid	Welker
Carlson, L.	Heap	Neuenschwander	Schoenfeld	Welle
Clark, J.	Himle	Norton	Schreiber	Wenzel
Clark, K.	Jacobs	Ogren	Seaberg	Wigley
Cohen	Jennings	Olsen	Segal	Wynia
Coleman	Johnson	Omman	Shaver	Zaffke
Dempsey	Kahn	Onnen	Shea	Speaker Sieben
DenOuden	Kalis	Osthoff	Sherman	
Dimler	Kelly	Otis	Simoneau	
Eken	Knuth	Pauly	Skoglund	
Elioff	Krueger	Piepho	Solberg	

The bill was passed and its title agreed to.

H. F. No. 849, A bill for an act relating to state lands; authorizing the sale of a certain lakeshore lot in Douglas County.

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 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 914, A bill for an act relating to Ramsey County; reinstating a provision relating to mandatory retirement age for military veterans; amending Minnesota Statutes 1982, section 383A.30.

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 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bergstrom	Brinkman	Clark, K.	Dimler
Anderson, G.	Berkelman	Burger	Cohen	Eken
Battaglia	Bishop	Carlson, D.	Coleman	Elioff
Begich	Blatz	Carlson, L.	Dempsey	Ellingson
Bennett	Brandl	Clark, J.	DenOuden	Erickson

Evans	Knuth	Olsen	Sarna	Uphus
Findlay	Krueger	Omann	Schafer	Valan
Fjoslien	Kvam	Onnen	Scheid	Valento
Forsythe	Larsen	Osthoff	Schoenfeld	Vellenga
Frerichs	Levi	Otis	Schreiber	Voss
Graba	Long	Pauly	Seaberg	Waltman
Greenfield	Ludeman	Piepho	Segal	Welch
Gruenes	Mann	Piper	Shaver	Welker
Gustafson	Marsh	Price	Shea	Welle
Gutknecht	McEachern	Quinn	Sherman	Wenzel
Haukoos	Metzen	Quist	Simoneau	Wigley
Heap	Munger	Redalen	Skoglund	Wynia
Himle	Murphy	Reif	Solberg	Zaffke
Jacobs	Nelson, D.	Rice	Sparby	Speaker Sieben
Johnson	Nelson, K.	Rodosovich	Stadum	
Kahn	Neuenschwander	Rodriguez, F.	Sviggum	
Kalis	Norton	Rose	Thiede	
Kelly	Ogren	St. Onge	Tomlinson	

The bill was passed and its title agreed to.

H. F. No. 946, A bill for an act relating to state government; implementing an executive order transferring the state soil and water conservation board from the department of natural resources to the department of agriculture; amending Minnesota Statutes 1982, section 40.03.

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 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Munger

The bill was passed and its title agreed to.

H. F. No. 954, A bill for an act relating to the Minneapolis park and recreation board; providing for the appointment of various employees; amending Laws 1969, chapter 1024, sections 1 and 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 112 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Kvam	Piper	Solberg
Anderson, G.	Erickson	Larsen	Price	Sparby
Battaglia	Evans	Levi	Quinn	Stadum
Begich	Findlay	Long	Quist	Svigum
Bennett	Fjoslien	Ludeman	Redalen	Thiede
Bergstrom	Forsythe	Mann	Reif	Tomlinson
Berkelman	Frerichs	Marsh	Rice	Uphus
Bishop	Graba	McEachern	Rodosovich	Valan
Blatz	Greenfield	Metzen	Rodriguez, F.	Valento
Brandl	Gruenes	Munger	Rose	Vellenga
Brinkman	Gustafson	Murphy	St. Onge	Voss
Burger	Gutknecht	Nelson, D.	Sarna	Waltman
Carlson, D.	Haukoos	Nelson, K.	Schafer	Welch
Carlson, L.	Heap	Neuenschwander	Scheid	Welker
Clark, J.	Himle	Norton	Schoenfeld	Welle
Clark, K.	Jacobs	Ogren	Schreiber	Wenzel
Cohen	Jennings	Olsen	Seaberg	Wigley
Coleman	Johnson	Omann	Segal	Wynia
Dempsey	Kahn	Onnen	Shaver	Zaffke
DenOuden	Kalis	Osthoff	Shea	Speaker Sieben
Dimler	Kelly	Otis	Sherman	
Eken	Knuth	Pauly	Simoneau	
Elioff	Krueger	Piepho	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 958, A bill for an act relating to long term care; requiring the commissioners of health and public welfare to prepare a report to the legislature.

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 110 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Knuth	Pauly	Simoneau
Anderson, C.	Ellingson	Krueger	Piepho	Skoglund
Battaglia	Erickson	Kvam	Piper	Solberg
Begich	Evans	Levi	Quinn	Sparby
Bennett	Findlay	Long	Quist	Stadum
Bergstrom	Fjoslien	Ludeman	Redalen	Sviggum
Berkelman	Forsythe	Mann	Reif	Thiede
Bishop	Frerichs	Marsh	Rice	Tomlinson
Blatz	Graba	McEachern	Rodosovich	Uphus
Brandl	Greenfield	Metzen	Rodriguez, F.	Valan
Brinkman	Gruenes	Munger	Rose	Valento
Burger	Gustafson	Murphy	St. Onge	Vellenga
Carlson, D.	Gutknecht	Nelson, D.	Sarna	Voss
Carlson, L.	Haukoos	Nelson, K.	Schafer	Waltman
Clark, J.	Heap	Neuenschwander	Scheid	Welch
Clark, K.	Himle	Norton	Schoenfeld	Welker
Cohen	Jacobs	Ogren	Schreiber	Welle
Coleman	Jennings	Olsen	Seaberg	Wenzel
Dempsey	Johnson	Omann	Segal	Wigley
DenOuden	Kahn	Onnen	Shaver	Wynia
Dimler	Kalis	Osthoff	Shea	Zaffke
Eken	Kelly	Otis	Sherman	Speaker Sieben

The bill was passed and its title agreed to.

H. F. No. 959 was reported to the House.

Quist moved to amend H. F. No. 959, as follows:

Page 1, line 10, delete "100,000" insert "50,000"

The motion prevailed and the amendment was adopted.

H. F. No. 959, A bill for an act relating to commerce; authorizing certain retailers of motor vehicle fuel to compute sales by the half-gallon; proposing new law coded in Minnesota Statutes 1982, section 325E.095.

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

The question was taken on the passage of the bill and the roll was called. There were 110 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Burger	Ellingson	Gutknecht	Krueger
Anderson, C.	Carlson, D.	Erickson	Haukoos	Kvam
Battaglia	Carlson, L.	Evans	Heap	Larsen
Begich	Clark, K.	Findlay	Himle	Levi
Bennett	Cohen	Fjoslien	Jacobs	Long
Bergstrom	Coleman	Forsythe	Jennings	Ludeman
Berkelman	Dempsey	Frerichs	Johnson	Mann
Bishop	DenOuden	Graba	Kahn	Marsh
Blatz	Dimler	Greenfield	Kalis	McEachern
Brandl	Eken	Gruenes	Kelly	Metzen
Brinkman	Elioff	Gustafson	Knuth	Munger

Murphy	Piepho	St. Onge	Simoneau	Vellenga
Nelson, D.	Piper	Sarna	Skoglund	Voss
Neuenschwander	Price	Schafer	Solberg	Waltman
Norton	Quinn	Scheid	Sparby	Welch
Ogren	Quist	Schoenfeld	Stadum	Welker
Olsen	Redalen	Schreiber	Sviggum	Welle
Omann	Reif	Seaberg	Thiede	Wenzel
Onnen	Rice	Segal	Tomlinson	Wigley
Osthoff	Rodosovich	Shaver	Uphus	Wynia
Otis	Rodriguez, F.	Shea	Valan	Zaffke
Pauly	Rose	Sherman	Valento	Speaker Sieben

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

H. F. No. 1062, A bill for an act relating to port authorities; providing for the term of service of certain members of port authorities; amending Minnesota Statutes 1982, section 458.10, 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 110 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Krueger	Pauly	Simoneau
Anderson, G.	Ellingson	Kvam	Piepho	Skoglund
Battaglia	Erickson	Larsen	Piper	Solberg
Begich	Findlay	Levi	Price	Sparby
Bennett	Fjoslien	Long	Quist	Stadum
Bergstrom	Forsythe	Ludeman	Redalen	Sviggum
Berkelman	Frerichs	Mann	Reif	Thiede
Bishop	Graba	Marsh	Rice	Tomlinson
Blatz	Greenfield	McEachern	Rodosovich	Uphus
Brandl	Gruenes	Metzen	Rodriguez, F.	Valan
Brinkman	Gustafson	Munger	Rose	Valento
Burger	Gutknecht	Murphy	St. Onge	Vellenga
Carlson, D.	Haukoos	Nelson, D.	Sarna	Voss
Carlson, L.	Heap	Nelson, K.	Schafer	Waltman
Clark, J.	Himle	Neuenschwander	Scheid	Welch
Clark, K.	Jacobs	Norton	Schoenfeld	Welker
Cohen	Jennings	Ogren	Schreiber	Welle
Coleman	Johnson	Olsen	Seaberg	Wenzel
Dempsey	Kahn	Omann	Segal	Wigley
Denouden	Kalis	Onnen	Shaver	Wynia
Dimler	Kelly	Osthoff	Shea	Zaffke
Eken	Knuth	Otis	Sherman	Speaker Sieben

The bill was passed and its title agreed to.

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

The bill was read for the 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 110 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1081 was reported to the House.

Quinn moved that H. F. No. 1081 be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

H. F. No. 1107 was reported to the House.

There being no objection H. F. No. 1107 was continued one day.

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

The bill was read for the 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 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bergstrom	Brinkman	Clark, K.	Dimler
Anderson, G.	Berkelman	Burger	Cohen	Eken
Battaglia	Bishop	Carlson, D.	Coleman	Elioff
Begich	Blatz	Carlson, L.	Dempsey	Ellingson
Bennett	Brandl	Clark, J.	DenOuden	Erickson



Evans	Kalis	Neuenschwander	Rodosovich	Sparby
Findlay	Kelly	Norton	Rodriguez, F.	Stadum
Fjoslien	Knuth	Ogren	Rose	Swiggum
Forsythe	Krueger	Olsen	St. Onge	Thiede
Frerichs	Kvam	Omann	Sarna	Tomlinson
Graba	Larsen	Onnen	Schafer	Uphus
Greenfield	Levi	Osthoff	Scheid	Valan
Gruenes	Long	Otis	Schoenfeld	Valento
Gustafson	Ludeman	Pauly	Schreiber	Voss
Gutknecht	Mann	Piepho	Seaberg	Waltman
Haukoos	Marsh	Piper	Segal	Welch
Heap	McEachern	Price	Shaver	Welker
Himle	Metzen	Quinn	Shea	Welle
Jacobs	Munger	Quist	Sherman	Wenzel
Jennings	Murphy	Redalen	Simoneau	Wigley
Johnson	Nelson, D.	Reif	Skoglund	Wynia
Kahn	Nelson, K.	Rice	Solberg	Zaffke
				Speaker Sieben

The bill was passed and its title agreed to.

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

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

The question was taken on the passage of the bill and the roll was called. There were 109 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Krueger	Piper	Skoglund
Anderson, C.	Erickson	Kvam	Price	Solberg
Battaglia	Evans	Larsen	Quinn	Sparby
Begich	Findlay	Levi	Quist	Stadum
Bennett	Fjoslien	Long	Redalen	Swiggum
Bergstrom	Forsythe	Mann	Reif	Thiede
Berkelman	Frerichs	Marsh	Rice	Tomlinson
Bishop	Graba	Metzen	Rodosovich	Uphus
Blatz	Greenfield	Munger	Rodriguez, F.	Valan
Brandl	Gruenes	Murphy	Rose	Valento
Brinkman	Gustafson	Nelson, D.	St. Onge	Vellenga
Burger	Gutknecht	Nelson, K.	Sarna	Voss
Carlson, D.	Haukoos	Neuenschwander	Schafer	Waltman
Carlson, L.	Heap	Norton	Scheid	Welch
Clark, J.	Himle	Ogren	Schoenfeld	Welker
Clark, K.	Jacobs	Olsen	Schreiber	Welle
Cohen	Jennings	Omann	Seaberg	Wenzel
Coleman	Johnson	Onnen	Segal	Wigley
Dempsey	Kahn	Osthoff	Shaver	Wynia
Dimler	Kalis	Otis	Shea	Zaffke
Eken	Kelly	Pauly	Sherman	Speaker Sieben
Elioff	Knuth	Piepho	Simoneau	

Those who voted in the negative were:

McEachern

The bill was passed and its title agreed to.

H. F. No. 1122 was reported to the House.

Valan moved to amend H. F. No. 1122, as follows:

Page 1, line 9, after the period insert "*The town may use the town hall as a polling place for all elections notwithstanding the requirements for the location of a polling place as provided in Minnesota Statutes, section 204B.16, subdivision 1.*"

Further, amend the title as follows:

Page 1, line 3, after "conduct" insert "elections and"

The motion prevailed and the amendment was adopted.

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

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

The question was taken on the passage of the bill and the roll was called. There were 108 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Krueger	Piper	Skoglund
Anderson, G.	Erickson	Kvam	Price	Solberg
Battaglia	Evans	Larsen	Quinn	Sparby
Begich	Findlay	Levi	Quist	Stadum
Bennett	Fjoslien	Long	Redalen	Sviggunn
Bergstrom	Forsythe	Ludeman	Reif	Thiede
Berkelman	Frerichs	Mann	Rice	Tomlinson
Bishop	Graba	Marsh	Rodosovich	Uphus
Blatz	Greenfield	Metzen	Rodriguez, F.	Valan
Brandl	Gruenes	Munger	Rose	Valento
Brinkman	Gustafson	Murphy	St. Onge	Vellenga
Burger	Gutknecht	Nelson, D.	Sarna	Voss
Carlson, D.	Haukoos	Nelson, K.	Schafer	Waltman
Carlson, L.	Heap	Neuenschwander	Scheid	Welch
Clark, J.	Himle	Norton	Schoenfeld	Welker
Clark, K.	Jacobs	Ogren	Schreiber	Wenzel
Cohen	Jennings	Olsen	Seaberg	Wigley
Coleman	Johnson	Omann	Segal	Wynia
Dempsey	Kahn	Onnen	Shaver	Zaffke
DenOuden	Kalis	Otis	Shea	Speaker Sieben
Dimler	Kelly	Pauly	Sherman	
Elioff	Knuth	Piepho	Simoneau	

Those who voted in the negative were:

Osthoff

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

H. F. No. 1147 was reported to the House.

There being no objection H. F. No. 1147 was continued one day.

### CALENDAR

H. F. No. 250, A bill for an act relating to insurance; regulating interest rates on life insurance policy loans; establishing written pricing and dividend policies in certain circumstances; prescribing penalties; amending Minnesota Statutes 1932, section 61A.03; proposing new law coded in Minnesota Statutes, chapter 72A.

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 69 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Bennett	Forsythe	Marsh	Quist	Swiggum
Bergstrom	Frerichs	Munger	Redalen	Thiede
Berkelman	Graba	Murphy	Reif	Tomlinson
Blatz	Gruenes	Nelson, D.	Rodosovich	Uphus
Brandl	Gutknecht	Neuenschwander	St. Onge	Valan
Brinkman	Heap	Norton	Schafer	Valento
Cohen	Himle	Olsen	Scheid	Voss
Dempsey	Jennings	Osthoff	Schreiber	Welker
DenOuden	Knuth	Otis	Seaberg	Welle
Dimler	Kvam	Pauly	Segal	Wenzel
Eken	Larsen	Piepho	Shaver	Wigley
Elioff	Levi	Piper	Sherman	Wynia
Erickson	Ludeman	Price	Sparby	Zaffke
Evans	Mann	Quinn	Stadum	

Those who voted in the negative were:

Anderson, B.	Clark, K.	Johnson	Metzen	Schoenfeld
Anderson, C.	Coleman	Kahn	Ogren	Shea
Battaglia	Ellingson	Kalis	Omenn	Simoneau
Begich	Findlay	Kelly	Onnen	Skoglund
Bishop	Fjoslien	Krueger	Rice	Solberg
Burger	Greenfield	Long	Rose	Waltman
Clark, J.	Haukoos	McEachern	Sarna	Welch

The bill was passed and its title agreed to.

Rose was excused for the remainder of today's session.

H. F. No. 605 was reported to the House and given its third reading.

## UNANIMOUS CONSENT

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

Piepho moved to amend H. F. No. 605, the first engrossment, as follows:

Page 2, delete lines 5 to 9 and insert:

*"A student shall be entitled to complete a program of two years or less in duration according to the requirements in effect at the point of admission to the program for a period of 12 months beyond the time required to complete that program. For programs more than two years in length, a student shall be entitled to complete the program according to the requirements of the program in effect at the point of admission for a period of 36 months beyond the time required to complete that program. The provisions of this section do not apply to programs terminated by an institution."*

The motion prevailed and the amendment was adopted.

H. F. No. 605, A bill for an act relating to education; requiring the higher education coordinating board to report its recommendations concerning credit transferability and institutional and program requirements; requiring reports to the legislature; providing that students shall be entitled to complete programs according to requirements as of the time the student began the program; amending Minnesota Statutes 1982, section 136A.042; proposing new law coded in Minnesota Statutes, chapter 136A.

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

The question was taken on the passage of the bill and the roll was called. There were 106 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Clark, K.	Graba	Knuth	Nelson, K.
Anderson, G.	Cohen	Greenfield	Krueger	Neuenschwander
Battaglia	Coleman	Gruenes	Kvam	Norton
Begich	Dempsey	Gustafson	Larsen	Ogren
Bennett	DenOuden	Gutknecht	Levi	Olsen
Bergstrom	Eken	Haukoos	Long	Omann
Berkelman	Elioff	Heap	Ludeman	Onnen
Bishop	Ellingson	Himle	Mann	Osthoff
Blatz	Erickson	Jacobs	Marsh	Otis
Brandl	Evans	Jennings	McEachern	Pauly
Brinkman	Findlay	Johnson	Metzen	Piepho
Burger	Fjoslien	Kahn	Munger	Piper
Carlson, L.	Forsythe	Kalis	Murphy	Price
Clark, J.	Frerichs	Kelly	Nelson, D.	Quinn

Quist	Schafer	Sherman	Uphus	Wigley
Redalen	Scheid	Simoneau	Valan	Wynia
Reif	Schoenfeld	Skoglund	Valento	Zaffke
Rice	Schreiber	Solberg	Vellenga	Speaker Sieben
Rodosovich	Seaberg	Sparby	Voss	
Rodriguez, F.	Segal	Stadum	Waltman	
St. Onge	Shaver	Sviggum	Welle	
Sarna	Shea	Thiede	Wenzel	

Those who voted in the negative were:

Carlson, D.      Welker

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

H. F. No. 91 was reported to the House and given its third reading.

There being no objection H. F. No. 91 was continued one day.

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

The bill was read for the 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 94 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Krueger	Osthoff	Shaver
Anderson, G.	Ellingson	Kvam	Otis	Shea
Battaglia	Evans	Larsen	Pauly	Simoneau
Begich	Fjoslien	Levi	Piepho	Skoglund
Bennett	Forsythe	Long	Piper	Solberg
Berkelman	Frerichs	Mann	Price	Sparby
Bishop	Graba	Marsh	Quinn	Sviggum
Blatz	Greenfield	McEachern	Quist	Thiede
Brandl	Gruenes	Metzen	Redalen	Valan
Brinkman	Gustafson	Munger	Reif	Vellenga
Burger	Haukoos	Murphy	Rice	Waltman
Carlson, D.	Heap	Nelson, D.	Rodosovich	Welch
Carlson, L.	Himle	Nelson, K.	Rodriguez, F.	Welle
Clark, J.	Jacobs	Neuenschwander	Sarna	Wenzel
Clark, K.	Johnson	Norton	Schafer	Wigley
Cohen	Kahn	Ogren	Schoenfeld	Wynia
Coleman	Kalis	Olsen	Schreiber	Zaffke
Dempsey	Kelly	Omann	Seaberg	Speaker Sieben
Eken	Knuth	Onnen	Segal	

Those who voted in the negative were:

DenOuden	Jennings	Scheid	Uphus	Welker
Erickson	Ludeman	Sherman	Voss	
Findlay	St. Onge	Stadum		

The bill was passed and its title agreed to.

H. F. No. 745 was reported to the House and given its third reading.

# UNANIMOUS CONSENT

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

Berkelman moved to amend H. F. No. 745, the second engrossment, as follows:

Page 11, line 17, after the period insert "*An agency may re-submit at any time before the expiration of the 180-day period.*"

The motion prevailed and the amendment was adopted.

H. F. No. 745, A bill for an act relating to the administrative procedure act; requiring certain notices to be sent to the legislative commission to review administrative rules; clarifying the duties of the revisor of statutes with respect to approving the form of administrative rules; increasing the time period for adopting a rule when reviews by other agencies are necessary; establishing a deadline for agency action with respect to rules adopted without public hearing; clarifying other provisions of the act; amending Minnesota Statutes 1982, sections 14.07; 14.08; 14.12; 14.14, subdivision 1; 14.15, subdivisions 1, 3, and 4; 14.17; 14.18; 14.19; 14.21; 14.22; 14.26; 14.32; 14.47, subdivisions 1, 5 and 8; and 14.52.

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

The question was taken on the passage of the bill and the roll was called. There were 107 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Coleman	Gutknecht	Mann	Pauly
Battaglia	Dempsey	Haukoos	Marsh	Piepho
Begich	DenOuden	Himle	McEachern	Piper
Bennett	Eken	Jacobs	Metzen	Price
Bergstrom	Eloff	Jennings	Munger	Quinn
Berkelman	Ellingson	Johnson	Murphy	Quist
Bishop	Erickson	Kahn	Nelson, D.	Redalen
Blatz	Evans	Kalis	Nelson, K.	Reif
Brandl	Findlay	Kelly	Neuenschwander	Rice
Brinkman	Fjoslien	Knuth	Norton	Rodosovich
Burger	Forsythe	Krueger	Ogren	Rodriguez, F.
Carlson, D.	Frerichs	Kvam	Olsen	St. Onge
Carlson, L.	Graba	Larsen	Omann	Sarna
Clark, J.	Greenfield	Levi	Onnen	Schafer
Clark, K.	Gruenes	Long	Osthoff	Scheid
Cohen	Gustafson	Ludeman	Otis	Schoenfeld

Schreiber  
Seaberg  
Shaver  
Shea  
Sherman  
Simoneau

Skoglund  
Solberg  
Sparby  
Stadum  
Sviggum  
Thiede

Tomlinson  
Uphus  
Valan  
Valento  
Vellenga  
Voss

Waltman  
Welch  
Welker  
Welle  
Wenzel  
Wigley

Wynia  
Zaffke  
Speaker Sieben

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

### GENERAL ORDERS

Eken moved that the bills on General Orders for today be continued one day. The motion prevailed.

### MOTIONS AND RESOLUTIONS

Ellingson moved that the name of Olsen be added as an author on H. F. No. 315. The motion prevailed.

Reif moved that the name of Blatz be added as an author on H. F. No. 805. The motion prevailed.

Ogren moved that the name of Thiede be added as an author on H. F. No. 809. The motion prevailed.

Kelly moved that the name of Bishop be added as an author on H. F. No. 999. The motion prevailed.

Norton moved that the name of Clark, K., be added as an author on H. F. No. 1203. The motion prevailed.

Gruenes, Omann and Brinkman introduced:

House Resolution No. 9, A house resolution congratulating John Gagliardi for 30 years of successful football coaching, without the trappings of a machine program, at St. John's University.

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

### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, April 18, 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 18, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives