

## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## FIFTY-SECOND DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 12, 1983

The House of Representatives convened at 12:00 noon and was called to order by Harry A. Sieben, Jr., Speaker of the House.

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

The roll was called and the following members were present:

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

A quorum was present.

Dempsey was excused until 1:20 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Metzen 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. 257, 481, 600, 751 and 921 and S. F. Nos. 482, 532, 1233, 1011, 72, 984 and 1234 have been placed in the members' files.

S. F. No. 1011 and H. F. No. 1190, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Riveness moved that the rules be so far suspended that S. F. No. 1011 be substituted for H. F. No. 1190 and that the House File be indefinitely postponed. The motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 404, A bill for an act relating to taxation; increasing the deduction from gross income for amounts paid for dependent tuition, textbooks, and transportation expenses; amending Minnesota Statutes 1982, section 290.09, subdivision 22.

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

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 1031, A bill for an act relating to the lower Red River watershed management board; removing ten year limitation for tax levy by watershed districts which are members of board; amending Laws 1976, chapter 162, sections 1, as amended, and 2.

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

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

S. F. No. 366, A bill for an act relating to appropriations; authorizing the Arrowhead regional development commission to repay an appropriation with funds raised by a levy; amending Laws 1981, chapter 356, section 30.

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 404 and 1031 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 1011 and 366 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Clawson; Anderson, G.; McEachern; Knickerbocker and Johnson introduced:

H. F. No. 1302, A bill for an act relating to local government; providing procedures for the publication of legal notices; removing various requirements for publication of notices; amending Minnesota Statutes 1982, sections 3.21; 48.48, subdivision 1; 88.48, subdivision 2; 94.10, subdivision 1; 94.344, subdivision 7; 123.33, subdivision 11; 123.71, subdivision 1; 160.17, subdivision 2; 205.20, subdivision 5; 206.17, subdivision 2; 279.07; 279.08; 279.09; 300.13, subdivision 4; 302A.727, subdivision 1; 306.023, subdivision 2; 306.111, subdivision 2; 306.16, subdivision 2; 306.21, subdivision 1; 307.06; 315.25; 326.18; 346.02; 365.37; 368.01, subdivision 21; 370.04; 370.07; 371.04; 372.02; 372.08; 374.13; 374.34; 375.025, subdivision 4; 375.12; 375.17; 375.21, subdivision 1; 375.51, subdivision 3; 375.52; 383A.27, subdivision 2; 412.191, subdivisions 3 and 4; 412.311; 414.09, subdivision 3; 415.021; 429.061, subdivision 2; 430.02, subdivisions 3, 7, 11, and 12; 430.04; 430.07, subdivision 5; 430.102, subdivision 3; 435.202, subdivision 2; 441.04; 462.427, subdivision 3; 465.32; 465.38; 471.697, subdivision 1; 471.698, subdivision 1; 471.6985; 472.04, subdivision 2; 484.30; and 492.02, subdivision 3; proposing new law coded in Minnesota Statutes, chapters 375 and 471; proposing new law coded as Minnesota Statutes, chapter 331A; repealing Minnesota Statutes 1982, sections 55.09; 306.16, subdivision 1; 331.01; 331.02; 331.03; 331.04; 331.05; 331.06; 331.07; 331.08; 331.10; 331.11; and 441.51.

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

Greenfield, Brandl and Coleman introduced:

H. F. No. 1303, A resolution memorializing the President and Congress to establish a National Academy of Peace and Conflict Resolution.

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

Clark, J., introduced:

H. F. No. 1304, A bill for an act relating to crimes; providing a penalty for theft of a firearm; providing a penalty for possession of a stolen firearm; amending Minnesota Statutes 1982, sections 609.52, subdivision 3; and 609.53, subdivision 1.

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

Berkelman, Kalis and DenOuden introduced:

H. F. No. 1305, A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

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

Berkelman, Gustafson and Munger introduced:

H. F. No. 1306, A bill for an act relating to labor; providing for an exemption from wage requirements for certain domestic service employees; amending Minnesota Statutes 1982, section 177.23, subdivision 7.

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

Begich, Battaglia and Elioff introduced:

H. F. No. 1307, A bill for an act relating to game and fish; authorizing free fishing licenses for totally and permanently disabled public employees; amending Minnesota Statutes 1982, section 98.47, by adding a subdivision.

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

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Ogren, Sarna, St. Onge, Gustafson and Jacobs introduced:

H. A. No. 19, A proposal to include the sport of wrestling under the jurisdiction of the Minnesota Board of Boxing.

The advisory was referred to the Committee on Regulated Industries.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 330, A bill for an act relating to courts; providing for the appeal of various matters to the court of appeals; providing for the manner of election of court of appeals judges; amending Minnesota Statutes 1982, sections 2.724, subdivision 2; 3.737, subdivision 4; 3.751, subdivision 4; 5.08, subdivision 2; 10A.01, subdivisions 5 and 19; 14.45; 14.62, subdivision 2; 14.63; 14.64; 14.65; 14.66; 14.68; 15A.18; 16.863; 25.43, subdivision 5; 32A.09, subdivision 5; 43A.02, subdivision 25; 43A.24, subdivision 2; 43A.27, subdivision 4; 44.09, subdivision 3; 45.07; 45.17, subdivision 5; 47.54, subdivision 5; 49.18; 52.063; 56.23; 60A.05; 60A.15, subdivisions 11 and 12; 72A.27; 84.59; 88.78; 97.481, subdivision 2; 97.50, subdivision 6; 105.462; 106.631, subdivisions 5 and 6; 110A.36; 111.42; 112.82, subdivisions 1 and 2; 114.13, subdivision 4; 115.49, subdivision 5; 116.07, subdivision 7; 116.11; 116A.19, subdivision 4; 116C.65; 120.17, subdivision 3b; 122.23, subdivision 16c; 123.32, subdivision 25; 127.25, subdivision 3; 127.33; 141.29, subdivision 2; 145.698, subdivision 2; 155A.11, subdivision 2; 156A.071, subdivision 9; 161.34, subdivision 4; 168.68; 169.123, subdivision 7; 177.29, subdivision 2; 178.09, subdivision 2; 179.64, subdivision 5; 179.741, subdivision 3; 181A.10, subdivision 2; 185.15; 192A.255, subdivision 1; 197.481, subdivision 6; 204B.06, subdivisions 4 and 6; 204B.11, subdivision 1; 204B.34, subdivision 3; 204B.36, subdivision 4; 204D.02, subdivision 1; 204D.08, subdivision 6; 204D.11, subdivision 1; 209.09; 210A.01, subdivision 3; 216.25; 216B.52, subdivision 5; 231.33; 237.20; 237.25; 237.27; 237.39; 244.11; 246.55; 252A.21, subdivision 1; 253B.19, subdivision 5; 253B.23, subdivision 7; 256.045, subdivisions 9 and 10; 259.32; 260.291, subdivision 2; 268.06, subdivision 20; 268.10, subdivision 8; 268.12, subdivision 13; 270.22; 270.23; 270.26; 270.68, subdivision 2; 273.16; 279.21; 282.01, subdivision 3; 290.48, subdivision 6; 290.92, subdivision 6; 294.09, subdivision 3; 297.08, subdivisions 3 and 4; 297A.15, subdivision 4; 298.09, subdivision 3;

299F.25; 299F.26, subdivision 3; 327B.05, subdivision 2; 340.404, subdivision 7; 340.54, subdivision 2; 351.03; 352.01, subdivision 2B; 352D.02, subdivision 1; 357.07; 357.08; 363.072, subdivisions 1 and 2; 373.11; 375.67, subdivision 3; 387.41; 412.092, subdivision 1; 414.07, subdivision 2; 414.08; 419.12; 420.13; 430.03; 430.031, subdivision 4; 462.14, subdivision 12; 462.715; 465.43; 473.675, subdivision 4; 480.054; 480.055, subdivision 1; 480.061, subdivision 8; 480.062; 480.07; 480.19; 480A.02 by adding a subdivision; 480A.06, subdivision 1; 481.02, subdivisions 3 and 6; 482.07, subdivision 8; 485.16; 487.39; 488A.01, subdivision 14; 488A.17, subdivision 12; 488A.18, subdivision 14; 488A.34, subdivision 11; 501.35; 508.29; 508A.29; 525.71; 525.714; 525.73; 548.29, subdivision 2; 558.215; 562.04; 571.64; 574.18; 582.11; 586.09; 586.11; 586.12; 589.02; 589.29; 589.30; 590.01, subdivision 1; 590.04, subdivision 3; 590.06; 595.024, subdivision 3; 595.025, subdivision 3; 609.39; 611.07, subdivisions 2 and 3; 611.071, subdivisions 1 and 2; 611.14; 611.18; 611.25; and 648.39, subdivision 1; and Laws 1982, chapter 501, section 27; repealing Minnesota Statutes 1982, sections 14.70; 80A.24, subdivision 3; 363.10; 484.63; 525.711; 525.74; and Laws 1982, chapter 501, sections 17, 18, 19, and 25.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Clawson moved that the House concur in the Senate amendments to H. F. No. 330 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 330, A bill for an act relating to courts; providing for the appeal of various matters to the court of appeals; providing for the manner of election of court of appeals judges; amending Minnesota Statutes 1982, sections 2.724, subdivision 2; 3.737, subdivision 4; 3.751, subdivision 4; 5.08, subdivision 2; 10A.01, subdivisions 5 and 19; 14.45; 14.62, subdivision 2; 14.63; 14.64; 14.65; 14.66; 14.67; 14.68; 15A.18; 16.863; 25.43, subdivision 5; 32A.09, subdivision 5; 43A.02, subdivision 25; 43A.24, subdivision 2; 43A.27, subdivision 4; 44.09, subdivision 3; 45.07; 45.17, subdivision 5; 47.54, subdivision 5; 49.18; 56.23; 60A.05; 60A.15, subdivisions 11 and 12; 62A.02, subdivision 6; 62C.14, subdivision 12; 62G.16, subdivision 11; 65B.04, subdivision 1; 70A.22, subdivision 3; 72A.24, subdivision 1; 72A.27; 79.073; 84.59; 88.78; 97.481, subdivision 2; 97.50, subdivision 6; 105.462; 106.631, subdivisions 5 and 6; 110A.36; 111.42; 112.82; 114.13, subdivision 4; 115.49, subdivision 5; 116.07, subdivision 7; 116.11; 116A.19, subdivision 4; 116C.65; 120.17, subdivision 3b; 122.23, subdivision 16c; 123.32, subdivision 25; 124.15, subdivision 7; 127.25, subdivision 3; 127.33; 141.29, subdivision 2; 145.698, subdivision 2; 149.05, subdivision 3; 155A.11, subdivision 2; 156A.071, subdivision 9; 161.34, subdivision 4; 168.65, subdivision 2; 168.68; 169.073; 169.123, subdivision 7; 174A.05; 176.471, subdivisions 6, 8, and 9; 177.29, subdivision 1; 178.09, subdivision 2; 179.64, subdivision 5; 179.741, subdivision 3; 181A.10, subdivision 2; 185.15; 192A.255, subdivision 1; 197.481,

subdivision 6; 204B.06, subdivisions 4 and 6; 204B.11, subdivision 1; 204B.34, subdivision 3; 204B.36, subdivision 4; 204D.02, subdivision 1; 204D.08, subdivision 6; 204D.11, subdivision 1; 209.09; 210A.01, subdivision 3; 216.25; 216.27; 216B.16, subdivision 3; 216B.52, subdivision 1; 231.33; 237.075, subdivision 3; 237.20; 237.25; 237.27; 237.39; 244.11; 246.55; 252A.21, subdivision 1; 253B.19, subdivision 5; 253B.23, subdivision 7; 256.045, subdivisions 9 and 10; 259.32; 260.291, subdivision 2; 268.06, subdivision 20; 268.10, subdivision 8; 268.12, subdivision 13; 270.22; 270.23; 270.26; 270.68, subdivision 2; 273.16; 279.21; 282.01, subdivision 3; 290.48, subdivision 6; 290.92, subdivision 6; 294.09, subdivision 3; 297.08, subdivisions 3 and 4; 297.37, subdivision 5; 297A.15, subdivision 4; 298.09, subdivision 3; 299D.03, subdivision 11; 299F.25; 299F.26, subdivision 3; 327B.05, subdivision 2; 340.404, subdivision 7; 340.54, subdivision 2; 351.03; 352.01, subdivision 2B; 352D.02, subdivision 1; 357.07; 357.08; 360.019, subdivision 2; 360.072, subdivision 1; 363.06, subdivision 4; 363.072, subdivisions 1 and 2; 373.11; 375.67, subdivision 1; 387.41; 412.092, subdivision 1; 414.07, subdivision 2; 414.08; 419.12; 420.13; 430.03; 430.031, subdivision 4; 458A.06, subdivision 4; 462.14, subdivision 12; 462.715; 465.43; 473.413, subdivision 4; 473.675, subdivision 4; 480.054; 480.055, subdivision 1; 480.061, subdivision 8; 480.062; 480.07; 480.19; 480A.01, subdivision 2; 480A.02, by adding a subdivision; 480A.04; 480A.06, subdivision 1; 480A.08, subdivision 3; 481.02, subdivisions 3 and 6; 481.15, subdivision 2; 482.07, subdivision 8; 485.16; 487.39; 488A.01, subdivision 14; 488A.17, subdivision 12; 488A.18, subdivision 14; 488A.34, subdivision 11; 501.35; 508.29; 508A.29; 525.71; 525.714; 525.73; 548.29, subdivision 2; 558.215; 562.04; 571.64; 574.18; 582.11; 586.09; 586.11; 586.12; 589.02; 589.29; 589.30; 590.01, subdivision 1; 590.04, subdivision 3; 590.06; 595.024, subdivision 3; 595.025, subdivision 3; 606.04; 609.39; 611.07, subdivisions 2 and 3; 611.071, subdivisions 1 and 2; 611.14; 611.18; 611.25; 645.44, by adding a subdivision; and 648.39, subdivision 1; amending Laws 1982, chapter 501, section 27; proposing new law coded in Minnesota Statutes, chapter 606; repealing Minnesota Statutes 1982, sections 14.70; 72A.24, subdivision 2; 80A.24, subdivision 3; 177.29, subdivisions 2 and 3; 216.24; 216.271; 216B.52, subdivisions 2, 3, 4, and 5; 216B.55; 360.072, subdivisions 2, 3, 4, and 5; 363.10; 375.67, subdivisions 2 and 3; 484.63; 525.711; and 525.74; and Laws 1982, chapter 501, sections 17, 18, 19, and 25.

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 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bergstrom	Carlson, L.	Denouden	Evans
Anderson, G.	Berkelman	Clark, J.	Dimler	Findlay
Battaglia	Bishop	Clark, K.	Eken	Fjoslien
Beard	Blatz	Clawson	Elioff	Forsythe
Begich	Brinkman	Cohen	Ellingson	Graba
Bennett	Burger	Coleman	Erickson	Gruenes

Gustafson	Levi	Olsen	Rose	Tomlinson
Gutknecht	Long	Omann	St. Onge	Tunheim
Haukoos	Ludeman	Onnen	Sarna	Uphus
Heap	Mann	Osthoff	Schafer	Valan
Heinitz	Marsh	Otis	Scheid	Valento
Himle	McDonald	Pauly	Schoenfeld	Vanasek
Hoberg	McEachern	Peterson	Schreiber	Vellenga
Hoffman	McKasy	Piepho	Seaberg	Voss
Jacobs	Metzen	Piper	Segal	Waltman
Jensen	Minne	Price	Shaver	Welch
Johnson	Munger	Quist	Shea	Welker
Kahn	Murphy	Redalen	Simoneau	Welle
Kalis	Nelson, D.	Reif	Skoglund	Wenzel
Knickerbocker	Nelson, K.	Rice	Solberg	Wynia
Knuth	Neuenschwander	Riveness	Sparby	Speaker Sieben
Kostohryz	Norton	Rodosovich	Stadum	
Krueger	O'Connor	Rodriguez, C.	Staten	
Larsen	Ogren	Rodriguez, F.	Swanson	

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. 652.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 652, A bill for an act relating to agriculture; adopting recommended federal rules relating to milk quality for manufacturing purposes; providing for phase in of inspections and compliance; proposing new law coded in Minnesota Statutes, chapter 32.

The bill was read for the first time.

Ogren moved that S. F. No. 652 and H. F. No. 481, now on Technical 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. 1290.

H. F. No. 1290 was reported to the House.

Kahn moved to amend H. F. No. 1290, as follows:

Page 8, line 8, delete "an office of" and insert "a"

Page 8, line 9, after "technology" insert "function within the governor's office. The governor may hire a director and additional staff as he deems necessary to carry out this function within this appropriation".



Page 8, line 10, delete "office" and insert "director"

Page 8, line 25, delete "its"

Page 8, line 26, delete "office" and insert "director"

Page 8, line 35, delete "office" and insert "director"

Page 8, line 36, delete "utilize" and insert "consider"

Page 8, line 42, delete "office" and insert "director"

Page 8, line 56, after the first "the" insert "science and technology"

Page 8, line 56, after "and" insert "supportive"; after "staff" delete "of the office of"

Page 8, line 57, delete "science and technology"

Page 8, line 58, delete "and" and insert "or"

Page 43, line 13, delete "shall" and insert "may"

Page 51, line 28, to page 53, line 21, delete section 57

Page 56, line 26, to page 59, line 20, delete section 65

Renumber remaining sections

Amend the title as follows:

Page 1, line 12, delete "3.9222;"

Page 1, line 15, delete "16.911;"

Norton moved that H. F. No. 1290 be re-referred to the Committee on Governmental Operations.

A roll call was requested and properly seconded.

#### CALL OF THE HOUSE

On the motion of Norton and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Anderson, B.  
Anderson, R.  
Battaglia

Beard  
Begich  
Bennett

Bergstrom  
Bishop  
Blatz

Brandl  
Brinkman  
Burger

Carlson, D.  
Carlson, L.  
Clark, J.

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

Norton 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 Norton motion to re-refer H. F. No. 1290 to the Committee on Governmental Operations and the roll was called. There were 51 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Bennett	Heinitz	McDonald	Riveness	Tunheim
Blatz	Hoberg	McKasy	Rodosovich	Uphus
Brinkman	Hokr	Neuenschwander	Rodriguez, F.	Valento
Burger	Knickerbocker	Norton	Schafer	Welker
Clawson	Knuth	O'Connor	Seaberg	Weile
DenOuden	Kostohryz	Olsen	Shaver	Wigley
Dimler	Krueger	Omann	Sherman	Zaffke
Findlay	Larsen	Pauly	Simoneau	
Fjoslien	Levi	Piper	Sparby	
Haukoos	Ludeman	Quinn	Sviggum	
Heap	Marsh	Quist	Thiede	

Those who voted in the negative were:

Anderson, B.	Cohen	Gutknecht	McEachern	Redalen
Anderson, G.	Coleman	Halberg	Metzen	Reif
Anderson, R.	Dempsey	Himle	Minne	Rice
Battaglia	Eken	Hoffman	Munger	Rodriguez, C.
Beard	Elioff	Jacobs	Murphy	Rose
Begich	Ellingson	Jennings	Nelson, D.	St. Onge
Bergstrom	Erickson	Jensen	Nelson, K.	Sarna
Berkelman	Evans	Johnson	Ogren	Scheid
Bishop	Forsythe	Kahn	Onnen	Schoenfeld
Brandl	Frerichs	Kalis	Osthoff	Schreiber
Carlson, D.	Graba	Kelly	Otis	Segal
Carlson, L.	Greenfield	Kvam	Peterson	Shea
Clark, J.	Gruenes	Long	Piepho	Skoglund
Clark, K.	Gustafson	Mann	Price	Solberg

Stadum  
Staten  
Swanson

Tomlinson  
Valan  
Vanasek

Vellenga  
Voss  
Waltman

Welch  
Wenzel  
Wynia

Speaker Sieben

The motion did not prevail.

The question recurred on the Kahn amendment to H. F. No. 1290. The motion prevailed and the amendment was adopted.

Staten moved to amend H. F. No. 1290, as amended, as follows:

Page 102, delete lines 11 to 16

The motion prevailed and the amendment was adopted.

Staten moved to amend H. F. No. 1290, as amended, as follows:

Page 102, after line 16, insert:

"Sec. 115. Minnesota Statutes 1982, section 363.06, is amended by adding a subdivision to read:

*Subd. 4a. [TEMPORARY RULES.] The commissioner shall have the authority to promulgate temporary rules pursuant to chapter 14 to carry out the purposes of section 363.06.*

Sec. 116. Minnesota Statutes 1982, section 363.071, subdivision 2, is amended to read:

*Subd. 2. [DETERMINATION OF DISCRIMINATORY PRACTICE.] The hearing examiner shall make findings of fact and conclusions of law, and if the hearing examiner finds that the respondent has engaged in an unfair discriminatory practice, the hearing examiner shall issue an order directing the respondent to cease and desist from the unfair discriminatory practice found to exist and to take such affirmative action as in the judgment of the examiner will effectuate the purposes of this chapter. Such order shall be a final decision of the department. The examiner shall order any respondent found to be in violation of any provision of section 363.03 to pay a civil penalty to the state. The hearing examiner shall determine the amount of the civil penalty to be paid, taking into account the financial resources of the respondent. Any penalties imposed under this provision shall be paid into the general fund of the state. In all cases the examiner may order the respondent to pay an aggrieved party, who has suffered discrimination, compensatory damages, including damages for mental anguish or suffering, and, in all cases, may also order the respondent to pay an aggrieved party, who has suffered discrimination, punitive damages in an amount not more than \$6,000. Punitive damages shall be awarded pursuant to section 549.20. In any case where a political subdivision*

is a respondent the total of punitive damages awarded an aggrieved party may not exceed \$6,000 and in that case if there are two or more respondents the punitive damages may be apportioned among them. Punitive damages may only be assessed against a political subdivision in its capacity as a corporate entity and no regular or ex-officio member of a governing body of a political subdivision shall be personally liable for payment of punitive damages pursuant to this subdivision. In addition to the aforesaid remedies, in a case involving discrimination in

(a) employment, the examiner may order the hiring, reinstatement or upgrading of an aggrieved party, who has suffered discrimination, with or without back pay, admission or restoration to membership in a labor organization, or his admission to or participation in an apprenticeship training program, on-the-job training program, or other retraining program, or any other relief the examiner deems just and equitable.

(b) housing, the examiner may order the sale, lease, or rental of the housing accommodation or other real property to an aggrieved party, who has suffered discrimination, or the sale, lease or rental of a like accommodation or other real property owned by or under the control of the person against whom the complaint was filed, according to terms as listed with a real estate broker, or if no such listing has been made, as otherwise advertised or offered by the vendor or lessor, or any other relief the examiner deems just and equitable.

The examiner shall cause the findings of fact, conclusions of law, and order to be served on the respondent personally, the charging party by registered or certified mail, and shall furnish copies to the attorney general and the commissioner."

Page 107, line 4, delete "107, 108, and 109" and insert "104, 105, and 106"

Page 107, line 5, delete "84" and insert "81"

Page 107, line 6, delete "77, 83, 86," and insert "74, 80, 83,"

Page 107, line 7, delete "87, 88, 89" and insert "84, 85, 86"

Page 107, line 7, delete "124" and insert "123"

Renumber subsequent sections

Amend the title as follows:

Page 1, line 22, after "5;" insert "116C.07, subdivision 2a;"

Page 1, line 30, after "4" insert ", and by adding a subdivision; 363.071, subdivision 2"

Page 1, line 36, delete "16;"

The motion prevailed and the amendment was adopted.

The Speaker called Wynia to the Chair.

Welker moved to amend H. F. No. 1290, as amended, as follows:

Pages 82 to 83, delete section 96

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Minne moved that those not voting be excused from voting. The motion prevailed.

There were 59 yeas and 68 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Welker moved to amend H. F. No. 1290, as amended, as follows:

Pages 102 and 103, delete sections 115 and 116

Renumber the sections

Amend the title as follows:

Page 1, line 30, delete "462A.05,"

Page 1, delete line 31

Page 1, line 32, delete "subdivision;"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Minne moved that those not voting be excused from voting. The motion prevailed.

There were 46 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Bennett	Forsythe	Ludeman	Redalen	Uphus
Bishop	Gruenes	Marsh	Reif	Valan
Blatz	Gutknecht	McDonald	Schafer	Valento
Burger	Haukoos	McKasy	Schreiber	Waltman
Dempsey	Heinitz	Olsen	Seaberg	Welker
DenOuden	Hoberg	Omann	Shaver	Wigley
Dimler	Jennings	Onnen	Sherman	
Evans	Johnson	Pauly	Stadum	
Findlay	Knickerbocker	Piepho	Sviggum	
Fjoalien	Kvam	Quist	Thiede	

Those who voted in the negative were:

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

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

Welker moved to amend H. F. No. 1290, as amended, as follows:

Page 94, delete section 106

Renumber the sections

Amend the title as follows:

Page 1, line 27, delete "271.01, subdivision 1;"

The motion prevailed and the amendment was adopted.

Welker moved to amend H. F. No. 1290, as amended, as follows:

Page 7, line 47, delete "1,991,400" and "2,009,300" and insert "1,748,800" and "1,754,500"

Page 8, delete lines 7 to 64

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Minne moved that those not voting be excused from voting. The motion prevailed.

There were 39 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Heap	Ludeman	Schafer	Valan
DenOuden	Heinitz	McDonald	Schreiber	Valento
Dimler	Hoberg	Olsen	Seaberg	Waltman
Erickson	Jennings	Omann	Shaver	Welker
Findlay	Johnson	Onnen	Stadum	Welle
Frerichs	Knickerbocker	Piepho	Sviggum	Wigley
Gruenes	Kvam	Quist	Thiede	Zaffke
Haukoos	Levi	Redalen	Uphus	

Those who voted in the negative were:

Anderson, B.	Coleman	Knuth	Osthoff	Sherman
Anderson, G.	Dempsey	Kostohryz	Otis	Simoneau
Battaglia	Eken	Krueger	Peterson	Skoglund
Beard	Elioff	Long	Piper	Soiberg
Begich	Ellingson	Mann	Quinn	Sparby
Bennett	Evans	Marsh	Rice	Staten
Berkelman	Fjoslien	McEachern	Riveness	Swanson
Bishop	Forsythe	McKasy	Rodosovich	Tomlinson
Brandl	Graba	Metzen	Rodriguez, C.	Tunheim
Brinkman	Greenfield	Minne	Rodriguez, F.	Vanasek
Burger	Gustafson	Munger	Rose	Vellenga
Carlson, D.	Himle	Murphy	St. Onge	Voss
Carlson, L.	Jacobs	Nelson, D.	Sarna	Welch
Clark, J.	Jensen	Nelson, K.	Scheid	Wenzel
Clark, K.	Kahn	Norton	Schoenfeld	Wynia
Clawson	Kalis	O'Connor	Segal	Speaker Sieben
Cohen	Kelly	Ogren	Shea	

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

DenOuden moved to amend H. F. No. 1290, as amended, as follows:

Page 27, line 14, delete "9,457,500 9,217,700" and insert "9,419,500 9,181,700"

Page 28, line 9, delete "\$2,411,300      \$2,454,700" and insert "\$2,373,300      \$2,416,700"

Page 28, line 10, delete "\$125,000" and insert "\$87,000" in each case

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Minne moved that those not voting be excused from voting. The motion prevailed.

There were 20 yeas and 95 nays as follows:

Those who voted in the affirmative were:

DenOuden	Gutknecht	Hoberg	Omann	Upbus
Dimler	Haukoos	Jennings	Quist	Valento
Findlay	Heap	Ludeman	Sviggun	Welker
Fjoslien	Heinitz	McDonald	Thiede	Wigley

Those who voted in the negative were:

Anderson, G.	Ellingson	Larsen	Pauly	Shaver
Anderson, R.	Evans	Long	Peterson	Shea
Battaglia	Forsythe	Mann	Piepho	Sherman
Beard	Frerichs	Marsh	Piper	Skoglund
Begich	Greenfield	McEachern	Price	Solberg
Bennett	Gruenes	McKasy	Quinn	Sparby
Berkelman	Gustafson	Metzen	Redalen	Stadum
Bishop	Himle	Minne	Riveness	Staten
Brandl	Hoffman	Munger	Rodosovich	Swanson
Brinkman	Jacobs	Murphy	Rodriguez, C.	Tomlinson
Burger	Jensen	Nelson, D.	Rodriguez, F.	Tunheim
Carlson, D.	Johnson	Nelson, K.	Rose	Valan
Carlson, L.	Kahn	Neuenschwander	St. Onge	Vanasek
Clark, J.	Kalis	Norton	Sarna	Vellenga
Clark, K.	Kelly	O'Connor	Scheid	Voss
Clawson	Knickerbocker	Ogren	Schoenfeld	Waltman
Cohen	Knuth	Olsen	Schreiber	Welle
Dempsey	Kostohryz	Osthoff	Seaberg	Wenzel
Eken	Krueger	Otis	Segal	Speaker Sieben

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

Burger moved to amend H. F. No. 1290, as amended, as follows:

Page 48, after line 25, insert:

"Sec. 51. [APPROPRIATION REDUCTION.]



*Notwithstanding any modification of the provisions of the other sections of this bill, every appropriation specified in sections 1 to 51 shall be reduced by 5 percent of the amount stated. All expenditures to be made in whole or in part from the appropriations in this bill shall be reduced pro rata to allow implementation of all programs at a level of 95 percent."*

Renumber sections as necessary

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Kahn moved that those not voting be excused from voting. The motion prevailed.

There were 56 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Bennett	Gruenes	Kvam	Redalen	Uphus
Blatz	Gutknecht	Levi	Reif	Valan
Burger	Halberg	Ludeman	Rose	Valento
Denipsey	Haukoos	Marsh	Schafer	Waltman
DenOuden	Heap	McDonald	Schreiber	Welker
Dimler	Heinitz	McKasy	Seaberg	Wenzel
Erickson	Himle	Olsen	Shaver	Wigley
Evans	Hoberg	Omann	Shea	Zaffke
Findlay	Hokr	Onnen	Sherman	
Fjoslien	Jennings	Pauly	Stadum	
Forsythe	Johnson	Piepho	Sviggum	
Frerichs	Knickerbocker	Quist	Thiede	

Those who voted in the negative were:

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

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

Stadum offered an amendment to H. F. No. 1290.

## POINT OF ORDER

Gustafson raised a point of order pursuant to rule 3.9 that the amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

Sviggum moved to amend H. F. No. 1290, as amended, as follows:

Page 4, after line 6, insert:

"The chief clerk of the House, the secretary of the Senate, the Legislative Coordinating Commission, and the Legislative Audit Commission shall prepare an estimate of the savings during fiscal years 1984 and 1985 resulting from reduced claims for per diem expenses made by legislators who fail to claim or who claim reduced daily amounts of otherwise allowable per diem expenses. Notwithstanding the provisions of Minnesota Statutes, section 16A.281, an amount of the above appropriations equal to the estimated savings shall lapse and revert to the general fund at the end of fiscal years 1984 and 1985 pursuant to Minnesota Statutes, section 16A.28."

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Minne moved that those not voting be excused from voting. The motion did not prevail.

Kahn moved that those not voting be excused from voting. The motion did not prevail.

Vanasek moved that those not voting be excused from voting. The motion did not prevail.

Anderson, G., moved that those not voting be excused from voting. The motion prevailed.

There were 60 yeas and 71 nays as follows:

## Those who voted in the affirmative were:

Bennett	Fjoslien	Jennings	Onnen	Shea
Berkelman	Forsythe	Johnson	Pauly	Sherman
Bishop	Frerichs	Knickerbocker	Piepho	Stadum
Blatz	Gruenes	Knuth	Quist	Sviggum
Burger	Cutknecht	Kvam	Redalen	Thiede
Cohen	Halberg	Levi	Reif	Uphus
Dempsey	Haukoos	Ludeman	Rose	Valan
DenOuden	Heap	Marsh	Schafer	Valento
Dimler	Heinitz	McDonald	Schoenfeld	Waltman
Erickson	Himle	McKasy	Schreiber	Welker
Evans	Hoberg	Olsen	Seaberg	Wigley
Findlay	Hokr	Omann	Shaver	Zaffke

## Those who voted in the negative were:

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

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

## MOTION FOR RECONSIDERATION

Valento moved that the vote whereby the Welker amendment to H. F. No. 1290, as amended, was adopted be now reconsidered. The motion prevailed.

The Welker amendment was reported to the House.

Welker moved to amend H. F. No. 1290, as amended, as follows:

Page 94, delete section 106

Renumber the sections

Amend the title as follows:

Page 1, line 27, delete "271.01, subdivision 1;"

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 62 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Findlay	Ludeman	Rodriguez, F.	Thiede
Anderson, G.	Fjoslien	Marsh	Rose	Tunheim
Anderson, R.	Gutknecht	McDonald	Sarna	Uphus
Battaglia	Haukoos	McEachern	Schafer	Valan
Beard	Heap	Metzen	Schoenfeld	Vanasek
Begich	Hokr	Minne	Shaver	Voss
Berkelman	Jacobs	Neuenschwander	Shea	Waltman
Brinkman	Jennings	O'Connor	Skoglund	Welker
Burger	Jensen	Omman	Sparby	Wigley
Carlson, L.	Johnson	Osthoff	Stadum	Zaffke
Clark, J.	Kalis	Quist	Staten	
DenOuden	Kelly	Redalen	Sviggum	
Dimler	Kostohryz	Rodosovich	Swanson	

Those who voted in the negative were:

Bennett	Erickson	Knuth	Olsen	Scheid
Bergstrom	Evans	Krueger	Onnen	Schreiber
Bishop	Forsythe	Kvam	Otis	Seaberg
Blatz	Graba	Larsen	Pauly	Segal
Brandl	Greenfield	Levi	Peterson	Sherman
Carlson, D.	Gruenes	Long	Piepho	Solberg
Clark, K.	Gustafson	Mann	Piper	Valento
Clawson	Halberg	McKasy	Price	Vellenga
Cohen	Heinitz	Munger	Quinn	Welch
Coleman	Himle	Murphy	Reif	Welle
Dempsey	Hoberg	Nelson, D.	Rice	Wenzel
Eken	Hoffman	Nelson, K.	Riveness	Wynia
Elioff	Kahn	Norton	Rodriguez, C.	Speaker Sieben
Ellingson	Knickerbocker	Ogren	St. Onge	

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

McDonald and Dimler moved to amend H. F. No. 1290, as amended, as follows:

Page 18, line 17, delete "84,311,000 85,697,100" and insert "83,272,700 84,151,300"

Page 18, line 23, delete "\$45,399,100" and insert "\$44,360,800"

Page 18, line 24, delete "46,702,700" and insert "45,156,900"

Page 19, line 50, delete "\$4,550,700 \$5,073,500" and insert "\$3,512,400 \$3,527,700"

Page 20, delete lines 13 to 40

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 42 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Bishop	Forsythe	Levi	Quist	Valan
Blatz	Gruenes	Ludeman	Redalen	Valento
Burger	Gutknecht	Marsh	Reif	Vanasek
Clawson	Halberg	McDonald	Schafer	Welker
Dempsey	Haukoos	McKasy	Schreiber	Wigley
DenOuden	Heinitz	Olsen	Seaberg	Zaffke
Dimler	Hoberg	Onnen	Shaver	
Erickson	Hokr	Pauly	Stadum	
Fjoslien	Jennings	Piepho	Svigum	

Those who voted in the negative were:

Anderson, B.	Elioff	Larsen	Piper	Skoglund
Anderson, G.	Ellingson	Long	Price	Solberg
Anderson, R.	Evans	Mann	Quinn	Sparby
Battaglia	Findlay	McEachern	Rice	Staten
Beard	Graba	Minne	Riveness	Swanson
Begich	Greenfield	Munger	Rodosovich	Tomlinson
Bennett	Gustafson	Murphy	Rodriguez, C.	Tunheim
Bergstrom	Hoffman	Nelson, D.	Rodriguez, F.	Uphus
Berkelman	Jacobs	Nelson, K.	Rose	Vellenga
Brandl	Jensen	Neuenschwander	St. Onge	Waltman
Brinkman	Johnson	Norton	Sarna	Welch
Carlson, L.	Kahn	O'Connor	Scheid	Welle
Clark, J.	Kalis	Ogren	Schoenfeld	Wenzel
Clark, K.	Knickerbocker	Omann	Segal	Wynia
Cohen	Knuth	Osthoff	Shea	Speaker Sieben
Coleman	Kostohryz	Otis	Sherman	
Eken	Krueger	Peterson	Simoneau	

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

The Speaker resumed the Chair.

Dimler and McDonald moved to amend H. F. No. 1290, as amended, as follows:

Page 18, line 17, delete "84,311,000 85,697,100" and insert "83,692,600 85,078,700"

Page 18, line 23, delete "\$45,399,100" and insert "\$44,981,100"

Page 18, line 24, delete "\$46,702,700" and insert "\$46,284,700"

Page 27, line 27, delete "\$4,292,300      \$4,092,300" and insert  
"\$3,673,900      \$3,473,900"

Page 27, delete lines 39 to 43

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 52 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Fjoslien	Ludeman	Reif	Uphus
Bennett	Forsythe	Marsh	Rose	Valan
Bishop	Gruenes	McDonald	Schafer	Valento
Blatz	Gutknecht	McKasy	Schoenfeld	Waltman
Brinkman	Haukoos	Olsen	Seaberg	Welker
Burger	Heinitz	Omann	Shaver	Wenzel
Dempsey	Himle	Onnen	Shea	Wigley
DenOuden	Hokr	Pauly	Sherman	Zaffke
Dimler	Jennings	Piepho	Stadum	
Erickson	Johnson	Quist	Sviggum	
Evans	Knickerbocker	Redalen	Thiede	

Those who voted in the negative were:

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

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

Findlay moved to amend H. F. No. 1290, as amended, as follows:

Page 26, line 38, strike "1,415,300      1,445,800" and insert  
"1,303,400      1,332,500"

Page 26, line 39, strike "28" and insert "26"

Page 26, insert "Sec. 25a. [WATER RESOURCES BOARD.]  
111,900      113,300

Approved Complement—3"

Pages 68 to 70, strike Sec. 77

Pages 74 to 76, strike subdivisions 1 and 2a of Sec. 87

Page 76, line 15, delete "BOARDS" and insert "BOARD"

Page 76, delete line 16

Page 76, line 18, delete "are" and insert "is"

Page 76, line 22, delete ", the water resources board,"

Page 106, line 27, strike Sec. 124

Page 106, delete line 35

Page 106, line 36, strike everything before "114A.01"

Further amend the title as follows:

Page 1, line 18, delete "40.072, subdivision 3;"

Page 1, line 38, delete "105.71; 105.72; 105.73;"

Page 1, delete line 39

Page 1, line 40, delete "105.79;"

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 did not prevail.

Pursuant to rule 2.5, Knuth requested that he be excused from voting on the Findlay amendment to H. F. No. 1290, as amended. The request was granted.

Vanasek moved that those not voting be excused from voting. The motion prevailed.

There were 66 yeas and 66 nays as follows :

Those who voted in the affirmative were :

Anderson, B.	Findlay	Johnson	Piepho	Svigum
Anderson, G.	Fjoslien	Kalis	Quist	Thiede
Anderson, R.	Forsythe	Knickerbocker	Redalen	Tunheim
Bennett	Frerichs	Kvam	Reif	Uphus
Bishop	Gruenes	Levi	Rose	Valan
Blatz	Gutknecht	Ludeman	St. Onge	Valento
Burger	Halberg	Marsh	Schafer	Waltman
Carlson, D.	Haukoos	McDonald	Schreiber	Welker
Cohen	Heap	McKasy	Seaberg	Wigley
Dempsey	Heinitz	Neuenschwander	Shaver	Zaffke
DenOuden	Himle	Olsen	Shea	
Dimler	Hoberg	Omann	Sherman	
Erickson	Hokr	Onnen	Sparby	
Evans	Jennings	Pauly	Stadum	

Those who voted in the negative were :

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

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

Jennings moved to amend H. F. No. 1290, as amended, as follows :

Page 13, line 2, delete "20,688,200      20,869,100" and insert "20,664,400      20,843,100"

Page 13, line 13, delete "\$9,229,300      \$9,410,200" and insert "\$9,205,500      \$9,384,200"

Page 13, line 28, delete "\$226,000" and "\$227,400" and insert "\$202,200" and "\$201,400"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 60 yeas and 74 nays as follows :



## Those who voted in the affirmative were:

Anderson, R.	Fjoslien	Jennings	Pauly	Sherman
Bennett	Forsythe	Johnson	Piepho	Stadum
Bishop	Frerichs	Knickerbocker	Quist	Swiggum
Blatz	Gruenes	Kvam	Redalen	Thiede
Burger	Gutknecht	Levi	Reif	Uphus
Cohen	Halberg	Ludeman	Rodriguez, C.	Valan
Derapsey	Haukoos	Marsh	Rose	Valento
DenOuden	Heap	McDonald	Schafer	Waltman
Dimler	Heinitz	McKasy	Schreiber	Welker
Erickson	Himle	Olsen	Seaberg	Wenzel
Evans	Hoberg	Omamn	Shaver	Wigley
Findlay	Hokr	Onnen	Shea	Zaffke

## Those who voted in the negative were:

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

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

Ludeman moved to amend H. F. No. 1290, as amended, as follows:

Page 2, line 27, strike "27,469,700 29,234,700" and insert "24,469,700 26,234,700"

Page 2, line 28, strike "8,664,300 9,094,200" and insert "7,664,300 8,094,200"

Page 2, line 29, strike "12,266,000 13,520,000" and insert "10,266,000 11,520,000"

A roll call was requested and properly seconded.

Vanasek moved that the proposed Ludeman amendments numbered 1 through 28, which are currently at the House desk be voted on at the same time.

## POINT OF ORDER

Jennings raised a point of order that the Vanasek motion was not in order. The Speaker ruled the point of order well taken and the motion not in order.

The question recurred on the Ludeman amendment and the roll was called.

Vanasek moved that those not voting be excused from voting. The motion prevailed.

There were 56 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Frerichs	Kvam	Redalen	Uphus
Bennett	Gruenes	Levi	Reif	Valan
Blatz	Cutknecht	Ludeman	Rodriguez, C.	Valento
Burger	Halberg	Marsh	Rose	Waltman
Dempsey	Haukoos	McDonald	Schafer	Welker
DenOuden	Heap	McKasy	Schreiber	Wenzel
Dimler	Heinitz	Olsen	Seaberg	Wigley
Erickson	Himle	Omann	Shea	Zaffke
Evans	Hokr	Onnen	Sherman	
Findlay	Jennings	Pauly	Stadum	
Fjoslien	Johnson	Piepho	Sviggunn	
Forsythe	Knickerbocker	Quist	Thiede	

Those who voted in the negative were:

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

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

Welle was excused for the remainder of today's session.

Ludeman moved to amend H. F. No. 1290, as amended, as follows:

Page 4, line 8, strike "7,377,950 7,518,600" and insert "6,377,950 6,518,600"

Page 4, line 13, strike "3,753,700 3,550,500" and insert "3,253,700 3,050,500"

Page 4, line 24, strike "2,144,950 2,446,300" and insert "1,644,950 1,946,300"

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 41 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Gruenes	Kvam	Reif	Valan
Bennett	Gutknecht	Levi	Rose	Valento
Blatz	Haukoos	Ludeman	Schafer	Waltman
Burger	Heap	Marsh	Seaberg	Wigley
Dimier	Heinitz	McDonald	Shaver	Zaffke
Erickson	Hoberg	McKasy	Stadum	
Evans	Hokr	Omann	Sviggum	
Findlay	Jennings	Onnen	Thiede	
Fjoslien	Johnson	Quist	Uphus	

Those who voted in the negative were:

Anderson, G.	Eken	Larsen	Peterson	Simoneau
Battaglia	Elioff	Long	Piepho	Skoglund
Beard	Ellingson	Mann	Piper	Solberg
Begich	Graba	McEachern	Price	Sparby
Berkelman	Greenfield	Metzen	Quinn	Staten
Bishop	Gustafson	Minne	Rice	Swanson
Brandl	Halberg	Munger	Riveness	Tomlinson
Brinkman	Hoffman	Murphy	Rodosovich	Tunheim
Carlson, D.	Jacobs	Nelson, D.	Rodriguez, C.	Vanasek
Carlson, L.	Jensen	Nelson, K.	Rodriguez, F.	Vellenga
Clark, J.	Kahn	Neuenschwander	St. Onge	Welch
Clark, K.	Kalis	Norton	Sarna	Welker
Clawson	Kelly	O'Connor	Scheid	Wenzel
Cohen	Knickerbocker	Ogren	Schoenfeld	Wynia
Coleman	Knuth	Olsen	Segal	Speaker Sieben
Dempsey	Kostohryz	Osthoff	Shea	
DenOuden	Krueger	Otis	Sherman	

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

Ludeman moved to amend H. F. No. 1290, as amended, as follows:

Page 6, line 14, strike "122,500 125,200" and insert "92,500 105,200"

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

Ludeman moved to amend H. F. No. 1290, as amended, as follows:

Page 6, line 19, strike "349,400 349,300" and insert "299,400 299,300"

Page 6, line 27, strike "95,000 95,000" and insert "80,000 80,000"

Page 6, line 30, strike "55,000 55,000" and insert "45,000 45,000"

Page 6, line 34, strike "85,000 85,000" and insert "75,000 75,000"

Page 6, line 39, strike "52,500 52,500" and insert "45,000 45,000"

Page 7, line 3, strike "52,500 52,500" and insert "45,000 45,000"

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

Ludeman moved to amend H. F. No. 1290, as amended, as follows:

Page 7, line 47, strike "1,991,400 2,009,300" and insert "1,791,400 1,709,300"

Page 8, line 2, strike "1,929,600 1,947,500" and insert "1,729,600 1,647,500"

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 47 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Blatz	Halberg	Ludeman	Reif	Uphus
Burger	Haukoos	Marsh	Rose	Valan
DenOuden	Heap	McDonald	Schafer	Valento
Dimler	Heinitz	McKasy	Seaberg	Waltman
Evans	Hoberg	Olsen	Shaver	Welker
Findlay	Hokr	Omman	Shea	Wigley
Fjoslien	Jennings	Onnen	Sherman	Zaffke
Forsythe	Johnson	Piepho	Stadum	
Gruenes	Knickerbocker	Quist	Sviggum	
Gutknecht	Kvam	Redalen	Thiede	

Those who voted in the negative were:

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

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

Ludeman moved to amend H. F. No. 1290, as amended, as follows:

Page 10, line 24, strike "1,011,800 1,011,800" and insert "911,800 911,800"

Page 10, line 30, strike "639,300 625,900" and insert "559,300 545,900"

Page 10, line 32, strike "372,500 385,900" and insert "352,500 365,900"

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

Ludeman moved to amend H. F. No. 1290, as amended, as follows:

Page 10, line 40, strike "12,706,200 13,156,200" and insert "10,706,200 11,156,200"

Page 10, line 48, strike "1,522,900 1,585,500" and insert "1,222,900 1,285,500"

Page 11, line 2, strike "3,059,800 3,193,200" and insert "2,559,800 2,693,200"

Page 11, line 4, strike "1,720,500 1,791,900" and insert "1,520,500 1,591,900"

Page 11, line 6, strike "3,435,000 3,574,500" and insert "2,935,000 3,074,500"

Page 11, line 55, strike "2,968,000 3,011,100" and insert "2,468,000 2,511,100"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Minne moved that those not voting be excused from voting. The motion prevailed.

There were 52 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Bennett	Forsythe	Jennings	Quist	Thiede
Bishop	Frerichs	Johnson	Redalen	Uphus
Blatz	Gruenes	Knickerbocker	Reif	Valan
Burger	Gutknecht	Kvam	Rose	Valento
Dempsey	Halberg	Levi	Schafer	Waltman
DenOuden	Haukoos	Ludeman	Schreiber	Welker
Dimler	Heap	Marsh	Seaberg	Wigley
Erickson	Heinitz	McDonald	Shaver	Zaffke
Evans	Himle	Omman	Sherman	
Findlay	Hoberg	Onnen	Stadum	
Fjoslien	Hokr	Pauly	Sviggum	

Those who voted in the negative were:

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

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

Ludeman moved to amend H. F. No. 1290, as amended, as follows:

Page 14, line 38, strike Section 17

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Minne moved that those not voting be excused from voting. The motion prevailed.

There were 56 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Frerichs	Johnson	Redalen	Uphus
Bennett	Gruenes	Kvam	Rose	Valan
Bergstrom	Cutknecht	Levi	Schafer	Valento
Bishop	Halberg	Ludeman	Schoenfeld	Voss
Blatz	Haukoos	Marsh	Schreiber	Waltman
Burger	Heap	McDonald	Seaberg	Welker
Dempsey	Heinitz	McKasy	Shaver	Wigley
DenOuden	Himle	Ormann	Shea	Zaffke
Dimler	Hoberg	Onnen	Sherman	
Erickson	Hoffman	Pauly	Stadum	
Fjoslien	Hokr	Price	Sviggum	
Forsythe	Jennings	Quist	Thiede	

Those who voted in the negative were:

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

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

The Speaker called Wynia to the Chair.

Ludeman moved to amend H. F. No. 1290, as amended.

Bishop requested a division of the Ludeman amendment to H. F. No. 1290, as amended.

The first portion of the Ludeman amendment to H. F. No. 1290, as amended, reads as follows:

Page 19, line 1, strike "6,338,200 6,601,100" and insert "5,838,200 6,101,100"

A roll call was requested and properly seconded.

The question was taken on the first portion of the Ludeman amendment and the roll was called.

Staten moved that those not voting be excused from voting. The motion prevailed.

There were 52 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Bennett	Fjoslien	Knickerbocker	Pauly	Sviggum
Bergstrom	Forsythe	Krueger	Quinn	Thiede
Bishop	Gruenes	Kvam	Quist	Uphus
Blatz	Halberg	Levi	Redalen	Valento
Burger	Haukoos	Ludeman	Reif	Waltman
Carlson, D.	Heap	Marsh	Schafer	Welker
Dempsey	Hoberg	McDonald	Schreiber	Wigley
DenOuden	Hoffman	McKasy	Seaberg	Zaffke
Dimler	Hokr	Olsen	Shaver	
Erickson	Jennings	Omann	Shea	
Findlay	Johnson	Onnen	Sherman	

Those who voted in the negative were:

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

The motion did not prevail and the first portion of the Ludeman amendment was not adopted.

The second portion of the Ludeman amendment to H. F. No. 1290, as amended, reads as follows:

Page 18, line 17, strike "84,311,000 85,697,100" and insert "73,311,000 74,697,100"

Page 19, line 41, strike "3,326,800 3,356,500" and insert "2,326,800 2,356,500"

Page 19, line 50, strike "4,550,700 5,073,500" and insert "3,550,700 4,073,500"

Page 20, line 56, strike "18,639,800 19,527,400" and insert "16,639,800 17,527,400"



Page 22, line 9, strike "10,462,600 9,623,600" and insert  
"8,462,600 7,623,600"

Page 22, line 34, strike "10,301,700 10,423,400" and insert  
"9,301,700 9,423,400"

Page 24, line 27, strike "3,612,500 3,679,900" and insert  
"3,112,500 3,179,900"

A roll call was requested and properly seconded.

The question was taken on the second portion of the Ludeman amendment and the roll was called.

Staten moved that those not voting be excused from voting.  
The motion prevailed.

There were 44 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Blatz	Haukoos	Levi	Quinn	Sviggum
Burger	Heap	Ludeman	Quist	Uphus
DenOuden	Heinitz	Marsh	Redalen	Valan
Dimler	Hoberg	McDonald	Schafer	Valento
Erickson	Hoffman	McKasy	Schreiber	Waliman
Findlay	Hokr	Olsen	Seaberg	Welker
Fjoslien	Johnson	Omann	Shaver	Wigley
Forsythe	Knickerbocker	Onnen	Shea	Zaffke
Gruenes	Kvam	Pauly	Sherman	

Those who voted in the negative were:

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

The motion did not prevail and the second portion of the Ludeman amendment was not adopted.

Ludeman moved to amend H. F. No. 1290, as amended, as follows:

Page 47, line 13, strike "33,545,500 68,450,000" and insert "16,773,000 34,225,000"

Page 47, line 17, strike "23,400,000 47,750,000" and insert "11,700,000 23,875,000"

Page 47, line 19, strike "75,000 150,000" and insert "37,500 75,000"

Page 47, line 21, strike "9,850,000 20,100,000" and insert "4,925,000 10,050,000"

Page 47, line 23, strike "220,000 450,000" and insert "110,000 225,000"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Staten moved that those not voting be excused from voting. The motion prevailed.

There were 33 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Burger	Haukoos	Ludeman	Schafer	Valan
Dempsey	Heap	Omann	Schreiber	Valento
DenOuden	Heinitz	Onnen	Seaberg	Welker
Dimler	Jennings	Pauly	Shaver	Wigley
Fjoslien	Johnson	Piepho	Shea	Zaffke
Frerichs	Kvam	Quist	Stadum	
Gutknecht	Levi	Redalen	Uphus	

Those who voted in the negative were:

Anderson, G.	Coleman	Long	Piper	Sparby
Anderson, R.	Eken	Mann	Price	Staten
Battaglia	Elioff	Marsh	Quinn	Sviggum
Beard	Ellingson	McEachern	Rice	Swanson
Begich	Greenfield	Meizen	Riveness	Thiede
Bennett	Gustafson	Minne	Rodosovich	Tomlinson
Bergstrom	Hoffman	Munger	Rodriguez, C.	Tunheim
Berkelman	Jacobs	Murphy	Rodriguez, F.	Vanasek
Bishop	Jensen	Nelson, D.	St. Onge	Vellenga
Brandl	Kahn	Nelson, K.	Sarna	Waltman
Brinkman	Kalis	Neuenschwander	Scheid	Welch
Carlson, D.	Kelly	Norton	Schoenfeld	Wenzel
Carlson, L.	Knickerbocker	O'Connor	Segal	Wynia
Clark, J.	Knuth	Ogren	Sherman	Speaker Sieben
Clark, K.	Kostohryz	Olsen	Simoneau	
Clawson	Krueger	Osthoff	Skoglund	
Cohen	Larsen	Otis	Solberg	

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

Berkelman moved to amend H. F. No. 1290, as amended, as follows:

Page 13, after line 42, insert:

"The Department of Administration shall designate adequate space on second floor of the capitol building to be retained for food distribution services pursuant to section 248.07, subdivision 7."

The motion prevailed and the amendment was adopted.

Svigum moved to amend H. F. No. 1290, as amended, as follows:

Page 43, line 9, delete "\$1,513,400" and insert "\$1,313,400"

Page 43, line 9, delete "\$1,490,900" and insert "\$1,290,900"

Page 43, line 37, delete "\$1,050,400" and insert "\$850,400"

Page 43, line 37, delete "\$1,029,300" and insert "\$829,300"

Page 43, delete lines 38 to 44

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

Welker moved to amend H. F. No. 1290, as amended, as follows:

Page 25, after line 40, insert:

*"For the biennium ending June 30, 1985, it is intended that 50% of the appropriation made in this section shall be recovered through fee receipts and contributions to the zoological garden. For each \$1 obtained the zoo shall receive \$2 of the appropriation. The zoological garden may receive 75% of the appropriation for each year prior to the receipt of any money through fees or contributions."*

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Staten moved that those not voting be excused from voting. The motion prevailed.

There were 41 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Blatz	Frerichs	Jennings	Olsen	Thiede
Burger	Gruenes	Johnson	Omann	Uphus
Dempsey	Gutknecht	Knickerbocker	Quist	Valento
DenOuden	Halberg	Kvam	Redalen	Welker
Dimler	Haukoos	Levi	Schafer	Zaffke
Erickson	Heap	Ludeman	Schreiber	
Evans	Heinitz	Marsh	Shaver	
Findlay	Himle	McDonald	Sherman	
Fjoslien	Hokr	McKasy	Svigum	

Those who voted in the negative were:

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

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

Olsen moved to amend H. F. No. 1290, as amended, as follows:

Page 54, lines 20 to 25, delete section 60

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

The question was taken on the amendment and the roll was called.

Minne moved that those not voting be excused from voting. The motion prevailed.

There were 74 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Berkelman	Clawson	Evans	Graba
Anderson, G.	Bishop	Dempsey	Findlay	Gruenes
Anderson, R.	Blatz	DenOuden	Fjoslien	Gutknecht
Bennett	Burger	Dimler	Forsythe	Halberg
Bergstrom	Carlson, D.	Erickson	Frerichs	Haukoos

Heap	Krueger	Onnen	Schafer	Tunheim
Heinitz	Kvam	Pauly	Scheid	Uphus
Himle	Levi	Quinn	Schreiber	Valan
Hoberg	Ludeman	Quist	Scaberg	Valento
Hoffman	Marsh	Redalen	Shaver	Waltman
Hokr	McDonald	Reif	Sherman	Welch
Jennings	McKasy	Rice	Stadum	Welker
Johnson	Norton	Riveness	Svigum	Wigley
Knickerbocker	Olsen	Rodriguez, C.	Swanson	Zaffke
Knuth	Omann	Rose	Thiede	

Those who voted in the negative were:

Battaglia	Gustafson	Minne	Piper	Staten
Beard	Jacobs	Munger	Price	Tomlinson
Begich	Jensen	Murphy	Rodosovich	Vanasek
Brandl	Kahn	Nelson, D.	Rodriguez, F.	Voss
Carlson, L.	Kelly	Nelson, K.	St. Onge	Wenzel
Clark, K.	Kostohryz	Neuenschwander	Sarna	Wynia
Cohen	Larsen	O'Connor	Schoenfeld	Speaker Sieben
Eken	Long	Ogren	Segal	
Elioff	Mann	Osthoff	Shea	
Ellingson	McEachern	Otis	Solberg	
Greenfield	Metzen	Peterson	Sparby	

The motion prevailed and the amendment was adopted.

Wynia moved to amend H. F. No. 1290, as amended, as follows:

Page 74, delete lines 11 to 22

Page 107, line 4, delete "107, 108, and 109" and insert "106, 107, and 108"

Page 107, line 6, delete "86" and insert "85"

Page 107, line 7, delete "87, 88, 89, and 124" and insert "86, 87, 88, and 123"

Renumber the remaining sections

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Minne moved that those not voting be excused from voting. The motion prevailed.

There were 46 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Brandl	Clawson	Eken	Jensen
Anderson, G.	Clark, J.	Cohen	Ellingson	Kahn
Beard	Clark, K.	Coleman	Greenfield	Kelly

Knuth	Nelson, K.	Riveness	Simoneau	Welch
Kostohryz	Osthoff	Rodosovich	Skoglund	Wynia
Krueger	Otis	Rodriguez, C.	Sparby	Speaker Sieben
Larsen	Piper	Rodriguez, F.	Staten	
Mann	Price	Rose	Tomlinson	
Munger	Quinn	Scheid	Vanasek	
Nelson, D.	Rice	Segal	Vellenga	

Those who voted in the negative were:

Anderson, R.	Findlay	Jennings	Omman	Stadum
Battaglia	Fjoslien	Johnson	Onnen	Sviggum
Begich	Forsythe	Kalis	Pauly	Swanson
Bennett	Frerichs	Knickerbocker	Peterson	Thiede
Bergstrom	Graba	Kvam	Piepho	Tunheim
Bishop	Gruenes	Ludeman	Quist	Uphus
Blatz	Gustafson	Marsh	Redalen	Valan
Brinkman	Gutknecht	McDonald	Reif	Valento
Burger	Halberg	McEachern	St. Onge	Voss
Carlson, D.	Haukoos	McKasy	Sarna	Waltman
Carlson, L.	Heap	Metzen	Schafer	Welker
Dempsey	Heinitz	Minne	Schoenfeld	Wenzel
DenOuden	Himle	Murphy	Schreiber	Wigley
Dindler	Hoberg	Neuenschwander	Seaberg	Zaffke
Elioff	Hoffman	Norton	Shaver	
Erickson	Hokr	O'Connor	Sherman	
Evans	Jacobs	Olsen	Solberg	

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

Schreiber moved to amend H. F. No. 1290, as amended, as follows:

Page 62, line 21, restore the stricken language

Page 62, line 22, restore the stricken language and delete the new language

Page 62, lines 33 to 36, delete the new language

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Minne moved that those not voting be excused from voting. The motion prevailed.

There were 100 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Bishop	Burger	DenOuden	Evans
Begich	Blatz	Carlson, L.	Dindler	Findlay
Bennett	Brandl	Clawson	Eken	Fjoslien
Berkelman	Brinkman	Dempsey	Erickson	Forsythe

Frerichs	Johnson	Norton	Reif	Solberg
Greenfield	Knuth	O'Connor	Rice	Sparby
Gruenes	Kostohryz	Ogren	Riveness	Staten
Gustafson	Krueger	Olsen	Rodosovich	Swiggum
Gutknecht	Kvam	Omann	Rodriguez, C.	Swanson
Halberg	Larsen	Onnen	Rodriguez, F.	Thiede
Haukoos	Long	Osthoff	Rose	Uphus
Heap	Ludeman	Otis	St. Onge	Valento
Heinitz	Mann	Pauly	Schafer	Vanasek
Himle	Marsh	Peterson	Scheid	Vellenga
Hoberg	McDonald	Piepho	Schoenfeld	Voss
Hoffman	McKasy	Piper	Schreiber	Waltman
Hokr	Metzen	Price	Seaberg	Welker
Jacobs	Minne	Quinn	Shaver	Wenzel
Jennings	Nelson, D.	Quist	Shea	Wigley
Jensen	Neuenschwander	Redalen	Sherman	Zaffke

Those who voted in the negative were:

Anderson, G.	Cohen	Kahn	Welch	Speaker Sieben
Battaglia	Elioff	Knickerbocker	Wynia	
Beard	Ellingson	Murphy		

The motion prevailed and the amendment was adopted.

Wynia moved to amend H. F. No. 1290, as amended, as follows:

Page 74, line 18, before the period insert "*outside the metropolitan area as defined in section 473.121*"

The motion prevailed and the amendment was adopted.

H. F. No. 1290, A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government with certain conditions; providing for the transfer of certain money in the state treasury; authorizing land acquisition in certain cases; fixing and limiting the amount of fees to be collected in certain cases; creating, abolishing, modifying, and transferring agencies and functions; imposing a penalty; amending Minnesota Statutes 1982, sections 3.732, by adding a subdivision; 15.16, subdivision 5; 15A.083, subdivision 1; 16.32, subdivision 2; 16.75, by adding a subdivision; 16.82, subdivision 1; 16.866, subdivision 1; 16A.125, subdivision 5; 16A.127, subdivisions 1 and 7; 16A.36; 16A.50; 16A.64, subdivisions 2 and 4; 16A.66, subdivisions 1, 2, and 3; 40.072, subdivision 3; 43A.05, subdivision 5; 85A.01, subdivision 2; 85A.04, subdivision 3; 98.47, by adding a subdivision; 98.48, subdivision 9; 105.405, subdivision 2; 105.41, subdivision 5; 116.07, subdivision 2a; 124.46, subdivision 2; 136.40, subdivision 8; 169.123, subdivision 6; 175A.05; 176.183, subdivision 2; 179.7411; 181A.12, subdivision 1; 183.375, subdivision 5; 183.411, subdivision 3; 183.545; 183.57, subdivision 2; 256.481; 256.482; 270.18; 271.01, subdivision 1; 290.06, subdivision 13; 296.18, subdivision 1; 296.421, subdivision 5; 309.53, subdivision 2, and by adding a subdivision; 357.08; 363.02, subdivision 1; 363.06, subdivision 4, and by add-

ing a subdivision; 363.071, subdivision 2; 462A.05, by adding a subdivision; 462A.21, by adding a subdivision; 480.09, subdivision 5; 480.241, subdivision 2; 480A.01, subdivision 2; 481.01; and 546.27, subdivision 2; Laws 1976, chapter 314, section 3; Laws 1980, chapter 614, section 192; proposing new law coded in Minnesota Statutes, chapters 3; 16A; 116C; 198; 270; repealing Minnesota Statutes 1982, sections 3.472; 3.86; 4.073; 105.71; 105.72; 105.73; 105.74; 105.75; 105.751; 105.76; 105.77; 105.78; 105.79; 114A.01; 114A.02; 114A.03; 114A.04; 114A.05; 114A.06; 114A.07; 114A.08; 114A.09; 193.35; 297A.05; and Laws 1965, chapter 66.

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

The question was taken on the passage of the bill and the roll was called. There were 81 yeas and 52 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bennett	Frerichs	Johnson	Redalen	Thiede
Blatz	Gruenes	Kvam	Reif	Uphus
Burger	Gutknecht	Levi	Rose	Valan
Dempsey	Halberg	Ludeman	Schafer	Valento
DenOuden	Haukoos	Marsh	Schreiber	Waltman
Dimler	Heap	McDonald	Seaberg	Welker
Erickson	Heinitz	McKasy	Shaver	Wigley
Evans	Himle	Omann	Shea	Zaffke
Findlay	Hoberg	Onnen	Sherman	
Fjoslien	Hokr	Pauly	Stadum	
Forsythe	Jennings	Quist	Sviggum	

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

There being no objection the order of business reverted to Reports of Standing Committees.



## REPORTS OF STANDING COMMITTEES

Rice from the Committee on Appropriations to which was referred:

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

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [116J.37] [ENERGY CONSERVATION INVESTMENT LOANS.]

*Subdivision 1. [DEFINITIONS.] In this section:*

(a) *"Commissioner" means the commissioner of energy, planning and development. Upon passage of legislation creating a body known as the Minnesota energy authority, the duties of the commissioner pursuant to sections 1 to 6 are delegated to the authority.*

(b) *"Maxi-audit" has the meaning given in section 116J.06, subdivision 12.*

(c) *"Energy conservation investments" mean all capital expenditures that are associated with conservation measures identified in a maxi-audit and that have a ten-year or less pay back period.*

*Subd. 2. [ELIGIBILITY.] The commissioner shall approve loans to school districts for energy conservation investments. A loan may be made to a school district that has demonstrated that it has complied with all the appropriate provisions of this section and has made adequate provisions to assure proper and efficient operation of the school facilities after improvements and modifications are completed.*

*Subd. 3. [APPLICATION.] Application for a loan to be made pursuant to this section shall be made by a school district to the commissioner on a form he or she prescribes by rule. The commissioner shall review each application to determine:*

(a) *whether or not the district's proposal is complete;*

- (b) *whether the project is eligible for a loan;*
- (c) *the amount of the loan for which the project is eligible;*  
*and*
- (d) *the means by which the district proposes to finance the project including:*
  - (1) *a loan authorized by this section;*
  - (2) *a grant of money appropriated by state law;*
  - (3) *a grant to the district by an agency of the federal government within the amount of money then appropriated to that agency; or*
  - (4) *the appropriation of other money of the district to an account for the construction of the project.*

*Subd. 4. [LOANS.] The commissioner shall approve loans to school districts on the following conditions:*

*(a) A district must demonstrate that all audit activities for a given building or project have been completed, that the project is economically feasible, and that it has made adequate provisions to assure proper and efficient operation of the facility once the project is completed.*

*(b) A loan made pursuant to this section is repayable over a period of not more than ten years.*

*Subd. 5. [PAYMENT; OBLIGATION.] The commissioner shall not approve payment to a school district pursuant to an approved loan until he or she has determined that financing of the project is assured by an irrevocable undertaking, by resolution of the governing body of the district, to annually levy or otherwise collect an amount of money sufficient to pay the principal and interest due on the loan as well as any of the commissioner of finance's administrative expenses according to the terms of the loan.*

*Subd. 6. [RECEIPTS; APPROPRIATION.] The commissioner of finance shall deposit in the state treasury all principal and interest payments received in repayment of the loans authorized by this section. These payments shall be credited to the state bond building fund and are appropriated to the commissioner of finance for the purposes of that account.*

*Subd. 7. [RULES.] The commissioner shall adopt rules necessary to carry out this section. The commissioner 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 districts;*
- (b) criteria for reviewing loan applications; and*
- (c) procedures and guidelines for program monitoring, close-out, and evaluation.*

Sec. 2. Minnesota Statutes 1982, section 275.125, subdivision 11a, is amended to read:

Subd. 11a. [CAPITAL EXPENDITURE LEVY.] (a) Each year a school district may levy an amount not to exceed the amount equal to \$90 per pupil unit, or \$95 per pupil unit in districts where the actual number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), has increased from the prior year. No levy under this clause shall exceed seven mills times the adjusted assessed valuation of the taxable property in the district for the preceding year.

(b) The proceeds of the tax may be used to acquire land, to equip and re-equip buildings and permanent attached fixtures, to rent or lease buildings for school purposes, to pay leasing fees for computer systems hardware and related proprietary software, and to pay leasing fees for photocopy machines and telecommunications equipment. The proceeds of the tax may also be used for capital improvement and repair of school sites, buildings and permanent attached fixtures, energy assessments as required pursuant to section 116J.24, and for the payment of any special assessments levied against the property of the district authorized pursuant to section 435.19 or any other law or charter provision authorizing assessments against publicly owned property; provided that a district may not levy amounts to pay assessments for service charges, such as those described in section 429.101, whether levied pursuant to that section or pursuant to any other law or home rule provision. The proceeds of the tax may also be used for capital expenditures to reduce or eliminate barriers to or increase access to school facilities by handicapped individuals. The proceeds of the tax may also be used to make capital improvements to schoolhouses to be leased pursuant to section 123.36, subdivision 10. The proceeds of the tax may also be used to pay fees for capital outlay expenditures assessed and certified to each participating school district by the educational cooperative service unit board of directors. *The proceeds of the tax may also be used to pay principal and interest on loans from the state authorized by section 1.*

(c) Subject to the commissioner's approval, the tax proceeds may also be used to acquire or construct buildings. The state board shall promulgate rules establishing the criteria to be used

by the commissioner in approving and disapproving district applications requesting the use of capital expenditure tax proceeds for the acquisition or construction of buildings. The approval criteria for purposes of building acquisition and construction shall include: the appropriateness of the proposal for the district's long term needs; the availability of adequate existing facilities; and the economic feasibility of bonding because of the proposed building's size or cost.

(d) The board shall establish a fund in which the proceeds of this tax shall be accumulated until expended.

(e) The proceeds of the tax shall not be used for custodial or other maintenance services.

(f) Each year, subject to the seven mill limitation of clause (a) of this subdivision, a school district which operates an approved secondary vocational education program or an approved senior secondary industrial arts program may levy an additional amount equal to \$5 per pupil unit for capital expenditures for equipment for these programs.

(g) For purposes of computing allowable levies under this subdivision and subdivision 11b, pupil units shall include those units identified in section 124.17, subdivision 1, clauses (1) and (2), and 98.5 percent of the units identified in Minnesota Statutes 1980, Section 124.17, Subdivision 1, Clauses (4) and (5) for 1980-1981.

Sec. 3. Minnesota Statutes 1982, section 275.125, subdivision 11b, is amended to read:

Subd. 11b. [SPECIAL PURPOSE CAPITAL EXPENDITURE LEVY.] In 1981 and each year thereafter, in addition to the levy authorized in subdivision 11a, a school district may levy an amount not to exceed the amount equal to \$25 per pupil unit. No levy under this clause shall exceed two mills times the adjusted assessed valuation of the property in the district for the preceding year. The proceeds of the tax shall be placed in the district's capital expenditure fund and may be used only for the following:

(a) for energy audits on district owned buildings conducted pursuant to chapter 116H, and for funding those energy conservation and renewable energy measures which the energy audits indicate will reduce the use of nonrenewable sources of energy to the extent that the projected energy cost savings will amortize the cost of the conservation measures within a period of ten years or less;

(b) for capital expenditures for the purpose of reducing or eliminating barriers to or increasing access to school facilities by handicapped persons;

(c) for capital expenditures to bring district facilities into compliance with the uniform fire code adopted pursuant to chapter 299F; and

(d) to pay principal and interest on loans from the state authorized by section 1.

Sec. 4. Minnesota Statutes 1982, section 275.125, is amended by adding a subdivision to read:

*Subd. 11c. The proceeds of the taxes levied pursuant to section 275.125, subdivisions 11a and 11b may be used to:*

(a) *pay the costs of any energy audits; or*

(b) *repay loans from the state authorized by section 1.*

#### Sec. 5. [APPROPRIATIONS.]

*Subdivision 1. The sum of \$30,000,000 is appropriated from the state building fund to the commissioner of finance for the purpose of making loans to school districts for energy conservation investments pursuant to section 1. Any expense incidental to the sale, printing, execution, and delivery of the bonds, including the costs of the commissioner of finance shall be paid from the proceeds of the bond sales authorized in section 6 and the amounts necessary for these expenses are hereby appropriated. To reduce the amount of taxes otherwise required to be levied, there is also appropriated from the general fund, on November 1 in each year, a sum of money sufficient in amount, when added to other funds appropriated for the bonds, to pay all bonds and interest on them due and to become due to and including July 1 in the second ensuing year.*

*Subd. 2. None of the appropriations made in this section shall lapse until the purpose for which it is made has been accomplished or abandoned. The amount of each loan approved for disbursement shall be and remain appropriated for that purpose until the loan is fully disbursed or part or all of it is revoked by the energy division.*

*Subd. 3. [ADMINISTRATION COSTS.] The sum of \$259,300 in fiscal year 1984 and \$320,000 in fiscal year 1985 is appropriated from the general fund to the commissioner to administer section 1. The complement of the department is increased by 11 positions. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.*

*Subd. 4. [AUDIT EXPENSES.] The sum of \$200,000 in fiscal year 1984 and \$300,000 in fiscal year 1985 is appropriated to the commissioner of energy, planning and development for the purpose of providing cost-share audit revision services for*

*previously audited buildings in an amount not to exceed \$2,000 per building and to provide cost-share audit services for non-audited buildings in an amount not to exceed \$5,000 per building to eligible institutions applying for loans authorized in section 1. The commissioner of energy, planning and development shall contract for provision of audit services, and determine the amount, if any, of audit revision and audit services for which the institution is eligible. Any unencumbered balance remaining in the first year shall not cancel but is available in the second year.*

Sec. 6. [BOND SALE.]

*To provide the money appropriated from the state building fund by section 5, subdivision 1, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$30,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.63 to 16A.66, and by the Minnesota Constitution, article XI, sections 4 to 7.*

Sec. 7. [EFFECTIVE DATE.]

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

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. 572, A bill for an act relating to economic development; creating the office of tourism; assigning powers and duties; appropriating money; proposing new law coded in Minnesota Statutes, chapter 4.

Reported the same back with the following amendments:

Page 1, delete lines 13 to 19

Renumber the remaining subdivision

Pages 5 and 6, delete section 9, and insert:

"Sec. 9. [APPROPRIATION.]

*Subdivision 1. The sum of \$3,926,900 in fiscal year 1984 and \$4,600,000 in fiscal year 1985 is appropriated from the general fund to the director of the office of tourism for the purposes of advertising and promotion.*

*Subd. 2. Of the amount in subdivision 1, \$300,000 in fiscal year 1984 and \$300,000 in fiscal year 1985 shall be provided to the six Minnesota tourism regions, for the purpose of purchasing media space and time and marketing specific geographic areas within each region. None of these funds shall be used for any type of administrative, salary, or overhead costs of the region. Ten percent of the total regional funding shall be withheld pending final audit each year to assure adherence to the goals of the program.*

*Subd. 3. Of the amount in subdivision 1, \$400,000 in fiscal year 1984 and \$400,000 for fiscal year 1985 shall be provided for state involvement in projects sponsored by nonprofit organizations including, but not limited to, chambers of commerce, historical societies, arts organizations, centennial commissions, and resort associations. Applicants are required to submit detailed marketing plans to accomplish their goals and are required to have specific evaluation criteria as part of their overall programs.*

*Subd. 4. Of the amount in subdivision 1, \$1,742,000 in fiscal year 1984 and \$2,559,000 in fiscal year 1985 is for general advertising and publications.*

*Subd. 5. Of the amount in subdivision 1, \$326,800 in fiscal year 1984 and \$343,900 in fiscal year 1985 is for marketing operations. The complement of the office for marketing operations shall be 14 positions.*

*Subd. 6. Of the amount in subdivision 1, \$734,600 in fiscal year 1984 and \$666,000 in fiscal year 1985 is for tourism operations, including \$225,000 the first year and \$116,000 the second year for sales promotion. The complement of the office for tourism operations shall be nine positions.*

*Subd. 7. Of the amount in subdivision 1, \$165,500 in fiscal year 1984 and \$169,100 in fiscal year 1985 is for administration. The complement of the office for administration shall be two positions.*

*Subd. 8. The amount specified in subdivisions 2 and 3 shall be available only when matched on the basis of \$1 state to \$1 from other sources.*

*Subd. 9. Of the amount in subdivision 1, \$258,000 in fiscal year 1984 and \$162,000 in fiscal year 1985 is for a tourism recreation data system. The complement of the office for the project shall be five positions."*

Renumber the remaining section

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. 654, A bill for an act relating to outdoor recreation; requiring a user fee for cross country skiers; creating a cross country ski trail grant-in-aid program; imposing a penalty; appropriating money for recreational purposes; proposing new law coded in Minnesota Statutes, chapter 85.

Reported the same back with the following amendments:

Page 2, line 19, delete "65" and insert "64"

Page 5, line 2, delete "October 1 through September 30" and insert "July 1 through June 30"

Page 5, delete lines 31 to 35 and insert:

*"There is appropriated to the department of natural resources from the general fund \$175,000 in fiscal year 1984 and \$175,000 in fiscal year 1985 to carry out the purposes of sections 1 to 6. The department shall publicize and promote the use of cross country skier licensing. The complement of the department is increased by one position."*

Page 6, delete section 9

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. 1233, A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other agencies with certain conditions; fixing and limiting fees; providing for adjustments of responsibilities of the department of agriculture for soil and water conservation; allowing limited donation of accumulated vacation time by certain law enforcement employees to their union representative; providing for deposit of proceeds of assessment by the assigned risk review board; regulating financial assistance to public transit systems; limiting certain hearing functions of the transportation regulation board; transferring certain rules authority to the transportation regulation board; reducing membership and establishing terms of members of the public utilities commission; defining enforcement powers of the hazardous material specialists and transportation representatives of the department of transportation; defining terms and requirements for building movers; crediting certain receipts of the commissioner of transportation to the trunk highway fund;



providing for certain costs to be paid from the trunk highway fund; authorizing the commissioner of transportation to enforce certain carrier regulations; extending retirement coverage of certain employees of the department of transportation from age 60 to age 62 and providing for disability benefits; transferring and renaming the air transportation revolving account; instructing the commissioner of transportation to charge users of certain air transportation services for certain costs; limiting fare increases by the metropolitan transit commission; basing taxing for the metropolitan transit taxing district upon the level of transit service provided; providing for the disposition of proceeds of certain trunk highway bonds; reducing the amount appropriated from the bridge construction account in the trunk highway fund to the department of transportation; amending Minnesota Statutes 1982, sections 12.14; 17A.04, subdivision 5; 18.51, subdivision 2; 18.52, subdivision 5; 18.53; 18.54; 18A.22, subdivisions 5 and 7; 18A.26; 27.041, subdivision 2; 28A.08; 28A.09; 32.075; 32.59; 34.02; 34.05, subdivision 1; 40.03, subdivision 2, as amended; 43A.04, by adding a subdivision; 79.251, subdivision 1; 155A.07, subdivision 7; 155A.08, subdivision 5; 169.81, subdivision 3b; 169.86, subdivision 5; 169.862; 170.23; 171.26; 171.29, subdivision 2; 173.07, subdivision 2; 173.08, subdivision 1; 173.13, subdivision 4; 174.24, subdivision 3; 174A.02, subdivision 2; 174A.06; 216A.03, subdivision 1; 221.061; 221.071; 221.131; 221.221; 221.296, subdivision 5; 221.64; 221.81; 296.17, subdivisions 10, 17, and 20; 296.25, subdivision 1; 299C.46, subdivision 3; 352.86, subdivisions 1, 2, and by adding a subdivision; 360.018, subdivision 1; 360.63; 473.408, subdivision 3 and by adding a subdivision; 473.446, subdivision 1, as amended; 500.221, subdivision 4; 626.88, subdivision 2; Laws 1975, chapter 235, section 2; Laws 1977, chapter 277, sections 1 and 3, subdivision 1; and Laws 1983, chapter 17, section 12; proposing new law coded in Minnesota Statutes, chapters 10A; 221; 299C; and 360; repealing Minnesota Statutes 1982, sections 24.24; 24.25; 24.26; 24.27; 24.28; 24.29; 24.30; 24.31; 160.26, subdivision 3; 174.265; and 174A.07.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [TRANSPORTATION AND OTHER AGENCIES; APPROPRIATIONS.] The sums set forth in the columns designated "APPROPRIATIONS" are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures "1983", "1984", and "1985", wherever used in this act refer to fiscal years and mean that the appropriation or appropriations listed under that fiscal year are available for the year ending June 30, 1983, June 30, 1984, or June 30, 1985, respectively.

## SUMMARY BY FUND

	1983	1984	1985	TOTAL
General .....	\$10,000	\$ 82,080,200	\$ 83,131,500	\$ 165,221,700
Special .....		335,500	373,400	708,900
Airports .....		9,346,200	10,053,000	19,399,200
M.S.A.S. ....		51,400,000	54,100,000	105,500,000
C.S.A.H. ....		154,900,000	163,400,000	318,300,000
Tr. Hwy. ....		598,301,400	593,714,700	1,192,016,100
Hwy. User ..		7,550,800	7,732,500	15,283,300
TOTAL .....	\$10,000	\$903,914,100	\$912,504,400	\$1,816,428,500

APPROPRIATIONS  
Available for the Year  
Ending June 30

	1984	1985
\$		\$

## Sec. 2. DEPARTMENT OF TRANSPORTATION

Subdivision 1. Total Department  
Appropriation ..... 794,197,200 801,627,700

Approved Complement—4,438

Trunk Highway—4,363

General—41

State Airports—33

Federal—1

The appropriations in this section are from the trunk highway fund, except where another fund is designated.

Of this appropriation, \$25,039,000 the first year and \$25,376,400 the second year is from the general fund; \$9,301,200 the first year and \$10,008,000 the second

	1984	1985
\$		\$

year is from the state airports fund; \$51,400,000 the first year and \$54,100,000 the second year is from the municipal state-aid street fund; \$154,900,000 the first year and \$163,400,000 the second year is from the county state aid highway fund; \$553,557,000 the first year and \$548,743,300 the second year is from the trunk highway fund.

Subd. 2. Highway Development . . . 560,500,000 566,110,000

#### Trunk Highways

1984	1985
\$336,500,000	\$328,000,000

This appropriation is for the actual construction, reconstruction, and improvement of trunk highways. This includes the cost of actual payment to land owners for lands acquired for highway right of way, payment to lessees, interest subsidies, and relocation expenses. These appropriations represent the current estimates of the total state highway development program and assume the following funding sources:

#### State Funds—Regular Revenue

\$ 89,000,000	\$ 84,000,000
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#### Bond Proceeds

\$ 35,000,000	\$ 40,000,000
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#### Federal Funds

\$212,500,000	\$204,000,000
---------------	---------------

The bond proceeds indicated above are the same resources authorized by Laws 1977, chapter 277, as amended and Laws 1983, chapter 17, as amended and not in addition thereto.

	1984	1985
	\$	\$

The commissioner of transportation, with the approval of the commissioner of finance may increase these appropriations in recognition of either increased state or federal funds availability, and is required to reduce these appropriations if there is evidence of reduced resource availability from either state or federal sources for the fiscal year. Any change in these appropriations and any change in the level of state resource commitment must be reported to the chairman of house appropriations and the chairman of senate finance.

#### County State Aids

\$154,900,000    \$163,400,000

This appropriation is from the county state-aid highway fund and is available until expended.

#### Municipal State Aids

\$ 51,400,000    \$ 54,100,000

This appropriation is from the municipal state-aid street fund and is available until expended.

If an appropriation for either county state aids or municipal state aids is insufficient to exhaust the balance in the fund from which it is made in the year for which it is made, the commissioner of finance, upon request of the commissioner of transportation, shall notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the amount of the remainder and shall then add that amount to the appropriation. The amount added is appropriated for the purposes of county state aids or municipal state aids, as appropriate.

#### Highway Debt Service

\$ 17,700,000    \$ 20,610,000

	1984	1985
	\$	\$

For transfer to the state bond fund.

In the event that all or a portion of this appropriation is not needed to make all transfers required in the year for which it is made, the balance shall immediately cancel to the trunk highway fund.

If this appropriation is insufficient to make all transfers required in the year for which it is made, the commissioner of finance shall notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the amount of the deficiency and shall then transfer that amount pursuant to the statutory open appropriation.

Subd. 3 Highway Operations	144,566,100	146,830,700
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The amounts that may be expended from this appropriation for each activity are as follows:

#### Maintenance

\$ 99,491,500	\$ 101,268,500
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#### Maintenance Preservation

\$ 7,878,200	\$ 8,269,800
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#### Construction Support

\$ 37,196,400	\$ 37,292,400
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The commissioner of transportation shall not transfer unallotted balances remaining from the appropriation provided for fuel among the appropriations from the trunk highway fund made in this section.

Subd. 4. Technical Services	29,453,300	29,204,500
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	1984	1985
	\$	\$

The amounts that may be expended from this appropriation for each activity are as follows:

#### Engineering Services

\$ 18,710,700    \$ 18,410,700

This appropriation includes \$1,800,000 each year for the purpose of delivery of an expanded highway development program. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

#### Engineering Development

\$ 7,066,300    \$ 7,100,900

#### State Aid Technical Assistance

\$ 659,100    \$ 662,300

The variance committee shall be continued at the fiscal year 1981 level.

#### Electronic Communications

\$ 1,807,700    \$ 1,817,200

#### Environmental Services

\$ 1,209,500    \$ 1,213,400

For the fiscal biennium ending June 30, 1985, the commissioner shall spend no money to acquire or condemn outdoor advertising devices as said devices are defined in Minnesota Statutes, chapter 173.

Subd. 5. Public Transportation Assistance .....	23,671,600	24,000,600
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The appropriations in this subdivision are from the general fund.

	1984	1985
	\$	\$

Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

The amounts that may be expended from these appropriations for each activity are as follows:

(a) Rail Service Improvements

\$	575,000	\$	604,000
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This appropriation is for the purpose of supporting AMTRAK operation of the Northstar line between Minneapolis-St. Paul and Duluth.

(b) Metro Mobility

\$	5,044,000	\$	5,044,000
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The commissioner of transportation shall evaluate the financial benefits and service consequences of seeking competitive bids for the provision of services for metro mobility. If the commissioner concludes that competitive bidding may reduce the cost of providing service, he shall use competitive bidding where appropriate during the biennium ending June 30, 1985.

(c) Private Operators

\$	1,015,100	\$	1,015,100
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(d) Non-MTC Assistance Statewide

\$	5,484,200	\$	5,484,200
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(e) Metropolitan Transit Commission

\$	11,553,300	\$	11,853,300
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\$6,565,800 the first year and \$6,865,800 the second year is for state operating assistance grants.

	1984	1985
\$		\$

Of this appropriation, \$200,000 the second year is available to the metropolitan transit commission only upon certification to the commissioner of transportation that the additional allocation will be used for the purpose of reducing the overall peak or off-peak fare rates below the level existing on June 30, 1983. This restriction shall not prevent the metropolitan transit commission from certifying to the commissioner the necessity of this additional allocation in fiscal year 1985 due to reductions in the overall peak or off-peak fare rates occurring after June 30, 1983 and before July 1, 1984. In the event that less than \$200,000 is required, the commissioner shall transfer only the amount certified.

\$4,987,500 the first year and \$4,987,500 the second year is for social fare reimbursement grants.

For the fiscal biennium ending June 30, 1985, the metropolitan transit commission may continue the existing \$.15 surcharge on fares during the peak hours. The metropolitan transit commission shall not increase its base fare beyond the level existing on June 30, 1983.

Subd. 6. Program Management	5,656,800	5,693,900
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The amounts that may be expended from this appropriation for each activity are as follows:

#### Highway Programs

\$ 1,358,900	\$ 1,362,700
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Of this amount \$175,000 each year is available for grants to regional development commissions outside the seven-county metropolitan area for transportation studies to identify critical concerns, problems, and issues.



	1984	1985
	\$	\$

## Motor Carrier Safety and Compliance

\$	757,900	\$	761,200
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This appropriation is from the general fund.

## Railroads and Waterways

\$	770,800	\$	774,300
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\$223,600 the first year and \$224,400 the second year is from the general fund.

## Transit Administration

\$	545,300	\$	546,900
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\$346,300 the first year and \$346,900 the second year is from the general fund.

## Transportation Information and Support

\$	2,223,900	\$	2,248,800
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Subd. 7. General Support .....	21,110,500	19,840,500
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The amounts that may be expended from this appropriation for each activity are as follows:

## Finance and Administration

\$	8,310,200	\$	8,394,600
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## General Services

\$	3,635,900	\$	3,939,000
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\$36,100 the first year and \$37,900 the second year is from the general fund.  
\$56,200 the first year and \$58,600 the second year is from the state airports fund.

## Equipment

\$	8,273,400	\$	6,566,700
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	1984	1985
\$		\$

\$3,500 the first year and \$5,400 the second year is from the general fund.

\$6,100 the first year and \$1,900 the second year is from the state airports fund.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

#### Legal Services

\$	891,000	\$	940,200
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This appropriation is for the purchase of legal services from or through the attorney general.

Subd. 8. Aeronautics	9,238,900	9,947,500
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This appropriation is from the state airports fund.

The amounts that may be expended from this appropriation for each activity are as follows:

#### Aeronautics Operations

\$	439,600	\$	447,300
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For the fiscal biennium ending June 30, 1985, the commissioner shall not require the registration of personal use airports except for those within five miles of a public airport, whether privately or publicly owned.

#### Aeronautics Development and Assistance

\$	8,799,300	\$	9,500,200
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\$5,358,000 the first year and \$6,003,700 the second year is for airport construction grants.

	1984	1985
	\$	\$

\$1,400,000 the first year and \$1,400,000 the second year is for airport maintenance grants.

\$1,017,400 the first year and \$1,104,500 the second year is for navigational aids.

If the appropriation for maintenance grants, construction grants, or navigational aids in either year is insufficient, the appropriation for the other year is available for it. These appropriations shall be expended only for grant-in-aid programs for airports that are not state owned.

These appropriations are to be expended in accordance with Minnesota Statutes, section 360.305, subdivision 4, clauses (1), (2), (4), and (5).

The commissioner of transportation may transfer unencumbered balances among these appropriations with the approval of the governor after consultation with the legislative advisory commission.

\$17,700 the first year and \$8,300 the second year is for maintenance of the Pine Creek Airport.

#### Subd. 9. Transfers

The commissioner of transportation with the approval of the commissioner of finance may transfer unencumbered balances among the appropriations from the trunk highway fund made in this section. No transfer shall be made from the appropriation for trunk highway development. No transfer shall be made from the appropriations for debt service to any other appropriation.

Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

	1984	1985
\$		\$

## Subd. 10. Contingent Appropriations

(a) The commissioner of transportation, with the approval of the governor after consultation with the legislative advisory commission, may transfer all or part of the unappropriated balance in the trunk highway fund for highway operations in order to meet an emergency or to deal with other unforeseen events. The amount transferred is appropriated for the purpose of the account to which it is transferred.

(b) The commissioner of transportation, with the approval of the governor after consultation with the legislative advisory commission, may transfer all or part of the unappropriated balance in the state airports fund for airport operations in order to meet an emergency or to deal with other unforeseen events. The amount transferred is appropriated for the purpose of the account to which it is transferred.

Sec. 3. DEPARTMENT OF  
PUBLIC SAFETY

Subdivision 1. General Operations and Management	68,417,000	68,920,800
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## Approved Complement

1,631.9	1,630.8
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## General

385	385
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## Special Revenue

0.5	0.5
-----	-----

## Trunk Highway

1,039.3	1,039.3
---------	---------

	1984	1985
	\$	\$
Highway User		
174.6	174.6	
Federal		
32.5	31.4	

The above approved complement includes 511 for state funded unclassified patrol officers and supervisors of the highway patrol.

Nothing in this provision is intended to limit the authority of the commissioner of public safety to transfer personnel, with the approval of the commissioner of finance, among the various units and divisions within this section provided that the above complement shall be reduced accordingly.

No new highway patrol supervisory positions shall be established, with the exception of special duty assigned ranks for the length of assignment only.

The commissioner of public safety, in cooperation with the departments of revenue and transportation, shall submit a report to the legislature outlining the costs and benefits of establishing ports of entry on Minnesota trunk highways. The study shall include, but is not necessarily limited to, an evaluation of the financial requirements for establishing ports of entry, the feasibility of ports of entry, the optimum location of such ports of entry, and the impact such ports of entry might have on the revenues collected for road and street purposes in Minnesota. The report shall be submitted to the chairman of the house appropriations committee and the chairman of the senate finance committee by January 15, 1984.

Of this appropriation, \$17,377,500 the first year and \$17,472,600 the second year is from the general fund; \$45,000

1984

1985

\$

\$

the first year and \$45,000 the second year is from the state airports fund; \$43,693,700 for the first year and \$43,920,700 for the second year is from the trunk highway fund; and \$7,300,800 for the first year and \$7,482,500 for the second year is from the highway user tax distribution fund.

The amounts that may be expended from this appropriation for each program are as follows:

Subd. 2. Administration and Related Services

\$ 2,738,500    \$ 2,788,100

\$2,601,900 the first year and \$2,644,700 the second year is from the trunk highway fund. \$136,600 the first year and \$143,400 the second year is from the highway user tax distribution fund.

Subd. 3. Emergency Services

\$ 878,800    \$ 784,900

Subd. 4. Criminal Apprehension

\$ 10,111,200    \$ 9,986,000

The department may use this appropriation for the purpose of matching private donations for conducting research on driver impairment.

Of this appropriation, \$1,072,300 the first year and \$746,600 the second year is from the trunk highway fund for blood alcohol analysis.

\$60,200 the first year and \$61,000 the second year is for the bureau of criminal apprehension to continue to provide in-service training for peace officers on a regional basis.

	1984	1985
	\$	\$

\$38,000 the first year and \$38,000 the second year is for reimbursing political subdivisions for training peace officers and firefighters in the conduct of arson investigations.

\$171,000 each year is for grants to local officials for the cooperative investigation of cross jurisdictional criminal activity. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

\$216,900 the first year and \$277,700 the second year is for use by the bureau of criminal apprehension for the purpose of investigating cross jurisdictional criminal activity. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

Any unliquidated balance of data processing money remaining in the first year does not cancel but is available for the second year of the biennium.

#### Subd. 5. Fire Safety

\$ 1,474,500    \$ 1,484,300

\$11,700 the first year and \$12,200 the second year is for reimbursing political subdivisions who enter into agreements to perform uniform fire code inspections.

#### Subd. 6. State Patrol

\$ 29,688,800    \$ 30,064,800

Except for \$330,600 the first year and \$345,800 the second year from the general fund for executive protection; this appropriation is from the trunk highway fund.

	1984	1985
\$		\$

The commissioner may assign up to 11 pilots to the air patrolling of highways.

This appropriation provides sufficient money to operate the mobile truck weighing program on a 12-month basis.

No more than five positions in the state patrol support activity shall be filled by state troopers.

The commissioner may not require the use of gasohol in the operation of state patrol vehicles.

Subd. 7. Capitol Security

\$	730,500	\$	726,100
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Subd. 8. Driver and Vehicle Licensing

\$	21,389,300	\$	21,645,700
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Of this appropriation, \$10,522,400 the first year and \$10,670,100 the second year is from the trunk highway fund, and \$7,164,200 the first year and \$7,339,100 the second year is from the highway user tax distribution fund.

This appropriation includes \$500,000 the first year and \$500,000 the second year from the general fund for alcohol assessment reimbursements to counties.

Any unliquidated balance of data processing money remaining in the first year does not cancel but is available for the second year of the biennium.

Subd. 9. Liquor Licensing

\$	510,000	\$	513,600
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Subd. 10. Ancillary Services

\$	895,400	\$	927,300
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	1984	1985
	\$	\$

\$45,000 the first year and \$45,000 the second year is from the state airports fund for the civil air patrol.

\$138,900 the first year and \$140,300 the second year is from the trunk highway fund for traffic safety and research.

\$57,500 the first year and \$58,900 the second year is from the general fund for the expenses of the Private Detective and Protective Agency Licensing Board.

\$654,000 the first year and \$683,100 the second year is for the crime victims reparations board. Any unencumbered balance remaining the first year does not cancel but is available for the second year of the biennium.

#### Subd. 11. Transfers

The commissioner of public safety with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs within fund boundaries. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

#### Subd. 12. Reimbursements

The sums of \$385,400 for the first year and \$391,700 for the second year are appropriated from the general fund, and the sums of \$333,200 for the first year and \$336,100 for the second year are appropriated from the highway user fund for transfer by the commissioner of finance to the trunk highway fund on January 1, 1984 and January 1, 1985 respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for administration and related services program.

	1984	1985
\$		\$

\$384,400 the first year and \$411,300 the second year are appropriated from the highway user tax distribution fund for transfer by the commissioner of finance to the general fund on January 1, 1984, and January 1, 1985, respectively, in order to reimburse the general fund for expenses not related to the fund. These represent amounts appropriated out of the general fund for highway user fund purposes in the criminal justice data network.

#### Sec. 4. DEPARTMENT OF AGRICULTURE

General Operations and Management 13,423,100 13,897,200

Approved Complement—453.8

General—222.3

Special/Revolving—216.5

Federal—15

Of this appropriation \$13,272,900 the first year and \$13,718,500 the second year is from the general fund; and \$150,200 the first year and \$178,700 the second year is from the special revenue fund.

The amounts that may be expended from this appropriation for each program are as follows:

#### Agricultural Protection Service

\$ 3,441,200 \$ 3,461,300

There is appropriated to the Department of Agriculture \$10,000 for fiscal year 1983 for the purpose of implementing a gypsy moth control program. These funds are available until expended.

#### Agricultural Promotion Service

\$ 4,434,100 \$ 4,794,500

1984

1985

\$

\$

\$150,200 the first year and \$178,700 the second year is from the commodities research and promotion account in the special revenue fund.

\$2,908,700 the first year and \$3,227,100 the second year is for family farm security interest payment adjustments. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$600,000 the first year and \$600,000 the second year is for the agriculture development grant program to be expended in accordance with Minnesota Statutes, section 17.101.

For the fiscal biennium ending June 30, 1985, the commissioner of agriculture may provide funds for the purpose of assisting in the implementation of research and promotional orders pursuant to Minnesota Statutes, sections 17.51 to 17.69 from the appropriation provided for agriculture development grants. These funds shall be provided in accordance with Minnesota Statutes, section 17.101.

#### Administration and Financial Aids Service

\$ 2,512,400    \$ 2,553,200

The appropriation for Administration and Financial Aids Services includes the following amounts for grants to agricultural societies and associations.

(a) For aid to the Northeastern  
Minnesota Junior Livestock Show  
Association

\$ 1,200    \$ 1,200

(b) For aid to Minnesota Livestock  
Breeders Association

\$ 14,200    \$ 14,200

	1984	1985
	\$	\$

This amount must be disbursed under Minnesota Statutes, section 17.07.

(c) For aid to Northern Sheep Growers Associations

\$	1,000	\$	1,000
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This amount must be disbursed under Minnesota Statutes, section 17.07.

(d) For aid to Southern Sheep Growers Associations

\$	400	\$	400
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This amount must be disbursed under Minnesota Statutes, section 17.07.

(e) For Red River Valley Livestock Associations

\$	6,000	\$	6,000
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This amount must be disbursed under Minnesota Statutes, sections 17.07 and 38.02.

(f) For the Red River Valley Dairymen's Association, Inc., for the purpose of promoting better dairying.

\$	1,200	\$	1,200
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This amount must be disbursed under Minnesota Statutes, section 17.07.

(g) Aid to county and district agricultural societies

\$	260,200	\$	257,600
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Of this amount, \$2,600 in fiscal year 1984 is for reimbursing Morrison County for costs incurred in fiscal year 1982; \$3,800 each year is for livestock premiums to county fair associations for carrying on boys and girls club work;

	1984	1985
	\$	\$

\$900 each year is available for agricultural aid to the Red Lake Band of Chippewa Indians, to be expended as may be directed by the Indian council for the purpose of encouraging activities and arts that will advance the economic and social interests of their people and particularly to promote a program of agricultural development that will utilize to the greatest possible extent the lands and forests owned by them.

This appropriation may be used to help maintain an agricultural extension service, to promote 4-H club work, or for premiums for the competitive display of exhibits at any fair or exposition that may be arranged under the direction of the council.

This amount must be disbursed under Minnesota Statutes, section 38.02.

(h) For aid in payment of premiums at exhibitions of poultry for the poultry associations

\$	2,800	\$	2,800
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Of this amount, \$900 must be allotted each fiscal year to aid the Minnesota state poultry association in the payment of premiums and other necessary expenses, exclusive of salaries or wages of any kind, at its annual exhibition.

(i) For payment of claims relating to livestock damaged by endangered animal species

\$	8,800	\$	9,200
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The commissioner of agriculture with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers shall be reported without delay to the committee on finance of the

1984

1985

\$

\$

senate and the committee on appropriations of the house of representatives.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

The Department of Agriculture shall submit a report to the chairman of the house appropriations committee and the chairman of the senate finance committee by January 15, 1984 outlining the costs and benefits of continuing the building lease beyond October 30, 1984.

#### Soil and Water Conservation Board

\$ 3,035,400    \$ 3,088,200

\$513,700 the first year and \$559,700 the second year is for general purpose grants in aid to soil and water conservation districts.

\$198,500 the first year and \$198,500 the second year is for grants to watershed districts and other local units of government in the southern Minnesota river basin study area 2 for flood plain management.

\$1,541,400 the first year and \$1,541,400 the second year is for grants to soil and water conservation districts for cost sharing contracts for erosion control and water quality management.

\$158,700 the first year and \$158,700 the second year is for grants in aid to soil and water conservation districts and local units of government to assist them in solving sediment and erosion control problems. Grants may not exceed 50 percent of total project costs or 50 percent of the local share if federal money is used. Priority must be given to projects designed to solve lakeshore, stream bank, and roadside erosion and to projects eligible for federal matching money.

	1984	1985
\$		\$

\$12,400 the first year and \$12,400 the second year is for grants to soil and water conservation districts for review and comment on water permits.

The commissioner of agriculture with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Notwithstanding Laws of Minnesota 1981, chapter 356, section 23, for the fiscal biennium ending June 30, 1985, and effective June 30, 1983 the Department of Agriculture, in cooperation with the Department of Finance, shall determine the amount of working capital required for the continued operation of the grain inspection program. The Department of Agriculture shall transfer to the general fund the amount in excess of the required working capital not to exceed \$1,000,000. In the event that the amount transferred is less than \$1,000,000, the department shall transfer the remainder by June 30, 1984.

#### Sec. 5. BOARD OF ANIMAL HEALTH

General Operations and Management	1,384,300	1,363,200
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Approved Complement—40

This appropriation includes \$165,500 the first year and \$157,700 the second year for payment of indemnities. If the appropriation for indemnities for either year is insufficient, the appropriation for the other year is available for it. Indemnities of less than \$1 shall not be paid.

For the fiscal biennium ending June 30, 1985, the board of animal health may

	1984	1985
\$		\$

request additional funding from the legislative advisory commission for the purpose of implementing the provisions of a bill known as H.F. 512, tentatively coded as Minnesota Statutes, section 35.-255.

#### Sec. 6. DEPARTMENT OF COMMERCE

General Operations and Management	7,566,800	7,644,900
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Approved Complement—221

General—218

Special—3

Of this appropriation, \$7,381,500 the first year and \$7,450,900 the second year is from the general fund; and \$185,300 the first year and \$194,000 the second year is from the special revenue fund.

The amounts that may be expended from this appropriation for each program are as follows:

#### Supervision of State-chartered Financial Institutions

\$ 2,599,100	\$ 2,612,000
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For the fiscal biennium ending June 30, 1985, the commissioner of banks shall cooperate with the state treasurer in the conduct of audits relating to unclaimed property.

#### Investment Protection

\$ 1,134,500	\$ 1,149,900
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\$185,300 the first year and \$194,000 the second year is from the real estate education, research and recovery account in the special revenue fund for the purpose of Minnesota Statutes, section 82.-



	1984	1985
	\$	\$

34, subdivision 6. If the appropriation for the special revenue fund for either year is insufficient, the appropriation for the other year is available for it.

#### Consumer Services

\$ 1,072,400	\$ 1,088,100
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#### Regulation of Insurance Companies

\$ 2,058,500	\$ 2,078,200
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This appropriation includes \$35,300 the first year and \$38,800 the second year for costs associated with the assigned risk plan review board.

For the fiscal biennium ending June 30, 1985, the commissioner of insurance shall cooperate with the state treasurer to improve procedures for notifying beneficiaries of the death of life insurance policyholders.

#### General Support

\$ 702,300	\$ 716,700
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The commissioner with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers shall be reported without delay to the committee on finance of the senate and the committee on appropriations of the house of representatives.

### Sec. 7. NON-HEALTH-RELATED BOARDS

Subdivision 1. Total for this section	2,693,400	2,702,100
Subd. 2. Board of Abstractors	3,900	3,900
Subd. 3. Board of Accountancy	245,400	232,200

	1984	1985
\$		\$

#### Approved Complement—4

If the department of administration has not approved purchase of a micro-computer and related software by June 1, 1983, the board of accountancy, notwithstanding any other law to the contrary, may purchase a microcomputer and related software.

Subd. 4. Board of Architecture, Engineering and Land Surveying .....	263,800	269,700
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#### Approved Complement—5

Subd. 5. Board of Barber Examiners .....	107,600	109,100
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#### Approved Complement—3

Subd. 6. Board of Boxing .....	26,000	26,600
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#### Approved Complement—1

Subd. 7. Board of Electricity .....	686,700	696,500
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#### Approved Complement—18

Subd. 8. Board of Peace Officer Standards and Training

General Operations and Management	1,360,000	1,364,100
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#### Approved Complement—9

\$1,000,000 the first year and \$1,000,000 the second year is for peace officers training under Minnesota Statutes, section 626.86.

Sec. 8. PUBLIC UTILITIES COMMISSION .....	1,317,600	1,330,600
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#### Approved Complement—31

Sec. 9. DEPARTMENT OF PUBLIC SERVICE

General Operations and Management	3,306,900	3,354,700
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	1984	1985
	\$	\$

## Approved Complement—86

The amounts that may be expended from this appropriation for each program are as follows:

## Utility Regulation

\$ 1,275,600	\$ 1,298,700
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## Weights and Measures

\$ 1,590,200	\$ 1,608,700
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## Administrative Services

\$ 441,100	\$ 447,300
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The public service department with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations in the house of representatives.

## Sec. 10. ETHICAL PRACTICES BOARD

173,800	175,300
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## Approved Complement—5

## Sec. 11 MINNESOTA MUNICIPAL BOARD

194,300	205,700
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## Approved Complement—4

## Sec. 12 MINNESOTA-WISCONSIN BOUNDARY AREA COMMISSION

65,900	67,800
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## Sec. 13. UNIFORM LAWS COMMISSION

12,900	12,800
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## Sec. 14. VOYAGEURS NATIONAL PARK CITIZENS COMMITTEE

57,300	58,100
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	1984	1985
\$		\$

Notwithstanding Minnesota Statutes, section 15.059, subdivision 5, or any other law to the contrary, the existence of the citizen's committee on Voyageurs National Park shall terminate on June 30, 1987.

Sec. 15. SOUTHERN MINNESOTA RIVERS BASIN BOARD .....	52,900	53,400
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Sec. 16. MINNESOTA HISTORICAL SOCIETY .....	7,296,200	7,315,300
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The amounts that may be expended from this appropriation for each program are as follows:

(a) Minnesota Historical Society Operations

\$ 6,888,800    \$ 6,947,100

This appropriation includes money for a seven-day-a-week tour program in the capitol and historical buildings. For the fiscal biennium ending June 30, 1985, the historical building shall remain open for public use on Saturdays and, if necessary, adjustments in the remainder of the weekday schedule may be effected by the Minnesota historical society.

Any unencumbered balance remaining at the end of the first year shall be returned to the state treasury and credited to the general fund.

The appropriation in this subdivision includes no money for compensation increases. The Minnesota historical society will draw on the salary supplement appropriation for that purpose. Employees of the Minnesota historical society will be paid in accordance with the appropriate pay plan.

(b) Historic Grant-In-Aid

\$ 211,200    \$ 211,200

1984

1985

\$

\$

For historic site grants to encourage local historic preservation projects.

To be eligible for a grant for the fiscal biennium ending June 30, 1985, a county or local project group must provide a 50 percent match, in accordance with the historical society's guidelines.

Any unencumbered balance remaining the first year does not cancel but is available for the second year of the biennium.

(c) Fiscal Agent

\$ 196,200 \$ 157,000

\$51,100 the first year and \$51,900 the second year is for the Sibley House Association.

This appropriation is available for operation and maintenance of the Sibley House and related buildings on the Old Mendota state historic site owned by the Sibley House association.

The historical society may seek an agreement with the Sibley House association whereby the historical society will make payments to the association for this purpose and will provide the association with technical assistance in applying for federal grants.

Notwithstanding any laws to the contrary, the Sibley House association may purchase fire, wind, hail, and vandalism insurance, and insurance coverage for fine art objects from this appropriation.

\$55,000 the first year and \$55,000 the second year is for the Government Learning Center.

\$32,100 the first year and \$32,100 the second year is for the Minnesota Humanities Commission.

	1984	1985
\$		\$

\$18,000 the first year and \$18,000 the second year is for the Minnesota International Center.

\$40,000 in the first year is for the purpose of maintaining Minnesota military history museums at Fort Snelling and Camp Ripley. Any unexpended funds shall not cancel and shall be available in the second year.

Any unencumbered balance remaining the first year does not cancel but is available for the second year of the biennium.

Sec. 17. BOARD OF THE ARTS . . . 1,999,900    2,050,100

Approved Complement—8

Federal—3

The amounts that may be expended from this appropriation for each program are as follows:

(a) Administrative Services

\$    234,000    \$    235,900

Any unencumbered balance remaining the first year does not cancel but is available for the second year of the biennium.

(b) Subsidies and Grants

\$   1,765,900    \$   1,814,200

Any unencumbered balance remaining the first year does not cancel but is available for the second year of the biennium.

\$75,000 the first year and \$75,000 the second year is for individual artist grants.

	1984	1985
	\$	\$

\$50,000 the first year and \$50,000 the second year is for arts in education.

\$688,800 the first year and \$737,100 the second year is for the support of regional arts councils throughout the state.

Sec. 18. MINNESOTA HUMANE SOCIETY .....	47,100	
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No state money shall be expended for the care, feeding, housing, or disposal of animals.

Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

Sec. 19. MINNESOTA HORTICULTURAL SOCIETY .....	67,900	67,900
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Sec. 20. MINNESOTA ACADEMY OF SCIENCE .....	20,400	20,500
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Sec. 21. SCIENCE MUSEUM OF MINNESOTA .....	273,400	290,500
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Sec. 22. MINNESOTA SAFETY COUNCIL .....	50,700	50,700
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This appropriation is from the trunk highway fund.

Sec. 23. DISABLED AMERICAN VETERANS .....	20,100	20,100
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This appropriation is for salaries, supplies, and expenses to be expended as provided by Laws 1941, chapter 425.

Sec. 24. VETERANS OF FOREIGN WARS .....	25,000	25,000
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This appropriation is for carrying out the provisions of Laws 1945, chapter 455.

	1984	1985
	\$	\$
Sec. 25. CONTINGENT ACCOUNTS .....	650,000	650,000
(a) Trunk Highway Fund		
\$ 400,000   \$ 400,000		
(b) Highway User Tax Distribution Fund		
\$ 250,000   \$ 250,000		

The appropriations in this section shall be expended with the approval of the governor after consultation with the legislative advisory commission under Minnesota Statutes, section 3.30.

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

Sec. 26. TORT CLAIMS .....	600,000	600,000
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This appropriation is to the commissioner of finance, and is from the trunk highway fund.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Sec. 27. Minnesota Statutes 1982, section 12.14, is amended to read:

**12.14 [ASSESSMENT FOR NUCLEAR SAFETY PREPAREDNESS ACT.]**

(ANY) A person, firm, corporation, or association in the business of owning or operating a nuclear fission electrical generating plant located in Minnesota, shall pay an assessment of \$250,000 per plant to cover the initial cost of upgrading nuclear power plant emergency response plans and other programs necessary to deal with incidents resulting from the operation of nuclear fission electrical generating plants. This assessment (SHALL) *must* be paid to the state for deposit in the general fund within 90 days of April 25, 1980. Thereafter, an assessment of (\$75,000) \$100,000 per plant (SHALL) *must* be paid annually



on July 1 of each year, beginning with July 1, (1981) 1983, to cover ongoing costs related to the emergency response plan.

Sec. 28. Minnesota Statutes 1982, section 15.059, subdivision 5, is amended to read:

Subd. 5. [EXPIRATION DATE.] Unless an earlier date is specified by law, the existence of each advisory council and committee governed by this section shall terminate on June 30, 1983 *with the exception of the citizen's committee on Voyageurs National Park established under Minnesota Statutes, section 84B.11, whose existence shall terminate on June 30, 1987.*

Sec. 29. Minnesota Statutes 1982, section 17.101, is amended to read:

#### 17.101 [PROMOTIONAL ACTIVITIES.]

*Subdivision 1. [DEPARTMENTAL DUTIES.] For the purposes of expanding, improving, and developing the markets for products of Minnesota Agriculture, the commissioner of agriculture shall encourage and promote the marketing of these products by means of (PROMOTIONAL ACTIVITIES SUCH AS ADVERTISING AND OTHER APPROPRIATE ACTIVITIES):*

- (a) advertising Minnesota agricultural products;*
- (b) assisting state agricultural commodity organizations;*
- (c) developing methods to increase processing and marketing of agricultural commodities including commodities not being produced in Minnesota on a commercial scale, but which may have economic potential in national and international markets;*
- (d) investigating and identifying new marketing technology and methods to enhance the competitive position of Minnesota agricultural products;*
- (e) evaluating livestock marketing opportunities;*
- (f) assessing and developing national and international markets for Minnesota agricultural products;*
- (g) studying the conversion of raw agricultural products to manufactured products including ethanol;*
- (h) hosting the visits of foreign trade teams to Minnesota and defraying the teams' expenses;*
- (i) assisting Minnesota agricultural businesses desiring to sell their products in national and international markets; and*

(j) other activities the commissioner deems appropriate to promote Minnesota agricultural products in national and international markets.

**Subd. 2. [AGRICULTURAL DEVELOPMENT GRANTS.]** In order to carry out the duties in subdivision 1, the commissioner, in addition to whatever other resources the department may commit, shall make grants and enter into contracts to fulfill the obligations of subdivision 1. The commissioner may contract with, among others, agricultural commodity organizations and agriculture related businesses to fulfill the duties. The commissioner shall make permanent or temporary rules for the administration of these grants and contracts. The rules shall specify at a minimum:

- (a) eligibility criteria;
- (b) application procedures;
- (c) provisions for application review and project approval;
- (d) provisions for program monitoring and review for all approved grants and contracts; and
- (e) other provisions the commissioner finds necessary.

Contracts entered into by the commissioner pursuant to this subdivision shall not exceed 75 percent of the cost of the project supported by the commissioner's grant. In any biennium, no organization shall receive more than \$70,000 in grants from the commissioner.

**Subd. 3. [AUDITS.]** The books, records, documents, and accounting procedures and practices of any organization receiving a grant from the commissioner under the provisions of subdivision 2 shall be subject to examination by the department. The commissioner may prescribe uniform methods of accounting to be used by grant recipients.

**Subd. 4. [ADVISORY GROUP.]** The commissioner may establish an ad hoc advisory group to assist him in evaluating grant requests made pursuant to subdivision 2.

### **Sec. 30. [PURPOSE.]**

It is the policy of the legislature that consumers should be able to purchase truthfully and adequately labeled seeds for planting. Sections 31 to 43 establish a uniform labeling system for agricultural, vegetable, flower, tree or shrub seeds whereby consumers can be protected from inadequately or illegally labeled seed and also whereby fair competition can be achieved.

## Sec. 31. [21.80] [MINNESOTA SEED LAW.]

*Sections 31 to 43 may be cited as the "Minnesota Seed Law."*

## Sec. 32. [21.81] [DEFINITIONS.]

*Subdivision 1. [SCOPE.] The terms used in sections 31 to 43 have the meanings given them in this section.*

*Subd. 2. [ADVERTISEMENT.] "Advertisement" means any representation, other than on a label, disseminated in any manner or by any means, relating to seed within the scope of sections 31 to 43.*

*Subd. 3. [AGRICULTURAL SEEDS.] "Agricultural seeds" includes the seeds of grass, forage, cereal, oil, fiber crops, seeds of vegetables grown for processing, and any other kinds of seeds commonly recognized within this state as agricultural or field seeds, lawn seeds, or mixtures of those seeds, and may include noxious weed seed when the commissioner determines that the seed is being used as agricultural seed.*

*Subd. 4. [BLEND.] "Blend" means seed consisting of more than one variety of a kind, each in excess of five percent of the whole.*

*Subd. 5. [CERTIFIED SEED.] "Certified seed" means certified, registered, or foundation seed, or any other term conveying a similar meaning when referring to seed that has been produced, conditioned, and labeled in compliance with the rules of an officially recognized seed certification agency.*

*Subd. 6. [COMMISSIONER.] "Commissioner" means the commissioner of agriculture or his authorized agent and may include a county agricultural inspector.*

*Subd. 7. [CONDITIONING.] "Conditioning" means cleaning to remove chaff, sterile florets, immature seeds, weed seeds, inert matter, and other crop seeds, scarifying, combining to obtain uniform quality, or any other operation which would change the purity or germination of the seed and require retesting to determine the quality of the seed. Conditioning does not include such operations as packaging, labeling, combining uniform lots of the same kind or variety without cleaning or preparing a mixture without cleaning, if it would not require retesting to determine the quality of the seed.*

*Subd. 8. [FLOWER SEEDS.] "Flower seeds" includes seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts and commonly known and sold under the name of flower seeds in this state.*

Subd. 9. [GENUINE GROWER'S DECLARATION.] A "genuine grower's declaration" is a statement signed by the grower which gives for a lot of agricultural seed, the lot number, kind, variety, origin, weight, year of production, date of shipment, and to whom it was sold, shipped, or delivered.

Subd. 10. [GERMINATION.] "Germination" means the percentage of seeds other than hard seeds which are capable of producing normal seedlings under favorable growing conditions. Broken, weak, diseased, malformed, or abnormal seedlings shall not be considered as having germinated.

Subd. 11. [HYBRID.] "Hybrid" when applied to kinds or varieties of seed means the first generation seed of a cross produced by controlling the pollination and by combining (a) two or more inbred lines; (b) one inbred or a single cross with an open pollinated variety; or (c) two selected clones, seed lines, varieties, or species. "Controlling the pollination" means to use a method of hybridization which will produce pure seed which is at least 75 percent hybrid seed. The second generation or subsequent generations from these crosses are not hybrids. Hybrid designations shall be treated as variety names.

Subd. 12. [INITIAL LABELER.] "Initial labeler" means a person who is the first to label for sale within this state an agricultural, vegetable, flower, tree, or shrub seed.

Subd. 13. [KIND.] "Kind" means one or more related species or subspecies which singly or collectively is known by one common name, such as wheat, oats, or sweet clover.

Subd. 14. [LABEL.] "Label" includes a tag or other device attached to or written, stamped, or printed on any container or accompanying any lot of bulk seeds purporting to set forth the kind of seeds contained, or any other information relating to the labeled seed and includes invoices under which any seed is imported into the state.

Subd. 15. [LOT.] "Lot" means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors which appear in the labeling.

Subd. 16. [MIXTURE.] "Mixture" means seeds consisting of more than one kind, each in excess of five percent of the whole.

Subd. 17. [NOXIOUS WEED SEEDS.] "Noxious weed seeds" includes prohibited and restricted noxious weed seeds.

Subd. 18. [PERSON.] "Person" means an individual, partnership, corporation, company, society, association, or firm.

**Subd. 19. [PROHIBITED NOXIOUS WEED SEEDS.]** *"Prohibited noxious weed seeds" are those weed seeds which are prohibited from being present in any agricultural, vegetable, flower, tree or shrub seed. They are the seeds of weeds which are highly destructive and difficult to control by good cultural practices or by the use of herbicides. They not only reproduce by seed but also may spread by underground reproductive parts such as roots and rootstocks and aboveground reproductive parts such as runners and stolons.*

**Subd. 20. [PURE LIVE SEED.]** *"Pure live seed" means the product of the percent germination multiplied by the percent pure seed divided by 100 percent.*

**Subd. 21. [PURE SEED.]** *"Pure seed" means seed exclusive of inert matter and all other seeds not of the kind of seed being considered as defined by the rules for testing seeds of the association of official seed analysts.*

**Subd. 22. [RECORD.]** *"Record" includes all information relating to seed shipments and includes a file sample of each lot of seed. For tree and shrub seed, the record includes all documents regarding statement of origin and elevation where the seed originated.*

**Subd. 23. [RESTRICTED NOXIOUS WEED SEEDS.]** *"Restricted noxious weed seeds" are those weed seeds which, if present in agricultural, vegetable, flower, tree or shrub seed, shall be named on the label together with the number per pound of seed specified and which shall not exceed the legal limit. They are seeds of weeds which are objectionable in fields, lawns, and gardens of this state and can be controlled by good cultural practice and use of herbicides.*

**Subd. 24. [SCREENINGS.]** *"Screenings" means chaff, sterile florets, immature seed, weed seeds, inert matter, and other material removed from seed in any kind of conditioning and which contains less than 25 percent by weight of live agricultural or vegetable seed.*

**Subd. 25. [SEIZURE.]** *"Seizure" means a legal process carried out by a court order against a definite amount of seed.*

**Subd. 26. [SELL.]** *"Sell," when applying to agricultural, vegetable, flower, tree or shrub seed, and seed samples, includes:*

- (a) selling or transferring ownership;*
- (b) offering and exposing for sale, exchange, distribution, giving away, and transportation in or into this state;*
- (c) having in possession with intent to sell, exchange, distribute, give away, or transport in or into this state;*

(d) storing, carrying, and handling in aid of traffic in seeds, whether done in person or through an agent, employee, or other person; and

(e) receiving, accepting, and holding on consignment for sale.

Subd. 27. [STOP SALE.] "Stop sale" means an administrative order restraining the sale, use, disposition, and movement of a definite amount of seed.

Subd. 28. [TREATED.] "Treated" means that the seed has received an application of a substance or that it has been subjected to a process for which a claim is made.

Subd. 29. [TREE AND SHRUB SEEDS.] "Tree and shrub seeds" includes seeds of woody plants commonly known and sold as tree and shrub seeds in this state.

Subd. 30. [TREE SEED COLLECTOR'S DECLARATION.] A "tree seed collector's declaration" is a statement signed by a grower or person having knowledge of the place of collection which gives for a lot of seed: the lot number, common or scientific name of the species, subspecies if appropriate, origin, elevation, and quantity of tree and shrub seed.

Subd. 31. [TYPE.] "Type" means a group of varieties so nearly similar that individual varieties cannot be clearly differentiated except under special conditions.

Subd. 32. [VEGETABLE SEEDS.] "Vegetable seeds" includes the seeds of those crops which are grown in gardens and on truck farms that are generally known and sold under the name of vegetable or herb seeds in this state.

Subd. 33. [VARIETY.] "Variety" means a subdivision of a kind characterized by growth, yield, plant, fruit, seed, or other characteristics by which it can be differentiated from other plants of the same kind.

Subd. 34. [WEED SEEDS.] "Weed seeds" includes the seeds of all plants generally recognized as weeds within this state, including noxious weed seeds.

Sec. 33. [21.82] [LABEL REQUIREMENTS; AGRICULTURAL, VEGETABLE, OR FLOWER SEEDS.]

Subdivision 1. [FORM.] Each container of agricultural vegetable, or flower seed which is offered for sale for sowing purposes shall bear or have attached in a conspicuous place a plainly written or printed label or tag in the English language giving the information required by this section. This statement

shall not be modified or denied in the labeling or on another label attached to the container.

Subd. 2. [CONTENT.] For agricultural, vegetable, or flower seeds, except as otherwise provided in subdivisions 4, 5, 6, 7 and 8, the label shall contain:

(a) The name of the kind or kind and variety for each agricultural or vegetable seed component in excess of five percent of the whole and the percentage by weight of each in order of its predominance. The commissioner shall by rule designate the kinds that are required to be labeled as to variety. If the variety of those kinds generally labeled as to variety is not stated and it is not required to be stated, the label shall show the name of the kind and the words: "Variety not stated."

(1) The percentage that is hybrid shall be at least 95 percent of the percentage of pure seed shown unless the percentage of pure seed which is hybrid seed is shown separately. If two or more kinds or varieties are present in excess of five percent and are named on the label, each that is hybrid shall be designated as hybrid on the label. Any one kind or kind and variety that has pure seed which is less than 95 percent but more than 75 percent hybrid seed as a result of incompletely controlled pollination in a cross shall be labeled to show the percentage of pure seed that is hybrid seed or a statement such as "contains from 75 percent to 95 percent hybrid seed." No one kind or variety of seed shall be labeled as hybrid if the pure seed contains less than 75 percent hybrid seed. The word hybrid shall be shown on the label in conjunction with the kind.

(2) Blends shall be listed on the label using the term "blend" in conjunction with the kind.

(3) Mixtures shall be listed on the label using the term "mixture," "mix," or "mixed."

(b) Lot number or other lot identification.

(c) Origin, if known, or that the origin is unknown.

(d) Percentage by weight of all weed seeds present in agricultural, vegetable, or flower seed. This percentage may not exceed one percent. If weed seeds are not present in vegetable or flower seeds, the heading "weed seeds" may be omitted from the label.

(e) Name and rate of occurrence per pound of each kind of restricted noxious weed seeds present. They shall be listed under the heading "noxious weed seeds." If noxious weed seeds are not present in vegetable or flower seeds, the heading "noxious weed seeds" may be omitted from the label.

(f) *Percentage by weight of agricultural, vegetable, or flower seeds other than those required to be named on the label. They shall be listed under the heading "other crop." If "other crop" seeds are not present in vegetable or flower seeds, the heading "other crop" may be omitted from the label.*

(g) *Percentage by weight of inert matter.*

(h) *Net weight of contents, to appear on either the container or the label, except that in the case of vegetable or flower seed containers with contents of 200 seeds or less, a statement indicating the number of seeds in the container may be listed along with or in lieu of the net weight of contents.*

(i) *For each named agricultural or vegetable seed:*

(1) *percentage of germination, exclusive of hard seed;*

(2) *percentage of hard seed, if present; and*

(3) *the calendar month and year the percentages were determined by test.*

(j) *Name and address of the person who labeled the seed or who sells the seed within this state, or a code number which has been registered with the commissioner.*

*Subd. 3. [TREATED SEED.] For all named agricultural, vegetable, or flower seeds which are treated, for which a separate label may be used, the label shall contain:*

(a) *a word or statement to indicate that the seed has been treated;*

(b) *the commonly accepted, coined, chemical, or abbreviated generic chemical name of the applied substance;*

(c) *the caution statement "Do not use for food, feed, or oil purposes" if the substance in the amount present with the seed is harmful to human or other vertebrate animals;*

(d) *in the case of mercurials or similarly toxic substances, a poison statement and symbol;*

(e) *a word or statement describing the process used when the treatment is not of pesticide origin; and*

(f) *the date beyond which the inoculant is considered ineffective if the seed is treated with an inoculant. It shall be listed on the label as "inoculant: expires (month and year)" or wording that conveys the same meaning.*



*Subd. 4. [HYBRID SEED CORN.] For hybrid seed corn purposes a label shall contain:*

*(a) a statement indicating the number of seeds in the container may be listed along with or in lieu of the net weight of contents; and*

*(b) for each variety of hybrid seed field corn, the day classification as determined by the originator or owner. The day classification shall approximate the number of days of growing season necessary from emergence of the corn plant above ground to relative maturity and shall conform to the day classification established by the director of the Minnesota agricultural experiment station for the appropriate zone.*

*Subd. 5. [GRASS SEED.] For grass seed and mixtures of grass seeds intended for lawn and turf purposes, the requirements in clauses (a) to (c) must be met.*

*(a) The label shall contain the percentage by weight of inert matter, up to ten percent by weight except for those kinds specified by rule. The percentage by weight of foreign material not common to grass seed must be listed as a separate item in close association with the inert matter percentage.*

*(b) If the seed contains no "other crop" seed, the following statement may be used and may be flagged: "contains no other crop seed."*

*(c) When grass seeds are sold outside their original containers, the labeling requirements are met if the seed is weighed from a properly labeled container in the presence of the purchaser.*

*Subd. 6. [COATED AGRICULTURAL SEEDS.] For coated agricultural seeds the label shall contain:*

*(a) percentage by weight of pure seeds with coating material removed;*

*(b) percentage by weight of coating material shown as a separate item in close association with the percentage of inert matter; and*

*(c) percentage of germination determined on 400 pellets with or without seeds.*

*Subd. 7. [VEGETABLE SEEDS.] For vegetable seeds prepared for use in home gardens or household plantings the requirements in clauses (a) to (d) apply. The origin may be omitted from the label.*

(a) *The label shall contain the following:*

(1) *the year for which the seed was packed for sale listed as "packed for (year)," or the percentage of germination and the calendar month and year that the percentages were determined by test; and*

(2) *for vegetable seeds which germinate less than the standard last established by the commissioner:*

(i) *percentage of germination, exclusive of hard seed;*

(ii) *percentage of hard seed, if present; and*

(iii) *the words "below standard" in not less than eight point type and the month and year the percentages were determined by test.*

(b) *The percentage by weight of pure seed may be omitted from a label if the total is more than 90 percent.*

(c) *The percentage by weight of inert matter may be omitted from a label if it is less than ten percent.*

(d) *The labeling requirements for vegetable seeds sold outside their original containers are met if the seed is weighed from a properly labeled container in the presence of the purchaser.*

**Subd. 8. [FLOWER SEEDS.]** (a) *All flower seed labels shall contain:*

(1) *the name of the kind and variety or a statement of type and performance characteristics as prescribed by rules;*

(2) *the year for which the seed was packed for sale listed as "packed for (year)," or the percentage of germination and the calendar month and year that the percentage was determined by test; and*

(3) *for flower seeds which germinate less than the standard last established by the commissioner:*

(i) *the percentage of germination exclusive of hard seed; and*

(ii) *the words "below standard" in not less than eight point type and the month and year this percentage was determined by test.*

(b) *The origin may be omitted from the label.*

(c) *The percentage by weight of pure seed may be omitted from a label if the total is more than 90 percent.*

(d) *The percentage by weight of inert matter may be omitted from a label if it is less than ten percent.*

Sec. 34. [21.83] [LABEL REQUIREMENTS; TREE OR SHRUB SEEDS.]

*Subdivision 1. [FORM.] Each container of tree or shrub seed which is offered for sale for sowing purposes shall bear or have attached in a conspicuous place a plainly written or printed label or tag in the English language giving the information required by this section. This label statement shall not be modified or denied in the labeling or on another label attached to the container, except that labeling of seed supplied under a contractual agreement may be made by an invoice accompanying the shipment or by an analysis tag attached to the invoice if each bag or other container is clearly identified by a lot number stenciled on the container. Each bag or container that is not so stenciled must carry complete labeling.*

*Subd. 2. [LABEL CONTENT.] For all tree or shrub seed subject to this section the label shall contain:*

(a) *the common name of the species, and the subspecies if appropriate;*

(b) *the scientific name of the genus and species, and the subspecies if appropriate;*

(c) *the lot number or other lot identification;*

(d) *for seed collected from a predominantly indigenous stand, the area of collection given by latitude and longitude, or geographic description, or political subdivision such as state or county;*

(e) *for seed collected from a predominantly nonindigenous stand, the identity of the area of collection and the origin of the stand or the words "origin not indigenous;"*

(f) *the elevation or the upper and lower limits of elevation within which the seed was collected;*

(g) *the percentage of pure seed by weight;*

(h) *for those kinds of seed for which standard testing procedures are prescribed:*

(1) *the percentage of germination exclusive of hard seed;*

- (2) *the percentage of hard seed, if present; and*
- (3) *the calendar month and year the percentages were determined by test; or*
- (4) *in lieu of the requirements of clauses (1) to (3), the seed may be labeled "test is in progress, results will be supplied upon request;"*
- (i) *for those species for which standard germination testing procedures have not been prescribed by the commissioner, the calendar year in which the seed was collected; and*
- (j) *the name and address of the person who labeled the seed or who sells the seed within this state.*

*Subd. 3. [TREATED SEED.] For all treated tree and shrub seeds for which a separate label may be used the label shall contain:*

- (a) *a word or statement to indicate that the seed has been treated;*
- (b) *the commonly accepted, coined, chemical, or abbreviated generic chemical name of the applied substance;*
- (c) *the caution statement "Do not use for food, feed, or oil purposes" if the substance in the amount present with the seed is harmful to human or other vertebrate animals;*
- (d) *in the case of mercurials or similarly toxic substances, a poison statement and symbol;*
- (e) *a word or statement describing the process used when the treatment is not of pesticide origin;*
- (f) *if the seed has been treated with an inoculant, the date beyond which the inoculant is considered ineffective. It shall be listed on the label as "inoculant: expires (month and year)" or wording which conveys the same meaning.*

Sec. 35. [21.84] [RECORDS.]

*Each person whose name appears on the label of agricultural, vegetable, flower, tree or shrub seeds subject to section 33 or 34 shall keep for three years complete records of each lot of agricultural, vegetable, flower, tree or shrub seed sold in this state and shall keep for one year a file sample of each lot of seed after disposition of the lot. In addition, the grower shall have as a part of the record a "genuine grower's declaration" or a "tree seed collector's declaration."*

## Sec. 36. [21.85] [DUTIES OF THE COMMISSIONER.]

*Subdivision 1. [ENFORCEMENT.] The commissioner shall administer and enforce sections 31 to 43.*

*Subd. 2. [SEED LABORATORY.] The commissioner shall establish and maintain a seed laboratory for seed testing, employing necessary agents and assistants to administer and enforce sections 31 to 43, none of whom, except those who are employed on a regular full-time basis, shall come within or be governed by chapter 43A. The compensation for the unclassified employees shall be on the basis of a rating and salary scale determined by the commissioner's plan of the department of employee relations or the appropriate bargaining unit contract.*

*Subd. 3. [ENTRY UPON PREMISES.] For the purpose of administering and enforcing sections 31 to 43 the commissioner may enter upon any public or private premises during regular business hours in order to have access to seeds and the records concerning the seeds that are subject to sections 31 to 43, and to enter any truck or other conveyor by land, water, or air at any time when the conveyor is accessible, for the same purpose.*

*Subd. 4. [INSPECTION AND SAMPLING.] The commissioner shall sample, inspect, make analysis of and test seeds subject to sections 31 to 43 that are offered for sale for sowing purposes at the time and place and to the extent necessary to determine whether the seeds are in compliance with sections 31 to 43.*

*Subd. 5. [NOTICE OF VIOLATION.] The commissioner shall promptly notify the person who sold, labeled, or transported seed that has been:*

- (1) found to be in violation of sections 31 to 43;*
- (2) placed under a stop sale order; or*
- (3) seized on complaint of the commissioner to a court of competent jurisdiction.*

*Subd. 6. [STOP SALE ORDERS.] The commissioner may issue and enforce a written or printed "stop sale" order to the owner or custodian of any lot of seed which he finds to be in violation of sections 31 to 43. The order shall prohibit further sale, conditioning, and movement of the seed, except on approval of the enforcing officer, until the officer has evidence that the law has been complied with and has issued a release from the "stop sale" order. With respect to seed which has been denied sale, conditioning, or movement, the owner or custodian of the seed may appeal from the order to a court where the seeds are*

*found, for the discharge of the seeds from the order prohibiting the sale, conditioning, or movement in accordance with the findings of the court. This subdivision does not limit the right of the enforcement officer to proceed in a different fashion.*

*Subd. 7. [SEIZURE.] Any lot of seed not in compliance with sections 31 to 43 is subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the locality where the seed is located. If the court finds the seed to be in violation and orders the condemnation of the seed, it shall be denatured, destroyed, relabeled, or otherwise disposed of in compliance with law. In no instance shall the court order dispose of the seed without first giving the claimant an opportunity to apply to the court for the release of the seed or permission to condition or relabel it into compliance.*

*Subd. 8. [INJUNCTION.] When the commissioner applies to any court for a temporary or permanent injunction restraining any person from violating or continuing to violate sections 31 to 43, the injunction shall be issued without requiring a bond.*

*Subd. 9. [PROSECUTIONS.] When the commissioner finds that a person has violated any part of sections 31 to 43, he may initiate court proceedings in the locality in which the violation occurred. No prosecution shall be instituted without a person having an opportunity to appear in person or by a representative before the commissioner to provide evidence. Either a county attorney or the attorney general may prosecute actions under sections 31 to 43.*

*Subd. 10. [COMMISSIONER MAY ALTER REQUIREMENTS IN EMERGENCIES.] In the event of acute shortages of any seed or seeds, or the occurrence of other conditions which in the opinion of the commissioner create an emergency which would make impractical the enforcement of any requirement of sections 31 to 43 relating to the percentage of purity and weed seed content of any seed or seeds, the commissioner may temporarily change and alter any requirement relating to percentage of purity and weed seed content for the duration of the emergency.*

*Subd. 11. [RULES.] The commissioner may make necessary rules, including temporary rules, for the proper enforcement of sections 31 to 43. Existing rules shall remain in effect unless temporary or permanent rules are made that supercede them.*

*Subd. 12. [SERVICE TESTING AND IDENTIFICATION.] The commissioner shall provide for purity and germination tests of seeds and identification of seeds and plants for farmers, dealers, and others. He may establish and collect fees for testing and identification.*

*Subd. 13. [SAMPLING EXPORT SEED.] The commissioner may sample agricultural, vegetable, flower, tree or shrub seeds which are destined for export to other countries. He may establish and collect suitable fees from the exporter for this service.*

*Subd. 14. [COOPERATION WITH UNITED STATES DEPARTMENT OF AGRICULTURE.] The commissioner shall cooperate with the United States department of agriculture in seed law enforcement.*

**Sec. 37. [21.86] [UNLAWFUL ACTS.]**

*Subdivision 1. [PROHIBITIONS.] A person may not advertise or sell any agricultural, vegetable, flower, or tree and shrub seed if:*

*(a) A test to determine the percentage of germination required by sections 33 and 34 has not been completed within a nine-month period, exclusive of the calendar month in which the test was completed. This prohibition does not apply to tree, shrub, agricultural, or vegetable seeds packaged in hermetically sealed containers. Seeds packaged in hermetically sealed containers under the conditions defined by rule may be offered for sale for a period of 36 months after the last day of the month that the seeds were tested for germination prior to packaging. If seeds in hermetically sealed containers are offered for sale more than 36 months after the last day of the month in which they were tested prior to packaging, they must be retested within a nine-month period, exclusive of the calendar month in which the retest was completed;*

*(b) It is not labeled in accordance with sections 33 and 34 or has false or misleading labeling;*

*(c) False or misleading advertisement has been used in respect to its sale;*

*(d) It contains prohibited noxious weed seeds;*

*(e) It consists of or contains restricted noxious weed seeds in excess of 25 seeds per pound or in excess of the number declared on the label attached to the container of the seed or associated with the seed;*

*(f) It contains more than one percent by weight of all weed seeds;*

*(g) It contains less than the stated net weight of contents;*

*(h) it contains less than the stated number of seeds in the container;*

(i) *It contains any labeling, advertising, or other representation subject to sections 33 and 34 representing the seed to be certified unless:*

(1) *it has been determined by a seed certifying agency that the seed conformed to standards of purity and identity as to kind, species, subspecies, or variety, and also that tree seed was found to be of the origin and elevation claimed, in compliance with the rules pertaining to the seed; and*

(2) *the seed bears an official label issued for it by a seed certifying agency stating that the seed is of a certified class and a specified kind, species, subspecies, or variety;*

(j) *It is labeled with a variety name but not certified by an official seed certifying agency when it is a variety for which a United States certificate of plant variety protection has been granted under United States Code, title 7, sections 2481 to 2486, specifying sale by variety name only as a class of certified seed. Seed from a certified lot may be labeled as to variety name when used in a blend or mixture by or with approval of the owner of the variety; or*

(k) *The person whose name appears on the label does not have complete records including a file sample of each lot of agricultural, vegetable, flower, tree or shrub seed sold in this state as required in section 35.*

*Subd. 2. [MISCELLANEOUS VIOLATIONS.] No person may:*

(a) *detach, alter, deface, or destroy any label required in sections 33 and 34 or alter or substitute seed in a manner that may defeat the purposes of sections 33 and 34;*

(b) *hinder or obstruct in any way any authorized person in the performance of duties under sections 31 to 43;*

(c) *fail to comply with a "stop sale" order or to move or otherwise handle or dispose of any lot of seed held under a stop sale order or attached tags, except with express permission of the enforcing officer for the purpose specified;*

(d) *use the word "type" in any labeling in connection with the name of any agricultural seed variety;*

(e) *use the word "trace" as a substitute for any statement which is required; or*

(f) *plant any agricultural seed which the person knows contains weed seeds or noxious weed seeds in excess of the limits for that seed.*



## Sec. 38. [21.87] [EXEMPTION.]

*Sections 33 and 34 do not apply:*

(a) *to seed or grain not intended for sowing purposes;*

(b) *to seed in storage in or being transported or consigned to a conditioning establishment for conditioning, provided that the invoice or label accompanying any shipment of the seeds bears the statement "seeds for conditioning," and provided that any labeling or other representation which may be made with respect to the unconditioned seed is subject to the provisions of sections 33 and 34; or*

(c) *to any carrier with respect to seed transported or delivered for transportation in the ordinary course of its business as a carrier, provided that the carrier is not engaged in producing, conditioning, or marketing seeds subject to sections 33 and 34.*

## Sec. 39. [21.88] [PENALTIES.]

*Subdivision 1. [MISDEMEANOR; GROSS MISDEMEANOR.] A violation of sections 31 to 43 or a rule adopted under section 36 is a misdemeanor. Each additional day of violation is a separate offense. A subsequent violation by a person is a gross misdemeanor.*

*Subd. 2. [UNLAWFUL PRACTICE.] In addition to other penalties provided by law, a person who violates a provision of sections 31 to 43 or a rule adopted under section 36 has committed an unlawful practice under sections 325F.68 and 325F.69 and is subject to the remedies provided in sections 8.31 and 325F.70.*

*Subd. 3. [PENALTIES NOT TO APPLY.] A person is not subject to the penalties in subdivision 1 or 2 for having sold seeds which were incorrectly labeled or represented as to kind, species, subspecies, if appropriate, variety, type, origin and year, elevation or place of collection if required, if the seeds cannot be identified by examination unless he has failed to obtain an invoice or genuine grower's or tree seed collector's declaration or other labeling information and to take other reasonable precautions to ensure the identity is as stated.*

## Sec. 40. [21.89] [SEED FEE PERMITS.]

*Subdivision 1. [SEED FEE.] In order to pay for administering and enforcing sections 31 to 43, the commissioner shall establish the fees charged for various seeds and shall collect the fees on all seeds covered by sections 31 to 43.*

Subd. 2. [PERMITS; ISSUANCE, REVOCATION.] *The commissioner shall issue a permit to the initial labeler of agricultural, vegetable, or flower seeds which are offered for sale in Minnesota and which conform to and are labeled under sections 31 to 43. The person shall furnish to the commissioner an itemized statement of all seeds sold in Minnesota for the periods established by the commissioner. This statement shall be delivered, along with the payment of the fee, to the commissioner no later than 30 days after the end of each reporting period. Any person holding a permit shall show as part of the analysis labels or invoices on all agricultural, vegetable, flower, tree or shrub seeds all information the commissioner requires. The commissioner may revoke any permit in the event of failure to comply with applicable laws and rules.*

Subd. 3. [PENALTY.] *A penalty fee established by the commissioner shall be assessed any permit holder who fails to submit a statement and pay the fee due within the 30 days following the end of each reporting period.*

Subd. 4. [EXEMPTIONS.] *A person who labels for sale agricultural, vegetable, or flower seeds must have a seed fee permit unless:*

(a) *The person labels and sells less than 50,000 pounds of agricultural seed in Minnesota each calendar year. If more than 50,000 pounds are labeled and sold in Minnesota by any person, the person must have a seed fee permit and pay fees on all seed sold. A person who labels and sells grass seeds and mixtures of grass seeds intended for lawn or turf purposes is not exempted from having a permit and paying seed fees on all seeds in this category sold in Minnesota; or*

(b) *The agricultural, vegetable, or flower seeds are of the breeder or foundation seed classes of varieties developed by publicly financed research agencies intended for the purpose of increasing the quantity of seed available.*

Sec. 41. [21.90] [HYBRID SEED FIELD CORN VARIETY REGISTRATION.]

Subdivision 1. [GROWING ZONES.] *The director of the agricultural experiment station at the University of Minnesota shall determine, establish, and number or otherwise identify corn growing zones of the state and determine and publish a list of day classifications for each zone which will approximate the number of days growing season necessary for corn from emergence of the corn plants above ground after planting to relative maturity.*

Subd. 2. [FEES.] *A record of each hybrid seed field corn variety to be sold in Minnesota shall be registered with the com-*

missioner by February 1 of each year by the originator or owner. The commissioner shall establish the annual fee for registration for each variety. The record shall include the permanent designation of the hybrid as well as the day classification and zone of adaptation, as determined under subdivision 1, which the originator or owner declares to be the zone in which the variety is adapted. In addition, at the time of the first registration of a hybrid seed field corn variety, the originator or owner shall include a sworn statement that his declaration of the zone of adaptation was based on actual field trials in that zone and that the field trials substantiate his declaration as to the day and zone classifications to which the variety is adapted. The name or number used to designate a hybrid seed field corn variety in the registration is the only name of all seed corn covered by or sold under that registration.

Subd. 3. [TESTS OF VARIETIES.] If the commissioner needs to verify that a hybrid seed field corn variety is adapted to the corn growing zone declared by the originator or owner, it must, when grown in several official comparative trials by the director of the Minnesota agricultural experiment station in the declared zone of adaptation, have an average kernel moisture at normal harvest time which does not differ from the average kernel moisture content of three or more selected standard varieties adapted for grain production in that particular growing zone by more than four percentage points. If a new variety when tested has more than six percentage points of moisture over the standard variety, it must have the relative maturity increased by five days in the correct zone of adaptation before it can be sold the second year. If it does not exceed the standard varieties by more than five percentage points of moisture the second year tested, it can be sold the third year with the same relative maturity. If upon being tested the third year the moisture percentage points are found to be over the four percentage points allowed, the variety then must have the relative maturity increased by five days in the correct zone. The varieties to be used as standard varieties for determining adaptability to a zone shall be selected for each zone by the director of the Minnesota agricultural experiment station with the advice and consent of the commissioner of agriculture. Should a person, firm, originator, or owner of a hybrid seed field corn variety wish to offer hybrid seed for sale or distribution in this state, the person, firm, originator, or owner not having distributed any products in Minnesota during the past ten years, or not having any record of testing by an agency acceptable to the commissioner, then after registration of the variety the commissioner is required to have the variety tested for one year by the director of the Minnesota agricultural experiment station before it may be distributed in Minnesota. Should any person, firm, originator, or owner of a seed field corn variety be guilty of two successive violations with respect to the declaration of relative maturity date and zone number, then the violator must commence a program of pretesting for varieties as determined by the commissioner. The list of varieties to be used as standards in each growing zone shall be

sent by the commissioner not later than February 1 of each year to each seed firm registering hybrid varieties with the commissioner as of the previous April 1. To assist in defraying the expenses of the Minnesota agricultural experiment station in carrying out the provisions of this section, there shall be transferred annually from the seed inspection fund to the agricultural experiment station a sum which shall at least equal 80 percent of the total revenue from all hybrid seed field corn variety registrations.

Sec. 42. [21.91] [SEED CERTIFICATION AGENCIES.]

Subdivision 1. [MINNESOTA.] *The official seed certification agency for Minnesota shall be determined by the commissioner of agriculture and the director of the Minnesota agricultural experiment station.*

Subd. 2. [OTHER JURISDICTIONS.] *The official seed certification agency for other jurisdictions shall be determined and the identity filed as a public record in the office of the commissioner of agriculture. The determination shall be made by the commissioner of agriculture and the director of the Minnesota agricultural experiment station.*

Sec. 43. [21.92] [SEED INSPECTION FUND.]

*There is established in the state treasury an account known as the seed inspection fund. Fees and penalties collected by the commissioner under sections 31 to 43 shall be deposited into this account. The rates at which the fees are charged may be adjusted pursuant to section 16A.28. Money in this account, including interest earned and any appropriations made by the legislature for the purposes of sections 31 to 43, is annually appropriated to the commissioner for the administration and enforcement of sections 31 to 43.*

Sec. 44. Minnesota Statutes 1982, section 40.03, subdivision 2, is amended to read:

Subd. 2. [EMPLOYEES.] The department of (NATURAL RESOURCES) agriculture shall provide administrative functions of this section. The commissioner of (NATURAL RESOURCES) agriculture shall make available (BY SEPARATE BUDGET) to the state soil and water conservation board (THE) staff (SERVICES), funds for operation (,) and office space necessary for the administration and coordination of its functions. The state board shall be responsible to the commissioner (FOR REPORTING PURPOSES IN REGARD TO STAFF FUNCTIONS AND OPERATIONS WHICH RELATE TO DEPARTMENT ACTIVITIES).

The commissioner of (NATURAL RESOURCES) agriculture shall (, SUBJECT TO APPROVAL OF THE STATE BOARD,)

provide an administrative officer and other necessary permanent and temporary technical experts, agents, and employees. (THE STATE BOARD SHALL DETERMINE THE PERSONNEL'S QUALIFICATIONS AND DUTIES, AND RECOMMEND COMPENSATION TO THE COMMISSIONER OF EMPLOYEE RELATIONS.) The state board may call upon the attorney general for necessary legal services. It (SHALL HAVE) has authority to delegate to its chairman or to one or more of its other officers or members or administrative officer any of its own powers and duties it may deem proper. (THE ADMINISTRATIVE OFFICER IS RESPONSIBLE TO THE STATE BOARD AND MAY BE DISMISSED BY THE COMMISSIONER OF NATURAL RESOURCES ONLY UPON THE ADVICE AND RECOMMENDATION OF THE STATE BOARD. ALL) Permanent personnel of the state board are employees of the department of (NATURAL RESOURCES) agriculture and are in the classified service of the state except as otherwise required by statute. In order to perform its duties, the state board may request information from the supervising officer of (ANY) a state agency or state institution of higher education, including the state universities, the community colleges, and the post-secondary vocational technical schools. (THE SUPERVISING OFFICER SHALL COMPLY WITH THE STATE BOARD'S REQUEST TO THE EXTENT POSSIBLE CONSIDERING AVAILABLE APPROPRIATIONS AND MAY ASSIGN AGENCY OR INSTITUTION EMPLOYEES TO COMPILE EXISTING INFORMATION AND TO COMPLETE SPECIAL REPORTS, SURVEYS, OR STUDIES CONCERNING THE PROBLEMS SPECIFIED IN SECTION 40.02.)

Sec. 45. Minnesota Statutes 1982, section 43A.04, is amended by adding a subdivision to read:

*Subd. 8. [DONATION OF TIME BY STATE PATROL.] Notwithstanding any law to the contrary, the commissioner shall authorize the appointing authority to permit the donation of up to three hours of accumulated vacation time in each year by each employee who is a member of law enforcement unit number 1 to their union representative for the purpose of carrying out the duties of his or her office.*

Sec. 46. Minnesota Statutes 1982, section 70A.06, is amended by adding a subdivision to read:

*Subd. 5. (1) Rates and changes and amendments of rates for policies of insurance against damage by hail must be filed with the commissioner 60 days prior to their effective date.*

*(2) An insurer increasing the rate charged for a policy of insurance against damage by hail shall notify the insured 30 days prior to a rate change or 30 days prior to a renewal. In the event that the notice required by this subdivision is provided to the insured less than 30 days prior to the rate change or renewal date,*

*the insured has the option to continue coverage for 30 days from the date of notice of a rate increase at the rates then applicable.*

Sec. 47. Minnesota Statutes 1982, section 79.251, subdivision 1, is amended to read:

Subdivision 1. [ASSIGNED RISK PLAN REVIEW BOARD.] ((1)) (a) An assigned risk plan review board is created for the purposes of review of the operation of sections 79.24 to 79.27. The board shall have all the usual powers and authorities necessary for the discharge of its duties under this section and may contract with individuals in discharge of those duties.

((2)) (b) The board shall consist of five members to be appointed by the commissioner of insurance. Two members shall be insureds holding policies issued (PURSUANT TO) *under* section 79.25. Two members (SHALL) *must* be members of the association. The commissioner (SHALL) *must* be the fifth member and shall vote.

Initial appointments (SHALL) *must* be made by September 1, 1981 and terms (SHALL BE) *are* for three years duration. Removal, the filling of vacancies, and compensation of the members other than the commissioner (SHALL) *must* be as provided in section 15.059.

((3)) (c) The assigned risk review board shall audit the reserves established by insurers ((A)) (1) for individual cases arising under policies issued under section 79.25, and ((B)) (2) for the total book of business issued under section 79.25.

((4)) (d) The assigned risk review board shall monitor the operations of sections 79.24 to 79.27 and shall periodically make recommendations to the commissioner, and to the governor and legislature when appropriate, for improvement in the operation of those sections.

((5) ALL) (e) Members of the association issuing policies under section 79.25 shall pay (AND) *to* the commissioner (SHALL RECEIVE AND DISBURSE, ON BEHALF OF THE BOARD,) a .25 percent assessment on premiums for policies issued under section 79.25 for the purpose of defraying the costs of the assigned risk review board. *Proceeds of the assessment must be deposited in the state treasury and credited to the general fund.*

Sec. 48. Minnesota Statutes 1982, section 162.09, subdivision 4, is amended to read:

Subd. 4. [FEDERAL CENSUS TO BE CONCLUSIVE.] (a) In determining whether any city has a population of 5,000

or more, the last federal census shall be conclusive, *except that effective January 1, 1984, the 1970 federal census or the last federal census taken in the city, whichever results in higher population for an individual city, shall be conclusive.*

(b) A city that has previously been classified as having a population of 5,000 or more for the purposes of chapter 162 and whose population decreases by less than 15 percent from the census figure that last qualified the city for inclusion shall receive the following percentages of its 1981 apportionment for the years indicated: 1982, 66 percent and 1983, 33 percent. Thereafter the city shall not receive any apportionment from the municipal state-aid street fund unless its population is determined to be 5,000 or over by a federal census. The governing body of the city may contract with the United States bureau of the census to take one special census before January 1, 1986. A certified copy of the results of the census shall be filed with the appropriate state authorities by the city. The result of the census shall be the population of the city for the purposes of any law providing that population is a required qualification for distribution of highway aids under chapter 162. The special census shall remain in effect until the 1990 federal census is completed and filed. The expense of taking the special census shall be paid by the city.

(c) If an entire area not heretofore incorporated as a city is incorporated as such during the interval between federal censuses, its population shall be determined by its incorporation census. The incorporation census shall be determinative of the population of the city only until the next federal census.

Sec. 49. Minnesota Statutes 1982, section 168.12, subdivision 1, is amended to read:

Subdivision 1. [NUMBER PLATES; VISIBILITY, PERIODS OF ISSUANCE.] The registrar, upon the approval and payment, shall issue to the applicant the number plates required by law, bearing an abbreviation of the state name and the number assigned. The number assigned may be a combination of a letter or sign with figures. The color of the plates and the color of the abbreviation of the state name and the number assigned shall be in marked contrast. The plates shall be lettered, spaced, or distinguished to suitably indicate the registration of the vehicle according to the rules of the registrar, and when a vehicle is registered on the basis of total gross weight, the plates issued shall clearly indicate by letters or other suitable insignia the maximum gross weight for which the tax has been paid. These number plates shall be so treated as to be at least 100 times brighter than the conventional painted number plates. When properly mounted on an unlighted vehicle, these number plates, when viewed from a vehicle equipped with standard headlights, shall be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet. The registrar shall issue these number plates for the following periods:

(1) Number plates issued pursuant to sections 168.27, subdivisions 16 and 17, and 168.053 shall be for a one year period;

(2) New number plates issued pursuant to section 168.012, subdivision 1, shall be issued to a vehicle for as long as it is owned by the exempt agency and shall not be transferable from one vehicle to another but may be transferred with the vehicle from one tax exempt agency to another; and

(3) (PLATES ISSUED FOR PASSENGER AUTOMOBILES AS DEFINED IN SECTION 168.011, SUBDIVISION 7, SHALL BE ISSUED FOR THE LIFE OF THE VEHICLE; AND)

((4)) Plates for any vehicle not specified in clauses (1) (,) or (2) (AND (3), EXCEPT FOR TRAILERS AS HERE-AFTER PROVIDED), shall be issued for (THE LIFE OF THE VEHICLE) *a six-year period. (BEGINNING WITH NUMBER PLATES ISSUED FOR THE YEAR 1981,)* Plates issued for trailers with a total gross weight of 3,000 pounds or less (SHALL BE ISSUED FOR THE LIFE OF THE TRAILER AND) shall be not more than seven inches in length and four inches in width. *License plates issued before November 15, 1983 for a vehicle not specified in clauses (1) and (2) must be replaced when the vehicle is registered for the seventh year after the issuance of those plates.*

*In any year in which plates are not issued, the registrar shall issue for each registration a tab or sticker to designate the year of registration. This tab or sticker shall show the calendar year or years for which issued, and is valid only for that period. Unless the motor vehicle for which a number plate, number, tab, or sticker is issued, is permanently lost, is destroyed, or is removed from the state, no number plate, number, tab, or sticker may be transferred to another motor vehicle during the period for which it is issued.*

Notwithstanding any other provision of this subdivision, number plates issued to a vehicle which is used for behind-the-wheel instruction in a driver education course in a public school may be transferred to another vehicle used for the same purpose without payment of any additional fee. The registrar shall be notified of each transfer of number plates under this paragraph, and may prescribe a form for notification.

Sec. 50. Minnesota Statutes 1982, section 168.12, subdivision 5, is amended to read:

Subd. 5. [ADDITIONAL FEE.] In addition to any fee otherwise authorized or any tax otherwise imposed upon any motor vehicle, the payment of which is required as a condition to the issuance of any number license plate or plates, the commissioner of public safety may impose a fee *for the issuance of each*



*plate or plates of up to (25 CENTS BUT NOT TO EXCEED THE ACTUAL COST OF MANUFACTURE AND DISTRIBUTION OF ANY) \$2 for a license plate for a motorcycle, motor scooter, motorized bicycle, motorcycle sidcar, trailer, vehicle displaying a dealer plate, and \$3 for license plates for any other vehicle. Graphic design license (PLATE OR) plates (UPON THE ISSUANCE OF SAID PLATE OR PLATES, PROVIDED THAT THESE PLATES) shall only be issued for vehicles registered pursuant to section 168.017 and recreational vehicles registered pursuant to section 168.013, subdivision 1g.*

Sec. 51. Minnesota Statutes 1982, section 171.29, is amended to read:

[171.29] [REVOKED LICENSES; EXAMINATION FOR NEW LICENSES.]

Subdivision 1. [SUCCESS ON EXAMINATION REQUIRED.] No person whose drivers license has been revoked by reason of conviction, plea of guilty, or forfeiture of bail not vacated, under section 171.17 or 65B.67, or revoked under section 169.123 shall be issued another license unless and until (HE SHALL HAVE) *that person has successfully passed an examination as required for an initial license.*

Subd. 2. [FEE ALLOCATED.] (ANY) A person whose drivers license has been revoked as provided in subdivision 1 shall pay a (\$30) *\$50 fee before (HIS) the person's drivers license is reinstated, of which \$30 must be deposited in accordance with section 171.26 and \$20 must be paid into the state treasury and credited to the general fund.*

Sec. 52. Minnesota Statutes 1982, section 174.24, subdivision 3, is amended to read:

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

The commissioner shall adopt rules establishing uniform performance standards for private operators of regular route tran-

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

Prior to distributing operating assistance to eligible recipients for any contract period, the commissioner shall place all recipients into one of the following classifications: large urbanized area service, urbanized area service, small urban area service, rural area service, and elderly and handicapped service. The commissioner shall distribute funds under this section so that the percentage of total operating cost paid by (ANY) a recipient from local sources will not exceed the percentage for that recipient's classification *except as provided in an undue hardship case*. The percentages (SHALL) *must* be: for large urbanized area service, 55 percent; for urbanized area service and small urban area service, 40 percent; for rural area service, 35 percent; and for elderly and handicapped service, 35 percent. The remainder of the total operating cost will be paid from state funds less any assistance received by the recipient from any federal source. For purposes of this subdivision "local sources" means (ALL) local sources of funds and includes (ALL) operating revenue, tax levies, and contributions from public funds, except that the commissioner may exclude from the total assistance contract revenues derived from operations the cost of which is excluded from the computation of total operating cost.

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

Sec. 53. Minnesota Statutes 1982, section 299C.46, subdivision 3, is amended to read:

Subd. 3. The datacommunications network (SHALL) *must* be used exclusively for criminal justice agencies of the state in connection with enforcement of the criminal or traffic laws of the state.

The commissioner of public safety (, AFTER CONSULTATION WITH REPRESENTATIVES OF PARTICIPATING CRIMINAL JUSTICE AGENCIES, MAY) *shall* establish a monthly (OPERATIONAL) *network access charge* to be paid by each participating criminal justice agency (IN THE EVENT THAT MONEY AVAILABLE TO THE COMMISSIONER FOR THIS PURPOSE IS NOT ADEQUATE TO PAY THESE COSTS). *The network access charge must be a standard fee established for each terminal, computer, or other equipment directly addressable by the criminal justice data-communications network, as follows: January 1, 1984 to December 31, 1984, \$40 connect fee per month; January 1, 1985 and thereafter, \$50 connect fee per month.*

The commissioner of public safety is authorized to arrange for the connection of the data-communications network with the criminal justice information system of the federal government, any adjacent state, or Canada.

Sec. 54. Minnesota Statutes 1982, section 343.01, subdivision 3, is amended to read:

Subd. 3. The society (SHALL) *must* be governed by a board of directors consisting of seven persons appointed by the governor. The governor, the commissioner of education, and the attorney general, or their designees shall serve as ex-officio, non-voting members of the board. The membership terms, compensation, removal, and filling of vacancies of board members other than ex-officio members shall be as provided in section 15.0575; provided that the terms of two initial members shall expire in each of 1979, 1980, and 1981, and the term of the seventh initial member shall expire in 1982. The members of the board shall annually elect a chairman and other officers as deemed necessary. Meetings (SHALL) *must* be called by the chairman or at least two other members. *The governor shall appoint an executive director who shall serve in the unclassified civil service at the governor's pleasure for a term coterminous with that of the governor. The (BOARD) executive director may employ other staff who shall serve in the unclassified civil service (AT THE PLEASURE OF THE BOARD).* The commissioner of administration upon request of the (BOARD) *executive director* shall supply the board with necessary office space and administrative services, and the board shall reimburse the commissioner for the cost (THEREOF).

Sec. 55. Minnesota Statutes 1982, section 473.405, is amended by adding a subdivision to read:

*Subd. 2a. [LIMITATION ON CONTRACTING POWER.] Notwithstanding subdivision 2 to the contrary, effective January 1, 1985 the commission may not enter into management contracts with any person, firm, or corporation for the management of the Metropolitan Transit Commission's system.*

Sec. 56. Minnesota Statutes 1982, section 626.88, subdivision 3, is amended to read:

*Subd. 3. [EXCEPTION.] Security guards employed by the capitol complex security division of the department of public safety are not required to comply with subdivision 2 until April 1, (1983) 1985, at which time they shall be subject to the same uniform color restrictions as other security guards.*

Sec. 57. [TEMPORARY LEGISLATIVE STUDY COMMISSION ON METROPOLITAN TRANSIT.]

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

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

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

*(a) the objectives of the Metropolitan Transit Commission established for the seven-county metropolitan area, and its effectiveness in achieving the purposes established by the legislature;*

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

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

*(d) the efficiency of current labor practices and contracts relative to use of labor required for peak hours;*

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

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

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

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

Subd. 5. [REPEALER.] *This section is repealed on February 2, 1984.*

Sec. 58. Laws 1977, chapter 277, section 1, is amended to read:

Section 1. [TRANSPORTATION; HIGHWAY AND BRIDGE BONDS.] The commissioner of finance is authorized and directed, upon request of the commissioner of transportation, to issue and sell Minnesota trunk highway bonds under the provisions of Minnesota Statutes, Sections 167.50 to 167.52 and of the Minnesota Constitution, Article XI, Sections 4 to 7, and Article XIV, Section 11, at (SUCH) times and in (SUCH) amounts as may be requested by the commissioner of transportation. Bonds issued (PURSUANT TO) *under* this section are authorized in an aggregate principal amount of \$50,000,000. The proceeds of (SUCH) *these* bonds (SHALL) *must* be deposited in a separate (BRIDGE CONSTRUCTION) *capital improvement* account in the trunk highway fund.

Sec. 59. Laws 1977, chapter 277, section 3, subdivision 1, is amended to read:

Sec. 3. [APPROPRIATION.] Subdivision 1. The sum of \$50,000,000, or (SO) *as much* (THEREOF) *of this sum* as is determined to be needed, is appropriated from the separate (BRIDGE CONSTRUCTION) *capital improvement* account in the trunk highway fund created (PURSUANT TO) *under* section 1, to the department of transportation for the (DESIGN,) construction and reconstruction of (KEY BRIDGES AND BRIDGE APPROACHES) *capital improvements* on the trunk highway system including interstate routes. (ANY MONEY APPROPRIATED UNDER THIS SUBDIVISION SHALL BE EXPENDED IN ACCORDANCE WITH THE REQUIREMENTS FOR EXPENDITURE OF MONEY FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR TRUNK HIGHWAY BRIDGES AS THOSE REQUIREMENTS ARE PROVIDED IN MINNESOTA STATUTES, SECTION 174.50 AND IN RULES PROMULGATED PURSUANT TO THAT SECTION.)

Sec. 60. Laws 1983, chapter 17, section 12, is amended to read:

**Sec. 12. [(TRUNK) HIGHWAY CONSTRUCTION BONDS.]**

*Subdivision 1. The commissioner of finance is authorized and directed, on request of the commissioner of transportation, to issue and sell Minnesota trunk highway bonds under the provisions of Minnesota Statutes, sections 167.50 to 167.52 and of the Minnesota Constitution, article XI, sections 4 to 6, and article XIV, section 11, at the time and in the amounts requested by the commissioner of transportation. Bonds issued under this section are authorized in an aggregate principal amount of \$56,000,000. The proceeds of these bonds must be deposited in a separate capital improvement account in the trunk highway fund.*

*Subd. 2. The sum of \$56,000,000, or as much of this sum as is determined to be needed, is appropriated from the separate capital improvement account in the trunk highway fund created under subdivision 1, to the department of transportation for construction and reconstruction of capital improvements on the trunk highway system including interstate routes.*

**Sec. 61. [REPEALER.]**

*Minnesota Statutes 1982, sections 21.47; 21.48; 21.49; 21.50; 21.502; 21.503; 21.51; 21.52; 21.53; 21.54; 21.55; 21.56; 21.57; 21.58; 326.54; 326.541; 326.542; 326.543; 326.544; 326.545; 326.546; and 326.547 are repealed.*

**Sec. 62. [EFFECTIVE DATE.]**

*Section 29 is effective the day following final enactment. Section 45 is effective January 1, 1984. Sections 49 and 50 are effective November 15, 1983, for license plates issued on and after that date. Sections 30 to 44 are effective July 1, 1983."*

Delete the title and insert:

"A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other agencies with certain conditions; fixing and limiting fees; extending the life of the citizen's committee on Voyageurs National Park; providing for the promotion of Minnesota agricultural products; regulating commerce in seeds; establishing a seed laboratory for the regulatory and service testing of seeds; transferring certain responsibilities for soil and water conservation from the department of natural resources to the department of agriculture; allowing limited donation of accumulated vacation time by certain law enforcement employees to their union representative; providing for notice of rate changes in insurance against hail damage; providing for deposit of proceeds of assessment by the assigned risk review board; determining when federal census is conclusive for cities; regulating financial assistance to public transit systems; establishing the position of executive director of the Minnesota humane society; limiting the ability of the metropolitan transit

commission to contract with others for management of transit services; delaying uniform color restrictions for employees of the capitol complex security division; establishing a temporary legislative study commission on metropolitan transit; providing for a capital improvement account in the trunk highway fund as the deposit account for proceeds from certain trunk highway bonds to be further transferred to the department of transportation for certain purposes; imposing penalties; amending Minnesota Statutes 1982, sections 12.14; 15.059, subdivision 5; 17.101; 40.03, subdivision 2; 43A.04, by adding a subdivision; 70A.06, by adding a subdivision; 79.251, subdivision 1; 162.09, subdivision 4; 168.12, subdivisions 1 and 5; 171.29; 174.24, subdivision 3; 299C.46, subdivision 3; 343.01, subdivision 3; 473.405, by adding a subdivision; 626.88, subdivision 3; Laws 1977, chapter 277, section 1; Laws 1977, chapter 277, section 3, subdivision 1; Laws 1983, chapter 17, section 12; proposing new law coded in Minnesota Statutes, chapter 21; repealing Minnesota Statutes 1982, sections 21.47 to 21.58 and 325.54 to 326.547."

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

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

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

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

energy as they were constituted immediately prior to the effective date of this act.

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

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

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

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

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

Subd. 7. [EFFECT OF TRANSFER.] Nothing in this act relating to transfer of employees from one state agency to another shall be construed to abrogate or modify rights now enjoyed by affected employees under collective bargaining agreements between the state and an exclusive representative of state employees.



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

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

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

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

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

*(2) housing finance agency;*

*(3) administration department;*

*(4) public service department;*

*(5) agriculture department;*

*(6) natural resources department;*

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

*(8) public utilities commission;*

*(9) education department;*

*(10) economic security.*

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

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

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

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

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

Sec. 5. [DEFINITIONS.]

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

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

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

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

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

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

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

*Subd. 8. "Municipality" means a city, town, county, school district, special taxing district, or a municipal power agency*

governed by chapter 453, or a group or combination of those units operating under an agreement to jointly undertake projects authorized by this act.

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

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

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

## Sec. 6. [116H.76] [ENERGY AUTHORITY.]

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

Subd. 2. [MEMBERSHIP.] The authority shall be composed of the commissioner of energy, the commissioner of finance, the director of the housing finance agency, and 12 public members appointed by the governor with advice and consent of the senate. At least four of the public members shall be experienced in the extension of credit to borrowers or possess other financial expertise useful to programs operated by the authority. Other members shall have demonstrated interest and expertise in energy conservation or resource development and may be selected from groups representing small business, labor, education, farming or agribusiness, and residential renters. The governor shall designate a chairperson of the authority from among its members.

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

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

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

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

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

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

## **Sec. 7. [SPECIFIC POWERS AND DUTIES OF THE AUTHORITY.]**

**Subdivision 1.** *The authority shall perform, direct, or closely oversee the functions and programs delegated to it by sections 6 to 11. In order to accomplish these activities the authority may request that staff be loaned by existing state agencies, or contract for services from public or private sources.*

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

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

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

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

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

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

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

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

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

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

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

*Subd. 12. The authority shall administer the district heating loan program established in section 116J.36 on behalf of the commissioner. Any district heating loan made by the authority to a municipality shall comply with the criteria specified in section 116J.36, subdivisions 1 to 10.*

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

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

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

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

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

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

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

*Subd. 15. The authority shall operate, on behalf of the commissioner, the program of energy improvement loans to schools created by the concepts embedded in an act styled as H.F. 549 on March 28, 1983. Any appropriation made in furtherance of that program, and any specific authorities or responsibilities attendant to the program, are appropriated to and shall be exercised by the authority.*

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

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

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

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

*Subd. 20. The authority may accept appropriations, gifts, grants, bequests, and devises and utilize or dispose of the same*

to carry out any provisions of sections 2 to 16. All gifts, grants, bequests, and revenues from other such sources are hereby appropriated to the authority for purposes of this act.

Sec. 8. [ENERGY LOAN INSURANCE PROGRAM.]

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

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

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

(c) "Loan" means a loan or advance of credit with such security as may be required by the authority.

(d) "Qualified energy project" means acquiring, installing, or constructing capital improvements, equipment, land or buildings needed for:

(1) energy conservation or recovery or use of alternate or renewable energy sources in a trade or business;

(2) energy recovery or production of energy from alternate or renewable energy sources for sale in a trade or business; or

(3) the trade or business of producing equipment for energy conservation or recovery or for the production or use of energy from alternate or renewable sources.

Subd. 2. [ENERGY LOAN INSURANCE FUND.] An energy loan insurance fund is created. The fund shall be used by the authority as a revolving fund for carrying out the provisions of this section with respect to loans insured under subdivision 3.

Subd. 3. [INSURANCE OF LOANS.] (a) [AUTHORIZATION.] The authority is authorized, upon application by a lender, to insure any eligible loan as provided in this section; and under terms as the authority may prescribe to make commitments for the insuring of loans prior to the date of their execution or disbursement. Existing plants that are in need of upgrading or retrofitting may use the value of facilities and equipment that are directly related to the projects as equity contribution in determining the total cost of the project.

(b) [ELIGIBILITY REQUIREMENTS.] *The authority may establish requirements for loans to be eligible for insurance under this section, relating to:*

(1) *Maximum principal amount, amortization schedule, interest rate, delinquency charges, and other terms.*

(2) *The portion of the loan to be insured.*

(3) *Acceleration and other remedies.*

(4) *Covenants regarding insurance, repairs, and maintenance of the project.*

(5) *Conditions regarding subordination of the loan security, if any, to other liens against the same property.*

(6) *The aggregate principal amount of loans to be insured in relation to the reserves from time to time on hand in the insurance fund, and priorities as to the loans to be insured.*

(7) *Any other matters determined by the authority to be necessary.*

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

(d) [PREMIUMS.] *The authority is authorized to fix premium charges for the insurance of loans under this section, at levels which in its judgment, taking into account other amounts available in the fund, will be sufficient to maintain a reserve for loan losses.*

(e) [PROCEDURES UPON DEFAULT.] *The authority may establish procedures to be followed by lenders and to be taken by the authority in the event of default upon an energy loan, including:*

(1) *time for filing claims;*

(2) *rights and interests to be assigned and documents to be furnished by the lender;*

(3) *principal and interest to be included in the claim; and*



(4) conditions, if any, upon which the authority will pay the entire principal amount in default, after foreclosure and receipt of marketable title to the property.

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

## **Sec. 9. [REVENUE BOND PROGRAM.]**

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

*Subd. 2. [BONDING AUTHORITY.] The authority may borrow money and may issue bonds, notes, or other obligations as evidence of the borrowing in accordance with sections 462A.08 to 462A.13, 462A.16 and 462A.17, all with the force and effect stated and the incidental powers granted and duties imposed in those sections. The authority may sell any of its obligations at public or private sale, at the price or prices the authority determines are appropriate, notwithstanding the limitations on sale price in section 462A.09.*

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

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

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

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

**Subd. 6. [INVESTMENT INCOME.]** All interest and profits accruing from investment of the reserve fund's moneys shall be credited to and be part of the reserve fund, and any loss incurred in the investment of the reserve fund shall be borne by the fund. The assets of the reserve fund shall be invested only in direct obligations of the United States, or in obligations of agencies and instrumentalities of the United States, or in insured depository accounts up to the amount of the insurance, in any institution insured by an agency of the United States government, or otherwise as provided by contract with bondholders in the indenture or resolution of the authority by which the bonds are secured.

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

## **Sec. 10. [LOANS TO MUNICIPALITIES].**

**Subdivision 1. [APPLICATIONS.]** The authority shall establish the procedures, form, and required contents of applications to be made by municipalities for loans to finance the acquisition or construction of capital improvements to be made for the purpose of energy conservation or recovery and use of alternative and renewable energy resources, when state bonds are authorized and issued for the purpose of such loans. This program shall include the district heating loan program established in section 116J.36.

**Subd. 2. [MUNICIPAL OBLIGATION.]** A loan shall not be made to a municipality until it has entered into an agreement with the state to make payments at least equal in the aggregate to the principal amount of the loan plus interest thereon at the

rate payable on the state bonds. The annual amounts of such payments shall be determined by the commissioner of finance. The amount due each year shall be payable prior to the time when transfers are required to be made to the state bond fund pursuant to section 16A.65. The agreement shall obligate the municipality to levy an ad valorem property tax in annual amounts sufficient to make the payments. The amount required to be levied may be reduced by any other available amounts held by the municipality in a special fund dedicated to the repayment of the loan.

Subd. 3. [RECEIPTS.] The principal and interest payments received by the authority in repayment of the loans authorized by this section shall be deposited in the state treasury and credited to the state bond fund and are appropriated to the commissioner of finance for the purpose of that fund.

Sec. 11. [ . . . . . ] [GENERAL POWERS OF THE AUTHORITY.]

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

Subd. 2. It may sue and be sued.

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

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

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

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

Subd. 7. It may acquire real property, or an interest therein, in its own name, by purchase or foreclosure, where such acquisition is necessary or appropriate to protect any loan in which the authority has an interest and may sell, transfer and convey any such property to a buyer and, in the event such sale, transfer or conveyance cannot be effected with reasonable promptness or at a reasonable price, may lease such property to a tenant.

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

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

Sec. 12. [ . . . . . ] [FINANCIAL INFORMATION.]

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

Sec. 13. Minnesota Statutes 1982, section 116C.03, subdivision 2, is amended to read:

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

Sec. 14. Minnesota Statutes 1982, section 116J.03, subdivision 1, is amended to read:

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

Sec. 15. [DEFINITION.]

*As used in sections 2 to 17, the term "commissioner" means the commissioner of the department of energy.*

Sec. 16. Minnesota Statutes 1982, section 116J.09, is amended to read:

116J.09 [DUTIES.]

The commissioner shall:

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

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

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

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

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

**((F) REQUIRE CERTIFICATE OF NEED FOR CONSTRUCTION OF LARGE ENERGY FACILITIES;)**

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

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

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

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

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

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

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

(m) *Serve as chairperson of the energy coordination board;*

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

Sec. 17. Minnesota Statutes 1982, section 116J.10, is amended to read:

116J.10 [POWERS.]

The commissioner may:

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

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

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

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

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

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

(g) (ADMINISTER FOR THE STATE, ENERGY PROGRAMS PURSUANT TO FEDERAL LAW, REGULATIONS OR GUIDELINES, EXCEPT FOR THE CRISIS FUEL ASSISTANCE AND LOW INCOME WEATHERIZATION PRO-

GRAMS ADMINISTERED BY THE DEPARTMENT OF ECONOMIC SECURITY, AND COORDINATE THE PROGRAMS AND ACTIVITIES WITH OTHER STATE AGENCIES, UNITS OF LOCAL GOVERNMENT AND EDUCATIONAL INSTITUTIONS) *Intervene in certificate of need proceedings.*

Sec. 18. Minnesota Statutes 1982, section 216B.16, is amended by adding a subdivision to read:

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

Sec. 19. [216B.242] [CERTIFICATE OF NEED.]

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

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

Sec. 20. Minnesota Statutes 1982, section 462A.02, subdivision 10, is amended to read:

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

Sec. 21. Minnesota Statutes 1982, section 462A.05, is amended by adding a subdivision to read:

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

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

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

**Sec. 23.** Minnesota Statutes 1982, section 462A.21, is amended by adding a subdivision to read:

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

**Sec. 24. [462A.27] [RULES.]**

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

**Sec. 25. [462A.072] [PROVISION OF FINANCIAL EXPERTISE TO OTHER AGENCIES.]**

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



established by negotiation between the director and the commissioner of energy.

Sec. 26. [APPROPRIATION.]

*Subdivision 1. \$4,000,000 in fiscal year 1984 is appropriated from the general fund to the authority to be deposited in the energy loan guaranty fund.*

*Subd. 2. \$50,000 in fiscal year 1984 and \$50,000 in fiscal year 1985 is appropriated from the general fund to the energy coordination board for purposes of operating the intervention office. Money from this appropriation may be used for state employees involved in intervention activities or for contracts with outside consultants.*

*Subd. 3. \$4,000,000 in fiscal year 1984 is appropriated from the general fund to the authority to be deposited in the general reserve fund pursuant to section 9.*

*Subd. 4. There is appropriated to the authority moneys appropriated in Laws 1981, chapter 334, section 12 and such other funding as may be delegated by other law for the purpose of making loans to municipalities pursuant to section 10.*

*Subd. 5. The sum of \$44,000 in fiscal year 1984 and \$46,500 in fiscal year 1985 is appropriated from the general fund to the department of energy for purposes of the energy business development assistance program in section 7, subdivision 14. The complement of the agency is increased by one position.*

*Subd. 6. The sum of \$4,000,000 in fiscal year 1984 is appropriated from the general fund and transferred to the housing development fund for the purposes of section 20. The complement of the housing finance agency is increased by 1.5 positions.*

*Subd. 7. The sum of \$4,000,000 in fiscal year 1984 is appropriated from the general fund and transferred to the housing development fund for the purposes of section 21. The complement of the housing finance agency is increased by 1.5 positions.*

*Subd. 8. The sum of \$1,500,000 in fiscal year 1984 and \$1,500,000 in fiscal year 1985 is appropriated from the general fund to the commissioner of economic security for residential weatherization programs for low-income persons.*

*Subd. 9. The sum of \$251,400 in fiscal year 1984 and \$318,100 in fiscal year 1985 is appropriated from the general fund to the department of energy, planning and development for the purpose of section 3. The complement of the department is increased by four positions.*

*Subd. 10. \$408,800 in fiscal year 1984 and \$340,490 in fiscal year 1985 is appropriated from the general fund to the commissioner of energy, planning and development for general administrative costs of the energy department. The complement of the department for general administration shall be nine positions.*

**Sec. 27. [BOND SALE.]**

*To provide the funds appropriated by section 26, the commissioner of finance shall issue and sell the bonds authorized by and as provided in Laws 1981, chapter 334, section 12."*

Amend the title as follows:

Page 1, line 12, after the semicolon, insert "216B;"

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. 828, 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.

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 ten years;*

(b) *the entire cost of the contract is a percentage of the resultant savings in energy costs;*

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

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

*The commissioner may spend funds appropriated for energy costs in payment of a contract under this subdivision.*

## 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 21.*

**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 DILI-

GENCE. 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 person 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, *title 42*, 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 fi-

nanced 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 indicating 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 dis-

strict 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.44, is amended to read:

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

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 electric 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) *an electric utility* located within an area annexed to a municipality which owns and operates (A PUBLIC) *an electric utility* is proposed to be acquired by the municipality, ratification by the electors is not required.

*When property of an electric utility located within the existing corporate boundaries of a municipality which currently operates a municipal electric utility is proposed to be included within the service territory of the municipal electric utility, ratification by the electors is not required.*

Sec. 18. [216B.465] [VOTER RATIFICATION OF MUNICIPAL PURCHASE, LIMITED APPLICATION.]

*The provisions of sections 216B.45 and 216B.46 shall apply only to the purchase of public utility property by a municipality which, prior to the time of the purchase, did not operate a municipal utility providing the type of utility service delivered by the utility property being purchased.*

*In cases where the municipality operates, prior to the purchase of public utility property, a municipal utility providing the type of utility service delivered by the utility property being purchased, the provisions of section 216B.44 apply and voter ratification is not required.*

Sec. 19. 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. 20. Minnesota Statutes 1982, section 471.345, is amended by adding a subdivision to read:

**Subd. 9. [ENERGY EFFICIENCY SERVICE CONTRACTS.]** *Notwithstanding any law to the contrary, a municipality may enter into a contract to purchase by installment payments capital or other equipment or services intended to improve the energy efficiency of buildings or facilities owned by the municipality provided that:*

- (a) the term of the contract does not exceed ten years;*
- (b) the entire cost of the contract is a percentage of the resultant savings in energy costs;*
- (c) the contract for purchase is based on a competitive basis; and*
- (d) the municipality may unilaterally cancel the agreement if the governing board of the municipality fails to appropriate funds to continue the contract.*

**Sec. 21. [APPROPRIATIONS.]**

**Subdivision 1. [AUDIT INTERPRETATION.]** *The sum of \$51,500 in fiscal year 1984 and \$48,500 in fiscal year 1985 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. The complement of the department is increased by one position.*

**Subd. 2. [STEAM TRAP SURVEY.]** *The sum of \$68,000 in fiscal year 1984 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. [ENERGY MANAGEMENT TRAINING.]** *The sum of \$60,000 in fiscal year 1984 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. [SUPERINSULATION PROJECT.]** *The sum of \$89,500 in fiscal year 1984 and \$40,500 in fiscal year 1985 is appropriated from the general fund to the department of energy, planning and development to hire one complement and to fund the continuing superinsulated home demonstration project for two years, as provided in section 4. The complement of the agency is increased by one position.*

**Subd. 5. [BUILDING ENERGY CENTER.]** *The sum of \$46,500 in fiscal year 1984 and \$36,000 in fiscal year 1985 is*



*appropriated from the general fund to the department of energy, planning and development to hire necessary staff, consultants, and equipment for the building energy research center as provided in section 4. These amounts are available only if matched on the basis of \$1 state to \$1 from other sources. The complement of the department is increased by one position.*

*Subd. 6. [DISTRICT HEATING GRANTS.] The sum of \$500,000 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. This amount is for matching grants of up to \$25,000 each, as provided in section 10, and is available until expended.*

*Subd. 7. [DISTRICT HEATING ADMINISTRATION.] The sum of \$40,000 in fiscal year 1984 and \$40,000 in fiscal year 1985 is appropriated from the general fund to the department of energy, planning and development for administrative costs associated with the district heating grants in section 10. The complement of the department is increased by one position.*

*Subd. 8. [ENERGY AUDITS.] The sum of \$31,600 in fiscal year 1984 and \$68,400 in fiscal year 1985 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. 22. [REPEALER.]**

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

**Sec. 23. [EFFECTIVE DATE.]**

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

Amend the title as follows:

Page 1, line 9, delete "216B.38;" and after "216B.44;" delete to the end of the line

Page 1, line 10, delete "subdivision 2; and" and after "subdivision;" insert "and 471.345, by adding a subdivision;"

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 549, 572, 654, 300 and 828 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. No. 1233 was read for the second time.

Carlson, D., was excused between the hours of 5:45 p.m. and 8:30 p.m.

## SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Kalis moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1233 be given its third reading and be placed upon its final passage. The motion prevailed.

Kalis moved that the rules of the House be so far suspended that S. F. No. 1233 be given its third reading and be placed upon its final passage. The motion prevailed.

DenOuden moved to amend S. F. No. 1233, as amended by the Committee on Appropriations, as follows:

Pages 51 and 52, delete section 49

Page 60, line 1, delete "*Sections 49 and 50 are*" and insert "*Section 50 is*"

Renumber the sections in sequence

Amend the title as follows:

Page 60, line 42, delete "subdivisions 1 and" and insert "subdivision"

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

Swiggum and Mann moved to amend S. F. No. 1233, as amended by the Committee on Appropriations, as follows:

Page 14, after line 16, insert the following:

"The Commissioner shall continue with the current level of livestock weighing service but shall not install any new state weighers at any other locations, presently without a state weigher, without prior approval of the legislature."

A roll call was requested and properly seconded.

#### POINT OF ORDER

Wenzel raised a point of order pursuant to rule 3.9 that the amendment was not in order. The Speaker ruled the point of order not well taken and the amendment in order.

#### POINT OF ORDER

Wenzel raised a point of order pursuant to rule 3.10 that the amendment was not in order. The Speaker ruled the point of order not well taken and the amendment in order.

The question recurred on the Sviggum amendment and the roll was called.

Vanasek moved that those not voting be excused from voting. The motion prevailed.

There were 58 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Forsythe	Knickerbocker	Piepho	Stadum
Bennett	Frerichs	Kvam	Quinn	Sviggum
Bishop	Gruenes	Levi	Quist	Thiede
Blatz	Gutknecht	Ludeman	Redalen	Uphus
Burger	Haukoos	Mann	Reif	Valan
Dempsey	Heap	Marsh	Rose	Valento
DenOuden	Heinitz	McDonald	Schafer	Waltman
Dimler	Hoberg	McKasy	Schoenfeld	Welker
Erickson	Hokr	Olsen	Schreiber	Wigley
Evans	Jennings	Omann	Shaver	Zaffke
Findlay	Jensen	Onnen	Shea	
Fjoslien	Johnson	Pauly	Sherman	

Those who voted in the negative were:

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

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

Welker moved to amend S. F. No. 1233, as amended by the Committee on Appropriations, as follows:

Page 6, delete lines 12 to 17

Reletter the clauses accordingly

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 40 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Findlay	Hokr	Quist	Thiede
Bennett	Fjoslien	Jennings	Reif	Uphus
Bishop	Forsythe	Johnson	Schafer	Valan
Blatz	Gutknecht	Kvam	Schreiber	Valento
Burger	Haukoos	Ludeman	Shea	Waltman
Dempsey	Heap	Onnen	Sherman	Welker
DenOuden	Heinitz	Pauly	Stadum	Wigley
Erickson	Himle	Piepho	Sviggum	Zaffke

Those who voted in the negative were:

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

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

Burger moved to amend S. F. No. 1233, as amended by the Committee on Appropriations, as follows:

Page 24, after line 32, insert:

"Sec. 27. [APPROPRIATION REDUCTION.]

*Notwithstanding any modification of the provisions of the other sections of this bill, every appropriation specified in sections 1 to 51 shall be reduced by 5 percent of the amount stated. All expenditures to be made in whole or in part from the appropriations in this bill shall be reduced pro rata to allow implementation of all programs at a level of 95 percent."*

Renumber sections as necessary.

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 48 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Bennett	Frerichs	Jennings	Omann	Sherman
Bishop	Gruenes	Johnson	Onnen	Svigggum
Blatz	Gutknecht	Knickerbocker	Pauly	Thiede
Burger	Halberg	Kvam	Quist	Uphus
Dempsey	Haukoos	Levi	Reif	Valento
DenOuden	Heap	Ludeman	Rose	Waltman
Dimler	Heinitz	Marsh	Schafer	Welker
Evans	Himle	McDonald	Schreiber	Zaffke
Findlay	Hoberg	McKasy	Seaberg	
Fjoslien	Hokr	Olsen	Shaver	

Those who voted in the negative were:

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

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

The Speaker called Wynia to the Chair.

Dimler offered an amendment to S. F. No. 1233, as amended by the Committee on Appropriations.

McDonald requested a division of the Dimler amendment to S. F. No. 1233, as amended by the Committee on Appropriations.

The first portion of the Dimler amendment reads as follows:

Page 14, line 34, delete "3,227,100" and insert "2,877,100"

A roll call was requested and properly seconded.

The question was taken on the first portion of the Dimler amendment and the roll was called.

Vanasek moved that those not voting be excused from voting. The motion prevailed.

There were 45 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Bennett	Fjoslien	Hokr	Pauly	Shaver
Bishop	Forsythe	Jennings	Quist	Sherman
Blatz	Gruenes	Johnson	Redalen	Thiede
Burger	Gutknecht	Knickerbocker	Reif	Uphus
Dempsey	Haukoos	Kvam	Rose	Valento
DenOuden	Heap	Levi	Schafer	Waltman
Dimler	Heinitz	McDonald	Schoenfeld	Welker
Erickson	Himle	McKasy	Schreiber	Wigley
Evans	Hoberg	Onnen	Seaberg	Zaffke

Those who voted in the negative were:

Battaglia	Findlay	Long	Peterson	Solberg
Beard	Graba	Mann	Piper	Staten
Begich	Greenfield	Marsh	Price	Swanson
Berkelman	Gustafson	McEachern	Quinn	Tomlinson
Brandl	Hoffman	Minne	Riveness	Vanasek
Brinkman	Jacobs	Munger	Rodosovich	Vellenga
Carlson, L.	Jensen	Murphy	Rodriguez, C.	Voss
Clark, J.	Kahn	Nelson, D.	Rodriguez, F.	Welch
Clark, K.	Kalis	Nelson, K.	St. Onge	Wenzel
Clawson	Kelly	Norton	Sarna	Speaker Sieben
Cohen	Knuth	O'Connor	Scheid	
Coleman	Kostchryz	Ogren	Segal	
Eken	Krueger	Omman	Simoneau	
Elioff	Larsen	Osthoff	Skoglund	

The motion did not prevail and the first portion of the Dimler amendment was not adopted.

The second portion of the Dimler amendment reads as follows:

Page 14, delete line 40, and insert "\$800,000 the first year and \$800,000"

A roll call was requested and properly seconded.

The question was taken on the second portion of the Dimler amendment and the roll was called.

Staten moved that those not voting be excused from voting. The motion prevailed.

There were 47 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Bishop	Graba	Krueger	Quist	Uphus
Blatz	Gruenes	Kvam	Schafer	Valan
Dempsey	Gutknecht	Levi	Schoenfeld	Valento
DenOuden	Haukoos	Marsh	Shaver	Waltman
Dimler	Heap	McDonald	Shea	Welker
Erickson	Heinitz	McKasy	Sherman	Wenzel
Evans	Himle	Olsen	Stadum	Wigley
Findlay	Hoberg	Omann	Sviggum	
Fjoslien	Johnson	Onnen	Thiede	
Forsythe	Knickerbocker	Pauly	Tunheim	

Those who voted in the negative were:

Anderson, B.	Clawson	Long	Osthoff	Simoneau
Anderson, G.	Cohen	Ludeman	Peterson	Skoglund
Battaglia	Coleman	Mann	Piper	Solberg
Beard	Eken	McEachern	Price	Staten
Begich	Elioff	Metzen	Quinn	Swanson
Bennett	Greenfield	Minne	Riveness	Tomlinson
Bergstrom	Jacobs	Munger	Rodosovich	Vanasek
Berkelman	Jensen	Murphy	Rodriguez, C.	Vellienga
Brandl	Kahn	Nelson, D.	Rodriguez, F.	Voss
Brinkman	Kalis	Nelson, K.	St. Oage	Welch
Burger	Kelly	Neuenschwander	Sarna	Zaffke
Carlson, L.	Knuth	Norton	Scheid	Speaker Sieben
Clark, J.	Kostohryz	O'Connor	Scaberg	
Clark, K.	Larsen	Ogren	Segal	

The motion did not prevail and the second portion of the Dimler amendment was not adopted.

The Speaker resumed the Chair.

Clawson moved to amend S. F. No. 1233, as amended by the Committee on Appropriations, as follows:

Page 6, after line 39, insert:

*"No portion of this appropriation, nor of any other monies, however received, managed by the commission may be used to repaint busses or other metropolitan transit commission vehicles in such a manner as to effect a change in that fleet color scheme in effect on March 1, 1983."*

The motion prevailed and the amendment was adopted.

S. F. No. 1233, A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other agencies with certain conditions; fixing and limiting fees; providing for adjustments of responsibilities of the department of agriculture for soil and water conservation; allowing limited donation of accumulated vacation time by certain law enforcement employees to their union representative; providing for deposit of proceeds of assessment by the assigned risk review board; regulating financial assistance to public transit systems; limiting certain hearing functions of the transportation regulation board; transferring certain rules authority to the transportation regulation board; reducing membership and establishing terms of members of the public utilities commission; defining enforcement powers of the hazardous material specialists and transportation representatives of the department of transportation; defining terms and requirements for building movers; crediting certain receipts of the commissioner of transportation to the trunk highway fund; providing for certain costs to be paid from the trunk highway fund; authorizing the commissioner of transportation to enforce certain carrier regulations; extending retirement coverage of certain employees of the department of transportation from age 60 to age 62 and providing for disability benefits; transferring and renaming the air transportation revolving account; instructing the commissioner of transportation to charge users of certain air transportation services for certain costs; limiting fare increases by the metropolitan transit commission; basing taxing for the metropolitan transit taxing district upon the level of transit service provided; providing for the disposition of proceeds of certain trunk highway bonds; reducing the amount appropriated from the bridge construction account in the trunk highway fund to the department of transportation; amending Minnesota Statutes 1982, sections 12.14; 17A.04, subdivision 5; 18.51, subdivision 2; 18.52, subdivision 5; 18.53; 18.54; 18A.22, subdivisions 5 and 7; 18A.26; 27.041, subdivision 2; 28A.08; 28A.09; 32.075; 32.59; 34.02; 34.05, subdivision 1; 40.03, subdivision 2, as amended; 43A.04, by adding a subdivision; 79.251, subdivision 1; 155A.07, subdivision 7; 155A.08, subdivision 5; 169.81, subdivision 3b; 169.86, subdivision 5; 169.862; 170.23; 171.26; 171.29, subdivision 2; 173.07, subdivision 2; 173.08, subdivision 1; 173.13, subdivision 4; 174.24, subdivision 3; 174A.02, subdivision 2; 174A.06; 216A.03, subdivision 1; 221.061; 221.071; 221.131; 221.221; 221.296, subdivision 5; 221.64; 221.81; 296.17, subdivisions 10, 17, and 20; 296.25, subdivision 1; 299C.46, subdivision 3; 352.86, subdivisions 1, 2, and by adding a subdivision; 360.018, subdivision 1; 360.63; 473.408, subdivision 3 and by adding a subdivision; 473.446, subdivision 1, as amended; 500.221, subdivision 4; 626.88, subdivision 2; Laws 1975, chapter 235, section 2; Laws 1977, chapter 277, sections 1 and 3, subdivision 1; and Laws 1983, chapter 17, section 12; proposing new law coded in Minnesota Statutes, chapters 10A; 221; 299C; and 360; repealing Minnesota Statutes 1982, sections



24.24; 24.25; 24.26; 24.27; 24.28; 24.29; 24.30; 24.31; 160.26, subdivision 3; 174.265; and 174A.07.

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 96 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Long	Quinn	Stadum
Anderson, G.	Findlay	Mann	Redalen	Staten
Anderson, R.	Fjoslien	McEachern	Rice	Sviggum
Battaglia	Graba	Metzen	Riveness	Swanson
Beard	Greenfield	Minne	Rodosovich	Tomlinson
Begich	Gustafson	Munger	Rodriguez, F.	Tunheim
Bennett	Halberg	Murphy	Rose	Uphus
Bergstrom	Himle	Nelson, D.	St. Onge	Valan
Berkelman	Hoberg	Nelson, K.	Sarna	Vanasek
Brandl	Hoffman	Neuenschwander	Scheid	Vellenga
Brinkman	Jacobs	Norton	Schoenfeld	Voss
Carlson, L.	Jensen	O'Connor	Schreiber	Waltman
Clark, J.	Johnson	Ogren	Seaberg	Welch
Clark, K.	Kahn	Omann	Segal	Wenzel
Clawson	Kalis	Osthoff	Shea	Wynia
Coleman	Kelly	Otis	Sherman	Speaker Sieben
Eken	Knuth	Pauly	Simoneau	
Elioff	Kostohryz	Peterson	Skoglund	
Ellingson	Krueger	Piper	Solberg	
Erickson	Larsen	Price	Sparby	

Those who voted in the negative were:

Bishop	Frerichs	Knickerbocker	Onnen	Valento
Blatz	Gruenes	Kvam	Piepho	Welker
Burger	Gutknecht	Levi	Quist	Wigley
Cohen	Haukoos	Ludeman	Reif	Zaffke
Dempsey	Heap	Marsh	Rodriguez, C.	
DenOuden	Heinitz	McDonald	Schafer	
Dimler	Hokr	McKasy	Shaver	
Forsythe	Jennings	Olsen	Thiede	

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

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Rice, for the Committee on Appropriations, introduced:

H. F. No. 1308, A bill for an act relating to appropriations; reducing appropriations for the fiscal year ending June 30, 1983; appropriating money; amending Minnesota Statutes 1982, section 41.61, subdivision 1; 270.18; repealing Minnesota Statutes 1982, section 41.61, subdivisions 2 and 3.

The bill was read for the first time and laid over one day.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I have the honor to announce that the Senate, pursuant to Joint Rule 2.05, has receded from its amendments to the following bill and is returning the bill to the House without amendments.

H. F. No. 381, A bill for an act relating to taxation; adopting certain federal provisions relating to income taxes; updating certain references to the Internal Revenue Code; adopting certain federal provisions relating to the determination of interest rates on taxes; imposing penalties; amending Minnesota Statutes 1982, sections 270.75, subdivision 5; 290.01, subdivisions 20, 20a, as amended, 20b, as amended, 20c, and 20f; 290.05, subdivision 6; 290.068, subdivisions 3 and 4; 290.09, subdivisions 2, 7, as amended, and 29; 290.091; 290.10; 290.135, subdivision 1, as amended; 290.16, subdivisions 7 and 16; 290.17, subdivision 1; 290.26, subdivision 2; 290.37, by adding a subdivision; 290.41, subdivisions 3, 8, and by adding a subdivision; 290.45, subdivision 1; 290.48, by adding a subdivision; 290.53, subdivision 2, and by adding subdivisions; 290.92, subdivisions 7, 13, 15, and by adding a subdivision; 290.93, subdivisions 9, 10, and 11; 290.934, subdivision 4; 290.9725; 290.9726, subdivisions 5 and 6; 290.974; 290A.03, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 290: repealing Minnesota Statutes 1982, section 290.01, subdivision 28.

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. 409, A bill for an act relating to liquor; restrictions upon joint purchases and volume discounts at wholesale; amending Minnesota Statutes 1982, sections 340.408; and 340.983.

PATRICK E. FLAHAVEN, Secretary of the Senate

Jacobs moved that the House refuse to concur in the Senate amendments to H. F. No. 409, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

S. F. No. 280.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee.

Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 280

A bill for an act relating to data privacy; establishing standards and procedures for the release of financial information; proposing new law coded as Minnesota Statutes, chapter 13A.

May 10, 1983

The Honorable Jerome M. Hughes  
President of the Senate

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

We, the undersigned conferees for S. F. No. 280, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and S. F. No. 280, be amended as follows:

Page 1, line 9, before "For" insert:

"Subdivision 1. [SCOPE.]"

Renumber the subdivisions in sequence

Page 6, delete section 5 and insert:

**"Sec. 5. [48.512] [PROCEDURES FOR OPENING CHECKING ACCOUNTS.]**

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

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

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

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

- (a) *full name;*
- (b) *birth date;*
- (c) *address of residence;*
- (d) *address of current employment, if employed;*
- (e) *telephone numbers of residence and place of employment, if any;*
- (f) *social security number;*
- (g) *driver's license or identification card number issued pursuant to section 171.07. If the applicant does not have a driver's license or identification card, the applicant may provide an identification document number issued for identification purposes by any state, federal, or foreign government if the docu-*

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

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

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

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

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

An applicant who makes a false material statement that he does not believe to be true in an application document with respect to information required to be provided by this subdivision is guilty of perjury. The financial intermediary shall notify the applicant of the provisions of this paragraph.

**Subd. 3. [CONFIRM NO INVOLUNTARY CLOSING.]** Before opening or authorizing signatory power over a transaction account, the financial intermediary shall attempt to verify the information disclosed for subdivision 2, clause (i). The financial intermediary may not open or authorize signatory power over a transaction account if (i) the applicant had a transaction account closed by a financial intermediary without his consent because of his issuance of dishonored checks within 12 months immediately preceding the application, or (ii) the applicant has been convicted of a criminal offense because of the use of a check or other similar item within 24 months immediately preceding the application.

If the transaction account is refused, the reasons for the refusal shall be given to the applicant in writing.

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

*intermediary may waive the identification requirement if the applicant has had another type of account with the financial intermediary for at least one year immediately preceding the time of application.*

**Subd. 5. [NO LIABILITY.]** *The requirements of this section do not impose any liability on financial intermediaries offering transaction accounts or, except as provided in subdivisions 3 and 4, limit a financial intermediary's discretion as to whether to grant or deny an application subject to this section.*

## [WORTHLESS CHECK COLLECTIONS]

### **Sec. 6. [332.50] [CIVIL LIABILITY FOR ISSUANCE OF WORTHLESS CHECK.]**

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

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

**Subd. 2. [ACTS CONSTITUTING.]** *Whoever issues any check that is dishonored and is not paid within 30 days after mailing a notice of dishonor and a copy of sections 6 and 609.535 in compliance with subdivision 3, is liable to the holder for the amount of the check plus a civil penalty of up to \$100, interest at the rate payable on judgments pursuant to section 549.09 on the face amount of the check from the date of dishonor, reasonable attorney fees if the amount of the check is over \$1,250, and a service charge not exceeding \$15 if written notice of the service charge was conspicuously displayed on the premises when the check was issued.*

*This subdivision prevails over any provision of law limiting, prohibiting, or otherwise regulating service charges authorized by this subdivision.*

**Subd. 3. [NOTICE OF DISHONOR REQUIRED.]** *Notice of nonpayment or dishonor and a copy of sections 6 and 609.535 shall be sent by the payee or holder of the check to the drawer by certified mail, return receipt requested, or by regular mail, supported by an affidavit of service by mailing, to the address printed or written on the check. The issuance of a check with an address printed or written on it is a representation by the drawer that the address is the correct address for receipt of mail concerning the check. Failure of the drawer to receive a regular or certified mail notice sent to that address is not a defense to liability under this section, if the drawer has had actual notice for 30 days that the check has been dishonored.*

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

*Subd. 4. [PROOF OF IDENTITY.] The check is prima facie evidence of the identity of the drawer if the person receiving the check:*

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

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

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

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

*Subd. 5. [DEFENSES.] Any defense otherwise available to the drawer also applies to liability under this section.*

*Sec. 7. Minnesota Statutes 1982, section 487.30, subdivision 4, is amended to read:*

*Subd. 4. [JURISDICTION; (WORTHLESS) DISHONORED CHECKS.] The conciliation court has jurisdiction to determine a civil action commenced by a plaintiff, resident of the county, to recover the amount of a (WORTHLESS) dishonored check issued in the county (WITHIN THE MEANING OF SECTION 609.535, NOTWITHSTANDING THAT) even though the defendant or defendants are not residents of the county (PROVIDED THAT), if the notice of nonpayment or dishonor (REQUIRED BY) described in section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check (OR OTHER ORDER OF PAYMENT OF MONEY) may commence a conciliation court action in the county where the (WORTHLESS) dishonored check was issued to recover the amount of the check. This subdivision does not apply to a check (OR OTHER ORDER FOR PAYMENT OF MONEY) that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this subdivision may be served anywhere within the state of Minnesota. The conciliation court clerk shall attach a copy of*

the dishonored check (OR OTHER ORDER FOR PAYMENT OF MONEY) to the summons before it is issued.

Sec. 8. Minnesota Statutes 1982, section 488A.12, subdivision 3, is amended to read:

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

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

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

Sec. 9. Minnesota Statutes 1982, section 488A.29, subdivision 3, is amended to read:

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



territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

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

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

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

609.535 [ISSUANCE OF (WORTHLESS) DISHONORED CHECKS.]

Subdivision 1. [(DEFINITION) DEFINITIONS.] *For the purpose of this section, the following terms have the meanings given them.*

(a) "Check" means a check, draft, order of withdrawal, or similar negotiable or nonnegotiable instrument.

(b) "Credit" means an arrangement or understanding with the drawee for the payment of (THE) a check (OR OTHER ORDER FOR THE PAYMENT OF MONEY TO WHICH THIS SECTION APPLIES).

Subd. 2. [ACTS CONSTITUTING.] Whoever issues (ANY) a check (OR OTHER ORDER FOR THE PAYMENT OF MONEY) which, at the time of issuance, he intends shall not be paid, is guilty of a misdemeanor. In addition, restitution may be ordered by the court.

Subd. 3. [PROOF OF INTENT.] Any of the following is evidence sufficient to sustain a finding that the person at the time he issued the check (OR OTHER ORDER FOR THE PAYMENT OF MONEY,) intended it should not be paid:

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

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

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

Notice of nonpayment or dishonor *and a copy of this section* shall be sent by the payee or holder of the check to the maker or drawer by certified mail, return receipt requested, or by regular mail, supported by an affidavit of service by mailing, to the address printed on the check. Refusal by the maker or drawer of the check to accept certified mail notice or failure to claim certified or regular mail notice (SHALL) is not (CONSTITUTE) a defense that notice was not received.

The notice may state that unless the check is paid in full within five business days after mailing of the notice of (NON-PAYMENT) *nonpayment* or dishonor, the payee or holder of the check (OR OTHER ORDER FOR THE PAYMENT OF MONEY) will or may refer the matter to proper authorities for prosecution under this section.

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

Subd. 4. [PROOF OF LACK OF FUNDS OR CREDIT.] If the check (OR OTHER ORDER FOR THE PAYMENT OF MONEY) has been protested, the notice of protest (THEREOF) is admissible as proof of presentation, nonpayment, and protest, and is evidence sufficient to sustain a finding that there was a lack of funds or credit with the drawee.

Subd. 5. [EXCEPTIONS.] This section does not apply to a postdated check or to a check given for a past consideration, except a payroll check or a check issued to a fund for employee benefits.

Subd. 6. [RELEASE OF ACCOUNT INFORMATION TO LAW ENFORCEMENT AUTHORITIES.] A drawee shall (NOT BE LIABLE IN A CIVIL OR CRIMINAL PROCEEDING FOR RELEASING) *release* the information specified below to any state, county, or local law enforcement or prosecuting authority which (FIRST) certifies in writing that it is investigating or prosecuting a complaint against the drawer under this section or section 609.52, subdivision 2, clause (3)(a), and that 15 days have elapsed since the mailing of the notice of dishonor required by (SUBDIVISION) *subdivisions 3 and 8*. This subdivision applies to the following information relating to the drawer's account:

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

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

(3) Periodic statements mailed to the drawer by the drawee for the periods immediately prior to, during, and subsequent to the issuance of any check (OR OTHER ORDER FOR THE PAYMENT OF MONEY) which is the subject of the investigation or prosecution; or

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

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

*A drawee is not liable in a criminal or civil proceeding for releasing information in accordance with this subdivision.*

Subd. 7. [RELEASE OF ACCOUNT INFORMATION TO PAYEE OR HOLDER.] (IF THERE IS A WRITTEN REQUEST TO A DRAWEE FROM A PAYEE OR HOLDER OF A CHECK OR OTHER ORDER FOR THE PAYMENT OF MONEY THAT HAS BEEN DISHONORED OTHER THAN BY A STOP PAYMENT ORDER, WHICH REQUEST IS

ACCOMPANIED BY A COPY OF THE DISHONORED CHECK OR OTHER ORDER FOR PAYMENT OF MONEY, THE) A drawee (IS NOT LIABLE IN A CIVIL OR CRIMINAL PROCEEDING FOR RELEASING) shall release the information specified in clauses (1) and (2) to the payee or holder (ANY) of a check that has been dishonored who makes a written request for this information and states in writing that the check has been dishonored and that 30 days have elapsed since the mailing of the notice described in subdivision 8 and who accompanies this request with a copy of the dishonored check and a copy of the notice of dishonor.

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

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

(1) Whether at the time the check (OR OTHER ORDER FOR PAYMENT OF MONEY) was issued or presented for payment the drawer had sufficient funds or credit with the drawee, and whether at that time the account was open, closed, or restricted for any reason and the date it was closed or restricted; and

(2) The last known home (AND BUSINESS ADDRESSES) address and telephone (NUMBERS) number of the drawer. A drawee may be liable in a civil or criminal proceeding for releasing the business address or business telephone number of the drawer to the payee or holder.

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

*A drawee is not liable in a criminal or civil proceeding for releasing information in accordance with this subdivision.*

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

## Sec. 11. [REPEALER.]

*Minnesota Statutes 1982, section 48.511, is repealed.*

## Sec. 12. [EFFECTIVE DATE.]

*Sections 1 to 4 are effective January 1, 1984. Sections 5 to 11 are effective August 1, 1983."*

Delete the title and insert:

"A bill for an act relating to commerce; establishing standards and procedures for the release of financial information; establishing procedures for opening checking accounts; providing for civil liability for issuance of dishonored checks; clarifying conciliation court jurisdiction for actions on dishonored checks; requiring release of certain account information to check holders and law enforcement authorities; amending Minnesota Statutes 1982, sections 487.30, subdivision 4; 488A.12, subdivision 3; 488A.29, subdivision 3; and 609.535; proposing new law coded in Minnesota Statutes, chapters 48 and 332; proposing new law coded as Minnesota Statutes, chapter 13A; repealing Minnesota Statutes 1982, section 48.511."

We request adoption of this report and repassage of the bill.

Senate Conferees: GENE MERRIAM, MARILYN M. LANTRY, ALLAN H. SPEAR, ERIC D. PETTY and DEAN E. JOHNSON.

House Conferees: JOE QUINN, RANDY C. KELLY, TERRY DEMPSEY, ALAN WELLE and BOB WALTMAN.

Quinn moved that the report of the Conference Committee on S. F. No. 280 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 280, A bill for an act relating to data privacy; establishing standards and procedures for the release of financial information; proposing new law coded as Minnesota Statutes, chapter 13A.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

Vanasek moved that those not voting be excused from voting. The motion prevailed.

There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Eken moved that the House recess subject to the call of the Chair. The motion prevailed.

#### RECESS

#### RECONVENED

The House reconvened and was called to order by the Speaker.

Staten and Wigley were excused for the remainder of today's session.

#### MESSAGES FROM THE SENATE, Continued

Mr. Speaker:

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

S. F. No. 695.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 695, A bill for an act relating to public welfare; requiring new procedures for determining nursing home payment rates; requiring a moratorium on certification or welfare licensure of new beds with certain exceptions; providing for an interagency board for quality assurance; appropriating money; amending Minnesota Statutes 1982, sections 144A.10, subdivisions 4, 6, and by adding a subdivision; 256B.091, subdivisions 1, 2, 4, and 8; 256B.41; 256B.47; and 256B.48; proposing new law coded in Minnesota Statutes 1982, chapters 144A and 256B; repealing Minnesota Statutes 1982, sections 256B.42; 256B.43; 256B.44; 256B.45; and 256B.46; and 12 MCAR 2.049.

The bill was read for the first time.

## SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Clawson moved that the rule therein be suspended and an urgency be declared so that S. F. No. 695 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Clawson moved that the rules of the House be so far suspended that S. F. No. 695 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 695 was read for the second time.

Bishop was excused while in conference.

S. F. No. 695 was reported to the House.

Clawson moved to amend S. F. No. 695 as follows:

Delete everything after the enacting clause and insert:

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

*Subdivision 1. [FINDINGS.] The legislature finds that control of expenditures for nursing home care is more difficult due to construction of more nursing home facilities, the addition of more nursing home beds to the long-term care system, and the increased certification of skilled nursing facility beds. Increases in facilities and beds, especially skilled nursing facility beds, leads to greatly increased expenditures now and into the future and inhibits the development of a comprehensive long-term care policy that includes a continuum of care.*

*Subd. 2. [MORATORIUM.] Notwithstanding the provisions of the Certificate of Need Act, sections 145.832 to 145.845, or any other law to the contrary, the commissioner of health, in coordination with the commissioner of public welfare, shall deny each request by a nursing home or boarding care home for addition of new certified beds or for a change or changes in the certification status of existing beds except as provided in subdivision 2 during a period of three years beginning on the effective date of this section and ending on June 30, 1986. The total number of certified beds in the state in the skilled level and in the intermediate level of care shall remain at or decrease from the number of beds certified at each level of care on the effective date of this section until June 30, 1986. "Certified bed" means a nursing home bed or a boarding care bed certified by the commissioner of health for the purposes of the medical assistance program, under United States Code, title 42, section 1396 et seq.*

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

*Subd. 3. [EXCEPTIONS.] The commissioner of health, in coordination with the commissioner of welfare, may approve the addition of a new certified bed or change in the certification status of an existing bed under the following conditions:*

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

*(b) To certify a new bed in a facility that commenced construction before the effective date of this section. For the purposes of this section, "commenced construction" means that all*



*of the following conditions were met: the final working drawings and specifications were submitted to the commissioner of health; the construction contracts were let; a timely construction schedule was developed, stipulating dates for beginning, achieving various stages, and completing construction; and all zoning and building permits were secured;*

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

*(d) To certify a new bed in a facility for which a certificate of need was issued prior to the effective date of this section, provided conditions of the certificate include requirements that at least one-third of the beds be licensed and certified short-stay beds and that the applicant construct and operate on a concurrent time schedule with the nursing home a congregate housing program for the elderly upon a single site; or*

*(e) To replace a decertified bed or certify a new bed or a change in certification level in state facilities established pursuant to chapters 252 and 253.*

**Subd. 4. [MONITORING.]** *The commissioner of health, in coordination with the commissioner of public welfare, shall implement mechanisms to monitor and analyze the effect of the moratorium in the different geographic areas of the state. The commissioner of health shall submit to the legislature, no later than January 15, 1984, and annually thereafter, an assessment of the impact of the moratorium by geographic area with particular attention to service deficits or problems and a corrective action plan.*

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

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

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

**Subdivision 1. [INTERAGENCY BOARD.]** *The commissioners of health and public welfare shall establish, by July 1, 1983, an interagency board of employees of their respective departments who are knowledgeable and employed in the areas of*

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

**Subd. 2. [INSPECTIONS.]** No later than January 1, 1984, the board shall develop and recommend implementation and enforcement of an effective system to ensure quality of care in each nursing home in the state.

The board shall assist the commissioner of health to ensure that inspections and reinspections of nursing homes are conducted with a frequency and in a manner calculated to most effectively and appropriately fulfill its quality assurance responsibilities and achieve the greatest benefit to nursing home residents. The commissioner of health shall require a higher frequency and extent of inspections with respect to those nursing homes that present the most serious concerns with respect to resident health, treatment, comfort, safety, and well-being. These concerns include but are not limited to: a history of complaints about care, safety, or rights; situations where previous inspections or reinspections have resulted in correction orders related to care, safety, or rights; instances of frequent change in administration in excess of normal turnover rates; and situations where persons involved in ownership or administration of the nursing home have been convicted of engaging in criminal activity. A nursing home that presents none of these concerns or any other concern or condition established by the board that poses a risk to resident care, safety, or rights shall be inspected once every two years for compliance with key requirements as determined by the board.

The board shall develop and recommend to the commissioners mechanisms beyond the inspection process to protect resident care, safety, and rights, including but not limited to coordination with the office of health facility complaints and the nursing home ombudsman program.

**Subd. 3. [METHODS FOR DETERMINING RESIDENT CARE NEEDS.]** The board shall develop and recommend to the commissioners definitions for levels of care and methods for determining resident care needs for implementation on July 1, 1985 in order to adjust payments for resident care based on the mix of resident needs in a nursing home. The methods for determining resident care needs shall include assessments of

*ability to perform activities of daily living and assessments of medical and therapeutic needs.*

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

*Subd. 5. [REPORTS.] The board shall prepare a report and the commissioners of health and public welfare shall deliver this report to the legislature no later than January 15, 1984, on the board's proposals and progress on implementation of the methods required under subdivisions 2, 3, and 4. The commissioners shall recommend changes in or additions to legislation necessary or desirable to fulfill their responsibilities. The board shall prepare an annual report and the commissioners shall deliver this report annually to the legislature, beginning in January, 1985, on the implementation and enforcement of the provisions of this section.*

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

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

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

Subd. 2. [SCREENING TEAMS; ESTABLISHMENT.] Each county agency designated by the commissioner of public welfare to participate in the program shall contract with the local board of health organized under section 145.911 to 145.922 or other public or non-profit agency to establish a screening team to assess, prior to admission to a nursing home licensed under section 144A.02 or a boarding care home licensed under sections 144.50 to 144.56, the health and social needs of medical assistance recipients and individuals who would become eligible for medical assistance within (90) 180 days of nursing home or boarding care home admission. Each local screening team shall be composed of a public health nurse from the local public health nursing service and a social worker from the local community welfare agency. Each screening team shall have a physician available for consultation and shall utilize individuals' attending physicians' physical assessment forms, if any, in assessing needs. The individual's physician shall be included on the screening team if the physician chooses to participate. If the individual is being discharged from an acute care facility, a discharge planner from that facility may be present, at the facility's request, during the screening team's assessment of the individual and may participate in discussions but not in making the screening team's recommendations under subdivision 3, clause (e). If the assessment procedure or screening team recommendation results in a delay of the individual's discharge from the acute care facility, the facility shall not be denied reimbursement or incur any other financial or regulatory penalty caused by the individual's extended length of stay. Other personnel as deemed appropriate by the county agency may be included on the team. No member of a screening team shall have a direct or indirect financial or self-serving interest in a nursing home or non-institutional referral such that it would not be possible for the member to consider each case objectively.

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

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

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

Subd. 8. [ALTERNATIVE CARE GRANTS.] The commissioner shall provide grants to counties participating in the

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

Grants may be used for payment of costs of providing services such as, but not limited to, foster care for elderly persons, day care whether or not offered through a nursing home, nutritional counseling, or medical social services, which services are provided by a licensed health care provider, a home health service eligible for reimbursement under Titles XVIII and XIX of the federal Social Security Act, or by persons employed by or contracted with by the county board or the local welfare agency. The county agency shall ensure that a plan of care is established for each individual in accordance with subdivision 3, clause (e)(2). The plan shall include any services prescribed by the individual's attending physician as necessary and follow up services as necessary. The county agency shall provide documentation to the commissioner verifying that the individual's alternative care is not available at that time through any other public assistance or service program and shall provide documentation in each individual's plan of care that the most cost effective alternatives available have been offered to the individual. Grants to counties under this subdivision are subject to audit by the commissioner for fiscal and utilization control.

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

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

The non-federal share may be used to pay up to 90 percent of the start-up and service delivery costs of providing care under this subdivision. Each county agency that receives a grant shall pay 10 percent of the costs.

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

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

**256B.41 [INTENT.]**

*Subdivision 1. [AUTHORITY.] The (STATE AGENCY) commissioner shall (BY RULE) establish (A FORMULA), by rule, procedures for (ESTABLISHING PAYMENT) determining equitable rates for care of residents of nursing homes which qualify as vendors of medical assistance, and for implementing the provisions of sections 256B.41, 256B.47, 256B.48, and sections 9, 10, 13, and 14. The procedures shall be based on methods and standards that the commissioner finds are adequate to provide for the costs that must be incurred for the care of residents in efficiently and economically operated nursing homes and shall specify the costs that are allowable for establishing payment rates through medical assistance.*

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

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

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

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

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

Subd. 4. [DEPRECIATED REPLACEMENT COST METHOD.] "Depreciated replacement cost method" means the appraisal method which figures the amount required to obtain a new asset of equivalent capacity or utility to that which exists and from which there is a deduction for depreciation which includes physical deterioration and functional obsolescence.

Subd. 5. [GENERAL AND ADMINISTRATIVE COSTS.] "General and administrative costs" means all allowable costs for administering the facility, including but not limited to: salaries of administrators, assistant administrators, medical directors, accounting personnel, data processing personnel, and all clerical personnel; board of directors fees; business office functions and supplies; travel; telephone and telegraph; advertising; licenses and permits; membership dues and subscriptions; postage; insurance, except as included as a fringe benefit under subdivision 13; professional services such as legal, accounting and data processing services; central or home office costs; management fees; management consultants; employee training, for any top management personnel and for other than direct resident care related personnel; and business meetings and seminars. These costs shall be included in general and administrative costs in total, without direct or indirect allocation to other cost categories.

In a nursing home of 60 or fewer beds, part of an administrator's salary may be allocated to other cost categories to the extent justified in records kept by the nursing home. Central or home office costs representing services of required consultants in areas including, but not limited to, dietary, pharmacy, social services, or activities may be allocated to the appropriate department, but only if those costs are directly identified by the nursing home.

Subd. 6. [NURSING HOME.] "Nursing home" means a facility licensed under chapter 144A or a boarding care facility licensed under sections 144.50 to 144.56.

Subd. 7. [OPERATING COSTS.] "Operating costs" means the day-to-day costs of operating the facility in compliance with licensure and certification standards. Operating cost categories are: nursing, dietary, laundry and linen, housekeeping, plant operation and maintenance, other care-related services, general and administration, and payroll taxes and fringe benefits.

Subd. 8. [PAYMENT RATE.] "Payment rate" means the rate determined under section 10.

Subd. 9. [PRIVATE PAYING RESIDENT.] "*Private paying resident*" means a nursing home resident who is not a medical assistance recipient and whose payment rate is not established by another third party, including the veterans administration or medicare.

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

Subd. 11. [REPORTING YEAR.] "*Reporting year*" means the period from October 1 to September 30, immediately preceding the rate year, for which the nursing home submits reports required under section 256B.48, subdivision 2.

Subd. 12. [RESIDENT DAY.] "*Actual resident day*" means a billable, countable day for which a full and normal billing is rendered as defined by the commissioner.

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

Subdivision 1. [IN GENERAL.] The commissioner shall determine prospective payment rates for resident care costs. In determining the rates, the commissioner shall group nursing homes according to different levels of care as defined by the commissioner and geographic location. The commissioner shall consider the use of the standard metropolitan statistical areas when developing groups by geographic location. Until groups are established according to mix of resident needs, the commissioner shall group all convalescent and nursing care units attached to hospitals into one group for purposes of determining reimbursement for operating costs. On or before June 1, 1983, the commissioner shall mail notices to each nursing home of the rates to be effective from July 1 of that year to June 30 of the following year. In subsequent years, the commissioner shall provide notice to each nursing home on or before May 1 of the rates effective for the following rate year. If a statute enacted after May 1 affects the rates, the commissioner shall provide a revised notice to each nursing home as soon as possible.

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

11 percent for nursing homes with more than 100 beds in total,

12 percent for nursing homes with fewer than 101 but more than 40 certified beds in total, and



13 percent for nursing homes with 40 or fewer certified beds in total,

of the expenditures in all operating cost categories except fringe benefits, payroll taxes, and general and administrative costs.

(b) For the rate year beginning July 1, 1983, and ending June 30, 1984, the prospective operating cost payment rate for each nursing home shall be determined by the commissioner based on the most recently audited and available cost reports of allowed historical operating costs received by December 31, 1982. To determine the allowed historical operating cost, the commissioner shall update the actual historical per diem shown in those cost reports to June 30, 1983, using an eight percent annual rate of increase after applying the general and administrative cost limitation described in paragraph (a), and after adjusting for rate limitations in effect prior to the effective date of this act. The commissioner shall calculate the 60th percentile of actual allowed historical operating cost per diem for each group of nursing homes established under subdivision 1.

(1) Within each group, each nursing home whose actual allowed historical operating cost per diems are above the 60th percentile of per diems shall receive their allowed historical operating cost per diem plus the dollar change amount resulting from a six percent increase to the 60th percentile.

(2) Within each group, each nursing home whose actual allowed historical operating cost per diem is at or below the 60th percentile shall receive that actual allowed historical operating cost per diem increased by six percent.

(c) For rate years beginning July 1, 1984, the prospective operating cost payment rate for each nursing home shall be determined by the commissioner based on actual allowed historical operating costs incurred during the reporting year preceding the rate year.

The commissioner shall:

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

(2) Establish the 60th percentile of actual allowed historical operating cost per diems for each group of nursing homes established under subdivision 1 based on cost reports of actual allowed historical operating cost in the previous reporting year. The commissioner shall provide for the analysis and evaluation of each nursing home's report of allowed operating costs incurred by the nursing home during the reporting year immediately preceding the rate year for which the payment rate becomes effective.

*The allowed historical operating costs, after the commissioner's analysis and evaluation, shall be added together and divided by the number of actual resident days in order to compute the actual allowed historical operating cost per diem amount.*

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

*(4) Within each group, each nursing home with an actual allowed historical operating cost per diem in the previous reporting year at or below the 60th percentile calculated in paragraph (c)(2) shall receive the percentage change resulting from the application of the composite index to its allowed historical operating cost per diem. Each nursing home with an actual allowed historical operating cost per diem in the previous reporting year above the 60th percentile calculated in paragraph (c)(2) shall receive the dollar change amount allowed nursing homes at the 60th percentile. The historical base for determining the prospective payment rate shall not exceed the operating cost payment rates during that reporting year.*

*The commissioner shall include the reported actual real estate tax liability of each proprietary nursing home as an operating cost of that nursing home. The commissioner shall include a reported actual special assessment for each nursing home as an operating cost of that nursing home. Total real estate tax liability plus any special assessments for each nursing home shall be divided by actual resident days in order to compute the operating cost payment rate for this operating cost category, but shall not be used to compute the 60th percentile.*

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

*(e) Until groups are established according to mix of resident care needs, nursing homes which are licensed by the commissioner to provide residential services for the physically handicapped and nursing homes that have an average length of stay of less than 180 days shall not be included in the calculation of the 60th percentile of any group. For rate year beginning July 1, 1983 and July 1, 1984, each of these nursing homes shall receive*

*their actual allowed historical operating cost per diem increased by six percent. The commissioner shall also apply to these nursing homes the ten percent limitation on the general and administrative cost category as provided in subdivision 2 (a).*

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

**Subd. 3. [PROPERTY-RELATED COSTS.]** *For the rate year beginning July 1, 1983, and ending June 30, 1984, property-related costs shall be reimbursed to each nursing home at the level recognized in the final rate in effect on March 1, 1983. Property-related costs include: depreciation, interest, bond amortization, earnings or investment allowance, lease, or rental payments at the level recognized in the final rate. No adjustments shall be made as a result of sales or reorganizations of provider entities. Annual per diem shall be computed by dividing total property-related costs by 93 percent of the nursing home's certified capacity days.*

*In subsequent years, the commissioner shall reimburse nursing home providers who are vendors in the medical assistance program for the rental use of their property. The "rent" is the amount of periodic payment which a renter might expect to pay for the right to the agreed use of the real estate and the depreciable equipment as it exists. "Real estate" means land improvements, buildings, and attached fixtures used directly for patient care. "Depreciable equipment" means resident care equipment and support service equipment generally used in long-term care facilities. The rent payment shall be deemed to include compensation for depreciation expense, interest expense, and the owner's investment.*

*(a) For the state fiscal year beginning July 1, 1984, the commissioner shall provide for the appraisal of all nursing homes by uniform standards, using the depreciated replacement cost method. The appraisal shall include real estate, depreciable equipment, and leased facilities and equipment. The appraised base shall be updated annually to reflect changes for asset additions, improvements, replacements, disposals, and retirements from service. New leases for facilities and equipment shall be capitalized according to generally accepted accounting principles and included in the appraised base.*

*The commissioners of health and public safety shall notify the commissioner of public welfare when an inspection or reinspection reveals deterioration of real estate or equipment in areas that relate to resident care, safety, or rights and that might indicate a need to reappraise the nursing home's value.*

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

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

(d) Rent for rate years beginning July 1, 1984, shall not exceed by more than 108 percent the statewide aggregate for depreciation, interest expense, and investment allowance for the most recent reporting year. The amounts paid for rent shall not exceed the previous year's aggregate payments for property-related costs by more than eight percent. Payment made pursuant to clause (e) shall be included in the eight percent limit.

(e) Facilities that receive, on June 30, 1984, and after adjusting for rate limitations in effect prior to June 30, 1984, reimbursement for depreciation allowance, interest expenses and earnings or investment allowances in excess of the rent computed in clauses (b) and (c), shall continue to receive reimbursement for those amounts, minus retirements from depreciation schedules or reductions in actual interest expenses, until the rent exceeds the amount of those obligations. In no case, however, shall the amounts paid for earnings or investment allowances exceed the amount received by any nursing home for those allowances on March 1, 1983. In the event of a sale, payments made pursuant to clause (e) shall not be transferrable and excess depreciation paid by medical assistance shall be recaptured.

**Subd. 4. [SPECIAL RATES.]** A newly-constructed nursing home or one with a capacity increase of 50 percent or more may, upon written application to the commissioner, receive 110 percent of the 60th percentile established for the appropriate group under subdivision 2, paragraph (b), increased by six percent as their interim operating cost payment rate to be effective from the first day a medical assistance recipient resides in the home or for the added beds. The commissioner shall establish by rule procedures for determining the interim property-related cost payment rate for newly-constructed beds and payment rates for nursing homes which provide care under a lesser care level than the level for which the nursing home is certified. For newly-constructed nursing homes which are not included in the calculation of the 60th percentile for any group, subdivision 2(e), the commissioner shall establish by rule procedures for determining interim operating cost payment rates and interim property-related cost payment rates. The interim payment rates

*shall not be in effect for more than twelve months. The commissioner shall establish by rule procedures for a retroactive cost settlement after the first year of operation the cost settled operating cost per diem shall not exceed 110 percent of the 60th percentile established for the appropriate group.*

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

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

Subdivision 1. [NONALLOWABLE COSTS.] (THE STATE AGENCY SHALL BY RULE ESTABLISH SEPARATE OVERALL LIMITATIONS ON THE COSTS FOR ITEMS WHICH DIRECTLY RELATE TO THE PROVISION OF PATIENT CARE TO RESIDENTS OF NURSING HOMES AND THOSE WHICH DO NOT DIRECTLY RELATE TO THE PROVISION OF CARE. THE STATE AGENCY MAY ALSO BY RULE, ESTABLISH LIMITATIONS FOR SPECIFIC COST CATEGORIES WHICH DO NOT DIRECTLY RELATE TO THE PROVISION OF PATIENT CARE. THE STATE AGENCY SHALL REIMBURSE NURSING HOMES FOR THE COSTS OF NURSING CARE IN EXCESS OF ANY STATE AGENCY LIMITS ON HOURS OF NURSING CARE IF THE COMMISSIONER OF HEALTH ISSUES A CORRECTION ORDER PURSUANT TO SECTION 144A.10, SUBDIVISION 4, DIRECTING THE NURSING HOME TO PROVIDE THE ADDITIONAL NURSING CARE. ALL COSTS DETERMINED OTHERWISE ALLOWABLE SHALL BE SUBJECT TO THESE LIMITATIONS.)

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

PURSUANT TO SECTION 15.0412, SUBDIVISION 5, BEFORE SEPTEMBER 1, 1977); (6) *memberships in sports, health or other similar social clubs or organizations*; and (7) *costs incurred for activities directly related to influencing employees with respect to unionization*. The (STATE AGENCY) commissioner shall by rule exclude the costs of any other items (WHICH IT DETERMINES ARE) not directly related to the provision of (PATIENT) *resident care*.

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

Subd. (4.) 2. [NOTICE TO RESIDENTS.] No increase in nursing home rates for private paying residents shall be effective unless the nursing home notifies the resident or person responsible for payment of the increase in writing 30 days before the increase takes effect.

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

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

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

#### 256B.48 [CONDITIONS FOR PARTICIPATION.]

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

(a) (CHARGING NONMEDICAL ASSISTANCE RESIDENTS RATES FOR SIMILAR SERVICES WHICH EXCEED BY MORE THAN TEN PERCENT THOSE RATES WHICH ARE APPROVED BY THE STATE AGENCY FOR MEDICAL ASSISTANCE RECIPIENTS. FOR NURSING HOMES CHARGING NONMEDICAL ASSISTANCE RESIDENTS RATES LESS THAN TEN PERCENT MORE THAN THOSE RATES WHICH ARE APPROVED BY THE STATE AGENCY FOR MEDICAL ASSISTANCE RECIPIENTS, THE MAXIMUM DIFFERENTIAL IN RATES BETWEEN NONMEDICAL ASSISTANCE RESIDENTS AND MEDICAL ASSISTANCE RECIPIENTS SHALL NOT EXCEED THAT DIFFERENTIAL WHICH WAS IN EFFECT ON APRIL 13, 1976. IF A NURSING HOME HAS EXCEEDED THIS DIFFERENTIAL SINCE APRIL 13, 1976, IT SHALL RETURN THE AMOUNT COLLECTED IN EXCESS OF THE ALLOWABLE DIFFERENTIAL STATED BY THIS SUBDIVISION TO THE NONMEDICAL ASSISTANCE RESIDENT, OR THAT PERSON'S REPRESENTATIVE, BY JULY 1, 1977. EFFECTIVE JULY 1, 1978, NO NURSING HOME SHALL BE ELIGIBLE FOR MEDICAL ASSISTANCE IF IT CHARGES NONMEDICAL ASSISTANCE RECIPIENTS)

*Charging private paying residents rates for similar services which exceed those which are approved by the state agency for medical assistance recipients (; PROVIDED, HOWEVER, THAT) except under the following circumstances: the nursing home may (1) charge (NONMEDICAL ASSISTANCE) private paying residents a higher rate for a private room, and (2) charge for special services which are not included in the daily rate if medical assistance (PATIENTS) residents are charged separately at the same rate for the same services in addition to the daily rate paid by the (STATE AGENCY) commissioner. A nursing home that charges a private paying resident a rate in violation of this clause is subject to an action by the state of Minnesota or any of its subdivisions or agencies for civil damages. A private paying resident or the resident's legal representative has a cause of action for civil damages against a nursing home that charges the resident rates in violation of this clause. The damages awarded shall include three times the payments that result from the violation, together with costs and disbursements, including reasonable attorneys' fees or their equivalent. A private paying resident or the resident's legal representative, the state, subdivision or agency, or a nursing home may request a hearing to determine the allowed rate or rates at issue in the cause of action. Within 15 calendar days after receiving a request for such a hearing, the commissioner shall request assignment of a hearing examiner under sections 14.48 to 14.56 to conduct the hearing as soon as possible or according to agreement by the parties. The hearing examiner shall issue a report within 15 calendar days following the close of the hearing. The prohibition set forth in this clause shall not apply to facilities licensed as boarding care facilities which are not certified as nursing homes for reimbursement through medical assistance;*

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

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

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

(e) *Requiring any applicant to the nursing home, or the applicant's guardian or conservator, as a condition of admission, to assure that the applicant is neither eligible for nor will seek public assistance for payment of nursing home care costs.*

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

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

(2) (AT THE TIME OF ADMISSION PLACES) *accounts for all of the applicant's assets which are required to be assigned to the home (IN A TRUST ACCOUNT FROM WHICH) so that only expenses for the cost of care of the applicant may be (DEDUCTED) charged against the account; and*

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

(4) agrees in writing at the time of admission to the home to permit the applicant to withdraw from the home at any time and to receive, upon withdrawal, (ALL OF THE UNEXPENDED FUNDS REMAINING IN) *the balance of his individual (TRUST) account (; AND)*

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

Subd. 2. [REPORTING REQUIREMENTS.] (EFFECTIVE JULY 1, 1976, NO NURSING HOME SHALL BE



ELIGIBLE TO RECEIVE MEDICAL ASSISTANCE PAYMENTS UNLESS IT AGREES IN WRITING TO:)

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

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

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

*No later than December 31 of each year, a skilled nursing facility or intermediate care facility, including boarding care facilities and supervised living facilities, which receives medical assistance payments or other reimbursements from the state agency shall:*

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

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

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

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

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

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

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

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

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

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

December 1. The commissioner will notify the nursing home of the decision by December 15.

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

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

A nursing home may appeal a decision arising from the application of standards or methods pursuant to sections 256B.41, 256B.47, 256B.48, and sections 9, 10, 13, and 14, if the appeal, if successful, would result in a change to the nursing home's payment rate. An appealable decision is an operating cost determination decision. To appeal, the nursing home shall notify the commissioner of its intent to appeal within 30 days and submit a written appeal request within 60 days of receiving notice of the payment rate determination or decision. The request shall specify each disputed item, the reason for the dispute, an estimate of the dollar amount involved, and other information required by the commissioner. The appeal shall be heard by a hearing examiner according to sections 14.48 to 14.56, or upon agreement by both parties according to a modified appeals procedure established by the commissioner and the hearing examiner. Regardless of any rate appeal, the rate established shall be the rate paid and shall remain in effect until final resolution of the appeal, subsequent desk or field audit adjustment, notwithstanding any provision of law or rule to the contrary. To challenge the validity of rules established by the commissioner pursuant to sections 256B.41, 256B.47, 256B.48, and sections 9, 10, 13, and 14, a nursing home shall comply with section 14.44.

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

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

**Sec. 15. [LEGISLATIVE COMMISSION ON LONG TERM HEALTH CARE.]**

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

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

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

*Subd. 4. The commission shall hold meetings and hearings at the times and places it designates to accomplish the purposes set forth in this section. It shall select a chairperson and other officers from its membership as it deems necessary.*

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

**Sec. 16. [ANCILLARY SERVICES.]**

*The commissioner shall promulgate temporary and permanent rules pursuant to the administrative procedures act to identify the ancillary materials and services, including therapy services, that are included in the nursing home operating cost per diem*

*and reimbursed pursuant to sections 8 to 14. Payment for such materials and services may be made to either the nursing home in the operating cost per diem or to the vendor of ancillary services pursuant to 12 MCAR 2.047. Payment for the same or similar service to a recipient shall not be made to both the nursing home and the vendor. The commissioner shall ensure that charges for ancillary materials and services are as would be incurred by a prudent buyer.*

Sec. 17. [REPEALER.]

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

Sec. 18. [APPROPRIATION.]

*For the biennium ending June 30, 1985, \$2,646,500 is appropriated from the general fund to the commissioner of public welfare to implement sections 3 to 9 and 17 and for the purposes of establishing an interagency board for quality assurance, phasing in the new reimbursement system, for rule-making, for contracting for professional services, for computer and data entry services and for appraisals to determine rental values. The approved complement of the department of public welfare is increased by one full-time position for the interagency board and four full-time positions.*

Sec. 19. [EFFECTIVE DATE.]

*Sections 1 to 18 are effective the day following enactment, for establishing procedures for determining payment rates to become effective for the biennium beginning July 1, 1983, and thereafter. The amendments to section 256B.48, subdivision 1, apply to causes of action arising from charges made on or after the effective date of section 12."*

Delete the title and insert:

*"A bill for an act relating to public welfare; requiring new procedures for determining nursing home payment rates; requiring a moratorium on licensure or certification of new beds with certain exceptions; providing for an interagency board for quality assurance; appropriating money; amending Minnesota Statutes 1982, sections 144A.10, subdivision 6; 256B.091, subdivisions 1, 2, 4, and 8; 256B.41; 256B.47; and 256B.48; proposing new law coded in chapters 144A and 256B; repealing Minnesota Statutes 1982, sections 256B.42; 256B.43; 256B.44; 256B.45; and 256B.46."*

The motion prevailed and the amendment was adopted.

S. F. No. 695, A bill for an act relating to public welfare; requiring new procedures for determining nursing home payment rates; requiring a moratorium on certification or welfare licensure of new beds with certain exceptions; providing for an interagency board for quality assurance; appropriating money; amending Minnesota Statutes 1982, sections 144A.10, subdivisions 4, 6, and by adding a subdivision; 256B.091, subdivisions 1, 2, 4, and 8; 256B.41; 256B.47; and 256B.48; proposing new law coded in Minnesota Statutes 1982, chapters 144A and 256B; repealing Minnesota Statutes 1982, sections 256B.42; 256B.43; 256B.44; 256B.45; and 256B.46; and 12 MCAR 2.049.

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.

Vanasek moved that those not voting be excused from voting. The motion prevailed.

There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

#### CALL OF THE HOUSE LIFTED

Vanasek moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

## MOTIONS FOR RECONSIDERATION

Ogren moved that the vote whereby S. F. No. 923, as amended, was not passed on Tuesday, May 10, 1983, be now reconsidered. The motion prevailed.

Ogren moved that the action whereby S. F. No. 923 was given its third reading, as amended, on Tuesday, May 10, 1983, be now reconsidered. The motion prevailed.

S. F. No. 923, as amended, was again reported to the House.

Ogren moved to amend S. F. No. 923, as amended, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 466.01, subdivision 1, is amended to read:

Subdivision 1. [MUNICIPALITY.] For the purposes of sections 466.01 to 466.15, "municipality" means any city, whether organized under home rule charter or otherwise, any county, town, public authority, public corporation, special district, school district, however organized, county agricultural society organized pursuant to chapter 38, *public library, regional public library system, multi-county multi-type library system*, or other political subdivision.

Sec. 2. [134.40] [PROTECTION OF LIBRARY PROPERTY.]

*Subd. 1. [INJURY TO LIBRARY MATERIALS IN PUBLIC INSTITUTIONS.] A person who intentionally, and without permission from library personnel removes or damages any books, maps, pictures, manuscripts, films, or other property of any public library or library belonging to the state or to any political subdivision is guilty of a petty misdemeanor.*

*Subd. 2. [WILLFUL DETENTION OF LIBRARY MATERIALS.] A person who willfully detains a book, periodical, pamphlet, film, or other property belonging to any public library, or to a library belonging to the state or any political subdivision, for more than 60 days after notice in writing to return it, given after the expiration of the library's stated loan period for the material, is guilty of a petty misdemeanor. The written notice shall be sent by certified mail to the last known address of the person detaining the material. The notice shall state the type of material borrowed, the title of the material, the author's name, the library from which the material was borrowed, and the date by which the material was to have been returned to the library. The notice shall include a statement indicating that if the material is not returned within 60 days after*

*the written notice the borrower will be in violation of this section.*

**Subd. 3. [FALSIFICATION OF IDENTIFICATION.]**

*Any person who willfully provides a false name, address, or other information to library personnel for the purpose of borrowing library materials or of obtaining borrowing privileges, from a public library or library belonging to the state or any political subdivision is guilty of a petty misdemeanor.*

**Subd. 4. [MAXIMUM PENALTIES.]** *Notwithstanding any other law to the contrary, the court may not impose for a violation of subdivisions 1 to 3 a fine exceeding the lesser of:*

*(a) the maximum amount authorized by section 609.02, subdivision 4a for a petty misdemeanor; or*

*(b) two times the aggregate retail market value of all property of the library that was the object of all violations of subdivisions 1 to 3 that the person committed within any 60-day period.*

**Subd. 5. [RESPONSIBILITY FOR PROSECUTION.]**

*The county attorney for county libraries, and the city attorney for city libraries shall prosecute violations of subdivisions 1 to 3. For regional libraries the county attorney for the county in which the headquarters of the regional public library system is located shall prosecute violations of subdivisions 1 to 3. For all other political subdivisions, either the city attorney or the county attorney shall prosecute violations of subdivisions 1 to 3."*

Thiede moved to amend the Ogren amendment to S. F. No. 923, as follows:

Page 2, line 28, after "county" insert "and regional"

Page 2, line 30, delete everything after the period

Page 2, delete lines 31 and 32

Page 2, line 33, delete "subdivisions 1 to 3."

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Ogren amendment, as amended by the Thiede amendment. The motion prevailed and the amendment was adopted.



S. F. No. 923, A bill for an act relating to libraries; prohibiting the theft or damage of library materials; restricting tort liability for public libraries; prescribing a penalty; amending Minnesota Statutes 1982, section 466.01, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 609.

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

The question was taken on the passage of the bill and the roll was called. There were 112 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Johnson	Olsen	Sherman
Anderson, G.	Ellingson	Kahn	Omamn	Simoneau
Anderson, R.	Erickson	Kalis	Onnen	Skoglund
Battaglia	Evans	Kelly	Otis	Solberg
Beard	Findlay	Knickerbocker	Pauly	Sparby
Begich	Fjoslien	Knuth	Peterson	Stadum
Bennett	Forsythe	Kostobryz	Piper	Svigum
Bergstrom	Frerichs	Krueger	Price	Tomlinson
Berkelman	Graba	Kvam	Quinn	Tunheim
Blatz	Greenfield	Larsen	Quist	Uphus
Brandl	Gruenes	Levi	Reif	Valan
Brinkman	Gustafson	Long	Riveness	Valento
Burger	Gutknecht	Ludeman	Rodosovich	Vanasek
Carlson, L.	Halberg	Mann	Rodriguez, C.	Vellenga
Clark, J.	Haukoos	Marsh	Rodriguez, F.	Waltman
Clark, K.	Heap	McDonald	Rose	Welch
Clawson	Heinitz	Munger	Schafer	Wenzel
Cohen	Himle	Murphy	Schoenfeld	Wynia
Coleman	Hoberg	Nelson, D.	Schreiber	Zaffke
Dempsey	Hoffman	Nelson, K.	Seaberg	Speaker Sieben
DenOuden	Hokr	Neuenschwander	Segal	
Dimler	Jennings	Norton	Shaver	
Eken	Jensen	Ogren	Shea	

Those who voted in the negative were:

Jacobs	O'Connor	Rice	Scheid	Thiede
McEachern	Osthoff	St. Onge	Swanson	
Minne	Redalen	Sarna		

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

## CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Rice requested immediate consideration of H. F. No. 257; S. F. Nos. 601 and 72.

H. F. No. 257, A bill for an act relating to motor vehicles; providing for special license plates for certain motor vehicles owned by certain members of the Minnesota national guard; imposing fees; appropriating money; amending Minnesota Statutes 1982, section 168.12, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Shea

The bill was passed and its title agreed to.

McEachern was excused for the remainder of today's session.

S. F. No. 601, A bill for an act relating to housing; modifying requirements that housing programs for urban Indians in the city of Duluth combine appropriated money with funds from other sources whenever possible; amending Minnesota Statutes 1982, section 462A.07, subdivision 15; and Laws 1978, chapter 670, section 3, subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 72, A bill for an act relating to occupations and professions; authorizing the commissioner of public safety to provide administrative support services to the board of peace officer standards and training; amending Minnesota Statutes 1982, sections 214.04, subdivision 1; 626.843, subdivision 1; 626.845, subdivision 1; and 626.849.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Piper	Rodriguez, C.	Seaberg	Stadum	Vanasek
Price	Rodriguez, F.	Segal	Sviggum	Vellenga
Quinn	Rose	Shaver	Swanson	Waltman
Quist	St. Onge	Shea	Thiede	Welch
Redalen	Sarna	Sherman	Tomlinson	Welker
Reif	Schafer	Simoneau	Tunheim	Wenzel
Rice	Scheid	Skoglund	Uphus	Wynia
Riveness	Schoenfeld	Solberg	Valan	Zaffke
Rodosovich	Schreiber	Sparby	Valento	Speaker Sieben

Those who voted in the negative were:

Jennings

The bill was passed and its title agreed to.

Stadum was excused for the remainder of today's session.

### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Rice requested immediate consideration of H. F. No. 572.

### SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Berkelman moved that the rule therein be suspended and an urgency be declared so that H. F. No. 572 be given its third reading and be placed upon its final passage. The motion prevailed.

Berkelman moved that the rules of the House be so far suspended that H. F. No. 572 be given its third reading and be placed upon its final passage. The motion prevailed.

H. F. No. 572 was reported to the House.

Burger moved to amend H. F. No. 572, as follows:

Page 5, line 9, delete "\$3,926,900" and insert "\$3,730,555"

Page 5, line 13, delete "\$300,000" and insert "\$285,000"

Page 5, line 14, delete "\$300,000" and insert "\$285,000"

Page 5, line 22, delete "\$400,000" and insert "\$380,000"

Page 5, line 23, delete "\$400,000" and insert "\$380,000"

Page 5, line 31, delete "\$1,742,000" and insert "\$1,654,900"

Page 5, line 32, delete "\$2,559,000" and insert "\$2,431,050"

Page 5, line 34, delete "\$326,800" and insert "\$310,460"

Page 5, line 35, delete "\$343,900" and insert "\$326,705"

Page 6, line 2, delete "\$734,600" and insert "\$699,870"

Page 6, line 3, delete "\$666,000" and insert "\$632,900"

Page 6, line 4, delete "\$225,000" and insert "\$213,750" and delete "\$116,000" and insert "\$110,200"

Page 6, line 7, delete "\$165,500" and insert "\$157,225"

Page 6, line 8, delete "\$169,100" and insert "\$160,645"

Page 6, line 14, delete "\$258,000" and insert "\$245,100"

Page 6, line 15, delete "\$162,000" and insert "\$159,600"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 41 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Bennett	Frerichs	Ludeman	Rose	Valan
Bishop	Haukoos	Marsh	Schafer	Valento
Burger	Heap	McDonald	Seaberg	Voss
Dempsey	Heinitz	McKasy	Shaver	Waltman
DenOuden	Hoberg	Omann	Shea	Welker
Dimler	Jennings	Onnen	Sherman	
Erickson	Johnson	Pauly	Sviggum	
Evans	Kvam	Quist	Thiede	
Fjoslien	Levi	Redalen	Uphus	

Those who voted in the negative were:

Anderson, B.	Eken	Kostohryz	Osthoff	Skoglund
Anderson, G.	Elioff	Krueger	Otis	Solberg
Battaglia	Ellingson	Larsen	Peterson	Sparby
Beard	Forsythe	Long	Piper	Swanson
Begich	Graba	Mann	Price	Tomlinson
Bergstrom	Greenfield	Metzen	Rice	Tunheim
Berkelman	Gruenes	Minne	Riveness	Vanasek
Blatz	Gustafson	Munger	Rodosovich	Vellenga
Brandl	Himle	Murphy	Rodriguez, C.	Welch
Carlson, D.	Hoffman	Nelson, D.	Rodriguez, F.	Wenzel
Carlson, L.	Jacobs	Nelson, K.	St. Onge	Wynia
Clark, J.	Jensen	Neuenschwander	Scheid	Speaker Sieben
Clark, K.	Kahn	Norton	Schoenfeld	
Clawson	Kelly	O'Connor	Schreiber	
Cohen	Knickerbocker	Ogren	Segal	
Coleman	Knuth	Olsen	Simoneau	

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

H. F. No. 572, A bill for an act relating to economic development; creating the office of tourism; assigning powers and

duties; appropriating money; proposing new law coded in Minnesota Statutes, chapter 4.

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

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 10 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

DenOuden	Kvam	McDonald	Schafer	Voss
Haukoos	Ludeman	Otis	Valento	Welker

The bill was passed and its title agreed to.

Halberg 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. 652.

### SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Ogren moved that the rule therein be suspended and an urgency be declared so that S. F. No. 652 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Ogren moved that the rules of the House be so far suspended that S. F. No. 652 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 652 was read for the second time.

S. F. No. 652 which had been sent earlier today for comparison was reported to the House.

Ogren offered an amendment to S. F. No. 652.

Quist requested a division of the Ogren amendment to S. F. No. 652.

The first portion of the Ogren amendment reads as follows:

Strike everything after the enacting clause and insert:

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

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

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

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

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

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

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

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

A roll call was requested and properly seconded.

The question was taken on the first portion of the Ogren amendment and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The motion prevailed and the first portion of the Ogren amendment was adopted.

The second portion of the Ogren amendment reads as follows:

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

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

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



*Subd. 3. [LOANS.] The commissioner may guarantee loans not exceeding \$2,500 in principal amount for a term not to exceed five years, for the purpose of making any real property improvements required by section 1. The guarantee shall obligate the state of Minnesota to pay the lender 90 percent of the sums due and payable in the event of default.*

*Subd. 4. [ELIGIBILITY, LIMITATION.] No applicant who is otherwise eligible shall receive the benefit of the loan guarantee or payment adjustment provided in this section unless it is demonstrated that credit for the same purpose is unavailable at reasonable interest rates from a commercial lender. For purposes of this subdivision, written rejection of a loan application by two lenders, as defined in subdivision 2, or the availability of a loan only at interest rates determined by rule or temporary rule pursuant to subdivision 7 to be excessive, shall be sufficient to show that credit is unavailable from commercial lenders.*

*Subd. 5. [PAYMENT ADJUSTMENT.] At the time of the approval of the loan guarantee, the commissioner shall provide to the lender an amount equal to 12 percent of the guaranteed loan, and the lender shall use this payment to reduce the number or size of the payments otherwise required by the terms of the loan.*

*Subd. 6. [SALE OF PROPERTY.] Any applicant who sells or conveys any property securing a loan guaranteed by the commissioner shall immediately retire the balance owed the lender.*

*Subd. 7. [RULES; ELIGIBILITY.] The commissioner shall adopt rules to implement the loan guarantee and payment adjustment program. The rules shall include:*

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

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

**Sec. 3. [32.417] [APPROPRIATIONS.]**

*Subdivision 1. [DEFAULTS.] The sum of all outstanding loans guaranteed by the commissioner at any time shall not exceed \$2,500,000. In the event of a default on a guaranteed loan, the commissioner may submit a request to the legislative advisory commission for sufficient funds to pay the lender the amount required for the guaranteed loan.*

*Subd. 2. [PAYMENT ADJUSTMENTS.] There is appropriated from the general fund to the commissioner the sum of \$300,000 for fiscal year 1985, to pay the payment adjustment under section 2, subdivision 4.*

#### Sec. 4. [APPROPRIATION.]

*There is appropriated from the general fund to the commissioner of agriculture the sum of \$30,800 for the year ending June 30, 1984, for administrative expenses incurred to implement the provisions of sections 1 to 3. The approved complement of the department is increased by one full-time position."*

A roll call was requested and properly seconded.

The Speaker called Wynia to the Chair.

The question was taken on the second portion of the Ogren amendment and the roll was called. There were 95 yeas and 21 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Krueger	Peterson	Sherman
Battaglia	Findlay	Larsen	Piper	Simoneau
Beard	Fjoslien	Long	Price	Skoglund
Begich	Frerichs	Mann	Redalen	Solberg
Bergstrom	Graba	Marsh	Reif	Sparby
Berkelman	Greenfield	McKasy	Rice	Swanson
Brandl	Gustafson	Metzen	Riveness	Thiede
Brinkman	Gutknecht	Munger	Rodosovich	Tomlinson
Carlson, D.	Hoberg	Murphy	Rodriguez, C.	Tunheim
Carlson, L.	Hoffman	Nelson, D.	Rodriguez, F.	Uphus
Clark, J.	Jacobs	Nelson, K.	Rose	Valan
Clark, K.	Jensen	Neuenschwander	St. Onge	Vellenga
Cohen	Johnson	Norton	Sarna	Voss
Coleman	Kahn	O'Connor	Scheid	Waltman
Dimler	Kalis	Ogren	Schoenfeld	Welch
Eken	Kelly	Olsen	Seaberg	Wenzel
Elioff	Knickerbocker	Omann	Segal	Wynia
Ellingson	Knuth	Onnen	Shaver	Zaffke
Erickson	Kostohryz	Otis	Shea	Speaker Sieben

Those who voted in the negative were:

Anderson, G.	Forsythe	Kvam	Quist	Welker
Blatz	Haukoos	Levi	Schafer	
Burger	Heap	Ludeman	Schreiber	
Dempsey	Heinitz	Osthoff	Sviggum	
DenOuden	Jennings	Piepho	Valento	

The motion prevailed and the second portion of the Ogren amendment was adopted.

S. F. No. 652, A bill for an act relating to agriculture; adopting recommended federal rules relating to milk quality for manufacturing purposes; providing for phase in of inspections and compliance; proposing new law coded in Minnesota Statutes, chapter 32.

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

The question was taken on the passage of the bill and the roll was called. There were 113 yeas and 12 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

DenOuden	Jennings	Osthoff	Thiede	Welker
Forsythe	Kvam	Schafer	Valento	
Haukoos	Ludeman	Schreiber		

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

#### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Eken, from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9, designated the following bills as Special Orders to be added to Special Orders pending for today, May 12, 1983:

S. F. Nos. 683, 473, 161, 263, 529, 1012 and 545; H. F. Nos. 452, 800, 1059 and 1188; S. F. Nos. 1008, 855, 1009, 337, 338, 742, 891, 911, 699, 271, 616, 856, 791, 964, 427 and 597.

### SPECIAL ORDERS

S. F. No. 1189 was reported to the House.

Ogren moved that S. F. No. 1189 be temporarily laid over on Special Orders. The motion prevailed.

S. F. No. 297 was reported to the House.

Levi moved to amend S. F. No. 297, the unofficial engrossment, as amended on May 10, 1983, as follows:

Page 1, line 26, after the period, delete the new language and strike the old language

Page 1, line 27 to page 2, line 4, delete the new language and strike the old language

Page 2, line 9, delete everything after the period

Page 2, delete lines 10 and 11

Amend the title as follows:

Page 1, line 2, delete "requiring" and insert "authorizing"

The motion prevailed and the amendment was adopted.

S. F. No. 297, A bill for an act relating to criminal justice; requiring peace officers to make arrests based on probable cause in cases of domestic assault; requiring peace officers to notify victims of domestic assault of the legal remedies available; amending Minnesota Statutes 1982, section 629.341; and Laws 1983, chapter 52, by adding a section.

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

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

Those who voted in the affirmative were:

Anderson, B.	Beard	Berkelman	Brinkman	Clark, J.
Anderson, G.	Begich	Bishop	Burger	Clark, K.
Anderson, R.	Bennett	Blatz	Carlson, D.	Clawson
Battaglia	Bergstrom	Brandl	Carlson, L.	Cohen

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

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

H. F. No. 547 was reported to the House.

Vanasek moved that H. F. No. 547 be continued on Special Orders for one day. The motion prevailed.

S. F. No. 752 was reported to the House.

Begich offered an amendment to S. F. No. 752.

#### POINT OF ORDER

Vanasek raised a point of order pursuant to rule 3.9 that the amendment was not in order. The Speaker Pro Tem ruled the point of order well taken and the amendment out of order.

S. F. No. 752, A bill for an act relating to crimes; prohibiting assaulting a peace officer; prescribing penalties; amending Minnesota Statutes 1982, section 609.224; proposing new law coded in Minnesota Statutes, chapter 609.

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

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

Those who voted in the affirmative were:

Anderson, B.	Beard	Berkelman	Burger	Clark, K.
Anderson, G.	Begich	Blatz	Carlson, D.	Clawson
Anderson, R.	Bennett	Brandl	Carlson, L.	Cohen
Battaglia	Bergstrom	Brinkman	Clark, J.	Coleman

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

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

S. F. No. 1146 was reported to the House.

There being no objection, S. F. No. 1146 was continued on Special Orders for one day.

H. F. No. 722 was reported to the House.

Jacobs moved that H. F. No. 722 be continued on Special Orders for one day. The motion prevailed.

H. F. No. 253, A bill for an act relating to the operation of state government; clarifying certain provisions regarding the term of the legislative auditor; providing for the review of audit contracts; amending Minnesota Statutes 1982, sections 3.97, subdivision 4; 3.972; and 462A.22, subdivision 10.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bergstrom	Carlson, D.	Coleman	Ellingson
Anderson, G.	Berkelman	Carlson, L.	Dempsey	Erickson
Anderson, R.	Blatz	Clark, J.	DenOuden	Evans
Battaglia	Brandl	Clark, K.	Dimler	Findlay
Begich	Brinkman	Clawson	Eken	Fjoslien
Bennett	Burger	Cohen	Elioff	Forsythe

Frerichs	Kelly	Nelson, K.	Rice	Solberg
Graba	Knickerbocker	Neuenschwander	Riveness	Sparby
Greenfield	Knuth	Norton	Rodosovich	Swiggum
Gruenes	Kostohryz	O'Connor	Rodriguez, C.	Swanson
Gustafson	Krueger	Ogren	Rodriguez, F.	Thiede
Gutknecht	Kvam	Olsen	Rose	Tomlinson
Haukoos	Larsen	Omann	St. Onge	Tunheim
Heap	Levi	Omnen	Sarna	Uphus
Heinitz	Long	Osthoff	Schafer	Valan
Himle	Ludeman	Otis	Scheid	Valento
Hoberg	Mann	Pauly	Schoenfeld	Vanasek
Hoffman	Marsh	Peterson	Schreiber	Vellenga
Hokr	McDonald	Piepho	Seaberg	Waltman
Jacobs	McKasy	Piper	Segal	Welch
Jennings	Metzen	Price	Shaver	Welker
Jensen	Minne	Quinn	Shea	Wenzel
Johnson	Munger	Quist	Sherman	Wynia
Kahn	Murphy	Redalen	Simoneau	Zaffke
Kalis	Neilson, D.	Reif	Skoglund	Speaker Sieben

The bill was passed and its title agreed to.

H. F. No. 1106 was reported to the House.

There being no objection, H. F. No. 1106 was continued on Special Orders for one day.

H. F. No. 1236 was reported to the House.

Riveness moved to amend H. F. No. 1236, the first engrossment, as follows:

Page 2, line 16, delete "*this subdivision*" and insert "*clause (c)*"

The motion prevailed and the amendment was adopted.

H. F. No. 1236, A bill for an act relating to local government; permitting certain land transfers by the metropolitan sports facilities commission; permitting certain land acquisitions by the Bloomington port authority; amending Minnesota Statutes 1982, section 473.556, subdivision 6.

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

The question was taken on the passage of the bill and the roll was called. There were 92 yeas and 21 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bergstrom	Carlson, L.	Elioff	Frerichs
Anderson, G.	Berkelman	Clark, J.	Ellingson	Graba
Battaglia	Blatz	Clark, K.	Erickson	Greenfield
Beard	Brandt	Clawson	Evans	Gustafson
Begich	Burger	Cohen	Findlay	Gutknecht
Bennett	Carlson, D.	Coleman	Fjoslien	Heap

Heinitz	Larsen	Ogren	Rodriguez, F.	Solberg
Himle	Levi	Onnen	Rose	Sparby
Hoberg	Long	Otis	St. Onge	Swanson
Hoffman	Mann	Peterson	Sarna	Tunheim
Jacobs	Marsh	Piper	Scheid	Valan
Jensen	McKasy	Price	Schoenfeld	Vellenga
Johnson	Metzen	Quinn	Seaberg	Voss
Kahn	Munger	Redalen	Segal	Waltman
Kalis	Murphy	Reif	Shaver	Wenzel
Knickerbocker	Nelson, D.	Rice	Shea	Speaker Sieben
Knuth	Nelson, K.	Riveness	Sherman	
Kostohryz	Neuenschwander	Rodosovich	Simoneau	
Krueger	Norton	Rodriguez, C.	Skoglund	

Those who voted in the negative were :

Dempsey	Kvam	Pauly	Thiede	Zaffke
DenOuden	Ludeman	Quist	Uphus	
Gruenes	Minne	Schafer	Valento	
Haukoos	Omann	Schreiber	Welker	
Hokr	Osthoff	Svigum	Wynia	

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

H. F. No. 559, A bill for an act relating to courts; providing for interest rates on judgments; amending Minnesota Statutes 1982, section 549.09, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 110 yeas and 10 nays as follows:

Those who voted in the affirmative were:

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



Those who voted in the negative were:

Elioff	Gruenes	Knickerbocker	Reif	Seaberg
Forsythe	Johnson	Onnen	St. Onge	Thiede

The bill was passed and its title agreed to.

H. F. No. 1149 was reported to the House.

Clawson moved to amend H. F. No. 1149, the first engrossment, as follows:

Page 2, line 17, delete "*A certified copy of the lien*"

Page 2, delete lines 18 and 19 and insert a new subdivision as follows:

*"Subd. 4. [MOTOR VEHICLES EXCLUDED.] Subdivisions 2 and 3 shall apply to machinery, implements and tools of all kinds but shall not apply to motor vehicles."*

The motion prevailed and the amendment was adopted.

H. F. No. 1149, A bill for an act relating to liens; right of possession and liens on fabrication molds and patterns; providing a nonpossessory lien on personal property; lengthening the time limit for veterinary liens; amending Minnesota Statutes 1982, sections 514.18; 514.19; and 514.92, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Schafer	Shea	Sviggum	Valan	Welch
Scheid	Sherman	Swanson	Valento	Wenzel
Schoenfeld	Simoneau	Thiede	Vanasek	Wynia
Schreiber	Skoglund	Tomlinson	Vellenga	Zaffke
Seaberg	Solberg	Tunheim	Voss	Speaker Sieben
Shaver	Sparby	Uphus	Waltman	

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

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 third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

There being no objection the order of business reverted to Messages From The Senate.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

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 Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Luther, Petty and Storm.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Ellingson moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 292. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 634, A bill for an act relating to game and fish; establishing the joint legislative committee on fishing resources; imposing a surcharge on fishing licenses for development and improvement of state fishing resources; authorizing designation of experimental and specialized fishing waters; authorizing additional notice of netting season; licensing fishing guides; increasing certain license fees; prohibiting angling and use of tip-ups while spearing in a dark house; prohibiting issuance of new commercial game fish netting licenses; allowing designation of lakes for taking of certain muskellunge; imposing penalties for various offenses; amending Minnesota Statutes 1982, sections 84.027, subdivision 2; 97.48, subdivision 26, and by adding a subdivision; 97.53, by adding a subdivision; 97.55, by adding subdivisions; 98.46, subdivision 5; 98.52, by adding subdivisions; and 101.42, subdivisions 1a and 20; proposing new law coded in Minnesota Statutes, chapters 97, 98, and 102.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Peterson, C. C.; Johnson, D. J.; Merriam; Bernhagen and Kroening.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sarna moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 634. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1234, A bill for an act relating to the organization and operation of state government; appropriating money for welfare, corrections, health, and other purposes with certain conditions; providing appropriations for the departments of public welfare, economic security, corrections, health, sentencing guidelines commission, corrections ombudsman, and health related boards; providing an entitlement to certain child care services; increasing marriage license and dissolution fees; providing for distribution of federal maternal and child health block grant money; requiring cost increase limits and other cost containment measures in medical care programs; amending eligibility standards; changing general assistance to allow flat grants, employment through grant diversion and work registration requirements, and federal benefit application incentives; providing for job training for certain persons; appropriating money for welfare, corrections, health, and other purposes with certain conditions; providing appropriations for the departments of public welfare, economic security, corrections, health, sentencing guidelines commission, corrections ombudsman, and health related boards; amending Minnesota Statutes 1982, sections 129A.03; 144.653, subdivision 2; 144A.04, subdivision 5; 144A.10, subdivision 2; 145.882; 145.921, subdivision 1; 245.62; 245.66; 245.83; 245.84, subdivisions 1, 2, and 5; 245.85; 245.86; 245.87; 256.045, subdivision 3; 256.82, by adding a subdivision; 256.966, subdivision 1; 256.968; 256B.02, subdivision 8; 256B.04, subdivision 14, and by adding a subdivision; 256B.06, subdivision 1; 256B.07; 256B.14, subdivision 2; 256B.17, subdivision 4, and by adding subdivisions; 256B.27, subdivision 3; 256B.48, by adding a subdivision; 256D.01, subdivision 1; 256D.02, subdivision 4; 256D.03, subdivisions 3 and 4, and by adding subdivisions; 256D.05, subdivision 1a; 256D.06, subdivision 5; 256D.09, subdivision 2, and by adding a subdivision; 260.191, subdivision 2;

260.242, subdivision 2; 261.23; 357.021, subdivisions 2 and 2a; 401.14, by adding a subdivision; 401.15, subdivision 1; 517.08, subdivisions 1b and 1c; proposing new law coded in Minnesota Statutes, chapters 145; 252; 256; 256B; 256D; and 268; repealing Minnesota Statutes 1982, sections 256D.02, subdivision 14; 256D.05, subdivision 1a; 256D.06, subdivision 1a; 256D.22; and Laws 1981, chapter 360, article II, section 54, as amended.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Samuelson; Johnson, D. E.; Spear; Dicklich and Knutson.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Wynia moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1234. The motion prevailed.

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1234:

Wynia, Greenfield, Murphy, Staten, and St. Onge.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 292:

Ellingson, Scheid and Olsen.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 409:

Jacobs, St. Onge and Dempsey.

#### SPECIAL ORDERS

Eken moved that the remaining bills on Special Orders 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

Levi moved that the name of Segal be added as an author on H. F. No. 1289. The motion prevailed.

Simoneau moved that the names of Skoglund and Segal be added as authors on H. F. No. 1301. The motion prevailed.

Greenfield moved that the name of Clark, K., be added as an author on H. F. No. 1303. The motion prevailed.

Clark, J., moved that the name of Segal be added as an author on H. F. No. 1304. The motion prevailed.

Begich moved that the name of Clark, K., be added as an author on H. F. No. 1307. The motion prevailed.

Rice moved that S. F. No. 606, now on Technical General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Clawson moved that H. F. No. 670 be returned to its author. The motion prevailed.

Rice moved that H. F. No. 1298 be returned to its author. The motion prevailed.

## PROTEST AND DISSENT

Pursuant to Article IV, Section 11, of the Minnesota Constitution, we herewith register our formal protest and dissent regarding the actions and conduct of the Speaker of the House, Harry Sieben, and the Majority Leader, Willis Eken, in their attempt to manipulate and deviate from the rules of the House on May 2, 1983.

The Speaker of the House, in collusion with the Majority Leader, did willfully ignore the rules of the House by calling an unannounced rules committee for the sole purpose of altering the floor schedule to avoid discussion on the issue of workers' compensation. With no prior notice to the public or to other legislators, and with no opportunity for input, a prearranged Special Orders Calendar was sent to the floor. This action and subsequent actions of the Speaker and Acting Speaker prohibited the members of the legislature from a free and open discussion of the workers' compensation issue.

The Speaker further compounded the inappropriateness of the rules committee action by ignoring the motion to lay the special orders calendar committee report on the table pursuant to House rule 1.14.

Later, State Representative Ann Wynia, charged with the temporary responsibility as presiding officer in the Minnesota House of Representatives, did on two separate occasions refuse to rule on valid points of order as is required by "Mason's Manual of Legislative Procedure." She would not acknowledge the breach of order called to her attention in the first instance, which in itself, became the second breach of order which was also called to her attention. Representative Wynia's failure to rule as presiding officer is a serious contravention of established parliamentary practice and constituted further deliberate action to prevent discussion of the issue of workers' compensation.

As offended members of this legislative body, we expect that the conventions of the House of Representatives will not continue to receive abusive treatment from any individual acting as Speaker.

Through their actions, the confidence in House rules and parliamentary procedure have been jeopardized. Their deliberate attempts to circumvent the will of the majority, and their abusive conduct is a denial of each members' rights and a direct attack on the tradition of the Minnesota House of Representatives.

Those charged with leadership responsibilities must rise above their own pettiness and partisanship to restore a tradition of evenhandedness and straightforwardness by following parliamentary procedure and House rules as has been done in the past.

#### Signatures:

Ray Welker  
Dave Bishop  
Sylvester Uphus  
Mary Forsythe  
Ben Omann  
Terry Dempsey  
Tony Onnen  
Adolph Kvam  
John Himle  
Elton Redalen  
Dave B. Gruenes  
D. H. Hoberg  
Bert J. McKasy  
Lon Heinitz  
Sidney Pauly

Tim Sherman  
Bill Schreiber  
Donald Valento  
Gerald Knickerbocker  
Jim Heap  
Bob Waltman  
Gil Gutknecht  
Dick Wigley  
Dorothy Hokr  
Craig Shaver  
Charles C. Halberg  
Mark Piepho  
Dave Fjoslien  
John Rose  
Steve Sviggum

Chuck Dimler  
David M. Jennings  
Gaylin DenOuden  
Paul M. Thiede  
Merlyn Valan  
Robert W. Reif  
K. J. McDonald  
Gary L. Findlay  
Gary Schafer  
Connie Levi  
Tony Stadum  
Bob Haukoos

Sally Olsen  
Tony Bennett  
Cal R. Ludeman  
Virgil Johnson  
Don Frerichs  
Kathleen Blatz  
Maurice Zaffke  
Wendell Erickson  
Doug Carlson  
John Burger  
Allen Quist  
Arthur Seaberg

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 1:00 p.m., Friday, May 13, 1983. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Friday, May 13, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives