

## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## THIRTY-SIXTH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 18, 1983

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Father Vincent J. Santo, St. Anthony of Padera, Sauk Centre, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Gutknecht, Kahn, Kelly, Rodosovich and Schafer were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Kvam moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 315, 429, 737, 744, 774, 855, 886, 898, 960, 1011, 1058, 1105, 1171, 1172, 435, 495, 547, 622, 735, 795, 813, 814, 874, 899, 938, 1092, 45, 532, 584, 605, 745, 782, 802, 894, 918, 959, 1122, 1020, 1029, 1046 and 1124 and S. F. Nos. 7, 148, 280, 282, 332, 338, 339, 358, 598, 621, 627, 639, 645, 673, 699, 723, 92, 204, 234, 238, 263, 402, 416, 147, 659, 767, 827, 833, 855, 936, 346, 591, 684, 403, 746, 844, 1104, 551, 948, 1083, 597, 653, 681, 603, 705, 972, 611, 34, 175, 529, 606, 734, 784, 891, 967, 1009 and 161 have been placed in the members' files.

S. F. No. 827 and H. F. No. 793, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Schreiber moved that the rules be so far suspended that S. F. No. 827 be substituted for H. F. No. 793 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 833 and H. F. No. 907, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Reif moved that S. F. No. 833 be substituted for H. F. No. 907 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 936 and H. F. No. 911, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Sarna moved that the rules be so far suspended that S. F. No. 936 be substituted for H. F. No. 911 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 639 and H. F. No. 1154, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Piper moved that the rules be so far suspended that S. F. No. 639 be substituted for H. F. No. 1154 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 238 and H. F. No. 733, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Munger moved that the rules be so far suspended that S. F. No. 238 be substituted for H. F. No. 733 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 280 and H. F. No. 332, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Quinn moved that the rules be so far suspended that S. F. No. 280 be substituted for H. F. No. 332 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 705 and H. F. No. 835, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Wigley moved that S. F. No. 705 be substituted for H. F. No. 835 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 948 and H. F. No. 1161, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Nelson, D., moved that the rules be so far suspended that S. F. No. 948 be substituted for H. F. No. 1161 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 855 and H. F. No. 960, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Neuenschwander moved that S. F. No. 855 be substituted for H. F. No. 960 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1009 and H. F. No. 1020, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Dempsey moved that the rules be so far suspended that S. F. No. 1009 be substituted for H. F. No. 1020 and that the House File be indefinitely postponed. The motion prevailed.

## REPORTS OF STANDING COMMITTEES

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

H. F. No. 356, 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.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 62A.03, subdivision 1, is amended to read:

Subdivision 1. [CONDITIONS.] No policy of individual accident and sickness insurance (SHALL) *may* be delivered or issued for delivery to (ANY) a person in this state unless (THE FOLLOWING CONDITIONS ARE MET):

(1) [PREMIUM.] The entire money and other considerations therefor are expressed therein.

(2) [TIME EFFECTIVE.] The time at which the insurance takes effect and terminates is expressed therein.

(3) [ONE PERSON.] It purports to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family (WHO SHALL BE) deemed the policyholder, any two or more eligible members of that family, including:

(a) husband,

(b) wife,

(c) dependent children,

(d) any children under a specified age (WHICH SHALL NOT EXCEED) of 19 years or less, or

(e) any other person dependent upon the policyholder.

(4) [APPEARANCE.] The style, arrangement, and overall appearance of the policy give no undue prominence to any portion of the text (,) and (UNLESS) every printed portion of the text of the policy and of any endorsements or attached papers is plainly printed in light-face type of a style in general use (,). The type size (OF WHICH SHALL) *must* be uniform and not less than ten point with a lower case unspaced alphabet length not less than 120 point (,). The "text" (SHALL INCLUDE) *includes* all printed matter except the name and address of the insurer, name or title of the policy, the brief description, if any, the reference to renewal or cancellation by a separate statement, if any, *and* the captions and subcaptions (,).

(5) [DESCRIPTION OF POLICY.] The policy, on the first page, (SHALL INDICATE) *indicates* or (REFER) *refers* to its provisions for renewal or cancellation either in the brief description, if any, or by a separate statement printed in type not smaller than the type used for captions (,) or (BY) a separate provision bearing a caption which accurately describes the renewability or cancellability of the policy.

(6) [EXCEPTIONS IN POLICY.] The exceptions and reductions of indemnity are set forth in the policy and, except those which are set forth in section 62A.04, (ARE) printed, at the insurer's option, either (INCLUDED) with the benefit provision to which they apply, or under an appropriate caption such as "EXCEPTIONS (,)" or "EXCEPTIONS AND REDUCTIONS (,)" (PROVIDED THAT). *However*, if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of (SUCH) *the* exception or reduction (SHALL) *must* be included with the benefit provision to which it applies.

(7) [FORM NUMBER.] Each (SUCH) form, including riders and endorsements, (SHALL BE) *is* identified by a form number in the lower left hand corner of the first page thereof.

(8) [NO INCORPORATION BY REFERENCE.] It contains no provision purporting to make any portion of the charter, rules, constitution, or bylaws of the insurer a part of the policy unless (SUCH) *the* portion is set forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates (OR), classification of risks, or short rate table filed with the commissioner.

(9) [MEDICAL BENEFITS.] If the policy contains a provision for medical expense benefits, the term "medical benefits" or similar terms as used therein (SHALL INCLUDE) *includes* treatments by all licensed practitioners of the healing arts unless, subject to the qualifications contained in clause (10), the

policy specifically states the practitioners whose services are covered.

(10) [OSTEOPATH, OPTOMETRIST (OR), CHIROPRACTOR, OR REGISTERED NURSE SERVICES.] With respect to any policy of individual accident and sickness insurance issued or entered into subsequent to August 1, 1974, notwithstanding the provisions of (ANY SUCH) the policy, (WHEREVER THEREIN THERE IS) *if it contains* a provision providing for reimbursement for any service which is in the lawful scope of practice of a duly licensed osteopath, optometrist (OR), chiropractor, or registered nurse meeting the requirements of section 62A.15, subdivision 3a, the person entitled to benefits or person performing services under (SUCH) the policy (SHALL BE) is entitled to reimbursement on an equal basis for (SUCH) the service, whether the (SAID) service is performed by a physician, osteopath, optometrist (OR), chiropractor, or registered nurse meeting the requirements of section 62A.15, subdivision 3a, (DULY) licensed under the laws of this state.

Sec. 2. Minnesota Statutes 1982, section 62A.15, is amended to read:

62A.15 [(CHIROPRACTIC) LICENSED HEALTH PROFESSIONAL SERVICES IN ACCIDENT AND HEALTH AND NONPROFIT HEALTH SERVICE POLICIES.]

Subdivision 1. [APPLICABILITY.] The provisions of this section (SHALL) apply to all group policies or subscriber contracts providing payment for care in this state, which are issued or renewed after August 1, 1973 for chiropractor services, (AND) after August 1, 1976, for optometric services, and which are issued or renewed after the effective date of this section for services of a registered nurse meeting the requirements of subdivision 3a, by accident and health insurance companies regulated under this chapter (,) and nonprofit health service plan corporations regulated under chapter 62C.

Subd. 2. [CHIROPRACTIC SERVICES.] All benefits provided by any policy or contract referred to in subdivision 1, relating to expenses incurred for medical treatment or services of a physician (SHALL) *must* also include chiropractic treatment and services of a chiropractor to the extent that the chiropractic services and treatment are within the scope of chiropractic licensure.

Subd. 3. [OPTOMETRIC SERVICES.] All benefits provided by any policy or contract referred to in subdivision 1, relating to expenses incurred for medical treatment or services of a physician (SHALL) *must* also include optometric treatment and services of an optometrist to the extent that the optometric services and treatment are within the scope of optometric licensure.

This subdivision is intended to provide equal payment of benefits for optometric treatment and services and is not intended to change or add to the benefits provided for in (SUCH) those policies or contracts.

*Subd. 3a. [NURSING SERVICES.] All benefits provided by a policy or contract referred to in subdivision 1, relating to expenses incurred for medical treatment or services of a duly licensed physician must include services provided by a registered nurse who is licensed pursuant to section 148.171 and who is certified by the profession to engage in advanced nursing practice. "Advanced nursing practice" means the performance of health services by professional nurses who have gained additional knowledge and skills through an organized program of study and clinical experience preparing nurses for advanced practice roles as nurse anesthetists or nurse midwives. The program of study must be beyond the education required for registered nurse licensure and must meet criteria established by the professional nursing organization having authority to certify the registered nurse in advanced nursing practice, and appear on a list established and maintained by the board of nursing through rulemaking.*

*This subdivision is intended to provide payment of benefits for treatment and services by a licensed registered nurse certified in advanced nursing practice as defined in this subdivision and is not intended to add to the benefits provided for in these policies or contracts.*

**Subd. 4. [DENIAL OF BENEFITS.]** No carrier referred to in subdivision 1 (SHALL) *may*, in the payment of claims to employees in this state, deny benefits payable for services covered by the policy or contract if the services are lawfully performed by a (DULY) licensed chiropractor, licensed optometrist, or a registered nurse meeting the requirements of subdivision 3a."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 455, A bill for an act relating to the operation of state government; creating the department of business and commerce; providing for appointment of a commissioner of business and commerce; prescribing his powers and duties; transferring certain powers and duties from the commissioners of administration, banks, energy, planning and development, insurance, securities and real estate, and the director of the office of consumer services, to the commissioner of business and commerce; transferring certain powers and duties from the chairman of the com-

merce commission to the commissioner of business and commerce; transferring certain powers and duties from the director of the office of consumer services to the commissioners of business and commerce and health and the attorney general; eliminating certain positions and divisions in the department of commerce; amending Minnesota Statutes 1982, sections 15.06, subdivision 1; 15A.081, subdivision 1; 43A.08, subdivision 1a; 45.034; 45.04; 45.05; 45.06; 45.07; 45.071, subdivision 2; 45.08, subdivision 3, and by adding a subdivision; 45.17, subdivisions 1, 2, 3, 4, 5, 6, 7, and by adding a subdivision; 116J.03, subdivision 1; 116J.31; 144A.53, subdivision 4; 155A.03, by adding a subdivision; 155A.05; 155A.18; 214.04, subdivision 1; 214.14, subdivision 1; 325E.09, subdivision 4a; 325F.09; 325F.11, proposing new law coded in Minnesota Statutes, chapters 45; and 116J.57; repealing Minnesota Statutes 1982, sections 45.01; 45.02; 45.021; 45.03; 45.031; 45.032; 45.033; 45.15; 45.16; 155A.03, subdivision 10; and 155A.17.

Reported the same back with the following amendments:

Page 1, line 36, delete "*business and*"

Page 2, line 1 delete "*business and*"

Page 2, line 2, delete "*business and*"

Page 2, line 7, before "*The*" insert "*Notwithstanding any law to the contrary,*"

Page 2, line 7, delete "*business and*"

Page 2, line 7, delete "*four*" and insert "*five*"

Page 2, line 8, delete "*executive*" and insert "*deputy*"

Page 2, line 8, delete "*five*" and insert "*four*"

Page 2, line 17, delete "*business and*"

Page 2, line 24, delete "*business and*"

Page 2, line 33, delete "*business and*"

Page 3, line 2, delete "*business and*"

Page 3, delete lines 4 to 11

Page 3, line 13, delete "*business and*"

Page 3, line 20, delete "*business and*"



Page 3, line 23, delete "*business and*"

Page 3, line 31, delete "AND BUSINESS"

Page 3, line 33, delete "*business and*"

Page 4, line 8, delete "*business and*"

Page 4, line 15, delete "*business and*"

Page 4, line 21, delete "*business*"

Page 4, line 22, delete "*and*"

Page 4, line 33, delete "*business and*"

Page 5, line 2, delete "*business and*"

Page 5, line 13, delete "*business and*"

Page 5, line 14, delete "*business and*"

Page 5, line 23, delete "*business and*"

Page 7, line 5, delete "*business and*"

Page 8, line 5, delete "*business and*"

Page 8, line 9, delete "*business and*"

Page 8, line 28, delete "*business and*"

Page 9, line 2, delete "*business and*"

Page 9, line 6, delete "*business and*"

Page 14, line 5, delete "*business and*"

Page 14, line 36, delete "*Business and*"

Page 15, line 2, insert "\$47,000" in the far right-hand column

Page 17, line 24, delete "*business and*"

Page 19, line 7, delete "*business and*"

Page 19, line 9, delete "*business and*"

Page 19, line 33, delete "*business and*"

Page 20, line 19, delete "*business and*"

Page 20, line 29, delete "*business and*"

Page 20, line 36, delete "*business and*"

Page 21, line 6, delete "*business*"

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

Page 21, line 18, delete "*business and*"

Page 21, line 21, delete "*business*"

Page 21, line 22, delete "*and*"

Page 22, line 20, delete "*business and*"

Page 25, line 13, reinstate the stricken "*commerce*" and delete "*health*"

Page 25, line 15, reinstate the stricken "*commerce*" and delete "*health*"

Page 26, line 3, delete "*business and*"

Page 26, delete lines 28 and 29

Page 26, line 30, delete "*(i)*" and insert "*(h)*"

Amend the title as follows:

Page 1, line 3, delete "*business and*"

Page 1, line 5, delete "*business and*"

Page 1, line 7, delete "*administration,*"

Page 1, line 10, delete "*business and*"

Page 1, line 13, delete "*business and*"

Page 1, line 15, delete "*commissioners*" and insert "*commissioner*"

Page 1, line 16, delete "*business and*"

Page 1, line 16, delete "*and health*"

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. 524, A bill for an act relating to low-level radioactive waste; entering the Midwest Interstate Low-Level Radioactive Waste Compact; assessing certain low-level radioactive waste generators; providing for enforcement of the compact; providing for civil and criminal penalties; creating an advisory committee; appropriating money; proposing new law coded in Minnesota Statutes, chapter 116C.

Reported the same back with the following amendments:

Page 16, line 3, delete everything after "g."

Page 16, delete line 4

Page 16, line 5, delete "Congress." and insert "*This compact becomes effective July 1, 1983, or at any date subsequent to July 1, 1983, upon enactment by at least three eligible states. However, Article IX, section. (b) shall not take effect until the Congress has by law consented to this compact.*"

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

The report was adopted.

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

H. F. No. 556, 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.

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. 655, A bill for an act relating to courts; abolishing the county and probate court; transferring the jurisdiction, cases, records, and employees of that court to the district court; merging the municipal and conciliation courts with the district

court in the second and fourth judicial districts; transferring the jurisdiction, cases, records and employees of those courts to the district court; providing that municipal and probate and county judges learned in the law are district judges; providing the manner of determining whether a judicial vacancy exists; exempting certain judges from hearing certain matters; providing transitional retirement benefits; amending Minnesota Statutes 1982, sections 2.722, subdivision 1, and by adding a subdivision; 484.01; 484.545, subdivision 1; 484.69, subdivision 3; proposing new law coded in Minnesota Statutes, chapters 487, 488A, and 490; repealing Minnesota Statutes 1982, section 487.191.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 2.722, subdivision 1, is amended to read:

Subdivision 1. [DESCRIPTION.] Effective July 1, 1959, the state is divided into ten judicial districts composed of the following named counties, respectively, in each of which districts two or more judges shall be chosen as hereinafter specified:

1. Goodhue, Dakota, Carver, LeSueur, McLeod, Scott, and Sibley; (SEVEN) 20 judges; and (FOUR) permanent chambers shall be maintained in Red Wing, Hastings, Shakopee, Gaylord, LeCenter, West St. Paul, Chaska, Burnsville, South St. Paul, and Glencoe and one other shall be maintained at the place designated by the chief judge of the district;

2. Ramsey; (13) 24 judges; and permanent chambers shall be maintained in New Brighton, Roseville, Maplewood, North St. Paul, White Bear Lake, and St. Paul;

3. Wabasha, Winona, Houston, Rice, Olmsted, Dodge, Steele, Waseca, Freeborn, Mower, and Fillmore; (SIX) 22 judges; and permanent chambers shall be maintained in Faribault, Albert Lea, Austin, Rochester, Wabasha, Caledonia, Mantorville, Preston, Owatonna, Waseca, and Winona;

4. Hennepin; (24) 41 judges; and permanent chambers shall be maintained in Minneapolis, Bloomington, and at other northern and western suburban locations throughout the county as a majority of the judges designate;

5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood, Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; (FIVE) 21 judges; and permanent chambers shall be maintained in Marshall, Windom, Fairmont,

New Ulm, St. Peter, St. James, Blue Earth, Jackson, Pipestone, Worthington, Slayton, Redwood Falls, and Mankato;

6. Carlton, St. Louis, Lake, and Cook; (SIX) 14 judges; and permanent chambers shall be maintained in Duluth, Virginia, Hibbing, Two Harbors or Grand Marais, and Carlton;

7. Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker, and Wadena; (FOUR) 19 judges; and permanent chambers shall be maintained in Moorhead, Fergus Falls, Little Falls, Foley, Alexandria, Milaca, Long Prairie, Detroit Lakes, Wadena, and St. Cloud;

8. Chippewa, Kandiyohi, Lac qui Parle, Meeker, Renville, Swift, Yellow Medicine, Big Stone, Grant, Pope, Stevens, Traverse, and Wilkin; (THREE) 13 judges; and permanent chambers shall be maintained in Morris, Montevideo, Litchfield, Olivia, Wheaton, Glenwood, Breckenridge, Benson, Granite Falls, and Willmar;

9. Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahanomen, Pennington, Aitkin, Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and Koochiching; (SIX) 20 judges; and permanent chambers shall be maintained in Crookston, Thief River Falls, Bemidji, Brainerd, Grand Rapids, Ada, Warren, Red Lake Falls, Roseau, Aitkin, Park Rapids, Bagley, Walker, and International Falls;

10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and Washington; (TEN) 23 judges; and permanent chambers shall be maintained in Anoka, Stillwater, Buffalo, Elk River, Mora, Cambridge, Center City, Pine City, and other places designated by the chief judge of the district.

*All permanent chambers designated in this section are subject to the provisions of section 480.22.*

Sec. 2. Minnesota Statutes 1982, section 484.01, is amended to read:

#### 484.01 [JURISDICTION.]

*There shall be one trial court, which shall be the district court. The district (COURTS SHALL HAVE) court has original jurisdiction in all civil actions within (THEIR RESPECTIVE DISTRICTS) its judicial district, in all cases of crime committed or triable (THEREIN,) in the district, in all juvenile proceedings, in all probate proceedings, including the administration of estates of deceased persons and trust estates and guardianship and incompetency proceedings, in all special proceedings not exclusively cognizable by some other court or tribunal, and*

in all other cases (WHEREIN SUCH) *in which the jurisdiction is especially conferred upon (THEM) it by law. (THEY) It shall also have appellate jurisdiction in every case in which an appeal (THERETO) to it is allowed by law from any other court, officer, or body.*

Sec. 3. Minnesota Statutes 1982, section 484.545, subdivision 1, is amended to read:

Subdivision 1. The district judges regularly assigned to hold court in each judicial district except for the second, fourth, and tenth judicial districts may by orders filed with the clerk of court and county auditor of each county in the district appoint a competent law clerk for every two district court judges (OF) *in the judicial district as of December 31, 1983.* The district judges regularly assigned to hold court in the tenth judicial district may by orders filed with the clerk of court and county auditor of each county in the district appoint a competent law clerk for each district court judge (OF) *in the district as of December 31, 1983.* In addition, the Dakota county board of commissioners may authorize the district judges regularly assigned to hold court in the first judicial district to appoint three competent law clerks, whose salaries shall be paid by the county. *The district court administrator in each district shall make assignments of all law clerks in that district.*

*A judicial advisory service shall be provided to all trial court judges to assist them with research, information about current legal developments, library services, and legal forms.*

Sec. 4. Minnesota Statutes 1982, section 484.69, subdivision 3, is amended to read:

Subd. 3. [ADMINISTRATIVE AUTHORITY.] In each judicial district, the chief judge, subject to the authority of the chief justice, shall exercise general administrative authority over the courts within the judicial district. The chief judge shall make assignments of judges to serve on the (COURTS) court within the judicial district, and assignments may be made without the consent of the judges affected; *except that no judge who was serving in the district, probate, county, or municipal court prior to June 30, 1983, shall be required to hear any matter which a judge of those respective courts would not have been required to hear prior to June 30, 1983. (THE CHIEF JUDGE MAY ASSIGN ANY JUDGE OF ANY COURT WITHIN THE JUDICIAL DISTRICT TO HEAR ANY MATTER IN ANY COURT OF THE JUDICIAL DISTRICT. WHEN A JUDGE OF A COURT IS ASSIGNED TO ANOTHER COURT HE IS VESTED WITH THE POWERS OF A JUDGE OF THE COURT TO WHICH HE IS ASSIGNED.)* A judge may not be assigned to hear matters outside his judicial district pursuant to this subdivision.

Sec. 5. [487.001] [COUNTY AND PROBATE COURT ABOLISHED.]

*The probate court, which is also a county court, is abolished. The jurisdiction of the county and probate court is transferred to the district court. The judges of the county and probate court who are learned in the law are judges of the district court in which the county and probate court on which they served was located and shall continue to serve the term to which they were appointed or last elected. Upon completion of the term which they were serving on January 1, 1984, they shall be eligible for reelection. The cases pending, the records, and the individuals employed by or serving in the county and probate court on January 1, 1984, shall be transferred to the district court in the judicial district in which the county and probate court was located.*

Sec. 6. Minnesota Statutes 1982, section 487.191, is amended to read:

487.191. [MERGER WITH DISTRICT COURTS.]

One year following certification to the secretary of state of intention to reorganize the trial courts by a majority of the district judges and a majority of the county or county municipal judges of a judicial district, there shall be one general trial court of the judicial district to be known as the district court, which shall also be a probate court.

Upon the effective date of a judicial district reorganization, the district court, except in the second and fourth districts, shall also exercise the powers, duties, and jurisdiction conferred upon courts by chapters 260, 484, 487, 491, 492, 493, and 525.

Upon the effective date of a judicial district reorganization of the second or fourth districts, the district court shall also exercise the powers conferred upon courts by chapters 488A, 492, and 493.

Notwithstanding any other law, the county or county municipal judges of the district in office on the effective date of a reorganization shall be district judges and shall continue in office for the balance of the term for which they were elected or appointed and shall be entitled to run for reelection as incumbent judges of the district court.

*This section governs any merger of district and county or county municipal courts within a judicial district which occurs on or before December 31, 1983.*

Sec. 7. [488A.001] [MUNICIPAL AND CONCILIATION COURTS MERGER WITH DISTRICT COURT.]

*The municipal and conciliation courts of Ramsey and Hennepin counties are merged with the district courts in the second and fourth judicial districts, respectively. The judges of the municipal courts of Ramsey and Hennepin counties are district judges of the second and fourth judicial districts respectively and shall continue to serve the term to which they were appointed or last elected. Upon completion of the term which they were serving January 1, 1984, they shall be eligible for reelection. The cases pending, the records, and the individuals employed by or serving in the municipal and conciliation courts of Ramsey and Hennepin counties on January 1, 1984, are transferred to the district courts in the second and fourth judicial districts respectively. Ramsey county municipal and conciliation court employees transferred to the district court shall remain in the unclassified service of Ramsey county and be salaried pursuant to a schedule adopted by a majority of the judges in the second judicial district and approved by the county board of commissioners. Notwithstanding any law to the contrary, no county municipal or conciliation court employee's salary shall be reduced below the amount in effect on December 31, 1983.*

**Sec. 8. [490.134] [COUNTY COURT RETIREMENT BENEFITS.]**

*Any former county or municipal court judge or employee who retires as a district court judge or employee on or after January 1, 1984, shall remain eligible for all retirement benefits, including but not limited to hospital, medical, or life insurance benefits, for which he would have been eligible from the state or any political subdivision if he had retired as a county or municipal court judge or employee.*

**Sec. 9. [INSTRUCTIONS TO THE STATE COURT ADMINISTRATOR.]**

*On or before January 1, 1984, the state court administrator shall present to the chairmen of the committees on the judiciary in the house and the senate a report of the statutes in effect prior to the effective date of sections 1 to 8 which concern the jurisdiction, administration, procedure, judges, and personnel of the district, probate, county, and municipal courts and which require amendment in order to implement the purposes of sections 1 to 8. The state court administrator shall consult with the revisor of statutes in the preparation of this report which shall be in the form of a bill draft.*

**Sec. 10. [EFFECTIVE DATE.]**

*Sections 1 to 8 are effective January 1, 1984. Section 9 is effective the day following final enactment."*

Delete the title and insert:



"A bill for an act relating to courts; abolishing the county and probate court; transferring the jurisdiction, cases, records, and employees of that court to the district court; merging the municipal and conciliation courts with the district court in the second and fourth judicial districts; transferring the jurisdiction, cases, records, and employees of those courts to the district court; providing that municipal and probate and county judges learned in the law are district judges; exempting certain judges from hearing certain matters; providing transitional retirement benefits; amending Minnesota Statutes 1982, sections 2.722, subdivision 1; 484.01; 484.545, subdivision 1; 484.69, subdivision 3; 487.191; proposing new law coded in Minnesota Statutes, chapters 487, 488A, and 490."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 658, A bill for an act relating to public utilities; excluding municipal electric utilities from application of chapter 216B; amending Minnesota Statutes 1982, section 216B.164, subdivisions 2 and 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 216B.164, subdivision 2, is amended to read:

Subd. 2. [APPLICABILITY.] This section as well as any rules promulgated by the commission (PURSUANT TO) *under the public utility regulatory policies act of 1978, (PUB.L.) Public Law Number 95-617, (92 STAT.) Statutes at Large, volume 92, page 3117, and the federal energy regulatory commission regulations thereunder, (18 C.F.R.) Code of Federal Regulations, title 18, Part 292, (SHALL) apply to (ALL) Minnesota electric utilities, including cooperative electric associations and municipal electric utilities (, THAT BECOME INTERCONNECTED WITH ANY QUALIFYING FACILITY AS DEFINED IN 18 C.F.R. SECTION 292.101(B)(1)).*

Sec. 2. Minnesota Statutes 1982, section 216B.164, is amended by adding a subdivision to read:

*Subd. 9. [COMMISSION.] As this section applies to the municipal electric utilities and as used in this section only, "commission" shall mean the governing body of each municipal electric utility that adopts and has in effect rules implementing*

*this section which are consistent with the rules of the Minnesota public utilities commission adopted pursuant to subdivision 6, except for subdivisions 5 and 7 where it shall mean the Minnesota public utilities commission.*

Sec. 3. Minnesota Statutes 1982, section 216B.164, is amended by adding a subdivision to read:

*Subd. 10. [GOVERNING BODY.] "Governing body" with respect to a municipal electric utility, means the city council or, if another board, commission, or body is empowered by law or its charter or by resolution of the city council to establish and regulate rates and charges for the distribution of electric energy within the city, such board, commission, or body shall be deemed to be the "governing body."*

Delete the title and insert:

*"A bill for an act relating to public utilities; changing the definition of commission for application of chapter 216B; amending Minnesota Statutes 1982, section 216B.164, subdivision 2, and by adding subdivisions."*

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 674, A bill for an act relating to insurance; extending the insurance division revolving fund; providing for a program of continuing education; establishing a continuing insurance education advisory committee; authorizing the commissioner of insurance to promulgate rules to implement the program; requiring certain disclosures on credit insurance policies and application; amending Minnesota Statutes 1982, sections 60A.02, subdivision 7; 60A.03, subdivision 6; 60A.17, subdivisions 1 and 6c; and proposing new law coded in Minnesota Statutes, chapter 60A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 60A.02, subdivision 7, is amended to read:

*Subd. 7. [INSURANCE AGENT.] An "insurance agent" is a person acting under express authority from, and an appointment pursuant to section 60A.17 by, an insurer and on its behalf to solicit insurance, or to appoint other agents to solicit insur-*

ance, or to write and countersign policies of insurance, or to collect premiums therefor within this state, or to exercise any or all these powers when so authorized by the insurer. The term "person" includes a natural person, a partnership, or a corporation.

Sec. 2. Minnesota Statutes 1982, section 60A.03, subdivision 5, is amended to read:

Subd. 5. [EXAMINATION FEES AND EXPENSES.] When any visitation, examination, or appraisal is made by *order of the commissioner, (AN ASSISTANT, AN ACTUARY OTHER THAN A CONSULTING ACTUARY APPOINTED UNDER SUBDIVISION 3, CLAUSE (3), AN AUDIT DIRECTOR, A SUPERVISOR OF ANALYSTS, OR A CERTIFIED PUBLIC ACCOUNTANT RETAINED BY THE INSURANCE DIVISION, THE COMPANY BEING EXAMINED, VISITED OR APPRAISED, INCLUDING FRATERNALS, TOWNSHIP MUTUALS AND RECIPROCAL EXCHANGES, SHALL PAY TO THE DIVISION OF INSURANCE \$130 FOR EACH DAY NECESSARILY SPENT BY THAT PERSON IN SUCH ACTIVITIES. WHEN THE VISITATION, EXAMINATION OR APPRAISAL IS MADE BY THE PRINCIPAL AUDITOR SENIOR AUDITOR OR RATE ANALYST REGULARLY EMPLOYED IN THE DIVISION OF INSURANCE, THE COMPANY BEING EXAMINED, VISITED OR APPRAISED, INCLUDING FRATERNALS, TOWNSHIP MUTUALS, AND RECIPROCAL EXCHANGES, SHALL PAY TO THE DIVISION \$80 FOR EACH DAY NECESSARILY OCCUPIED BY THAT PERSON IN SUCH ACTIVITIES. WHEN THE VISITATION, EXAMINATION, OR APPRAISAL IS MADE, OR ENGAGED IN, BY ANY OTHER PERSON REGULARLY EMPLOYED IN THE DIVISION OF INSURANCE, THE COMPANY BEING EXAMINED, VISITED OR APPRAISED INCLUDING FRATERNALS, TOWNSHIP MUTUALS AND RECIPROCAL EXCHANGES, SHALL PAY TO THE DIVISION OF INSURANCE THE SUM OF \$65 FOR EACH DAY NECESSARILY SPENT BY THAT PERSON IN SUCH ACTIVITIES. IN ADDITION TO THE FEES SPECIFIED IN THIS SECTION, THE COMPANY BEING EXAMINED, VISITED OR APPRAISED SHALL ALSO PAY TO THE DIVISION OF INSURANCE THE NECESSARY EXPENSES OF THE PERSONS ENGAGED IN THE EXAMINATION, VISIT OR APPRAISAL) the company being examined, visited, or appraised, including fraternal, township mutuals, reciprocal exchanges, nonprofit service plan corporations, health maintenance organizations, vendors of risk management services licensed under section 60A.23, or self-insurance plans or pools established under section 176.181 or 471.982, shall pay to the insurance division the necessary expenses of the persons engaged in the examination, visit, or appraisal plus the per diem salary fees of the employees of the division of insurance who are conducting or participating in the examination, visitation, or appraisal. The*

*per diem salary fees must be determined by the commissioner based upon the approved examination fee schedules of the National Association of Insurance Commissioners. All of these fees and expenses (SHALL) must be paid into the (GENERAL) insurance division revolving fund. (THE NECESSARY EXPENSES OF THE PERSONS ENGAGED IN THE EXAMINATION, VISIT OR APPRAISAL SHALL BE PAID BY THE COMMISSIONER OF FINANCE AT RATES PRESCRIBED FOR STATE EMPLOYEES.)*

Sec. 3. Minnesota Statutes 1982, section 60A.03, subdivision 6, is amended to read:

Subd. 6. [(EXAMINATION) REVOLVING FUND.] (1) [REVOLVING FUND CREATED.] There is (HEREBY) created the insurance division (EXAMINATION) revolving fund for the (PURPOSE) *purposes* of carrying on the examination of foreign and domestic insurance companies *and as provided in section 5.*

(2) [MONEYS IN REVOLVING FUND.] (SUCH) *The* fund (SHALL CONSIST) *consists* of the \$7,500 appropriated therefor and the moneys transferred to it as herein provided, which are reappropriated to the commissioner of insurance for the (PURPOSE) *purposes* of this subdivision.

(3) [FUND TO BE KEPT IN STATE TREASURY.] (SUCH) *The* fund (SHALL) *must* be kept in the state treasury and (SHALL) *must* be paid out in the manner prescribed by law for moneys therein.

(4) [PURPOSES FOR WHICH FUND MAY BE EXPENDED.] (SUCH) *The* fund (SHALL) *must* be used for the payment of per diem salaries and expenses of special examiners and appraisers, and the expenses of the commissioner of insurance, deputy commissioner of insurance, chief examiner, actuary other than a consulting actuary appointed under subdivision 3, *clause* (3) (HEREOF), regular salaried examiners and other employees of the insurance division when participating in examinations of foreign and domestic insurance companies. Expenses include meals, lodging, laundry, transportation, and mileage. The salary of regular employees of the division of insurance (SHALL) *must* not be paid out of this fund, *except as provided in section 5.*

*Moneys due members of the continuing insurance education advisory committee and salaries, equipment, and expenses of employees of the commerce department administering the continuing insurance education program must be paid from the fund in the manner prescribed by law.*

(5) [COLLECTIONS TO BE DEPOSITED IN FUND.] All moneys collected by the division of insurance from insurance

companies and agents for fees and expenses of examinations, (SHALL) and as provided in section 5, must be deposited in the insurance division (EXAMINATION) revolving fund.

(6) [PAYMENTS FROM (SUCH) FUND.] Upon authorization by the commissioner of insurance, the moneys due (EACH EXAMINER OR EMPLOYEE ENGAGED IN AN EXAMINATION SHALL) to a person must be paid (TO HIM) from the insurance division (EXAMINATION) revolving fund in the manner prescribed by law.

(7) [EXCESS OVER \$7,500 CANCELED INTO GENERAL FUND.] The balance in (SUCH) the fund on June 30 of each year in excess of \$7,500 (SHALL) must be (FORTHWITH) canceled into the general fund.

Sec. 4. Minnesota Statutes 1982, section 60A.14, subdivision 1, is amended to read:

Subdivision 1. [FEES OTHER THAN EXAMINATION FEES.] In addition to the fees and charges provided for examinations, the following fees (SHALL) must be paid to the commissioner for deposit in the general fund:

(a) by township mutual fire insurance companies:

(1) for filing certificate of incorporation \$25 and amendments thereto, \$10;

(2) for filing annual statements, \$15;

(3) for each annual certificate of authority, \$15;

(4) for filing bylaws \$25 and amendments thereto, \$10.

(b) by other domestic and foreign companies including fraternal and reciprocal exchanges:

(1) for filing certified copy of certificate of articles of incorporation, \$50;

(2) for filing annual statement, \$30;

(3) for filing certified copy of amendment to certificate or articles of incorporation, \$50;

(4) for filing bylaws, \$25 or amendments thereto, \$10;

(5) for each company's certificate of authority, (\$30) \$40, annually.

(c) the following general fees apply:

(1) for each certificate, including certified copy of certificate of authority, renewal, valuation of life policies, corporate condition or qualification, \$5;

(2) for each copy of paper on file in the commissioner's office 50 cents per page, and \$2.50 for certifying the same;

(3) for license to procure insurance in unadmitted foreign companies, (\$10) \$40;

(4) for receiving and forwarding each notice, proof of loss, summons, complaint or other process served upon the commissioner of insurance, as attorney for service of process upon any non-resident agent or insurance company, including reciprocal exchanges, (\$5) \$15, which amount (SHALL) *must* be paid by the party serving the (SAME) *notice* and may be taxed as other costs in the action;

(5) for valuing the policies of life insurance companies, one cent per one thousand dollars of insurance so valued. The commissioner may, in lieu of a valuation of the policies of any foreign life insurance company admitted, or applying for admission, to do business in this state, accept a certificate of valuation from the company's own actuary or from the commissioner of insurance of the state or territory in which the company is domiciled;

(6) for receiving and filing certificates of policies by the company's actuary, or by the commissioner of insurance of any other state or territory, \$50;

(7) for issuing (A) *an initial license to an individual agent*, (\$15) \$20, *for issuing an initial agent's license to a partnership or corporation*, \$50, and for issuing an amended or duplicate license, (\$3) \$25;

(8) for an application, examination, or re-examination for one class of license, \$15 and an additional \$15 for an application, examination, or re-examination for the second class of license;

(9) for each appointment of an agent filed with the commissioner, a domestic insurer shall remit \$5 (ANNUALLY) and all other insurers shall remit \$3 (ANNUALLY);

(10) *for renewing an individual agent's license*, \$20, and *for renewing a license issued to a corporation or partnership*, \$50;

(11) *for issuing and renewing a surplus lines agent's license*, \$500.

Sec. 5. Minnesota Statutes 1982, section 60A.17, subdivision 1, is amended to read:

Subdivision 1. [LICENSE.] (a) [REQUIREMENT.] No person shall act or assume to act as an insurance agent in the solicitation or procurement of applications for insurance, nor in the sale of insurance or policies of insurance, nor in any manner aid as an insurance agent in the negotiation of insurance by or with an insurer, including resident agents or reciprocal or interinsurance exchanges and fraternal beneficiary associations, until that person (SHALL OBTAIN) *obtains* from the commissioner a license therefor. The license (SHALL) *must* specifically set forth the name of the person so authorized to act as agent and the class or classes of insurance for which that person is authorized to solicit or countersign policies. An insurance agent may qualify for a license in the following classes: (1) life and health; and (2) property and casualty.

No insurer shall appoint or *reappoint* any natural person, partnership, or corporation to act as an insurance agent on its behalf until that natural person, partnership, or corporation obtains a license as an insurance agent and *unless that person has complied with the continuing education requirements for insurance agents as provided by law.*

(b) [PARTNERSHIPS AND CORPORATIONS.] A license issued to a partnership or corporation (SHALL) *must* be solely in the name of the entity to which it is issued; provided, that each partner, director, officer, stockholder, or employee of the licensed entity who is personally engaged in the solicitation or negotiation of a policy of insurance on behalf of the licensed entity shall be personally licensed as an insurance agent.

Upon request by the commissioner, each partnership and corporation licensed as an insurance agent shall provide the commissioner with a list of the names of each partner, director, officer, stockholder, and employee who is required to hold a valid insurance agent's license.

(c) [TRANSITION.] (1) Any agent who is qualified for life or accident and health as of June 1, 1981 (SHALL BE DEEMED TO HAVE) *is* qualified for a life and health license under laws 1981, Chapter 307 and (BEEN) *is* appointed by an insurer which has submitted a written requisition for a license for that agent as of June 1, 1981.

(2) Any agent who is qualified for one or more lines of insurance, excluding life or accident and health and farm property liability as of June 1, 1981 (SHALL BE DEEMED TO HAVE) *is* qualified for a property and casualty license under Laws 1981, Chapter 307 and (BEEN) *is* appointed by any insurer which has submitted a written requisition for a license for that agent as of June 1, 1981.

Sec. 6. Minnesota Statutes 1982, section 60A.17, is amended by adding a subdivision to read:

*Subd. 1d. [RENEWAL FEE.] Each agent licensed pursuant to this section shall annually pay in accordance with the procedure adopted by the commissioner a renewal fee as prescribed by section 60A.14, subdivision 1, paragraph (c), clause (10).*

Sec. 7. Minnesota Statutes 1982, section 60A.17, subdivision 6c, is amended to read:

Subd. 6c. [REVOCAION OR SUSPENSION OF LICENSE.] (a) The commissioner may suspend or revoke an insurance agent's license issued to a natural person or impose a civil penalty appropriate to the offense, not to exceed \$5,000 upon that licensee, if, after notice and hearing, the commissioner finds as to that licensee any one or more of the following conditions:

(1) any materially untrue statement in the license application;

(2) any cause for which issuance of the license could have been refused had it then existed and been known to the commissioner at the time of issuance;

(3) violation of, or noncompliance with, any insurance law or violation of any rule or order of the commissioner or of a commissioner of insurance of another state or jurisdiction;

(4) obtaining or attempting to obtain any license through misrepresentation or fraud;

(5) improperly withholding, misappropriating, or converting to the licensee's own use any moneys belonging to a policyholder, insurer, beneficiary, or other person, received by the licensee in the course of the licensee's insurance business;

(6) misrepresentation of the terms of any actual or proposed insurance contract;

(7) conviction of a felony or of a gross misdemeanor or misdemeanor involving moral turpitude;

(8) that the licensee has been found guilty of any unfair trade practice, as defined in chapters 60A to 72A, or of fraud;

(9) that in the conduct of the agent's affairs under the license, the licensee has used fraudulent, coercive, or dishonest



practices, or the licensee has been shown to be incompetent, untrustworthy, or financially irresponsible;

(10) that the agent's license has been suspended or revoked in any other state, province, district, territory, or foreign country;

(11) that the licensee has forged another's name to an application for insurance; (OR)

(12) that the licensee has violated subdivision 6b; or

(13) that the licensee has no valid appointment under this section by an admitted insurer.

(b) The commissioner may suspend or revoke an insurance agent's license issued to a partnership or corporation or impose a civil penalty not to exceed \$5,000 upon that licensee, if, after notice and hearing, the commissioner finds as to that licensee, or as to any partner, director, shareholder, officer, or employee of that licensee, any one or more of the conditions set forth in paragraph (a).

(c) A revocation of a license (SHALL PROHIBIT) prohibits the licensee from making a new application for a license for at least one year. Further, the commissioner may, as a condition of relicensure, require the applicant to file a reasonable bond for the protection of the citizens of this state (, WHICH). The bond (SHALL) must be maintained by the licensee in full force for a period of five years immediately following issuance of the license, unless the commissioner at his or her discretion shall after two years permit the licensee to sooner terminate the maintenance filing of the bond.

(d) Whenever it appears to the commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of chapter 60A or of any rule or order of the commissioner:

(1) The commissioner may issue and cause to be served upon the person an order requiring the person to cease and desist from the violation. The order (SHALL) must give reasonable notice of the time and place of hearing and (SHALL) must state the reasons for the entry of the order. A hearing (SHALL) must be held not later than seven days after the issuance of the order unless the person requests a delay. After the hearing and within 30 days of filing of any exceptions to the hearing examiner's report, the commissioner shall issue an order vacating the cease and desist order or making it permanent as the facts require. All hearings (SHALL) must be conducted in accordance with the provisions of chapter 14. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly

notified, the person (SHALL BE DEEMED) is in default, and the proceeding may be determined against the person upon consideration of the cease and desist order, the allegations of which may be deemed to be true;

(2) The commissioner may bring an action in the district court in the appropriate county to enjoin the acts or practices and to enforce compliance with chapter 60A and any rule or order of the commissioner; and

(3) In any proceeding under chapter 60A relating to injunction, the request for injunction may be brought on for hearing and disposition upon an order to show cause returnable upon not more than eight days notice to the defendant. The case (SHALL HAVE) has precedence over other matters on the court calendar and (SHALL) must not be continued without the consent of the state of Minnesota, except upon good cause shown to the court, and then only for a reasonable length of time as may be necessary in the opinion of the court to protect the rights of the defendant.

**Sec. 8. [60A.1701] [CONTINUING INSURANCE EDUCATION.]**

*Subdivision 1. [DEFINITION.] For the purposes of this section, "course" means a course, program of instruction, or seminar of continuing insurance education.*

*Subd. 2. [APPLICABILITY.] This section applies to all natural persons licensed by this state to sell classes of insurance for which licensing examinations are required.*

*Subd. 3. [EXEMPTIONS.] Notwithstanding subdivision 2, this section does not apply to:*

*(a) persons soliciting or selling solely on behalf of companies organized and operating according to chapter 67A;*

*(b) persons holding nonresident licenses issued by this state unless continuing education requirements are imposed on Minnesota resident license holders by the nonresident licensee's state of resident licensing; or*

*(c) persons who certify to the commissioner in writing by February 28 of each year that they will sell only credit life, credit health, and credit property insurance, including motor vehicle and homeowners' insurance, during that year and do in fact so limit their sale of insurance.*

*Subd. 4. [CONTINUING INSURANCE EDUCATION ADVISORY COMMITTEE.] There is established a continuing insurance education advisory committee consisting of 13 members. All members must be residents of Minnesota. Three members*

must neither be employed by an insurance company nor licensed as an insurance agent. These three members are not eligible to be chairperson and are compensated according to section 15.059, subdivision 3. Each of the other ten members must be actively engaged in some activity in the insurance industry in this state and have a principal office located in this state. These ten members serve without compensation, but are paid reasonable and necessary expenses incurred in the performance of their duties in the same amount and in the same manner as state employees. Three of these ten members must be employed in capacities other than as licensed agents by insurance companies authorized to do business in this state. The remaining seven members must be licensed insurance agents actively engaged in the solicitation and sale of insurance and currently subject to continuing education requirements. Membership on the advisory committee must represent, to the extent possible, the various phases of the insurance industry and especially the several classes of insurance.

The commissioner shall appoint the members of the committee. Before making appointments to the advisory committee, the commissioner shall solicit nominations from the several professional organizations representing persons selling insurance in this state and from the organizations representing companies authorized to do business in this state. Of the members first appointed, three shall be appointed for one year, three for two years, three for three years, and four for four years. Thereafter, each appointment is for a four-year term. No member may serve more than two consecutive four-year terms. Each member of the committee serves until a successor is appointed.

The advisory committee shall select by simple majority a chairperson and other officers it deems advisable. The term of the chairperson shall be determined by the commissioner. The advisory committee may adopt bylaws for its operation.

Subd. 5. [POWERS OF THE ADVISORY COMMITTEE.]

(a) Applications for accreditation of each course must be submitted to the advisory committee on forms prescribed by the committee and must be accompanied by a fee of not more than \$10 payable to the state of Minnesota for deposit in the insurance division revolving fund. The advisory committee shall make recommendations to the commissioner regarding the accreditation of courses sponsored by institutions, both public and private, which satisfy the criteria established by this section, the number of credit hours to be assigned to the courses, and rules which may be promulgated by the commissioner. The advisory committee shall seek out and encourage the presentation of courses.

(b) The advisory committee shall make recommendations and provide subsequent evaluations to the commissioner regarding procedures for reporting compliance with the minimum education requirement.

*Subd. 6. [POWERS OF THE COMMISSIONER.] (a) The commissioner shall make the final determination as to accreditation and assignment of credit hours for courses.*

*(b) The commissioner shall adopt procedures for reporting compliance with the minimum education requirement. These procedures are not subject to the rulemaking provisions of chapter 14.*

*(c) The commissioner shall promulgate rules according to chapter 14 to carry out the purposes of this section.*

*Subd. 7. [CRITERIA FOR COURSE ACCREDITATION.] (a) The commissioner may accredit a course only to the extent it is designed to impart substantive and procedural knowledge of the insurance field. The burden of demonstrating that the course satisfies this requirement is on the individual or organization seeking accreditation.*

*(b) The commissioner may not accredit a course:*

*(1) that is designed to prepare students for a license examination;*

*(2) in mechanical office or business skills, including typing, speedreading, use of calculators, or other machines or equipment;*

*(3) in sales promotion, including meetings held in conjunction with the general business of the licensed agent; or*

*(4) in motivation, salesmanship, psychology, or time management.*

*Subd. 8. [MINIMUM EDUCATION REQUIREMENT.] Each person subject to this section shall complete annually a minimum of 20 credit hours of courses accredited by the commissioner. Any person teaching or lecturing at an accredited course qualifies for 1-1/2 times the number of credit hours that would be granted to a person completing the accredited course. Credit hours over 20 earned in any one year may be carried forward for the following two years. The commissioner may recognize accredited courses completed in 1983, 1984, or 1985 for the minimum education requirement for 1985.*

*Subd. 9. [WAIVER OF REQUIREMENTS.] (a) The commissioner may grant a waiver or an extension of time up to 90 days to complete the minimum education requirement to an individual upon a showing of good cause. It is the licensed person's responsibility to request a waiver or extension on a form prescribed by the commissioner. As of the day the licensed per-*

son properly files a request for a waiver or extension, the license remains in effect until the commissioner notifies the licensed person of the commissioner's decision. The commissioner may approve a waiver or extension subject to any reasonable conditions. The person's license remains in effect during the compliance period determined by the commissioner. If the licensed person fails to comply with any reasonable conditions imposed by the commissioner, the commissioner shall terminate the license. If the request for a waiver or extension is denied by the commissioner, the licensed person shall have 30 days within which to satisfy the minimum education requirement involved in the request for a waiver or extension. If the minimum education requirement is not satisfied within the compliance period, the commissioner shall terminate the person's license.

(b) Upon application on a form prescribed by the commissioner, the commissioner may grant a waiver of the minimum education requirement to a group or class of licensed persons upon a showing of good cause.

Subd. 10. [REPORTING.] (a) After completing the minimum education requirement, each person subject to this section shall file or cause to be filed a compliance report annually in accordance with the procedures adopted by the commissioner.

(b) Each compliance report must be accompanied by an annual continuing education fee of \$5 payable to the state of Minnesota for deposit in the insurance division revolving fund.

(c) An institution offering an accredited course shall comply with the procedure for reporting compliance adopted by the commissioner.

(d) If a person subject to this section completes a nonaccredited course, he may submit a written report to the advisory committee accompanied by a fee of not more than \$10 payable to the state of Minnesota for deposit in the insurance division revolving fund. This report must be accompanied by proof satisfactory to the commissioner that the person has completed the minimum education requirement for the annual period during which the nonaccredited course was completed. Upon the recommendation of the advisory committee that the course satisfies the criteria for course accreditation, the commissioner may approve the nonaccredited course and shall so inform the person. If the nonaccredited course is approved by the commissioner, it may be used to satisfy the minimum education requirement for the person's next annual compliance period.

Subd. 11. [ENFORCEMENT.] If a person subject to this section fails to complete the minimum education or reporting requirement or to pay the prescribed fees for any annual period, no license may be issued, renewed, or continued in force for that

person for any class of insurance until the person has demonstrated to the satisfaction of the commissioner that all requirements of this section have been complied with or that a waiver or extension has been obtained.

If a person subject to this section fails to file a compliance request or a request for a waiver or extension with the commissioner within 30 days of the date on which the person is required to report, the commissioner may issue an order summarily suspending that person's license. The order is effective upon service on the person by first class mail at his last known address on file with the commissioner. A person whose license has been summarily suspended under this subdivision may, within 15 days of the date of the order, request a hearing to be conducted according to the provisions of chapter 14. The hearing must be held within 15 days of the commissioner's receipt of the request, but the person may agree to an extension. The summary suspension remains in effect pending the outcome of the hearing.

**Subd. 12. [PAYMENT OF EXPENSES.]** All necessary expenses of the advisory committee and its members certified to the commissioner as having been incurred in the performance of their duties under this section shall be paid from funds now or hereafter deposited to the credit of the revolving fund pursuant to section 60A.03, subdivision 6.

**Sec. 9. Minnesota Statutes 1982, section 60A.198, subdivision 3, is amended to read:**

**Subd. 3. [PROCEDURE FOR OBTAINING LICENSE.]** A person licensed as a resident agent in this state pursuant to other law may obtain a surplus lines license by doing the following:

(a) Filing an application in the form and with the information the commissioner may reasonably require to determine the ability of the applicant to act in accordance with sections 60A.195 to 60A.209;

(b) Maintaining a resident agent license in this state;

(c) Delivering to the commissioner a financial guarantee bond from a surety acceptable to the commissioner for the greater of the following:

(1) \$5,000; or

(2) The largest semiannual surplus lines premium tax liability incurred by him in the immediately preceding five years; and

(d) Agreeing to file with the commissioner no later than February 15 and August 15 annually, a sworn statement of the

charges for insurance procured or placed and the amounts returned on the insurance canceled under the license for the preceding six month period ending December 31 and June 30 respectively, and at the time of the filing of this statement, paying the commissioner a tax on premiums equal to three percent of the total written premiums less cancellations; and

(e) *annually paying a fee as prescribed by section 60A.14, subdivision 1, paragraph (c), clause (11).*

Sec. 10. Minnesota Statutes 1982, section 60A.23, subdivision 8, is amended to read:

Subd. 8. [SELF INSURANCE PLAN ADMINISTRATORS; VENDORS OF RISK MANAGEMENT SERVICES.] (1) [SCOPE.] This subdivision applies to any vendor of risk management services and to any entity which administers, for compensation, a self insurance plan. This subdivision shall not apply (a) to an insurance company authorized to transact insurance in this state, as defined by section 60A.06, subdivision 1, clauses (4) and (5); (b) to a service plan corporation, as defined by section 62C.02, subdivision 6; (c) to a health maintenance organization, as defined by section 62D.02, subdivision 4; (d) to an employer directly operating a self insurance plan for its employees' benefits (OR (E) TO A NONPROFIT INSURANCE TRUST ADMINISTERED AND OPERATED FOR THE BENEFIT OF EMPLOYER PARTICIPANTS AND ESTABLISHED PRIOR TO JANUARY 1, 1979).

(2) [DEFINITIONS.] For purposes of this subdivision the following terms have the meanings given them.

(a) "Administering a self insurance plan" means (i) processing, reviewing or paying claims, (ii) establishing or operating funds and accounts, or (iii) otherwise providing necessary administrative services in connection with the operation of a self insurance plan.

(b) "Employer" means an employer, as defined by section 62E.02, subdivision 2.

(c) "Entity" means any association, corporation, partnership, sole proprietorship, trust, or other business entity engaged in or transacting business in this state.

(d) "Self insurance plan" means a plan providing life, medical or hospital care, accident, sickness or disability insurance, as an employee fringe benefit, or a plan providing liability coverage for any other risk or hazard, which is not directly insured or provided by a licensed insurer, service plan corporation, or health maintenance organization.

(e) "Vendor of risk management services" means an entity providing for compensation actuarial, financial management, accounting, legal or other services for the purpose of designing and establishing a self insurance plan for an employer.

(3) [LICENSE.] No vendor or risk management services or entity administering a self insurance plan may transact (SUCH) *this* business in this state unless it is licensed to do so by the commissioner. An applicant for a license shall state in writing the type of activities it seeks authorization to engage in and the type of services it seeks authorization to provide. The license shall be granted only when the commissioner is satisfied that the entity possesses the necessary organization, background, expertise, and financial integrity to supply the services sought to be offered. The commissioner may issue a license subject to restrictions or limitations upon the authorization, including the type of services which may be supplied or the activities which may be engaged in. The *initial* license fee shall be (\$100) \$2,000. *The fee for renewal of a license shall be \$1,000.* All licenses are for a period of (TWO YEARS) *one year.*

(4) [REGULATORY RESTRICTIONS; POWERS OF THE COMMISSIONER.] To assure that self insurance plans are financially solvent, are administered in a fair and equitable fashion, and are processing claims and paying benefits in a prompt, fair, and honest manner, vendors of risk management services and entities administering self insurance plans are subject to the supervision and examination by the commissioner. Vendors of risk management services, entities administering self insurance plans, and self insurance plans established or operated by them are subject to the trade practice requirements of sections 72A.19 to 72A.30.

(5) [RULE MAKING AUTHORITY.] To carry out the purposes of this subdivision, the commissioner may promulgate administrative rules, including emergency rules, pursuant to sections 14.01 to 14.70. These rules may:

(a) Establish reporting requirements for administrators of self insurance plans;

(b) Establish standards and guidelines to assure the adequacy of financing, reinsuring, and administration of self insurance plans;

(c) Establish bonding requirements or other provisions assuring the financial integrity of entities administering self insurance plans; or

(d) Establish other reasonable requirements to further the purposes of this subdivision.



Sec. 11. Minnesota Statutes 1982, section 471.982, subdivision 2, is amended to read:

Subd. 2. The commissioner of insurance is authorized to promulgate administrative rules, including emergency rules pursuant to sections 14.01 to 14.70. These rules may provide standards or guidelines governing the formation, operation, administration, dissolution of self insurance pools, and other reasonable requirements to further the purpose of this section and shall at a minimum require the following:

(a) All participants in the pool are jointly and severally liable for all claims and expenses of the pool;

(b) Each pool shall contract with a service company licensed by the commissioner to provide or contract for all administrative services required by the pool. No vendor of risk management services or entity administering a self insurance plan under this section may transact such business in this state unless it is licensed to do so by the commissioner (AN APPLICANT FOR A LICENSE SHALL STATE IN WRITING THE TYPE OF ACTIVITIES IT SEEKS AUTHORIZATION TO ENGAGE IN AND THE TYPE OF SERVICES IT SEEKS AUTHORIZATION TO PROVIDE. THE LICENSE SHALL BE GRANTED ONLY WHEN THE COMMISSIONER IS SATISFIED THAT THE ENTITY POSSESSES THE NECESSARY ORGANIZATION, BACKGROUND, EXPERTISE, AND FINANCIAL INTEGRITY TO SUPPLY THE SERVICES SOUGHT TO BE OFFERED. THE COMMISSIONER MAY ISSUE A LICENSE SUBJECT TO RESTRICTIONS OR LIMITATIONS UPON THE AUTHORIZATION, INCLUDING THE TYPE OF SERVICES WHICH MAY BE SUPPLIED OR THE ACTIVITIES WHICH MAY BE ENGAGED IN. THE LICENSE FEE SHALL BE \$100. ALL LICENSES SHALL BE FOR A PERIOD OF TWO YEARS) pursuant to section 60A.23, subdivision 8;

(c) The service company has sole responsibility for the settlement of all claims against the pool or its members for which the pool may provide indemnification;

(d) A minimum premium volume for each pool shall be established. The minimum premium volume may differ because of the kinds of coverage provided, and the limits of liability for the coverage;

(e) All premiums or other assessments due to the pool from members shall be payable prior to the period for which coverage is being provided, or at equal intervals throughout the period;

(f) Premiums shall either be established by an actuary approved by the commissioner or shall be premiums filed by a licensed rate service organization with reductions permitted solely for administrative or premium tax savings;

(g) The commissioner may require each pool to purchase excess insurance above certain limits and in a particular form. The limits or form of the excess insurance may differ based on the kinds of coverage offered by a pool, the limits of liability of the coverage, and the revenues available to pool members for the payment of premiums or assessments;

(h) Each pool shall be audited annually by a certified public accountant;

(i) Limitations on the payment of dividends to pool members may be established as necessary to assure the solvency of the pool;

(j) No participant may withdraw from a pool for a period of at least three years after its initial entry into the pool;

(k) The amount of any liabilities in excess of assets shall be assessed to members of the pool within 30 days after a deficiency is identified and shall be payable by the member within 90 days;

(l) The investment policies of the pool shall be governed by the laws governing investments by cities pursuant to section 475.66;

(m) Pools shall be subject to the standards of unfair methods of competition and unfair or deceptive acts or practices established in chapter 72A;

(n) Other requirements that are necessary to protect the solvency of the pool, the rights and privileges of claimants against the pool, and citizens of the members of the pool shall be included in the rules.

## Sec. 12. [EFFECTIVE DATES.]

*Sections 1; 2; 7; 8, subdivisions 1 to 7 and 12; 9; 10; and 11 are effective the day following final enactment. Sections 3, 4, and 6, are effective July 1, 1983. Section 8, subdivisions 8 and 9, are effective January 1, 1985. Sections 5 and 8, subdivisions 10 and 11, are effective January 1, 1986."*

Delete the title and insert:

"A bill for an act relating to insurance; extending the insurance division revolving fund; providing for a program of continuing education; establishing a continuing insurance education advisory committee; authorizing the commissioner of insurance to promulgate rules to implement the program; requiring certain disclosures on credit insurance policies and application; providing license and renewal fees for agents; increasing fees for insurance companies; regulating self-insurance

plans and pools; amending Minnesota Statutes 1982, sections 60A.02, subdivision 7; 60A.03, subdivisions 5 and 6; 60A.17, subdivisions 1 and 6c, and by adding a subdivision; 60A.14, subdivision 1; 60A.198, subdivision 3; 60A.23, subdivision 8; 471.982, subdivision 2; and proposing new law coded in Minnesota Statutes, chapter 60A."

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

The report was adopted.

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

H. F. No. 689, A bill for an act relating to counties; permitting a change to appointed coroners in certain conditions; amending Minnesota Statutes 1982, section 390.005, subdivision 2.

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

The report was adopted.

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

H. F. No. 722, A bill for an act relating to communications; defining terms; requiring access by cable communications companies; imposing conditions of access; limiting certain actions of property owners; allowing appeal; proposing new law coded in Minnesota Statutes, chapter 238.

Reported the same back with the following amendments:

Page 2, line 26, after the period insert "*Access shall include entrance onto the property of the property owner and an easement for purposes of surveying, designing, installing, inspecting, maintaining, operating, repairing, replacing, or removing equipment used in the construction and operation of a cable communications system.*"

Page 3, line 6, delete "*will*" and insert "*with*"

Page 3, line 6, delete "*and, when economical and feasible, must*"

Page 3, line 7, delete everything before the period and insert "*and must be installed parallel to utility lines when economically feasible*"

Page 3, line 11, after the period insert "*Any bond filed by a cable communications company with a municipality which would provide coverage to the property owner as provided above shall be deemed to fulfill the requirements of this subdivision.*"

Page 4, line 6, after "*facilities*" delete the semicolon and insert "*. Payment by the cable communications company of a one-time charge of \$1 for each dwelling unit on the owner's premises shall be presumed to compensate the property owner for the taking of the easement resulting from the installation of the cable communications facilities. The property owner may appeal the presumptive one-time award of \$1 for each dwelling unit as provided in section 238.27. Because access provided under this chapter only allows a cable communications system to provide its service to occupants and does not preclude a property owner from providing any alternative communication service, proof of a difference in fair market value shall not include any alleged loss of an exclusive right to provide communication services;*"

Page 4, line 13, delete "; and" and insert a new period

Page 4, delete lines 14 and 15

Page 5, line 3, delete "An" and insert "*Any property owner may appeal to the cable communications board the compensation tendered by the cable communications company under section 238.25, subdivisions 9 and 10. The appeal shall be filed by the property owner within 45 days after the date of mailing of the tendered compensation by the cable communications company. Upon appeal the board shall determine the compensation to be paid to the property owner pursuant to section 238.25. In all other cases, any*"

Page 5, line 4, delete "5" and insert "4"

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. 762, A bill for an act relating to welfare; changing laws relating to child support enforcement; amending Minnesota Statutes 1982, sections 256.87, subdivision 1a, and by adding subdivisions: 257.55, subdivision 1; 257.58; 257.59, subdivision 1; 257.60; 257.62, subdivision 1, and by adding subdivisions; 257.64, subdivision 1; 257.65; 257.66, subdivisions 3 and 4; 257.69, subdivision 2; 518.10; 518.551, subdivisions 1, 5, and 6; 518.611, subdivisions 1 and 4, and by adding subdivisions; 518.64, subdivision 2; 518.645; 518B.01, subdivisions 2 and 6; 518C.17, subdivision 1; and 548.09; proposing new law coded in Minnesota

Statutes, chapters 257 and 518; repealing Minnesota Statutes 1982, sections 256.87, subdivision 2; 256.872; 256.873; 256.876; and 518.551, subdivisions 2, 3, and 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 256.74, is amended by adding a subdivision to read:

*Subd. 5. [ASSESSMENT OF SUPPORT AND MAINTENANCE RIGHTS.] An applicant for assistance, or a recipient of assistance, under sections 256.72 to 256.87 is considered to have assigned to the public agency responsible for child support enforcement at the time of application all rights to child support and maintenance from any other person the applicant may have in his own behalf or in the behalf of any other family member for whom application is made. The assignment:*

*(1) is effective as to both current and accrued child support and maintenance obligations;*

*(2) takes effect upon a determination that the applicant is eligible for assistance under sections 256.72 to 256.87;*

*(3) terminates when an applicant ceases to receive assistance under sections 256.72 to 256.87, except with respect to the amount of any unpaid support or maintenance obligation, or both, accrued under the assignment.*

Sec. 2. Minnesota Statutes 1982, section 256.87, is amended to read:

256.87 [CONTRIBUTION BY PARENTS (; AMENDMENTS; REPEALS).]

Subdivision 1. [ACTIONS AGAINST PARENTS FOR ASSISTANCE FURNISHED.] At any time during the continuance of assistance to a child granted under sections 256.72 to 256.87 *except as set forth below*, a parent of a child is liable for the amount of assistance furnished during the two years immediately preceding the commencement of the action which the parent is reasonably able to pay. *Provided, however, that where child support has been previously ordered, the state or county agency providing the assistance, as assignee of the obligee, shall be entitled to judgments for child support payments accruing within ten years preceding the date of the commencement of the action to collect.* The action may be ordered by the state agency or county agency and shall be brought in the name of the county by the county attorney of the county in which the assistance was granted, or by the state agency against the parent for the re-

covery of the amount of assistance granted, together with the costs and disbursements of the action.

**Subd. 1a. [CONTINUING SUPPORT CONTRIBUTIONS.]** In addition to granting the county or state agency a money judgment, the court may, upon a motion or order to show cause, order continuing *support* contributions by a parent found able to reimburse the county or state agency. *Except as provided in subdivision 4, the order shall be effective (ONLY) for the period of time during which the recipient receives public assistance from (THE) any county or state agency and for 90 days thereafter the order shall require support according to chapter 518. An order for continuing contributions is reinstated without further hearing upon notice to the parent by (THE) any county or state agency that assistance is again being provided for the child of the parent under sections 256.72 to 256.87. The notice shall be in writing and shall indicate that the parent may request a hearing for modification of the amount of support or maintenance (, THE AMOUNT REQUIRED TO BE PAID, AND THE CONDITIONS UNDER WHICH INCOME WITHHOLDING CAN OCCUR. IN ANY ORDER MODIFYING THE AMOUNT OF SUPPORT OR MAINTENANCE, THE COURT MAY, IF APPROPRIATE, MAKE THE MODIFICATION RETROACTIVE TO THE DATE OF AUTOMATIC REINSTATEMENT).*

**Subd. 2. [NOT TO BE VESTED RIGHT.]** All assistance granted under those sections shall be deemed to be granted and to be held subject to the provisions of any amending or repealing act that may hereafter be passed. No recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by any amending or repealing act.

**Subd. 4. [CONTINUING CONTRIBUTIONS TO FORMER RECIPIENT.]** *The order for continuing support contributions shall remain in effect following the 90 day period after public assistance granted under sections 256.72 to 256.87 is terminated if:*

(a) *the former recipient files an affidavit with the court within 90 days of the termination of assistance requesting that the support order remain in effect;*

(b) *the public authority serves written notice of the filing by mail on the parent responsible for making the support payments at that parent's last known address and notice that the parent may move the court under section 518.64 to modify the order respecting the amount of support or maintenance; and*

(c) *the former recipient makes an application to use the public authority's collection services.*

*Subd. 5. [ORDER FOR MODIFICATION.] In any order modifying the amount of support or maintenance under this section, the court may make the modification retroactive to the date public assistance was terminated or reinstated.*

*Subd. 6. [CHILD NOT RECEIVING ASSISTANCE.] A parent having custody of a dependent child not receiving assistance under sections 256.72 to 256.87 has a cause of action for child support against the child's absent parent. Upon an order to show cause and a motion served on the absent parent, the court shall order child support payments from the absent parent under chapter 518.*

**Sec. 3. [257.541] [CUSTODY AND VISITATION OF CHILDREN BORN OUTSIDE OF MARRIAGE.]**

*Subdivision 1. [MOTHER'S RIGHT TO CUSTODY.] The natural mother of a child born to a mother who was not married to the child's father neither when the child was born nor when the child was conceived has sole custody of the child until paternity has been established.*

*Subd. 2. [FATHER'S RIGHT TO VISITATION.] (a) If paternity has been acknowledged under section 257.34 and paternity has been established under sections 257.51 to 257.74, the father's rights of visitation or custody are determined under sections 518.17 and 518.175.*

*(b) If paternity has not been acknowledged under section 257.34 and paternity has been established under sections 257.51 to 257.74, the natural father may petition for rights of visitation or custody in a separate proceeding under section 518.156.*

**Sec. 4. Minnesota Statutes 1982, section 257.55, subdivision 1, is amended to read:**

**Subdivision 1. [PRESUMPTION.] A man is presumed to be the natural father of a child if:**

**(a) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within 280 days after the marriage is terminated by death, annulment, declaration of invalidity, dissolution, or divorce, or after a decree of legal separation is entered by a court;**

**(b) Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable, or otherwise invalid, and,**

(1) if the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within 280 days after its termination by death, annulment, declaration of invalidity, dissolution or divorce; or

(2) if the attempted marriage is invalid without a court order, the child is born within 280 days after the termination of cohabitation;

(c) After the child's birth, he and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable, or otherwise invalid, and,

(1) he has acknowledged his paternity of the child in writing filed with (THE DISTRICT COURT OR) the state registrar of vital statistics;

(2) with his consent, he is named as the child's father on the child's birth certificate; or

(3) he is obligated to support the child under a written voluntary promise or by court order;

(d) While the child is under the age of majority, he receives the child into his home and openly holds out the child as his natural child; or

(e) He (ACKNOWLEDGES) and the child's natural mother acknowledge his paternity of the child in a writing signed by both of them under section 257.34 and filed with (THE DISTRICT COURT OR) the state registrar of vital statistics (, WHICH SHALL PROMPTLY INFORM THE MOTHER OF THE FILING OF THE ACKNOWLEDGMENT, AND SHE DOES NOT WITHIN A REASONABLE TIME AFTER BEING INFORMED THEREOF DISPUTE THE ACKNOWLEDGMENT IN A WRITING FILED WITH THE DISTRICT COURT OR THE STATE REGISTRAR OF VITAL STATISTICS). If another man is presumed under this clause to be the child's father, acknowledgment may be effected only with the written consent of the presumed father or after the presumption has been rebutted.

Sec. 5. Minnesota Statutes 1982, section 257.58, is amended to read:

257.58 [LIMITATION OF ACTIONS; EXCEPTIONS.]

*Subdivision 1.* [ACTIONS FOR CHILDREN WITHOUT A PRESUMED FATHER.] Except for (a) an action brought by or on behalf of a child whose paternity has not been de-



terminated, and (b) an action brought by the public authority responsible for child support enforcement, if a child is over three years old when he or she first receives public assistance in the state of Minnesota, an action to determine the existence of the father and child relationship as to a child who has no presumed father under section 257.55 may not be brought later than three years after the birth of the child, or later than three years after August 1, 1980, whichever is later. An action brought by or on behalf of a child whose paternity has not been determined is not barred until one year after the child reaches the age of majority. *If a child is over three years old when he or she first receives public assistance in the state of Minnesota, an action brought by the public authority responsible for child support enforcement is not barred until three years after the public assistance is first provided in this state.*

*Subd. 2. [HEIRSHIP.]* Section 257.57 and this section do not extend the time within which a right of inheritance or a right to a succession may be asserted beyond the time provided by law relating to distribution and closing of decedents' estates or to the determination of heirship, or otherwise.

Sec. 6. Minnesota Statutes 1982, section 257.59, subdivision 1, is amended to read:

*Subdivision 1. [COURT JURISDICTION.]* Except in Hennepin and Ramsey counties, the county court has jurisdiction of an action brought under sections 257.51 to 257.74. In Hennepin and Ramsey counties, the district court has jurisdiction of an action brought under sections 257.51 to 257.74. *The action may be joined with an action for dissolution, annulment, legal separation, custody under chapter 518, or reciprocal enforcement of support.*

Sec. 7. Minnesota Statutes 1982, section 257.60, is amended to read:

**257.60 [PARTIES.]**

The child may be made a party to the action. If the child is a minor and is made a party, a general guardian or a guardian ad litem shall be appointed by the court to represent the child. The child's mother or father may not represent the child as guardian or otherwise. (THE COURT MAY APPOINT THE COMMISSIONER OF PUBLIC WELFARE AS GUARDIAN AD LITEM FOR THE CHILD.) If the child is a minor and the case involves a compromise under section 257.64, subdivision 1 or a lump sum payment under section 257.66, subdivision 4, the child and the commissioner of public welfare shall each be made a party (AND THE COMMISSIONER OF PUBLIC WELFARE SHALL BE APPOINTED AS GUARDIAN AD LITEM) before the court approves a compromise or orders a lump sum

payment. The natural mother, each man presumed to be the father under section 257.55, and each man alleged to be the natural father, shall be made parties or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and shall be given an opportunity to be heard. *A person who may bring an action under section 257.57 may be made a party to the action.* The court may align the parties.

Sec. 8. Minnesota Statutes 1982, section 257.64, subdivision 1, is amended to read:

257.64. [PRE-TRIAL ORDERS AND RECOMMENDATIONS.]

Subdivision 1. On the basis of the information produced at the pretrial hearing, *including information as to the financial status of the parties*, the court may, and if requested by a party, shall (EVALUATE THE PROBABILITY OF DETERMINING THE EXISTENCE OR NONEXISTENCE OF THE FATHER AND CHILD RELATIONSHIP IN A TRIAL AND WHETHER A JUDICIAL DECLARATION WOULD BE IN THE BEST INTEREST OF THE CHILD. ON THE BASIS OF THE EVALUATION, AN APPROPRIATE RECOMMENDATION FOR SETTLEMENT SHALL BE MADE TO THE PARTIES, WHICH MAY INCLUDE ANY OF THE FOLLOWING):

(a) (THAT THE ACTION BE DISMISSED WITH OR WITHOUT PREJUDICE;)

((B)) *recommend that the alleged father voluntarily acknowledge his paternity of the child if the parties have agreed on a financial settlement;*

((C)) (b) *recommend that the matter be compromised by an agreement among the alleged father, the mother, and the child, in which the father and child relationship is not determined but in which a defined economic obligation is undertaken by the alleged father in favor of the child and, if appropriate, in favor of the mother, subject to approval by the court. In reviewing the obligation undertaken by the alleged father in a compromise agreement, the court shall consider the best interest of the child, in the light of the applicable factors enumerated in section 518.17, subdivision 3, discounted by the improbability, as it appears to the court, of establishing the alleged father's paternity or nonpaternity of the child in a trial of the action. In the best interest of the child, the court may order that the alleged father's identity be kept confidential. In that case, the court may designate a person or agency to receive from the alleged father and disburse on behalf of the child all amounts paid by the alleged father in fulfillment of obligations imposed on him. When the child reaches 21 years of age or older he may petition the court to disclose the alleged father's identity. The*

court shall grant the petition if after considering the interests of all known persons involved, the court determines that disclosure of the information would be of greater benefit than nondisclosure.

Sec. 9. Minnesota Statutes 1982, section 257.66, subdivision 3, is amended to read:

Subd. 3. [JUDGMENT; ORDER.] The judgment or order shall contain provisions concerning the duty of support, the custody (AND GUARDIANSHIP) of the child, the name of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. *Custody and visitation and all subsequent motions related to them shall proceed and be determined under section 3.* (THESE) *The remaining matters and all subsequent motions related to them shall proceed and be determined in accordance with chapter 518.* The judgment or order may direct the appropriate party to pay all or a proportion of the reasonable expenses of the mother's pregnancy and confinement, after consideration of the relevant facts, including the relative financial means of the parents; the earning ability of each parent; and any health insurance policies held by either parent, or by a spouse or parent of the parent, which would provide benefits for the expenses incurred by the mother during her pregnancy and confinement.

Sec. 10. Minnesota Statutes 1982, section 257.66, subdivision 4, is amended to read:

Subd. 4. [STATUTE OF LIMITATIONS.] Support judgments or orders ordinarily shall be for periodic payments which may vary in amount. In the best interest of the child, a lump sum payment may be ordered in lieu of periodic payments of support. The court shall limit the parent's liability for past support of the child to the proportion of the expenses that the court deems just, which were incurred in the (IMMEDIATE PRECEDING) two years *immediately preceding the commencement of the action.*

Sec. 11. Minnesota Statutes 1982, section 257.69, subdivision 2, is amended to read:

Subd. 2. [GUARDIAN; LEGAL FEES.] The court may order (REASONABLE COUNSEL,) expert (WITNESSES,) *witness and guardian ad litem fees (,)* and other costs of the trial and pre-trial proceedings, including appropriate tests, to be paid by the parties in proportions and at times determined by the court. The court shall require a party to pay part of the fees of court-appointed counsel according to the party's ability to pay, but if counsel has been appointed the appropriate agency shall pay the party's proportion of all other fees and costs. *The agency responsible for child support enforcement shall pay the fees and*

*costs for blood tests in a proceeding in which it is a party, is the real party in interest, or is acting on behalf of the child. However, at the close of a proceeding in which paternity has been established under sections 257.51 to 257.74, the court shall order the adjudicated father to reimburse the public agency, if the court finds he has sufficient resources to pay the costs of the blood tests. When a party bringing an action is represented by the county attorney, no filing fee shall be paid to the clerk of court.*

Sec. 12. Minnesota Statutes 1982, section 518.10, is amended to read:

518.10 [REQUISITES OF PETITION.]

The petition for dissolution of marriage or legal separation shall state and allege:

- (a) The name and address of the petitioner;
- (b) The name and, if known, the address of the respondent;
- (c) The place and date of the marriage of the parties;
- (d) In the case of a petition for dissolution, that either the petitioner or the respondent or both:
  - (1) Has resided in this state for not less than 180 days immediately preceding the commencement of the proceeding, or
  - (2) Has been a member of the armed services and has been stationed in this state for not less than 180 days immediately preceding the commencement of the proceeding, or
  - (3) Has been a domiciliary of this state for not less than 180 days immediately preceding the commencement of the proceeding;
- (e) The name, age and date of birth of each *living* minor or dependent child of the parties *born before the marriage or born or adopted during the marriage and a reference to, and the expected date of birth of, a child of the parties conceived during the marriage but not born;*
- (f) Whether or not a separate proceeding for dissolution, legal separation, or custody is pending in a court in this state or elsewhere;
- (g) In the case of a petition for dissolution, that there has been an irretrievable breakdown of the marriage relationship;

(h) In the case of a petition for legal separation, that there is a need for a decree of legal separation; and

(i) Any temporary or permanent maintenance, child support, child custody, disposition of property, attorneys' fees, costs and disbursements applied for without setting forth the amounts.

The petition shall be verified by the petitioner or petitioners, and its allegations established by competent evidence.

Sec. 13. Minnesota Statutes 1982, section 518.17, is amended by adding a subdivision to read:

*Subd. 5. [DEVIATION FROM GUIDELINES.] The court shall not order the noncustodial parent to pay support in an amount below the appropriate amount determined from the guidelines in section 18 for use in public assistance cases unless the court makes express findings of fact as to the reason for the lower order.*

Sec. 14. Minnesota Statutes 1982, section 518.551, subdivision 1, is amended to read:

**Subdivision 1. [(ORDER) PAYMENT TO PUBLIC AGENCY.] (WHENEVER AN OBLIGATION FOR SUPPORT OF A DEPENDENT CHILD OR MAINTENANCE OF A SPOUSE, OR BOTH, IN A PROCEEDING FOR DISSOLUTION OR LEGAL SEPARATION OR DETERMINATION OF PARENTAGE, HAS BEEN DETERMINED AND ORDERED BY A COURT OF THIS STATE, THAT COURT SHALL ORDER THE WITHHOLDING OF THE AMOUNT OF CHILD SUPPORT OR MAINTENANCE AS DETERMINED BY COURT ORDER, FROM THE INCOME, REGARDLESS OF SOURCE, OF THE PERSON OBLIGATED TO PAY THE SUPPORT OR MAINTENANCE. WHEN AN ORDER FOR WITHHOLDING HAS NOT PREVIOUSLY BEEN SECURED, THE OBLIGEE MAY OR THE PUBLIC AGENCY RESPONSIBLE FOR CHILD SUPPORT ENFORCEMENT SHALL MOVE THE COURT, AND THE COURT SHALL GRANT THE ORDER.)**

**(EACH ORDER SHALL PROVIDE THAT THE OBLIGOR'S EMPLOYER, TRUSTEE, OR OTHER PAYOR OF FUNDS SHALL WITHHOLD FROM THE OBLIGOR'S INCOME, REGARDLESS OF SOURCE, AN AMOUNT EQUAL TO THE COURT'S ORDER FOR SUPPORT OR MAINTENANCE.)**

The court shall direct that all payments ordered for maintenance and support be made to the public agency responsible for child support enforcement so long as the obligee is receiving or has applied for public assistance. Amounts received by the public agency responsible for child support enforcement greater than the amount granted to the obligee shall be remitted to the obligee.

Sec. 15. Minnesota Statutes 1982, section 518.551, subdivision 5, is amended to read:

Subd. 5. [NOTICE TO PUBLIC AUTHORITY; *GUIDELINES.*] The petitioner shall notify the public authority of all proceedings for dissolution, legal separation, determination of parentage or for the custody of a child, if either party is receiving aid to families (OF) *with* dependent children or applies for it subsequent to the commencement of the proceeding. After receipt of the notice, (THE PUBLIC AUTHORITY SHALL RECOMMEND TO) the court (THE SUPPORT THAT IS PROPER AND ADEQUATE FOR THE CARE AND SUPPORT OF THE CHILD OR CHILDREN BEFORE THE ISSUANCE OF THE ORDER FOR JUDGMENT AND DECREE IN THE PROCEEDING.) *shall set child support by multiplying the obligor's net income by the percentage indicated by the following guidelines:*

Net Income Per Month of Obligor	Number of Children						
	1	2	3	4	5	6	7 or more
<i>\$400 and Below</i>	<i>Order based on the ability of the obligor to provide support at these income levels, or at higher levels, if the obligor has the earning ability.</i>						
\$401-500	14%	17%	20%	22%	24%	26%	28%
\$501-550	15%	18%	21%	24%	26%	28%	30%
\$551-600	16%	19%	22%	25%	28%	30%	32%
\$601-650	17%	21%	24%	27%	29%	32%	34%
\$651-700	18%	22%	25%	28%	31%	34%	36%
\$701-750	19%	23%	27%	30%	33%	36%	38%
\$751-800	20%	24%	28%	31%	35%	38%	40%
\$801-850	21%	25%	29%	33%	36%	40%	42%
\$851-900	22%	27%	31%	34%	38%	41%	44%
\$901-950	23%	28%	32%	36%	40%	43%	46%
\$951-1000	24%	29%	34%	38%	41%	45%	48%
\$1001 and over	25%	30%	35%	39%	43%	47%	50%

*Net Income defined as:*

*Total monthly income less*

*\* (1) Federal Income Tax*

*\* (2) State Income Tax*

*(3) Social Security Deductions*

*(4) Mandatory Pension Deductions*

*(5) Union Dues*

*(6) Dependent Health Insurance Coverage*

*(7) Individual Health/Hospitalization Coverage or Medical Expense Deductions not to exceed \$25 a month.*

*\*Standard Deductions apply—use of tax tables recommended*

*(a) The child support payment guidelines take into consideration the following criteria:*

*(1) all earnings, income, and resources of the obligor including real and personal property;*

*(2) the basic living needs of the obligor;*

*(3) the financial needs of the child or children to be supported; and*

*(4) the amount of the aid to families with dependent children grant for the child or children.*

*(b) Debts owed to private creditors are not to be considered in establishing a support obligation.*

*(c) Previous support orders and alimony orders may be considered if the obligor is paying them.*

*(d) Nothing shall preclude the court from receiving evidence on the above factors to determine if the guidelines should be exceeded or modified in a particular case.*

*(e) The above guidelines are binding in each case unless the court makes express findings of fact as to the reason for departure from the guidelines in that case in which the court orders support that deviates from the guidelines.*

Sec. 16. Minnesota Statutes 1982, section 518.551, subdivision 6, is amended to read:

Subd. 6. [FAILURE OF NOTICE.] If the court in a dissolution, legal separation or determination of parentage proceeding, finds before issuing the order for judgment and decree, that notification has not been given to the public authority, the court shall (ORDER THAT NOTIFICATION BE MADE AND SHALL NOT ISSUE ITS ORDER FOR JUDGMENT AND DECREE UNTIL THE PUBLIC AUTHORITY HAS MADE ITS RECOMMENDATIONS) *set child support according to the guidelines in section 15.* In those proceedings in which no notification has been made pursuant to this section and in which the public authority determines that the judgment is (NOT PROPER AND ADEQUATE FOR THE CARE AND SUPPORT OF THE CHILD OR CHILDREN) *lower than the child support required by the guidelines in section 15,* it (MAY) *shall move the court for a redetermination of the support payments ordered so that the support payments comply with the guidelines.*

Sec. 17. Minnesota Statutes 1982, section 518.551, is amended by adding a subdivision to read:

Subd. 8. [HEALTH INSURANCE OR PLAN.] *The court shall also include in the requirements for each child support order a provision naming the child as a beneficiary on whatever medical, hospitalization or dental insurance or plan is available to the obligor on a group basis through his or her employer or union.*

Sec. 18. Minnesota Statutes 1982, section 518.551, is amended by adding a subdivision to read:

Subd. 9. [ASSIGNMENT OF RIGHTS; JUDGMENT.] *The public agency responsible for child support enforcement is joined as a party in each case in which rights are assigned under section 1. When arrearages are reduced to judgment, the court shall grant judgment in favor of, and in the name of, the public agency to the extent that the arrearages are assigned. The public agency may enforce a judgment entered before the assignment of rights as if the judgment were granted to it, and in its name, to the extent that the arrearages in that judgment are assigned.*

Sec. 19. Minnesota Statutes 1982, section 518.611, is amended to read:

518.611 [(ASSIGNMENTS) INCOME WITHHOLDING.]

Subdivision 1. [ORDER.] Whenever an obligation for support of a dependent child or maintenance of a spouse, or both, (IN A PROCEEDING FOR DISSOLUTION OR LEGAL SEPARATION OR DETERMINATION OF PARENTAGE, HAS BEEN) is determined and ordered by a court of this state, that court shall order the withholding of the amount of child support or maintenance as determined by court order, from the income,



regardless of source, of the person obligated to pay the support or maintenance. When an order for withholding has not previously been secured, the obligee may or the public agency responsible for child support enforcement shall move the court, and the court shall grant the order.

Subd. 2. [NOTICE TO OBLIGOR OF CONDITIONS.] Each order for withholding shall provide for a conspicuous notice to the obligor that withholding may result if the obligor fails to make the maintenance or support payments, and that no withholding shall be made until the following conditions are met:

(a) The obligee or the public authority determines that the obligor is at least 30 days in arrears;

(b) The obligee or the public authority serves written notice of its determination of arrearage on the obligor at least 15 days before service of the determination and a copy of the court's order for withholding on the payor of funds;

(c) Within the 15 day period, the obligor has either failed to pay all arrearages or to move the court, under section 518.64, to modify the order respecting the amount of maintenance or support and, ex parte, to stay service on the payor of funds until the motion to modify is heard; and

(d) The obligee or the public authority serves a copy of the determination of arrearage and a copy of the court's withholding order on the payor of funds.

(e) The obligee shall also serve on the public authority a copy of the determination of arrearage, a copy of the court's withholding order and an application to use the public authority's collection services.

Subd. 3. [MODIFICATION ORDERS.] An order modifying the amount of maintenance or support, issued after the hearing on the motion to modify, shall provide that payments be made *outright* by withholding. *The provisions of subdivision 2 do not apply.*

Subd. 4. [EFFECT OF ORDER.] *Notwithstanding any law to the contrary*, the order is binding on the employer, trustee, or other payor of the funds upon service upon him of notice that it has been made. The payor shall withhold from the income payable to the obligor the amount specified in the order and shall monthly or more frequently remit the amounts withheld to the public authority. Amounts received by the public authority which are in excess of public assistance expended for the party or for a child shall be remitted to the party. An employer shall not discharge or otherwise discipline an employee as a result of a wage

or salary (ASSIGNMENT) *withholding* authorized by this section.

*Subd. 5. [ARREARAGE ORDER.] Nothing in this section shall prevent the court from ordering the payor of funds to withhold amounts to satisfy the obligor's previous arrearage in child support or maintenance payments, the obligor's liability for pregnancy and confinement expenses and for blood test costs, and any service fees that may be imposed under section 518.551.*

*Subd. 6. [PRIORITY.] An order for withholding under this section or execution or garnishment upon a judgment for child support arrearages or preadjudicated expenses shall have priority over an attachment, execution, garnishment, or wage assignment unless otherwise ordered by the court and shall not be subject to the statutory limitations on amounts levied against the income of the obligor.*

*Subd. 7. [EMPLOYER EXPENSES.] An employer may deduct one dollar from the obligor-employee's remaining salary for each payment made pursuant to a withholding order under this section to cover the employer's expenses involved in the withholding.*

*Subd. 8. [EMPLOYER OR PAYOR NOTICE.] When a withholding order is in effect and the obligor's employment is terminated or the periodic payment terminates, the obligor's employer or the payor of funds shall notify the public agency responsible for child support enforcement of the termination within 30 days of the termination date. The notice shall include the obligor's home address and the name and address of the obligor's new employer or payor of funds, if known.*

Sec. 20. Minnesota Statutes 1982, section 518.64, subdivision 2, is amended to read:

*Subd. 2. [MODIFICATION.] The terms of a decree respecting maintenance or support may be modified upon a showing of one or more of the following: (1) substantially increased or decreased earnings of a party (OR); (2) substantially increased or decreased need of a party (,); (3) receipt of assistance under sections 256.72 to 256.87; or (4) a change in the cost-of-living for either party as measured by the federal bureau of statistics, any of which makes the terms unreasonable and unfair. On a motion for modification of support, the court shall take into consideration the needs of the children and the financial circumstances of the custodial parent's spouse, if any. A modification which decreases support or maintenance may be made retroactive only upon a showing that any failure to pay in accord with the terms of the original order was not willful. A modification which increases support or maintenance shall not be made retroactive if the obligor has substantially complied with the previous order. Except for an award of the right of occupancy of the home-*

stead, provided in section 518.63, all divisions of real and personal property provided by section 518.58 shall be final, and may be revoked or modified only where the court finds the existence of conditions that justify reopening a judgment under the laws of this state. The court may impose a lien or charge on the divided property at any time while the property, or subsequently acquired property, is owned by the parties or either of them, for the payment of maintenance or support money, or may sequester the property as is provided by section 518.24.

Sec. 21. Minnesota Statutes 1982, section 518.64, is amended by adding a subdivision to read:

*Subd. 2a. [SPECIAL PROVISION; COST-OF-LIVING ADJUSTMENT.] Cost-of-living increases pursuant to subdivision 2 for decrees entered into before August 1, 1983 shall be limited to 50 percent of the cost-of-living increase for periods of time before August 1, 1983. The remaining 50 percent of the increase may be implemented over a period of time as determined by the court.*

Sec. 22. Minnesota Statutes 1982, section 518.64, subdivision 5, is amended to read:

*Subd. 5. [FORM.] The department of public welfare shall prepare and make available to courts (AND), obligors and persons to whom child support is owed a form to be submitted by the obligor or the person to whom child support is owed in support of a motion for a modification of an order pursuant to this section or section 256.87. The (RULE MAKING) rulemaking provisions of chapter 14 shall not apply to the preparation of the form.*

Sec. 23. [518.641] [COST-OF-LIVING ADJUSTMENTS IN CHILD SUPPORT ORDER.]

*Subdivision 1. [REQUIREMENT.] An order for child support shall provide for a biennial adjustment in the amount to be paid based on a change in the cost-of-living. The order shall specify the cost-of-living index to be applied. The court may use the consumer price index for all urban consumers, Minneapolis-St. Paul (CPI-U), the consumer price index for wage earners and clerical, Minneapolis-St. Paul (CPI-W), or another cost-of-living index published by the department of labor which it specifically finds is more appropriate. The court may specify that the housing component be excluded from the cost-of-living adjustment. Cost-of-living increases under this section shall be compounded. It may also increase the amount by more than the cost-of-living adjustment by agreement of the parties or by making further findings. The adjustment becomes effective on the first of May of the year in which it is made. A court may waive the requirement of the cost-of-living clause if it expressly finds that the obligor's occupation or income, or both, does not pro-*

*vide for cost-of-living adjustment or that the order for child support has a provision such as a step increase that has the effect of a cost-of-living clause. The commissioner of public welfare may promulgate rules under this section in accordance with the rulemaking provisions of chapter 14.*

*Subd. 2. [CONDITIONS.] No adjustment under this section may be made unless the order provides for it and until the following conditions are met:*

*(a) the obligee or public authority serves notice of its application for adjustment by mail on the obligor at the obligor's last known address at least 20 days before the effective date of the adjustment;*

*(b) the notice to the obligor shall inform the obligor that an adjustment in payments shall become effective on the first of May; and*

*(c) after receipt of notice and before the effective day of the adjustment, the obligor fails to request a hearing on the issue of whether the adjustment should take effect, and ex parte, to stay imposition of the adjustment pending outcome of the hearing.*

*Subd. 3. [RESULT OF HEARING.] If, at a hearing pursuant to this section, the obligor establishes an insufficient cost of living or other increase in income that prevents fulfillment of the adjusted child support obligation, the court may direct that all or part of the adjustment not take effect. If, at the hearing, the obligor does not establish this insufficient increase in income, the adjustment shall take effect as of the date it would have become effective had no hearing been requested.*

*Subd. 4. [FORM.] The department of public welfare shall prepare and make available to the court and obligors a form to be submitted to the department by the obligor in support of a request for hearing under this section. The rulemaking provisions of chapter 14 shall not apply to the preparation of the form.*

*Subd. 5. [REQUEST FOR COST-OF-LIVING CLAUSE.] A motion for enforcement or modification of an existing child support order shall include a request for a cost-of-living clause. The court may deny the request only upon an express finding that the obligor's occupation, income, or both, does not provide for a cost-of-living adjustment or that the existing child support order either has a cost-of-living clause or sets forth a step increase which has the effect of a cost-of-living adjustment.*

**Sec. 24.** Minnesota Statutes 1982, section 518.645, is amended to read:

## 518.645 [FORM OF ORDER.]

Unless otherwise ordered by the court, an order for withholding of support or maintenance payments issued (PURSUANT TO SECTIONS 256.872, SUBDIVISION 1, 518.551, SUBDIVISION 1, OR 518.611, SUBDIVISION 1,) *under this chapter* shall be substantially in the following form:

## IT IS ORDERED THAT:

1. (THAT) The sum of \_\_\_\_\_ per \_\_\_\_\_, representing child support and/or spousal maintenance, ordered by the Court, shall be withheld from the (Husband/Wife/Respondent/Petitioner)'s income on \_\_\_\_\_ by (his/her) present employer or other payor of funds, and any future employer or other payor of funds, and shall be remitted (AT LEAST MONTHLY) to: \_\_\_\_\_, monthly or more frequently, in accordance with the provisions of Minnesota Statutes, Chapter 518. The file number above and the (EMPLOYEE'S) *Obligor's* name shall be included with each remittance.

2. (THAT) The parties are notified that CHILD SUPPORT AND/OR MAINTENANCE WILL BE WITHHELD FROM INCOME ONLY AFTER ALL OF THE FOLLOWING CONDITIONS HAVE BEEN MET:

(a) \_\_\_\_\_ or the Obligee determines that the Obligor is at least thirty days in arrears in the payment of child support and/or spousal maintenance;

(b) \_\_\_\_\_ or the Obligee serves written notice on the Obligor of its determination that child support and/or maintenance payments are thirty days in arrears;

(c) Within fifteen days after service of the notice, the Obligor either fails to pay all past due payments or to move the Court, Minnesota Statutes, Section 518.64, to modify the order respecting the amount of child support and/or spousal maintenance and, ex parte, to stay service of withholding on the employer or other payor of funds until the motion to modify is heard; and

(d) Not sooner than fifteen days after service of written notice in paragraph (b) on the Obligor, \_\_\_\_\_ or the Obligee serves a copy of its determination of a thirty-day delinquency and a copy of the Court's withholding order on the employer or other payor of funds, who will then be obligated to withhold payments from income and forward the amount withheld to \_\_\_\_\_.

3. (THAT) The parties and the employer or other payor of funds are further notified that NO EMPLOYER MAY DISCHARGE, SUSPEND, OR OTHERWISE PENALIZE OR DISCIPLINE AN EMPLOYEE BECAUSE THE EMPLOYER MUST WITHHOLD SUPPORT OR MAINTENANCE MONEY. Minnesota Statutes, (SECTIONS 256.873 AND 518.611, SUBDIVISION 4. A VIOLATION OF THIS PROVISION IS A MISDEMEANOR. MINNESOTA STATUTES,) section (256.-878) 518.611.

4. (THAT, IN THE EVENT) If the Obligee (PERFORMS SERVICE ON) serves the employer or other payor of funds under paragraph 2(d), the Obligee shall also serve the determination and order (SHALL ALSO BE SERVED) on , together with an application to use collection services.

5. (THAT) Service of this Order shall be

Sec. 25. Minnesota Statutes 1982, section 518B.01, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms shall have the meanings given them:

(a) "Domestic abuse" means: (i) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; or (ii) criminal sexual conduct, within the meaning of sections 609.342, 609.343, 609.344, or 609.345, committed against a minor family or household member by an adult family or household member;

(b) "Family or household members" means spouses, parents and children, persons related by consanguinity, persons who have a child in common regardless of whether they have been married or have lived together at any time, and persons jointly residing in the same dwelling unit.

Sec. 26. Minnesota Statutes 1982, section 518B.01, subdivision 6, is amended to read:

Subd. 6. [RELIEF BY THE COURT.] Upon notice and hearing, the court may provide relief as follows:

(a) Restrain any party from committing acts of domestic abuse;

(b) Exclude the abusing party from the dwelling which the parties share or from the residence of the petitioner;

(c) On the same basis as is provided in chapter 518, award temporary custody or establish temporary visitation with regard to minor children of the parties;

(d) On the same basis as is provided in chapter 518, establish temporary support for minor children or a spouse, *and order the withholding of support from the income of the person obligated to pay the support according to chapter 518*;

(e) Provide counseling or other social services for the parties, if married, or if there are minor children;

(f) Order the abusing party to participate in treatment or counseling services;

(g) Order, in its discretion, other relief as it deems necessary for the protection of a family or household member, including orders or directives to the sheriff or constable, as provided by this section.

Any relief granted by the order for protection shall be for a fixed period not to exceed one year.

Sec. 27. Minnesota Statutes 1982, section 518C.17, subdivision 1, is amended to read:

Subdivision 1. [ISSUANCE OF ORDER.] If the responding court finds a duty of support, it may order the obligor to furnish support or reimbursement therefor and subject the property of the obligor to the order. Support orders made under sections 518C.01 to 518C.36 shall require that payments be made as the responding court directs *and the responding court shall order support payments under chapter 518*. The court and the prosecuting attorney of a county in which the obligor is present or has property have the same powers and duties to enforce the order as have those of the county in which it was first issued. If enforcement is impossible, or cannot be completed in the county in which the order was issued, the prosecuting attorney shall send a certified copy of the order to the prosecuting attorney of a county in which it appears that the proceedings to enforce the order would be effective. The prosecuting attorney to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order.

Sec. 28. Minnesota Statutes 1982, section 518C.33, subdivision 1, is amended to read:

Subdivision 1. [OBLIGEE AND OBLIGOR (IN DIFFERENT COUNTIES) BOTH IN THIS STATE.] Sections 518C.01 to 518C.36 apply if both the obligee and the obligor are in this state (BUT IN DIFFERENT COUNTIES).

Sec. 29. Minnesota Statutes 1932, section 548.09, is amended to read:

548.09 [LIEN OF JUDGMENT.]

*Subdivision 1. [DOCKETING; SURVIVAL OF JUDGMENT.]* Every judgment requiring the payment of money, including a judgment or decree of dissolution or separate maintenance, a determination of parentage, an order under the reciprocal enforcement of support act, or an order under section 256.87, any of which provide for installment or periodic payments of child support, spousal maintenance, or both, shall be docketed by the clerk upon (THE) its entry (THEREOF, AND,). Upon a transcript of (SUCH) the docket being filed with the clerk in any other county, (SUCH) the clerk shall also docket (THE SAME) it. From the time of (SUCH) docketing the judgment (SHALL BE) is a lien, (TO) in the amount unpaid (THEREON), upon all real property in the county then or thereafter owned by the judgment debtor. (SUCH) The judgment (SHALL SURVIVE) survives, and the lien (THEREOF CONTINUE) continues, for (THE PERIOD OF) ten years (NEXT) after its entry (, AND NO LONGER).

*Subd. 2. [JUDGMENT CREDITOR'S AFFIDAVIT.]* No judgment, except for taxes, shall be docketed until the judgment creditor, or his agent or attorney, (SHALL HAVE) has filed with the clerk an affidavit, stating the full name, occupation, place of residence, and post office address of the judgment debtor, to the best of affiant's information and belief (; AND,). If (SUCH) the residence (BE) is within an incorporated place having more than 5,000 inhabitants, the street number of both his place of residence and place of business, if he (HAVE) has one, shall be stated.

*Subd. 3. [VIOLATIONS BY CLERK.]* If the clerk (SHALL VIOLATE) violates this provision, neither the judgment nor the docketing (THEREOF SHALL BE) is invalid (, BUT HE SHALL BE LIABLE TO ANY PERSON DAMAGED THEREBY IN THE SUM OF \$5).

Sec. 30. [543.20] [PERSONAL JURISDICTION IN SUPPORT ENFORCEMENT CASES AND PATERNITY SUITS.]

*Subdivision 1. [SERVICE.]* In addition to the methods of service of process provided in the rules of civil procedure, service of a summons, an order to show cause, or an order or judgment within this state may also be made upon an individual by delivering a copy to him or her personally at his or her place of employment. The employer shall make the individual available for the purpose of delivering a copy. No employer shall deny a process server admittance to the employer's premises for the purpose of making service under this section.



*No service shall be allowed under this section unless such service is made personally on the individual.*

*Subd. 2. [APPLICABILITY.] Service at a place of employment applies only to: (a) summons in an action for dissolution, amendment, legal separation, or under the parentage act and under section 256.87; (b) orders to show cause under both section 256.87 and the revised uniform reciprocal enforcement of support act as well as for contempt of court for failure to pay child support; (c) petitions under the domestic abuse act; and (d) motions, orders and judgments for the payment of child support when the court orders personal service.*

*Subd. 3. [RETRALIATION PROHIBITED.] An employer shall not discharge or otherwise discipline an employee as a result of service under this section.*

**Sec. 31. [REPEALER.]**

*Minnesota Statutes 1982, sections 256.87, subdivision 2; 256.872; 256.873; 256.876; and 518.551, subdivisions 2, 3, and 4 are repealed.*

**Sec. 32. [EFFECTIVE DATE.]**

*Sections 15, 16, and 23 are effective August 1, 1983. The rest of this act is effective the day following final enactment."*

Delete the title and insert:

*"A bill for an act relating to welfare; changing laws relating to child support enforcement; providing for determination of paternity; providing for determination and modification of child support; amending Minnesota Statutes 1982, sections 256.74, by adding a subdivision; 256.87; 257.55, subdivision 1; 257.58; 257.59, subdivision 1; 257.60; 257.64, subdivision 1; 257.66, subdivisions 3 and 4; 257.69, subdivision 2; 518.10; 518.17, by adding a subdivision; 518.551, subdivisions 1, 5, and 6, and by adding subdivisions; 518.611; 518.64, subdivisions 2 and 5, and by adding a subdivision; 518.645; 518B.01, subdivisions 2 and 6; 518C.17, subdivision 1; 518C.33, subdivision 1; and 548.09; proposing new law coded in Minnesota Statutes, chapters 257, 518, and 543; repealing Minnesota Statutes 1982, sections 256.87, subdivision 2; 256.872; 256.873; 256.876; and 518.551, subdivisions 2, 3, and 4."*

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

The report was adopted.

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

H. F. No. 779, A bill for an act relating to liquor; authorizing the city of Roseau to issue one on-sale license to an Eagles Club.

Reported the same back with the following amendments:

Page 1, line 7, delete everything after "Notwithstanding"

Page 1, line 8, delete everything through "or"

Page 1, line 9, after "one" insert "club"

Page 1, line 10, delete "located"

Page 1, line 10, delete "shall be" and insert "is"

Page 1, line 13, delete "shall"

Page 1, after line 13, insert:

"Sec. 2. [KARLSTAD ON-SALE LICENSE.]

*Notwithstanding any law to the contrary, the city of Karlstad may issue one club on-sale intoxicating liquor license to an Eagles Club within the city. The fee is that required by section 340.11, subdivision 11, and all other provisions of chapter 340 not inconsistent with this section apply to the license."*

Page 1, line 14, delete "2" and insert "3"

Page 1, after line 16, insert "Section 2 is effective upon approval by the Karlstad city council and compliance with Minnesota Statutes, section 645.021."

Amend the title:

Page 1, line 2, delete "city" and insert "cities"

Page 1, line 2, after "Roseau" insert "and Karlstad"

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

The report was adopted.

Voss from the Committee on Energy to which was referred:

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

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

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

*Subd. 29. To contract to purchase by installment payments capital or other equipment or services intended to improve the energy efficiency of a state building or facility provided that:*

(a) *the term of the contract does not exceed five years;*

(b) *the contract for purchase is based on a competitive basis;*  
*and*

(c) *the state may unilaterally cancel the agreement if the legislature fails to appropriate funds to continue the contract.*

Sec. 2. [116J.371] [SURVEY OF STEAM TRAPS.]

*The commissioner shall survey the steam traps in 100 state-owned buildings, to be selected by the commissioner of administration or his or her designee. The purpose of the survey is to assess the energy efficiency of current steam traps and to recommend repair or replacement of faulty steam traps.*

Sec. 3. [116J.372] [ENERGY MANAGEMENT TRAINING PROGRAM.]

*The commissioner shall establish a program to train state building operators in efficient energy management of state buildings. The commissioner shall document the energy savings from this program and make it available for use in other program areas, such as in local government buildings. To the maximum reasonable extent the commissioner shall make available to the private sector energy saving results, training techniques and program teaching materials developed during the energy management training program.*

Sec. 4. [116J.38] [BUILDING ENERGY RESEARCH CENTER.]

*Subdivision 1. [ENERGY IMPROVEMENT GOALS.] To improve the energy efficiency of buildings, the commissioner shall administer a building energy research center that shall be a cooperative effort among the department of energy, planning and development or its successor agency, the university of Minnesota, area vocational technical institutes, and certain associations and businesses from the private sector. The center's goal is to become a nationally recognized center for building research.*

*Subd. 2. [PURPOSE.] The purpose of the building energy research center is to:*

- (a) conduct studies of actual Minnesota building experience;*
- (b) disseminate information acquired relating to building energy efficiency;*
- (c) conduct continuing education courses;*
- (d) provide limited energy and design consultation services for innovative projects;*
- (e) coordinate and stimulate research efforts; and*
- (f) seek private sector pledges to match the appropriation for this program as provided in section 19.*

*Subd. 3. [SUPERINSULATED HOME DEMONSTRATION PROJECT.] The superinsulated home demonstration project funded under Laws 1981, chapter 356, section 30 shall be continued under the direction of the commissioner and the center to monitor and document new projects and projects in progress. The project shall:*

- (a) work with the financial community to bring energy cost and savings into mortgage underwriting standards; and*
- (b) develop a definition of superinsulation for use by financial institutions.*

*Sec. 5. Minnesota Statutes 1982, section 116J.27, subdivision 2, is amended to read:*

*Subd. 2. For the purposes of subdivisions 3 to 7, the following terms shall have the meanings given them.*

- (a) "Residence" means any dwelling for habitation either seasonally, meaning all or a portion of the months of December through March, or permanently by one or more persons. A residence (MAY BE OWNED OR RENTED AND) may be part of*

a multi-dwelling or multi-purpose building, but shall not include buildings such as hotels, hospitals, motels, dormitories, sanitariums, nursing homes, schools and other buildings used for educational purposes, or correctional institutions. A manufactured home as defined in section 168.011, subdivision 8, shall be a residence for purposes of this section.

(b) ("TIME OF SALE" MEANS THE TIME WHEN A WRITTEN PURCHASE AGREEMENT IS EXECUTED BY THE BUYER, OR, IN THE ABSENCE OF A PURCHASE AGREEMENT, AT THE TIME OF THE EXECUTION OF ANY DOCUMENT PROVIDING FOR THE CONVEYANCE OF A RESIDENCE.)

((C) "ENERGY DISCLOSURE REPORT" MEANS THE WRITTEN AND SIGNED EVALUATION BY A PERSON CERTIFIED PURSUANT TO SUBDIVISION 6 MADE ON AN APPROVED FORM, REPRESENTING TO THE ACTUAL BUYER OF THE RESIDENCE EVALUATED THAT THE EVALUATOR HAS USED REASONABLE CARE AND DILIGENCE. FOR PURPOSES OF SUBDIVISIONS 5 AND 7, A RESIDENTIAL ENERGY AUDIT MEETING THE AUDIT STANDARDS OF 42 U.S.C. 8211 ET SEQ. MAY BE SUBSTITUTED FOR AN ENERGY DISCLOSURE REPORT.)

((D)) "Applicable energy efficiency standards" means those standards established under subdivision 1 which are not shown to be economically infeasible for the building in question.

Sec. 6. Minnesota Statutes 1982, section 116J.27, subdivision 6, is amended to read:

Subd. 6. [BUILDING EVALUATORS.] The commissioner shall certify evaluators in each county of the state who are qualified to determine the compliance of a residence with applicable energy (DISCLOSURE REQUIREMENTS) *efficiency standards*. The commissioner shall, by rule pursuant to chapter 14, adopt standards for the certification and performance of evaluators and set a fee for the certification of evaluators which is sufficient to cover the ongoing costs of the program once it is established. The commissioner shall encourage the certification of existing groups of trained municipal personnel and qualified individuals from community-based organizations and public service organizations. Each certified evaluator shall, on request of the owner, inspect any residence and report the degree to which it complies with applicable energy (DISCLOSURE REQUIREMENTS) *efficiency standards established pursuant to subdivision 3*. The inspections shall be made within 30 days of the request. After July 1, 1981, evaluators (FOR THE HOME ENERGY DISCLOSURE PROGRAM) shall be certified only if they also meet all requirements for conducting residential energy audits pursuant to 42 U.S.C. 8211 et seq. (ANY PERSON CERTIFIED AS A BUILDING EVALUATOR PRIOR TO

JULY 1, 1981, SHALL, BY JANUARY 1, 1982, MEET THE UPGRADED CERTIFICATION STANDARDS IN EFFECT AFTER JULY 1, 1981.) The commissioner shall enter into an agreement with the department of education for the provision of evaluator training through the area vocational technical institutes. The commissioner may contract with the area vocational technical institutes to reduce the training costs to the students. The commissioner may eliminate the examination fee for persons seeking upgraded certificates. The commissioner may also establish requirements for continuing education, periodic recertification, and revocation of certification for evaluators.

Sec. 7. Minnesota Statutes 1982, section 116J.27, is amended by adding a subdivision to read:

*Subd. 9. The commissioner shall develop and implement a voluntary home energy rating system for the purpose of providing the buyer of a home with information indicating the predicted energy performance of the dwelling. Development of the rating system shall incorporate the comments and opinions of relevant private sector interests. The system shall be available for use by January 1, 1985.*

Sec. 8. Minnesota Statutes 1982, section 116J.31, is amended to read:

#### 116J.31 [ENERGY AUDITS.]

The commissioner, in cooperation with the director of consumer services, shall develop (THE) and administer state (PLAN FOR THE PROGRAM) programs of energy audits of residential and commercial buildings including those required by 42 United States Code, Section 8211 et seq. and section 8281. The consumer services division and the attorney general are authorized to release information on consumer complaints about the operation of the program to the commissioner.

Sec. 9. Minnesota Statutes 1982, section 116J.24, is amended by adding a subdivision to read:

*Subd. 6. [OUTREACH FOR ENERGY AUDIT INTERPRETATION.] The commissioner shall establish a program to assist school officials in the understanding of energy audits performed on their schools. The program will also provide suggestions and assistance in the application for any state or federal grants or loans relating to energy conservation for which the school may be eligible.*

Sec. 10. Minnesota Statutes 1982, section 116J.36, is amended to read:

## 116J.36 [DISTRICT HEATING GRANTS AND LOANS.]

Subdivision 1. [POLICIES.] Developing and improving efficient and economical district heating systems is a public purpose for state and local financing and a proper function of state and local government. Climate and geography make a reliable, economic supply of energy essential for industrial, commercial, and residential heating. Imported supplies are increasingly costly, unreliable, and environmentally disadvantageous. District heating systems employing cogeneration techniques and innovative technology offer an important means of increasing the efficiency of Minnesota's energy systems and reducing the state's reliance on imported energy supplies. The combination of the large initial capital cost and investors' lack of familiarity with district heating has made the private market reluctant to provide the necessary capital for district heating projects. As a result, public leadership, cooperation, and aid are needed to demonstrate the feasibility of district heating systems by establishing economically viable municipal district heating systems as demonstration projects. Municipal district heating systems may be financed by loans from the state and from other sources available to municipalities.

## Subd. 2. [DEFINITIONS.] In this section:

(a) "Construction costs" means all costs associated with the construction, modification or expansion of a district heating system except for preliminary planning costs and detailed design costs. Construction costs include the cost of debt service from the time a construction loan is made until five years after the beginning of the operation of the district heating system constructed or the part of the system being modified or expanded.

(b) "District heating" means the use of a central energy conversion facility to produce hot water or steam for a district heating system. District heating facilities may also produce electricity in addition to hot water or steam.

(c) "Municipality" means any county, city, town, municipal power agency, or public utility, as defined in section 452.01, subdivision 3, owned and operated by a city, however organized or nonprofit corporation organized pursuant to the provisions of chapter 317 whose membership is limited to the mayor and governing body of the city in which the district heating system is located.

(d) "District heating system" means any existing or proposed facility for (1) the production, through cogeneration or otherwise, of hot water or steam to be used for district heating, or (2) the transmission and distribution of hot water or steam for district heating either directly to heating consumers or to another facility or facilities for transmission and distribution, or (3) any part or combination of the foregoing facilities.

Subd. 3. [ELIGIBILITY.] The commissioner of finance, upon request of the governor, may make loans to municipalities for the acquisition, construction, expansion, or modification of district heating systems. A loan shall be made only to a municipality that has demonstrated that:

(a) The municipality has the financial capability to sponsor the project;

(b) The project is technologically feasible;

(c) The district heating project will become a cogeneration facility or the project will utilize hot water or, if the project involves an existing district steam heating system, the project will become integrated with a hot water district heating system, or the project will allow the use of nonpetroleum fuels or will construct an efficient heat transmission system; and

(d) The municipality has made adequate provision to assure proper and efficient operation and maintenance of the project after construction is completed.

*Subd. 3a. [GRANT ELIGIBILITY.] The commissioner of energy, planning and development may provide planning grants to municipalities for planning related to the development of district heating systems. The municipality must demonstrate that a community heatload survey and map have been successfully completed, that potential district heating load is sufficiently large to justify further consideration, and that sufficient resources are available for the municipality to meet its financial requirements. Eligible planning grant costs include project definition, development of preliminary financing and distribution system plans, and obtaining commitment for detailed planning or design and preparation of a final report. The amount of a grant shall be limited to 50 percent of eligible planning costs and shall not exceed \$25,000.*

Subd. 4. [PRIORITIES.] The commissioner of energy, planning and development shall give higher priority to a project that does more to achieve the following goals:

(a) The district heating conversion facility employs cogeneration techniques;

(b) The facility uses renewable or nonpetroleum sources of energy;

(c) The district heating facility will save petroleum or natural gas;

(d) The operation of the district heating facility will not have an adverse impact on the environment;



(e) The district heating facility may readily be expanded to serve additional customers or to supply additional amounts of energy, and market demand for the energy exists;

(f) The project has obtained additional financing from the federal government, private sources, or other sources of capital; and

(g) Other goals the commissioner of energy, planning and development finds desirable for district heating systems.

Subd. 5. [APPLICATION.] Application for a loan to be made pursuant to subdivision 6 shall be made by a municipality to the commissioner of energy, planning and development on a form prescribed by the commissioner of energy, planning and development by rule. The commissioner of energy, planning and development shall review each application and determine:

- (a) Whether or not the project is eligible for a loan;
- (b) The priority of the project when ranked with all other eligible projects for which a loan application has been submitted;
- (c) The total estimated cost of the project;
- (d) The amount of the loan for which the project is eligible;
- (e) The terms upon which the loan would be made; and
- (f) The means by which the municipality proposes to finance the project, including:
  - (1) A loan authorized by state law; or
  - (2) A grant of money appropriated by state law; or
  - (3) A grant to the municipality by an agency of the federal government within the amount of money then appropriated to that agency and allocated by it to projects within the state; or
  - (4) The appropriation of proceeds of bonds or other money of the municipality to an account for the construction of the project; or
  - (5) User charges, franchise fees, special assessments or taxes; or
  - (6) Any or all of the means referred to in clauses (1) to (5).

Subd. 6. [LOANS.] Upon the recommendation of the governor pursuant to subdivision 8, the commissioner of finance shall make loans to municipalities on the following terms:

(a) In the case of loans for design costs, the maximum amount of the loan shall be limited by the provisions of this clause. For cities of the first class, the amount of the loan shall not exceed 40 percent of the design costs. For cities of the second, third and fourth class, the amount of the loan shall not exceed 90 percent of the design costs;

(b) In the case for loans for construction costs, a municipality must demonstrate that all design activities have been completed; that the project is economically and technologically feasible; that the district heating system will be constructed, and that it has made adequate provisions to assure proper and efficient operation and maintenance of the project. For cities of the first class, the amount of the loan shall be up to 50 percent of the construction costs. For cities of the second class, the amount of the loan shall be up to 80 percent of the construction costs. For cities of the third or fourth class, the amount of the loan shall be up to 90 percent of the construction costs.

(c) A loan made pursuant to this section is repayable over a period of 20 years, with interest payments beginning the first year. Interest shall accrue from the date of the loan at a rate of interest assigned at the date of loan commitment. Principal payments shall begin in the sixth year after the receipt of the loan on a 25 year level payment schedule with the balance of the principal to be retired with the payment due 20 years after receipt of the loan.

Subd. 7. [MODERN STEAM SYSTEMS.] (a) A municipality which has operating within its boundaries a modern steam district heating system owned by a district heating utility may apply for a loan or grant under this section even though the district heating project for which the loan or grant application is made may be planned, constructed, or owned by a district heating utility. The loan or grant application shall be treated in the same manner as loan or grant applications for district heating projects where the projects are to be planned, constructed, or owned by a municipality.

All or a portion of the proceeds of a loan made to a municipality described in this subdivision may be used to make loans to a district heating utility to provide financial assistance for the planning, modification, expansion or construction of a district heating project. Prior to making the loan to the district heating utility, the municipality shall:

(1) Adopt a district heating plan which identifies the areas of the city to be served by district heating; a time schedule indi-

cating when service would be available in different areas of the city and the type of service to be offered; and

(2) Enter into a written agreement with the district heating utility which includes a requirement that the district heating utility restrict expansion of its existing steam system within its current geographic boundaries as determined by the municipality and develop a hot water system on a specific time schedule.

(b) The powers, authority and obligations granted to a municipality under this subdivision are supplemental to the powers, authority and obligations granted all municipalities under this section.

(c) As used in this subdivision, "modern steam district heating system" means a steam district heating system with condensate return built after 1970 and before May 30, 1981. "District heating utility" means any person, corporation, or other legal entity which owns or operates or plans to own or operate a district heating system. "District heating project" means a new district heating system, or the expansion or modification of the existing modern steam district heating system.

Subd. 8. [LOAN APPROVAL.] The commissioner of energy, planning and development shall prepare and submit to the legislative advisory commission a list of district heating loan requests. The list shall contain the supporting information required by subdivisions 3, 4, 5, 6, and 7. The recommendation of the legislative advisory commission shall be transmitted to the governor. The governor shall approve or disapprove, or return for further consideration, each project recommended for approval by the legislative advisory commission. Loans may be disbursed only upon approval by the governor.

Subd. 9. [PAYMENT; OBLIGATION.] The commissioner of finance shall not pay money to a municipality pursuant to an approved loan until he has determined that:

(a) Financing of the project as proposed by the municipality is assured by an irrevocable undertaking, by resolution of the governing body of the municipality, to use all money made available by the financing plan exclusively for the eligible costs of the project, and to pay any additional amount by which the cost of the project exceeds the estimate by the appropriation to the construction account of additional municipal money or the proceeds of additional bonds to be issued by the municipality; and that

(b) The governing body of the municipality has adopted a resolution obligating the municipality to repay the loan according to the terms in the loan. The obligation may be payable from user charges, franchise fees, special assessments or other money available to the municipality. The resolution shall obligate the

municipality to annually impose and collect user charges, franchise fees, special assessments, or to use any other money available to it from any other specified source, in amounts and at times that if collected in full will annually produce at least five percent in excess of the amount needed for all annual costs of the system, including annual repayment on state loans. A municipality may also pledge to levy an ad valorem tax to guarantee the payments under the loan agreement. For the purpose of repaying the loan, the municipality by resolution of its governing body may fix the rates and charges for district heating system service and products may enter into contracts for the payment by others of costs of construction, maintenance, and use of the project in accordance with section 444.075 and may pledge the revenues derived therefrom. The commissioner of finance shall condition a loan upon the establishment of rates and charges or the execution of contracts sufficient to produce annually the revenues pledged for repayment of all annual costs of the system, including annual repayment of the state loan.

Subd. 10. [RECEIPTS.] All principal and interest payments received by the commissioner of finance 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 purposes of that account.

Subd. 11. [RULES.] The commissioner of energy, planning and development shall adopt rules necessary to carry out this section. The commissioner of energy, planning and development shall adopt temporary rules pursuant to sections 14.29 to 14.36, meeting the requirements of this section. The rules shall contain as a minimum:

- (a) Procedures for application by municipalities; and
- (b) Criteria for reviewing grant and loan applications.

Sec. 11. Minnesota Statutes 1982, section 156A.02, subdivision 6, is amended to read:

Subd. 6. For the purposes of sections 156A.02 to 156A.10 "groundwater thermal exchange device" means any (SPACE) heating or cooling device, the operation of which is dependent upon extraction and reinjection of groundwaters from an independent aquifer. Thermal exchange devices licensed under this chapter shall be sealed against the introduction of any foreign substance into the system, but shall be so constructed as to permit periodic inspection of water quality and temperature.

Sec. 12. Minnesota Statutes 1982, section 156A.10, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding any department or agency rule to the contrary, the department of health shall issue, upon request and submission of a \$50 fee, permits for the reinjection of water by a properly constructed well into the same aquifer from which the water was drawn (EXCLUSIVELY) for the operation of a groundwater thermal exchange device. Withdrawal and reinjection shall be accomplished by means of a closed system in which the waters drawn for thermal exchange shall have no contact or commingling with water from other sources or with any polluting material or substances and so constructed as to allow opening for inspection by the department. *Wells that are part of a groundwater thermal exchange system shall serve no other function, except that water may be supplied to the domestic water system if the supply is taken off the thermal exchange system ahead of the heat exchange unit, and if the water discharges to a break tank through an air gap which is at least twice the effective diameter of the water outlet from the tank. A groundwater thermal exchange system may be used for domestic water heating only if the water heating device is an integral part of the heat exchange unit that is used for space heating and cooling.* As a condition of the permit, an applicant shall agree to allow inspection by the department during regular working hours for department inspectors. A maximum of 200 permits shall be issued for small systems having maximum capacities of 20 gallons per minute or less, which shall be subject to inspection twice annually. A maximum of ten permits shall be issued for larger systems having maximum capacities from 20 to 50 gallons per minute, which shall be subject to inspection four times per year. The department may by rule provide for administration of this section.

Sec. 13. Minnesota Statutes 1982, section 216B.164, subdivision 2, is amended to read:

Subd. 2. [APPLICABILITY.] This section as well as any rules promulgated by the commission (PURSUANT) to *implement this section or the public utility regulatory policies act of 1978, Pub.L. 95-617, 92 Stat. 3117, and the federal energy regulatory commission regulations thereunder; 18 C.F.R. Part 292,* shall apply to all Minnesota electric utilities, including cooperative electric associations and municipal electric utilities (**THAT BECOME INTERCONNECTED WITH ANY QUALIFYING FACILITY AS DEFINED IN 18 C.F.R. SECTION 292.101(B) (1).** *Notwithstanding any other provision contained in this chapter to the contrary, for the purposes of this section the terms "utility" and "electric utility" shall include municipal utilities and cooperative electric associations as well as public utilities as defined in section 216B.02, subdivision 4.*

Sec. 14. Minnesota Statutes 1982, section 216B.164, subdivision 5, is amended to read:

Subd. 5. [DISPUTES.] In the event of disputes between an electric utility and a qualifying facility, either party may request a determination of the issue by the commission. In any such determination, the burden of proof shall be on the utility, *except as otherwise expressly provided in this section. The commission in its order resolving each such dispute shall require payments to the prevailing party of the prevailing party's costs, disbursements and reasonable attorneys' fees, except that the qualifying facility will be required to pay such costs, disbursements and attorneys' fees of the utility only if the commission finds that the claims of the qualifying facility in the dispute have been made in bad faith, or are a sham, or frivolous.*

Sec. 15. Minnesota Statutes 1982, section 216B.164, is amended by adding a subdivision to read:

Subd. 9. [MUNICIPAL ELECTRIC UTILITIES.] *As this section applies to municipal electric utilities in this section only, commission shall mean the governing body of each municipal electric utility that adopts and has in effect rules implementing this section, which are consistent with the rules of the Minnesota public utilities commission adopted pursuant to subdivision 6, except for subdivisions 5 and 7 in which case commission shall mean the Minnesota public utilities commission. As used in this subdivision, the governing body of a municipal electric utility means the city council, or, if another board, commission, or body is empowered by law or its charter or by resolution of the city council to establish and regulate rates and charges for the distribution of electric energy within the service area of the city, such board, commission, or body shall be deemed to be the governing body.*

Sec. 16. [216B.242] [INVERTED RATES.]

*The commission shall initiate a demonstration program on the conservation effects of inverted rates on the residential customers of natural gas utilities. The commission shall order at least one public gas utility to implement inverted rates for its residential customers for a period of two years, and to monitor the effects of these rates on gas consumption, and on costs to residential customers. The inverted rate rules and monitoring plans shall be prepared in consultation with, and with the approval of, the energy division of the Minnesota department of energy, planning and development or its successor. The commission shall report its findings and recommendations regarding the demonstration program to the governor and the legislature not later than January 1, 1986.*

Sec. 17. Minnesota Statutes 1982, section 216B.38, is amended to read:

216B.38 [DEFINITIONS.]

Subdivision 1. For the purpose of (SECTIONS) section 216B.37 to (216B.44) section 22 only, the following (DEFINITIONS SHALL APPLY) terms have the meanings given them in this section.

Subd. 1a. [PERSON.] "Person" means a natural person, a partnership, a private corporation, a public corporation, a municipality, an association, a cooperative whether incorporated or not, a joint stock association, a business trust, (ANY) a political subdivision or agency, or two or more persons having a joint or common interest.

Subd. 2. [CUSTOMER.] "Customer" means a person contracting for or purchasing electric service at retail from an electric utility.

Subd. 3. [ELECTRIC SERVICE.] "Electric service" means electric service furnished to a customer at retail for ultimate consumption, but does not include wholesale electric energy furnished by an electric utility to another electric utility for resale.

Subd. 4. [ELECTRIC LINE.] "Electric line" means lines for conducting electric energy at a design voltage of 25,000 volts phase to phase or less used for distributing electric energy directly to customers at retail.

Subd. 5. [ELECTRIC UTILITY.] "Electric utility" means persons, their lessees, trustees, and receivers, separately or jointly, now or hereafter operating, maintaining, or controlling in Minnesota equipment or facilities or providing electric service at retail and which fall within the definition of "public utility" in section 216B.02, subdivision 4, (AND INCLUDES FACILITIES OWNED BY) except that the term includes a municipality (OR BY) and a cooperative electric association and property owned by them.

Subd. 6. [ASSIGNED SERVICE AREA.] "Assigned service area" means the geographical area in which the boundaries are established as provided in section 216B.39.

Subd. 7. [MUNICIPALITY.] "Municipality" means any city, however organized.

Subd. 8. [NET INCOME.] "Net income" means:

(a) the systemwide average annual electric utility net income determined from the uniform system of accounts required to be maintained by the federal energy regulatory commission or any other federal agency having jurisdiction; or

(b) in the case of a cooperative electric association, its systemwide average annual net operating margin.

In both cases, the average annual amount is computed from the five most recently completed fiscal years of the electric utility.

**Subd. 9. [NET FACILITIES VALUE.]** "Net facilities value" means the actual, original cost of the electric utility property taken by the municipality, less accumulated depreciation as determined from the books and records of the utility.

**Subd. 10. [PRESENT VALUE.]** "Present value" means the worth of the payments provided for in section 22, subdivision 3, on the date of notice provided for in section 216B.46, subdivision 2, discounted for present payment at an annual rate (a) equal to the return on common stock allowed in the most recent final rate determination made by the commission for the electric utility, or (b) if the electric utility is not subject to rate approval by the commission, equal to the electric utility's marginal cost of borrowed capital.

**Subd. 11. [SYSTEMWIDE NET PLANT VALUE.]** "Systemwide net plant value" means the value of the electric utility's total net electric utility plant as determined from the books and records of the electric utility.

**Sec. 18.** Minnesota Statutes 1982, section 216B.44, is amended to read:

**216B.44 [MUNICIPAL SERVICE TERRITORY EXTENSIONS (IN ANNEXED AREAS; MUNICIPAL PURCHASE).]**

**Subdivision 1. [EXTENSIONS.]** Notwithstanding the provisions of sections 216B.38 to 216B.42, whenever a municipality which owns and operates an electric utility (a) extends its corporate boundaries through annexation or consolidation, or (b) determines to extend its service territory within its existing corporate boundaries, the municipality shall thereafter furnish electric service to (THE ANNEXED AREA) these areas unless the area is already receiving electric service from an electric utility, in which event, the (ANNEXING) municipality may purchase the facilities of the electric utility serving the (ANNEXED) area. The municipality acquiring the facilities shall pay to the utility formerly serving the (ANNEXED) area the (APPROPRIATE) value of its properties within the area (WHICH PAYMENT MAY BE BY EXCHANGE OF OTHER ELECTRIC UTILITY PROPERTY OUTSIDE THE MUNICIPALITY ON AN APPROPRIATE BASIS GIVING DUE CONSIDERATION TO REVENUE FROM AND VALUE OF THE RESPECTIVE PROPERTIES. IN THE EVENT THE MUNICIPALITY AND THE ELECTRIC UTILITY INVOLVED ARE UNABLE TO



AGREE AS TO THE TERMS OF THE PAYMENT OR EXCHANGE, THE MUNICIPALITY OR THE ELECTRIC UTILITY MAY FILE AN APPLICATION WITH THE COMMISSION REQUESTING THAT THE COMMISSION DETERMINE THE APPROPRIATE TERMS FOR THE EXCHANGE OR SALE. AFTER NOTICE AND HEARING, THE COMMISSION SHALL DETERMINE APPROPRIATE TERMS FOR AN EXCHANGE, OR IN THE EVENT NO APPROPRIATE PROPERTIES CAN BE EXCHANGED, THE COMMISSION SHALL FIX AND DETERMINE THE APPROPRIATE VALUE OF THE PROPERTY WITHIN THE ANNEXED AREA, AND THE TRANSFER SHALL BE MADE AS DIRECTED BY THE COMMISSION. IN MAKING THAT DETERMINATION THE COMMISSION SHALL CONSIDER THE ORIGINAL COST OF THE PROPERTY, LESS DEPRECIATION, LOSS OF REVENUE TO THE UTILITY FORMERLY SERVING THE AREA, EXPENSES RESULTING FROM INTEGRATION OF FACILITIES, AND OTHER APPROPRIATE FACTORS. UNTIL THE DETERMINATION BY THE COMMISSION, THE FACILITIES SHALL REMAIN IN PLACE AND SERVICE TO THE PUBLIC SHALL BE MAINTAINED BY THE OWNER. HOWEVER, THE ELECTRIC UTILITY BEING DISPLACED, SERVING THE ANNEXED AREA, SHALL NOT EXTEND SERVICE TO ANY ADDITIONAL POINTS OF DELIVERY WITHIN THE ANNEXED AREA IF THE COMMISSION, AFTER NOTICE AND HEARING, WITH DUE CONSIDERATION OF ANY UNNECESSARY DUPLICATION OF FACILITIES, SHALL DETERMINE THAT THE EXTENSION IS NOT IN THE PUBLIC INTEREST.)

(WHEN PROPERTY OF A PUBLIC UTILITY LOCATED WITHIN AN AREA ANNEXED TO A MUNICIPALITY WHICH OWNS AND OPERATES A PUBLIC UTILITY IS PROPOSED TO BE ACQUIRED BY THE MUNICIPALITY, RATIFICATION BY THE ELECTORS IS NOT REQUIRED) *as provided in section 22.*

*Subd. 2. [EXCHANGE OF PROPERTY.] The municipality may pay for the acquired property by the exchange of other electric utility property owned by the municipality outside of its corporate boundaries giving due consideration to the value of that property as provided in section 22.*

Sec. 19. Minnesota Statutes 1982, section 216B.45, is amended to read:

216B.45 [MUNICIPAL PURCHASE OF PUBLIC UTILITY.]

(ANY PUBLIC) *An electric utility operating in a municipality under a license, permit, right, claim of right, municipal suf-*

*ference, or franchise (SHALL BE) is deemed to have consented to the purchase by the municipality, for just compensation, of its property operated in the municipality under (SUCH) the license, permit, right, claim of right, municipal sufferance, or franchise. The municipality, subject to the provisions of (LAWS 1974, CHAPTER 429) section 216B.44 to section 22, may purchase the property upon notice to the (PUBLIC) electric utility as (HEREIN) provided in section 216B.46, and upon payment to the utility of the value of its properties within the area as provided in section 22 and without regard to the terms and conditions of section 300.05. (WHENEVER THE COMMISSION IS NOTIFIED BY THE MUNICIPALITY OR THE PUBLIC UTILITY AFFECTED THAT THE MUNICIPALITY HAS, PURSUANT TO LAW, DETERMINED TO PURCHASE THE PROPERTY OF THE PUBLIC UTILITY, AND THAT THE PARTIES TO THE PURCHASE AND SALE HAVE BEEN UNABLE TO AGREE ON THE AMOUNT TO BE PAID AND RECEIVED THEREFOR, THE COMMISSION SHALL SET A TIME AND PLACE FOR A PUBLIC HEARING, AFTER NOT LESS THAN 30 DAYS NOTICE TO THE PARTIES, UPON THE MATTER OF JUST COMPENSATION OR THE MATTER OF THE PROPERTY TO BE PURCHASED. WITHIN A REASONABLE TIME THE COMMISSION SHALL, BY ORDER, DETERMINE THE JUST COMPENSATION FOR THE PROPERTY TO BE PURCHASED BY THE MUNICIPALITY. IN DETERMINING JUST COMPENSATION, THE COMMISSION SHALL CONSIDER THE ORIGINAL COST OF THE PROPERTY LESS DEPRECIATION, LOSS OF REVENUE TO THE UTILITY, EXPENSES RESULTING FROM INTEGRATION OF FACILITIES AND OTHER APPROPRIATE FACTORS. THE ORDER OF THE COMMISSION MAY BE REVIEWED AS PROVIDED IN SECTION 216B.52. COMMISSION EXPENSES ARISING OUT OF THE EXERCISE OF ITS JURISDICTION UNDER THIS SECTION SHALL BE ASSESSED TO THE MUNICIPALITY. FOR PURPOSES OF THIS SECTION, A PUBLIC UTILITY SHALL INCLUDE A COOPERATIVE ELECTRIC ASSOCIATION.)*

Sec. 20. Minnesota Statutes 1982, section 216B.46, is amended to read:

**216B.46 [(MUNICIPAL PROCEDURE) PROCEDURES; NOTICE; ELECTION.]**

*Subdivision 1. [COMMISSION PROCEDURE.] In the event a municipality and an electric utility involved in the acquisition of property under section 216B.44 to section 22 are unable to agree as to the terms of the payment, the municipality or the electric utility may file an application with the commission requesting that the commission determine the appropriate terms for the sale. The commission shall set a time and place for a public hearing after not less than 30 days notice to the parties. The commission shall fix and determine the price to be paid for*

*the property within the annexed area as provided in section 22. If the municipality determines to make payment by the exchange of property, the commission shall determine the value of the municipality's property also as provided in section 22 and further direct the terms and conditions of the transfer. Until the determination by the commission, the facilities shall remain in place and service to the public shall be maintained by the owner. However, the electric utility being displaced shall not extend service to additional points of delivery within the service territory assumed by the municipality unless the commission, after notice and hearing, with due consideration of unnecessary duplication of facilities and increased expense to consumers, determines that the extension is in the public interest. The order of the commission may be reviewed as provided in section 216B.52.*

*Subd. 2. [MUNICIPAL PROCEDURE.] (ANY) A municipality which desires to acquire the property of (A PUBLIC) an electric utility as authorized under (THE PROVISIONS OF) section (216B.45) 216B.44 to section 22 may determine to do so by resolution of the governing body of the municipality taken after a public hearing of which at least 30 days published notice (SHALL) must be given as determined by the governing body. If the municipality owns and operates a public utility at the time notice is given to acquire the property of the electric utility, ratification by the electors is not required. If the municipality does not then own and operate a public utility, the determination (SHALL BECOME) of the governing body of the municipality becomes effective when ratified by a majority of the qualified electors voting on the question at a special election (TO BE) held for that purpose, not less than 60 nor more than 120 days after the adoption of the resolution of the governing body of the municipality.*

Sec. 21. Minnesota Statutes 1982, section 216B.47, is amended to read:

**216B.47 [ACQUISITION BY EMINENT DOMAIN.]**

*Nothing in (LAWS 1974, CHAPTER 429 SHALL BE CONSTRUED TO PRECLUDE) this chapter or any other provision of Minnesota Statutes or municipal charter precludes a municipality from acquiring the property of (A PUBLIC) an electric utility by eminent domain proceedings; provided that damages to be paid in eminent domain proceedings (SHALL INCLUDE THE ORIGINAL COST OF THE PROPERTY LESS DEPRECIATION, LOSS OF REVENUE TO THE UTILITY, EXPENSES RESULTING FROM INTEGRATION OF FACILITIES, AND OTHER APPROPRIATE FACTORS. FOR PURPOSES OF THIS SECTION, A PUBLIC UTILITY SHALL INCLUDE A COOPERATIVE ELECTRIC ASSOCIATION) must be determined under the terms of section 22.*

Sec. 22. [216B.475] [PAYMENT FOR PROPERTY ACQUIRED BY MUNICIPALITIES.]

*Subdivision 1. [EXCLUSIVE VALUATION METHOD.] The value of the property taken by a municipality under section 216B.44 to this section must be determined solely in accordance with this section.*

*Subd. 2. [VALUATION WITHOUT FRANCHISE.] If no written franchise has been granted by the municipality to the electric utility or if no written franchise is in effect upon enactment, the price to be paid to the electric utility by the municipality for the property taken by the municipality in the expansion of its service territory is the net facilities value of the property of the electric utility upon the date of notice plus the expenses of necessary integration of facilities.*

*Subd. 3. [VALUATION IF FRANCHISE.] If a written franchise has been granted to the electric utility by the municipality and is in effect upon the date of enactment, there must be added to the amount determined under subdivision 2 of this section a sum for the lost net profits of the electric utility and with respect to an electric utility which is subject to the payment of federal income tax, in addition, 25 percent of the lost-net profits. The sum for the lost net profits must be the present value of the product of (a) the net facilities value within the acquired territory, as determined in subdivision 2, stated as a percentage of the electric utility's systemwide net plant value, times (b) the net income of the electric utility for a term of ten years. In determining present value, the foregoing amount is deemed payable in 120 equal monthly installments. The amount provided in this subdivision shall also be paid by the municipality if it does not own and operate a public utility upon the date of enactment.*

*Subd. 4. [OFFER OF WHOLESALE PURCHASE.] If a municipality subject to subdivision 2 does not tender to the electric utility an offer to purchase power and energy as a wholesale customer for resale to the retail customers within the area taken by the municipality and for a term not less than ten years, there shall be paid by the municipality to the electric utility an amount on account of lost net profits, as determined in subdivision 3. If a municipality subject to subdivision 3 does not tender to the electric utility an offer to purchase power and energy as a wholesale customer for resale to the retail customer within the area taken by the municipality, and for a term not less than ten years, the amount to be paid on account of lost-net profits shall be multiplied by two.*

Sec. 23. Minnesota Statutes 1982, section 412.321, subdivision 2, is amended to read:

*Subd. 2. [VOTE ON ESTABLISHMENT.] No gas, light, power, or heat utility (SHALL) may be constructed, purchased, or leased until the proposal to do so has been submitted to the voters at a regular or special election and been approved*

by five-eighths of those voting on the proposition. (SUCH) *The proposal (SHALL) must state whether the public utility is to be constructed, purchased, or leased and the estimated cost or the maximum amount to be expended for that purpose. This proposal and a proposal to issue bonds to raise money therefor may be submitted either separately or as a single question. The proposal for the acquisition of the public utility may include authority for distribution only or for generation or production and distribution of a particular utility service or group of services. Approval of the voters (SHALL) must be obtained under this section before a city purchasing gas or electricity wholesale and distributing it to consumers acquires facilities for the manufacture of gas or generation of electricity unless the voters have, within the two previous years, approved a proposal for both generation or production and distribution. This subdivision does not apply to the expansion or acquisition of electric service territory by a municipality owning and operating a public utility system governed by section 216B.44 to section 22.*

Sec. 24. Minnesota Statutes 1982, section 453.54, is amended by adding a subdivision to read:

*Subd. 7a. It may invest in various technologies to minimize long-run costs of providing electrical services to consumers. These investments include energy conservation measures and renewable resources.*

#### Sec. 25. [APPROPRIATIONS.]

*Subdivision 1. The sum of \$100,000 is appropriated from the general fund to the department of energy, planning and development for purposes of the energy audit interpretation program established in section 9.*

*Subd. 2. The sum of \$68,000 is appropriated from the general fund to the department of energy, planning and development for staff and program costs of the steam trap survey program under section 2.*

*Subd. 3. The sum of \$60,000 is appropriated from the general fund to the department of energy, planning and development or its successor agency to operate the energy management training program under section 3. Included in this sum is money for the energy efficiency training of 800 building operators.*

*Subd. 4. The sum of \$130,000 is appropriated from the general fund to the department of energy, planning and development to hire one complement and to fund the continuing super-insulated home demonstration project for two years, as provided in section 4.*

*Subd. 5. The sum of \$82,500 is appropriated from the general fund to the department of energy, planning and develop-*

*ment to hire necessary staff, consultants, and equipment for the building energy research center as provided in section 4.*

*Subd. 6. The sum of \$330,000 is appropriated from the general fund to the department of energy, planning and development to fund the secondary phase of district heating planning for municipalities that have received district heating loans under section 116J.36. The sum of \$250,000 shall be used for matching grants of up to \$25,000 each, as provided in section 10; the remaining \$80,000 shall be used to pay for one complement position and administration.*

*Subd. 7. The sum of \$100,000 is appropriated from the general fund to the department of energy, planning and development to develop and market energy audits for multi-family and commercial buildings pursuant to section 8.*

**Sec. 26. [REPEALER.]**

*Minnesota Statutes 1982, sections 3.351 and 116J.27, subdivisions 5 and 7 are repealed.*

**Sec. 27. [EFFECTIVE DATE.]**

*Section 8 is effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to energy; providing an omnibus energy policy; appropriating money; amending Minnesota Statutes 1982, sections 16.02, by adding a subdivision; 116J.24, by adding a subdivision; 116J.27, subdivisions 2, 6, and by adding a subdivision; 116J.31; 116J.36; 156A.02, subdivision 6; 156A.10, subdivision 1; 216B.164, subdivisions 2, 5, and by adding a subdivision; 216B.38; 216B.44; 216B.45; 216B.46; 216B.47; 412.321, subdivision 2; and 453.54, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 116J and 216B; repealing Minnesota Statutes 1982, sections 3.351 and 116J.27, subdivisions 5 and 7."

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. 837, A bill for an act relating to transportation; providing for a unique registration category and special license plates for commuter vans; defining ridesharing arrangement and other terms; clarifying taxation, licensing, and vehicle use

requirements in ridesharing arrangements; excluding certain ridesharing arrangements from the provisions of chapter 176 governing workers' compensation; clarifying employers' liability under workers' compensation for a ridesharing arrangement; excluding participation in a ridesharing arrangement from overtime compensation and the payment of minimum wages as defined in chapter 177; excluding payments other than salary to drivers in ridesharing arrangements from the definition of gross income; excluding motor vehicles participating in ridesharing arrangements from the definition of commercial motor vehicle; deleting the requirement to transfer rideshare program development from the commissioner of transportation; amending Minnesota Statutes 1982, sections 169.01, by adding a subdivision; 174.257, by adding subdivisions; 176.041; 176.051, by adding subdivisions; 290.08, by adding a subdivision; 296.17; and Laws 1981, chapter 363, section 55, subdivision 2; proposing new law coded in Minnesota Statutes, chapters 168 and 177.

Reported the same back with the following amendments:

Page 1, after line 28, insert:

"Section 1. Minnesota Statutes 1982, section 16.753, subdivision 3, is amended to read:

Subd. 3. [PERMITTED USES.] A state vehicle may be used by a state employee to travel to or from the employee's residence:

(a) On a day on which it may be necessary for the employee to respond to a work-related emergency during hours when the employee is not normally working; (OR)

(b) If the employee has been assigned the use of a state vehicle for authorized state business on an extended basis, and the employee's primary place of work is not the state work station to which he is permanently assigned; (OR)

(c) If the employee has been assigned the use of a state vehicle for authorized state business away from the work station to which he is permanently assigned, and the number of miles travelled, or the time needed to conduct the business, will be minimized if the employee uses a state vehicle to travel to the employee's residence before or after travelling to the place of state business. Use of a state vehicle pursuant to this subdivision shall require the prior approval of the agency head, or the designee of the agency head. Within 15 days of the end of each three-month period, beginning July 1, 1981, the head of each state agency or department shall report to the commissioner of administration on each case in which a state vehicle is used by an employee of that agency to travel to or from the employee's resi-

dence. The commissioner shall specify the form of this report and the information to be included. If no state vehicles have been used for this travel, the head of the agency shall report this to the commissioner; or

(d) *If the employee is authorized to participate in a ridesharing program established by the commissioner under section 174.257."*

Page 1, line 36, delete "to an owner of" and insert "for"

Page 4, line 7, delete "2" and insert "3"

Page 4, line 13, delete "shall" and insert "may"

Page 4, line 16, after the period insert "*The commissioner of administration must by September 1, 1983, establish a demonstration program for using state-owned vehicles, other than commuter vans, for use in ridesharing arrangements for state employees.*"

Page 6, line 1, delete "2" and insert "3"

Page 6, line 5, delete "8" and insert "9"

Page 7, line 5, delete "2" and insert "3"

Page 7, line 25 delete "2" and insert "3"

Page 8, line 9, delete "2" and insert "3"

Page 8, line 21, delete "2" and insert "3"

Page 9, line 19, delete "11, and" and insert "10," and after "12" insert ", and 13"

Page 9, line 20, delete "10" and insert "11"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon insert "permitting the use of state vehicles in ridesharing arrangements;"

Page 1, line 21, after "sections" insert "16.753, subdivision 3;"

With the recommendation that when so amended the bill pass.

The report was adopted.



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

H. F. No. 854, A bill for an act relating to utilities; specifying the commission's authority over the availability of submetering; proposing new law coded in Minnesota Statutes, chapter 216B.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1982, section 216B.02, is amended by adding a subdivision to read:

*Subd. 6a. "Submetering" means measuring, by a building's owner, through mechanical or electronic devices, the usage of electricity by various occupants in multiple-unit residential or commercial buildings in order to fairly apportion the entire electrical costs for the building among its inhabitants."*

Renumber the remaining sections accordingly

Amend the title as follows:

Page 1, line 3, after "submetering;" insert "amending Minnesota Statutes 1982, section 216B.02, by adding a subdivision;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1006, A bill for an act relating to intoxicating liquor; authorizing a city to authorize an on-sale licensee to dispense liquor at events held in facilities of the metropolitan sports facilities commission; amending Minnesota Statutes 1982, section 340.11, subdivision 11c.

Reported the same back with the following amendments:

Page 1, line 20, after "authority," insert "or owned by the metropolitan sports facilities commission,"

Page 1, line 20, delete "or"

Page 1, line 21, delete "owned by the metropolitan sports facilities commission"

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

The report was adopted.

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

H. F. No. 1033, A bill for an act relating to insurance; authorizing the establishment of joint self-insurance employee health plans; providing administrative, trust, bonding, investment, and reporting requirements; establishing a quarterly revenue fee; proposing new law coded as Minnesota Statutes, chapter 62H.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [62H.01] [JOINT SELF-INSURANCE EMPLOYEE HEALTH PLAN.]

*Any three or more employers, excluding the state and its political subdivisions as described in 471.617, subdivision 1, who are authorized to transact business in Minnesota may jointly self-insure employee health, dental, or short term disability benefits. Joint plans must have a minimum of 100 covered employees and meet all conditions and terms of sections 1 to 8.*

Sec. 2. [62H.02] [REQUIRED PROVISIONS.]

*A joint self-insurance plan must include aggregate excess stop-loss coverage and individual excess stop-loss coverage provided by an insurance company licensed by the state of Minnesota. Aggregate excess stop-loss coverage must include provisions to cover incurred, unpaid claim liability in the event of plan termination. The excess or stop-loss insurer must bear the risk of coverage for any member of the pool which becomes insolvent with outstanding contribution due. In addition, the plan of self-insurance must have participating employers fund an amount at least equal to the point at which the excess or stop-loss insurer must assume 100 percent of additional liability. A joint self-insurance plan must submit its proposed excess or stop-loss insurance contract to the commissioner of insurance at least 30 days prior to the proposed plan's effective date and at least 30 days subsequent to any renewal date. The commissioner shall review the contract to determine if they meet the standards established by this act and respond within a 30-day period. Any excess or stop-loss insurance plan must be non-cancellable for a minimum term of two years.*

Sec. 3. [62H.03] [MARKETING, RISK MANAGEMENT, OR ADMINISTRATIVE SERVICES.]

*No joint self-insurance plan may offer marketing, risk management, or administrative service unless these services are provided by vendors duly licensed by the commissioner to provide these services. No vendor of these services may be a trustee of any joint self-insurance plan for which they provide marketing, risk management, or administrative services.*

Sec. 4. [62H.04] [COMPLIANCE WITH OTHER LAWS.]

*A joint self-insurance plan shall be subject to the requirements of chapter 62A and sections 72A.17 to 72A.35 unless otherwise specifically exempt. A joint self-insurance plan must not offer less than a number two qualified plan or its actuarial equivalent.*

Sec. 5. [62H.05] [MANAGEMENT OF FUNDS.]

*Funds collected from the participating employers under joint self-insurance plans must be held in trust subject to the following requirements:*

*(a) A board of trustees elected by participating employers shall serve as fund managers on behalf of participants. Trustees must be plan participants. No participating employer may be represented by more than one trustee. A minimum of three and a maximum of seven trustees may be elected. Trustees shall receive no remuneration, but they may be reimbursed for actual and reasonable expenses incurred in connection with duties as trustees.*

*(b) Trustees shall be bonded in an amount not less than \$100,000 or no more than \$500,000 from a licensed bonding company.*

*(c) Investment of plan funds is subject to the same restrictions as are applicable to political subdivisions pursuant to section 475.66. All investments must be managed by a bank or other investment organization licensed to operate in Minnesota.*

*(d) Trustees, on behalf of the fund, shall file annual reports with the commissioner of insurance within 30 days immediately following the end of each calendar year. The reports must summarize the financial condition of the fund, itemize collection from participating employers, and detail all fund expenditures.*

Sec. 6. [62H.06] [REGULATION OF PLANS BY COMMISSIONER.]

*The commissioner of insurance shall promulgate rules, including temporary rules, to insure the solvency and operation*

*of all self insured plans subject to this chapter. The commissioner may examine the joint self-insurance plans pursuant to sections 60A.03 and 60A.031.*

**Sec. 7. [62H.07] [REVENUE FEE.]**

*A joint self-insurance plan shall pay a two percent revenue fee. This revenue must be computed based on two percent of the paid claims level for the most recently completed calendar year. This revenue must be deposited in the general fund.*

**Sec. 8. [APPROPRIATION.]**

*\$ . . . . . is appropriated to the insurance division to carry out the duties imposed by sections 1 to 7.*

**Sec. 9. [EFFECTIVE DATE.]**

*Section 6 is effective the day after final enactment. Sections 1 to 5 and 7 are effective January 1, 1984."*

Delete the title and insert:

**"A bill for an act relating to insurance; authorizing the establishment of joint self-insurance employee health plans; providing administrative, trust, bonding, investment and reporting requirements; establishing a revenue fee; appropriating money; proposing new law coded as Minnesota Statutes, chapter 62H."**

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. 1113, A bill for an act relating to highway traffic regulations; regulating the use of materials on the windshields, side windows, and rear windows of motor vehicles; amending Minnesota Statutes 1982, section 169.71, by adding a subdivision.**

Reported the same back with the following amendments:

Page 1, line 20, delete the comma

Page 1, line 21, delete "covered by,"

Page 2, line 1, before "Any" insert "(d) When" and after "material" insert "has been"

Page 2, line 1, after "applied" insert "after August 1, 1985,"

Page 2, line 1, delete "must be"

Page 2, line 2, delete "permanently marked to indicate" and insert "without an accompanying permanent marking which indicates"

Page 2, line 6, after "which" insert a colon

Page 2, line 7, before "have" insert:

"(a)"

Page 2, line 10, delete the period and insert a semicolon

Page 2, after line 10, insert:

"(b) were required to satisfy prescription needs of the driver of the vehicle and the driver is in possession of such prescription.

*This subdivision does not apply to the rear windows of a pick-up truck as defined in section 168.011, subdivision 29, or to the rear windows or the side windows on either side behind the driver's seat of a van as defined in section 168.011, subdivision 28.*

## Sec. 2. [EFFECTIVE DATE.]

*Section 1 is effective August 1, 1983, with the exception of subdivision 4, clause (d) which is effective August 1, 1985."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

S. F. No. 47, A bill for an act relating to game and fish; requiring a pheasant stamp; establishing a fee and providing for the use of revenue; allowing multiple sale of stamps with a single issuing fee; amending Minnesota Statutes 1982, section 98.50, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 97.

Reported the same back with the following amendments:

Page 3, after line 36, insert:

"Sec. 3. [APPROPRIATION.]

*There is appropriated from the game and fish fund to the commissioner of natural resources for pheasant habitat improvement pursuant to section 1 \$500,000 for fiscal year 1984 and \$500,000 for fiscal year 1985. The complement of the department is increased by one position."*

Renumber the remaining section

Amend the title as follows:

Page 1, line 5, after the semicolon insert "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 254, A bill for an act relating to public welfare; providing for medical assistance payment for certain nutritional supplements; requiring temporary rules for prospective hospital payment; amending Minnesota Statutes 1982, section 256B.02, subdivision 8.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 256B.02, subdivision 8, is amended to read:

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

- (1) Inpatient hospital services.
- (2) Skilled nursing home services and services of intermediate care facilities.
- (3) Physicians' services.
- (4) Outpatient hospital or clinic services.
- (5) Home health care services.
- (6) Private duty nursing services.

- (7) Physical therapy and related services.
- (8) Dental services, excluding cast metal restorations.
- (9) Laboratory and x-ray services.

(10) The following if prescribed by a licensed practitioner: drugs, eyeglasses, dentures, and prosthetic devices. The commissioner shall designate a formulary committee which shall advise the commissioner on the names of drugs for which payment shall be made, recommend a system for reimbursing providers on a set fee or charge basis rather than the present system, and develop methods encouraging use of generic drugs when they are less expensive and equally effective as trademark drugs. The commissioner shall appoint the formulary committee members no later than 30 days following July 1, 1981. The formulary committee shall consist of nine members, four of whom shall be physicians who are not employed by the department of public welfare, and a majority of whose practice is for persons paying privately or through health insurance, three of whom shall be pharmacists who are not employed by the department of public welfare, and a majority of whose practice is for persons paying privately or through health insurance, a consumer representative, and a nursing home representative. Committee members shall serve two year terms and shall serve without compensation. The commissioner may establish a drug formulary. Its establishment and publication shall not be subject to the requirements of the administrative procedure act, but the formulary committee shall review and comment on the formulary contents. The formulary shall not include: drugs or products for which there is no federal funding; over the counter drugs, except for antacids, acetaminophen, family planning products, aspirin, insulin, prenatal vitamins, and vitamins for children under the age of seven or any other over the counter drug identified by the commissioner in consultation with the appropriate professional consultants under contract with or employed by the state agency, as necessary, appropriate and cost effective for the treatment of certain specified chronic diseases, conditions or disorders and such determination shall not be subject to the requirements of the administrative procedures act; nutritional products, except for those products needed for treatment of phenylketonuria, hyperlysinemia, maple syrup urine disease, a combined allergy to human milk, cow milk, and soy formula, or any other childhood or adult diseases, conditions, or disorders identified by the commissioner as requiring a similarly necessary nutritional product; anorectics; and drugs for which medical value has not been established. Prior authorization may be required by the commissioner before certain formulary drugs are eligible for payment. Separate payment shall not be made for nutritional products for residents of long term care facilities; payment for dietary requirements is a component of the per diem rate paid to these facilities. Payment to drug vendors shall not be modified before the formulary is established except that the commissioner shall

*not permit payment for any drugs which may not by law be included in the formulary and his determination shall not be subject to the administrative procedure act. The commissioner (MAY PROMULGATE) shall publish conditions for prohibiting payment for specific drugs after considering the formulary committee's recommendations.*

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

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

(11) Diagnostic, screening, and preventive services.

(12) Health care pre-payment plan premiums and insurance premiums if paid directly to a vendor and supplementary medical insurance benefits under Title XVIII of the Social Security Act.

(13) Abortion services, but only if one of the following conditions is met:

(a) The abortion is a medical necessity. "Medical necessity" means (1) the signed written statement of two physicians indicating the abortion is medically necessary to prevent the death of the mother, and (2) the patient has given her consent to the abortion in writing unless the patient is physically or legally incapable of providing informed consent to the procedure, in which case consent will be given as otherwise provided by law;

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



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

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

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

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

## Sec. 2. [RULEMAKING.]

*The commissioner of public welfare shall promulgate temporary and permanent rules to implement a system of prospective payment for hospital services.*

## Sec. 3. [EFFECTIVE DATE.]

*Sections 1 and 2 are effective the day following final enactment."*

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

The report was adopted.

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

S. F. No. 271, A bill for an act relating to Hennepin County; providing for the conduct of a public safety communications service; repealing Laws 1947, chapter 371, as amended.

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. 278, A bill for an act relating to Hennepin County; providing for financing of motor vehicle parking facilities; authorizing the issuance of general obligation or revenue bonds of the county; authorizing the construction of one off-street parking facility within the city of Minneapolis; amending Laws 1969, chapter 1037, section 1, subdivisions 1 and 2, and by adding a subdivision.

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

The report was adopted.

### SECOND READING OF HOUSE BILLS

H. F. Nos. 356, 455, 556, 655, 658, 689, 722, 779, 837, 854, 1006 and 1113 were read for the second time.

### SECOND READING OF SENATE BILLS

S. F. Nos. 827, 833, 936, 639, 238, 280, 705, 948, 855, 1009, 47, 271 and 278 were read for the second time.

### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Clark, K.; Kelly; Begich; Norton and McEachern introduced:

H. F. No. 1221, A bill for an act relating to employment; providing a plan for full employment.

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

Norton introduced:

H. F. No. 1222, A bill for an act relating to government operations; requiring a review of certain capital improvement programs; requiring reports and capital improvement plans; expanding the scope of the capital budget.

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

Schoenfeld; Munger; Erickson; Nelson, K., and Welch introduced:

H. F. No. 1223, A bill for an act relating to education; appropriating money for high technology programs to the board of regents of the University of Minnesota, the higher education coordinating board, and the state university board.

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

Ogren and Sarna introduced:

H. F. No. 1224, A bill for an act relating to occupations and professions; regulating the period of time between professional boxing contests, matches, or exhibitions; amending Minnesota Statutes 1982, section 341.115.

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

Olsen introduced:

H. F. No. 1225, A bill for an act relating to taxation; exempting certain income of elderly persons from taxation; amending Minnesota Statutes 1982, section 290.01, subdivision 20b, as amended.

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

Sparby, Wenzel, Johnson, Peterson and Valan introduced:

H. F. No. 1226, A bill for an act relating to agriculture; providing for payment of certain federal crop insurance premiums by the state; appropriating money; proposing new law coded in Minnesota Statutes, chapter 17.

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

Blatz, McEachern, Norton, Findlay and Reif introduced:

H. F. No. 1227, A bill for an act relating to the state building code; requiring certain elevators to have raised letters and numbers for use by the blind; amending Minnesota Statutes 1982, section 16.851, by adding a subdivision.

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

Jennings and Findlay introduced:

H. F. No. 1228, A bill for an act relating to education; requiring that fees charged for financial accounting by a regional management information center be based on consumption; requiring the department of education to establish a method for direct submission of financial data; setting up a pilot project to test the reporting method; amending Minnesota Statutes 1982, section 121.936, by adding a subdivision; and proposing new law coded in Minnesota Statutes, chapter 121.

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

Cohen introduced:

H. F. No. 1229, A bill for an act relating to taxation; providing a sales tax exemption for sales by certain nonprofit organizations; amending Minnesota Statutes 1982, section 297A.25, subdivision 1.

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

Cohen introduced:

H. F. No. 1230, A bill for an act relating to marriage dissolution; allowing separate summary judgment on the issue of dissolution; removing a conclusive presumption that each spouse made substantial contribution to acquiring certain property; excluding mediators' information except on consent of the parties; providing for deposing of investigators; amending Minnesota Statutes 1982, sections 518.13, by adding a subdivision; 518.167; and 518.58.

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

Olsen introduced:

H. F. No. 1231, A bill for an act relating to property taxation; providing for the taxation of certain condominium property; amending Minnesota Statutes 1982, sections 273.11, subdivision 1, and by adding a subdivision; and 515A.1-105.

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

Heap, Shaver, Kvam and Jennings introduced:

H. F. No. 1232, A bill for an act relating to taxation; decreasing the maximum corporate tax rate; amending Minnesota Statutes 1982, section 290.06, subdivision 1.

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

Ellingson introduced:

H. F. No. 1233, A bill for an act relating to insurance; no-fault automobile; regulating the crime of driving without the required security; providing penalties; amending Minnesota Statutes 1982, section 65B.67, subdivision 2, and by adding a subdivision; repealing Minnesota Statutes 1982, section 65B.67, subdivision 3.

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

Clawson, for the Committee on Local and Urban Affairs, introduced:

H. F. No. 1234, A bill for an act relating to state-local fiscal relations; creating an advisory council for local government financial reporting standards; establishing a policy for the distribution of local government aids; providing for the state budget reserve account; removing levy limits for cities with populations under 5,000 and towns; appropriating money; amending Minnesota Statutes 1982, sections 16A.15, by adding a subdivision; 275.50, subdivision 2; 477A.01, by adding a subdivision; and 477A.03, subdivision 2.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 277, A bill for an act relating to the city of Virginia; authorizing increases in service pensions and survivor benefits for certain retired members and survivors of the Virginia firefighter's relief association.

H. F. No. 384, A bill for an act relating to retirement; local police and salaried firefighters relief associations; requiring annual valuations; deleting requirement of quadrennial experience studies; removing obsolete language; amending Minnesota Statutes 1982, sections 69.77, subdivision 2; and 356.216.

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

H. F. No. 631, A bill for an act relating to Hennepin County; authorizing employees to withdraw from participation in the Hennepin County supplemental retirement fund.

H. F. No. 638, A bill for an act relating to retirement; authorizing increases in survivor benefits payable by the Hibbing police relief association; amending Laws 1967, chapter 678, section 2, as amended.

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

H. F. No. 909, A bill for an act relating to the range association of municipalities and schools; defining its permitted area; amending Minnesota Statutes 1982, section 471.58.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 601, A bill for an act relating to retirement; miscellaneous amendments to the law governing the public employees retirement association; amending Minnesota Statutes 1982, sections 353.27, subdivisions 4 and 12; 353.28, subdivision 5; 353.29, subdivisions 6 and 8; 353.32, subdivision 1; 353.33, subdivision 5; and 353.34, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in

which amendment the concurrence of the House is respectfully requested:

H. F. No. 176, A bill for an act relating to financial institutions; providing that Small Business Administration guaranteed loans are collateral for public deposits; amending Minnesota Statutes 1932, section 118.01, subdivision 1.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Skoglund moved that the House concur in the Senate amendments to H. F. No. 176 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 176, A bill for an act relating to financial institutions; providing that Small Business Administration guaranteed loans are collateral for public deposits; amending Minnesota Statutes 1932, section 118.01, subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 231, A bill for an act relating to motor vehicles; increasing the time allowed to complete certain activities involving motor vehicle transfers to 21 days; amending Minnesota Statutes 1982, section 168.092, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

McEachern moved that the House concur in the Senate amendments to H. F. No. 231 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 231, A bill for an act relating to motor vehicles; increasing the time for the validity of temporary registration permits to 21 days; amending Minnesota Statutes 1982, section 168.092, subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

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

Those who voted in the affirmative were:

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



Valento  
Vanasek  
Vellenga

Voss  
Waltman  
Weich

Welker  
Welle  
Wenzel

Wigley  
Wynia  
Zaffke

Speaker Sieben

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

Mr. Speaker:

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

H. F. No. 325, A bill for an act relating to real property; revising and clarifying certain provisions relating to the registration of real property; amending Minnesota Statutes 1982, sections 508.03; 508.06; 508.08; 508.16, subdivision 2; 508.22; 508.23, by adding a subdivision; 508.24, subdivision 2; 508.25; 508.35; 508.36; 508.47, subdivision 6; 508.48; 508.49; 508.50; 508.55; 508.60; 508.62; 508.65; 508.71; 508.82; 508A.01, subdivision 1; 508A.06; 508A.17, subdivision 1; 508A.25; 508A.35; 508A.47, subdivision 6; 508A.48; 508A.49; 508A.50; 508A.55; 508A.62; 508A.65; 508A.71; 508A.82; proposing new law coded in Minnesota Statutes, chapters 508 and 508A; repealing Minnesota Statutes, sections 508.41; 508.42; 508A.41; and 508A.42.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Ellingson moved that the House concur in the Senate amendments to H. F. No. 325 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 325, A bill for an act relating to real property; revising and clarifying certain provisions relating to the registration of real property; amending Minnesota Statutes 1982, sections 508.03; 508.06; 508.08; 508.16, subdivision 2; 508.22; 508.23, by adding a subdivision; 508.24, subdivision 2; 508.25; 508.35; 508.36; 508.47, subdivision 6; 508.48; 508.49; 508.50; 508.55; 508.60; 508.62; 508.65; 508.71; 508.82; 508A.01, subdivision 1; 508A.06; 508A.17, subdivision 1; 508A.25; 508A.35; 508A.47, subdivision 6; 508A.48; 508A.49; 508A.50; 508A.55; 508A.62; 508A.65; 508A.71; 508A.82; proposing new law coded in Minnesota Statutes, chapters 508 and 508A; repealing Minnesota Statutes, sections 508.41; 508.42; 508A.41; and 508A.42.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 342, A bill for an act relating to the board of dentistry; increasing the board's powers in relation to disciplinary actions; exempting certain registered occupations from business licensing review; amending Minnesota Statutes 1982, sections 116J.70, subdivision 2a; 150A.01, by adding a subdivision; 150A.05, subdivision 2; 150A.06; 150A.08, subdivisions 1, 3, and by adding subdivisions; 150A.09; and repealing Laws 1976, chapter 263, section 6, subdivision 2.

PATRICK E. FLAHAVER, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Berkelman moved that the House concur in the Senate amendments to H. F. No. 342 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 342, A bill for an act relating to the board of dentistry; increasing the board's powers in relation to dis-

ciplinary actions; exempting certain registered occupations from business licensing review; amending Minnesota Statutes 1982, sections 116J.70, subdivision 2a; 150A.01, by adding a subdivision; 150A.05, subdivision 2; 150A.06; 150A.08, subdivisions 1, 3, and by adding subdivisions; 150A.09; and repealing Laws 1976, chapter 263, section 6, subdivision 2.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 119 yeas and 8 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Erickson	Jennings	Shea	Uphus	Welker
Frerichs	Ludeman	Stadum		

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 699.

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. 891.

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. 160, 292, 900 and 1114.

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. 808, 857 and 1015.

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. 53, 159, 275, 466, 541, 831 and 843.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 699, A bill for an act relating to highway traffic regulations; regulating the use of materials on the windshields, side windows, and rear windows of motor vehicles; amending Minnesota Statutes 1982, section 169.71, by adding a subdivision.

The bill was read for the first time.

Neuenschwander moved that S. F. No. 699 and H. F. No. 1113, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 891, A bill for an act relating to transportation; permitting the use of state vehicles in ridesharing arrangements; providing for a unique registration category and special license plates for commuter vans; defining ridesharing arrangement and other terms; clarifying taxation, licensing, and vehicle use requirements in ridesharing arrangements; excluding certain ridesharing arrangements from the provisions of chapter 176 governing workers' compensation; clarifying employers' liability under workers' compensation for a ridesharing arrangement; excluding participation in a ridesharing arrangement from overtime compensation and the payment of minimum wages as defined in chapter 177; excluding payments other than salary to drivers in ridesharing arrangements from the definition of gross income; excluding motor vehicles participating in ridesharing arrangements from the definition of commercial motor vehicle; deleting the requirement to transfer rideshare program development from the commissioner of transportation; amending Minnesota Statutes 1982, sections 16.753, subdivision 3; 169.01, by adding a subdivision; 174.257, by adding subdivisions; 176.041; 176.051, by adding subdivisions; 290.08, by adding a subdivision; 296.17; and Laws 1981, chapter 363, section 55, subdivision 2; proposing new law coded in Minnesota Statutes, chapters 168 and 177.

The bill was read for the first time.

Segal moved that S. F. No. 891 and H. F. No. 837, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 160, 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; 424A.03, subdivision 1; 424A.04; 424A.05; and 424A.08; proposing new law coded in Minnesota Statutes, chapter 424A; repealing Minnesota Statutes 1982, section 424.26.

The bill was read for the first time.

Clawson moved that S. F. No. 160 and H. F. No. 622, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 292, 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 2, 7, and 10.

The bill was read for the first time.

Ellingson moved that S. F. No. 292 and H. F. No. 315, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 900, A bill for an act relating to retirement; teachers; definitions, coordination with social security benefits, and various administrative changes; amending Minnesota Statutes 1982, sections 354.05, subdivisions 2 and 35; 354.44, subdivision 5; 354.52, subdivision 4; and 354.63, subdivision 2; and Laws 1982, Third Special Session chapter 1, article II, section 7.

The bill was read for the first time.

Rodriguez, F., moved that S. F. No. 900 and H. F. No. 891, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1114, A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks and waysides; authorizing land acquisition in relation thereto.

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

S. F. No. 808, A bill for an act relating to the state seal; providing a description of the official state seal; amending Minnesota Statutes 1982, section 1.143; proposing new law coded in Minnesota Statutes, chapter 1; repealing Minnesota Statutes 1982, sections 1.144 and 358.02.

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

S. F. No. 857, A bill for an act relating to agriculture; excluding pipeline companies from certain restrictions on acquisition of agricultural land; amending Minnesota Statutes 1982, section 500.221, subdivision 2.

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

S. F. No. 1015, A bill for an act relating to cemeteries; requiring the state or political subdivision to obtain archaeologist services and to pay for removal of Indian burial grounds under certain circumstances; amending Minnesota Statutes 1982, section 307.08, subdivisions 2, 4, 8, and 10.

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

S. F. No. 53, A bill for an act relating to acknowledgement of instruments; providing that legal documents can be signed and

certified to be true under penalty of perjury in lieu of acknowledgement in the presence of a notary public; prescribing penalties; amending Minnesota Statutes 1982, section 609.48, subdivision 1, and by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 358.

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

S. F. No. 159, A bill for an act relating to occupations and professions; regulating chiropractic practice; providing rule-making authority for the board of chiropractic examiners; creating a legislative study commission; amending Minnesota Statutes 1982, sections 148.01; 148.06; and 148.08, and by adding a subdivision.

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

S. F. No. 275, A bill for an act relating to public utilities; specifying the regulatory treatment of certain expenses; amending Minnesota Statutes 1982, section 216B.16, by adding a subdivision.

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

S. F. No. 466, A bill for an act relating to game and fish; allowing the commissioner of natural resources to prohibit firing upon, over, or across a public highway for the purpose of taking migratory waterfowl in designated locations; amending Minnesota Statutes 1982, section 100.31.

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

S. F. No. 541, A bill for an act relating to counties; authorizing a jobs program.

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

S. F. No. 831, A bill for an act relating to elections; adopting court ordered congressional redistricting plan with minor adjustments; proposing new law coded in Minnesota Statutes, chapter 2; repealing Minnesota Statutes 1982, sections 2.741 to 2.811.

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

S. F. No. 843, A bill for an act relating to veterans; authorizing the commissioner of veterans affairs to accept gifts; revising the procedure for purchasing veterans grave markers; authorizing an imprest cash fund at veterans homes; providing for the disposal of abandoned property of veterans at veterans homes; amending Minnesota Statutes 1982, section 197.23; proposing new law coded in Minnesota Statutes, chapter 198; and repealing Minnesota Statutes 1982, section 198.055.

The bill was read for the first time.

Knuth moved that S. F. No. 843 and H. F. No. 892, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

#### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Rice requested immediate consideration of H. F. No. 76.

H. F. No. 76 was reported to the House.

Long moved to amend H. F. No. 76, the fourth engrossment, as follows:

Page 31, after line 9, insert:

#### "Sec. 18. [RECOMMENDATIONS CONCERNING ALLOCATION OF LIABILITY.]

*The waste management board shall make recommendations to the legislature by November 1, 1983 regarding the allocation of liability among the owners, operators, and users of a hazardous waste disposal facility established pursuant to sections 115A.18 to 115A.30, including any recommended legislative changes, taking into consideration the need for the facility, the state's involvement in the facility, the need to protect the health, property and environment of the local community from injury and loss, and the need for incentives to encourage the development and use of alternatives to land disposal. The recommendations shall be made after consultation with all affected industries, including insurers, generators, transporters, disposers, and treaters of hazardous waste, individuals, including academic, scientific and legal professionals, and groups, including community and environmental groups."*

Renumber the remaining sections accordingly

Page 31, line 12, delete "18 to 21" and insert "19 to 22"

Page 33, line 5, delete "19" and insert "20"



Page 33, line 14, delete "19" and insert "20"

Page 33, line 22, delete "19" and insert "20"

Page 35, line 21, delete "19" and insert "20"

Page 35, line 34, delete "19" and insert "20"

Page 35, line 35, delete "19" and insert "20"

Page 36, line 9, delete "19" and insert "20"

Page 36, line 23, delete "19" and insert "20"

Page 36, line 27, delete "19" and insert "20"

Page 36, line 30, delete "19" and insert "20"

Page 40, line 26, delete "18 to 21" and insert "19 to 22"

Page 40, line 28, delete "21" and insert "22"

Page 41, line 18, delete "26" and insert "27"

Page 41, line 23, delete "21" and insert "22"

The motion prevailed and the amendment was adopted.

Long moved to amend H. F. No. 76, the fourth engrossment, as amended, as follows:

Page 31, line 20, delete ", land treatment"

Page 32, after line 20, insert:

*"Subd. 5. [LAND TREATMENT.] Hazardous waste destined for treatment in or on the land shall be taxed at the rate of \$32 per cubic yard."*

Renumber the remaining subdivisions accordingly

The motion prevailed and the amendment was adopted.

Long moved to amend H. F. No. 76, the fourth engrossment, as amended, as follows:

Page 32, line 1, before the comma insert *"including waste being stored or physically, chemically or biologically treated prior to recycling or reuse"*

The motion prevailed and the amendment was adopted.

Forsythe moved to amend H. F. No. 76, the fourth engrossment, as amended, as follows:

Page 36, line 36, delete "*the manner provided*" and insert "*accordance with the provisions of chapter 14*"

Page 37, line 1, delete "*in section 16A.128*"

Page 38, line 10, delete "*charge*" and insert "*establish*"

Page 38, line 11, after "*fee*" insert "*in accordance with the provisions of chapter 14*"

A roll call was requested and properly seconded.

#### CALL OF THE HOUSE

On the motion of Long and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

Eken moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the Forsythe amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 55 yeas and 73 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Nelson, D., moved to amend H. F. No. 76, the fourth engrossment, as amended, as follows:

Page 16, delete lines 24 to 28

Page 16, line 29, delete "3" and insert "2"

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

Bishop moved to amend H. F. No. 76, the fourth engrossment, as amended, as follows:

Page 15, delete lines 27 to 30.

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

Olsen, Carlson, Knickerbocker, Bennett and Redalen moved to amend H. F. No. 76, the fourth engrossment, as amended, as follows:

Page 30, line 29, delete "22" and insert "24"

Page 31, line 12, delete the second "to" and insert a new comma and after "21" insert ", 22, and 23"

Page 31, after line 31, insert:

"Sec. 19. [ . . . . ] [HAZARDOUS SUBSTANCE COMPENSATION TRUST ACCOUNT, DEFINITIONS.]

*Subdivision 1. [APPLICATION.] The definitions provided in this section and section 2 apply to sections 19 and 20.*

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

*Subd. 3. [DEPARTMENT.] "Department" means the department of public welfare.*

Sec. 20. [HAZARDOUS SUBSTANCE COMPENSATION TRUST ACCOUNT.]

*Subdivision 1. [ESTABLISHMENT.] There is hereby established within the environmental response, compensation, and compliance fund a hazardous substance compensation trust account.*

*Subd. 2. [CLAIMS FOR COMPENSATION FROM TRUST ACCOUNT.] Any person may file a claim with the commissioner pursuant to this section for compensation for death, injury, or disease caused by a release, in Minnesota, of a hazardous substance when:*

*(a) the person responsible for the release of the hazardous substance is unknown or cannot with reasonable diligence be determined;*

*(b) the loss is not compensable because the hazardous substance was placed or came to be located in or on the facility on or before the effective date of this act, or the judgment could not be satisfied in whole or in part against the person determined to be liable for the release of a hazardous substance; or*

*(c) the claimant elects to file a claim against the trust account rather than proceed directly against a person responsible under this act or any other law including common law.*

**Subd. 3. [CLAIMS; FORMS AND PROCEDURES.]** *The department shall promulgate rules for filing claims pursuant to subdivision 2 which shall provide for the following in accordance with section 8 of this act:*

(a) *a sworn verification by the claimant of the claim to the best of the claimant's knowledge;*

(b) *evidence of the release of a hazardous substance claimed to be the cause of the death, injury, or disease;*

(c) *evidence of the exposure of the claimant to the hazardous substance;*

(d) *evidence that the hazardous substance to which the claimant was exposed was the same kind of substance that was released from the facility;*

(e) *evidence that the death, injury, disease, or loss suffered by the claimant is caused or significantly contributed to by exposure to the hazardous substance in an amount and duration experienced by the claimant; and*

(f) *certification of the injury or loss and expenses for such injury or loss made by hospitals, physicians, or other qualified certificates including a claimant's federal income tax return.*

**Subd. 4. [PENALTY.]** *Any person who knowingly gives or causes to be given any false statement or information as a part of any such claim shall be guilty of a gross misdemeanor and shall upon conviction be fined up to \$1,000 or imprisoned for not more than one year or both.*

**Subd. 5. [DECISIONS; TIME.]** *All decisions rendered by the commissioner shall be in writing with notification to all appropriate parties, and shall be rendered within 90 days of submission of a claim to the department unless all the parties to the claim agree in writing to an extension of time. Such decision shall be considered a final agency action for the purposes of judicial review of such decision by any party to the proceedings resulting in such decision.*

**Subd. 6. [COMPENSABLE LOSSES.]** *The following losses shall be compensable pursuant to this section, provided that the commissioner has found that the claimant has established, in a manner consistent with section 7 of this act, that the death, injury, or disease was proximately caused by the release of a hazardous substance:*

(a) *100 percent of uninsured out-of-pocket medical expenses for up to five years from the onset of treatment;*

(b) 80 percent of any uninsured actual lost wages or business income in lieu of wages, caused by injury to the claimant or the claimant's property not to exceed \$20,000 per year for five years.

*Subd. 7. [LIMITATIONS.] No claim may be presented to the commissioner pursuant to this section later than six years after the injury giving rise to the claim was discovered, or January 1, 1985, whichever is later.*

*Subd. 8. [COMPENSATION; PRECLUSION OF INDEMNIFICATION OR REIMBURSEMENT FROM OTHER SOURCES.] Compensation of any loss pursuant to this section shall preclude indemnification or reimbursement from any other source for the identical loss, and indemnification or reimbursement from any other source shall preclude compensation pursuant to this section.*

*Subd. 9. [COMPENSATION, DECISION, OR SETTLEMENT; ADMISSIBILITY AS EVIDENCE.] No compensation or decision under this section shall be admissible as evidence of any issue of fact or law in any proceeding brought under any other section of this act or under any other provision of law, including common law. In addition, no settlement reached pursuant to this section shall be admissible as evidence in any such proceeding.*

*Subd. 10. [SUBROGATION BY STATE.] Compensation of any loss pursuant to this section shall be subject to the state's acquiring, by subrogation, all rights of the claimant to recover such loss from the party determined to be liable therefor. Upon the request of the commissioner, the attorney general shall commence an action to recover any amount paid in compensation for any loss pursuant to this section against any party who is liable to the claimant for any loss compensable pursuant to this section. Money recovered pursuant to this section shall be deposited in the trust account."*

Page 33, line 5, delete "19" and insert "21"

Page 33, line 14, delete "19" and insert "21"

Page 33, line 22, delete "19" and insert "21"

Page 35, line 21, delete "19" and insert "21"

Page 35, line 34, delete "19" and insert "21"

Page 35, line 35, delete "19" and insert "21"

Page 36, line 23, delete "19" and insert "21"

Page 36, line 27, delete "19" and insert "21"

Page 36, line 30, delete "19" and insert "21"

Page 40, line 21, after "section 17," insert *"The legislature may, commencing January 15, 1984, transfer any amount necessary from the fund to the hazardous substance compensation trust account to be used as a revolving fund by the commissioner for the payment of awards pursuant to section 19, and for administrative costs reasonably associated with processing claims made under that section. Claims approved by the commissioner under authority of section 19 shall be paid from the hazardous substance compensation trust account, except that claims against or presented to the commissioner shall not be paid in excess of the money available in the account. An unpaid claim shall be paid only when sufficient additional money is deposited, collected, transferred, appropriated, or otherwise added to that account."*

Page 40, line 26, delete "to" and insert a new comma and after "21" insert ", 22, and 23"

Page 40, line 28, delete "21" and insert "23"

Page 41, line 23, delete "21" and insert "23"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after the semicolon insert "creating a hazardous substance compensation trust account;"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 54 yeas and 71 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Himle moved to amend H. F. No. 76, the fourth engrossment, as amended, as follows:

Page 9, line 25, after the word "*party*" insert "*, including the claimant*"

Page 12, line 35, after the word "*party*" insert "*, including the claimant*"

Page 16, line 6, delete "*among the defendants*" and insert "*among the parties, including the claimant*"

Page 16, line 7, delete "*defendant*" and insert "*party*"

Page 16, line 9, delete "*defendant*" and insert "*party*"

Page 16, line 11, delete "*defendant's*" and insert "*party's*"

Page 16, line 17, delete "*defendant*" and insert "*party*"

Page 16, line 19, delete "*defendant*" and insert "*party*"

Page 16, line 22, delete "*defendant*" and insert "*party*"

Renumber the sections, subdivisions, or clauses and correct internal cross-references as may be required by this amendment.

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

Reif, Graba and Johnson were excused for the remainder of today's session.



Sviggum moved to amend H. F. No. 76, the fourth engrossment, as amended, as follows:

Page 18, after line 30, insert the following new section:

**"Sec. 13 [115B.13] [RETROACTIVE APPLICATION.]**

*Notwithstanding any provision or rule of law, if a defendant shows that his hazardous substance was placed or came to be located in or on the facility on or before April 1, 1982, sections 5, 6, 7, and 9 do not apply to any claim or proceeding for personal injury, death, disease, or economic loss or other harm or loss subject to Section 5."*

Renumber the sections, subdivisions, or clauses and correct internal cross-references as may be required by this amendment.

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 51 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Jennings	Piepho	Valan
Bennett	Findlay	Knickerbocker	Quist	Valento
Berkelman	Fjoslien	Kvam	Redalen	Waltman
Bishop	Forsythe	Levi	Schreiber	Welker
Blatz	Frerichs	Ludeman	Seaberg	Wenzel
Brinkman	Gruenes	Marsh	Shaver	Wigley
Burger	Haukoos	McDonald	Sherman	Zaffke
Carlson, D.	Heap	McKasy	Stadum	
Dempsey	Heinitz	Omann	Sviggum	
DenOuden	Himle	Onnen	Thiede	
Dimler	Hoberg	Pauly	Uphus	

Those who voted in the negative were:

Anderson, C.	Elioff	Mann	Price	Skoglund
Anderson, R.	Ellingson	Minne	Quinn	Solberg
Battaglia	Evans	Munger	Rice	Sparby
Beard	Greenfield	Murphy	Riveness	Staten
Begich	Gustafson	Nelson, D.	Rodriguez, C.	Swanson
Bergstrom	Hoffman	Nelson, K.	Rodriguez, F.	Tomlinson
Brandl	Hokr	Norton	Rose	Tunheim
Carlson, L.	Jacobs	O'Connor	St. Onge	Vanasek
Clark, J.	Jensen	Ogren	Sarna	Vellenga
Clark, K.	Knuth	Olsen	Scheid	Voss
Clawson	Kostohryz	Osthoff	Schoenfeld	Welch
Cohen	Krueger	Otis	Segal	Welle
Coleman	Larsen	Peterson	Shea	Wynia
Eken	Long	Piper	Simoneau	Speaker Sieben

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

Carlson, D., moved to amend H. F. No. 76, the fourth engrossment, as amended, as follows:

Page 8, delete lines 33 to 36.

Page 12, delete lines 17 to 20.

Renumber the sections, subdivisions, or clauses and correct internal cross-references as may be required by this amendment.

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Vanasek moved that those not voting be excused from voting. The motion prevailed.

There were 34 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dimler	Himle	Onnen	Uphus
Anderson, R.	Erickson	Hoberg	Quist	Valan
Bishop	Evans	Hokr	Redalen	Valento
Burger	Fjoslien	Kvam	Seaberg	Welker
Carlson, D.	Frerichs	Ludeman	Sherman	Wenzel
Dempsey	Haukoos	Marsh	Stadum	Wigley
DenOuden	Heinitz	McDonald	Thiede	

Those who voted in the negative were:

Battaglia	Gruenes	Minne	Price	Staten
Beard	Gustafson	Munger	Quinn	Swanson
Begich	Hoffman	Murphy	Rice	Tomlinson
Bennett	Jacobs	Nelson, D.	Rodriguez, C.	Tunheim
Bergstrom	Jensen	Nelson, K.	Rodriguez, F.	Vanasek
Brandl	Knickerbocker	Norton	Rose	Vellenga
Carlson, L.	Knuth	O'Connor	St. Onge	Voss
Clark, J.	Kostohryz	Ogren	Sarna	Welch
Clark, K.	Krueger	Olsen	Scheid	Welle
Cohen	Larsen	Omann	Schoenfeld	Wynia
Coleman	Levi	Osthoff	Segal	Zaffke
Eken	Long	Otis	Shea	Speaker Sieben
Elioff	Mann	Pauly	Simoneau	
Ellingson	McEachern	Peterson	Skoglund	
Forsythe	McKasy	Piepho	Solberg	
Greenfield	Metzen	Piper	Sparby	

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

Carlson, D., moved to amend H. F. No. 76, the fourth engrossment, as amended, as follows:

Page 12, delete lines 17 to 20 and insert:

*"Subd. 4. [LIABILITY LIMITS.] The liability under this section for political subdivisions or small businesses as defined in section 645.445, subdivision 2, shall not exceed*

*(a) \$300,000 for a claim of death, personal injury, or economic loss by any one claimant;*

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

*The liability under this section for any other responsible person shall not exceed*

*(a) \$1,500,000 for a claim of death, personal injury, or economic loss by any one claimant;*

*(b) \$3,000,000 for any number of claims arising out of a single occurrence."*

Renumber the sections, subdivisions, or clauses and correct internal cross-references as may be required by this amendment.

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 64 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Findlay	Kalis	Onnen	Sviggum
Anderson, G.	Fjoslien	Knickerbocker	Pauly	Thiede
Anderson, R.	Forsythe	Krueger	Piepho	Tunheim
Bennett	Frerichs	Kvam	Quist	Uphus
Bishop	Gruenes	Levi	Redalen	Valan
Brinkman	Haukoos	Ludeman	Rose	Valento
Burger	Heap	Mann	Schoenfeld	Waltman
Carlson, D.	Heinitz	Marsh	Schreiber	Welch
Dempsey	Himle	McDonald	Seaberg	Welker
DenOuden	Hoberg	McKasy	Shaver	Wenzel
Dimler	Hoffman	Neuenschwander	Shea	Wigley
Erickson	Hokr	Olsen	Sherman	Zaffke
Evans	Jennings	Omann	Stadum	

Those who voted in the negative were:

Battaglia	Eken	Metzen	Piper	Solberg
Beard	Elioff	Minne	Price	Sparby
Begich	Ellingson	Munger	Quinn	Staten
Bergstrom	Greenfield	Murphy	Rice	Swanson
Berkelman	Gustafson	Nelson, D.	Rodriguez, C.	Tomlinson
Brandl	Jacobs	Nelson, K.	Rodriguez, F.	Vanasek
Carlson, L.	Jensen	Norton	St. Onge	Vellenga
Clark, J.	Knuth	O'Connor	Sarna	Voss
Clark, K.	Kostohryz	Ogren	Scheid	Welle
Clawson	Larsen	Osthoff	Segal	Wynia
Cohen	Long	Otis	Simoneau	Speaker Sieben
Coleman	McEachern	Peterson	Skoglund	

The motion prevailed and the amendment was adopted.

Dempsey moved to amend H. F. No. 76, the fourth engrossment, as amended, as follows:

Page 4, line 21, delete "if" and insert "*unless the plaintiff shows by a preponderance of the evidence that*"

Page 4, line 22, after "were" insert "not"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 54 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Hokr	Olsen	Stadum
Anderson, R.	Evans	Jennings	Omam	Swiggum
Bennett	Findlay	Kalis	Onnen	Thiede
Bishop	Fjoslien	Knickerbocker	Piepho	Uphus
Blatz	Frerichs	Kvam	Quist	Valan
Brinkman	Gruenes	Levi	Redalen	Valento
Burger	Haukoos	Ludeman	Rose	Waltman
Carlson, D.	Heap	Mann	Schreiber	Welker
Dempsey	Heinitz	Marsh	Seaberg	Wigley
DenOuden	Himle	McDonald	Shaver	Zaffke
Dimler	Hoberg	McKasy	Sherman	

Those who voted in the negative were:

Anderson, G.	Brandl	Eken	Hoffman	Larsen
Battaglia	Carlson, L.	Elioff	Jacobs	Long
Beard	Clark, J.	Ellingson	Jensen	Minne
Begich	Clark, K.	Forsythe	Knuth	Munger
Bergstrom	Cohen	Greenfield	Kostohryz	Murphy
Berkelman	Coleman	Gustafson	Krueger	Nelson, D.

Nelson, K.	Peterson	Sarna	Solberg	Vellenga
Neuenschwander	Piper	Scheid	Sparby	Welch
Norton	Price	Schoenfeld	Staten	Welle
O'Connor	Rice	Segal	Swanson	Wenzel
Ogren	Rodriguez, C.	Shea	Tomlinson	Wynia
Osthoff	Rodriguez, F.	Simoneau	Tunheim	Speaker Sieben
Otis	St. Onge	Skoglund	Vanasek	

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

Dempsey moved to amend H. F. No. 76, the fourth engrossment, as amended, as follows:

Page 4, line 24, after the period insert "*If a defendant in an action brought under section 5 produces evidence that a release is within this clause, the plaintiff must show by a preponderance of the evidence that the release for which the defendant is responsible is not within this clause.*"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 52 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Evans	Knickerbocker	Piepho	Uphus
Bennett	Findlay	Krueger	Quist	Valan
Bishop	Fjoslien	Kvam	Redalen	Valento
Blatz	Frerichs	Levi	Rose	Waltman
Brinkman	Haukoos	Ludeman	Schreiber	Welker
Burger	Heap	Marsh	Seaberg	Wenzel
Carlson, D.	Heinitz	McDonald	Shaver	Wigley
Dempsey	Himle	McKasy	Sherman	Zaffke
DenOuden	Hoberg	Olsen	Stadum	
Dimler	Jennings	Omann	Sviggum	
Erickson	Kalis	Onnen	Thiede	

Those who voted in the negative were:

Anderson, G.	Elioff	Long	O'Connor	Sarna
Battaglia	Ellingson	Mann	Ogren	Scheid
Beard	Forsythe	McEachern	Osthoff	Schoenfeld
Begich	Greenfield	Metzen	Otis	Segal
Berkelman	Gustafson	Minne	Peterson	Shea
Brandl	Hoffman	Munger	Price	Simoneau
Carlson, L.	Jacobs	Murphy	Rice	Skoglund
Clark, J.	Jensen	Nelson, D.	Riveness	Solberg
Clark, K.	Knuth	Nelson, K.	Rodriguez, C.	Sparby
Cohen	Kostohryz	Neuenschwander	Rodriguez, F.	Staten
Eken	Larsen	Norton	St. Onge	Swanson

Tomlinson  
TunheimVanasek  
VellengaVoss  
WelchWelle  
Wynia

Speaker Sieben

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

Dempsey and Fjoslien moved to amend H. F. No. 76, the fourth engrossment, as amended, as follows:

Page 7, after line 21, insert:

*"Subd 3. [FAMILY FARM OPERATION.] If a person who is responsible for a release or threatened release as provided in subdivision 1 is an owner, operator, family member, or is employed by a family farm or family farm corporation as defined in section 500.24, he is subject to liability under sections 4 or 5 only if he failed to exercise due care with respect to the hazardous substance."*

Page 7, line 22, delete "3" and insert "4"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 55 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dimler	Jennings	Onnen	Stadum
Anderson, G.	Erickson	Kalis	Piepho	Sviggum
Anderson, R.	Evans	Knickerbocker	Quist	Thiede
Bennett	Findlay	Krueger	Redalen	Uphus
Bishop	Fjoslien	Kvam	Rose	Valan
Blatz	Frerichs	Levi	Schoenfeld	Valento
Brinkman	Haukoos	Ludeman	Schreiber	Waltman
Burger	Heap	Marsh	Seaberg	Welker
Carlson, D.	Heinitz	McDonald	Shaver	Welle
Dempsey	Himle	McKasy	Shea	Wigley
DenOuden	Hoberg	Omann	Sherman	Zaffke

Those who voted in the negative were:

Battaglia	Clark, K.	Greenfield	Larsen	Nelson, K.
Beard	Cohen	Gustafson	Long	Neuenschwander
Begich	Coleman	Hoffman	Mann	Norton
Berkelman	Eken	Jacobs	Minne	O'Connor
Brandl	Elioff	Jensen	Munger	Ogren
Carlson, L.	Ellingson	Knuth	Murphy	Olsen
Clark, J.	Forsythe	Kostohryz	Nelson, D.	Osthoff

Otis	Riveness	Segal	Swanson	Welch
Pauly	Rodriguez, C.	Simoneau	Tomlinson	Wenzel
Peterson	Rodriguez, F.	Skoglund	Tunheim	Wynia
Piper	St. Onge	Solberg	Vanasek	Speaker Sieben
Price	Sarna	Sparby	Vellenga	
Rice	Scheid	Staten	Voss	

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

Dempsey and Fjoslien moved to amend H. F. No. 76, the fourth engrossment, as amended, as follows:

Page 7, after line 21, insert:

*"Subd. 3. [FAMILY FARM OPERATION.] If the hazardous substance released or threatening to be released from a facility was placed or came to be located in the facility before the effective date of this section and the person who is responsible for the release or threatened release as provided in subdivision 1 is an owner, operator, family member, or is employed by a family farm or family farm corporation as defined in section 500.24, he is subject to liability under sections 4 or 5 only if he failed to exercise due care with respect to the hazardous substance."*

Page 7, line 22, delete "3" and insert "4"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Vanasek moved that those not voting be excused from voting. The motion prevailed.

There were 55 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Evans	Kalis	Olsen	Stadum
Anderson, R.	Findlay	Knickerbocker	Omann	Swiggum
Bishop	Fjoslien	Krueger	Onnen	Thiede
Blatz	Frerichs	Kvam	Piepho	Uphus
Brinkman	Haukoos	Levi	Quist	Valan
Burger	Heap	Ludeman	Redalen	Walman
Carlson, D.	Heinitz	Mann	Schoenfeld	Welker
Dempsey	Himle	Marsh	Shaver	Welle
DenOuden	Hoberg	McDonald	Shea	Wenzel
Dimler	Hokr	McKasy	Sherman	Wigley
Erickson	Jennings	Neuenschwander	Sparby	Zaffke

Those who voted in the negative were:

Battaglia	Beard	Begich	Bennett	Berkelman
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Brandl	Hoffman	Nelson, D.	Rodriguez, C.	Tomlinson
Carlson, L.	Jacobs	Nelson, K.	Rodriguez, F.	Tunheim
Clark, J.	Jensen	Norton	Rose	Vanasek
Clark, K.	Knuth	O'Connor	St. Onge	Vellenga
Cohen	Kostohryz	Ogren	Sarna	Voss
Coleman	Larsen	Osthoff	Scheid	Welch
Eken	Long	Otis	Segal	Wynia
Elioff	McEachern	Peterson	Simoneau	Speaker Sieben
Ellingson	Metzen	Piper	Skoglund	
Forsythe	Minne	Price	Solberg	
Greenfield	Munger	Rice	Staten	
Gustafson	Murphy	Riveness	Swanson	

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

Dempsey moved to amend H. F. No. 76, the fourth engrossment, as amended, as follows:

Page 4, line 23, delete "and" and insert "or"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 57 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Fjoslien	Krueger	Pauly	Thiede
Anderson, G.	Forsythe	Kvam	Piepho	Uphus
Anderson, R.	Frerichs	Levi	Quist	Valan
Bishop	Haukoos	Ludeman	Redalen	Valento
Blatz	Heap	Mann	Rose	Waltman
Burger	Heinitz	Marsh	Schoenfeld	Welker
Carlson, D.	Himle	McDonald	Seaberg	Wenzel
Dempsey	Hoberg	McEachern	Shaver	Wigley
DenOuden	Hokr	McKasy	Shea	Zaffke
Erickson	Jennings	Olsen	Sherman	
Evans	Kalis	Omamm	Stadum	
Findlay	Knickerbocker	Onnen	Sviggum	

Those who voted in the negative were:

Battaglia	Dimler	Kostohryz	Ogren	Scheid
Beard	Eken	Larsen	Osthoff	Schreiber
Begich	Elioff	Long	Otis	Segal
Berkelman	Ellingson	Metzen	Peterson	Simoneau
Brandl	Greenfield	Minne	Piper	Skoglund
Carlson, L.	Gruenes	Munger	Price	Solberg
Clark, J.	Gustafson	Murphy	Rice	Sparby
Clark, K.	Hoffman	Nelson, D.	Riveness	Staten
Clawson	Jacobs	Nelson, K.	Rodriguez, C.	Swanson
Cohen	Jensen	Norton	Rodriguez, F.	Tomlinson
Coleman	Knuth	O'Connor	Sarna	Tunheim



Vanasek  
Vellenga

Voss  
Welch

Welle

Wynia

Speaker Sieben

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

Bishop moved to amend H. F. No. 76, the fourth engrossment, as amended, as follows:

Page 18, after line 30, insert the following new section:

"Sec. 13. [115B.13] [RETROACTIVE APPLICATION.]

*Notwithstanding any provision or rule of law, if a defendant shows that his hazardous substance was placed or came to be located in or on the facility on or before April 1, 1973, sections 5, 6, 7, and 9 do not apply to any claim or proceeding for personal injury, death, disease, or economic loss or other harm or loss subject to Section 5."*

Renumber the sections, subdivisions, or clauses and correct internal cross-references as may be required by this amendment.

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 58 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Bennett	Fjoslien	Kalis	Omann	Svigum
Bishop	Forsythe	Knickerbocker	Onnen	Thiede
Blatz	Fretichs	Krueger	Pauly	Uphus
Brinkman	Gruenes	Kvam	Piepho	Valan
Burger	Haukoos	Levi	Quist	Valento
Carlson, D.	Heap	Ludeman	Redalen	Waltman
Dempsey	Heinitz	Marsh	Rose	Welker
DenOuden	Himle	McDonald	Schreiber	Wenzel
Dimler	Hoberg	McEachern	Seaberg	Wigley
Erickson	Hokr	McKasy	Shaver	Zaffke
Evans	Jacobs	Metzen	Sherman	
Findlay	Jennings	O'Connor	Stadum	

Those who voted in the negative were:

Anderson, G.	Bergstrom	Clark, K.	Elioff	Jensen
Anderson, R.	Berkelman	Clawson	Ellingson	Knuth
Battaglia	Brandl	Cohen	Greenfield	Kostohryz
Beard	Carlson, L.	Coleman	Gustafson	Larsen
Begich	Clark, J.	Eken	Hoffman	Long

Mann	Olsen	Rodriguez, C.	Skoglund	Vellenga
Minne	Osthoff	Rodriguez, F.	Solberg	Voss
Munger	Otis	St. Onge	Sparby	Welch
Murphy	Peterson	Sarna	Staten	Welle
Nelson, D.	Piper	Scheid	Swanson	Wynia
Nelson, K.	Price	Segal	Tomlinson	Speaker Sieben
Norton	Rice	Shea	Tunheim	
Ogren	Riveness	Simoneau	Vanasek	

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

Piepho moved to amend H. F. No. 76, the fourth engrossment, as amended, as follows:

Page 18, after line 22, insert:

"Sec. 12. [115B.12] [LIMIT ON LEGAL FEES.]

*No claim for legal services or disbursements pertaining to any demand made or suit or proceeding which includes a cause of action brought pursuant to section 5 is an enforceable lien against any award, settlement, or judgment in favor of claimant or is valid or binding in any other respect unless approved in writing by a court. No claim made or paid for legal services, costs, and disbursements pertaining to any demand made or suit or proceeding brought pursuant to section 5 shall be more than 15 percent of the total award, settlement, or judgment in favor of claimant. Application to exceed this limitation upon a showing of extraordinary circumstances may be made by claimant's attorneys to the judge who presided over the suit or proceeding."*

Renumber the remaining sections and correct cross references accordingly

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 51 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Burger	Erickson	Gruenes	Hoberg
Anderson, R.	Carlson, D.	Evans	Haukoos	Hokr
Bennett	Dempsey	Findlay	Heap	Jennings
Bishop	DenOuden	Fjoslien	Heinitz	Knickerbocker
Blatz	Dimler	Frerichs	Himle	Kvam

Levi	Onnen	Seaberg	Uphus	Wigley
Ludeman	Pauly	Shaver	Valan	Zaffke
McDonald	Piepho	Sherman	Valento	
McKasy	Quist	Stadum	Voss	
Olsen	Redalen	Svigum	Waltman	
Omann	Rose	Thiede	Welker	

Those who voted in the negative were:

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

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

Halberg was excused for the remainder of today's session.

Schoenfeld moved to amend H. F. No. 76, the fourth engrossment, as amended, as follows:

In the Carlson, D., amendment previously adopted, delete lines 13 and 14.

Carlson, D., moved to amend the Schoenfeld amendment to H. F. No. 76, as follows:

Delete the words "lines 13 and 14" and insert "\$3,000,000" and insert "\$6,000,000"

A roll call was requested and properly seconded.

The question was taken on the Carlson, D., amendment to the Schoenfeld amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 61 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bennett	Brinkman	Dempsey	Erickson
Anderson, C.	Bishop	Burger	DenOuden	Findlay
Anderson, R.	Blatz	Carlson, D.	Dimler	Fjoslien

Forsythe	Kalis	Olsen	Shaver	Waltman
Frerichs	Knickerbocker	Omannon	Shea	Welch
Cruenes	Kvam	Onnen	Sherman	Welker
Hankoos	Levi	Pauly	Stadum	Welle
Heap	Ludeman	Piepho	Sviggum	Wigley
Heinitz	Mann	Quist	Thiede	Zaffke
Himle	Marsh	Redalen	Tunheim	
Hoberg	McDonald	Rose	Uphus	
Hokr	McKasy	Schreiber	Valan	
Jennings	Neuenschwander	Seaberg	Valento	

Those who voted in the negative were:

Battaglia	Ellingson	Minne	Quinn	Sparby
Beard	Evans	Munger	Rice	Staten
Begich	Greenfield	Murphy	Riveness	Swanson
Bergstrom	Gustafson	Nelson, D.	Rodriguez, C.	Tomlinson
Brandl	Hoffman	Nelson, K.	Rodriguez, F.	Vanasek
Carlson, L.	Jacobs	Norton	St. Onge	Vellenga
Clark, J.	Knuth	O'Connor	Sarna	Voss
Clark, K.	Kostohryz	Ogren	Scheid	Wenzel
Clawson	Krueger	Osthoff	Schoenfeld	Wynia
Cohen	Larsen	Otis	Segal	Speaker Sieben
Coleman	Long	Peterson	Simoneau	
Eken	McEachern	Piper	Skoglund	
Elioff	Metzen	Price	Solberg	

The motion did not prevail and the Carlson, D., amendment to the Schoenfeld amendment was not adopted.

The question recurred on the Schoenfeld amendment to H. F. No. 76, the fourth engrossment, as amended by the Carlson, D., amendment. The motion prevailed and the amendment was adopted.

H. F. No. 76, A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; providing for injunctive relief; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

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.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 97 yeas and 28 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Mann	Piepho	Skoglund
Anderson, G.	Elioff	Marsh	Piper	Solberg
Anderson, R.	Ellingson	McEachern	Price	Sparby
Battaglia	Evans	McKasy	Quinn	Staten
Beard	Forsythe	Metzen	Quist	Swanson
Begich	Greenfield	Minne	Redalen	Tomlinson
Bennett	Gruenes	Munger	Rice	Tunheim
Bergstrom	Gustafson	Murphy	Riveness	Vanasek
Berkelman	Himle	Nelson, D.	Rodriguez, C.	Vellenga
Bishop	Hoffman	Nelson, K.	Rodriguez, F.	Voss
Blatz	Hokr	Neuenschwander	Rose	Waltman
Brandl	Jacobs	Norton	St. Onge	Welch
Brinkman	Jensen	O'Connor	Sarna	Welle
Carlson, D.	Kalis	Ogren	Scheid	Wenzel
Carlson, L.	Knickerbocker	Olsen	Schoenfeld	Wynia
Clark, J.	Knuth	Onnen	Seaberg	Zaffke
Clark, K.	Kostohryz	Osthoff	Segal	Speaker Sieben
Clawson	Krueger	Otis	Shaver	
Cohen	Larsen	Pauly	Shea	
Coleman	Long	Peterson	Simoneau	

Those who voted in the negative were:

Burger	Fjoslien	Jennings	Schreiber	Valan
Dempsey	Frerichs	Kvam	Sherman	Valento
DenOuden	Haukoos	Levi	Stadum	Welker
Dimler	Heap	Ludeman	Sviggum	Wigley
Erickson	Heinitz	McDonald	Thiede	
Findlay	Hoberg	Omann	Uphus	

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

Carlson, D., was excused for the remainder of today's session.

#### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Rice requested immediate consideration of S. F. No. 47.

#### SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Rice moved that the rule therein be suspended and an urgency be declared so that S. F. No. 47 be given its third reading and be placed upon its final passage. The motion prevailed.

Rice moved that the rules of the House be so far suspended that S. F. No. 47 be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 47, as amended by the Committee on Appropriations, was reported to the House.

The Speaker called Wynia to the Chair.

DenOuden moved to amend S. F. No. 47, as amended by the Committee on Appropriations, as follows:

Page 2, line 20, after the period insert a new paragraph to read:

*"The commissioner shall not expend funds for fee title acquisition on private lands."*

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 46 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Bishop	Findlay	Kalis	Piepho	Valan
Blatz	Fjoslien	Kvam	Quist	Valento
Brinkman	Frerichs	Levi	Redalen	Waltman
Burger	Gruenes	Ludeman	Seaberg	Welker
Clawson	Haukoos	McDonald	Sherman	Wigley
Dempsey	Heap	McKasy	Stadum	Zafike
DenOuden	Heinitz	Olsen	Sviggum	
Dimler	Hoberg	Omann	Swanson	
Erickson	Hokr	Onnen	Thiede	
Evans	Jennings	Pauly	Uphus	

Those who voted in the negative were:

Anderson, B.	Eken	McEachern	Piper	Skoglund
Anderson, G.	Elioff	Metzen	Price	Solberg
Battaglia	Ellingson	Minne	Riveness	Sparby
Beard	Greenfield	Munger	Rodriguez, C.	Tomlinson
Begich	Gustafson	Murphy	Rodriguez, F.	Tunheim
Bennett	Hoffman	Nelson, D.	Rose	Vanasek
Bergstrom	Jacobs	Nelson, K.	St. Onge	Voss
Berkelman	Knuth	Neuenschwander	Sarna	Welch
Brandl	Kostohryz	Norton	Scheid	Welle
Carlson, L.	Krueger	O'Connor	Schoenfeld	Wenzel
Clark, J.	Larsen	Ogren	Segal	Wynia
Clark, K.	Long	Osthoff	Shaver	Speaker Sieben
Cohen	Mann	Otis	Shea	
Coleman	Marshi	Peterson	Simoneau	

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

Marsh moved to amend S. F. No. 47, as amended by the Committee on Appropriations, as follows:

Page 1, line 20, after "65 years", insert: "or over the age of 60 if retired or under the age of 22 if enrolled full-time as a student in a post secondary educational institution"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 29 yeas and 88 nays as follows:

Those who voted in the affirmative were:

Bishop	Fjoslien	Hokr	Omann	Sviggum
Coleman	Gruenes	Jennings	Pauly	Valan
Dempsey	Haukoos	Kvam	Piepho	Waltman
Erickson	Heap	Levi	Redalen	Wenzel
Evans	Heinitz	Marsh	Sherman	Wigley
Findlay	Hoberg	McKasy	Stadium	

Those who voted in the negative were:

Anderson, B.	Dimler	McEachern	Quinn	Sparby
Anderson, C.	Eken	Metzen	Quist	Staten
Anderson, R.	Elioff	Minne	Rice	Swanson
Battaglia	Ellingson	Munger	Riveness	Thiede
Beard	Forsythe	Murphy	Rodriguez, C.	Tomlinson
Begich	Frerichs	Nelson, D.	Rodriguez, F.	Tunheim
Bennett	Greenfield	Nelson, K.	Rose	Uphus
Bergstrom	Gustafson	Neuenschwander	St. Onge	Valento
Berkelman	Hoffman	Norton	Sarna	Vanasek
Blatz	Jacobs	O'Connor	Scheid	Vellenga
Brandl	Kalis	Ogren	Schoenfeld	Voss
Brinkman	Knickerbocker	Olsen	Schreiber	Welch
Burger	Knuth	Onnen	Seaberg	Welker
Carlson, L.	Kostohryz	Osthoff	Segal	Welle
Clark, J.	Krueger	Otis	Shaver	Wynia
Clark, K.	Larsen	Peterson	Simoneau	Speaker Sieben
Clawson	Long	Piper	Skoglund	
Cohen	Mann	Price	Solberg	

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

Tomlinson was excused for the remainder of today's session.

Marsh moved to amend S. F. No. 47, as amended by the Committee on Appropriations, as follows:

Page 2, line 15, after "*public*" delete "*and private*"

Page 2, line 15, delete "*and the reimbursement of landowners*"

Page 2, line 16, delete "*for setting aside lands*"

Page 2, line 17, after "*public*" delete "*and private*"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 23 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Bishop	Hoberg	Marsh	Price	Valan
Burger	Hokr	O'Connor	Quinn	Waltman
Evans	Knickerbocker	Olsen	Seaberg	Welker
Frerichs	Kvam	Onnen	Stadum	
Heinitz	Ludeman	Pauly	Sviggunn	

Those who voted in the negative were:

Anderson, B.	Eken	Mann	Quist	Sparby
Anderson, G.	Elioff	McEachern	Redalen	Swanson
Anderson, R.	Ellingson	McKasy	Rice	Thiede
Battaglia	Findlay	Metzen	Riveness	Tunheim
Beard	Fjoslien	Minne	Rodriguez, C.	Uphus
Begich	Forsythe	Munger	Rodriguez, F.	Vanasek
Bennett	Greenfield	Murphy	Rose	Vellenga
Bergstrom	Gustafson	Nelson, D.	St. Onge	Yoss
Berkelman	Haukoos	Nelson, K.	Sarna	Welch
Brandl	Hoffman	Neuenschwander	Scheid	Welle
Brinkman	Jacobs	Norton	Schoenfeld	Wenzel
Carlson, L.	Kalis	Ogren	Segal	Wigley
Clark, J.	Knuth	Omamm	Shaver	Wynia
Clark, K.	Kostohryz	Osthoff	Shea	Zaffke
Clawson	Krueger	Otis	Sherman	Speaker Sieben
Cohen	Larsen	Peterson	Simoneau	
Dempsey	Levi	Piepho	Skoglund	
DenOuden	Long	Piper	Solberg	

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

Welker moved to amend S. F. No. 47, as amended by the Committee on Appropriations, as follows:

Page 4, line 2, delete "*the day following final enactment*" and insert "*January 1, 1984*"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 34 yeas and 80 nays as follows:



Those who voted in the affirmative were:

Anderson, B.	Findlay	Levi	Pauly	Thiede
Bishop	Fjoslien	Ludeman	Piepho	Uphus
Burger	Forsythe	Marsh	Quist	Waltman
DenOuden	Frerichs	McDonald	Redalen	Welker
Dimler	Haukoos	McKasy	Schoenfeld	Wigley
Erickson	Jennings	Omann	Seaberg	Zaffke
Evans	Kvam	Onnen	Svigum	

Those who voted in the negative were:

Anderson, R.	Eken	Larsen	Otis	Skoglund
Battaglia	Elioff	Long	Peterson	Sparby
Beard	Ellingson	Mann	Price	Stadum
Begich	Greenfield	McEachern	Quinn	Staten
Bennett	Gruenes	Metzen	Rice	Swanson
Bergstrom	Gustafson	Minne	Riveness	Tunheim
Berkelman	Heap	Munger	Rodriguez, C.	Valan
Brandl	Heinitz	Murphy	Rodriguez, F.	Valento
Brinkman	Himle	Nelson, D.	Rose	Vanasek
Carlson, L.	Hoffman	Nelson, K.	St. Onge	Vellenga
Clark, J.	Jacobs	Neuenschwander	Sarna	Voss
Clark, K.	Kalis	Norton	Scheid	Welch
Clawson	Knickerbocker	O'Connor	Shaver	Welle
Cohen	Knuth	Ogren	Shea	Wenzel
Coleman	Kostohryz	Olsen	Sherman	Wynia
Dempsey	Krueger	Osthoff	Simoneau	Speaker Sieben

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

Stadum and Valan moved to amend S. F. No. 47, as amended by the Committee on Appropriations, as follows:

Page 1, delete lines 16 to 18

Page 2, delete lines 13 to 17

Page 2, after line 12, insert:

*"(a) Acquisition of pheasants and their release on public and private land by conservation, wildlife, or sportsman organizations."*

Page 2, line 18, delete "and personnel"

Page 2, line 19, delete "an amount not to" and insert "the release of pheasants by conservation, wildlife, and sportsman organizations shall not"

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

S. F. No. 47, A bill for an act relating to game and fish; requiring a pheasant stamp; establishing a fee and providing for

the use of revenue; allowing multiple sale of stamps with a single issuing fee; amending Minnesota Statutes 1982, section 98.50, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 97.

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.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 94 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Ellingson	Levi	Piepho	Skoglund
Battaglia	Fjoslien	Long	Piper	Solberg
Beard	Forsythe	Mann	Price	Sparby
Begich	Greenfield	McEachern	Quinn	Stadum
Bennett	Gruenes	McKasy	Quist	Staten
Bergstrom	Gustafson	Metzen	Redalen	Sviggum
Berkelman	Heap	Minne	Rice	Tunheim
Blatz	Heinitz	Munger	Riveness	Uphus
Brandl	Himle	Murphy	Rodriguez, C.	Valento
Burger	Hoberg	Nelson, D.	Rodriguez, F.	Vanasek
Carlson, L.	Hoffman	Nelson, K.	Rose	Vellenga
Clark, J.	Hokr	Neuenschwander	Sarna	Voss
Clark, K.	Jacobs	Norton	Scheid	Waltman
Clawson	Kalis	Ogren	Schoenfeld	Welch
Cohen	Knickerbocker	Olsen	Segal	Welle
Coleman	Knuth	Osthoff	Shaver	Wynia
Dempsey	Kostohryz	Otis	Shea	Zaffke
Eken	Krueger	Pauly	Sherman	Speaker Sieben
Elioff	Larsen	Peterson	Simoneau	

Those who voted in the negative were:

Anderson, B.	Evans	Ludeman	St. Onge	Welker
Anderson, G.	Findlay	Marsh	Schreiber	Wenzel
Bishop	Frerichs	McDonald	Seaberg	Wigley
Brinkman	Haukoos	O'Connor	Swanson	
DenOuden	Jennings	Omann	Thiede	
Erickson	Kvam	Onnen	Valan	

The bill was passed and its title agreed to.

The Speaker resumed the chair.

### CONSENT CALENDAR

Eken moved that the bills on the Consent Calendar for today be continued one day. The motion prevailed.

## CALENDAR

Eken moved that the bill on the Calendar for today be continued one day. The motion prevailed.

## GENERAL ORDERS

Eken moved that the bills on General Orders for today be continued one day. The motion prevailed.

## MOTIONS AND RESOLUTIONS

Osthoff moved that S. F. No. 338 be recalled from the committee on Financial Institutions and Insurance and together with H. F. No. 556, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Jensen moved that S. F. No. 358 be recalled from the committee on Local and Urban Affairs and together with H. F. No. 689, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

Wynia moved that S. F. No. 263 be recalled from the committee on Financial Institutions and Insurance and together with H. F. No. 356, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Norton moved that H. F. No. 737, now on General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Bergstrom moved that the name of Eken be added as an author on H. F. No. 102. The motion prevailed.

Wigley moved that his name be stricken as an author on H. F. No. 580. The motion prevailed.

Greenfield moved that the name of Clawson be shown as chief author and the name of Greenfield be shown as second author on H. F. No. 964. The motion prevailed.

Ogren moved that the name of O'Connor be added as an author on H. F. No. 1224. The motion prevailed.

Olsen moved that the names of Knickerbocker and Segal be added as authors on H. F. No. 1225. The motion prevailed.

Cohen moved that the name of Clark, K., be added as an author on H. F. No. 1229. The motion prevailed.

Gruenes moved that the names of Quinn and Brandl be added as authors on House Resolution No. 9. The motion prevailed.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 164:

Norton, Heinitz and Neuenschwander.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, April 21, 1983. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, April 21, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives