

STATE OF MINNESOTA

SEVENTY-THIRD SESSION -- 1983

FIFTY-FIFTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, MAY 17, 1983

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

Prayer was offered by Pastor Knut Ingebrigtsen, Norwegian Lutheran Memorial Church, Minneapolis, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Sparby 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. 300, 1305, 100, 288, 549, 796, 858, 1017, 524 and 1310 and S. F. Nos. 147 and 415 have been placed in the members' files.

S. F. No. 415 and H. F. No. 422, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Simoneau moved that the rules be so far suspended that S. F. No. 415 be substituted for H. F. No. 422 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 386, A bill for an act relating to taxation; sales; exempting retail sales of electricity from the sales tax; imposing an excise tax on sales and use of kilowatt hours of electricity; amending Minnesota Statutes 1982, sections 297A.25, subdivision 1; 297A.35, subdivision 3; and proposing new law coded in chapter 297A.

Reported the same back with the following amendments:

Page 9, line 34, before the period insert "*provided electricity used for space heating and lighting shall not be included in this exemption*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 1137, A bill for an act relating to taxation; providing an income tax credit for employers who create new permanent jobs; proposing new law coded in Minnesota Statutes, chapter 290.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [290.069] [NEW PERMANENT JOBS CREDIT.]

Subdivision 1. [DEFINITIONS.] For the purpose of this section the terms defined in this subdivision have the meanings given them.

(a) *"Qualified employer" means a business employer subject to taxation under chapter 290 or the occupation tax imposed by chapter 298.*

(b) *"Qualified employee" means*

(i) *an employee who has been in a permanent nonseasonal position employed in Minnesota by the qualified employer for at least 35 hours per week for the two-year period preceding the year in which the income tax return is filed, and*

(ii) *who has been hired by the qualified employer after the effective date of this act.*

(c) *"Annual wage" means the dollar amount of wages paid by the employer as defined in section 290.92, subdivision 1, clause (1).*

(d) *"Base number of employees" means the number of full-time employees employed by the qualified employer during the preceding taxable year multiplied by the adjustment factor, determined pursuant to subdivision 6, for the taxable year in which the qualified employees were hired. The resulting product shall be rounded to the nearest whole number.*

Subd. 2. [AMOUNT OF CREDIT.] A credit against the tax due under chapter 290 or the occupation tax imposed by chapter 298 shall be allowed to qualified employers for qualified employees during the taxable year. The credit shall be equal to 20 percent of the first \$20,000 of wages for that taxable year paid to each qualified employee of the qualified employer. The amount of any payments or reimbursements received by the qualified employer with respect to wages paid a qualified employee under any federal or other state program shall be deducted in determining wages paid or incurred. The number of qualified employees for which the credit is allowable shall not exceed the lesser of (a) the total number of full-time employees at the end of the taxable year in which the qualified employee was hired less the base number of employees or (b) the increase in full-time employment in the qualified employer's business from the current taxable year over the preceding taxable year. The maximum amount of the credit for the taxable year shall not exceed \$150,000. If the employer has constructed a new facility in Minnesota or made substantial improvements to expand an existing facility in Minnesota after the effective date of this act the

maximum credit for the three taxable years beginning two years after the plant or improvements were placed in service shall be increased by \$300,000. For purposes of this section "substantial improvement" shall include any improvements which increase the value of the existing facility by 30 percent or more or which have a value of \$200,000 or more.

Subd. 3. [ALLOCATION OF CREDIT.] The credit allowable under this section for a given qualified employee shall be claimed only by one employer, except that the allowable credit shall be allocated among partners of a partnership or shareholders of an s corporation in proportion to ownership interest.

Subd. 4. [LIMITATION.] If the employer acquired an ongoing business or the assets of an ongoing business, the base number of employees shall be increased by the number of the employees employed by the business prior to its acquisition or employed in connection with the assets of the business prior to their acquisition.

Subd. 5. [CARRYFORWARD.] If the credit provided in this section exceeds the taxpayer's liability under section 290 or the occupation tax imposed by chapter 298 for the taxable year for which the credit is given, the amount by which the credit exceeds the liability may be carried forward to the three taxable years following the year when the credit was given. The entire amount of the unused credit shall be carried to the earliest of the three taxable years to which it may be carried and then to each of the two successive taxable years.

Subd. 6. [ADJUSTMENT FACTOR.] On or before November 15th of each year, the commissioner of finance shall prepare an estimate of the increase in Minnesota employment for the succeeding calendar year. This estimate divided by the estimated Minnesota employment for the calendar year shall be the adjustment factor for taxable years beginning during the succeeding calendar year. The commissioner of finance shall provide the estimates to the commissioner who shall publish the adjustment factor in the state register on or before December 1. For purposes of this subdivision, "employment" does not include employment positions with federal, state, or local government.

Subd. 7. [RULES AND REGULATIONS.] The commissioners of revenue and economic security shall promulgate any rules and regulations which are deemed necessary for the administration of this act. The commissioner of revenue shall prescribe and make available forms with instructions for the qualified employers.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective for qualified employees hired during taxable years beginning after December 31, 1982 and before January 1, 1986."

With the recommendation that when so amended the bill pass.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 1169, A bill for an act relating to taxation; property; changing the meeting dates for local boards of review and the state board of equalization; changing other miscellaneous dates; modifying the appeal process in certain situations; suspending the yearly assessment requirement for one year; amending Minnesota Statutes 1982, sections 270.11, subdivisions 1 and 2; 270.12, subdivisions 2, 3, and by adding a subdivision; 270.13; 270.87; 271.01, subdivision 5; 271.21, subdivision 4; 273.01; 273.33, subdivision 2; 273.37, subdivision 2; 274.01, subdivision 1; 274.14; 274.16; and 275.07, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 270.11, subdivision 1, is amended to read:

Subdivision 1. [TO ACT AS STATE BOARD OF EQUALIZATION.] The commissioner of revenue shall have and exercise all the rights, powers and authority by law vested in the state board of equalization, which board of equalization is hereby continued, with full power and authority to review, modify, and revise all of the acts and proceedings of the commissioner in so far as they relate to the equalization and valuation of property assessed for taxation, as prescribed by section 270.12, which state board of equalization shall meet (ON AUGUST 15) *between July 15 and August 1* of each year during its existence.

Sec. 2. Minnesota Statutes 1982, section 270.11, subdivision 2, is amended to read:

Subd. 2. [COUNTY ASSESSOR'S REPORTS OF ASSESSMENT FILED WITH COMMISSIONER.] *The commissioner of revenue shall require the assessor of each county in the state to file with him by June 1 a copy of the abstract which will be acted upon by the county board of review. Failure to submit the abstract as required shall result in a penalty of \$.50 per parcel which shall be deducted from the homestead credit payment made to the county in July. The commissioner may abate or reduce the*

penalty if he determines that the delay is due to unforeseen or unavoidable circumstances. Home rule or statutory city or town assessors shall file with the county assessor assessment lists of all real and personal property in the city or town by May 1. The commissioner of revenue may require the assessor of each county in the state to file with him, (ON OR BEFORE AUGUST 1) within five working days following final action, each year, (COMPLETE) any changes made to the abstracts of all real and personal property in the county, as equalized by the county board of equalization, and itemized by assessment districts, accompanied by a printed or typewritten copy of the proceedings of the county board of equalization, and it shall be the duty of the county assessor to so report to the commissioner of revenue.

The final abstract of assessments after adjustments by the state board of equalization and inclusion of any omitted property shall be submitted to the commissioner of revenue on or before (JANUARY 1) *November 1* of each calendar year.

Sec. 3. Minnesota Statutes 1982, section 270.12, subdivision 2, is amended to read:

Subd. 2. The board shall meet annually (ON AUGUST 15) *between July 15 and August 1* at the office of the commissioner of revenue and examine and compare the returns of the assessment of the property in the several counties, and equalize the same so that all the taxable property in the state shall be assessed at its market value, subject to the following rules:

(1) The board shall add to the aggregate valuation of the real property of every county, which the board believes to be valued below its market value in money, such percent as will bring the same to its market value in money;

(2) The board shall deduct from the aggregate valuation of the real property of every county, which the board believes to be valued above its market value in money, such percent as will reduce the same to its market value in money;

(3) If the board believes the valuation of the real property of any town or district in any county, or the valuation of the real property of any county not in towns or cities, should be raised or reduced, without raising or reducing the other real property of such county, or without raising or reducing it in the same ratio, the board may add to, or take from, the valuation of any one or more of such towns or cities, or of the property not in towns or cities, such percent as the board believes will raise or reduce the same to its market value in money;

(4) The board shall add to the aggregate valuation of any class of personal property of any county, town, or city, which the board believes to be valued below the market value thereof, such percent as will raise the same to its market value in money;

(5) The board shall take from the aggregate valuation of any class of personal property in any county, town or city, which the board believes to be valued above the market value thereof, such percent as will reduce the same to its market value in money;

(6) The board shall not reduce the aggregate valuation of all the property of the state, as returned by the several county auditors, more than one percent on the whole valuation thereof; and

(7) When it would be of assistance in equalizing values the board may require any county auditor to furnish statements showing assessments of real and personal property of any individuals, firms, or corporations within the county. The board shall consider and equalize such assessments and may increase the assessment of individuals, firms, or corporations above the amount returned by the county board of equalization when it shall appear to be undervalued, first giving notice to such persons of the intention of the board so to do, which notice shall fix a time and place of hearing. The board shall not decrease any such assessment below the valuation placed by the county board of equalization.

Sec. 4. Minnesota Statutes 1982, section 270.12, subdivision 3, is amended to read:

Subd. 3. For taxes levied in 1980 and 1981, when a taxing jurisdiction lies in two or more counties, and the sales ratio studies prepared by the department of revenue show that the average level of assessment in the several portions of the district in the different counties differs by more than 20 percent, the board shall order that the levy of the taxing jurisdiction be apportioned among the portions in the different counties in the same proportion as the adjusted assessed value as determined by the equalization aid review committee in each portion is to the total adjusted assessed value, as determined by the equalization aid review committee, of the taxing jurisdiction; if the studies show that the level differs by more than five percent, the board may order the apportionment of the levy. For taxes levied in 1982 and thereafter, if the studies show that the level differs by more than five percent, the board shall order the apportionment of the levy.

For the purposes of this section, the average level of assessment in a taxing jurisdiction or portion thereof shall be the aggregate assessment sales ratio. Assessed values as determined by the equalization aid review committee shall be the values as determined for the year preceding the year in which the levy to be apportioned is levied.

Actions pursuant to this subdivision shall be commenced subsequent to the annual meeting on (AUGUST 15) *July 15* of the

state board of equalization, but notice of the action shall be given to the affected jurisdiction and the appropriate county auditors by the following (NOVEMBER 15) *October 1.*

Apportionment of a levy pursuant to this subdivision shall be considered as a remedy to be taken after equalization pursuant to subdivision 2, and when equalization within the jurisdiction would disturb equalization within other jurisdictions of which the several portions of the jurisdiction in question are a part.

Sec. 5. Minnesota Statutes 1982, section 270.12, is amended by adding a subdivision to read:

Subd. 4 The board shall consider appeals from decisions of the county board of individual property owners assessments or valuations from August 1 to September 15. The board shall not hear appeals involving homestead property or appeals where the amount of market value in dispute is \$50,000 or less. The board shall issue its decision no later than October 1.

Sec. 6. Minnesota Statutes 1982, section 270.13, is amended to read:

270.13 [RECORD OF PROCEEDINGS CHANGING ASSESSED VALUATION; DUTIES OF COUNTY AUDITOR.]

A record of all proceedings of the commissioner of revenue affecting any change in the assessed valuation of any property, as revised by the state board of equalization, shall be kept by the commissioner of revenue and a copy thereof, duly certified, shall be mailed each year to the auditor of each county wherein such property is situated, on or before (NOVEMBER 15) *August 1* or 30 days after submission of the abstract required by section 270.11, subdivision 2, whichever is later. This record shall specify the amounts or amount, or both, added to or deducted from the valuation of the real property of each of the several towns and cities, and of the real property not in towns or cities, also the percent or amount of both, added to or deducted from the several classes of personal property in each of the towns and cities, and also the amount added to or deducted from the assessments of individuals, copartnerships, associations, or corporations. The county auditor shall add to or deduct from such tract or lot, or portion thereof, of any real property in his county the required percent or amount, or both, on the valuation thereof as it stood after equalized by the county board, (ADDING IN EACH CASE A FRACTIONAL SUM OF 50 CENTS OR MORE, AND DEDUCTING IN EACH CASE ANY FRACTIONAL SUM OF LESS THAN 50 CENTS SO THAT NO VALUATION OF ANY SEPARATE TRACT OR LOT SHALL CONTAIN ANY FRACTION OF A DOLLAR) *with any amount under \$100 rounded up to \$100 and any amount exceeding \$100 rounded to the nearest \$100; and add to, or deduct from, the*

several classes of personal property in his county the required percent or amount, or both, on the valuation thereof as it stood after equalized by the county board, (ADDING OR DEDUCTING IN MANNER AFORESAID ANY FRACTIONAL SUM SO THAT NO VALUATION OF ANY SEPARATE CLASS OF PERSONAL PROPERTY SHALL CONTAIN A FRACTION OF A DOLLAR,) and add to or deduct from assessments of individuals, copartnerships, associations, or corporations, as they stood after equalization by the county board, the required amounts to agree with the assessments as returned by the commissioner of revenue *with any amount under \$100 rounded up to \$100 and any amount exceeding \$100 rounded to the nearest \$100.*

Sec. 7. Minnesota Statutes 1982, section 270.87, is amended to read:

270.87. [CERTIFICATION TO COUNTY ASSESSORS.]

When the commissioner has made his annual determination of the fair market value of the operating property of each company in each of the respective counties, and in the taxing districts therein, he shall certify the fair market value to the county assessor *on or before October 1*, which shall constitute the fair market value of the operating property of the railroad company in such county and the taxing districts therein upon which taxes shall be levied and collected in the same manner as on the commercial and industrial property of such county and the taxing districts therein.

Sec. 8. Minnesota Statutes 1982, section 271.01, subdivision 5, is amended to read:

Subd. 5. [JURISDICTION.] The tax court shall have state-wide jurisdiction. Except for an appeal to the supreme court or any other appeal allowed under this subdivision, the tax court shall be the sole, exclusive, and final authority for the hearing and determination of all questions of law and fact arising under the tax laws of the state, as defined in this subdivision, in those cases that have been appealed to the tax court and in any case that has been transferred by the district court to the tax court. The tax court shall have no jurisdiction in any case that does not arise under the tax laws of the state or in any criminal case or in any case determining or granting title to real property or in any case that is under the jurisdiction of the probate court. The small claims division of the tax court shall have no jurisdiction in any case dealing with property valuation or assessment for property tax purposes until the taxpayer has appealed the valuation or assessment to the town or city board of equalization and to the county board of equalization, except for those taxpayers whose original assessments are determined by the commissioner of revenue. *The tax court shall have exclusive jurisdiction in situations where taxpayers have appealed their*

assessment to the local board of review and the county board of equalization and where that appeal involves a homesteaded property or the amount of market value in dispute is \$50,000 or less. The tax court shall have no jurisdiction in any case involving an order of the state board of equalization unless a taxpayer contests the valuation of his property. Only the taxes, aids and related matters contained in chapters 60A, 124, 270, 272, 273, 274, 275, 276, 277, 278, 279, 285, 287, 288, 290, 290A, 291, 292, 293, 294, 295, 296, 297, 297A, 297B, 298, 299, 340, 473, 473F, and 477A shall be considered tax laws of this state subject to the jurisdiction of the tax court. This subdivision shall not be construed to prevent an appeal, as provided by law, to an administrative agency, board of equalization, or to the commissioner of revenue. Wherever used in chapter 271, the term commissioner shall mean the commissioner of revenue, unless otherwise specified.

Sec. 9. Minnesota Statutes 1982, section 271.21, subdivision 4, is amended to read:

Subd. 4. At the same time that notice of the assessment, determination, or order of the commissioner or the appropriate unit of government is given to a taxpayer, the taxpayer shall be notified in writing of his right to appeal to the tax court, and if applicable, to the small claims division. *In the case of homesteaded property or when the amount of market value in dispute is \$50,000 or less, the taxpayer shall be notified that any appeal of an order based on review by a local board of review and a county board of equalization must be filed with the small claims division.* In any notice of assessment, determination or order dealing with property valuation or assessment for property tax purposes, the taxpayer shall be notified in writing that he must appeal to the town or city board of equalization and to the county board of equalization before he may appeal to the small claims division of the tax court, except for those taxpayers whose original assessments are determined by the commissioner of revenue.

Sec. 10. Minnesota Statutes 1982, section 273.33, subdivision 2, is amended to read:

Subd. 2. The personal property, consisting of the pipeline system of mains, pipes and equipment attached thereto, of pipeline companies and others engaged in the operations or business of transporting natural gas, gasoline or other petroleum products by pipe lines, shall be listed with and assessed by the commissioner of revenue. This subdivision shall not apply to the assessment of the products transported through the pipe lines nor to the lines of local commercial gas companies engaged primarily in the business of distributing gas to consumers at retail nor to pipe lines used by the owner thereof to supply natural gas or other petroleum products exclusively for such owner's own consumption and not for resale to others. On or before (THE FIFTEENTH DAY OF NOVEMBER) *October 1*, the commissioner shall cer-

tify to the auditor of each county, the amount of such personal property assessment against each company in each district in which such property is located.

Sec. 11. Minnesota Statutes 1982, section 273.37, subdivision 2, is amended to read:

Subd. 2. Transmission lines of less than 69 kv, transmission lines of 69 kv and above located in an unorganized township, and distribution lines, and equipment attached thereto, having a fixed situs outside the corporate limits of cities except distribution lines taxed as provided in sections 273.40 and 273.41, shall be listed with and assessed by the commissioner of revenue in the county where situated. The commissioner shall assess such property at the percentage of market value fixed by law; and, on or before (THE 15TH DAY OF NOVEMBER) *October 1*, shall certify to the auditor of each county in which such property is located the amount of the assessment made against each company and person owning such property.

Sec. 12. Minnesota Statutes 1982, section 274.01, subdivision 1, is amended to read:

Subdivision 1. (a) The town board of each town, the council or other governing body of each city, except in cities whose charters provide for a board of equalization, shall be a board of review. The county assessor shall fix a day and time when each of such boards and the board of equalization of any city whose charter provides for a board of equalization shall meet in the several assessment districts of the county, and shall on or before (APRIL) *March 1st* each year give written notice thereof to the clerk. Such meetings notwithstanding the provisions of any charter to the contrary shall be held between April 1st and June (30TH) *1st* in each year, and the clerk shall give published and posted notice of such meeting at least ten days prior to the date fixed. Such board shall meet at the office of the clerk to review the assessment and classification of property in such town or district, and immediately proceed to examine and see that all taxable property in the town or district has been properly placed upon the list, and duly valued by the assessor. In case any property, real or personal shall have been omitted, the board shall place it upon the list with its market value, and correct the assessment so that each tract or lot of real property, and each article, parcel, or class of personal property, shall be entered on the assessment list at its market value; but no assessment of the property of any person shall be raised until he has been duly notified of the intent of the board so to do. On application of any person feeling aggrieved, the board shall review the assessment or classification or both, and correct it as shall appear just. A majority of the members may act at such meeting, and adjourn from day to day until they finish the hearing of all cases presented. The assessor shall attend, with his assessment books and papers, and take part in the proceedings, but

shall not vote. The county assessor, or an assistant delegated by him shall attend such meetings. The board shall list separately, on a form appended to the assessment book, all omitted property added to the list by the board (AND ALL ITEMS OF PROPERTY INCREASED OR DECREASED, WITH THE MARKET VALUE OF EACH ITEM OF PROPERTY, ADDED OR CHANGED BY THE BOARD, PLACED OPPOSITE SUCH ITEM). The county assessor shall enter all changes made by the board in the assessment book.

(b) If a person fails to appear in person, by counsel, or by written communication before the board after being duly notified of the board's intent to raise the assessment of his property, or if a person feeling aggrieved by an assessment or classification fails to apply for a review of the assessment or classification, he may not appear before the county board of equalization for a review of his assessment or classification, except when an assessment was made subsequent to the meeting of the board, as provided in section 273.01, or that he can establish that he did not receive notice of his market value at least five days before the local board of review meeting.

The board of review, and the board of equalization of any city, unless a longer period is approved by the commissioner of revenue, shall complete its work and adjourn within 20 days from the time of convening specified in the notice of the clerk and no action taken subsequent to such date shall be valid. All complaints in reference to any assessment or classification made after the meeting of such board, shall be heard and determined by the county board of equalization. Any non-resident may, at any time, before the meeting of the board of review file written objections to his assessment or classification with the county assessor and if any such objections are filed they shall be presented to the board of review at its meeting by the county assessor for its consideration.

(c) *All items of property increased or decreased, with the market value of each item of property added or changed by the board, shall be placed in the assessment book by the county assessor.*

Sec. 13. Minnesota Statutes 1982, section 274.14, is amended to read:

274.14 [LENGTH OF SESSION; RECORD.]

The county board of equalization or the special board of equalization appointed by it may continue in session and adjourn from time to time commencing on the first Monday (FOLLOWING THE FOURTH DAY OF JULY OR, IF THE FIRST MONDAY FOLLOWING THE FOURTH DAY OF JULY IS A LEGAL HOLIDAY, THE FIRST TUESDAY FOLLOWING THE FOURTH DAY OF JULY) of June and ending on or be-

fore the tenth following working day, when it shall adjourn and no action taken subsequent to the day of adjournment shall be valid unless a longer session period is approved by the commissioner of revenue. (THE COMMISSIONER MAY EXTEND THE SESSION PERIOD TO AUGUST 10 BUT) No action taken by the county board of review after the extended termination date shall be valid. The county auditor shall keep an accurate record of the proceedings and orders of the board, which record shall be published in the same manner as other proceedings of county commissioners. A copy of such published record shall be transmitted to the commissioner of revenue, with the abstract of assessment required by section 274.16.

Sec. 14. Minnesota Statutes 1982, section 274.16, is amended to read:

274.16 [CORRECTED LISTS, ABSTRACTS.]

The county assessor or, in Ramsey county, the official designated by the board of county commissioners shall calculate the changes of the assessment lists determined by the county board of equalization, and make corrections accordingly, in the real or personal lists, or both, and shall make duplicate abstracts of the same; one shall be filed in his office, and one shall be forwarded to the commissioner of revenue (ON OR BEFORE AUGUST 1) *within five working days following final action by the county board of equalization.*

Sec. 15. Minnesota Statutes 1982, section 275.07, subdivision 1, is amended to read:

Subdivision 1. The taxes voted by cities, towns, and school districts shall be certified by the proper authorities to the county auditor on or before October (TENTH) 10 in each year. If a city, town, county, school district or special district fails to certify its levy by that date, its levy shall be the amount levied by it for the preceding year. If the local unit notifies the commissioner of revenue before October (TENTH) 10 of its inability to certify its levy by that date, and the commissioner is satisfied that the delay is unavoidable and is not due to the negligence of the local unit's officials or staff, the commissioner shall extend the time within which the local unit shall certify its levy *up to 30 days beyond the date of request for extension, provided no extension shall be granted beyond November 1. For 1984 only the November 1 limitation may be extended to November 10.*

Sec. 16. [EFFECTIVE DATE.]

This act is effective for taxes assessed in 1984 and thereafter and payable in 1985 and thereafter."

Amend the title as follows:

Page 1, delete line 6

Page 1, line 7, delete "year;"

Page 1, line 10, delete "273.01;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 1216, A bill for an act relating to taxation; clarifying the term agricultural production for purposes of the sales tax; prohibiting certain retroactive imposition of tax, penalty, and interest; amending Minnesota Statutes 1982, section 297A.25, subdivision 1.

Reported the same back with the following amendments:

Page 3, line 19, after "products" insert "(i)"

Page 3, line 21, after "refunded" insert "*, or (ii) which are used in the improvement of agricultural land by constructing, maintaining, and repairing drainage ditches, tile drainage systems, grass waterways, water impoundment, and other erosion control structures*"

Page 4, lines 20 through 24, delete the new language

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete "production" and insert "exempting petroleum products used in certain improvements to agricultural land"

With the recommendation that when so amended the bill pass.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

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

Reported the same back with the following amendments:

Page 2, line 35, before the comma insert "*including those units that the converters retain for their own investment*"

Page 3, line 5, after the period insert "*For purposes of this clause, "retain" shall mean units that are rented and completed units that are not available for sale.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 386, 1137, 1169, 1216 and 1231 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 415 was read for the second time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Simoneau moved that the rule therein be suspended and an urgency be declared so that S. F. No. 415 be given its third reading and be placed upon its final passage. The motion prevailed.

Simoneau moved that the rules of the House be so far suspended that S. F. No. 415 be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 415 was reported to the House.

Simoneau moved to amend S. F. No. 415, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 3.099, subdivision 2, is amended to read:

Subd. 2. The compensation of each member of the legislature (UNTIL THE START OF THE LEGISLATIVE SESSION IN 1979) shall be (\$8,400 PER YEAR. COMMENCING WITH THE START OF THE LEGISLATIVE SESSION IN 1979, THE COMPENSATION OF EACH MEMBER OF THE LEGISLATURE SHALL BE \$16,500 PER YEAR. EFFECTIVE JANUARY 1, 1980, THE COMPENSATION OF EACH MEMBER OF THE LEGISLATURE WILL BE \$18,500 PER YEAR) determined pursuant to sections 10 and 11.

Sec. 2. Minnesota Statutes 1982, section 15A.081, subdivision 6, is amended to read:

Subd. 6. (THE FOLLOWING) Salaries (ARE PROVIDED) for the constitutional officers of the state (:) shall be determined pursuant to sections 10 and 11.

	(EFFECTIVE	EFFECTIVE
	JULY 1,	JULY 1,
	1979	1980
GOVERNOR	\$62,000	\$66,500
ATTORNEY GENERAL	52,500	56,000
LIEUTENANT GOVERNOR	38,000	40,000
AUDITOR	34,000	36,000
SECRETARY OF STATE	34,000	36,000
TREASURER	34,000	36,000)

The salaries of the chief deputy attorney general, deputy auditor, deputy secretary of state and deputy treasurer shall be 95 percent of the salaries of their respective superior constitutional officers.

Sec. 3. [15A.082] [JUDICIAL COMPENSATION COUNCIL.]

The judicial compensation council is created to assist the legislature in establishing the compensation of justices of the supreme court, and judges of the court of appeals, district court, county court, and county municipal court.

The council consists of six members appointed by and serving at the pleasure of the governor; and five members appointed by and serving at the pleasure of the chief justice of the supreme court. No more than two of the members appointed by the governor shall be attorneys and at least two members appointed by the governor shall have expertise in principles of salary administration. No more than two of the members appointed by the chief justice shall be attorneys or judges. The council shall select one of its members to serve as chairperson. The chairperson shall schedule meetings of the council. Members appointed by the governor and nonjudge members appointed by the chief justice of the supreme court shall be compensated for their service on the council as provided in section 15.059. The legislative coordi-

nating commission shall provide the council with administrative and support services.

Sec. 4. [15A.0821] [JUDGES' SALARIES.]

By December 1 of each even-numbered year the judicial compensation council shall submit to the speaker of the house and the president of the senate a recommended compensation plan for justices of the supreme court and judges of the court of appeals, district court, county court, and county municipal court. The salary portion of a plan shall take effect July 1 next following the date the plan is required to be submitted, unless a plan is modified or rejected in a bill passed by the legislature, effective prior to that July 1. If the legislature does not modify or reject the plan, the legislature shall be deemed to have prescribed judicial compensation as recommended in the plan. The opportunity for the legislature to review and reject or modify the recommendations of the commission is a condition precedent to legislative prescription of judicial compensation, and no judge shall be entitled to the compensation recommended by the commission until this condition has been satisfied in the manner set forth in this section.

Sec. 5. Minnesota Statutes 1982, section 15A.083, subdivision 1, is amended to read:

Subdivision 1. [ELECTIVE JUDICIAL OFFICERS.] The following salaries shall be paid annually to the enumerated elective judicial officers of the state:

	Effective July 1, 1979	Effective July 1, 1980	Effective July 1, 1983
(1) Chief justice of the supreme court	(\$56,000)	\$59,000	\$65,000
(2) Associate justice of the supreme court	(52,500)	56,000	\$62,000
(3) Judge of the court of appeals			\$59,000
(4) District judge, judge of county court (LEARNED IN THE LAW), probate court, and county municipal court	(45,000)	48,000	\$54,000
((4) JUDGE OF A COUNTY COURT (NOT LEARNED IN THE LAW)	29,500	31,500)	

Sec. 6. Minnesota Statutes 1982, section 15A.083, subdivision 2, is amended to read:

Subd. 2. [COUNTY COURT AND COUNTY MUNICIPAL JUDGES.] (1) Notwithstanding any other law to the contrary, the salary paid to a judge of a county court shall also be paid to judges of the probate court of St. Louis county and to judges of the Duluth municipal court.

(2) Judges of the county municipal courts, and county courts in the counties of Hennepin, Ramsey, Washington, Anoka, Scott, St. Louis, Carver and Dakota shall receive a salary of (\$45,000, EFFECTIVE JULY 1, 1979, AND) \$48,000, effective July 1, 1980 and \$54,000, effective July 1, 1983.

(3) If any judge enumerated in this subdivision dies while in office, the amount of his salary remaining unpaid for the month in which his death occurs, shall be paid to his estate.

Sec. 7. Minnesota Statutes 1982, section 15A.083, is amended by adding a subdivision to read:

Subd. 2a. [SALARY ADJUSTMENTS.] *The applicable salary amounts provided in section 5 or 6 or in the salary portion of any judicial compensation plan adopted pursuant to section 4 shall be the amount received by a judge at the time of initial appointment or election. Beginning three years after initial appointment or election, a judge's salary shall be five percent greater than the amount received at the time of initial appointment or election. Beginning five years after initial appointment or election a judge's salary shall be an amount seven percent greater than the amount received at the time of initial appointment or election. Beginning ten years after initial appointment or election a judge's salary shall be an amount ten percent greater than the amount received at the time of initial appointment or election.*

Sec. 8. Minnesota Statutes 1982, section 15A.083, subdivision 4, is amended to read:

Subd. 4. [RANGES FOR OTHER JUDICIAL POSITIONS.] (SALARIES OR SALARY RANGES ARE PROVIDED FOR THE FOLLOWING POSITIONS IN THE JUDICIAL BRANCH OF GOVERNMENT. THE APPOINTING AUTHORITY OF ANY POSITION FOR WHICH A SALARY RANGE HAS BEEN PROVIDED SHALL FIX THE INDIVIDUAL SALARY WITHIN THE PRESCRIBED RANGE, CONSIDERING THE QUALIFICATIONS AND OVERALL PERFORMANCE OF THE EMPLOYEE. APPOINTMENTS TO FILL VACANCIES SHALL NOT BE MADE ABOVE THE MIDPOINT OF THE SALARY RANGE PRESCRIBED FOR THE POSITION UNLESS THE STATE COURT ADMINISTRATOR HAS BEEN

CONSULTED IN ADVANCE AND HIS APPROVAL OBTAINED. ANY SALARY INCREASE THAT WOULD ADJUST AN EMPLOYEE'S RATE OF PAY BEYOND THE MIDPOINT OF THE RANGE PRESCRIBED FOR THE POSITION MUST BE APPROVED IN ADVANCE BY THE STATE COURT ADMINISTRATOR.)

	(SALARY OR RANGE	
	EFFECTIVE	EFFECTIVE
	JULY 1,	JULY 1,
	1979	1980
PUBLIC DEFENDER	\$37,500	\$40,000
DISTRICT ADMINISTRATOR	27,000-37,500	28,500-40,000
COUNTY ATTORNEYS COUNCIL EXECUTIVE DIRECTOR	22,000-32,000	23,500-34,000
BOARD ON JUDICIAL STANDARDS EXECUTIVE DIRECTOR	36,000	38,000
STATE COURT ADMINISTRATOR	44,500	47,000)

The salary of the state public defender shall be the same as the salary of the chief deputy attorney general. Salaries for district court administrators shall be determined pursuant to section 484.68, subdivision 6. The salaries of the state court administrator and the executive director of the board on judicial standards shall be determined by the appointing authority.

Sec. 9. Minnesota Statutes 1982, section 15A.083, subdivision 5, is amended to read:

Subd. 5. [TAX COURT AND CHIEF HEARING EXAMINER.) Salaries of judges of the tax court and the chief hearing examiner of the office of administrative hearings shall be the same as the base salary for district judges (AS PROVIDED IN SUBDIVISION 1).

Sec. 10. Minnesota Statutes 1982, section 15A.083, subdivision 7, is amended to read:

Subd. 7. [WORKERS' COMPENSATION COURT OF APPEALS AND COMPENSATION JUDGES.] Salaries of

judges of the workers' compensation court of appeals shall be 90 percent of the base salary for district judges (AS PROVIDED IN SUBDIVISION 1). Salaries of compensation judges shall be 75 percent of the base salary of district court judges (AS PROVIDED IN SUBDIVISION 1).

Sec. 11. [15A.25] [COMPENSATION COUNCIL.]

The executive and legislative branch compensation council is created to assist the legislature in establishing the compensation of executive branch agency heads, legislators, and constitutional officers. The council consists of two nonlegislators appointed by the speaker of the house; two nonlegislators appointed by the committee on rules and administration of the senate; one member each appointed by the attorney general, auditor, treasurer, and secretary of state; and eight members appointed by the governor, one member from each congressional district.

The council shall select one of its members to serve as chairperson. The chairperson shall schedule meetings of the council. Membership terms, compensation, and removal of members shall be governed by section 15.059, except that a member may not be removed from the council at the pleasure of the appointing authority. The commissioner of employee relations shall provide the council with administrative and support services.

Sec. 12. [15A.26] [SALARIES.]

Subdivision 1. [LEGISLATIVE SALARIES.] By December 1 of each odd-numbered year, the compensation council shall submit to the speaker of the house and the president of the senate a report with a recommended salary plan for legislators. The salaries recommended in the plan shall take effect at the beginning of the term of office of the house of representatives next elected following the council's report unless the plan is modified or rejected in a bill passed by the legislature and signed by the governor, effective prior to that date. The salary plan for legislators shall be subject to additional terms that may be adopted pursuant to section 3.099, subdivisions 1 and 3.

Subd. 2. [CONSTITUTIONAL OFFICERS AND AGENCY HEADS.] By December 1, 1983 and December 1 of each even-numbered year thereafter, the compensation council shall submit to the speaker of the house and the president of the senate a report with a recommended salary plan of the six constitutional officers and for the heads of all state departments and agencies, except the chief hearing examiner, including: administration; agriculture; banking; insurance; securities and real estate; consumer services; corrections; ombudsman for corrections; economic security; education; energy, planning and development; finance; health; housing finance agency; human rights; Indian affairs board; iron range resources and rehabilitation board;

labor and industry; mediation services; natural resources; employee relations; pollution control agency; public safety; public service; public utilities commission director; public welfare; revenue; transportation; transportation regulation board; veterans affairs.

The salary plan shall take effect on July 1 next following the date the plan is required to be submitted, unless the plan is modified or rejected in a bill passed by the legislature and signed by the governor effective prior to that date.

Sec. 13. Minnesota Statutes 1982, section 43A.18, subdivision 5, is amended to read:

Subd. 5. [GOVERNOR TO SET CERTAIN SALARIES.] The governor shall, on or before January 31 of each odd numbered year, submit to the legislative commission on employee relations recommendations for salaries for the positions listed in sections 15A.081 and 15A.083. The governor may also propose additions or deletions of positions from those listed.

(a) Before submitting the recommendations, the governor shall consult with the commissioner of administration, the commissioner of finance, and the commissioner of employee relations concerning the recommendations (**BEFORE SUBMITTING RECOMMENDATIONS FOR AN EMPLOYEE IN THE OFFICE OF A CONSTITUTIONAL OFFICER, THE GOVERNOR SHALL CONSULT WITH THE CONSTITUTIONAL OFFICER CONCERNING THE RECOMMENDATIONS AND SHALL GIVE DUE CONSIDERATION TO THE ADVICE OF THE OFFICER**);

(b) Except for positions for which salary ranges have been established, the recommendations shall contain a specific salary for each position listed in sections 15A.081 and 15A.083. The governor shall determine only a fixed salary for (**THE POSITIONS OF THE CONSTITUTIONAL OFFICERS, THE JUDGES OF THE WORKERS' COMPENSATION COURT OF APPEALS AND**) the commissioner of public service;

(c) In making recommendations, the governor shall consider only those criteria established in subdivision (7) 8 and shall not take into account performance of individual incumbents. The governor shall establish an objective system for quantifying knowledge, abilities, duties, responsibilities and accountabilities and in determining recommendations rate each position by this system; and

(d) The initial salary of a head of an agency hereafter established whose salary is not specifically prescribed by law shall be fixed by the governor, after consultation with the commissioner, whose recommendation shall be advisory only, in an amount com-

parable to the salary of an agency head having similar duties and responsibilities.

Sec. 14. Minnesota Statutes 1982, section 484.68, subdivision 6, is amended to read:

Subd. 6. [SALARY.] The salary of the district administrator shall be set by the state court administrator (WITHIN THE LIMITS PROVIDED IN SECTION 15A.083,) and shall be paid by the state. The salaries of the district administrators of the second and fourth judicial districts may be supplemented by the appropriate county board by an amount not to exceed \$10,000 per year. If an administrator dies, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate.

Sec. 15. [APPROPRIATION.]

Subdivision 1. The sums contained in this section are appropriated from the general fund to be available for the fiscal year ending June 30 of the years indicated.

Subd. 2. There is appropriated to the commissioner of finance for the purpose of paying the compensation increases as authorized by this act.

1984	1985
\$2,333,040	\$2,444,030

Subd. 3. There is appropriated to the legislative coordinating commission for the per diem and expenses of the council established in section 3 of this act.

1984	1985
\$6,300	\$3,200

Subd. 4. There is appropriated to the commissioner of employee relations for the per diem and expenses of the council established in section 11 of this act.

1984	1985
\$2,700	\$2,600

Sec. 16. [EFFECTIVE DATE.]

Section 1 is effective at the beginning of the term of office of the house of representatives next elected following the report

of the council under section 12. Sections 3, 4, 5, 6, 7, 9, 10, 14, and 15 are effective July 1, 1983. Sections 2 and 8 are effective July 1, 1984."

Delete the title and insert:

"A bill for an act relating to state government; establishing a compensation council to assist in establishing the salary of executive branch agency heads, legislators and constitutional officers; establishing a judicial compensation council; regulating judicial branch salaries; appropriating money; amending Minnesota Statutes 1982, sections 3.099, subdivision 2; 15A.081, subdivision 6; 15A.083, subdivisions 1, 2, 4, 5, 7, and by adding a subdivision; 43A.18, subdivision 5; and 484.68, subdivision 6; proposing new law coded in Minnesota Statutes, chapter 15A."

The motion prevailed and the amendment was adopted.

Bishop and Simoneau moved to amend S. F. No. 415, as amended, as follows:

Page 3, line 18, after "following" insert "base"

Page 4, line 10, after "a" insert "base"

Page 4, line 21, delete everything after "be" and insert "*the base salary for purposes of calculation of salary adjustments under this subdivision*"

Page 4, line 22, delete "*appointment or election*"

Page 4, line 24, delete everything after "*than*" and insert "*the base salary*"

Page 4, line 25, delete "*appointment or election*"

Page 4, line 27, delete everything after "*the*" and insert "*base salary*"

Page 4, line 28, delete "*initial appointment or election*"

Page 4, line 30, delete everything after "*the*" and insert "*base salary*"

Page 4, line 31, delete everything before the period

The motion prevailed and the amendment was adopted.

CALL OF THE HOUSE

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

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

Vanasek 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.

Seaberg moved to amend S. F. No. 415, as amended, as follows:

Page 3, line 6, delete "*unless a plan is modified or rejected*" and insert "*provided the plan submitted is approved*"

Page 3, line 8, delete "*does not modify or reject*" and insert "*approves*"

Page 3, line 11, delete "*reject or modify*" and insert "*approve*"

Page 7, lines 2 and 3, delete "*unless the plan is modified or rejected*" and insert "*provided the plan submitted is approved*"

Page 7, lines 26 and 27, delete "*unless the plan is modified or rejected*" and insert "*provided the plan submitted is approved*"

A roll call was requested and properly seconded.

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

Pursuant to rule 2.5, Forsythe requested that she be excused from voting on the Seaberg amendment to S. F. No. 415, as amended. The request was granted.

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

There were 65 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Jacobs	Omann	Shea
Begich	Findlay	Jennings	Onnen	Sherman
Bennett	Fjoslien	Johnson	Pauly	Solberg
Berkelman	Frerichs	Kalis	Piepho	Stadum
Blatz	Gruenes	Kvam	Quist	Sviggum
Burger	Gutknecht	Levi	Redalen	Thiede
Carlson, D.	Halberg	Ludeman	Reif	Uphus
Cohen	Haukoos	Marsh	Rodriguez, C.	Valan
Dempsey	Heap	McDonald	Schafer	Valento
DenOuden	Heinitz	McEachern	Schoenfeld	Waltman
Dimler	Himle	Murphy	Schreiber	Welker
Elioff	Hoberg	Nelson, K.	Seaberg	Wenzel
Erickson	Hokr	Olsen	Shaver	Zaffke

Those who voted in the negative were:

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

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

McKasy moved to amend S. F. No. 415, as amended, as follows:

Page 7, line 2, delete *"unless"* and insert *"if"*

Page 7, line 3, delete *"modified or rejected"* and insert *"approved"*

A roll call was requested and properly seconded.

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

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

There were 65 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Hoberg	Olsen	Shaver
Anderson, R.	Evans	Hokr	Omann	Shea
Begich	Findlay	Jennings	Onnen	Sherman
Bennett	Fjoslien	Johnson	Pauly	Stadum
Berkelman	Forsythe	Kalis	Piepho	Sviggum
Bishop	Frerichs	Knickerbocker	Quist	Thiede
Blatz	Gruenes	Kvam	Redalen	Tunheim
Burger	Gutknecht	Levi	Reif	Uphus
Cohen	Halberg	Ludeman	Rodriguez, C.	Valan
Dempsey	Haukoos	Marsh	Schafer	Valento
DenOuden	Heap	McDonald	Schoenfeld	Waltman
Dimler	Heinitz	McKasy	Schreiber	Welker
Elioff	Himle	Nelson, K.	Seaberg	Zaffke

Those who voted in the negative were:

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

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

Welker, Zaffke, DenOuden and Fjoslien moved to amend S. F. No. 415, as amended, as follows:

Page 6, line 13, delete "*and legislative branch*"

Page 6, line 15, delete "*, legislators*"

Page 6 to Page 7, delete section 12

Renumber accordingly

A roll call was requested and properly seconded.

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

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

There were 62 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Findlay	Jacobs	Onnen	Stadum
Begich	Fjoslien	Jennings	Pauly	Sviggum
Bennett	Forsythe	Johnson	Piepho	Thiede
Berkelman	Frerichs	Kalis	Quist	Uphus
Bishop	Gruenes	Kvam	Redalen	Valan
Blatz	Guiknecht	Levi	Reif	Valento
Burger	Halberg	Ludeman	Rodriguez, C.	Waltman
Cohen	Haukoos	Marsh	Schafer	Welker
Dempsey	Heap	McDonald	Schreiber	Wigley
DenOuden	Heinitz	McEachern	Seaberg	Zaffke
Dimler	Himle	McKasy	Shaver	
Erickson	Hoberg	Olsen	Shea	
Evans	Hokr	Omann	Sherman	

Those who voted in the negative were:

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

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

Burger moved to amend S. F. No. 415, as amended, as follows:

Page 2, line 12, strike "95" and insert "90"

Page 3, line 25, delete "65,000" and insert "61,750"

Page 3, line 27, delete "62,000" and insert "58,900"

Page 3, line 29, delete "59,000" and insert "56,050"

Page 3, line 34, delete "54,000" and insert "51,300"

Page 4, line 12, delete "54,000" and insert "51,300"

Page 9, line 12, delete "2,333,040" and insert "2,216,388" and delete "2,444,030" and insert "2,321,828.50"

Page 9, line 17, delete "6,300" and insert "5,985" and delete "3,200" and insert "3,040"

Page 9, line 22, delete "2,700" and insert "2,565" and delete "2,600" and insert "2,505"

Pursuant to rule 2.5, Forsythe requested that she be excused from voting on the Burger amendment to S. F. No. 415, as amended. The request was granted.

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

Carlson, D., moved to amend S. F. No. 415, as amended, as follows:

Page 9, after line 22 insert:

"Sec. 16. [RETIREMENT ANNUITIES NOT AFFECTED.]

The amount of any increase in compensation granted by this act shall not be utilized in the computation of retirement annuities of any public official until the legislature shall expressly provide by law for the increase in benefits."

Renumber the section

Page 9, line 27, delete "and" and after "15" insert "and 16"

A roll call was requested and properly seconded.

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

Pursuant to rule 2.5, Forsythe requested that she be excused from voting on the Carlson, D., amendment to S. F. No. 415, as amended. The request was granted.

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

There were 52 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Evans	Hoberg	Omann	Thiede
Begich	Findlay	Hokr	Onnen	Uphus
Bennett	Fjoslien	Jennings	Pauly	Valan
Blatz	Frerichs	Johnson	Redalen	Valento
Burger	Gruenes	Knickerbocker	Reif	Waltman
Carlson, D.	Gutknecht	Kvam	Rose	Welker
Cohen	Halberg	Ludeman	Schoenfeld	Wenzel
DenOuden	Haukoos	Marsh	Schreiber	Wigley
Dimler	Heap	McKasy	Shaver	
Elioff	Heinitz	Nelson, K.	Stadum	
Erickson	Himle	Olsen	Sviggum	

Those who voted in the negative were:

Anderson, B.	Graba	McEachern	Quinn	Solberg
Anderson, C.	Greenfield	Metzen	Rice	Sparby
Battaglia	Hoffman	Minne	Riveness	Staten
Beard	Jacobs	Murphy	Rodosovich	Swanson
Bergstrom	Jensen	Nelson, D.	Rodriguez, C.	Tomlinson
Berkelman	Kahn	Neuenschwander	Rodriguez, F.	Vanasek
Brandl	Kalis	Norton	St. Onge	Vellenga
Carlson, L.	Kelly	O'Connor	Sarna	Voss
Clark, J.	Kostohiryz	Ogren	Scheid	Welch
Clark, K.	Krueger	Osthoff	Seaberg	Welle
Coleman	Larsen	Otis	Segal	Speaker Sieben
Dempsey	Long	Peterson	Sherman	
Eken	Mann	Piper	Simoneau	
Ellingson	McDonald	Price	Skoglund	

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

Carlson, D., moved to amend S. F. No. 415, as amended, as follows:

Page 4, line 31 after the period insert "A judge who has been or is hereafter convicted of an offense or has admitted to conduct that would constitute an offense proscribed by Minnesota Statutes, Chapter 609, shall forfeit the right to any increase in compensation until having stood for re-election."

A roll call was requested and properly seconded.

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

Pursuant to rule 2.5, Forsythe requested that she be excused from voting on the Carlson, D., amendment to S. F. No. 415, as amended. The request was granted.

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

There were 54 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Jensen	Ogren	Stadum
Anderson, R.	Findlay	Johnson	Omann	Sviggum
Battaglia	Fjoslien	Kalis	Onnen	Swanson
Begich	Frerichs	Kelly	Piippo	Thiede
Bennett	Gruenes	Knickerbocker	Redalen	Uphus
Berkelman	Gutknecht	Kvam	Reif	Valan
Blatz	Haukoos	Levi	Rose	Waltman
Carlson, D.	Heap	Ludeman	Schafer	Welker
DenOuden	Hoberg	Marsh	Schoenfeld	Wenzel
Dimler	Hokr	McDonald	Schreiber	Wigley
Erickson	Jennings	McEachern	Solberg	

Those who voted in the negative were:

Anderson, G.	Ellingson	Mann	Quinn	Tomlinson
Beard	Greenfield	Metzen	Quist	Tunheim
Bergstrom	Gustafson	Minne	Rice	Vanasek
Bishop	Halberg	Munger	Riveness	Vellenga
Brandl	Heinritz	Murphy	Rodosovich	Welch
Brinkman	Hoffman	Nelson, D.	Rodriguez, F.	Welle
Carlson, L.	Jacobs	Neuenschwander	Scheid	Wynia
Clark, J.	Kahn	Norton	Shaver	Zaffke
Clawson	Knuth	Osthoff	Shea	Speaker Sieben
Cohen	Kostohryz	Otis	Sherman	
Coleman	Krueger	Pauly	Simoneau	
Dempsey	Larsen	Piper	Skoglund	
Eken	Long	Price	Staten	

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

McDonald, Valento, Uphus and Schafer moved to amend S. F. No. 415, as amended, as follows:

Pages 6 and 7, delete sections 11 and 12

Renumber accordingly

A roll call was requested and properly seconded.

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

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

There were 59 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Hoberg	Omann	Shaver
Begich	Evans	Jacobs	Onnen	Sherman
Bennett	Findlay	Jennings	Pauly	Stadum
Berkelman	Fjoslien	Johnson	Piepho	Sviggum
Bishop	Forsythe	Kalis	Quist	Thiede
Blatz	Frerichs	Kvam	Redalen	Uphus
Burger	Gruenes	Levi	Reif	Valan
Cohen	Gutknecht	Long	Rodriguez, C.	Welker
Dempsey	Haukoos	Ludeman	Rose	Wenzel
DenOuden	Heap	Marsh	Schafer	Wigley
Dimler	Heinritz	McDonald	Schreiber	Zaffke
Elioff	Himle	Olsen	Seaberg	

Those who voted in the negative were:

Anderson, G.	Brinkman	Clawson	Greenfield	Kahn
Anderson, R.	Carlson, L.	Coleman	Gustafson	Kelly
Battaglia	Clark, J.	Eken	Hoffman	Knickerbocker
Beard	Clark, K.	Ellingson	Jensen	Knuth

Kostohryz	Nelson, D.	Piper	Scheid	Tomlinson
Krueger	Neuenschwander	Price	Segal	Tunheim
Larsen	Norton	Rice	Simoneau	Vanasek
Mann	O'Connor	Riveness	Skoglund	Vellenga
Metzen	Ogren	Rodosovich	Solberg	Voss
Minne	Osthoff	Rodriguez, F.	Sparby	Welch
Munger	Otis	St. Onge	Staten	Welle
Murphy	Peterson	Sarna	Swanson	Wynia

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

Voss moved to amend S. F. No. 415, as amended, as follows:

Page 4, delete lines 16 to 31

Renumber the remaining sections

Amend the title:

Page 10, line 9, after "5," insert "and"

Page 10, line 9, after "7" delete the comma

Page 10, line 10, delete "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.

Pursuant to rule 2.5, Forsythe requested that she be excused from voting on the Voss amendment to S. F. No. 415, as amended. The request was granted.

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

There were 79 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DenOuden	Heinitz	Mann	Quinn
Anderson, G.	Dimler	Himle	Marsh	Quist
Anderson, R.	Elioff	Hoberg	McDonald	Redalen
Begich	Ellingson	Hoffman	Nelson, D.	Reif
Bennett	Evans	Hokr	O'Connor	Riveness
Berkelman	Findlay	Jennings	Ogren	Schafer
Blatz	Fjoslien	Jensen	Omann	Schoenfeld
Brinkman	Frerichs	Johnson	Onnen	Segal
Burger	Graba	Knuth	Otis	Shaver
Carlson, D.	Greenfield	Kvam	Peterson	Shea
Clark, K.	Gustafson	Larsen	Piepho	Sherman
Clawson	Haukoos	Levi	Piper	Solberg
Dempsey	Heap	Ludeman	Price	Stadum

Staten	Tunheim	Valento	Welker	Wigley
Swiggum	Uphus	Voss	Welle	Zaffke
Thiede	Valan	Waltman	Wenzel	

Those who voted in the negative were:

Battaglia	Halberg	Minne	Rodriguez, C.	Tomlinson
Beard	Jacobs	Munger	Rodriguez, F.	Vanasek
Bishop	Kahn	Murphy	St. Onge	Vellenga
Brandl	Kalis	Neuenschwander	Scheid	Welch
Carlson, L.	Kelly	Norton	Schreiber	Wynia
Clark, J.	Knickerbocker	Olsen	Seaberg	Speaker Sieben
Coleman	Krueger	Osthoff	Simoneau	
Eken	Long	Pauly	Skoglund	
Erickson	McKasy	Rice	Sparby	
Gruenes	Metzen	Rodosovich	Swanson	

The motion prevailed and the amendment was adopted.

Voss moved to amend S. F. No. 415, as amended, as follows:

Page 2, delete lines 14 to 36

Page 3, delete lines 1 to 15

Renumber the remaining sections

Amend the title:

Page 10, line 5, delete "establishing a judicial"

Page 10, line 6, delete "compensation council;"

A roll call was requested and properly seconded.

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

Pursuant to rule 2.5, Forsythe requested that she be excused from voting on the Voss amendment to S. F. No. 415, as amended. The request was granted.

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

There were 68 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Blatz	DenOuden	Evans	Gutknecht
Anderson, R.	Brinkman	Dimler	Findlay	Halberg
Begich	Burger	Elioff	Fjoslien	Heap
Bennett	Carlson, D.	Ellingson	Frerichs	Heinitz
Berkelman	Cohen	Erickson	Gruenes	Himle

Hoberg	Marsh	Piper	Shaver	Valento
Hokr	McDonald	Quist	Sherman	Voss
Jacobs	McKasy	Redalen	Stadum	Waltman
Jennings	Munger	Reif	Staten	Welker
Johnson	Nelson, K.	Riveness	Sviggum	Welle
Kvam	O'Connor	Rodriguez, C.	Thiede	Wigley
Larsen	Ogren	Rose	Tunheim	Wynia
Levi	Olsen	Schafer	Uphus	
Ludeman	Omann	Schreiber	Valan	

Those who voted in the negative were:

Anderson, G.	Graba	Mann	Price	Sparby
Battaglia	Greenfield	McEachern	Quinn	Swanson
Beard	Gustafson	Metzen	Rice	Tomlinson
Bergstrom	Haukoos	Minne	Rodosovich	Vanasek
Bishop	Hoffman	Murphy	Rodriguez, F.	Vellenga
Brandl	Jensen	Nelson, D.	St. Onge	Welch
Carlson, L.	Kahn	Neuenschwander	Schoenfeld	Wenzel
Clark, J.	Kelly	Norton	Seaberg	Zaffke
Clark, K.	Knickerbocker	Onnen	Segal	Speaker Sieben
Clawson	Knuth	Osthoff	Shea	
Coleman	Kostohryz	Otis	Simoneau	
Dempsey	Krueger	Pauly	Skoglund	
Eken	Long	Piepho	Solberg	

The motion prevailed and the amendment was adopted.

Sherman offered an amendment to S. F. No. 415, as amended.

POINT OF ORDER

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

S. F. No. 415, A bill for an act relating to state government; providing for salaries for constitutional officers, agency heads, metropolitan agency heads, and certain judicial positions; providing an expense allowance; establishing a compensation council; limiting local government salaries; prohibiting cash payments for accumulated vacation pay; expanding the authority of the commissioner of employee relations to set salaries; requiring the governor to recommend certain salaries; removing salary setting authority of certain state agencies; removing additional compensation for the career executive service; requiring the percentage of women in the career executive service to be increased; ratifying state and University of Minnesota labor agreements, compensation plans, and plans for early retirement incentives; amending Minnesota Statutes 1982, sections 3.855, subdivision 3; 3.922, subdivision 5; 15A.081, subdivisions 1, 6, and 7, and by adding a subdivision; 15A.083, subdivisions 1, 2, and 4; 43A.17, by adding subdivisions; 43A.18, subdivisions 3, 4, and 5; 43A.21, by adding a subdivision; 105.71, subdivision 2; 136.034; 136A.03; 179.741, subdivision 1; 244.09, subdivision 10; 256.482, subdivision 2; 298.22, subdivision 1; 326.241, subdivision 2; 352.03,

subdivision 4; 354.06, subdivision 2; 484.68, subdivision 6; and Laws 1980, chapter 564, article XII, section 1, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 15A; repealing Minnesota Statutes 1982, sections 16A.16; 136.063; and 136A.035.

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.

Pursuant to rule 2.5, Forsythe requested that she be excused from voting on S. F. No. 415, as amended. The request was granted.

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

There were 68 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	McKasy	Price	Staten
Anderson, R.	Graba	Metzen	Quinn	Swanson
Battaglia	Greenfield	Munger	Rice	Tomlinson
Beard	Gustafson	Murphy	Riveness	Tunheim
Bishop	Halberg	Nelson, D.	Rodriguez, F.	Vanasek
Brandl	Hoffman	Nelson, K.	Rose	Vellenga
Carlson, D.	Jacobs	Neuenschwander	St. Onge	Voss
Carlson, L.	Kahn	Norton	Sarna	Welch
Clark, J.	Kelly	O'Connor	Scheid	Welle
Clark, K.	Knickerbocker	Ogren	Schoenfeld	Wenzel
Clawson	Knuth	Osthoff	Segal	Wynia
Cohen	Larsen	Otis	Simoneau	Speaker Sieben
Coleman	Long	Peterson	Skoglund	
Eken	Mann	Piper	Sparby	

Those who voted in the negative were:

Anderson, B.	Evans	Jensen	Omann	Shea
Begich	Findlay	Johnson	Onnen	Sherman
Bennett	Fjoslien	Kalis	Pauly	Solberg
Bergstrom	Frerichs	Kostohryz	Piepho	Stadum
Berkelman	Gruenes	Krueger	Quist	Swiggum
Blatz	Gutknecht	Kvam	Redalen	Thiede
Brinkman	Haukoos	Levi	Reif	Uphus
Burger	Heap	Ludeman	Rodosovich	Valan
Dempsey	Heintz	Marsh	Rodriguez, C.	Valento
DenOuden	Himle	McDonald	Schafer	Waltman
Dimler	Hoberg	McEachern	Schreiber	Welker
Elioff	Hokr	Minne	Seaberg	Wigley
Erickson	Jennings	Olsen	Shaver	Zaffke

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

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Rice; Rodriguez, F.; O'Connor and Begich introduced:

H. F. No. 1312, A bill for an act relating to workers' compensation; providing for the rebuttable presumption of cancer as an occupational disease for certain firefighters; amending Minnesota Statutes 1982, section 176.011, subdivision 15.

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

Simoneau introduced:

H. F. No. 1313, A bill for an act relating to education; authorizing discretionary contract renewal of a superintendent; amending Minnesota Statutes 1982, section 123.34, subdivision 9.

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

Jacobs introduced:

H. F. No. 1314, A bill for an act relating to education; restricting the Minnesota state high school league to regulating athletics during the school year; amending Minnesota Statutes 1982, section 129.121, subdivision 1.

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

Kahn, Battaglia, Shaver, Kalis and Vellenga introduced:

H. F. No. 1315, A bill for an act relating to bicycles; allowing bicycle registrants to donate in excess of the registration fee to pay for costs of administering and publicizing the bicycle registration program and for developing bicycle education programs and recreational facilities and trails; providing criteria for fund allocation to political subdivisions; providing for reports to the legislature; providing for appointment of deputy registrars of bicycles; continuing the bicycle study review commission; amending Minnesota Statutes 1982, sections 168C.04; 168C.11; Laws 1976, chapter 199, section 14, subdivision 1.

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

Kvam, Blatz and Himle introduced:

H. F. No. 1316, A bill for an act relating to cities; changing the definition of cities of the first class; amending Minnesota Statutes 1982, section 410.01.

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

McDonald, Haukoos and Piepho introduced:

H. F. No. 1317, A resolution memorializing the President and Congress of the United States to adopt a national policy of peace through strength.

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

HOUSE ADVISORIES

The following House Advisory was introduced:

Rodriguez, C.; Levi; Schreiber; Brandl and Jensen introduced:

H. A. No. 23, A proposal to improve legislative oversight of metropolitan government.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce 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. 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.

The Senate has appointed as such committee Messrs. Purfeerst, Frank, Lessard, Knaak and Spear.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 409, A bill for an act relating to liquor; restrictions upon joint purchases and volume discounts at wholesale; amending Minnesota Statutes 1982, sections 340.408; and 340.983.

The Senate has appointed as such committee Messrs. Purfeerst, Bertram and Anderson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 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 Senate has appointed as such committee Messrs. Vega; Moe, D. M.; Freeman; Pogemiller and Renneke.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

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

The Senate has appointed as such committee Messrs. Luther, Merriam and Ramstad.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

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

296.421, subdivision 5; 309.53, subdivision 2, and by adding a subdivision; 357.08; 363.02, subdivision 1; 363.06, subdivision 4, and by adding a subdivision; 363.071, subdivision 2; 462A.05, by adding a subdivision; 462A.21, by adding a subdivision; 480.09, subdivision 5; 480.241, subdivision 2; 480A.01, subdivision 2; 481.01; and 546.27, subdivision 2; Laws 1976, chapter 314, section 3; Laws 1980, chapter 614, section 192; proposing new law coded in Minnesota Statutes, chapters 3; 16A; 116C; 198; 270; repealing Minnesota Statutes 1982, sections 3.472; 3.86; 4.073; 105.71; 105.72; 105.73; 105.74; 105.75; 105.751; 105.76; 105.77; 105.78; 105.79; 114A.01; 114A.02; 114A.03; 114A.04; 114A.05; 114A.06; 114A.07; 114A.08; 114A.09; 193.35; 297A.05; and Laws 1965, chapter 66.

The Senate has appointed as such committee Messrs. Kroening, Solon, Luther, Willet and Dahl.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 50.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee.

Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 50

A bill for an act relating to crimes; providing for new crimes relating to abuse of children; establishing willful and unlawful restraint as a crime; establishing malicious punishment as a crime; establishing neglect as a crime; providing penalties; amending Minnesota Statutes 1982, sections 260.315; 609.255; and 626.556, subdivision 12; proposing new law coded in Minnesota Statutes, chapter 609.

May 13, 1983

The Honorable Jerome M. Hughes
President of the Senate

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

We, the undersigned conferees for S. F. No. 50, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and S. F. No. 50 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 260.315, is amended to read:

260.315 [CONTRIBUTING TO NEGLECT OR DELINQUENCY.]

Any person who by act, word or omission encourages, causes or contributes to the neglect or delinquency of a child (, AND SUCH ACT, WORD OR OMISSION IS NOT BY OTHER PROVISIONS OF LAW DECLARED TO BE A FELONY, SHALL BE) is guilty of a misdemeanor.

Sec. 2. Minnesota Statutes 1982, section 609.255, is amended to read:

609.255 [FALSE IMPRISONMENT.]

Subdivision 1. [DEFINITION.] As used in this section, the following term has the meaning given it unless specific content indicates otherwise.

(a) "Caretaker" means an individual who has responsibility for the care of a child as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a child.

Subd. 2. [INTENTIONAL RESTRAINT.] Whoever, knowing he has no lawful authority to do so, intentionally confines or restrains a child not his own under the age of 18 years without his parent's or legal custodian's consent, or any other person without his consent, is guilty of false imprisonment and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both.

Subd. 3. [UNREASONABLE RESTRAINT OF CHILDREN.] A parent, legal guardian, or caretaker who intentionally subjects a child under the age of 18 years to unreasonable physical confinement or restraint by means including but not limited to, tying, locking, caging, or chaining for a prolonged period of time and in a cruel manner which is excessive under

the circumstances and which results in substantial emotional harm, is guilty of unreasonable restraint of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both. If the confinement or restraint results in substantial bodily harm, that person may be sentenced to imprisonment for not more than three years or to payment of not more than \$3,000, or both.

Sec. 3. [609.376] [DEFINITIONS.]

Subdivision 1. [TERMS DEFINED.] For the purposes of sections 2 and 3 to 7, the following terms have the meanings given unless specific content indicates otherwise.

Subd. 2. [CHILD.] "Child" means any person under the age of 18 years.

Subd. 3. [CARETAKER.] "Caretaker" means an individual who has responsibility for the care of a child as a result of a family relationship or who has assumed responsibility for all or a portion of the care of a child.

Subd. 4. [COMPLAINANT.] "Complainant" means a person alleged to have been a victim of a violation of section 609.255, subdivision 3, section 4, or section 5, but need not be the person who signs the complaint.

Sec. 4. [609.377] [MALICIOUS PUNISHMENT OF A CHILD.]

A parent, legal guardian, or caretaker who, by an intentional act or a series of intentional acts, evidences unreasonable force or cruelty which causes substantial emotional harm to a child is guilty of malicious punishment of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both. If the punishment results in substantial bodily harm, that person may be sentenced to imprisonment for not more than 3 years or to payment of not more than \$3,000, or both.

Sec. 5. [609.378] [NEGLECT OF A CHILD.]

(a) A parent, legal guardian, or caretaker who willfully deprives a child of necessary food, clothing, shelter, health care, or supervision appropriate to the child's age, when the parent, guardian, or caretaker is reasonably able to make the necessary provisions and which deprivation substantially harms the child's physical or emotional health, or (b) a parent, legal guardian, or foster parent who knowingly permits the continuing physical or sexual abuse of a child is guilty of neglect of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both. It is a

defense to a prosecution under clause (b) that at the time of the neglect there was a reasonable apprehension in the mind of the defendant that acting to stop or prevent the neglect would result in substantial bodily harm to the defendant or the child in retaliation.

If a parent, guardian, or caretaker responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, this treatment shall constitute "health care" as used in clause (a) of this section.

Sec. 6. [609.379] [PERMITTED ACTIONS.]

Subdivision 1. [REASONABLE FORCE.] Reasonable force may be used upon or toward the person of a child without the child's consent when the following circumstance exists or the actor reasonably believes it to exist:

When used by a parent, legal guardian, teacher, or other caretaker of a child or pupil, in the exercise of lawful authority, to restrain or correct the child or pupil.

Subd. 2. [APPLICABILITY.] This section applies to sections 1 to 5 and section 626.556, subdivision 12.

Sec. 7. [609.38] [STAYED SENTENCE.]

For any violation of section 609.255, subdivision 3, section 4, or section 5 for which the sentencing guidelines establish a presumptive executed sentence, the court may stay imposition or execution of the sentence if it finds that a stay is in the best interest of the complainant or the family unit and that the defendant is willing to participate in any necessary or appropriate treatment. In determining an appropriate sentence when there is a family relationship between the complainant and the defendant, the court shall be guided by the policy of preserving and strengthening the family unit whenever possible.

Sec. 8. Minnesota Statutes 1982, section 626.556, subdivision 12, is amended to read:

Subd. 12. [DUTIES OF FACILITY OPERATORS.] Any operator, employee, or volunteer worker at any facility who intentionally neglects, physically abuses, or sexually abuses any child in the care of that facility may be charged with a violation of (SECTION 609.23) sections 2, 4 or 5. Any operator of a facility who knowingly permits conditions to exist which result in neglect, physical abuse, or sexual abuse of a child in the care of that facility may be charged with a violation of section 609.23 or section 5.

Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 8 are effective August 1, 1983 and apply to crimes committed on or after that date."

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

Senate Conferees: ERIC D. PETTY, EMBER D. REICHGOTT and JIM RAMSTAD.

House Conferees: JANET CLARK, KEN NELSON and MARY M. FORSYTHE.

Clark, J., moved that the report of the Conference Committee on S. F. No. 50 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 50, A bill for an act relating to crimes; providing for new crimes relating to abuse of children; establishing willful and unlawful restraint as a crime; establishing malicious punishment as a crime; establishing neglect as a crime; providing penalties; amending Minnesota Statutes 1982, sections 260.315; 609.255; and 626.556, subdivision 12; proposing new law coded in Minnesota Statutes, chapter 609.

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.

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

There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Coleman	Halberg	Kostohryz	Olsen
Anderson, G.	Dempsey	Haukoos	Krueger	Omann
Anderson, R.	DenOuden	Heap	Kvam	Onnen
Battaglia	Dimler	Heinitz	Larsen	Osthoff
Beard	Eken	Himle	Levi	Otis
Begich	Elioff	Hoberg	Long	Pauly
Bennett	Ellingson	Hoffman	Ludeman	Peterson
Bergstrom	Erickson	Hokr	Marsh	Piepho
Berkelman	Evans	Jacobs	McDonald	Piper
Bishop	Findlay	Jennings	Minne	Price
Blatz	Fjoslien	Jensen	Murphy	Quinn
Brandl	Forsythe	Johnson	Nelson, D.	Quist
Brinkman	Frerichs	Kahn	Nelson, K.	Redalen
Burger	Greenfield	Kalis	Neuenschwander	Reif
Carlson, L.	Gruenes	Kelly	Norton	Rice
Clark, J.	Gustafson	Knickerbocker	O'Connor	Rodosovich
Cohen	Gutknecht	Knuth	Ogren	Rodriguez, C.

Rodriguez, F.	Segal	Staten	Valento	Wenzel
Rose	Shaver	Sviggum	Vanasek	Wigley
St. Onge	Sherman	Swanson	Vellenga	Wynia
Sarna	Simoneau	Thiede	Voss	Zaffke
Schafer	Skoglund	Tomlinson	Waltman	Speaker Sieben
Schoenfeld	Solberg	Tunheim	Welch	
Schreiber	Sparby	Uphus	Welker	
Seaberg	Stadum	Valan	Welle	

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

CALL OF THE HOUSE LIFTED

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

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 800.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee.

Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 800

A bill for an act relating to health; providing for retention and destruction of certain medical records; amending Minnesota Statutes 1982, section 145.32.

May 12, 1983

The Honorable Jerome M. Hughes
President of the Senate

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

We, the undersigned conferees for S. F. No. 800, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 800 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 145.32, is amended to read:

145.32 [OLD RECORDS MAY BE DESTROYED.]

Subdivision 1. [HOSPITAL RECORDS.] The superintendent or other chief administrative officer of any (SUCH) public or private hospital, by and with the consent and approval of (SUCH) *the* board of directors or other governing body (THEREOF) *of the hospital*, (IS AUTHORIZED TO) *may* divest the files and records of (SUCH) *that* hospital of any (SUCH) individual case records bearing dates more than three years prior to the date of (SUCH) *the* divestiture and, with (SUCH) *that* consent and approval, (TO) *may* destroy the (SAME) records. (SUCH) *The* records shall first have been transferred and recorded as authorized in section 145.30.

Portions of individual hospital medical records that comprise an individual permanent medical record, as defined by the commissioner of health, shall be retained as authorized in section 145.30. Other portions of the individual medical record, including any miscellaneous documents, papers, and correspondence in connection with them, may be divested and destroyed after seven years without transfer to photographic film.

All portions of individual hospital medical records of minors shall be maintained for seven years following the age of majority.

Nothing in this section shall be construed to prohibit the retention of hospital medical records beyond the periods described in this section. Nor shall anything in this section be construed to prohibit patient access to hospital medical records as provided in section 144.335.

Subd. 2. [RESPONSIBILITIES OF THE COMMISSIONER OF HEALTH.] *The commissioner of health shall define by rule the term "individual permanent medical record" by enumerating the specific types of records or other information which, at a minimum, must be maintained on a permanent basis by the hospital."*

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

Senate Conferees: RANDOLPH W. PETERSON, FRITZ KNAAK and MICHAEL O. FREEMAN.

House Conferees: JOHN E. BRANDL, JAMES C. SWANSON and KATHLEEN BLATZ.

Brandl moved that the report of the Conference Committee on S. F. No. 800 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 800, A bill for an act relating to health; providing for retention and destruction of certain medical records; amending Minnesota Statutes 1982, section 145.32.

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 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 892.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee.

Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 892

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

May 13, 1983

The Honorable Jerome M. Hughes
President of the Senate

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

We, the undersigned conferees for S. F. No. 892, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and S. F. No. 892 be amended as follows:

Page 1, line 24, delete "*reinsurer*" and insert "*excess or stop-loss insurer*"

Page 1, line 25, delete "*who*" and insert "*that*"

Page 2, line 2, delete "*reinsurer*" and insert "*excess or stop-loss insurer*"

Page 2, line 4, delete "*a sample reinsurance*" and insert "*its proposed excess or stop-loss insurance*"

Page 2, line 8, delete "*this*"

Page 2, line 9, delete "*subdivision*" and insert "*sections 1 to 8*"

Page 2, line 9, delete "*reinsurance*" and insert "*excess or stop-loss insurance*"

Page 2, line 21, delete "*the provisions of*"

Page 2, line 21, delete "*72A.325*" and insert "*72A.32*"

Page 3, line 5, after "*subdivisions*" insert "*pursuant to section 475.66*"

Page 3, line 8, delete "*quarterly*" and insert "*annual*"

Page 3, line 10, delete "*quarter*" and insert "*calendar year*"

Page 3, line 15, delete "appropriate"

Page 3, line 16, after "rules" insert "*including temporary rules,*"

Page 3, line 16, after "solvency" insert "*and operation*"

Page 3, line 17, delete "*of insurance may review and*"

Page 3, delete lines 18 to 25 and insert "*may examine the joint self-insurance plans pursuant to sections 60A.03 and 60A.31.*"

Page 3, line 26, delete "QUARTERLY"

Page 3, delete line 27

Page 3, line 28, delete "*duties imposed by sections 1 to 8,*"

Page 3, line 30, delete "*immediately preceding*"

Page 3, line 31, delete "*quarterly*"

Page 3, line 31, after "level" insert "*for the most recently completed calendar year. This revenue must be deposited in the general fund*"

Page 3, line 31, delete everything after the period

Page 3, delete lines 32 and 33

Page 4, after line 6, insert:

"Sec. 9. Minnesota Statutes 1982, section 471.617, subdivision 1, is amended to read:

Subdivision 1. A statutory or home rule charter city (OR), county (OR), school district, or instrumentality thereof which has more than 100 employees, may by ordinance or resolution self insure for any employee health benefits (EXCEPT) *including* long term disability (AND), *but not for employee life benefits.* Any self insurance plan shall provide all benefits which are required by law to be provided by group health insurance policies. Self insurance plans shall be certified as provided by section 62E.05. Employee wage deductions for the purpose of funding a self insured health benefit plan (SHALL BE) *are* subject to the licensing provisions of section 60A.23, subdivision 7.

Sec. 10. Minnesota Statutes 1982, section 471.617, subdivision 2, is amended to read:

Subd. 2. Any two or more statutory or home rule charter cities (OR), counties (OR), school districts, or instrumentalities thereof which together have more than 100 employees may jointly self insure for any employee health benefits (EXCEPT) including long term disability (AND), but not for employee life benefits, subject to the same requirements as an individual self insurer under subdivision 1. The commissioner of insurance (IS AUTHORIZED TO PROMULGATE ADMINISTRATIVE) may adopt rules, including emergency rules, pursuant to sections 14.01 to 14.70, providing standards or guidelines for the operation and administration of self insurance pools.

Sec. 11. Minnesota Statutes 1982, section 471.617, subdivision 3, is amended to read:

Subd. 3. Any self insurance plan covering fewer than 1,000 employees shall include excess or stop-loss coverage(,) provided by a licensed insurance company (OR), an insurance company approved pursuant to section 60A.20, or service plan corporation, but excess or stop-loss coverage need not be obtained for long term disability.

This excess or stop-loss coverage shall cover all eligible claims incurred during the term of the policy or contract. In addition to excess or stop-loss coverage, the self insurance plan shall provide for reserving of an appropriate amount of funds to cover the estimated cost of claims incurred, but unpaid, during the term of the policy or contract which shall be added to the expected claim level. These funds shall be in addition to funds reserved to cover the claims paid during the term of the policy or contract. The excess or stop-loss coverage shall be provided at levels in excess of self insured retention which is appropriate, taking into account the number of covered persons in the group."

Page 4, line 8, delete "*This act is*" and insert "*Sections 6 and 9 to 11 are effective the day after final enactment. Sections 1 to 5, 7, and 8 are*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "quarterly"

Page 1, line 6, after the semicolon, insert "authorizing certain governmental subdivisions to self insure for long term disability coverage; amending Minnesota Statutes 1982, section 471.617, subdivisions 1, 2, and 3;"

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

Senate Conferees: ERIC D. PETTY, SAM G. SOLON and DUANE D. BENSON.

House Conferees: THOMAS R. BERKELMAN, JAMES METZEN and ADOLPH L. KVAM.

Berkelman moved that the report of the Conference Committee on S. F. No. 892 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 892, A bill for an act relating to insurance; authorizing the establishment of joint self-insurance employee health plans; providing administrative, trust, bonding, investment, and reporting requirements; establishing a quarterly revenue fee; proposing new law coded as Minnesota Statutes, chapter 62H.

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 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

The Speaker called Wynia to the Chair.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1233, A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other agencies with certain conditions; fixing and limiting fees; providing for adjustments of responsibilities of the department of agriculture for soil and water conservation; allowing limited donation of accumulated vacation time by certain law enforcement employees to their union representative; providing for deposit of proceeds of assessment by the assigned risk review board; regulating financial assistance to public transit systems; limiting certain hearing functions of the transportation regulation board; transferring certain rules authority to the transportation regulation board; reducing membership and establishing terms of members of the public utilities commission; defining enforcement powers of the hazardous material specialists and transportation representatives of the department of transportation; defining terms and requirements for building movers; crediting certain receipts of the commissioner of transportation to the trunk highway fund; providing for certain costs to be paid from the trunk highway fund; authorizing the commissioner of transportation to enforce certain carrier regulations; extending retirement coverage of certain employees of the department of transportation from age 60 to age 62 and providing for disability benefits; transferring and renaming the air transportation revolving account; instructing the commissioner of transportation to charge users of certain air transportation services for certain costs; limiting fare increases by the metropolitan transit commission; basing taxing for the metropolitan transit taxing district upon the level of transit service provided; providing for the disposition of proceeds of certain trunk highway bonds; reducing the amount appropriated from the bridge construction account in the trunk highway fund to the department of transportation; amending Minnesota Statutes 1982, sections 12.14; 17A.04, subdivision 5; 18.51, subdivision 2; 18.52, subdivision 5; 18.53; 18.54; 18A.22, subdivisions 5 and 7; 18A.26; 27.041, subdivision 2; 28A.08; 28A.09; 32.075; 32.59; 34.02; 34.05, subdivision 1; 40.03, subdivision 2, as amended; 43A.04, by adding a subdivision; 79.251, subdivision 1; 155A.07, subdivision 7; 155A.08, subdivision 5; 169.81, subdivision 3b; 169.86, subdivision 5; 169.862; 170.23; 171.26; 171.29, subdivision 2; 173.07, subdivision 2; 173.08, subdivision 1; 173.13, subdivision 4; 174.24, subdivision 3; 174A.02, subdivision 2; 174A.06; 216A.03, subdivision 1; 221.061; 221.071; 221.131; 221.221; 221.296, subdivision 5; 221.64; 221.81; 296.17, subdivisions 10, 17, and 20; 296.25, subdivision 1; 299C.46, subdivision 3; 352.86, subdivisions 1, 2, and by adding a subdivision; 360.018, subdivision 1; 360.63; 473.408, subdivision 3 and by adding a subdivision; 473.446, subdivision 1, as amended; 500.221, subdivision 4; 626.88, subdivision 2; Laws 1975, chapter 235, section 2; Laws 1977, chapter 277, sections 1 and 3, subdivision 1; and Laws 1983, chapter 17, section 12; proposing new law coded in Minnesota Statutes, chapters 10A; 221; 299C; and 360; repealing Minnesota Statutes 1982, sections

24.24; 24.25; 24.26; 24.27; 24.28; 24.29; 24.30; 24.31; 160.26, subdivision 3; 174.265; and 174A.07.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Mr. Langseth, Mrs. Lantry, Messrs. Purfeerst, Schmitz and Mehrkens.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVER, Secretary of the Senate

Rice moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1233. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1012, A bill for an act relating to waste management; amending the Waste Management Act of 1980; providing for the evaluation of bedrock disposal of hazardous waste; providing for participation by private developers and operators of waste facilities in the evaluation of hazardous waste disposal sites; creating phases of environmental impact statements; expanding the definition of hazardous waste; extending the deadlines for the adoption of certain hazardous waste rules; extending certain deadlines of the metropolitan council; clarifying the contents of environmental impact statements; providing reports to counties on permit conditions and permit application requirements for county sites; authorizing issuance of bonds by Washington and Ramsey counties for a solid waste facility; amending Minnesota Statutes 1982, sections 115.071, subdivision 3; 115A.03, subdivision 10; 115A.05, subdivisions 2 and 3; 115A.06, subdivision 4; 115A.08, subdivisions 4, 5, and 6; 115A.10; 115A.11, subdivisions 1 and 2; 115A.21; 115A.22, subdivisions 1, 3, 4, 6, and 7; 115A.24, subdivision 1; 115A.25, subdivisions 1, 2, 3, and by adding subdivisions; 115A.26; 115A.27, subdivision 2; 115A.28, subdivisions 1, 2, and 3; 115A.30; 115A.54, subdivision 2; 115A.67; 115A.70, subdivision 3; 116.06, subdivision 13, and by adding a subdivision; 116.07, subdivision 4; 116.41, subdivision 1a; 473.149, subdivisions 2b, 2c, 2d, 2e, and 4; 473.153, subdivisions 2, 5, 6, 6b, and by adding a subdivision; 473.803, subdivisions 1a and 1b; 473.823, subdivision 6; 473.831, subdivision 2; 473.833, subdivisions 2a, 3, 7, and by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 115A; repealing Minnesota Statutes 1982, sections 115A.23;

115A.27, subdivision 1; 116.07, subdivision 4c; and 116.41, subdivision 1.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Merriam, Pehler and Renneke.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVERN, Secretary of the Senate

Long moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1012. The motion prevailed.

Mr. Speaker:

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

S. F. No. 862.

PATRICK E. FLAHAVERN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 511.

PATRICK E. FLAHAVERN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 862, A bill for an act relating to public employment; providing rights for certain part-time employees; amending the definition of supervisory employee; providing that the public employer's duty to bargain supersedes all municipal charters, ordinances or resolutions; amending Minnesota Statutes 1982, sections 179.63, subdivisions 7 and 9; 179.66, subdivision 2; and 179.71, subdivision 8.

The bill was read for the first time.

Begich moved that S. F. No. 862 and H. F. No. 748, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 511, A bill for an act relating to low-level radioactive waste; entering the Midwest Interstate Low-Level Radioactive Waste Compact; assessing certain low-level radioactive waste generators; providing for enforcement of the compact; providing for civil and criminal penalties; appropriating money; proposing new law coded in Minnesota Statutes, chapter 116C.

The bill was read for the first time.

Kahn moved that S. F. No. 511 and H. F. No. 524, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1233:

Kalis, Metzen, Vellenga, Valan and Seaberg.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1012:

Long; Nelson, D., and Anderson, R.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 90

A bill for an act relating to highway traffic regulations; prescribing penalties for failure to place children under the age of four years in child passenger restraint systems when being transported on streets and highways; amending Minnesota Statutes 1982, section 169.685, subdivision 5.

May 13, 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. 90, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 90 be further amended as follows:

Page 1, line 15, after "vehicle" insert "*that is*" and before the comma, insert "*and was equipped with factory-installed seat belts*"

Page 2, line 4, before the comma insert "*in a seat of the motor vehicle that was equipped with a factory-installed seat belt*"

Page 2, after line 16, insert:

"Sec. 2. Minnesota Statutes 1982, section 65B.133, subdivision 5, is amended to read:

Subd. 5. [LIMITATION ON CHARGEABLE TRAFFIC VIOLATIONS.] No traffic violation is chargeable to a driver unless the driver is convicted of, or forfeits bail for, the offense, or the driver's license is revoked pursuant to section 169.123. If a surcharge is applied because bail is forfeited and if the driver is later acquitted of the offense, the insurer shall rebate the surcharge. *A violation of section 169.685, subdivision 5 is not chargeable.*"

Renumber section 2 as section 3

Further amend the title as follows:

Page 1, line 6, delete "section" and insert "sections 65B.133, subdivision 5; and"

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

House Conferees: WES SKOGLUND, CAROLYN RODRIGUEZ and WILLIAM SCHREIBER.

Senate Conferees: MARILYN M. LANTRY, DON FRANK and GARY W. LAIDIG.

Skoglund moved that the report of the Conference Committee on H. F. No. 90 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 90, A bill for an act relating to highway traffic regulations; prescribing penalties for failure to place children under the age of four years in child passenger restraint systems when being transported on streets and highways; amending Minnesota Statutes 1982, section 169.685, subdivision 5.

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 87 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Coleman	Kelly	Olsen	Segal
Anderson, G.	Dimler	Knickerbocker	Osthoff	Shea
Anderson, R.	Elioff	Knuth	Otis	Simoneau
Battaglia	Ellingson	Kostohryz	Peterson	Skoglund
Beard	Forsythe	Krueger	Piper	Solberg
Begich	Graba	Kvam	Price	Staten
Bennett	Greenfield	Larsen	Quinn	Swanson
Bergstrom	Gruenes	Long	Quist	Tomlinson
Berkelman	Gustafson	Mann	Reif	Tunheim
Bishop	Gutknecht	McDonald	Riveness	Valan
Blatz	Halberg	Minne	Rodosovich	Vellenga
Brandl	Heap	Munger	Rodriguez, C.	Welle
Brinkman	Himle	Murphy	Rodriguez, F.	Wenzel
Carlson, L.	Hoberg	Nelson, D.	St. Onge	Wynia
Clark, J.	Hoffman	Nelson, K.	Scheid	Speaker Sieben
Clark, K.	Jensen	Neuenschwander	Schoenfeld	
Clawson	Johnson	Norton	Schreiber	
Cohen	Kahn	Ogren	Seaberg	

Those who voted in the negative were:

Burger	Frerichs	O'Connor	Sviggum	Welker
Dempsey	Jacobs	Omann	Thiede	Wigley
DenOuden	Jennings	Piepho	Uphus	Zaffke
Evans	Levi	Schafer	Valento	
Findlay	Ludeman	Shayer	Voss	
Fjoslien	Marsh	Stadum	Waltman	

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 218

A bill for an act relating to crimes; expanding the rights of victims of crime; affirming the right of victims to bring civil actions against offenders; establishing the right of a victim to request restitution; providing for implementation of victim and witness rights by law; providing penal sanctions and judicial mechanisms to deter intimidation of witnesses; requiring development of a plan for notifying crime victims about available financial assistance and social services; providing for victim participation in the criminal process; providing penalties; amending Minnesota Statutes 1982, sections 241.26, subdivisions 5 and 6; 243.23, subdivision 3; 571.55, by adding a subdivision; 609.115, subdivision 1; 609.498; and 631.425, subdivision 5; proposing new law coded as Minnesota Statutes, chapter 611A.

May 13, 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. 218, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and H. F. No. 218 be amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

RIGHTS OF VICTIMS OF CRIMES

GENERAL RIGHTS

Section 1. [611A.01] [DEFINITIONS.]

For the purposes of sections 1 to 5:

(a) "Crime" means conduct that is included within the definition of "crime" in section 609.02, subdivision 1, or would be included within that definition but for the fact that (i) the person engaging in the conduct lacked capacity to commit the crime under the laws of this state, or (ii) the act was alleged or found to have been committed by a juvenile;

(b) "Victim" means a natural person who incurs loss or harm as a result of a crime. If the victim is deceased, "victim" means the deceased's surviving spouse or next of kin; and

(c) "Juvenile" has the same meaning as given to the term "child" in section 260.015, subdivision 2.

Sec. 2. [611A.02] [VICTIM SERVICE NOTIFICATION.]

The commissioner of corrections, in cooperation with the executive director of the crime victims reparations board, shall develop a plan to provide victims with information concerning victim services in the geographic area where the crimes occurred. This information shall include, but need not be limited to, information about available victim crisis centers, programs for victims of sexual assault, victim witness programs, elderly victims projects, victim assistance hotlines, incest abuse programs, and domestic violence shelters and programs.

The plan shall take into account the fact that some counties currently have informational service systems and victim or witness services or programs.

This plan shall be presented to the appropriate standing committees of the legislature no later than February 1, 1984.

Sec. 3. [611A.03] [PLEA AGREEMENTS; NOTIFICATION.]

Subdivision 1. [PLEA AGREEMENTS; NOTIFICATION OF VICTIM.] Prior to the entry of the factual basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall make a reasonable and good faith effort to inform the victim of:

- (a) The contents of the plea agreement recommendation; and*
- (b) His right to be present at the sentencing hearing and to express in writing any objection he has to the agreement or to the proposed disposition. If the victim is not present when the court considers the recommendation, but has communicated his objections to the prosecuting attorney, the prosecuting attorney shall make these objections known to the court.*

Subd. 2. [NOTIFICATION DUTIES.] A prosecuting attorney satisfies the requirements of subdivision 1 by notifying:

- (a) The victim's legal guardian or guardian ad litem; or*
- (b) The three victims the prosecuting attorney believes to have suffered the most, if there are more than three victims of the offense.*

Subd. 3. [APPLICABILITY.] The provisions of this section apply to crimes which are violations of sections 609.185, 609.19, 609.195, 609.20, 609.205, 609.221, 609.222, 609.223, 609.224, 609.24, 609.245, 609.25, 609.255, 609.342, 609.343, 609.344, 609.345, 609.3641, 609.3642, 609.3643, 609.3644, 609.365, 609.498, 609.561, 609.58, clauses (1)(b) and (2), and 609.687.

Sec. 4. [611A.04] [VICTIM'S RIGHT TO REQUEST RESTITUTION.]

Subdivision 1. [REQUEST; DECISION.] A victim of a crime has the right to request that restitution be considered as part of the disposition of a criminal charge or juvenile delinquency proceeding against the offender. The request for restitution shall be made by the victim in writing in affidavit form, describing the items or elements of loss and itemizing the total dollar amounts of restitution claimed, and the reasons justifying these amounts, if the request is for monetary or property restitution. In order to be considered by the court, the request must be received by the clerk of the appropriate court at least three business days before the sentencing or dispositional hearing. The clerk of court shall provide copies of this request to the prosecutor and the offender at least 24 hours before the sentencing or dispositional hearing.

The court shall grant or deny restitution, and shall state on the record its reasons for its decision on restitution if a request for restitution has been made.

Subd. 2. [PROCEDURES.] The offender shall make restitution payments to the clerk of the county, municipal, or district court of the county in which the restitution is to be paid.

Subd. 3. [EFFECT OF ORDER FOR RESTITUTION.] A decision for or against restitution in any criminal or juvenile proceeding is not a bar to any civil action by the victim or by the state pursuant to section 299B.10 against the offender. The offender shall be given credit, in any order for judgment in favor of a victim in a civil action, for any restitution paid to the victim for the same injuries for which the judgment is awarded.

Sec. 5. [611A.06] [RIGHT TO NOTICE OF RELEASE.]

The commissioner of corrections or other custodial authority shall make a good faith effort to notify the victim that the offender is to be released from imprisonment or incarceration, other than for work release, prior to the release if the victim has mailed to the commissioner of corrections or to the head of the facility in which the offender is confined a written request for this notice. The commissioner or other custodial authority complies with this section if he mails the notice of impending release to the victim at the address which the victim has most recently provided to him in writing.

Sec. 6. [INSTRUCTION TO REVISOR.]

In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall renumber each section specified in Column A with the number set forth in Column B.

In addition, the revisor of statutes shall make necessary cross-reference changes consistent with renumbering required by this section.

Column A

Column B

Minnesota Statutes

1982

Section 645.23

Section 611A.05

VICTIM PROGRAMS

PROGRAM TO AID VICTIMS

OF SEXUAL ATTACK

Section 241.51

Section 611A.21

*Section 241.52**Section 611A.22**Section 241.53**Section 611A.23***BATTERED WOMEN***Section 241.61**Section 611A.31**Section 241.62**Section 611A.32**Section 241.63**Section 611A.33**Section 241.64**Section 611A.34**Section 241.65**Section 611A.35**Section 241.66**Section 611A.36***VICTIM AGENCIES****CRIME VICTIM****CRISIS CENTER***Section 241.55**Section 611A.41**Section 241.56**Section 611A.42**Section 241.57**Section 611A.43**Section 241.58**Section 611A.44***CRIME VICTIMS****REPARATIONS BOARD***Section 299B.01**Section 611A.51**Section 299B.02**Section 611A.52**Section 299B.03**Section 611A.53**Section 299B.04**Section 611A.54**Section 299B.05**Section 611A.55**Section 299B.06**Section 611A.56**Section 299B.07**Section 611A.57*

Section 299B.071

Section 611A.58

Section 299B.08

Section 611A.59

Section 299B.09

Section 611A.60

Section 299B.10

Section 611A.61

Section 299B.11

Section 611A.62

Section 299B.12

Section 611A.63

Section 299B.13

Section 611A.64

Section 299B.14

Section 611A.65

Section 299B.15

Section 611A.66

Section 299B.16

Section 611A.67

Section 299B.17

Section 611A.68

ARTICLE 2

Section 1. Minnesota Statutes 1982, section 241.26, subdivision 5, is amended to read:

Subd. 5. [EARNINGS; WORK RELEASE ACCOUNT.] The net earnings of each inmate participating in a work release program provided by this section shall be collected by or forwarded to the commissioner of corrections under rules established by him and deposited by the commissioner in the state treasury (AND), to be credited to the "work release account", (WHICH ACCOUNT IS HEREBY ESTABLISHED,) to the account of (SUCH) *the* inmate. (SUCH) *The* moneys shall (BE AND) remain under the control of the commissioner for the sole benefit of (SUCH) *the* inmate, subject to disbursement by the commissioner for the following (PURPOSE) *purposes* and in the following order:

(1) The cost of (SUCH) *the* inmate's keep as determined by (THE PROVISION OF) subdivision 7, which moneys shall be deposited in the general fund of the state treasury if (SUCH) *the* inmate is housed in a state correctional institution, or shall be paid to the appropriate city or county treasurer if (SUCH) *the* inmate is housed in a city or county facility;

(2) Necessary travel expense to and from work and other incidental expenses of the inmate;

(3) Support of inmate's dependents, if any;

(4) *Court-ordered restitution;*

(5) After the above expenditures, the inmate shall have discretion to direct payment of the balance, if any, upon proper proof of personal legal debts;

((5)) (6) The balance, if any, shall be disbursed to the inmate as provided in section 243.24, subdivision 1.

All moneys in the "work release account" (ESTABLISHED BY THIS SUBDIVISION) are appropriated annually to the commissioner of corrections for the purposes of the work release program.

Sec. 2. Minnesota Statutes 1982, section 243.23, subdivision 3, is amended to read:

Subd. 3. [EXCEPTIONS.] Notwithstanding sections 241.01, subdivision 8, 241.26, subdivision 5, and 243.24, subdivision 1, the commissioner shall promulgate rules for the disbursement of funds earned under subdivision 1 for the support of families and dependent relatives of the respective inmates, *for the payment of court-ordered restitution*, and for the discharge of any legal obligations arising out of litigation under this subdivision. An inmate of an adult correctional facility under the control of the commissioner is subject to actions for the enforcement of support obligations and reimbursement of any public assistance rendered the dependent family and relatives. The commissioner may conditionally release an inmate who is a party to an action under this subdivision and provide for his detention in a local detention facility convenient to the place of the hearing when he is not engaged in preparation and defense.

Sec. 3. Minnesota Statutes 1982, section 609.115, subdivision 1, is amended to read:

Subdivision 1. [PRESENTENCE INVESTIGATION.] When a defendant has been convicted of a misdemeanor (,) *or gross misdemeanor (, OR FELONY)*, the court may, *and when the defendant has been convicted of a felony, the court shall*, before sentence is imposed, cause a presentence investigation and written report to be made to the court concerning the defendant's individual characteristics; circumstances, needs, potentialities, criminal record and social history, the circumstances of the offense and the harm caused (THEREBY) *by it* to others and to the community. If the court (SO) directs, the report shall include an estimate of the prospects of the defendant's rehabilitation and recommendations as to the sentence which should be imposed. In misdemeanor cases the report may be oral.

When a defendant has been convicted of a felony, and before sentencing, the court shall cause a sentencing worksheet to be completed to facilitate the application of the Minnesota sentencing guidelines. (IF A PRESENTENCE INVESTIGATION IS ORDERED BY THE COURT,) The worksheet shall be submitted as part of the presentence investigation report. (IF A PRESENTENCE INVESTIGATION IS NOT ORDERED BY THE COURT, THE WORKSHEET SHALL NONETHELESS BE SUBMITTED.)

The investigation shall be made by a probation officer of the court, if there is one, otherwise by the commissioner of corrections.

Pending the presentence investigation and report, the court with the consent of the commissioner may commit the defendant to the custody of the commissioner of corrections who shall return the defendant to the court when the court so orders.

Presentence investigations shall be conducted and summary hearings held upon reports and upon the sentence to be imposed upon the defendant in accordance with this section, (MINNESOTA STATUTES, SECTION) *section* 244.10, (UPON ITS EFFECTIVE DATE,) and (RULE 27 OF) the rules of criminal procedure.

Sec. 4. Minnesota Statutes 1982, section 609.115, is amended by adding a subdivision to read:

Subd. 1b. [ADDITIONAL CONTENTS.] The presentence investigation report shall also include the following information relating to victims:

(a) A summary of the damages or harm and any other problems generated by the criminal occurrence;

(b) A concise statement of what disposition the victim deems appropriate for the defendant or juvenile court respondent, including reasons given, if any, by the victim in support of his opinion; and

(c) An attachment to the report, consisting of the victim's written objections, if any, to the proposed disposition if the victim provides the officer conducting the presentence investigation with this written material within a reasonable time prior to the disposition.

For the purposes of this section, "victim" has the meaning given to it in article 1, section 1.

Sec. 5. Minnesota Statutes 1982, section 609.115, is amended by adding a subdivision to read:

Subd. 1c. [NOTICE TO VICTIM.] The officer conducting the presentence or predispositional report shall make reasonable and good faith efforts to contact the victim of that crime and to provide that victim with the following information: (i) the charge or juvenile court petition to which the defendant has been convicted or pleaded guilty, or the juvenile respondent has admitted in court or has been found to have committed by the juvenile court, and of any plea agreement between the prosecution and the defense counsel; (ii) his right to request restitution pursuant to article 1, section 4; (iii) the time and place of the sentencing or juvenile court disposition and his right to be present; and (iv) his right to object in writing to the court, prior to the time of sentencing or juvenile court disposition, to the proposed sentence or juvenile dispositional alternative, or to the terms of the proposed plea agreement. To assist the victim in making a recommendation under clause (iv), the officer shall provide the victim with information about the court's options for sentencing and other dispositions. Failure of the officer to comply with this subdivision does not give any rights or grounds for post conviction or post juvenile disposition relief to the defendant or juvenile court respondent, nor does it entitle a defendant or a juvenile court respondent to withdraw a plea of guilty.

Sec. 6. Minnesota Statutes 1982, section 609.498, is amended to read:

609.498 [TAMPERING WITH A WITNESS.]

Subdivision 1. [TAMPERING WITH A WITNESS IN THE FIRST DEGREE.] *Whoever does any of the following is guilty of tampering with a witness in the first degree and may be sentenced as provided in subdivision 1a:*

(a) intentionally prevents or dissuades or intentionally attempts to prevent or dissuade by means of force or threats of injury to person, family, or property, a person who is or may become a witness from attending or testifying at any trial, proceeding, or inquiry authorized by law (, IS GUILTY OF TAMPERING WITH A WITNESS IN THE FIRST DEGREE AND MAY BE SENTENCED);

(b) intentionally threatens to cause injury to person, family, or property in retaliation against a person who was summoned as a witness at any trial, proceeding, or inquiry authorized by law, within a year following that trial, proceeding, or inquiry;

(c) intentionally prevents or dissuades or attempts to prevent or dissuade, by means of force or threats of injury to person, family, or property, a person from providing information to law enforcement authorities concerning a crime; or

(d) intentionally threatens to cause injury to person, family, or property in retaliation against a person who has provided in-

formation to law enforcement authorities concerning a crime within a year of that person providing the information.

Subd. 1a. [PENALTY.] *Whoever violates subdivision 1 may be sentenced to imprisonment for not more than five years or to payment of a fine not to exceed \$5,000.*

Subd. 2. [TAMPERING WITH A WITNESS IN THE SECOND DEGREE.] *Whoever does any of the following is guilty of tampering with a witness in the second degree and may be sentenced as provided in subdivision 3:*

(a) intentionally prevents or dissuades or intentionally attempts to prevent or dissuade by means of any act described in section 609.27, subdivision 1, (CLAUSES) clause (3), (4), or (5), a person who is or may become a witness from attending or testifying at any trial, proceeding, or inquiry authorized by law (IS GUILTY OF TAMPERING WITH A WITNESS IN THE SECOND DEGREE AND); or

(b) intentionally prevents or dissuades or attempts to prevent or dissuade by means of any act described in section 609.27, subdivision 1, clause (3), (4), or (5), a person from providing information to law enforcement authorities concerning a crime.

Subd. 3. [SENTENCE.] *Whoever violates subdivision 2 may be sentenced to imprisonment for not more than one year or to payment of a fine not to exceed \$1,000.*

Sec. 7. Minnesota Statutes 1982, section 631.425, subdivision 5, is amended to read:

Subd. 5. [EARNINGS.] *The earnings of the prisoner may be collected by the sheriff, probation department, welfare board or suitable person or agency designated by the court. From (SUCH) the earnings, the person or agency designated to collect them may pay the cost of the prisoner's maintenance, both inside and outside the jail, but the charge for maintenance inside the jail shall not exceed the legal daily allowance for board allowed the sheriff for ordinary prisoners, and, to the extent directed by the court, pay the support of his dependents, if any, (AND) court costs and fines, and court-ordered restitution, if any. Any balance shall be retained until his discharge when it shall be paid to him.*

Sec. 8. [EFFECTIVE DATE.]

Articles 1 and 2 of this act are effective August 1, 1983, and apply to crimes committed on or after that date."

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

Page 1, line 4, delete everything before "establishing"

Page 1, line 13, delete "subdivisions 5 and 6" and insert "subdivision 5"

Page 1, line 14, delete everything after the first semicolon

Page 1, line 15, after "1" insert ", and by adding subdivisions"

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

House Conferees: RANDY C. KELLY, RICHARD J. COHEN and DAVID T. BISHOP.

Senate Conferees: RONALD R. DICKLICH, GENE MERRIAM and FRITZ KNAAK.

Kelly moved that the report of the Conference Committee on H. F. No. 218 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 218, A bill for an act relating to crimes; expanding the rights of victims of crime; affirming the right of victims to bring civil actions against offenders; establishing the right of a victim to request restitution; providing for implementation of victim and witness rights by law; providing penal sanctions and judicial mechanisms to deter intimidation of witnesses; requiring development of a plan for notifying crime victims about available financial assistance and social services; providing for victim participation in the criminal process; providing penalties; amending Minnesota Statutes 1982, sections 241.26, subdivisions 5 and 6; 243.23, subdivision 3; 571.55, by adding a subdivision; 609.115, subdivision 1; 609.498; and 631.425, subdivision 5; proposing new law coded as Minnesota Statutes, chapter 611A.

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 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Hoberg	Long	Omann	St. Onge	Thiede
Hoffman	Ludeman	Onnen	Schafer	Tomlinson
Hokr	Mann	Osthoff	Scheid	Uphus
Jacobs	Marrsh	Otis	Schoenfeld	Valan
Jennings	McDonald	Piepho	Schreiber	Valento
Jensen	McKasy	Piper	Seaberg	Vellenga
Johnson	Minne	Price	Shaver	Voss
Kahn	Munger	Quinn	Sherman	Waltman
Kelly	Murphy	Quist	Simoneau	Welch
Knickerbocker	Nelson, D.	Redalen	Skoglund	Welker
Knuth	Nelson, K.	Reif	Solberg	Wenzel
Kostohryz	Neuenschwander	Rice	Sparby	Wigley
Krueger	Norton	Riveness	Stadum	Wynia
Kvam	O'Connor	Rodosovich	Staten	Zaffke
Larsen	Ogren	Rodriguez, F.	Sviggum	Speaker Sieben
Levi	Olsen	Rose	Swanson	

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 582

A bill for an act relating to corrections; clarifying the powers of the commissioner of corrections; limiting certain inmate functions; authorizing the use of necessary force to prevent escape; providing for the costs of transporting juvenile delinquents committed to the commissioner of corrections; providing for supervision of gross misdemeanor probations; removing archaic language; amending Minnesota Statutes 1982, sections 241.01, subdivision 3a; 241.23; 242.31, subdivisions 1 and 3; 243.17, subdivision 1; 243.52; 243.58; 243.62; 609.135, subdivision 1; and 624.714, subdivision 13.

May 16, 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. 582, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 582 be further amended as follows:

Page 1, line 28, after "inmates" insert a period and strike "or" and insert "*Inmates may*"

Page 1, line 29, strike the first "any" and insert "*an*"

Page 1, line 29, after "position" insert "*subordinate to correctional staff*"

Page 2, line 2, delete "*without*" and insert "*with*"

Page 5, line 14, strike everything after "himself"

Page 5, line 15, strike everything before the period and insert "*by the use of force*"

Page 5, line 17, strike "or to resist" and insert "*resists*"

Page 5, line 18, strike the second "or"

Page 5, line 19, after "or" insert "*attempts*"

Page 5, line 20, strike "in" and delete "*any*" and strike "manner"

Page 5, line 21, delete the new language and strike "necessary; and," and insert "*by the use of force.*" and strike "in so doing,"

Page 5, line 22, strike "so"

Page 5, line 23, strike "necessarily" and after "*the*" insert "*use of force by the*"

Page 5, line 25, delete "*subdivision*" and insert "*section*"

Page 5, after line 25, insert:

"As used in this section, "use of force" means conduct which is authorized by sections 609.06 to 609.066. An officer or guard may use force in the same manner as authorized for peace officers under sections 609.06 to 609.066."

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

House Conferees: RANDY C. KELLY, JANET CLARK and DAVID T. BISHOP.

Senate Conferees: LAWRENCE J. POGEMILLER and DONNA C. PETERSON.

Kelly moved that the report of the Conference Committee on H. F. No. 582 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 582, A bill for an act relating to corrections; clarifying the powers of the commissioner of corrections; limiting certain inmate functions; authorizing the use of necessary force to prevent escape; providing for the costs of transporting juvenile delinquents committed to the commissioner of corrections;

providing for supervision of gross misdemeanor probations; removing archaic language; amending Minnesota Statutes 1982, sections 241.01, subdivision 3a; 241.23; 242.31, subdivisions 1 and 3; 243.17, subdivision 1; 243.52; 243.58; 243.62; 609.135, subdivision 1; and 624.714, subdivision 13.

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 109 yeas and 7 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Findlay	Graba	Hokr	Levi	Schreiber
Fjoslien	Hoberg			

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 610

A bill for an act relating to financial institutions; industrial loan and thrift companies; regulated loans; enlarging the group of institutions which may utilize electronic fund transfer facilities; modifying the capital and reserve limitation on loans by industrial loan and thrift companies; permitting loan and thrifts and regulated lenders to take discount points in certain circumstances; authorizing loan and thrifts to receive savings accounts and savings deposits subject to certain prescribed conditions; regulating loan splitting; eliminating the receipt requirement for money orders; standardizing certain penalties; excepting

loan and thrifts and regulated lenders from the licensing requirements for real estate brokers and salespersons; amending Minnesota Statutes 1982, sections 47.61, subdivision 4; 47.64, subdivision 1; 48.196; 53.03, subdivision 5; 53.04, subdivisions 3a and 5; 53.05; 53.07, subdivision 2; 53.10; 56.131, subdivision 3, and by adding a subdivision; 56.14; 56.19, subdivision 1; 80A.15, subdivision 1; and 82.18; repealing Minnesota Statutes 1982, section 56.19, subdivision 2.

May 13, 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. 610, 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. 610 be further amended as follows:

Page 4, line 35, after "*estate*" insert "*and that is in a principal amount of \$7,500 or more and a maturity of 60 months or more*"

Page 5, line 6, delete "*yield on the original loan*" and insert "*maximum rate of interest provided by this subdivision when the prepayment is taken into account*"

Page 8, line 31, after "*estate*" insert "*and that is in a principal amount of \$7,500 or more and has a maturity of 60 months or more*"

Page 9, line 2, delete "*yield on the original*"

Page 9, line 3, delete "*loan*" and insert "*maximum rate of interest provided by this section when the prepayment is taken into account*"

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

House Conferees: THOMAS R. BERKELMAN, JAMES I. RICE
and JAMES METZEN.

Senate Conferees: DARRIL WEGSCHEID, DUANE D. BENSON
and SAM G. SOLON.

Berkelman moved that the report of the Conference Committee on H. F. No. 610 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 610, A bill for an act relating to financial institutions; industrial loan and thrift companies; regulated loans; enlarging the group of institutions which may utilize electronic fund transfer facilities; modifying the capital and reserve limitation on loans by industrial loan and thrift companies; permitting loan and thrifts and regulated lenders to take discount points in certain circumstances; authorizing loan and thrifts to receive savings accounts and savings deposits subject to certain prescribed conditions; regulating loan splitting; eliminating the receipt requirement for money orders; standardizing certain penalties; excepting loan and thrifts and regulated lenders from the licensing requirements for real estate brokers and salespersons; amending Minnesota Statutes 1982, sections 47.61, subdivision 4; 47.64, subdivision 1; 48.196; 53.03, subdivision 5; 53.04, subdivisions 3a and 5; 53.05; 53.07, subdivision 2; 53.10; 56.131, subdivision 3, and by adding a subdivision; 56.14; 56.19, subdivision 1; 80A.15, subdivision 1; and 82.18; repealing Minnesota Statutes 1982, section 56.19, subdivision 2.

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 94 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Knuth	Peterson	Sherman
Battaglia	Findlay	Kostohryz	Piepho	Solberg
Beard	Fjoslien	Kvam	Piper	Sparby
Begich	Forsythe	Levi	Price	Staten
Bennett	Frerichs	Long	Quinn	Sviggum
Bergstrom	Gruenes	Ludeman	Quist	Thiede
Berkelman	Gustafson	Mann	Redalen	Tomlinson
Blatz	Gutknecht	McDonald	Reif	Tunheim
Brinkman	Halberg	McKasy	Rice	Uphus
Bürger	Haukoos	Minne	Riveness	Valan
Carlson, L.	Heap	Munger	Rodosovich	Valento
Clark, K.	Heinitz	Murphy	Rodriguez, C.	Vanasek
Clawson	Himle	Nelson, D.	Rodriguez, F.	Waltman
Cohen	Hoberg	Neuenschwander	Rose	Welle
Coleman	Jacobs	Norton	Schafer	Wenzel
DenOuden	Jennings	Olsen	Scheid	Wigley
Eken	Jensen	Omann	Seaberg	Zaffke
Elioff	Johnson	Osthoff	Segal	Speaker Sieben
Ellingson	Knickerbocker	Otis	Shaver	

Those who voted in the negative were:

Anderson, G.	Graba	Krueger	Schoenfeld	Welker
Anderson, R.	Greenfield	O'Connor	Voss	Wynia
Brandl	Kahn	Ogren		
Clark, J.	Kelly	St. Onge		

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

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

REPORTS OF STANDING COMMITTEES

Rice from the Committee on Appropriations to which was referred:

S. F. No. 346, A bill for an act relating to agriculture; granting the commissioner powers relating to agricultural promotion; changing certain procedures related to fees; redefining certain terms; changing the coverage of the consolidated food licensing law; permitting the sale of certain eggs for human consumption; updating certain provisions; specifying certain plumbing and sewage disposal requirements; changing the coverage of certain animal processing laws; prohibiting sale or possession of certain meat; changing certain fees; changing the dates of reports from and payments to certain agricultural societies; eliminating certain duties of the commissioner of agriculture and county agricultural agents; eliminating the prohibition on manufacture or use of certain preservative compounds; eliminating provisions relating to the dairy industry; adjusting fees for inspection of warehouses; directing the commissioner of agriculture to adopt a mandatory collective ratemaking procedure for warehousemen; amending Minnesota Statutes 1982, sections 17.101; 17B.15, subdivision 1; 28A.03; 29.235; 31.01, subdivision 20; 31.10; 31.101, subdivisions 3, 4, 5, 6, 7, and 8; 31.51, subdivision 2; 31.56, subdivision 1; 31A.02, subdivision 5; 31A.10; 31A.15; 32.394, subdivision 8; 34.05, subdivision 1; 38.02, subdivisions 1 and 3; 231.11; 231.12; 231.16; 232.22, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 31; repealing Minnesota Statutes 1982, sections 17.031; 17.032; 17B.15, subdivision 2; 31.401 to 31.406; 32.472; and 32.473.

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

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

S. F. No. 879, A bill for an act relating to courts; increasing mileage allowances for jurors; amending Minnesota Statutes 1982, section 593.48.

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

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 346 and 879 were read for the second time.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Tomlinson requested immediate consideration of H. F. No. 1031; S. F. No. 366; and H. F. Nos. 921 and 751.

H. F. No. 1031 was reported to the House.

Sparby moved to amend H. F. No. 1031, as follows:

Page 2, after line 14, insert:

"Sec. 3. [COORDINATOR POSITION.]

Effective July 1, 1983, the Red River watershed coordinator position (senior hydrologist) in the unclassified service of the state is transferred to the classified civil service in the department of natural resources. The incumbent in this position shall be transferred without competitive examination to probationary status in the classified service in the same classification and at the same pay step as at present. All of the employee's accrued vacation and sick leave shall be transferred to his credit."

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

Burger moved to amend H. F. No. 1031, as follows:

Page 1, line 19, delete "two" and insert "1.9"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 27 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Blatz	Gutknecht	Jennings	Quist	Valento
Burger	Haukoos	Ludeman	Reif	Waltman
Dempsey	Heap	McDonald	Schafer	Welker
Dimler	Heinitz	McKasy	Sherman	
Fjoslien	Hoberg	Olsen	Thiede	
Frerichs	Hokr	Omann	Uphus	

Those who voted in the negative were:

Anderson, B.	Battaglia	Begich	Berkelman	Carlson, L.
Anderson, G.	Beard	Bergstrom	Brinkman	Clark, J.

Clark, K.	Kalis	Nelson, K.	St. Onge	Tomlinson
Clawson	Kelly	Neuenschwander	Sarna	Tunheim
Cohen	Knickerbocker	Norton	Scheid	Valan
DenOuden	Knuth	O'Connor	Schoenfeld	Vanasek
Eken	Kostohryz	Ogren	Seaberg	Vellenga
Elioff	Krueger	Osthoff	Segal	Voss
Ellingson	Larsen	Otis	Shaver	Welch
Evans	Long	Peterson	Shea	Welle
Findlay	Mann	Piper	Simoneau	Wenzel
Graba	Marsh	Price	Skoglund	Wigley
Gustafson	McEachern	Rice	Solberg	Wynia
Halberg	Metzen	Riveness	Sparby	Speaker Sieben
Hoffman	Minne	Rodosovich	Stadium	
Jacobs	Munger	Rodriguez, C.	Staten	
Jensen	Murphy	Rodriguez, F.	Sviggum	
Kahn	Nelson, D.	Rose	Swanson	

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

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

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

The bill was passed and its title agreed to.

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

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 921, A bill for an act relating to taxation; motor vehicle registration tax; motor vehicle excise tax; providing for refund of tax on certain vehicles that are replaced or the purchase price refunded; appropriating money; proposing new law coded in Minnesota Statutes, chapters 168 and 297B.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Anderson, R.	Beard	Bennett	Berkelman
Anderson, G.	Battaglia	Begich	Bergstrom	Bishop

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

The bill was passed and its title agreed to.

H. F. No. 751, A bill for an act relating to energy; simplifying hydropower lease procedures; amending Minnesota Statutes 1982, sections 105.482, subdivisions 8 and 9; 272.02, by adding a subdivision; 273.19, by adding a subdivision; and 295.44, subdivision 1; repealing Minnesota Statutes 1982, section 295.44, subdivisions 2, 3, and 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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

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

SPECIAL ORDERS

H. F. No. 547 was reported to the House.

There being no objection, H. F. No. 547 was continued on Special Orders for one day.

H. F. No. 722 was reported to the House.

Jacobs moved that H. F. No. 722 be temporarily laid over on Special Orders. The motion prevailed.

S. F. No. 545 was reported to the House.

Brandl moved to amend S. F. No. 545, as follows:

Page 1, line 27, after "256.87" delete the comma

Page 1, line 28, after "enforcement" delete the comma

Page 1, line 29, after "application" delete the comma

Page 1, line 30, after "have" delete the comma

Page 2, line 1, after "obligations" delete the period and insert a semicolon

Page 2, line 3, after "256.87" delete the period and insert a semicolon

Page 3, line 20, after "the" delete "90-day" and insert "90 day"

Page 7, delete lines 23 through 36

Page 8, delete lines 1 through 27

Page 8, line 33, after "may" strike the remainder of the line

Page 8, line 34, before "(EVALUATE)" strike the language

Page 9, line 7, after the semicolon insert "or"

Page 15, line 4, after "*departure*" delete "*from*" and insert "*below*"

Page 15, line 5, after "*that*" insert "*so*"

Page 15, line 5, after the period insert "*It may also increase the amount of child support by more than the guidelines without making express findings by agreement of the parties or by making further findings.*"

Page 15, line 15, after "*section*" delete "*18*" and insert "*15*"

Page 15, line 20, after "*section*" delete "*18*" and insert "*15*"

Page 19, delete lines 6 through 13

Page 19, line 28, after the first "*the*" delete "*cost of living*" and insert "*cost-of-living*"

Page 20, line 2, after "*adjustment*" delete "*without*" and insert "*by agreement of the parties or by*"

Page 26, line 1, after "*unless*" delete "*it*" and insert "*such service*"

Page 26, line 20, after "*sections*" delete "*18*" and insert "*15*"

Page 26, line 20, after the first comma delete "*19*" and insert "*16*"

Page 26, line 20 after "*and*" delete "*26*" and insert "*22*"

Amend the title as follows:

Page 1, line 8, after the second semicolon delete the remainder of the line

Page 1, line 9, before "*257.64*" delete the language

Page 1, line 13, after "*5*" delete the remainder of the line

Page 1, line 14, before the first semicolon delete "*subdivision*"

Renumber the sections accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 545, A bill for an act relating to welfare; changing laws relating to child support enforcement; providing for determination of paternity; providing for determination and modi-

fication of child support; amending Minnesota Statutes 1982, sections 256.74, by adding a subdivision; 256.87; 257.55, subdivision 1; 257.58; 257.59, subdivision 1; 257.60; 257.62, subdivision 1, and by adding subdivisions; 257.64, subdivision 1; 257.66, subdivisions 3 and 4; 257.69, subdivision 2; 518.10; 518.17, by adding a subdivision; 518.551, subdivisions 1, 5, and 6, and by adding subdivisions; 518.611; 518.64, subdivisions 2 and 5, and by adding a subdivision; 518.645; 518B.01, subdivisions 2 and 6; 518C.17, subdivision 1; 518C.33, subdivision 1; and 548.09; proposing new law coded in Minnesota Statutes, chapters 257, 518, and 543; repealing Minnesota Statutes 1982, sections 256.87, subdivision 2; 256.872; 256.873; 256.876; and 518.551, subdivisions 2, 3, and 4.

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 122 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dempsey

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

The Speaker resumed the Chair.

H. F. No. 452, A resolution memorializing the Postmaster General; urging the issuance of a postal stamp to commemorate the centennial of the first shipment of iron ore from Minnesota.

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

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 800 was reported to the House.

There being no objection, H. F. No. 800 was continued on Special Orders for one day.

H. F. No. 1059, A resolution memorializing the President and Congress of the United States to take immediate steps to curb the sources of acid rain.

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

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Beard	Berkelman	Brinkman	Clark, K.
Anderson, G.	Begich	Bishop	Burger	Clawson
Anderson, R.	Bennett	Blatz	Carlson, L.	Cohen
Battaglia	Bergstrom	Brandl	Clark, J.	Coleman

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

The bill was passed and its title agreed to.

H. F. No. 1188 was reported to the House.

Quist moved to amend H. F. No. 1188, as follows:

Page 2, line 10, after "corporation" insert "*and the United Steel Workers of America*"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 27 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Bishop	Fjoslien	Kalis	Redalen	Uphus
Burger	Forsythe	Kvam	Rose	Welker
Dempsey	Gutknecht	McDonald	Schafer	Wigley
DenOuden	Heap	Pauly	Shaver	
Evans	Heinitz	Piepho	Stadum	
Findlay	Himle	Quist	Thiede	

Those who voted in the negative were:

Anderson, R.	Coleman	Kostohryz	Norton	Rodriguez, C.
Battaglia	Eken	Krueger	O'Connor	Rodriguez, F.
Beard	Elioff	Larsen	Ogren	St. Onge
Begich	Ellingson	Long	Omann	Sarna
Bergstrom	Graba	Mann	Osthoff	Scheid
Berkelman	Greenfield	McEachern	Otis	Schoenfeld
Brandl	Gustafson	Metzen	Peterson	Segal
Brinkman	Halberg	Minne	Piper	Shea
Carlson, L.	Jacobs	Munger	Price	Simoneau
Clark, J.	Jensen	Murphy	Quinn	Skoglund
Clark, K.	Kahn	Nelson, D.	Rice	Solberg
Clawson	Kelly	Nelson, K.	Riveness	Sparby
Cohen	Knuth	Neuenschwander	Rodosovich	Staten

Swanson	Tunheim	Vellenga	Welle	Wynia
Tomlinson	Vanasek	Voss	Wenzel	Speaker Sieben

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

H. F. No. 1188, A resolution memorializing the United States Congress to conduct an in-depth investigation of the steel industry.

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

The question was taken on the passage of the bill and the roll was called. There were 112 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Quist

The bill was passed and its title agreed to.

S. F. No. 1008 was reported to the House.

Ellingson moved to amend S. F. No. 1008, as follows:

Page 2, after line 7 insert a new section to read:

"Sec. 2. Minnesota Statutes 1982, section 484.65, subdivision 1, is amended to read:

Subdivision 1. [CREATION.] In the fourth judicial district, a family court division of the district court is (HEREBY) created to be presided over by a district court judge appointed by the chief judge of the judicial district (TO SERVE FOR A TERM NOT EXCEEDING SIX YEARS). The judge appointed to this office shall be designated as the district court judge, family court division. (NO JUDGE MAY BE APPOINTED TO SERVE CONSECUTIVE TERMS AS THE DISTRICT COURT JUDGE, FAMILY COURT DIVISION.)"

Renumber the sections accordingly

Page 3, line 31, after "section" delete "484.701" and insert "260.019, subdivision 3"

Amend the title as follows:

Page 1, line 3, after the semicolon insert "removing term of office restrictions for district court judges assigned to the family court division of the fourth judicial district;"

Page 1, line 4, after "subdivisions" insert "1,"

Page 1, line 6, after "section" delete "484.701" and insert "260.019, subdivision 3"

The motion prevailed and the amendment was adopted.

The Speaker called Wynia to the Chair.

S. F. No. 1008, A bill for an act relating to courts; authorizing the appointment of court referees; amending Minnesota Statutes 1982, sections 260.031, subdivision 1; 484.65, subdivisions 4, 5, and 6; and 484.70, subdivision 1; repealing Minnesota Statutes 1982, section 484.701.

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 6 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Blatz	Dempsey	Frerichs	Himle
Anderson, G.	Brandl	DenOuden	Graba	Hoberg
Anderson, R.	Brinkman	Dimler	Greenfield	Hoffman
Battaglia	Burger	Eken	Gruenes	Hokr
Beard	Carlson, L.	Elioff	Gustafson	Jacobs
Begich	Clark, J.	Ellingson	Gutknecht	Jennings
Bennett	Clark, K.	Evans	Halberg	Jensen
Bergstrom	Clawson	Findlay	Haukoos	Johnson
Berkelman	Cohen	Fjoslien	Heap	Kahn
Bishop	Coleman	Forsythe	Heinitz	Kalis

Kelly	Metzen	Peterson	Schafer	Tunheim
Knickerbocker	Minne	Piepho	Scheid	Uphus
Knuth	Munger	Piper	Seaberg	Valan
Kostohryz	Murphy	Price	Shaver	Valento
Krueger	Nelson, D.	Quinn	Sherman	Vanasek
Kvam	Nelson, K.	Redalen	Simoneau	Vellenga
Larsen	Neuenschwander	Reif	Skoglund	Waltman
Levi	Norton	Rice	Solberg	Welch
Long	O'Connor	Riveness	Sparby	Welker
Ludeman	Ogren	Rodosovich	Stadum	Wenzel
Mann	Olsen	Rodriguez, C.	Staten	Wigley
Marsh	Omahn	Rodriguez, F.	Sviggunn	Wynia
McDonald	Osthoff	Rose	Swanson	Speaker Sieben
McEachern	Otis	St. Onge	Thiede	
McKasy	Pauly	Sarna	Tomlinson	

Those who voted in the negative were:

Quist	Shea	Voss	Welle	Zaffke
Schoenfeld				

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

H. F. No. 722 temporarily laid over earlier today was again reported to the House.

Jacobs moved to amend H. F. No. 722, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 222.37, subdivision 1, is amended to read:

Subdivision 1. Any water power, telegraph, telephone, pneumatic tube, community antenna television, *cable communications* or electric light, heat, or power company may use public roads for the purpose of constructing, using, operating, and maintaining lines, subways, canals, or conduits, for their business, but such lines shall be so located as in no way to interfere with the safety and convenience of ordinary travel along or over the same; and, in the construction and maintenance of such line, subway, canal, or conduit, the company shall be subject to all reasonable regulations imposed by the governing body of any county, town or city in which such public road may be. Nothing herein shall be construed to grant to any person any rights for the maintenance of a telegraph, telephone, pneumatic tube, community antenna television system, *cable communications system*, or light, heat, or power system within the corporate limits of any city until such person shall have obtained the right to maintain such system within such city or for a period beyond that for which the right to operate such system is granted by such city.

Sec. 2. Minnesota Statutes 1982, section 238.02, subdivision 1, is amended to read:

Subdivision 1. The words and phrases used in (SECTIONS 238.01 TO 238.17) *this chapter* have the following meanings unless a different meaning clearly appears in the text.

Sec. 3. [238.22] [DEFINITIONS.]

Subdivision 1. [SCOPE.] *The terms used in sections 3 to 8 have the meanings given them in this section.*

Subd. 2. [DWELLING UNIT.] *"Dwelling unit" means a single unit providing complete, independent, living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.*

Subd. 3. [MULTIPLE DWELLING COMPLEX.] *"Multiple dwelling complex" means a site, lot, field, or tract of land or water, other than a condominium or mobile home park, whether occupied or under construction, containing more than four dwelling units.*

Subd. 4. [PROPERTY OWNER.] *"Property owner" means any person with a recorded interest in a multiple dwelling complex.*

Subd. 5. [RESIDENT.] *"Resident" means a person or entity paying rent to a property owner.*

Subd. 6. [ACCESS.] *"Access" means entrance onto the premises of the property owner and an easement for purposes of surveying, designing, installing, inspecting, maintaining, operating, repairing, replacing, or removing equipment used in the construction and operation of a cable communications system.*

Sec. 4. [238.23] [ACCESS REQUIRED.]

Subdivision 1. [PROVISION OF ACCESS.] *A property owner or other person controlling access shall provide a cable communications company access to the property owner's multiple dwelling complex. The access provided must be perpetual and freely transferable by one cable communications company to another. A cable communications company granted access, and its successors in interest, must fully comply with sections 3 to 8.*

Subd. 2. [RESIDENT'S RIGHTS.] *The intent of sections 3 to 8 is to give residents the freedom to choose among competing cable communications services and nothing in sections 3 to 8 shall be interpreted to require residents to hook up or subscribe to any services offered by any cable communications company or alternative provider of cable communications services.*

Sec. 5. [238.24] [CONDITIONS FOR ACCESS.]

Subdivision 1. [IN GENERAL.] An installation of cable communications facilities under sections 3 to 8 must conform to reasonable conditions necessary to protect the safety, functioning, and aesthetic appearance of the premises, and the convenience and well-being of the property owner and residents.

Subd. 2. [OWNER APPROVAL.] A property owner may require from a cable communications company before installation or modification of cable communications facilities, diagrams showing plans for the placement and securing of the facilities. A property owner may approve or disapprove installation plans. Approval of plans may not be unreasonably withheld.

Subd. 3. [INSTALLATION; BOND.] The facilities must be installed in an expeditious and workmanlike manner, must comply with applicable codes, and must be installed parallel to utility lines when economically feasible. A property owner may require a cable communications company to post a bond or equivalent security in an amount not exceeding the estimated cost of installation of the cable communications facilities on the premises. Any bond filed by a cable communications company with a municipality which would provide coverage to the property owner as provided under this subdivision shall be considered to fulfill the requirements of this subdivision.

Subd. 4. [INDEMNIFY FOR DAMAGE.] A cable communications company shall indemnify a property owner for damage caused by the company in the installation, operation, maintenance, or removal of its facilities.

Subd. 5. [RELOCATION.] A property owner may require a cable communications company, after reasonable written notice, to promptly relocate cable communications facilities on or within the premises of the property owner for the purpose of rehabilitation, redecoration, or necessary maintenance of the premises by the property owner.

Subd. 6. [MASTER ANTENNA TELEVISION SYSTEM.] Nothing in sections 3 to 8 precludes a property owner from entering into an agreement for use of a master antenna television system by a cable communications company.

Subd. 7. [COST ALLOCATED.] A cable communications company shall bear the entire cost of the installation, operation, maintenance, and removal of a cable communications facility within the initial franchise service area.

Subd. 8. [COMPENSATION FOR ACCESS.] (a) A cable communications company shall:

(1) compensate the property owner for the diminution in fair market value of the premises resulting directly from the installation of the nonexclusive cable communications system; and

(2) reimburse the property owner in an amount not to exceed \$100 for premises containing less than ten dwelling units, and \$200 for other premises, for actual costs incurred by the property owner with respect to the professional review of the plans and drawings regarding installation or modification of the cable communications system, associated contractual materials, and other documentation.

(b) With respect to paragraph (a), clause (1), any party appearing in a proceeding as provided under section 6 may introduce evidence of damages, if any, and special benefits, if any, to the property occurring by reason of the installation of the cable communications system.

Sec. 6. [238.25] [PROCEDURE.]

Subdivision 1. [APPLICABLE PROVISIONS.] The procedure for acquiring access under sections 3 to 8 must be as provided under this section, notwithstanding any provisions of chapter 117.

Subd. 2. [NOTICE AND OFFER; MANNER OF SERVICE.] (a) To obtain access to property under sections 3 to 8, a cable communications company shall serve written notice on all property owners. The notice shall contain the following:

(1) the name and address of the cable communications company;

(2) the name of the property owners and address of the premises to which access is sought;

(3) the date of the franchise and city granting the franchise;

(4) the amount of compensation offered by the cable communications company to the property owner or owners; and

(5) the anticipated date on which access is to commence.

(b) If a property owner does not accept the offer made by the cable communications company, the property owner shall, within 45 days of the service of the notice and offer, notify the cable communications company of the refusal.

(c) The notice and offer must be served on the property owner or owners by certified mail or in the same manner as a summons in a civil action.

Subd. 3. [INITIATION.] (a) A cable communications company which has been denied access to a multiple-dwelling

complex may initiate proceedings under this section to obtain access.

(b) The cable communications company shall pay all costs of the proceedings including compensation to the property owner.

Subd. 4. [PETITION FOR ACCESS.] (a) To obtain access to the property owner's premises, as required under section 4, the cable communications company shall file with the district court in the county in which the premises is located, a petition:

(1) stating that the cable communications company has served the property owners with the notice and offer required under subdivision 2 and that the offer has not been accepted;

(2) requesting a determination of the damages, if any, which may result from the access; and

(3) stating the legal description of the property owner's premises to which access is sought.

(b) Upon filing the petition with the district court, the cable communications company shall pay the property owner or deposit with the district court an amount equal to the company's offer of compensation as provided under subdivision 2, paragraph (a), clause (4).

(c) Upon filing of the petition with the district court, the cable communications company may file for record with the county recorder a notice of the pendency of the proceeding, describing with reasonable certainty the premises affected and the purposes of the petition.

Subd. 5. [SERVICE OF PETITION.] The petition must be served upon all persons named in the petition as property owners in the same manner as a summons in a civil action; except that, service may be made upon a property owner by three weeks published notice if the cable communications company, its agent or attorney, files an affidavit stating on belief that the property owner is not a resident of the state and that the company has mailed a copy of the notice to the property owner at the property owner's place of residence, or that after diligent inquiry the property owner's place of residence cannot be ascertained by the company. If the state is a property owner, the notice must be served upon the attorney general. Any property owner not served as provided under this paragraph is not bound by the proceeding unless the property owner voluntarily appears therein.

Subd. 6. [ORDER GRANTING ACCESS.] Upon the filing of the petition and proof of service as provided under this section, and prior to making a determination of damages under this

section, the court shall enter an order granting access 30 days after the filing of the petition.

Subd. 7. [ENTRY FOR SURVEYS AND ACCESS.] For the purpose of making surveys and examinations to accomplish all necessary preliminary purposes or for other purposes relative to any proceedings under this section, the cable communications company may lawfully enter a property owner's premises, doing no unnecessary damage and being liable only for actual damage done.

Subd. 8. [DISMISSAL OF ACTION.] The cable communications company may at any time up to ten days after the filing of the court's determination of the damages dismiss any proceeding under this section against any property owner's premises by notifying the property owner and the court. When the proceeding is dismissed, the property owner may recover from the cable communications company reasonable costs and expenses and temporary damages, if any.

Subd. 9. [APPEAL.] Either party to the district court proceeding may appeal the court's determination within 90 days after the filing of that determination.

Subd. 10. [FINAL CERTIFICATE.] Upon completion of the proceedings, the attorney for the cable communications company shall make a certificate describing the access acquired and the purpose or purposes for which acquired, and reciting the fact of final payment of all awards or judgments in relation thereto. The certificate must be filed with the clerk of court and a certified copy thereof filed for record with the county recorder. The record is notice to all parties of the access to the premises described in the petition.

Subd. 11. [NO RELOCATION BENEFITS.] Neither sections 117.50 to 117.56 nor the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 may be construed as applying to any persons affected by these proceedings.

Sec. 7. [238.26] [SUBSEQUENT TAKING.]

In the event the premises upon which cable communications equipment has been installed is subsequently condemned by the state or by another entity empowered under state law to condemn by exercise of the power of eminent domain, the cable communications company's measure of damages for the taking shall be limited to the actual compensation originally paid by the cable communications company to the property owner under sections 3 to 8.

Sec. 8. [238.27] [INTERFERENCE WITH FACILITIES.]

No person may interfere with the installation, operation, inspection, maintenance, or removal of cable communications facilities or activities of a cable communications company under sections 3 to 8 of this act. Any person violating this subdivision is guilty of a misdemeanor.

Sec. 9. [238.35] [USE OF EXISTING EASEMENTS; RESTRICTIONS.]

Subdivision 1. [LEGISLATIVE FINDINGS.] There is a long-standing legislative policy in the state of Minnesota to provide for the dedication or other provision of easements required by public utilities and cable communications companies. There is a public understanding and acceptance of the need of public utilities and cable communications companies to have the ability to use existing utility easements in order to provide new and improved cable communications services made possible by technological developments. Cable communications companies have a need to use existing utility easements in order to deliver their services to the public. The addition of cable communications system components does not constitute an unanticipated or added burden on the real estate subject to the easements.

Subd. 2. [UTILITY EASEMENT DEFINED.] For purposes of this section, the term "utility easement" includes all utility easements or general purpose easements dedicated on a recorded plat to the public or to the state or to any political subdivision thereof; all deeded easements to the public or to the state or to any political subdivision thereof which are for general or utility purposes; all easements acquired by condemnation or prescription by the state or any political subdivision thereof which are for general or utility purposes; and all easements in favor of any public service corporation for telephone or electric transmission purposes.

Subd. 3. [AUTHORIZATION TO USE EXISTING UTILITY EASEMENTS.] The state or any county, city, township, agency, or political subdivision thereof, or any individual, partnership, venture, or corporation which is licensed, franchised, or authorized thereby to establish and operate a cable communications company may utilize any existing utility easement in accordance with the provisions of this section to install, maintain, and remove cable communications system components without the payment of additional compensation to the owners or occupants of the real estate subject to the easement, other than the owner of the utility easement or its successors or assigns.

Subd. 4. [RESTRICTIONS ON USE.] (a) As a condition of using any utility easement, a cable communications company shall be subject to any burdens, duties, or obligations specified in the easement of the grantee of the easement.

(b) *A cable communications company shall restore the real estate, and any landscaping or improvements thereon, to the condition they were in prior to entry within 30 days of completing the installation of the cables and related cable communications system components upon that real estate. Restoration which cannot be completed during the winter months must be accomplished as promptly as weather conditions permit.*

Sec. 10. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title in its entirety and insert:

"A bill for an act relating to cable communications; authorizing cable communications companies to use public roads for certain purposes; defining terms; requiring access by cable communications companies; providing residences with freedom of choice of cable communications services; imposing conditions of access; limiting certain actions of property owners; allowing appeal; specifying the measure of damages under a subsequent condemnation; specifying certain prohibitions; authorizing cable communications companies to use existing utility easements; amending Minnesota Statutes 1982, sections 222.37, subdivision 1; and 238.02, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 238."

The motion prevailed and the amendment was adopted.

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

Rose moved to amend H. F. No. 722, as amended, as follows:

Page 2, line 15, delete "shall" insert "may"

Page 2, line 17, delete "must" insert "may"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 44 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Forsythe	Levi	Rodriguez, C.	Sviggum
Beard	Frerichs	Ludeman	Rose	Thiede
Bishop	Gruenes	Marsh	Scheid	Uphus
Coleman	Gutknecht	McDonald	Segal	Valan
DenOuden	Halberg	Munger	Shaver	Valento
Dimler	Hirle	Olsen	Sherman	Waltman
Evans	Hoberg	Omann	Solberg	Welker
Findlay	Knickerbocker	Quist	Sparby	Zaffke
Fjoslien	Kvam	Redalen	Stadum	

Those who voted in the negative were:

Anderson, G.	Ellingson	Knuth	Ogren	Schafer
Battaglia	Graba	Kostohryz	Osthoff	Schoenfeld
Begich	Greenfield	Krueger	Otis	Seaberg
Bennett	Gustafson	Larsen	Pauly	Shea
Bergstrom	Haukoos	Long	Peterson	Skoglund
Berkelman	Heap	Mann	Piepho	Staten
Blatz	Heinitz	McEachern	Piper	Swanson
Brandl	Hoffman	McKasy	Price	Tomlinson
Brinkman	Hokr	Metzen	Quinn	Vanasek
Burger	Jacobs	Minne	Reif	Welle
Carlson, L.	Jennings	Murphy	Rice	Wenzel
Clark, J.	Jensen	Nelson, D.	Riveness	Wigley
Cohen	Johnson	Nelson, K.	Rodosovich	Wynia
Dempsey	Kahn	Neuenschwander	Rodriguez, F.	Speaker Sieben
Eken	Kalis	Norton	St. Onge	
Elioff	Kelly	O'Connor	Sarna	

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

Bennett and Redalen moved to amend H. F. No. 722, as amended, as follows:

Page 1, after line 28, insert:

"Sec. 3. [238.135] [LINES CROSSING OVERHEIGHT MOVING ROUTES.]

After July 1, 1983, any cable communications company needing to construct, extend, or replace cable communications transmission lines which cross a street or highway designated by the state or by the applicable city or county as an overheight moving corridor route shall locate the new or replacement transmission lines either underground or at a height not less than 24 feet above the surface of the roadway."

Renumber the remaining sections and cross references in sequence

Further amend the title:

Page 9, line 7, after "owners;" insert "providing for placement of certain lines;"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 31 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Bennett	Dimler	Gutknecht	Hoberg	Knickerbocker
Coleman	Gruenes	Halberg	Johnson	Knuth

Kvam	Olsen	Schafer	Uphus	Zaffke
Marsh	Omann	Scheid	Valento	
McDonald	Onnen	Shaver	Waltman	
McKasy	Osthoff	Solberg	Welker	
O'Connor	Reif	Sviggum	Welle	

Those who voted in the negative were:

Anderson, G.	Ellingson	Kelly	Peterson	Skoglund
Anderson, R.	Evans	Kostohryz	Piepho	Sparby
Battaglia	Findlay	Krueger	Piper	Stadum
Beard	Fjoslien	Larsen	Price	Staten
Begich	Forsythe	Levi	Quinn	Thiede
Bishop	Greenfield	Long	Quist	Tomlinson
Blatz	Gustafson	Mann	Redalen	Tunheim
Brandl	Haukoos	McEachern	Rice	Valan
Brinkman	Heap	Metzen	Riveness	Vanasek
Burger	Heinitz	Minne	Rodriguez, C.	Vellenga
Carlson, L.	Himle	Munger	Rodriguez, F.	Voss
Clark, J.	Hokr	Murphy	Rose	Wenzel
Cohen	Jacobs	Nelson, D.	St. Onge	Wigley
Dempsey	Jennings	Nelson, K.	Sarna	Wynia
DenOuden	Jensen	Neuenschwander	Schoenfeld	Speaker Sieben
Eken	Kahn	Ogren	Seaberg	
Elioff	Kalis	Otis	Sherman	

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

The Speaker resumed the Chair.

Welker moved to amend H. F. No. 722, as amended, as follows:

Page 4, line 2, delete "*not to exceed*" and insert "*mutually agreed upon*"

Page 4, delete line 3

Page 4, line 4, delete "*\$200 for other premises,*" and insert "*and*"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 38 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Bennett	Findlay	Himle	Marsh	Redalen
Bishop	Fjoslien	Hoberg	McDonald	Reif
Burger	Frerichs	Jennings	Omann	Rose
Coleman	Gruenes	Johnson	Onnen	Schafer
DenOuden	Gutknecht	Levi	Osthoff	Scheid
Dimler	Halberg	Ludeman	Quist	Segal

Shaver
SviggumThiede
UphusValento
Waltman

Welker

Zaffke

Those who voted in the negative were:

Anderson, B.	Elioff	Krueger	Peterson	Staten
Anderson, G.	Ellingson	Kvam	Piepho	Swanson
Anderson, R.	Evans	Larsen	Piper	Tomlinson
Battaglia	Forsythe	Long	Price	Tunheim
Beard	Graba	Mann	Quinn	Vanasek
Begich	Greenfield	McEachern	Rice	Vellenga
Bergstrom	Gustafson	Metzen	Riveness	Voss
Berkelman	Haukoos	Minne	Rodosovich	Welch
Blatz	Heap	Munger	Rodriguez, F.	Welle
Brandl	Heinitz	Murphy	St. Onge	Wenzel
Brinkman	Hoffman	Nelson, D.	Sarna	Wigley
Carlson, L.	Jacobs	Nelson, K.	Schoenfeld	Wynia
Clark, J.	Jensen	Neuenschwander	Seaberg	Speaker Sieben
Clawson	Kalis	O'Connor	Sherman	
Cohen	Kelly	Ogren	Skoglund	
Dempsey	Knuth	Olsen	Solberg	
Eken	Kostohryz	Otis	Sparby	

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

Hokr moved to amend H. F. No. 722, as amended, as follows:

Page 2, line 2, after "*condominium*" delete "*or*" and insert a comma

Page 2, line 2, after "*park*," insert "*or support apartments that are a part of a nursing home complex*,"

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 72 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Frerichs	Johnson	Quist	Uphus
Bishop	Gruenes	Knickerbocker	Redalen	Valan
Burger	Gutknecht	Levi	Reif	Valento
Coleman	Halberg	Ludeman	Rose	Waltman
DenOuden	Haukoos	McDonald	Schafer	Welker
Dimler	Heap	McKasy	Segal	Zaffke
Evans	Heinitz	Olsen	Shaver	
Findlay	Hinle	Omann	Sherman	
Fjoslien	Hokr	Onnen	Stadum	
Forsythe	Jennings	Osthoff	Thiede	

Those who voted in the negative were:

Anderson, B.	Begich	Brinkman	Cohen	Ellingson
Anderson, G.	Bergstrom	Clark, J.	Dempsey	Graba
Battaglia	Berkelman	Clark, K.	Eken	Greenfield
Beard	Blatz	Clawson	Elioff	Gustafson

Hoffman	Long	Ogren	St. Onge	Vellenga
Jacobs	Mann	Otis	Sarna	Voss
Jensen	McEachern	Peterson	Scheid	Welch
Kahn	Metzen	Piepho	Schoenfeld	Welle
Kalis	Minne	Piper	Seaberg	Wenzel
Kelly	Munger	Price	Skoglund	Wigley
Knuth	Murphy	Quinn	Solberg	Wynia
Kostohryz	Nelson, D.	Rice	Staten	Speaker Sieben
Krueger	Nelson, K.	Riveness	Tomlinson	
Kvam	Neuenschwander	Rodosovich	Tunheim	
Larsen	O'Connor	Rodriguez, F.	Vanasek	

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

H. F. No. 722, A bill for an act relating to cable communications; authorizing cable communications companies to use public roads for certain purposes; defining terms; requiring access by cable communications companies; providing residences with freedom of choice of cable communications services; imposing conditions of access; limiting certain actions of property owners; allowing appeal; specifying the measure of damages under a subsequent condemnation; specifying certain prohibitions; authorizing cable communications companies to use existing utility easements; amending Minnesota Statutes 1982, sections 222.37, subdivision 1; and 238.02, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 238.

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 97 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Forsythe	Kostohryz	Otis	Sherman
Anderson, G.	Greenfield	Krueger	Pauly	Skoglund
Battaglia	Gustafson	Kvam	Peterson	Solberg
Beard	Gutknecht	Larsen	Piepho	Staten
Begich	Halberg	Levi	Piper	Swanson
Bennett	Haukoos	Long	Price	Tomlinson
Bergstrom	Heap	Mann	Quinn	Tunheim
Berkelman	Heinitz	McEachern	Quist	Vanasek
Blatz	Himle	McKasy	Reif	Vellenga
Brinkman	Hoberg	Metzen	Rice	Voss
Burger	Hoffman	Minne	Riveness	Waltman
Carlson, L.	Hokr	Munger	Rodosovich	Welch
Clark, J.	Jacobs	Murphy	Rodriguez, C.	Welle
Clawson	Jennings	Nelson, D.	Rodriguez, F.	Wenzel
Cohen	Jensen	Nelson, K.	St. Onge	Wigley
Dempsey	Johnson	Neuenschwander	Sarna	Wynia
Eken	Kahn	O'Connor	Schoenfeld	Speaker Sieben
Elioff	Kalis	Ogren	Seaberg	
Ellingson	Kelly	Olsen	Shaver	
Findlay	Knuth	Onnen	Shea	

Those who voted in the negative were:

Anderson, R.	Fjoslien	Marsh	Schafer	Valento
Bishop	Frerichs	McDonald	Segal	Welker
Coleman	Graba	Omann	Sparby	Zaffke
DenOuden	Gruenes	Osthoff	Stadum	
Dimler	Knickerbocker	Redalen	Sviggum	
Evans	Ludeman	Rose	Thiede	

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

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.

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

H. F. No. 836, A bill for an act relating to the legislative reference library; permitting the library to require certain identification of documents deposited; amending Minnesota Statutes 1982, sections 3.195; and 3.302, by adding a subdivision.

H. F. No. 1236, A bill for an act relating to local government; permitting certain land transfers by the metropolitan sports facilities commission; permitting certain land acquisitions by the Bloomington port authority; amending Minnesota Statutes 1982, section 473.556, subdivision 6.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 531, 863 and 1196.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 531, A resolution memorializing the President and Congress of the United States to provide medical care for former members of the military forces who were exposed to atomic radiation in the course of their duties.

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

S. F. No. 863, A resolution memorializing the President and Secretary of State of the United States to protest discrimination against Soviet Jews and seek an end to restrictions on their emigration.

The bill was read for the first time.

Segal moved that S. F. No. 863 and H. F. No. 800, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1196, A bill for an act relating to taxation; providing a temporary sales tax exemption for sales by community service organizations.

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

MOTIONS AND RESOLUTIONS

Eken moved that his name be stricken as an author on H. F. No. 386. The motion prevailed.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 12:00 noon, Wednesday, May 18, 1983. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Wednesday, May 18, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

