

STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1983

FIFTY-THIRD DAY

SAINT PAUL, MINNESOTA, FRIDAY, MAY 13, 1983

The House of Representatives convened at 1:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Pastor Dick Larson, Zion Lutheran Church, Thief River Falls, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Anderson, R.; Bennett; Frerichs; Neuenschwander; Peterson; Sarna and Zaffke were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Clawson 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. 404, 1031, 1308, 572, 300, 654, 828, 549, 1149 and 1236 and S. F. Nos. 652 and 695 have been placed in the members' files.

SECOND READING OF HOUSE BILLS

H. F. No. 1308 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Clark, K.; Clawson; Greenfield and Staten introduced:

H. F. No. 1309, A bill for an act relating to mentally retarded persons; directing the commissioner of public welfare to promulgate rules prohibiting certain aversive or deprivation procedures; permitting the use of certain aversive or deprivation procedures by consent or court approval; amending Minnesota Statutes 1982, section 245.825, subdivision 1.

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

HOUSE ADVISORIES

The following House Advisories were introduced:

Metzen; Kalis; Anderson, B.; DenOuden and Valan introduced:

H. A. No. 20, A proposal to study the need for state livestock weigh masters.

The advisory was referred to the Committee on Appropriations.

Solberg, Ludeman, Sparby, Johnson and Eken introduced:

H. A. No. 21, A proposal to study the Minnesota fence law, Minnesota Statutes, chapter 344.

The advisory was referred to the Committee on Local and Urban Affairs.

Rodriguez, F.; Sarna; Wigley; Metzen and Clawson introduced:

H. A. No. 22, A proposal to study the recodification of retirement laws governing police and salaried firefighters.

The advisory was referred to the Committee on Governmental Operations.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 365

A bill for an act relating to health care facilities; clarifying the rights and responsibilities of patients and residents; amending Minnesota Statutes 1982, sections 144.651; and 144.652.

May 6, 1983

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 365, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 365 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 144.651, is amended to read:

144.651 [PATIENTS AND RESIDENTS OF HEALTH CARE FACILITIES; BILL OF RIGHTS.]

Subdivision 1. [LEGISLATIVE INTENT.] It is the intent of the legislature and the purpose of this section to promote the interests and well being of the patients and residents of health care facilities. No health care facility may require a patient or resident to waive these rights as a condition of admission to the facility. Any guardian or conservator of a patient or resident or, in the absence of a guardian or conservator, an interested person, may seek enforcement of these rights on behalf of a patient or resident. It is the intent of this section that every patient's civil and religious liberties, including the right to independent personal decisions and knowledge of available choices, shall not be infringed and that the facility shall encourage and assist in the fullest possible exercise of these rights.

Subd. 2. [DEFINITIONS.] For the purposes of this section, "patient" means a person who is admitted to an acute care

inpatient facility for a continuous period longer than 24 hours, for the purpose of diagnosis or treatment bearing on the physical or mental health of that person. "Resident" means a person who is admitted to a non-acute care facility including extended care facilities, nursing homes, and board and care homes for care required because of prolonged mental or physical illness or disability, recovery from injury or disease, or advancing age.

Subd. 3. [PUBLIC POLICY DECLARATION.] It is declared to be the public policy of this state that the interests of each patient and resident be protected by a declaration of a patients' bill of rights which shall include but not be limited to the (FOLLOWING:)

(1) EVERY PATIENT AND RESIDENT SHALL HAVE THE RIGHT TO CONSIDERATE AND RESPECTFUL CARE;)

(2) EVERY PATIENT AND RESIDENT CAN REASONABLY EXPECT TO OBTAIN FROM HIS PHYSICIAN OR THE RESIDENT PHYSICIAN OF THE FACILITY COMPLETE AND CURRENT INFORMATION CONCERNING HIS DIAGNOSIS, TREATMENT AND PROGNOSIS IN TERMS AND LANGUAGE THE PATIENT CAN REASONABLY BE EXPECTED TO UNDERSTAND. IN CASES IN WHICH IT IS NOT MEDICALLY ADVISABLE TO GIVE THE INFORMATION TO THE PATIENT OR RESIDENT THE INFORMATION MAY BE MADE AVAILABLE TO THE APPROPRIATE PERSON IN HIS BEHALF;)

(3) EVERY PATIENT AND RESIDENT SHALL HAVE THE RIGHT TO KNOW BY NAME AND SPECIALITY, IF ANY, THE PHYSICIAN RESPONSIBLE FOR COORDINATION OF HIS CARE;)

(4) EVERY PATIENT AND RESIDENT SHALL HAVE THE RIGHT TO EVERY CONSIDERATION OF HIS PRIVACY AND INDIVIDUALITY AS IT RELATES TO HIS SOCIAL, RELIGIOUS, AND PSYCHOLOGICAL WELL BEING;)

(5) EVERY PATIENT AND RESIDENT SHALL HAVE THE RIGHT TO RESPECTFULNESS AND PRIVACY AS IT RELATES TO HIS MEDICAL CARE PROGRAM. CASE DISCUSSION, CONSULTATION, EXAMINATION, AND TREATMENT ARE CONFIDENTIAL AND SHOULD BE CONDUCTED DISCREETLY;)

(6) EVERY PATIENT AND RESIDENT SHALL HAVE THE RIGHT TO EXPECT THE FACILITY TO MAKE A REASONABLE RESPONSE TO HIS REQUESTS;)

(7) EVERY PATIENT AND RESIDENT SHALL HAVE THE RIGHT TO OBTAIN INFORMATION AS TO ANY

RELATIONSHIP OF THE FACILITY TO OTHER HEALTH CARE AND RELATED INSTITUTIONS INSOFAR AS HIS CARE IS CONCERNED;)

((8) EVERY PATIENT AND RESIDENT SHALL HAVE THE RIGHT TO EXPECT REASONABLE CONTINUITY OF CARE WHICH SHALL INCLUDE BUT NOT BE LIMITED TO WHAT APPOINTMENT TIMES AND PHYSICIANS ARE AVAILABLE;)

((9) EVERY RESIDENT SHALL BE FULLY INFORMED, PRIOR TO OR AT THE TIME OF ADMISSION AND DURING HIS STAY, OF SERVICES AVAILABLE IN THE FACILITY, AND OF RELATED CHARGES INCLUDING ANY CHARGES FOR SERVICES NOT COVERED UNDER MEDICARE OR MEDICAID OR NOT COVERED BY THE FACILITY'S BASIC PER DIEM RATE;)

((10) EVERY PATIENT AND RESIDENT SHALL BE AFFORDED THE OPPORTUNITY TO PARTICIPATE IN THE PLANNING OF HIS MEDICAL TREATMENT AND TO REFUSE TO PARTICIPATE IN EXPERIMENTAL RESEARCH;)

((11) NO RESIDENT SHALL BE ARBITRARILY TRANSFERRED OR DISCHARGED BUT MAY BE TRANSFERRED OR DISCHARGED ONLY FOR MEDICAL REASONS, FOR HIS OR OTHER RESIDENTS' WELFARE, OR FOR NONPAYMENT FOR STAY UNLESS PROHIBITED BY THE WELFARE PROGRAMS PAYING FOR THE CARE OF THE RESIDENT, AS DOCUMENTED IN THE MEDICAL RECORD. REASONABLE ADVANCE NOTICE OF ANY TRANSFER OR DISCHARGE MUST BE GIVEN TO A RESIDENT;)

((12) EVERY RESIDENT MAY MANAGE HIS PERSONAL FINANCIAL AFFAIRS, OR SHALL BE GIVEN AT LEAST A QUARTERLY ACCOUNTING OF FINANCIAL TRANSACTIONS ON HIS BEHALF IF HE DELEGATES THIS RESPONSIBILITY IN ACCORDANCE WITH THE LAWS OF MINNESOTA TO THE FACILITY FOR ANY PERIOD OF TIME;)

((13) EVERY RESIDENT SHALL BE ENCOURAGED AND ASSISTED, THROUGHOUT HIS PERIOD OF STAY IN A FACILITY, TO UNDERSTAND AND EXERCISE HIS RIGHTS AS A PATIENT AND AS A CITIZEN, AND TO THIS END, HE MAY VOICE GRIEVANCES AND RECOMMEND CHANGES IN POLICIES AND SERVICES TO FACILITY STAFF AND OUTSIDE REPRESENTATIVES OF HIS CHOICE, FREE FROM RESTRAINT, INTERFERENCE, COERCION, DISCRIMINATION OR REPRISAL;)

((14) EVERY RESIDENT SHALL BE FREE FROM MENTAL AND PHYSICAL ABUSE, AND FREE FROM CHEMICAL AND PHYSICAL RESTRAINTS, EXCEPT IN EMERGENCIES, OR AS AUTHORIZED IN WRITING BY HIS PHYSICIAN FOR A SPECIFIED AND LIMITED PERIOD OF TIME, AND WHEN NECESSARY TO PROTECT THE RESIDENT FROM INJURY TO HIMSELF OR TO OTHERS;)

((15) EVERY PATIENT AND RESIDENT SHALL BE ASSURED CONFIDENTIAL TREATMENT OF HIS PERSONAL AND MEDICAL RECORDS, AND MAY APPROVE OR REFUSE THEIR RELEASE TO ANY INDIVIDUAL OUTSIDE THE FACILITY, EXCEPT AS OTHERWISE PROVIDED BY LAW OR A THIRD PARTY PAYMENT CONTRACT;)

((16) NO RESIDENT SHALL BE REQUIRED TO PERFORM SERVICES FOR THE FACILITY THAT ARE NOT INCLUDED FOR THERAPEUTIC PURPOSES IN HIS PLAN OF CARE;)

((17) EVERY RESIDENT MAY ASSOCIATE AND COMMUNICATE PRIVATELY WITH PERSONS OF HIS CHOICE, AND SEND AND RECEIVE HIS PERSONAL MAIL UNOPENED, UNLESS MEDICALLY CONTRAINDICATED AND DOCUMENTED BY HIS PHYSICIAN IN THE MEDICAL RECORD;)

((18) EVERY RESIDENT MAY MEET WITH REPRESENTATIVES AND PARTICIPATE IN ACTIVITIES OF COMMERCIAL, RELIGIOUS, AND COMMUNITY GROUPS AT HIS DISCRETION; PROVIDED, HOWEVER, THAT THE ACTIVITIES SHALL NOT INFRINGE UPON THE RIGHT TO PRIVACY OF OTHER RESIDENTS;)

((19) EVERY RESIDENT MAY RETAIN AND USE HIS PERSONAL CLOTHING AND POSSESSIONS AS SPACE PERMITS, UNLESS TO DO SO WOULD INFRINGE UPON RIGHTS OF OTHER PATIENTS OR RESIDENTS, AND UNLESS MEDICALLY CONTRAINDICATED AND DOCUMENTED BY HIS PHYSICIAN IN THE MEDICAL RECORD;)

((20) EVERY RESIDENT, IF MARRIED, SHALL BE ASSURED PRIVACY FOR VISITS BY HIS OR HER SPOUSE AND IF BOTH SPOUSES ARE RESIDENTS OF THE FACILITY, THEY SHALL BE PERMITTED TO SHARE A ROOM, UNLESS MEDICALLY CONTRAINDICATED AND DOCUMENTED BY THEIR PHYSICIANS IN THE MEDICAL RECORD;)

((21) EVERY PATIENT OR RESIDENT SHALL BE FULLY INFORMED, PRIOR TO OR AT THE TIME OF AD-

MISSION AND DURING HIS STAY AT A FACILITY, OF THE RIGHTS AND RESPONSIBILITIES SET FORTH IN THIS SECTION AND OF ALL RULES GOVERNING PATIENT CONDUCT AND RESPONSIBILITIES; AND)

((22) EVERY PATIENT OR RESIDENT SUFFERING FROM ANY FORM OF BREAST CANCER SHALL BE FULLY INFORMED, PRIOR TO OR AT THE TIME OF ADMISSION AND DURING HER STAY, OF ALL ALTERNATIVE EFFECTIVE METHODS OF TREATMENT OF WHICH THE TREATING PHYSICIAN IS KNOWLEDGEABLE, INCLUDING SURGICAL, RADIOLOGICAL, OR CHEMOTHERAPEUTIC TREATMENTS OR COMBINATIONS OF TREATMENTS AND THE RISKS ASSOCIATED WITH EACH OF THOSE METHODS) *rights specified in this section.*

Subd. 4. [INFORMATION ABOUT RIGHTS.] Patients and residents shall, at admission, be told that there are legal rights for their protection during their stay at the facility and that these are described in an accompanying written statement of the applicable rights and responsibilities set forth in this section. Reasonable arrangements shall be made for those with communication impairments and those who speak a language other than English. Current facility policies, inspection findings of state and local health authorities, and further explanation of the written statement of rights shall be available to patients, residents, their guardians or their chosen representatives upon reasonable request to the administrator or other designated staff person.

Subd. 5. [COURTEOUS TREATMENT.] Patients and residents have the right to be treated with courtesy and respect for their individuality by employees of or persons providing service in a health care facility.

Subd. 6. [APPROPRIATE HEALTH CARE.] Patients and residents shall have the right to appropriate medical and personal care based on individual needs. Appropriate care for residents means care designed to enable residents to achieve their highest level of physical and mental functioning. This right is limited where the service is not reimbursable by public or private resources.

Subd. 7. [PHYSICIAN'S IDENTITY.] Patients and residents shall have or be given, in writing, the name, business address, telephone number, and specialty, if any, of the physician responsible for coordination of their care. In cases where it is medically inadvisable, as documented by the attending physician in a patient's or resident's care record, the information shall be given to the patient's or resident's guardian or other person designated by the patient or resident as his or her representative.

Subd. 8. [RELATIONSHIP WITH OTHER HEALTH SERVICES.] *Patients and residents who receive services from an outside provider are entitled, upon request, to be told the identity of the provider. Residents shall be informed, in writing, of any health care services which are provided to those residents by individuals, corporations, or organizations other than their facility. Information shall include the name of the outside provider, the address, and a description of the service which may be rendered. In cases where it is medically inadvisable, as documented by the attending physician in a patient's or resident's care record, the information shall be given to the patient's or resident's guardian or other person designated by the patient or resident as his or her representative.*

Subd. 9. [INFORMATION ABOUT TREATMENT.] *Patients and residents shall be given by their physicians complete and current information concerning their diagnosis, treatment, alternatives, risks, and prognosis as required by the physician's legal duty to disclose. This information shall be in terms and language the patients or residents can reasonably be expected to understand. Patients and residents may be accompanied by a family member or other chosen representative. This information shall include the likely medical or major psychological results of the treatment and its alternatives. In cases where it is medically inadvisable, as documented by the attending physician in a patient's or resident's medical record, the information shall be given to the patient's or resident's guardian or other person designated by the patient or resident as his or her representative. Individuals have the right to refuse this information.*

Subd. 10. [PARTICIPATION IN PLANNING TREATMENT.] *Patients and residents shall have the right to participate in the planning of their health care. This right includes the opportunity to discuss treatment and alternatives with individual caregivers, the opportunity to request and participate in formal care conferences, and the right to include a family member or other chosen representative. In the event that the patient or resident cannot be present, a family member or other representative chosen by the patient or resident may be included in such conferences.*

Subd. 11. [CONTINUITY OF CARE.] *Patients and residents shall have the right to be cared for with reasonable regularity and continuity of staff assignment as far as facility policy allows.*

Subd. 12. [RIGHT TO REFUSE CARE.] *Competent patients and residents shall have the right to refuse treatment based on the information required in subdivision 9. Residents who refuse treatment, medication, or dietary restrictions shall be informed of the likely medical or major psychological results of the refusal, with documentation in the individual medical record. In cases where a patient or resident is incapable of*

understanding the circumstances but has not been adjudicated incompetent, or when legal requirements limit the right to refuse treatment, the conditions and circumstances shall be fully documented by the attending physician in the patient's or resident's medical record.

Subd. 13. [EXPERIMENTAL RESEARCH.] Written, informed consent must be obtained prior to a patient's or resident's participation in experimental research. Patients and residents have the right to refuse participation. Both consent and refusal shall be documented in the individual care record.

Subd. 14. [FREEDOM FROM ABUSE.] Patients and residents shall be free from mental and physical abuse as defined in the Vulnerable Adults Protection Act. "Abuse" means any act which constitutes assault, sexual exploitation, or criminal sexual conduct as described in section 626.557, subdivision 2d, or the intentional and nontherapeutic infliction of physical pain or injury, or any persistent course of conduct intended to produce mental or emotional distress. Every patient and resident shall also be free from nontherapeutic chemical and physical restraints, except in fully documented emergencies, or as authorized in writing after examination by a patient's or resident's physician for a specified and limited period of time, and only when necessary to protect the resident from self-injury or injury to others.

Subd. 15. [TREATMENT PRIVACY.] Patients and residents shall have the right to respectfulness and privacy as it relates to their medical and personal care program. Case discussion, consultation, examination, and treatment are confidential and shall be conducted discreetly. Privacy shall be respected during toileting, bathing, and other activities of personal hygiene, except as needed for patient or resident safety or assistance.

Subd. 16. [CONFIDENTIALITY OF RECORDS.] Patients and residents shall be assured confidential treatment of their personal and medical records, and may approve or refuse their release to any individual outside the facility. Residents shall be notified when personal records are requested by any individual outside the facility and may select someone to accompany them when the records or information are the subject of a personal interview. Copies of records and written information from the records shall be made available in accordance with this subdivision and section 144.335. This right does not apply to complaint investigations and inspections by the department of health, where required by third party payment contracts, or where otherwise provided by law.

Subd. 17. [DISCLOSURE OF SERVICES AVAILABLE.] Patients and residents shall be informed, prior to or at the time of admission and during their stay, of services which are in-

cluded in the facility's basic per diem or daily room rate and that other services are available at additional charges. Facilities shall make every effort to assist patients and residents in obtaining information regarding whether the medicare or medical assistance program will pay for any or all of the aforementioned services.

Subd. 18. [RESPONSIVE SERVICE.] Patients and residents shall have the right to a prompt and reasonable response to their questions and requests.

Subd. 19. [PERSONAL PRIVACY.] Patients and residents shall have the right to every consideration of their privacy, individuality, and cultural identity as related to their social, religious, and psychological well-being. Facility staff shall respect the privacy of a resident's room by knocking on the door and seeking consent before entering, except in an emergency or where clearly inadvisable.

Subd. 20. [GRIEVANCES.] Patients and residents shall be encouraged and assisted, throughout their stay in a facility, to understand and exercise their rights as patients, residents, and citizens. Patients and residents may voice grievances and recommend changes in policies and services to facility staff and others of their choice, free from restraint, interference, coercion, discrimination, or reprisal, including threat of discharge. Notice of the facility's grievance procedure, as well as addresses and telephone numbers for the office of health facility complaints and the area nursing home ombudsman pursuant to the Older Americans Act, section 307(a)(12) shall be posted in a conspicuous place.

Subd. 21. [COMMUNICATION PRIVACY.] Patients and residents may associate and communicate privately with persons of their choice and enter and, except as provided by the Minnesota Commitment Act, leave the facility as they choose. Patients and residents shall have access, at their expense, to writing instruments, stationery, and postage. Personal mail shall be sent without interference and received unopened unless medically or programmatically contraindicated and documented by the physician in the medical record. There shall be access to a telephone where patients and residents can make and receive calls as well as speak privately. Facilities which are unable to provide a private area shall make reasonable arrangements to accommodate the privacy of patients' or residents' calls. This right is limited where medically inadvisable, as documented by the attending physician in a patient's or resident's care record. Where programmatically limited by a facility abuse prevention plan pursuant to section 626.557, subdivision 14, clause 2, this right shall also be limited accordingly.

Subd. 22. [PERSONAL PROPERTY.] Patients and residents may retain and use their personal clothing and possessions

as space permits, unless to do so would infringe upon rights of other patients or residents, and unless medically or programmatically contraindicated for documented medical, safety, or programmatic reasons. The facility must either maintain a central locked depository or provide individual locked storage areas in which residents may store their valuables for safekeeping. The facility may, but is not required to, provide compensation for or replacement of lost or stolen items.

Subd. 23. [SERVICES FOR THE FACILITY.] *Patients and residents shall not perform labor or services for the facility unless those activities are included for therapeutic purposes and appropriately goal-related in their individual medical record.*

Subd. 24. [CHOICE OF SUPPLIER.] *A resident may purchase or rent goods or services not included in the per diem rate from a supplier of his or her choice unless otherwise provided by law. The supplier shall ensure that these purchases are sufficient to meet the medical or treatment needs of the resident.*

Subd. 25. [FINANCIAL AFFAIRS.] *Competent residents may manage their personal financial affairs, or shall be given at least a quarterly accounting of financial transactions on their behalf if they delegate this responsibility in accordance with the laws of Minnesota to the facility for any period of time.*

Subd. 26. [RIGHT TO ASSOCIATE.] *Residents may meet with visitors and participate in activities of commercial, religious, political, as defined in section 203B.11 and community groups without interference at their discretion if the activities do not infringe on the right to privacy of other residents or are not programmatically contraindicated. This includes the right to join with other individuals within and outside the facility to work for improvements in long-term care.*

Subd. 27. [ADVISORY COUNCILS.] *Residents and their families shall have the right to organize, maintain, and participate in resident advisory and family councils. Each facility shall provide assistance and space for meetings. Council meetings shall be afforded privacy, with staff or visitors attending only upon the council's invitation. A staff person shall be designated the responsibility of providing this assistance and responding to written requests which result from council meetings. Resident and family councils shall be encouraged to make recommendations regarding facility policies.*

Subd. 28. [MARRIED RESIDENTS.] *Residents, if married, shall be assured privacy for visits by their spouses and, if both spouses are residents of the facility, they shall be permitted to share a room, unless medically contraindicated and documented by their physicians in the medical records.*

Subd. 29. [TRANSFERS AND DISCHARGES.] Residents shall not be arbitrarily transferred or discharged. Residents must be notified, in writing, of the proposed discharge or transfer and its justification no later than 30 days before discharge from the facility and seven days before transfer to another room within the facility. This notice shall include the resident's right to contest the proposed action, with the address and telephone number of the area nursing home ombudsman pursuant to the Older Americans Act, section 307(a)(12). The resident, informed of this right, may choose to relocate before the notice period ends. The notice period may be shortened in situations outside the facility's control, such as a determination by utilization review, the accommodation of newly-admitted residents, a change in the resident's medical or treatment program, the resident's own or another resident's welfare, or nonpayment for stay unless prohibited by the public program or programs paying for the resident's care, as documented in the medical record. Facilities shall make a reasonable effort to accommodate new residents without disrupting room assignments.

Sec. 2. Minnesota Statutes 1982, section 144.652, is amended to read.

144.652 [(POLICY STATEMENT) BILL OF RIGHTS NOTICE TO PATIENT OR RESIDENT; VIOLATION.]

Subdivision 1. [DISTRIBUTION; POSTING.] (THE POLICY STATEMENT CONTAINED IN) *Except as provided below, section 144.651 shall be posted conspicuously in a public place in all facilities licensed under the provisions of sections 144.50 to 144.58, or 144A.02 (OR ANY LAW PROVIDING FOR THE LICENSURE OF NURSING HOMES). Copies of the (POLICY STATEMENT) law shall be furnished the patient or resident and the patient or resident's guardian or conservator upon admittance to the facility. Facilities providing services to patients may delete section 144.651, subdivisions 24 to 29, and those portions of other subdivisions that apply only to residents, from copies posted or distributed to patients with appropriate notation that residents have additional rights under law. The policy statement shall include the address and telephone number of the board of medical examiners and/or the name and phone number of the person within the facility to whom inquiries about the medical care received may be directed. The notice shall include a brief statement describing how to file a complaint with the (NURSING HOME COMPLAINT TEAM OF THE HEALTH DEPARTMENT OR ANY DIVISION OR AGENCY OF STATE GOVERNMENT WHICH SUCCEEDS IT) office of health facility complaints established pursuant to section 144A.52 concerning a violation of section 144.651 or any other state statute or rule. This notice shall include the address and phone number of the office of health facility complaints.*

Subd. 2. [CORRECTION ORDER; EMERGENCIES.] A substantial violation of the rights of any *patient* or resident as defined in section 144.651, shall be grounds for issuance of a correction order pursuant to section 144.653 or 144A.10. The issuance or nonissuance of a correction order shall not preclude, *diminish, enlarge, or otherwise alter* private action by or on behalf of a *patient* or resident to enforce any *unreasonable violation* of his rights. *Compliance with the provisions of section 144.651 shall not be required whenever emergency conditions, as documented by the attending physician in a patient's medical record or a resident's care record, indicate immediate medical treatment, including but not limited to surgical procedures, is necessary and it is impossible or impractical to comply with the provisions of section 144.651 because delay would endanger the patient's or resident's life, health, or safety.*

Sec. 3. Minnesota Statutes 1982, section 145.93, subdivision 3, is amended to read:

Subd. 3. [GRANT AWARD; DESIGNATION; PAYMENTS UNDER GRANT.] (EACH) *Every odd-numbered year* the commissioner shall give reasonable public notice of the availability of (MONEYS) *money* appropriated (PURSUANT TO LAWS 1980, CHAPTER 577, SECTION 2) *or otherwise available for the purposes of this section.* After consulting with the advisory council, the commissioner shall select as grantee a nonprofit corporation or unit of government which applies for the moneys and best fulfills the criteria specified in subdivision 4. The grantee selected shall be designated the Minnesota poison information center. (MONEYS) *Money* appropriated (UNDER LAWS 1980, CHAPTER 577, SECTION 2) *or otherwise available for the purposes of this section* shall be paid to the grantee quarterly beginning on July 1."

Delete the title and insert:

"A bill for an act relating to health care facilities; clarifying the rights and responsibilities of patients and residents; amending Minnesota Statutes 1982, sections 144.651; 144.652; and 145.93, subdivision 3."

We request adoption of this report and repassage of the bill.

House Conferees: KAREN CLARK, TONY ONNEN and LEE GREENFIELD.

Senate Conferees: LINDA BERGLIN, NANCY BRATAAS and MARILYN M. LANTRY.

Clark, K., moved that the report of the Conference Committee on H. F. No. 365 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 365, A bill for an act relating to health care facilities; clarifying the rights and responsibilities of patients and residents; amending Minnesota Statutes 1982, sections 144.651; and 144.652.

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. There were 114 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Knuth	Osthoff	Simoneau
Anderson, G.	Erickson	Kostohryz	Otis	Skoglund
Battaglia	Evans	Krueger	Pauly	Solberg
Beard	Findlay	Larsen	Piepho	Sparby
Begich	Fjoslien	Levi	Piper	Stadum
Bergstrom	Forsythe	Long	Price	Swiggum
Berkelman	Greenfield	Ludeman	Quinn	Swanson
Blatz	Cruenes	Mann	Quist	Thiede
Brandt	Gustafson	Marsh	Redalen	Tomlinson
Briakman	Haukoos	McDonald	Rice	Tunheim
Burger	Heap	McEachern	Riveness	Uphus
Carlson, D.	Heinitz	Metzen	Rodosovich	Valan
Carlson, L.	Himle	Minn	Rodriguez, F.	Valento
Clark, J.	Hoberg	Munger	St. Onge	Vanasek
Clark, K.	Hoffman	Murphy	Schafer	Vellenga
Clawson	Hokr	Nelson, D.	Scheid	Waltman
Cohen	Jacobs	Nelson, K.	Schoenfeld	Welch
Coleman	Jennings	Norton	Schreiber	Welker
Dempsey	Jensen	O'Connor	Seaberg	Welle
DenOuden	Johnson	Ogren	Segal	Wenzel
Dimler	Kalis	Olsen	Shaver	Wynia
Eken	Kelly	Omann	Shea	Speaker Sieben
Elioff	Knickerbocker	Onnen	Sherman	

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

SPECIAL ORDERS

S. F. No. 1189 was reported to the House.

Skoglund and Heinitz moved to amend S. F. No. 1189, the second engrossment, as follows:

Page 3, line 5, after "agency" insert "; provided, that no employment agency or search firm may offer both services at the same location."

Page 3, after line 22, insert:

"Sec. 4. Minnesota Statutes 1982, section 184.22, is amended by adding a subdivision to read:

Subd. 5. [FEE PAYMENT PROHIBITED.] No employer may require any job candidate placed with the employer by a

search firm to pay, directly or indirectly, all or part of the search firm's fee."

Re-number succeeding sections

Page 4, after line 21, insert:

"Sec. 7. Minnesota Statutes 1982, section 184.37, is amended to read:

184.37 [CONTRACTS WITH APPLICANTS FOR EMPLOYMENT.]

Subdivision 1. [EMPLOYMENT AGENTS.] Every employment agent shall contract, in writing, with every applicant for employment for services to be rendered to the applicant by the employment agent, which contract shall contain the date, the name and address of the employment agency, the name of the employment agent, the service charge to be made to the applicant, and the time and method of payments, and, on either the face or back of the contract, shall appear the definition of "accept," "method of payment," "temporary position," and "charge for permanent position which proves to be temporary."

Subd. 2. [SEARCH FIRMS.] Every search firm must give to each job candidate a written agreement confirming that the candidate will in no instance become liable in whole or in part to pay a fee of any kind, directly or indirectly, on account of any service performed by the search firm. The agreement must be signed by both parties and a copy of it must be kept on file by the search firm for at least one year.

Sec. 8. Minnesota Statutes 1982, section 184.38, subdivision 6, is amended to read:

Subd. 6. (a) No employment agent or search firm shall send out any applicant for employment without having obtained a job order, and if no employment of the kind applied for existed at the place to which the applicant was directed, the employment agent or search firm shall refund to the applicant, within 48 hours of demand, any sums paid by the applicant for transportation in going to and returning from the place.

(b) Nothing in this chapter shall be construed to prevent an employment agent or search firm from directing an applicant to an employer where the employer has previously requested that he be accorded interviews with applicants of certain types and qualifications, even though no actual vacancy existed in the employer's organization at the time the applicant was so directed; nor shall it prevent the employment agent or search firm from attempting to sell the services of an applicant to the employer even though no order has been placed with the employment

agent or search firm; provided, that prior to scheduling an interview with an employer, when no opening currently exists with that employer, the applicant is clearly informed that no opening exists at that time.

Sec. 9. Minnesota Statutes 1982, section 184.38, subdivision 8, is amended to read:

Subd. 8. No employment agent or search firm shall knowingly cause to be printed or published a false or fraudulent notice or advertisement for help or for obtaining work or employment. For purposes of this subdivision the phrase "false or fraudulent notice or advertisement" shall include the following:

(a) The advertisement of any job for which there is no bona fide oral or written job order and completed job order form in existence at the time the advertisement is placed;

(b) The inclusion in any advertisement of any information concerning the identity, availability, features, or requirements of any advertised job when such information is not substantiated by, and included in, the supporting job order form;

(c) The advertisement of any job opening of the type described in subdivision 6, clause (b);

(d) The advertisement of any job without the inclusion in the advertisement of the "job order number" required in subdivision 18;

(e) If an applicant appears at any agency or search firm in response to the advertisement of a particular job, the failure to attempt placement of the applicant in the advertised job; provided however, that the agency or search firm may refuse to attempt such placement if the reason(s) for the refusal are clearly and truthfully disclosed to the applicant either orally or in writing.

Sec. 10. Minnesota Statutes 1982, section 184.38, subdivision 9, is amended to read:

Subd. 9. No employment agent or search firm shall place or assist in placing any person in unlawful employment.

Sec. 11. Minnesota Statutes 1982, section 184.38, subdivision 10, is amended to read:

Subd. 10. No employment agent or search firm shall fail to state in any advertisement, proposal, or contract for employment, that there is a strike or lockout at the place of proposed employment, if (HE) the agent or firm has knowledge that such condition exists.

Sec. 12. Minnesota Statutes 1982, section 184.38, subdivision 11, is amended to read:

Subd. 11. Any (PERSON, FIRM, OR CORPORATION) *employment agency, search firm, or employee of an employment agency or search firm* who shall split, divide, or share, directly or indirectly, any fee, charge, or compensation received from any employee with any employer, or person in any way connected with the business thereof, *or who splits, divides or shares, directly or indirectly, any fee, charge, or compensation received from any employer*, shall be punished by a fine of not less than \$100, and not more than \$1,000, or on failure to pay such fine by imprisonment for a period not to exceed one year, or both, at the discretion of the court.

Sec. 13. Minnesota Statutes 1982, section 184.38, subdivision 17, is amended to read:

Subd. 17. Except for applicant information given in the course of normal agency *or firm* operations, no employment agent *or search firm* shall voluntarily sell, give, or otherwise transfer any files, records, or other information relating to his employment agency *or search firm* applicants and employers to any person other than a licensed employment agent *or registered search firm* or a person who agrees to obtain an employment agency license *or register as a search firm*. Every employment agent *or search firm* who ceases to engage in the business of or act as an employment agent *or search firm* shall notify the department of such fact within 30 days thereof, and shall advise the department as to the disposition of all files and other records relating to his employment agency *or search firm* business.

Sec. 14. Minnesota Statutes 1982, section 184.38, subdivision 18, is amended to read:

Subd. 18. Every job order communicated to an agency *or search firm* shall be recorded by the agency *or search firm* on a job order form which form shall contain specific information as prescribed by the department. A job order form shall be filled out for each job order prior to any attempt to advertise the job opening or to place persons in said job. Such forms shall each be assigned a separate number and shall be maintained by the agency *or search firm* for a period of one year.

Sec. 15. Minnesota Statutes 1982, section 184.38, subdivision 19, is amended to read:

Subd. 19. No person shall be required to pay a fee to an employment agency *or search firm* for a position, whether temporary or permanent, if the applicant withdraws acceptance of (A) *the position (WITHIN THREE DAYS, EXCLUDING SATURDAY, SUNDAY AND LEGAL HOLIDAYS, OF SIGNING AN ACCEPTANCE FORM AND NOTIFIES THE AGENCY*

IN WRITING OF THE WITHDRAWAL, PROVIDED THAT THE APPLICANT DID NOT ACTUALLY START THE JOB. THE THREE DAY WITHDRAWAL PERIOD APPLIES REGARDLESS OF WHO IS TO PAY THE FEE TO THE EMPLOYMENT AGENCY).

Sec. 16. Minnesota Statutes 1982, section 184.38, is amended by adding a subdivision to read:

Subd. 20. No employment agent or search firm shall knowingly misrepresent to any employer the educational background, skills or qualifications of any job candidate; or knowingly misrepresent to a job candidate the responsibilities, salary or other features of any position of employment."

Renumber the remaining section

Page 4, line 30, after "the" insert "applicable"

Page 4, line 30, delete "section 184.22," and insert "this chapter"

Page 4, line 31, delete "subdivision 2"

Page 5, line 1, after "184.22" insert ", or who engages in the business of or acts as a search firm without first filing the registration required under section 184.22, subdivision 3,"

Page 5, line 1, strike "or" and after "counselor" insert ", or search firm"

Page 5, line 2, after "the" insert "applicable"

Page 5, line 3, strike "or" and after "counselor" insert ", or search firm"

Page 5, line 5, after "agency" insert "or search firm"

Page 5, line 5, after "license" insert "or registration"

Page 5, line 6, strike "or" and after "counselor" insert ", or search firm"

Amend the title as follows:

Page 1, line 6, after the semicolon insert "prohibiting certain practices; requiring certain practices;"

Page 1, line 8, after "1;" insert "184.37, by adding a subdivision; 184.38, subdivisions 6, 8, 9, 10, 11, 17, 18, 19, and by adding a subdivision;"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 72 yeas and 43 nays as follows:

Those who voted in the affirmative were:

Beard	Fjoslien	Krueger	Price	Sparby
Bergstrom	Graba	Kvam	Quist	Stadum
Bishop	Greenfield	Larsen	Redalen	Staten
Blatz	Gruenes	Levi	Reif	Swanson
Brandl	Cutknecht	Mann	Riveness	Tomlinson
Brinkman	Halberg	McKasy	Rodosovich	Tunheim
Burger	Haukoos	Metzen	Rodriguez, C.	Uphus
Carlson, L.	Heinitz	Munger	Rodriguez, F.	Vanasek
Clark, J.	Hoffman	Nelson, D.	Rose	Waltman
Clark, K.	Jensen	Nelson, K.	Schoenfeld	Welch
Cohen	Johnson	Norton	Schreiber	Welle
Coleman	Kelly	Olsen	Seaberg	Wynia
Ellingson	Knickerbocker	Onnen	Segal	
Erickson	Knuth	Osthoff	Simoneau	
Evans	Kostohryz	Piper	Skoglund	

Those who voted in the negative were:

Anderson, G.	Findlay	Marsh	Piepho	Thiede
Battaglia	Forsythe	McDonald	Quinn	Valan
Begich	Gustafson	Minne	Rice	Valento
Carlson, D.	Heap	Murphy	St. Onge	Vellenga
Dempsey	Himle	O'Connor	Schafer	Welker
DenOuden	Hoberg	Ogren	Scheid	Wenzel
Dimler	Jacobs	Omamn	Sherman	Speaker Sieben
Eken	Jennings	Otis	Solberg	
Elioff	Ludeman	Pauly	Sviggum	

The motion prevailed and the amendment was adopted.

S. F. No. 1189, A bill for an act relating to employment; exempting search firms from employment agency licensing; subjecting certain search firms to fee and bond requirements; requiring certain statements, fees, and bonds to be submitted at the time a search firm is established; amending Minnesota Statutes 1982, sections 184.22, subdivision 2, and by adding subdivisions; 184.29; 184.30, subdivision 1; and 184.41.

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.	Bergstrom	Brinkman	Clark, K.	DenOuden
Anderson, G.	Berkelman	Burger	Clawson	Dimler
Battaglia	Bishop	Carlson, D.	Cohen	Eken
Beard	Blatz	Carlson, L.	Coleman	Elioff
Begich	Brandl	Clark, J.	Dempsey	Ellingson

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

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. 1146 was reported to the House.

Bishop moved to amend S. F. No. 1146, as follows:

Page 3, after line 27, insert:

"Sec. 5. [CORRECTION TO THE TERMINOLOGY REPLACING "ILLEGITIMATE" AND SIMILAR PHRASES.]

Subdivision 1. Laws 1983, chapter 7, section 1, is amended to read:

Subd. 6. [PARENT.] "Parent" means (a) one of the pupil's parents, or (b) in the case of divorce or legal separation, or if the child's mother was not married to the child's father when the child was conceived (AND) *nor* when the child was born, the custodial parent.

Subd. 2. Laws 1983, chapter 7, section 2, is amended to read:

Subd. 2. [INFORMATION ABOUT CERTAIN BIRTHS.] Disclosure of information pertaining to the birth of a child to a woman who was not married to the child's father when the child was conceived (AND) *nor* when the child was born or information from which it can be ascertained, shall be made only to the guardian of the person, the person to whom the record pertains when the person is 18 years of age or older, a parent of the

person born to a mother who was not married to the child's father when the child was conceived (AND) *nor* when the child was born as provided by section 144.218, subdivision 1, or upon order of a court of competent jurisdiction. The birth and death records of the commissioner of health shall be open to inspection by the commissioner of public welfare and it shall not be necessary for him to obtain an order of the court in order to inspect records or to secure certified copies of them.

Subd. 3. Laws 1983, chapter 7, section 3, is amended to read:

Subd. 2. [SPECIFIC POWERS.] Subject to the provisions of section 241.021, subdivision 2, the commissioner of public welfare shall:

(1) Administer and supervise all forms of public assistance provided for by state law and other welfare activities or services as are vested in the commissioner.

(2) Administer and supervise all child welfare activities; promote the enforcement of laws protecting handicapped, dependent, neglected and delinquent children, and children born to mothers who were not married to the children's fathers at the times of the conception (AND) *nor at the births* of the children; license and supervise child-caring and child-placing agencies and institutions; supervise the care of children in boarding and foster homes or in private institutions; and generally perform all functions relating to the field of child welfare now vested in the state board of control.

(3) Administer and supervise all non-institutional service to handicapped persons. The commissioner may provide and contract for the care and treatment of qualified indigent children in facilities other than those located and available at state hospitals when it is not feasible to provide the service in state hospitals.

(4) Assist and actively cooperate with other departments, agencies and institutions, local, state, and federal, by performing services in conformity with the purposes of Laws 1939, Chapter 431.

(5) Act as the agent of and cooperate with the federal government in matters of mutual concern relative to and in conformity with the provisions of Laws 1939, Chapter 431, including the administration of any federal funds granted to the state to aid in the performance of any functions of the commissioner as specified in Laws 1939, Chapter 431, and including the promulgation of rules making uniformly available medical care benefits to all recipients of public assistance, at such times as the federal government increases its participation in assistance expenditures for medical care to recipients of public assistance,

the cost thereof to be borne in the same proportion as are grants of aid to said recipients.

(6) Establish and maintain any administrative units reasonably necessary for the performance of administrative functions common to all divisions of the department.

(7) Administer and supervise any additional welfare activities and services as are vested by law in the state department.

(8) The commissioner is designated as guardian of both the estate and the person of all the wards of the state of Minnesota, whether by operation of law or by an order of court, without any further act or proceeding whatever, except as to persons committed as mentally retarded or epileptic.

(9) Act as coordinating referral and informational center on requests for service for newly arrived immigrants coming to Minnesota.

(10) The specific enumeration of powers and duties as hereinabove set forth shall in no way be construed to be a limitation upon the general transfer of powers herein contained.

(11) Establish county, regional, or state-wide schedules of maximum fees and charges which may be paid by local agencies for medical, dental, surgical, hospital, nursing and nursing home care and medicine and medical supplies under all programs of medical care provided by the state and for congregate living care under the income maintenance programs.

(12) Have the authority to conduct and administer experimental projects to test methods and procedures of administering assistance and services to recipients or potential recipients of public welfare. To carry out such experimental projects, it is further provided that the commissioner of public welfare is authorized to waive the enforcement of existing specific statutory program requirements, regulations, and standards in one or more counties. The order establishing the waiver shall provide alternative methods and procedures of administration, shall not be in conflict with the basic purposes, coverage, or benefits provided by law, and in no event shall the duration of a project exceed two years. It is further provided that no order establishing an experimental project as authorized by the provisions of this section shall become effective until the following conditions have been met:

(a) The proposed comprehensive plan including estimated project costs and the proposed order establishing the waiver shall be filed with the secretary of the senate and chief clerk of the house of representatives at least 60 days prior to its effective date.

(b) The secretary of health, education, and welfare of the United States has agreed, for the same project, to waive state plan requirements relative to state-wide uniformity.

(c) A comprehensive plan, including estimated project costs, shall be approved by the legislative advisory commission and filed with the commissioner of administration.

(13) In accordance with federal requirements establish procedures to be followed by local welfare boards in creating citizen advisory committees, including procedures for selection of committee members.

(14) Promulgate, by rule, standards of administration to be applied by local welfare boards administering state and county financed programs of medical assistance pursuant to chapter 256B, general relief medical care pursuant to section 256D.02, subdivision 4 and medical, hospital, and surgical care for persons eligible for general assistance pursuant to chapter 256D, or for indigent persons whose costs of hospitalization are paid pursuant to sections 261.21 to 261.232. The rules shall specify a uniform standard of performance and a tolerated error rate, but shall not specify the minimum number of personnel to be employed by a local agency if the agency operates at the specified standard of performance or at or below the tolerated error rate. The commissioner may deduct from the earned administrative reimbursements of a county a penalty for the county's failure to comply with the standards of administration. The penalty shall be fixed by the commissioner as a percentage of the overexpenditure caused by improper administration, beyond an initial tolerated amount of overexpenditure. In the event that fiscal sanctions are imposed by the federal government because of improper administration of the programs, one half of the amount of the sanctions attributable to local agency performance shall be deducted from administrative reimbursement otherwise due the county.

Subd. 4. Laws 1983, chapter 7, section 4, is amended to read:

256.88 [SOCIAL WELFARE FUND ESTABLISHED.]

Except as otherwise expressly provided, all moneys and funds held by the commissioner of public welfare and the county welfare boards of the several counties in trust or for the benefit of handicapped, dependent, neglected, and delinquent children, children born to mothers who were not married to the children's fathers at the times of the conception (AND) *nor at the births* of the children, persons determined to be mentally retarded, mentally ill or chemically dependent, or other wards or beneficiaries, under any law, shall be kept in a single fund to be known as the "social welfare fund" which shall be deposited at interest, held, or disbursed as provided in sections 256.89 to 256.92.

Subd. 5. Laws 1983, chapter 7, section 5, is amended to read:

256.91 [PURPOSES.]

From that part of the social welfare fund held in the state treasury subject to disbursement as provided in section 256.90 the commissioner of public welfare at any time may pay out such amounts as he deems proper for the support, maintenance, or other legal benefit of any of the handicapped, dependent, neglected, and delinquent children, children born to mothers who were not married to the children's fathers at the times of the conception (AND) *nor at the* births of the children, persons found to be mentally retarded, chemically dependent or mentally ill, or other wards or persons entitled thereto, not exceeding in the aggregate to or for any person the principal amount previously received for the benefit of the person, together with the increase in it from an equitable apportionment of interest realized from the social welfare fund.

When any such person dies or is finally discharged from the guardianship, care, custody, and control of the commissioner of public welfare, the amount then remaining subject to use for the benefit of the person shall be paid as soon as may be from the social welfare fund to the persons thereto entitled by law.

Subd. 6. Laws 1983, chapter 7, section 6, is amended to read:

Subdivision 1. [LIMITATIONS.] In any case where the guardianship of the person of any handicapped, dependent, neglected or delinquent child, or a child born to a mother who was not married to the child's father when the child was conceived (AND) *nor* when the child was born, has been committed to the commissioner of public welfare, and in any case where the guardianship or conservatorship of the person of any mentally retarded or epileptic person has been committed to the commissioner of public welfare, the probate court having jurisdiction of the estate may on such notice as the court may direct, authorize the commissioner to take possession of the personal property in the estate, liquidate it, and hold the proceeds in trust for the ward, to be invested, expended and accounted for as provided by sections 256.88 to 256.92.

Subd. 7. Laws 1983, chapter 7, section 7, is amended to read:

Subdivision 1. [ACKNOWLEDGMENT BY PARENTS.] The mother and father of a child born to a mother who was not married to the child's father when the child was conceived (AND) *nor* when the child was born may, in a writing signed by both of them before a notary public, declare and acknowledge under oath that they are the biological parents of the child. The declaration may provide that any such child born to the mother at any time before or up to ten months after the date of execu-

tion of the declaration is the biological child of the signatories. Execution of the declaration shall:

(a) Have the same consequences as an acknowledgement by the signatories of parentage of the child for the purposes of sections 62A.041 and 62C.14, subdivision 5a;

(b) Be conclusive evidence that the signatories are parents of the child for the purposes of sections 176.111 and 197.09 to 197.11;

(c) Have the same consequences as an acknowledgement by the father of paternity of the child for the purposes of sections 257.57 and 257.66;

(d) When timely filed with the division of vital statistics of the Minnesota department of health as provided in section 259.261, qualify as an affidavit stating the intention of the signatories to retain parental rights as provided in section 259.261 if it contains the information required by section 259.261 or rules promulgated thereunder;

(e) Have the same consequences as a writing declaring paternity of the child for the purposes of section 525.172; and

(f) Be conclusive evidence that the signatories are parents of the child for the purposes of chapter 573.

Subd. 8. Laws 1983, chapter 7, section 8, is amended to read:

260.221 [GROUNDS FOR TERMINATION OF PARENTAL RIGHTS.]

The juvenile court may, upon petition, terminate all rights of a parent to a child in the following cases:

(a) With the written consent of a parent who for good cause desires to terminate his parental rights; or

(b) If it finds that one or more of the following conditions exist:

(1) That the parent has abandoned the child; or

(2) That the parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental or emotional health and development, if the parent is physically and financially able; or

(3) That a parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has continuously failed to do so without good cause. This clause shall not be construed to state a grounds for termination of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth; or

(4) That a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be permanently detrimental to the physical or mental health of the child; or

(5) That following upon a determination of neglect or dependency, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination; or

(6) That in the case of a child born to a mother who was not married to the child's father when the child was conceived (AND) *nor* when the child was born the person is not entitled to notice of an adoption hearing under section 259.26 and either the person has not filed a notice of his intention to retain parental rights under section 259.261 or that the notice has been successfully challenged; or

(7) That the child is neglected and in foster care.

Subd. 9. Laws 1983, chapter 7, section 9, is amended to read:

Subdivision 1. [PUBLIC CHILD WELFARE PROGRAM.]

a. To assist in carrying out the child protection, delinquency prevention and family assistance responsibilities of the state, the county welfare board shall administer a program of social services and financial assistance to be known as the public child welfare program. The public child welfare program shall be supervised by the commissioner of public welfare and administered by the county welfare board in accordance with law and with rules of the commissioner.

b. The purpose of the public child welfare program is to assure protection for and financial assistance to children who are confronted with social, physical, or emotional problems requiring protection and assistance. These problems include, but are not limited to the following:

(1) Mental, emotional, or physical handicap;

(2) Birth of a child to a mother who was not married to the child's father when the child was conceived (AND) *nor* when

the child was born, including but not limited to costs of prenatal care, confinement and other care necessary for the protection of a child born to a mother who was not married to the child's father at the time of the child's conception (AND) *nor at the birth;*

- (3) Dependency, neglect;
- (4) Delinquency;
- (5) Abuse or rejection of a child by its parents;
- (6) Absence of a parent or guardian able and willing to provide needed care and supervision;
- (7) Need of parents for assistance with child rearing problems, or in placing the child in foster care.

c. A county welfare board shall make the services of its public child welfare program available as required by law, by the commissioner, or by the courts and shall cooperate with other agencies, public or private, dealing with the problems of children and their parents as provided in this subdivision.

The public child welfare program shall be available in divorce cases for investigations of children and home conditions and for supervision of children when directed by the court hearing the divorce.

d. A county welfare board may rent, lease, or purchase property, or in any other way approved by the commissioner, contract with individuals or agencies to provide needed facilities for foster care of children. It may purchase services or child care from duly authorized individuals, agencies or institutions when in its judgment the needs of a child or his family can best be met in this way.

Subd. 10. Laws 1983, chapter 7, section 12, is amended to read:

Subdivision 1. [JURISDICTION.] The county court shall have concurrent jurisdiction in the following cases:

- (a) Proceedings for the administration of trust estates or actions relating thereto;
- (b) Proceedings for divorce, annulment, and legal separation, and actions related thereto, as prescribed by chapter 518;
- (c) Proceedings under the reciprocal enforcement of support act, chapter 518C;

(d) Proceedings for adoption and change of name under chapter 259;

(e) Proceedings to quiet title to real estate and real estate mortgage foreclosures by action; and

(f) Proceedings for the determination of paternity of and establishment and enforcement of child support payments for a child born to a mother who was not married to the child's father when the child was conceived (AND) *nor* when the child was born.

Subd. 11. Laws 1983, chapter 7, section 13, is amended to read:

525.172 [CERTAIN CHILDREN AS HEIRS.]

A child born to a mother who was not married to the child's father when the child was conceived (AND) *nor* when the child was born shall inherit from his mother the same as if the child was conceived (AND) *or* born to her while she was married, and also from the person who in writing and before a competent witness shall have declared himself to be his father, provided such writing or an authenticated copy thereof shall be produced in the proceeding in which it is asserted or from the person who has been determined to be the father of such child in a paternity proceeding before a court of competent jurisdiction; but such child shall not inherit from the kindred of the father by right of representation.

Subd. 12. Laws 1983, chapter 7, section 14, is amended to read:

525.173 [HEIRS TO CERTAIN CHILDREN.]

If any child born to a mother who was not married to the child's father when the child was conceived (AND) *nor* when the child was born dies intestate and without spouse or issue who inherit under the law, his estate shall descend to his mother, or in case of her prior decease to her heirs other than such child.

Subd. 13. Laws 1983, chapter 7, section 15, is amended to read:

609.37 [DEFINITION.]

As used in section 609.375, "child" means a child under the age of 16 years who is in necessitous circumstances and includes a child born to a mother who was not married to the child's father when the child was conceived (AND) *nor* when the child was born if the child's paternity has been duly established."

Renumber the remaining section

Amend the title as follows:

Page 1, line 3, after the semi-colon, insert "correcting terms used to replace the word illegitimate;"

Page 1, line 5, after "573.01" insert "; and Laws 1983, chapter 7, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, and 15"

The motion prevailed and the amendment was adopted.

S. F. No. 1146, A bill for an act relating to statutes; conforming certain laws to judicial decisions of unconstitutionality; amending Minnesota Statutes 1982, sections 65B.51, subdivision 1; 154.03; 570.02, subdivision 2; and 573.01.

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 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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. 1106, A bill for an act relating to insurance; correcting certain errors; removing certain deficiencies and ambiguities; correcting certain omissions; expanding certain insurers' investment authority; providing standards for application or reporting requirements; authorizing the commissioner to adopt rules; providing for miscellaneous changes and clarifications; amending Minnesota Statutes 1982, sections 60A.11, subdivisions 9, 10, 14, 18, 20, 21, 23, and 24; 60A.111, subdivision 2, and by adding subdivisions; 61A.28, subdivisions 3, 6, and 12; 61A.29, subdivision 2; 61A.31, subdivision 3; repealing Minnesota Statutes 1982, section 60A.111, subdivision 4.

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

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1011 was reported to the House.

Riveness moved that S. F. No. 1011 be continued on Special Orders for one day. The motion prevailed.

S. F. No. 989 was reported to the House.

Ellingson moved to amend S. F. No. 989, as follows:

Delete everything after the enacting clause and insert:

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

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

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

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

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

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

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

Subd. 4. [CHANGE IN CLASSIFICATION OF DATA.]

The classification of data in the possession of an agency shall change if it is required to do so to comply with either judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

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

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

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

Subd. 5. [DISCOVERABILITY OF NOT PUBLIC DATA.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 9. [INTERGOVERNMENTAL ACCESS OF DATA.] A responsible authority shall allow another responsible authority access to data classified as not public only when the access is authorized or required by statute or federal law. An agency that supplies government data under this subdivision may require the requesting agency to pay the actual cost of supplying the data.

(DATA SHALL HAVE THE SAME CLASSIFICATION IN THE HANDS OF THE AGENCY RECEIVING IT AS IT HAD IN THE AGENCY PROVIDING IT.)

Sec. 12. Minnesota Statutes 1982, section 13.06, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION TO COMMISSIONER.] Notwithstanding the provisions of section 13.03, the responsible authority of a state agency, political subdivision or statewide system may apply to the commissioner for permission to classify data or types of data on individuals as private or confidential, or data not on individuals as non-public or protected non-public, for its own use and for the use of other similar agencies, political subdivisions or statewide systems on a temporary basis until a proposed statute can be acted upon by the legislature. The application for temporary classification is public.

Upon the filing of an application for temporary classification, the data which is the subject of the application shall be deemed to be classified as set forth in the application for a period of 45 days, or until the application is disapproved, *rejected*, or granted by the commissioner, whichever is earlier.

If the commissioner determines that an application has been submitted for purposes not consistent with this section, the commissioner may immediately reject the application, give notice of that rejection to the applicant, and return the application. When the applicant receives the notice of rejection from the commissioner, the data which was the subject of the application shall have the classification it had before the application was submitted to the commissioner.

Sec. 13. Minnesota Statutes 1982, section 13.06, subdivision 6, is amended to read:

Subd. 6. [EXPIRATION OF TEMPORARY CLASSIFICATION.] (EMERGENCY CLASSIFICATIONS GRANTED BEFORE JULY 1, 1979 ARE REDESIGNATED AS TEMPORARY CLASSIFICATIONS.) All temporary classifications granted under this section (PRIOR TO APRIL 24, 1980 AND

STILL IN EFFECT, AND ALL TEMPORARY CLASSIFICATIONS THEREAFTER APPLIED FOR AND GRANTED PURSUANT TO THIS SECTION) shall expire (ON JULY 31, 1981 OR) 24 months after the classification is granted (, WHICHEVER OCCURS LATER.)

Sec. 14. Minnesota Statutes 1982, section 13.31, subdivision 2, is amended to read:

Subd. 2. [PUBLIC DATA.] The names and addresses of applicants for and recipients of benefits (CHARACTERIZED AS THE URBAN HOMESTEADING, HOME OWNERSHIP, AND NEW HOUSING PROGRAMS OPERATED BY A HOUSING AND REDEVELOPMENT AUTHORITY IN A CITY OF THE FIRST CLASS), *aid, or assistance through programs administered by any political subdivision, state agency, or statewide system that are intended to assist with the purchase of housing or other real property* are classified as public data on individuals.

Sec. 15. Minnesota Statutes 1982, section 13.41, is amended by adding a subdivision to read:

Subd. 5. [RELEASING DATA.] *A licensing agency may make data classified as private or confidential pursuant to this section accessible to any person, agency, or the public if the licensing agency determines that the access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.*

Sec. 16. Minnesota Statutes 1982, section 13.43, subdivision 2, is amended to read:

Subd. 2. Except for employees described in subdivision 5, the following personnel data on current and former employees, volunteers and independent contractors of a state agency, statewide system or political subdivision and members of advisory boards or commissions is public: name; actual gross salary; salary range; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; job title; job description; education and training background; previous work experience; date of first and last employment; the status of any complaints or charges against the employee, whether or not the complaint or charge resulted in a disciplinary action; and the final disposition of any disciplinary action and supporting documentation; work location; a work telephone number; badge number; honors and awards received; (DATA WHICH ACCOUNTS FOR THE INDIVIDUAL'S WORK) *time sheets or other comparable data which account for employee's work time, except to the extent*

that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave; and, city and county of residence.

Sec. 17. Minnesota Statutes 1982, section 13.43, is amended by adding a subdivision to read:

Subd. 8. [INTERNAL AFFAIRS DATA.] Data collected, created, and maintained by law enforcement agencies in investigations of agency personnel, including statements made to law enforcement agencies by individuals, shall be considered personnel data for purposes of this chapter.

Sec. 18. Minnesota Statutes 1982, section 13.44, is amended to read:

13.44 [PROPERTY COMPLAINT DATA.]

The (NAMES) *identities* of individuals who register complaints with state agencies or political subdivisions concerning violations of state laws or local ordinances concerning the use of real property are classified as confidential, pursuant to section 13.02, subdivision 3.

Sec. 19. Minnesota Statutes 1982, section 13.46, subdivision 2, is amended to read:

Subd. 2. [GENERAL.] Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:

- (a) pursuant to section 13.05;
- (b) pursuant to a valid court order;
- (c) pursuant to a statute specifically authorizing access to the private data;
- (d) to an agent of the welfare system, including appropriate law enforcement personnel, who are acting in the investigation, prosecution, criminal or civil proceeding relating to the administration of a program;
- (e) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;
- (f) to administer federal funds or programs; or

(g) between personnel of the welfare system working in the same program.

Data on individual clients or patients of community mental health centers or mental health divisions of counties and other providers under contract to deliver mental health services shall be treated as provided in sections 19, 20, and 21.

Sec. 20. Minnesota Statutes 1982, section 13.46, is amended by adding a subdivision to read:

Subd. 7. [MENTAL HEALTH CENTER DATA.] Data on individual clients and patients of public or private community mental health centers or mental health divisions of counties and other providers under contract to deliver mental health services shall not be disclosed, except:

(a) pursuant to section 13.05;

(b) pursuant to a valid court order; or

(c) pursuant to a statute specifically authorizing access to or disclosure of private data.

Sec. 21. Minnesota Statutes 1982, section 13.46, is amended by adding a subdivision to read:

Subd. 8. [ACCESS FOR AUDITING.] To the extent required by state or federal law, qualified representatives of federal, state, or local agencies shall have access to data maintained by public or private community mental health centers, mental health divisions of counties, and other providers under contract to deliver mental health services which is necessary to achieve the purpose of auditing. Public or private community mental health centers, mental health divisions of counties, and other providers under contract to deliver mental health services shall not permit this data to identify any particular patient or client by name or contain any other unique personal identifier.

Sec. 22. Minnesota Statutes 1982, section 13.46, is amended by adding a subdivision to read:

Subd. 9. [FRAUD.] In cases of suspected fraud, when access to mental health data maintained by public or private community mental health centers or mental health divisions of counties and other providers under contract to deliver mental health services is necessary to a proper investigation, the county board or the appropriate prosecutorial authority shall refer the matter to the commissioner of public welfare. The commissioner and his agents, while maintaining the privacy rights of individuals and families, shall have access to mental health data to conduct an investigation. If, as a result of the investigation, the

commissioner deems it appropriate, he shall refer the matter to the appropriate legal authorities and may disseminate to those authorities whatever mental health data are necessary to properly prosecute the case.

Sec. 23. [13.58] [HOMESTEAD APPLICATION DATA.]

The following data collected and maintained by political subdivisions are classified as private data, pursuant to section 13.02, subdivision 12: the social security account numbers and detailed financial data submitted by individuals who are applying for Class 3CC homestead classifications pursuant to section 273.13.

Sec. 24. [13.59] [REDEVELOPMENT DATA.]

Subdivision 1. [PRIVATE DATA.] The following data collected in surveys of individuals conducted by cities and housing and redevelopment authorities for the purposes of planning, development, and redevelopment, are classified as private data, pursuant to section 13.02, subdivision 12: the names and addresses of individuals and the legal descriptions of property owned by individuals.

Subd. 2. [NONPUBLIC DATA.] The following data collected in surveys of businesses conducted by cities and housing and redevelopment authorities, for the purposes of planning, development, and redevelopment, are classified as nonpublic data, pursuant to section 13.02, subdivision 9: the names, addresses, and legal descriptions of business properties and the commercial use of the property to the extent disclosure of the use would identify a particular business.

Sec. 25. [13.64] [DEPARTMENT OF ADMINISTRATION DATA.]

Data on individuals that could reasonably be used to determine the identity of an individual supplying data for an audit, study, or investigation are classified as private data pursuant to section 13.02, subdivision 12, if (a) the data supplied by the individual were needed for an audit, study, or investigation, and (b) the data would not have been provided to the management analysis division without assurance to the individual that his identity would remain private.

Sec. 26. Minnesota Statutes 1982, section 13.67, is amended to read as follows:

13.67 [EMPLOYEE RELATIONS DATA.]

The following data collected, created or maintained by the department of employee relations are classified as nonpublic data pursuant to section 13.02, subdivision 9:

(a) The commissioner's plan prepared by the department, pursuant to section 3.855, which governs the compensation and terms and conditions of employment for employees not covered by collective bargaining agreements until the plan is submitted to the legislative commission on employee relations;

(b) Data pertaining to grievance or interest arbitration that has not been presented to the arbitrator or other party during the arbitration process; (AND)

(c) Notes and preliminary drafts of reports prepared during personnel investigations and personnel management reviews of state departments and agencies; and

(d) *The managerial plan prepared by the department, pursuant to section 43A.18, which governs the compensation and terms and conditions of employment for employees in managerial positions, as specified in section 43A.18, subdivision 3, and for employees in the career executive service pursuant to section 43A.18, subdivision 3, clause (c), until the plan is submitted to the legislative commission on employee relations.*

Sec. 27. [13.74] [ENVIRONMENTAL QUALITY DATA.]

The following data collected and maintained by the environmental quality board are classified as private data, pursuant to section 13.02, subdivision 12: the names and addresses of individuals who submitted information and letters concerning personal health problems associated with high voltage power lines.

Sec. 28. [EFFECTIVE DATE.]

Sections 1 to 27 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to collection and dissemination of data; classifying government data as public, private, and non-public; clarifying issues relating to classifications of data, access to data, and the temporary classification of data; refining provisions of the data practices act; amending Minnesota Statutes 1982, sections 13.02, by adding a subdivision; 13.03, subdivisions 3 and 4, and by adding subdivisions; 13.04, subdivisions 2 and 3; 13.05, subdivisions 3, 7, and 9; 13.06, subdivisions 1 and 6; 13.31, subdivision 2; 13.41, by adding a subdivision; 13.43, subdivision 2, and by adding a subdivision; 13.44; 13.46, subdivision 2, and by adding subdivisions; 13.67; and proposing new law coded in Minnesota Statutes, chapter 13."

The motion prevailed and the amendment was adopted.

Ellingson moved to amend S. F. No. 989, as amended, as follows:

Page 9, after line 14, insert:

"Sec. 19. Minnesota Statutes 1982, section 13.46, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section:

(a) "Individual" means an individual pursuant to section 13.02, subdivision 8, but does not include a vendor of services.

(b) "Program" includes all programs for which authority is vested in a component of the welfare system pursuant to statute or federal law.

(c) "Welfare system" includes the department of public welfare, county welfare boards, *county welfare agencies*, human services boards, community mental health center boards, state hospitals, state nursing homes, and persons, agencies, institutions, organizations and other entities under contract to any of the above agencies to the extent specified in the contract."

Page 11, after line 7, insert:

"Sec. 24. Minnesota Statutes 1982, section 13.46, is amended by adding a subdivision to read:

Subd. 10. [RESPONSIBLE AUTHORITY.] Notwithstanding any other provision of chapter 13 to the contrary, the responsible authority for each component of the welfare system listed in subdivision 1, clause (c), shall be as follows:

(a) *The responsible authority for the department of public welfare, state hospitals and state nursing homes is the commissioner of the department of public welfare;*

(b) *The responsible authority of a county welfare agency is the director of the county welfare agency;*

(c) *The responsible authority for a county welfare board, human services board or community mental health center board is the chairman of the board; and*

(d) *The responsible authority of any person, agency, institution, organization or other entity under contract to any of the components of the welfare system listed in subdivision 1, clause (c) of this section is the person specified in the contract.*

A responsible authority shall allow another responsible authority in the welfare system access to data classified as not pub-

lic when access is necessary for the administration and management of programs, or is authorized or required by statute or federal law."

Renumber the section numbers and internal cross-references in this amendment and the amended bill as required by this amendment

Amend the title as follows:

Page 13, line 14, delete "subdivision" and insert "subdivisions 1,"

The motion prevailed and the amendment was adopted.

Minne moved to amend S. F. No. 989, as amended.

POINT OF ORDER

Dempsey raised a point of order pursuant to rule 3.10 that the amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

S. F. No. 989, A bill for an act relating to collection and dissemination of data; classifying government data as public, private, and nonpublic; clarifying issues relating to classifications of data, access to data, the effect of death of individuals on classifications, and the temporary classification of data; refining provisions of the data practice act; amending Minnesota Statutes 1982, sections 13.02, subdivision 8, and by adding a subdivision; 13.03, subdivisions 3 and 4, and by adding subdivisions; 13.04, subdivision 2; 13.05, subdivisions 3, 7, 9, and 10, and by adding a subdivision; 13.06, subdivisions 1 and 6; 13.31, subdivision 2; 13.41, by adding a subdivision; 13.43, subdivision 2; 13.44; 13.46, subdivision 2, and by adding subdivisions; 13.67; 144.335, subdivision 2; and 253B.03, subdivision 8; proposing new law coded in Minnesota Statutes, chapter 13.

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 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bishop	Clark, K.	Elioff	Greenfield
Anderson, G.	Blatz	Clawson	Ellingson	Gruenes
Battaglia	Brandl	Cohen	Erickson	Gustafson
Beard	Brinkman	Coleman	Evans	Gutknecht
Begich	Burger	Dempsey	Findlay	Halberg
Bergstrom	Carlson, D.	DenOuden	Fjoslien	Haukoos
Berkelman	Carlson, L.	Dimler	Forsythe	Heap

Heinitz	Levi	Onnen	St. Onge	Thiede
Himle	Long	Osthoff	Schafer	Tomlinson
Hoberg	Ludeman	Pauly	Scheid	Tunheim
Hokr	Mann	Piepho	Schreiber	Uphus
Jennings	Marsh	Piper	Seaberg	Valento
Jensen	McEachern	Price	Segal	Vellenga
Johnson	McKasy	Quinn	Shaver	Waltman
Kahn	Metzen	Quist	Shea	Welch
Kalis	Munger	Redalen	Sherman	Welker
Kelly	Murphy	Reif	Simoneau	Welle
Knickerbocker	Nelson, D.	Rice	Skoglund	Wenzel
Knuth	Nelson, K.	Riveness	Solberg	Wigley
Kostohryz	Norton	Rodosovich	Sparby	Wynia
Krueger	Ogren	Rodriguez, C.	Staten	Speaker Sieben
Kvam	Olsen	Rodriguez, F.	Sviggum	
Larsen	Omann	Rose	Swanson	

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

S. F. No. 683 was reported to the House.

McEachern moved to amend S. F. No. 683, as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 125.12, is amended by adding a subdivision to read:

Subd. 1a. [NONPROVISIONAL LICENSE DEFINED.] For purposes of this section, “nonprovisional license” shall mean an entrance, continuing, or life license.

Sec. 2. Minnesota Statutes 1982, section 125.12, subdivision 6a, is amended to read:

Subd. 6a. [NEGOTIATED UNREQUESTED LEAVE OF ABSENCE.] The school board and the exclusive bargaining representative of the teachers may negotiate a plan providing for unrequested leave of absence without pay or fringe benefits for as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts. Failing to successfully negotiate such a plan, the provisions of subdivision 6b shall apply. *The negotiated plan shall not include provisions which would result in the exercise of seniority by a teacher holding a provisional license, other than a vocational education license, contrary to the provisions of subdivision 6b, clause (c), or the reinstatement of a teacher holding a provisional license, other than a vocational education license, contrary to the provisions of subdivision 6b, clause (e).* The provisions of section 179.72 shall not apply for the purposes of this subdivision.

Sec. 3. Minnesota Statutes 1982, section 125.12, subdivision 6b, is amended to read:

Subd. 6b. [UNREQUESTED LEAVE OF ABSENCE.] The school board may place on unrequested leave of absence, without pay or fringe benefits, as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts. The unrequested leave shall be effective at the close of the school year. In placing teachers on unrequested leave, the board shall be governed by the following provisions:

(a) The board may place probationary teachers on unrequested leave first in the inverse order of their employment. No teacher who has acquired continuing contract rights shall be placed on unrequested leave of absence while probationary teachers are retained in positions for which the teacher who has acquired continuing contract rights is licensed;

(b) Teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed in the inverse order in which they were employed by the school district. In the case of equal seniority, the order in which teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed shall be negotiable;

(c) Notwithstanding the provisions of clause (b), no teacher shall be entitled to exercise any seniority when that exercise results in that teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the board of teaching, unless that exercise of seniority results in the placement on unrequested leave of absence of another teacher who also holds a provisional license in the same field. The provisions of this clause shall not apply to vocational education licenses;

((C)) (d) Notwithstanding clauses (a) (AND), (b) and (c), if (EITHER) the placing of a probationary teacher on unrequested leave before a teacher who has acquired continuing rights, (OR) the placing of a teacher who has acquired continuing contract rights on unrequested leave before another teacher who has acquired continuing contract rights but who has greater seniority, or the restriction imposed by the provisions of clause (c) would place the district in violation of its affirmative action program, the district may retain the probationary teacher (OR), the teacher with less seniority, or the provisionally licensed teacher;

((D)) (e) Teachers placed on unrequested leave of absence shall be reinstated to the positions from which they have been given leaves of absence or, if not available, to other available positions in the school district in fields in which they are licensed. Reinstatement shall be in the inverse order of placement on leave of absence. No teacher shall be reinstated to a position in a field in which the teacher holds only a provisional license,

other than a vocational education license, while another teacher who holds a nonprovisional license in the same field remains on unrequested leave. The order of reinstatement of teachers who have equal seniority and who are placed on unrequested leave in the same school year shall be negotiable;

((E)) (f) No appointment of a new teacher shall be made while there is available, on unrequested leave, a teacher who is properly licensed to fill such vacancy, unless the teacher fails to advise the school board within 30 days of the date of notification that a position is available to (HIM) *that teacher*, that he or she may return to employment and that he or she will assume the duties of the position to which appointed on a future date determined by the board;

((F)) (g) A teacher placed on unrequested leave of absence may engage in teaching or any other occupation during the period of this leave;

((G)) (h) The unrequested leave of absence shall not impair the continuing contract rights of a teacher or result in a loss of credit for previous years of service;

((H)) (i) The unrequested leave of absence of a teacher who is placed on unrequested leave of absence prior to January 1, 1978 and who is not reinstated shall continue for a period of two years after which the right to reinstatement shall terminate. The unrequested leave of absence of a teacher who is placed on unrequested leave of absence on or after January 1, 1978 and who is not reinstated shall continue for a period of five years, after which the right to reinstatement shall terminate; provided the teacher's right to reinstatement shall also terminate if he or she fails to file with the board by April 1 of any year a written statement requesting reinstatement;

((I)) (j) The same provisions applicable to terminations of probationary or continuing contracts in subdivisions 3 and 4 shall apply to placement on unrequested leave of absence;

((J)) (k) Nothing in this subdivision shall be construed to impair the rights of teachers placed on unrequested leave of absence to receive unemployment compensation if otherwise eligible.

Sec. 4. Minnesota Statutes 1982, section 125.17, subdivision 1, is amended to read:

Subdivision 1. [WORDS, TERMS, AND PHRASES.] Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of the following subdivisions in this section shall be defined as follows:

(a) [TEACHERS.] The term "teacher" includes every person regularly employed, as a principal, or to give instruction in a classroom, or to superintend or supervise classroom instruction, or as placement teacher and visiting teacher. Persons regularly employed as counselors and school librarians shall be covered by these sections as teachers if licensed as teachers or as school librarians.

(b) [SCHOOL BOARD.] The term "school board" includes a majority in membership of any and all boards or official bodies having the care, management, or control over public schools.

(c) [DEMOTE.] The word "demote" means to reduce in rank or to transfer to a lower branch of the service or to a position carrying a lower salary or compensation.

(d) [NONPROVISIONAL LICENSE.] *For purposes of this section, "nonprovisional license" shall mean an entrance, continuing, or life license.*

Sec. 5. Minnesota Statutes 1982, section 125.17, subdivision 11, is amended to read:

Subd. 11. [SERVICES TERMINATED BY DISCONTINUANCE OR LACK OF PUPILS; PREFERENCE GIVEN.] (a) Any teacher whose services are terminated on account of discontinuance of position or lack of pupils shall receive first consideration for other positions in the district for which (SHE) *that teacher* is qualified. In the event it becomes necessary to discontinue one or more positions, in making such discontinuance, teachers shall be discontinued in any department in the inverse order in which they were employed.

(b) *Notwithstanding the provisions of clause (a), no teacher shall be entitled to exercise any seniority when that exercise results in that teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the board of teaching, unless that exercise of seniority results in the termination of services, on account of discontinuance of position or lack of pupils, of another teacher who also holds a provisional license in the same field. The provisions of this clause shall not apply to vocational education licenses.*

(c) *Notwithstanding the provisions of clause (a), no teacher shall be reinstated to a position in a field in which the teacher holds only a provisional license, other than a vocational education license, while another teacher who holds a nonprovisional license in the same field is available for reinstatement.*

Sec. 6. Laws 1974, chapter 237, section 1, is amended to read:

Sec. 1. [INDEPENDENT SCHOOL DISTRICT NO. 709; TERMINATION OF TEACHING POSITIONS.] Independent School District No. 709, St. Louis county, and the exclusive representative of teachers as defined by Minnesota Statutes, 1973 Supplement, Section 179.63, Subdivision 13, may enter into a written agreement with respect to the termination of such teachers due to discontinuance of position or lack of pupils within the school district, which may include a method, system or scheme other than that provided by Minnesota Statutes, Section 125.17, Subdivision 11, or any act amendatory thereof. *The written agreement entered into pursuant to this section shall not include provisions allowing a teacher to exercise any seniority when that exercise results in the teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the board of teaching, other than vocational education license, unless that exercise of seniority results in the termination of services, on account of discontinuance of position or lack of pupils, of another teacher who also holds a provisional license in the same field. In addition, the written agreement entered into pursuant to this section shall not include provisions allowing a teacher to be reinstated to a position in a field in which the teacher holds only a provisional license, other than a vocational education license, while another teacher who holds a nonprovisional license in the same field is available for reinstatement.*

Sec. 7. [EXEMPTION FROM APPLICATION.]

The provisions of sections 1 to 6 shall not apply to any final decisions relating to placing teachers, as defined in Minnesota Statutes 1982, section 125.12, subdivision 1, on unrequested leaves of absence or, in the case of cities of the first class, termination of services of teachers, as defined in Minnesota Statutes 1982, section 125.17, subdivision 1, on account of discontinuance of position or lack of pupils made by school boards prior to the effective date of this act. The provisions of this act shall not apply to any school district that, on the effective date of this act, is governed by a contractual agreement which includes specific terms explicitly allowing the exercise of seniority rights by teachers holding provisional licenses, the results of which would be contrary to the provisions of this act, until the expiration of that contractual agreement. All contractual agreements entered into after the effective date of this act shall be consistent with this act.

Sec. 8. [EFFECTIVE DATE.]

This act shall be effective the day after final enactment."

Delete the title and insert:

"A bill for an act relating to education; modifying the exercise of seniority by licensed teachers in certain circumstances;

amending Minnesota Statutes 1982, sections 125.12, subdivisions 6a and 6b, and by adding a subdivision; and 125.17, subdivisions 1 and 11; and Laws 1974, chapter 237, section 1."

The motion prevailed and the amendment was adopted.

The Speaker called Wynia to the Chair.

S. F. No. 683, A bill for an act relating to education; prohibiting certain licenses for teachers; proposing new law coded in Minnesota Statutes, chapter 125.

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 83 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Graba	Knickerbocker	Onnen	Sviggum
Beard	Gruenes	Knuth	Pauly	Thiede
Bergstrom	Gustafson	Krueger	Piepho	Tomlinson
Berkelman	Gutknecht	Kvam	Piper	Tunheim
Blatz	Halberg	Larsen	Price	Valan
Brandl	Haukoos	Levi	Quist	Valento
Brinkman	Heap	Ludeman	Rivness	Vanasek
Burger	Heinitz	Mann	Rodosovich	Vellenga
Carlson, D.	Himle	Marsh	Rodriguez, C.	Waltman
Clawson	Hoberg	McEachern	St. Onge	Welch
Cohen	Hoffman	McKasy	Schoenfeld	Welle
Coleman	Hokr	Munger	Seaberg	Wenzel
Dempsey	Jacobs	Nelson, D.	Segal	Wigley
Evans	Jennings	Norton	Shaver	Wynia
Findlay	Jensen	O'Connor	Shea	Speaker Sieben
Fjoslien	Johnson	Ogren	Sherman	
Forsythe	Kalis	Olsen	Sparby	

Those who voted in the negative were:

Battaglia	DenOuden	McDonald	Osthoff	Skoglund
Begich	Dimler	Metzen	Otis	Solberg
Bishop	Elioff	Minne	Redalen	Swanson
Carlson, L.	Ellingson	Murphy	Rose	Uphus
Clark, J.	Greenfield	Omann	Scheid	Weiker

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

S. F. No. 473 was reported to the House.

Vellenga moved to amend S. F. No. 473, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 169.121, subdivision 1, is amended to read:

Subdivision 1. [CRIME.] It is a misdemeanor for any person to drive, operate or be in physical control of any motor vehicle within this state:

- (a) When the person is under the influence of alcohol;
- (b) When the person is under the influence of a controlled substance;
- (c) When the person is under the influence of a combination of any two or more of the elements named in clauses (a) and (b); or
- (d) When the person's alcohol concentration is 0.10 or more.

The provisions of this subdivision apply, but are not limited in application, to any person who drives, operates, or is in physical control of any motor vehicle in the manner prohibited by this subdivision upon the ice of any lake, stream, or river, including but not limited to the ice of any boundary water.

(WHEN AN ACCIDENT HAS OCCURRED, A PEACE OFFICER MAY LAWFULLY ARREST A PERSON FOR VIOLATION OF THIS SECTION WITHOUT A WARRANT UPON PROBABLE CAUSE, WITHOUT REGARD TO WHETHER THE VIOLATION WAS COMMITTED IN THE OFFICER'S PRESENCE.)

Sec. 2. Minnesota Statutes 1982, section 169.121, is amended by adding a subdivision to read:

Subd. 1a. [ARREST.] When an accident has occurred, a peace officer may lawfully arrest a person for violation of subdivision 1 without a warrant upon probable cause, without regard to whether the violation was committed in the officer's presence.

When a peace officer has probable cause to believe that a person is driving or operating a motor vehicle in violation of subdivision 1, and before a stop or arrest can be made the person escapes from the geographical limits of the officer's jurisdiction, the officer in fresh pursuit of the person may stop or arrest the person in another jurisdiction within this state and may exercise the powers and perform the duties of a peace officer under sections 169.121 and 169.123. An officer acting in fresh pursuit pursuant to this subdivision is serving in his regular line of duty as fully as though he was within his jurisdiction.

The express grant of arrest powers in this subdivision does not limit the arrest powers of peace officers pursuant to sections 626.65 to 626.70 or section 629.40 in cases of arrests for violation of subdivision 1 or any other provision of law.

Sec. 3. Minnesota Statutes 1982, section 169.123, subdivision 3, is amended to read:

Subd. 3. [MANNER OF MAKING TEST; ADDITIONAL TESTS.] Only a physician, medical technician, physician's trained mobile intensive care paramedic, registered nurse, medical technologist or laboratory assistant acting at the request of a peace officer may withdraw blood for the purpose of determining the presence of alcohol or controlled substance. This limitation does not apply to the taking of a breath or urine specimen. The person tested has the right to have a person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a peace officer; provided, that the additional test specimen on behalf of the person is obtained at the place where the person is in custody, after the test administered at the direction of a peace officer, and at no expense to the state. The failure or inability to obtain an additional test or tests by a person shall not preclude the admission in evidence of the test taken at the direction of a peace officer unless the additional test was prevented or denied by the peace officer. The physician, medical technician, physician's trained mobile intensive care paramedic, medical technologist, laboratory assistant or registered nurse drawing blood at the request of a peace officer for the purpose of determining alcohol concentration shall in no manner be liable in any civil or criminal action except for negligence in drawing the blood. The person administering a *breath* test (AT THE REQUEST AND DIRECTION OF A PEACE OFFICER) shall be fully trained in the administration of (THE) *breath* tests pursuant to *training* (STANDARDS PROMULGATED BY RULE) *given* by the commissioner of public safety.

Sec. 4. [REPEALER.]

Minnesota Statutes 1982, section 169.1231, is repealed.

Sec. 5. [EFFECTIVE DATE.]

Section 3 is effective the day after final enactment and applies to all tests given prior to that date."

Delete the title and insert:

"A bill for an act relating to highway traffic regulations; permitting inter-jurisdictional fresh pursuit of drivers suspected of driving under the influence of alcohol or a controlled substance; eliminating mandatory detoxification of intoxicated drivers; amending Minnesota Statutes 1982, sections 169.121, subdivision 1, and by adding a subdivision; 169.123, subdivision 3; repealing Minnesota Statutes 1982, section 169.1231."

The motion prevailed and the amendment was adopted.

Vellenga moved to amend S. F. No. 473, as amended, as follows:

Page 3, line 27, after the period insert: "*Section 4 is effective the day after final enactment.*"

The motion prevailed and the amendment was adopted.

S. F. No. 473, A bill for an act relating to traffic regulations; removing restrictions on use at trial of an accused's refusal to take a chemical test; providing that a suspect be informed that refusal to take a chemical test will be used against him at trial; removing requirements for mandatory detoxification in certain instances; providing penalties; amending Minnesota Statutes 1982, sections 169.121, subdivisions 2, 3, 4, and 8; and 169.123, subdivisions 2, 3, and 4; repealing Minnesota Statutes 1982, section 169.1231.

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

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

Those who voted in the affirmative were:

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

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

Valan was excused between the hours of 2:20 p.m. and 4:40 p.m.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Rice requested immediate consideration of H. F. No. 300.

H. F. No. 300 was reported to the House.

Otis and Clark, K., moved to amend H. F. No. 300, the third engrossment, as follows:

Page 18, line 5, delete "*executive director and*"

Page 21, after line 19, insert:

"Sec. 26. Minnesota Statutes 1982, section 474.01, is amended by adding a subdivision to read:

Subd. 11. The welfare of the state requires that, whenever feasible, employment opportunities made available in part by sections 474.01 to 474.15 or other state law providing for financing mechanisms similar to those described in those sections should be offered to individuals who are unemployed or who are economically disadvantaged as defined in the federal Job Training Partnership Act of 1982, Statutes at Large, Volume 96, page 1322. Every municipality, redevelopment agency, or other person undertaking a project financed wholly or in part by these financing mechanisms is encouraged to target employment opportunities to qualified individuals who are unemployed or economically disadvantaged. The intent of this subdivision may be accomplished by but is not limited to mechanisms such as a first source agreement in which the employer agrees to use a designated employment office as a first source for employment recruitment, referral, and placement.

Not later than July 1, 1984, and each July 1 for the succeeding three years, every municipality, redevelopment agency, or other person who undertakes a project financed wholly or in part by these financing mechanisms shall submit an employment report to the commissioner of energy, planning and development. The report shall be on forms provided by the commissioner and shall include, but need not be limited to, the following information:

- (a) the total number of jobs created by the project,*
- (b) the number of unemployed and economically disadvantaged persons hired, and*
- (c) the average wage level of the jobs created."*

Page 21, line 20, delete "26" and insert "27"

Page 22, line 24, delete "section 3" and insert "section 7, subdivision 4"

Page 22, line 32, delete "27" and insert "28"

Page 22, line 33, delete "26" and insert "27"

Further, amend the title as follows:

Page 1, line 10, delete "and"

Page 1, line 11, after the semicolon, insert "and 474.01, by adding a subdivision;"

The motion prevailed and the amendment was adopted.

Anderson, G., was excused while in conference.

CALL OF THE HOUSE

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

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

Eken moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

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; 462A.21, by adding a subdivision; and 474.01, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 116H; 216B; and 462A.

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 74 yeas and 49 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

POINT OF ORDER

Onnen raised a point of order that H. F. No. 300 required a three-fifths vote of the whole House to pass pursuant to the Minnesota Constitution, Article XI, Section 5. The Speaker pro tem ruled the point of order not well taken and the bill passed.

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. 720, A bill for an act relating to education; providing for computer and related services to aid education; providing for the transfer of duties and property of the Minnesota education computer consortium; appropriating money; amending Minnesota Statutes 1982, sections 120.81, subdivision 1; and 120.82; proposing new law coded in chapter 120; repealing Minnesota Statutes 1982, section 120.81, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [120.801] [PURPOSE.]

The legislature recognizes that one of the principal public purposes of the state is to provide an adequate education for its citizenry. An important means of furthering this public purpose is the continuation of educational computing services provided by the Minnesota educational computing consortium, including development and distribution of computer software, training educators in the use of computers in the classroom, and negotiating purchasing arrangements for Minnesota educational institutions. The intent of sections 1 to 13 is to accomplish those public purposes.

Sec. 2. [120.802] [DEFINITIONS.]

For the purpose of sections 1 to 12 “consortium” means the Minnesota educational computing consortium originally created pursuant to Minnesota Statutes, section 471.59, and created as a state agency by this act.

“Minnesota educational institutions” means Minnesota school districts or combination of school districts, area vocational technical institutions, the state department of education, community colleges, state universities, and the University of Minnesota.

Sec. 3. [120.803] [TRANSFER.]

The consortium created under section 471.59 is abolished as of the date of the transfer required by this section, and the Minnesota educational computer consortium is created as an independent state agency in the executive branch as a continuation of the abolished consortium. All powers and duties formerly assigned to the consortium created under section 471.59 are transferred to the state agency created by this act. Section 15.039

governs the transfer required by this section. All employees of the consortium are transferred to the state agency.

Sec. 4. [120.804] [STATE AGENCY.]

Subdivision 1. [STAFF.] The governor shall appoint and set the salary of an executive director of the consortium, subject to the confirmation of the senate, to serve at the pleasure of the governor. The executive director may employ other staff. The person who serves as executive director of the consortium on the effective date of section 3 shall continue to serve as executive director until the governor appoints a new director.

Subd. 2. [PERSONNEL MANAGEMENT.] The executive director shall establish personnel policies and procedures, including the compensation of other staff.

Subd. 3. [APPLICATION OF OTHER LAW.] The consortium is exempt from the application of chapters 14, 16, 43A, and 179. However, consortium employees may participate in the Minnesota state retirement system and the teachers' retirement system. The commissioner of administration shall provide administrative services if requested by the consortium, and the consortium shall reimburse the commissioner for services provided. The consortium shall be empowered to purchase or lease real estate necessary for the consortium's operations, but in no event shall the consortium rely upon the full faith and credit of the state of Minnesota.

Subd. 4. [ADVISORY TASK FORCE.] The governor shall appoint a six member advisory task force to advise in carrying out the responsibilities assigned by sections 5 to 8. Members shall be knowledgeable in areas related to the work of the consortium. In appointing members, the governor shall consider curriculum development specialists familiar with the use of computers in education, state department of education and school district personnel who are knowledgeable in educational computing, and users of consortium services. Membership terms, compensation, and removal of members shall be governed by section 15.059. Until advisory task force members are appointed, the current consortium board shall serve as the advisory task force.

Sec. 5. [120.805] [DUTIES OF CONSORTIUM.]

Subdivision 1. [PRODUCTS.] Notwithstanding any law to the contrary, the consortium shall provide its services and products at cost, including overhead, to Minnesota educational institutions.

Subd. 2. [SERVICES TO OTHERS.] The consortium may provide its products and services to other than Minnesota educational institutions. To further the public purpose expressed in

section 1, the consortium may establish a differential pricing policy between sales to Minnesota educational institutions and sales to others.

Sec. 6. [120.806] [POWERS.]

The consortium may:

(a) develop computer software and documentation for use by educational institutions;

(b) train educators in the use of computing;

(c) research and develop innovative uses of instructional and management computing for education; and

(d) contract with educational institutions for the development of software, documentation, and instructional and management computing services and charge for the cost of the development or services.

Sec. 7. [120.807] [MINNESOTA EDUCATIONAL INSTITUTIONS; POWERS.]

All Minnesota educational institutions are authorized to designate the consortium as their purchasing agent for computer hardware, software, and development of software. Minnesota educational institutions are authorized, notwithstanding the requirements of sections 16.07, 471.345, or 123.37, to contract directly with the consortium for the development of computer programs and documentation and for instructional and management computing services for educational institutions.

Sec. 8. [REPORT.]

The advisory task force shall study and report to the legislature by January 15, 1984, on the feasibility and desirability of transferring all or part of the powers and duties of the consortium to a nonprofit corporation. The report shall include recommendations for legislation needed to accomplish any recommendations.

Sec. 9. Minnesota Statutes 1982, section 10A.01, subdivision 18, is amended to read:

Subd. 18. "Public official" means any:

(a) Member of the legislature;

(b) Constitutional officer in the executive branch and his chief administrative deputy;

(c) Member, chief administrative officer or deputy chief administrative officer of a state board or commission which has at least one of the following powers: (i) the power to adopt, amend or repeal rules, or (ii) the power to adjudicate contested cases or appeals;

(d) Commissioner, deputy commissioner or assistant commissioner of any state department as designated pursuant to section 15.01;

(e) Individual employed in the executive branch who is authorized to adopt, amend or repeal rules or adjudicate contested cases;

(f) Executive director of the state board of investment;

(g) Executive director of the Indian affairs intertribal board;

(h) Commissioner of the iron range resources and rehabilitation board;

(i) Director of mediation services;

(j) Deputy of any official listed in clauses (e) to (i);

(k) Judge of the workers' compensation court of appeals;

(l) Hearing examiner or compensation judge in the state office of administrative hearings or hearing examiner in the department of economic security;

(m) Solicitor general or deputy, assistant or special assistant attorney general;

(n) Individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher or attorney in the office of senate research, senate counsel, or house research; (OR)

(o) Member or chief administrative officer of the metropolitan council, metropolitan transit commission, metropolitan waste control commission, metropolitan parks and open spaces commission, metropolitan airports commission or metropolitan sports facilities commission; or

(p) *Executive director of the Minnesota educational computing consortium.*

Sec. 10. Minnesota Statutes 1982, section 120.81, subdivision 2, is amended to read:

Subd. 2 (NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION 1,) The consortium is authorized to maintain a revolving fund for all receipts derived from computer services provided by the consortium. The Minnesota educational computing consortium shall charge users of consortium (FACILITIES FOR ON-LINE COMPUTER TIME ACTUALLY USED) *services and products*. Receipts shall be deposited in the Minnesota educational computing consortium revolving fund and are appropriated to the consortium. (THE CONSORTIUM BOARD SHALL APPOINT AN EXECUTIVE DIRECTOR WHO SHALL BE ITS CHIEF ADMINISTRATIVE OFFICER. THE EXECUTIVE DIRECTOR MAY BE IN THE UNCLASSIFIED SERVICE. ALL OTHER EMPLOYEES ARE IN THE CLASSIFIED SERVICE OF THE STATE.)

Sec. 11. Minnesota Statutes 1982, section 120.83, subdivision 1, is amended to read:

120.83 [PURCHASE OF ANNUITIES FOR EMPLOYEES.]

Subdivision 1. At the request of an employee, the (CONSORTIUM BOARD) *executive director* may negotiate and purchase an individual annuity contract from a company licensed to do business in the state of Minnesota for an employee for retirement or other purposes and may allocate a portion of the compensation otherwise payable to the employee as salary for the purpose of paying the entire premium due or to become due under such contract. The allocation shall be made in a manner which will qualify the annuity premiums, or a portion thereof, for the benefit afforded under section 403(b) of the current Federal Internal Revenue Code or any equivalent provision of subsequent federal income tax law. The employee shall own such contract and his rights thereunder shall be nonforfeitable except for failure to pay premiums.

Sec. 12. [REPEALER.]

Section 120.81, subdivision 1, and section 120.82 are repealed.

Sec. 13. [EFFECTIVE DATE.]

Sections 1 to 12 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to education; providing for computer and related services to aid education; providing for the transfer of duties and property of the Minnesota educational computing consortium; appropriating money; amending Minnesota Statutes 1982, sections 10A.01, subdivision 18; 120.81, subdivision 2; and 120.33, subdivision 1; proposing new law coded

in chapter 120; repealing Minnesota Statutes 1982, sections 120.81, subdivision 1; and 120.82.”

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 720 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Rice, for the Committee on Appropriations, introduced:

H. F. No. 1310, A bill for an act relating to capital improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money; proposing new law coded in Minnesota Statutes, chapter 16.

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 hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 92, A bill for an act relating to education; providing for aids to education, aids to libraries, aids for teacher retirement contributions, tax levies, and the distribution of tax revenues; granting certain duties and powers to school boards, school districts, the state board of education, and the state board for vocational education; providing for revenue equity; modifying the computation of the transportation aid, summer school, and community education aids and levies; establishing an average-cost funding formula for AVTIs; authorizing intermediate school districts to offer nonpost-secondary academic courses; establishing programs for improvement of schools; providing incentives for school districts to utilize technology in instruction;

appropriating money; amending Minnesota Statutes 1982, sections 6.54; 6.62, subdivision 1; 16A.15, subdivision 1; 120.075, subdivision 4, and by adding a subdivision; 120.10, subdivision 2; 120.17, subdivision 3; 120.64, subdivisions 2 and 4; 121.908; 121.911, by adding a subdivision; 121.912, subdivision 3; 122.23, subdivisions 2 and 3; 122.41; 122.43; 122.44; 122.531, subdivision 2, and by adding subdivisions; 123.33, subdivisions 10 and 14; 123.34, subdivision 9; 123.351, subdivision 4; 123.36, subdivisions 9, 13, and by adding a subdivision; 123.37, subdivision 1b; 123.39, subdivision 4; 123.705; 124.11, subdivisions 2a and 2b; 124.14, subdivision 1; 124.15, subdivision 5; 124.17, subdivisions 1 and 2d; 124.19, subdivisions 1 and 3; 124.201, subdivisions 2, 3, and by adding subdivisions; 124.2122, subdivisions 1 and 2; 124.2126, subdivision 3; 124.2128, subdivision 1; 124.2132, subdivision 4; 124.225; 124.245, by adding a subdivision; 124.246, subdivision 2; 124.247, subdivision 3; 124.26, subdivision 1; 124.271, subdivisions 2a, 6, and by adding a subdivision; 124.273, subdivisions 1b, 2b, and 4; 124.32, subdivisions 1b, 1d, 2, 3a, 5, and 5a; 124.572, subdivision 2; 124.573, subdivision 2; 124.574, subdivisions 2b and 3; 124.646, subdivision 1; 125.60, subdivision 7; 125.611, subdivision 8; 129B.02; 129B.04; 129B.05; 129B.09, subdivision 12; 134.07; 134.08; 134.09; 134.10; 134.11; 134.12; 134.13; 134.14; 134.15; 134.30; 134.32, subdivisions 1 and 7; 134.351, subdivisions 3 and 7; 134.353; 134.36; 275.125, subdivisions 2d, 2e, 2i, 5, 5b, 6d, 8, 11a, 11b, and by adding subdivisions; 354.66, subdivision 9; 354A.094, subdivision 9; 375.335; 466.01, subdivision 1; 475.61, subdivision 3; and 648.39, subdivision 1; amending Laws 1967, chapter 822, section 4; Laws 1969, chapter 775, section 3, subdivision 2, as amended; Laws 1969, chapter 1060, section 4; Laws 1981, chapter 358, article 7, section 29, as amended; and Laws 1982, chapter 548, article 3, sections 27 and 28; proposing new law coded in Minnesota Statutes, chapters 3, 120, 121, 122, 123, 124, 126, 129B, and 134; repealing Minnesota Statutes 1982, sections 121.501 to 121.507; 122.542; 124.11, subdivision 1; 124.24; 124.251; 124.26, subdivision 4; 124.271, subdivision 5; 124.273, subdivisions 1 and 2; 124.32, subdivisions 1 and 9; 124.561; 124.562; 124.5621; 124.5622; 124.5623; 124.5624; 124.5625; 124.5626; 124.5627; 124.572, subdivision 8; 124.573, subdivision 5; 124.574, subdivision 2; 124.611; 125.611, subdivision 9; 129B.06 to 129B.09; 134.03; 134.06; 134.16; 134.19; 134.352; and 375.33.

The Senate has appointed as such committee Messrs. Nelson; Merriam; Peterson, R. W.; Pehler and Peterson, D. L.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVER, 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. 380, A bill for an act relating to negligence; regulating the liability of good samaritans; amending Minnesota Statutes 1982, section 604.05.

PATRICK E. FLAHAVEN, Secretary of the Senate

Staten moved that the House refuse to concur in the Senate amendments to H. F. No. 380, 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.

CALL OF THE HOUSE LIFTED

Eken moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

SPECIAL ORDERS, Continued

S. F. No. 161 was reported to the House.

Clark, J., moved to amend S. F. No. 161, the unofficial engrossment, as follows:

Page 3, after line 4, insert:

"Sec. 4. Laws 1980, chapter 595, section 2, subdivision 1, as amended by Laws 1982, chapter 491, section 3, is amended to read:

Subdivision 1. Notwithstanding any contrary provision of law or charter, the city council of the city of Minneapolis may, by ordinance:

(a) Establish an independent development and redevelopment agency, corporate and politic, which shall be a governmental subdivision of the state of Minnesota. The agency shall be governed by a board of commissioners. The city council, by ordinance, shall provide for the establishment of the board of commissioners, and shall state the number of commissioners, terms of office, the appointing authority of the commissioners, and other matters relating to the composition of the board and shall designate the name for the agency. Notwithstanding any contrary provisions of the Minneapolis city charter, state statute, veterans preference act, or civil service rule, law, or regulation, all employees of the agency shall be selected and employed by the board of commissioners and shall not by virtue of employment by the agency be employees of the city of Minneapolis, and the terms and conditions of employment, including salary, shall be determined by the board of

commissioners, subject only to limitations contained in this act. Throughout this act the term "agency" means the agency established pursuant to this clause.

The passage of the first ordinance establishing an agency, the passage of any ordinance changing the number of commissioners, the term of office of the commissioners, or the appointing authority of the commissioners, shall require affirmative votes of nine members of the city council. The vote of the city council adopting the ordinance shall be subject to mayoral veto and city council override of that veto.

(b) Establish a development and redevelopment department of the city. Notwithstanding any contrary provision of the Minneapolis city charter, statute, veterans preference act, or civil service rule, law or regulation, the ordinance creating the department may provide for a director and three assistant directors, who shall be in the unclassified service of the city of Minneapolis, and may provide for the director to appoint not more than ten employees to perform managerial duties as defined by the director, who shall be in the unclassified service of the city. The ordinance shall establish the appointing authority of the director and assistant directors, and the manner of appointment and term of office, if any, and shall provide for the terms and conditions of employment, including salary, subject only to the limitations contained within this act for all employees of the department, and shall designate the name for the department. The director shall select and appoint all employees of the department. Throughout this act the term "department" means the department established pursuant to this clause.

(c) Any time up to six months after the passage of the first ordinance implementing the provisions of this section, transfer any employee of the city of Minneapolis or the Minneapolis housing and redevelopment authority or the Minneapolis industrial development commission to the employment of the agency or the department or the Minneapolis housing and redevelopment authority or the Minneapolis industrial development commission. An assistant city coordinator of the city of Minneapolis *for economic development, and his administrative assistant*, may be transferred to the Minneapolis housing and redevelopment authority (AT ANY TIME UP TO 18 MONTHS) after passage of the first ordinance implementing the provisions of this section.

(ANY ASSISTANT CITY COORDINATOR TRANSFERRED TO EMPLOYMENT OF THE HOUSING AND REDEVELOPMENT AUTHORITY SHALL BE ENTITLED TO PURCHASE PRIOR SERVICE CREDIT FROM THE MINNEAPOLIS EMPLOYEES RETIREMENT FUND FOR ACTUAL SERVICE WITH THE MINNEAPOLIS HOUSING AND REDEVELOPMENT AUTHORITY FROM MAY 4, 1964 TO JUNE 4, 1975 FOR WHICH THE ASSISTANT CITY COORDINATOR HAS NOT PREVIOUSLY RECEIVED SERVICE

CREDIT FROM THE MINNEAPOLIS EMPLOYEES RETIREMENT FUND. THE AMOUNT TO BE PAID FOR THE PURCHASE OF THE PRIOR SERVICE CREDIT AND THE MANNER OF PAYMENT SHALL BE AS PROVIDED IN THE FIRST PARAGRAPH OF LAWS 1981, CHAPTER 197, SECTION 2, SUBDIVISION 2 FOR PERSONS AUTHORIZED TO PURCHASE PRIOR SERVICE CREDIT BY LAWS 1981, CHAPTER 297, SECTION 2, SUBDIVISION 1. THE AUTHORITY TO MAKE A LUMP SUM PAYMENT OR TO MAKE AN AGREEMENT TO MAKE INSTALLMENT PAYMENTS SHALL EXPIRE ON JULY 1, 1983.)

An employee who is in the classified service of the city of Minneapolis whose position is being transferred pursuant to this clause, may elect to remain in the classified service and exercise the rights provided by the Minneapolis civil service commission to an employee as if the position held by the employee had been eliminated. Any employee who is transferred from employment with one employer pursuant to this clause to another employer shall retain rights and benefits accumulated including seniority, accumulated vacation and sick leave, and length of service for the purposes of calculating benefits, layoffs, seniority-rating for promotions and merit increases, emolument or rewards. Notwithstanding any contrary provisions of law or city charter, any employee of the Minneapolis industrial development commission who is not in the classified service of the city of Minneapolis, and any person employed as a director or deputy director of the Minneapolis housing and redevelopment agency shall either be transferred to employment of the agency or department, or the city of Minneapolis, or shall remain an employee of the commission or authority, as determined by the city council, and the city council may transfer the person into the classified service of the city of Minneapolis and into a position for which the person is qualified as determined by the city council.

Following implementation of this act, all existing employees of the Minneapolis housing and redevelopment authority except the director and deputy directors shall either be transferred to employment of the agency or department or shall continue to be employed by the Minneapolis housing and redevelopment authority or shall be transferred to employment of the city, as determined by the city council. In the event of transfer of employment to the city of Minneapolis, the city council may transfer the person into the classified service into a position for which the employee is qualified. In any event:

(a) the employee's salary shall not be diminished as a result of implementation of this act;

(b) the employee's job responsibilities shall not be substantially diminished as a result of implementation of this act;

(c) the employee shall not be required to change residence as a result of this legislation; and

(d) the employee shall have the right to apply and be considered for positions with the agency or department on an equal basis with the other employees of the agency or department. Length of service with the Minneapolis housing redevelopment authority shall count on the same basis as length of service is counted for existing employees of the city of Minneapolis.

The director and deputy directors shall be considered employees for the purposes of clauses (c) and (d).

If a person employed as an employee of the agency or as a director or assistant director or as a managerial employee of the department or as an employee of the Minneapolis housing and redevelopment authority is, at the time of agency employment or department employment or Minneapolis housing and redevelopment authority employment, a member of the classified service of the city of Minneapolis, the employee shall be deemed to be on leave of absence during his tenure in the employment, and upon termination of service, shall be returned to his permanent civil service classification. If no vacancy is available in his permanent civil service classification position, seniority shall prevail, and the person most recently certified to the position shall be returned to the permanent civil service classification held by him prior to certification."

Renumber remaining sections in sequence

Amend the title to read:

Page 1, line 6, after the semicolon, insert "permitting the transfer of certain employees to the community development agency;"

Page 1, line 9, before the period insert ", and Laws 1980, chapter 595, section 2, subdivision 1, as amended"

The motion prevailed and the amendment was adopted.

S. F. No. 161, A bill for an act relating to the city of Minneapolis; changing the position of cable communications officer to the unclassified service; amending Laws 1969, chapter 937, section 1, subdivision 9, as amended.

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 0 nays as follows:

Those who voted in the affirmative were:

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

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. 720.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Kahn moved that the rule therein be suspended and an urgency be declared so that H. F. No. 720 be given its third reading and be placed upon its final passage. The motion prevailed.

Kahn moved that the rules of the House be so far suspended that H. F. No. 720 be given its third reading and be placed upon its final passage. The motion prevailed.

H. F. No. 720 was reported to the House.

The Speaker resumed the Chair.

H. F. No. 720, A bill for an act relating to education; providing for computer and related services to aid education; providing for the transfer of duties and property of the Minnesota educational computing consortium; appropriating money; amending Minnesota Statutes 1982, sections 10A.01, subdivision 18; 120.81, subdivision 2; and 120.83, subdivision 1; proposing new law coded in chapter 120; repealing Minnesota Statutes 1982, sections 120.81, subdivision 1; and 120.82.

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 103 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Knuth	Piper	Skoglund
Battaglia	Findlay	Kostohryz	Price	Solberg
Beard	Fjoslien	Krueger	Quinn	Sparby
Begich	Forsythe	Larsen	Quist	Stadum
Bergstrom	Greenfield	Levi	Redalen	Staten
Bishop	Gruenes	Long	Reif	Sviggum
Blatz	Gustafson	Mann	Rice	Swanson
Brandl	Halberg	McEachern	Riveness	Tomlinson
Brinkman	Heap	McKasy	Rodosovich	Tunheim
Burger	Heinitz	Metzen	Rodriguez, C.	Uphus
Carlson, D.	Himle	Munger	Rodriguez, F.	Vaiento
Carlson, L.	Hoberg	Murphy	Rose	Vanasek
Clark, J.	Hoffman	Nelson, D.	St. Onge	Vellenga
Clark, K.	Hokr	Nelson, K.	Scheid	Waltman
Clawson	Jacobs	O'Connor	Schoenfeld	Welch
Cohen	Jensen	Ogren	Schreiber	Welle
Dimler	Johnson	Olsen	Seaberg	Wenzel
Eken	Kahn	Omann	Segal	Wynia
Elioff	Kalis	Onnen	Shaver	Speaker Sieben
Ellingson	Kelly	Otis	Shea	
Erickson	Knickerbocker	Pauly	Sherman	

Those who voted in the negative were:

Dempsey	Haukoos	Marsh	Thiede	Wigley
DenOuden	Jennings	Piepho	Welker	
Gutknecht	Ludeman	Schafer		

The bill was passed and its title agreed to.

Rose 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. 828.

H. F. No. 828 was reported to the House.

Burger moved to amend H. F. No. 828, as follows:

Page 19, after line 23, insert:

"Sec. 22. [APPROPRIATION REDUCTION.]

Notwithstanding any modification of the provisions of the other sections of this bill, every appropriation specified in section 21 shall be reduced by 5 percent of the amount stated. All expenditures to be made in whole or in part from the appro-

priations 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. There were 46 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Bishop	Findlay	Knickerbocker	Pauly	Uphus
Blatz	Fjoslien	Levi	Piepho	Valento
Burger	Forsythe	Ludeman	Quist	Waltman
Carlson, D.	Gruenes	Marsh	Rédalen	Welch
Clawson	Gutknecht	McDonald	Reif	Welker
Dempsey	Haukoos	McEachern	Schafer	Wigley
DenOuden	Heinitz	McKasy	Seaberg	
Dimler	Hoberg	Olsen	Shaver	
Erickson	Jennings	Omann	Sviggum	
Evans	Johnson	Onnen	Thiede	

Those who voted in the negative were:

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

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

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.44; 453.54, by adding a subdivision; and 471.345, 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.

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 93 yeas and 26 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Levi	Piper	Skoglund
Battaglia	Evans	Long	Price	Solberg
Beard	Fjoslien	Mann	Quinn	Sparby
Begich	Forsythe	McEachern	Quist	Staten
Bergstrom	Graba	McKasy	Reif	Sviggum
Berkelman	Greenfield	Metzen	Rice	Swanson
Bishop	Gustafson	Minne	Riveness	Tomlinson
Blatz	Himle	Munger	Rodosovich	Tunheim
Brandl	Hoberg	Murphy	Rodriguez, C.	Vanasek
Brinkman	Hoffman	Nelson, D.	Rodriguez, F.	Vellenga
Carlson, D.	Jacobs	Nelson, K.	St. Onge	Voss
Carlson, L.	Jensen	Norton	Scheid	Waltman
Clark, J.	Kahn	O'Connor	Schoenfeld	Welch
Clark, K.	Kelly	Ogren	Schraiber	Welle
Clawson	Knickerbocker	Olsen	Seaberg	Wenzel
Cohen	Knuth	Onnen	Segal	Wynia
Coleman	Kostohryz	Osthoff	Shaver	Speaker Sieben
Eken	Krueger	Otis	Shea	
Elioff	Larsen	Pauly	Simoneau	

Those who voted in the negative were:

Dempsey	Gutknecht	Kalis	Redalen	Welker
DenOuden	Hankoos	Ludeman	Schafer	Wigley
Dimler	Heinitz	Marsh	Sherman	
Erickson	Hokr	McDonald	Thiede	
Findlay	Jennings	Omann	Uphus	
Gruenes	Johnson	Piepho	Valento	

The bill was passed and its title agreed to.

SPECIAL ORDERS, Continued

S. F. No. 263 was reported to the House.

Wynia moved to amend S. F. No. 263, the second engrossment, as follows:

Page 5, line 10, after "*practice*" insert "*as defined in this subdivision*"

The motion prevailed and the amendment was adopted.

S. F. No. 263, A bill for an act relating to insurance; health and accident; providing reimbursement for the services of certain licensed and certified registered nurses on an equal basis with other licensed health professional services; amending Minnesota Statutes 1982, sections 62A.03, subdivision 1; and 62A.15.

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

The question was taken on the passage of the bill and the roll was called. There were 108 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Greenfield	Ludeman	Piper	Sparby
Battaglia	Gruenes	Mann	Price	Staten
Beard	Gustafson	Marsh	Quinn	Sviggum
Begich	Halberg	McDonald	Quist	Swanson
Bergstrom	Haukoos	McEachern	Redalen	Thiede
Brandl	Heap	McKasy	Rice	Tomlinson
Burger	Heinitz	Metzen	Riveness	Tunheim
Carlson, D.	Hoberg	Minne	Rodosovich	Uphus
Carlson, L.	Hoffman	Munger	Rodriguez, C.	Valan
Clark, J.	Hokr	Murphy	Rodriguez, F.	Valento
Clark, K.	Jacobs	Nelson, D.	St. Onge	Vanasek
Clawson	Jensen	Nelson, K.	Schafer	Vellenga
Cohen	Johnson	Norton	Scheid	Voss
Coleman	Kahn	O'Connor	Schoenfeld	Waltman
Dempsey	Kalis	Ogren	Schreiber	Welch
Eken	Kelly	Olsen	Seaberg	Welker
Elioff	Knuth	Omamn	Shaver	Welle
Ellingson	Kostohryz	Onnen	Shea	Wenzel
Evans	Krueger	Osthoff	Sherman	Wynia
Findlay	Kvam	Otis	Simoneau	Speaker Sieben
Fjoslien	Larsen	Pauly	Skoglund	
Graba	Long	Piepho	Solberg	

Those who voted in the negative were:

Bishop	Brinkman	Dimler	Gutknecht	Reif
Blatz	DenOuden	Forsythe	Knickerbocker	

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

S. F. No. 529 was reported to the House.

Dempsey moved to amend S. F. No. 529, the second engrossment, as follows:

Page 10, after line 28, insert:

“Sec. 12. [CLARIFICATION OF LEGISLATIVE INTENT.]

The purpose of this section is to clarify the intent of an amendment to the human rights act adopted as Laws 1978, chapter 793, section 74. This section does not alter the meaning of that enactment. The legislature did not intend, by Laws 1978, chapter 793, section 74 to deprive a charging party under the human rights act of one remedy while preserving another remedy. A party with a charge pending in the human rights department on the effective date of Laws 1978, chapter 793, section 74 could have elected either to continue the charge for investigation by the department or, as expressly stated in Laws 1978, chapter 793, section 74, could have withdrawn the charge and filed a civil action in district court within 90 days of the

withdrawal. Therefore, notwithstanding that any party's charge was filed prior to the effective date of Laws 1978, chapter 793, section 74, a party who after the effective date of the 1978 act, withdrew a charge from the department and complied with the time limits of the 1978 act for filing an action in district court, may maintain the action. The state may not raise the defense of res judicata in connection with any such action commenced before the effective date of this section."

Renumber the remaining section

Page 10, line 30, delete "11" and insert "12"

Amend the title as follows:

Page 1, line 3, after the second semi-colon insert "clarifying the meaning of a change in the time for filing suit in the district court;"

The motion prevailed and the amendment was adopted.

S. F. No. 529, A bill for an act relating to human rights; prohibiting discrimination because of disability; providing penalties; amending Minnesota Statutes 1982, sections 363.01, subdivision 25, and by adding subdivisions; 363.02, subdivisions 1 and 5; 363.03, subdivisions 1, 3, 4, and 7; and repealing Minnesota Statutes 1982, section 363.03, subdivision 4a.

The bill was read for the 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 117 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Jensen	Munger	Rodriguez, C.
Battaglia	Ellingson	Johnson	Murphy	Rodriguez, F.
Beard	Erickson	Kahn	Nelson, D.	St. Onge
Begich	Evans	Kalis	Nelson, K.	Scheid
Bergstrom	Findlay	Kelly	Norton	Schoenfeld
Berkelman	Fjoslien	Knickerbocker	O'Connor	Schreiber
Bishop	Forsythe	Knuth	Ogren	Seaberg
Blatz	Greenfield	Kostohryz	Olsen	Shaver
Brandl	Grucens	Krueger	Omann	Shea
Burger	Gustafson	Kvam	Osthoff	Sherman
Carlson, D.	Gutknecht	Larsen	Otis	Simoneau
Carlson, L.	Halberg	Levi	Pauly	Skoglund
Clark, J.	Haukoos	Long	Piepho	Solberg
Clark, K.	Heap	Ludeman	Piper	Sparby
Clawson	Heinitz	Mann	Price	Stadum
Cohen	Himle	Marsh	Quinn	Staten
Coleman	Hoberg	McDonald	Quist	Swiggum
Dempsey	Hoffman	McEachern	Redalen	Swanson
DenOuden	Hokr	McKasy	Rice	Thiede
Dimler	Jacobs	Metzen	Riveness	Tomlinson
Eken	Jennings	Minne	Rodosovich	Tunheim

Uphus
Valan
Valento

Vanasek
Vellenga
Waltman

Welch
Welle
Wenzel

Wigley
Wynia

Speaker Sieben

Those who voted in the negative were:

Onnen

Schafer

Welker

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

Schoenfeld 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. 1308.

The Speaker called Wynia to the Chair.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Rice moved that the rule therein be suspended and an urgency be declared so that H. F. No. 1308 be given its third reading and be placed upon its final passage. The motion prevailed.

Rice moved that the rules of the House be so far suspended that H. F. No. 1308 be given its third reading and be placed upon its final passage. The motion prevailed.

H. F. No. 1308 was reported to the House.

Stadum moved to amend H. F. No. 1308, as follows:

Page 3, delete lines 9 to 18

Page 4, lines 6 to 17, delete section 3

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. There were 55 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Bishop
Blatz
Burger
Carlson, D.

Dempsey
DenOuden
Erickson
Evans

Findlay
Fjoslien
Forsythe
Greenfield.

Gruenes
Cutknecht
Halberg
Haukoos

Heap
Heinitz
Himle
Hoberg

Hokr	Ludeman	Onnen	Schreiber	Uphus
Jacobs	Marsh	Pauly	Seaberg	Valan
Jennings	McDonald	Piepho	Shaver	Valento
Johnson	McKasy	Quist	Sherman	Voss
Knickerbocker	O'Connor	Redalen	Stadum	Waltman
Kvam	Olsen	Reif	Svigum	Welker
Levi	Omann	Schafer	Thiede	Wigley

Those who voted in the negative were:

Battaglia	Elioff	Mann	Rice	Swanson
Beard	Ellingson	Minne	Riveness	Tomlinson
Begich	Graba	Munger	Rodosovich	Tunheim
Bergstrom	Gustafson	Murphy	Rodriguez, C.	Vanasek
Brandl	Hoffman	Nelson, D.	Rodriguez, F.	Vellenga
Brinkman	Jensen	Nelson, K.	St. Onge	Welch
Carlson, L.	Kahn	Norton	Scheid	Welle
Clark, J.	Kalis	Ogren	Segal	Wenzel
Clark, K.	Knuth	Osthoff	Simoneau	Wynia
Cohen	Kostohryz	Otis	Skoglund	Speaker Sieben
Coleman	Krueger	Piper	Solberg	
Dimler	Larsen	Price	Sparby	
Eken	Long	Quinn	Staten	

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

H. F. No. 1308, A bill for an act relating to appropriations; reducing appropriations for the fiseal 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 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 122 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Solberg	Swanson	Valan	Welch	Wynia
Sparby	Thiede	Valento	Welker	Speaker Sieben
Stadum	Tomlinson	Vellienga	Welle	
Staten	Tunheim	Voss	Wenzel	
Sviggum	Uphus	Waltman	Wigley	

Those who voted in the negative were:

Hokr Knickerbocker

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 the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 12, A Senate Concurrent Resolution proclaiming September 25 to October 8 as Germanfest in Minnesota.

PATRICK E. FLAHAVER, Secretary of the Senate

SUSPENSION OF RULES

Brinkman moved that the rules be so far suspended that Senate Concurrent Resolution No. 12 be now considered and be placed upon its adoption. The motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 12

A senate concurrent resolution proclaiming September 25 to October 8 as Germanfest in Minnesota.

Whereas, October 6, 1983, will mark the Three Hundredth Anniversary of German immigration to America commencing with the sail vessel Concord, and that 1983 has been declared as the "Tricentennial Anniversary Year of German Settlement in America;" and

Whereas, Minnesota, throughout its history, has greatly benefited from the presence of German Americans through their leadership in education, agriculture, government, trade, industry, religion, and all other aspects of daily life within our state; and

Whereas, much of what we perceive to be the American way of life and culture can be attributed to those values and identities which come to Minnesota with various cultures, among which are the Germans; and

Whereas, the descendants of German-speaking immigrants form the largest single ethnic group in Minnesota and have maintained their mother tongue through succeeding generations to a greater extent than any other language group; and

Whereas, Americans of German-speaking ancestry continue to provide valuable contributions to life in Minnesota; *Now, Therefore*,

Be It Resolved by the Senate of the State of Minnesota, the House of Representatives concurring, that the period of September 25 to October 8, 1983, be specifically designated to honor and celebrate German immigration to Minnesota through an appreciation of German American contribution to our state. A special five-day ethnic festival called the "Germanfest for a Heritage Fulfilled" will be established to celebrate this event.

Be It Further Resolved that the Secretary of the Senate is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and those of the Chairman of the Rules and Administration Committee of the Senate, the Chief Clerk of the House, and the Speaker of the House, and present it to the chairperson of the organizing committee of Germanfest.

Brinkman moved that Senate Concurrent Resolution No. 12 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 12 was adopted.

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. 77, A bill for an act relating to horse racing; creating a Minnesota racing commission and providing for its membership, powers, and duties; authorizing the licensing of persons to operate racetracks, conduct horse racing, engage in certain occupations, and conduct pari-mutuel betting on horse racing; prescribing taxes and license fees; establishing a Minnesota breeders fund; providing penalties; appropriating money; amending Minnesota Statutes 1982, sections 38.04; 273.76, by adding a subdivision; 609.75, subdivision 3; and 609.761; proposing new law coded as Minnesota Statutes, chapter 240.

PATRICK E. FLAHAVEN, Secretary of the Senate

Kostohryz moved that the House refuse to concur in the Senate amendments to H. F. No. 77, that the Speaker appoint a Conference Committee of 5 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.

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

Ogren moved that H. F. No. 481 be returned to its author. The motion prevailed.

Minne moved that H. F. No. 743 be returned to its author. The motion prevailed.

Kvam, Jennings, Dempsey, Vanasek and Redalen introduced:

House Resolution No. 12, A house resolution proclaiming May 11, 1983, as Tax Freedom Day in Minnesota.

Kvam moved that the rules be so far suspended that House Resolution No. 12 be now considered and be placed upon its adoption. The motion did not prevail.

House Resolution No. 12 was referred to the Committee on Rules and Legislative Administration.

Reif introduced:

House Resolution No. 13, A house resolution urging various officials and groups to assist on raising funds for an epilepsy education center.

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

Mann introduced:

House Resolution No. 14, A house resolution relating to the operation of state buildings.

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

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1283:

Carlson, L.; Rice; Welch; Swanson and Erickson.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 380:

Staten, Ogren and Halberg.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 1:00 p.m., Monday, May 16, 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., Monday, May 16, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

