

STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1983

FIFTY-SIXTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MAY 18, 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 Orville L. Olson, Faith Lutheran Church, Coon Rapids, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

O'Connor was excused.

Schreiber was excused until 1:45 p.m. Anderson, R., was excused until 2:30 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Osthoff 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. 386, 1137, 1169, 1216, 1231 and 722 and S. F. Nos. 862, 511, 531, 863, 1196 and 346 have been placed in the members' files.

S. F. No. 863 and H. F. No. 800, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Segal moved that S. F. No. 863 be substituted for H. F. No. 800 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 862 and H. F. No. 748, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Begich moved that the rules be so far suspended that S. F. No. 862 be substituted for H. F. No. 748 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 511 and H. F. No. 524, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kahn moved that the rules be so far suspended that S. F. No. 511 be substituted for H. F. No. 524 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Rice from the Committee on Appropriations to which was referred:

H. F. No. 86, A bill for an act relating to veterans; providing funds for the Vietnam era veterans downpayment assistance program administered by the Minnesota housing finance agency; appropriating money.

Reported the same back with the following amendments:

Page 1, line 10, delete "\$4,000,000" and insert "\$500,000"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 397, A bill for an act relating to economic development; creating the foreign trade agency to promote state economic growth; creating the Minnesota export finance authority and the export information office; appropriating money; and proposing new law coded in Minnesota Statutes, chapter 45.

Reported the same back with the following amendments:

Page 1, line 24, delete "*Minnesota export*" and insert "*state foreign trade*"

Page 5, line 12, delete everything after "*capital*" and insert "*as*"

Page 5, line 13, delete "*the state*" and insert "*law*"

Page 5, line 25, delete everything after "*compensated*" and insert "*according to the provisions in section 15.059*"

Page 5, line 26, delete "*activities*"

Page 6, delete lines 29 to 32 and insert:

"Subdivision 1. [WORKING CAPITAL.] The sum of \$2,000,000 in fiscal year 1984 is appropriated from the general fund to the foreign trade agency to provide working capital. This appropriation shall not cancel and is available until expended.

Subd. 2. [ADMINISTRATION COSTS.] The sum of \$200,000 in fiscal year 1984 and \$200,000 in fiscal year 1985 is appropriated from the general fund to the foreign trade agency for the administration expenses of the finance authority and the information office. The complement of the agency shall be five positions."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 405, A bill for an act relating to public welfare; authorizing grants to county boards to provide semi-independent

living services for mentally retarded persons; appropriating money; proposing new law coded in Minnesota Statutes, chapter 252.

Reported the same back with the following amendments:

Page 2, after line 9, insert:

"Subd. 5. [DISPLACED HOSPITAL WORKERS.] Providers of semi-independent living services shall make reasonable efforts to hire qualified employees of state hospital mental retardation units who have been displaced by reorganization, closure, or consolidation of state hospital mental retardation units."

Renumber the remaining subdivisions

Page 2, delete lines 29 to 32

Amend the title as follows:

Page 1, line 4, delete "appropriating"

Page 1, line 5, delete "money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 424, A bill for an act relating to agriculture; making certain changes in the grain buyers act; changing the place of filing of farm product liens; imposing a penalty; appropriating money; amending Minnesota Statutes 1982, sections 223.16, subdivisions 7, 11, and by adding subdivisions; 223.17; 223.18; 223.19; and 336.9-401; Laws 1982, chapter 635, section 9; proposing new law coded in Minnesota Statutes, chapter 223; repealing Minnesota Statutes 1982, section 223.16, subdivision 8.

Reported the same back with the following amendments:

Page 3, strike line 1

Page 3, line 2, strike "buying and grain storage."

Page 3, line 14, after the period insert *"The commissioner may stagger the renewal dates of licenses issued under this chapter, subject to the policy expressed in section 116J.69, subdivision 2, paragraph (d)."*

Page 3, line 19, strike "and licenses"

Page 3, after line 24 insert:

"The fee for any license issued or renewed prior to June 30, 1984, is \$100. The fee for any license issued or renewed after June 30, 1984, shall be set according to the following schedule:

(a) \$100 plus \$50 per location for grain buyers whose gross annual purchases are less than \$1,500,000;

(b) \$200 plus \$50 per location for grain buyers whose gross annual purchases are at least \$1,500,000, but not more than \$3,000,000; and

(c) \$300 plus \$50 per location for grain buyers whose gross annual purchases are more than \$3,000,000."

Page 12, line 24, delete "*crime and, upon conviction, may be*"

Page 12, delete line 25

Page 12, line 26, delete "*for not more than five years, or both*" and insert "*gross misdemeanor*"

Page 13, delete section 13

Page 16, line 2, delete "\$200,000" and insert "\$95,000"

Page 16, line 2, after "*fund*" insert "*for the biennium ending June 30, 1985,*"

Page 16, line 4, delete everything after the period

Page 16, delete lines 5 and 6

Page 16, line 8, delete "*five*" and insert "*two*"

Page 16, line 14, delete "*19*" and insert "*18*"

Page 16, line 17, delete "*14*" and insert "*13*"

Renumber the sections in sequence

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 449, A bill for an act relating to elections; limiting campaign expenditures by congressional candidates who choose to receive a public subsidy for their campaigns; redefining certain terms in relation to congressional candidates; limiting the applicability of certain provisions of law to state constitutional and state legislative candidates; providing for filing of campaign reports by certain congressional candidates; proposing expenditure limits for congressional candidates who choose to receive a public subsidy; providing a penalty for exceeding campaign expenditure limits by congressional candidates; changing the designated amount of certain income tax payments; providing for the allocation of party accounts and the general account to certain state and congressional candidates; providing estimates of minimum amounts of public subsidy to be received by certain congressional candidates; requiring signed agreements by congressional candidates who choose to receive a public subsidy; specifying when congressional candidates who accept a public subsidy must return all or part thereof; providing for the return of money from the state elections campaign fund to the general fund; making certain technical amendments; imposing penalties; amending Minnesota Statutes 1982, sections 10A.01; 10A.25; 10A.255; 10A.27; 10A.275; 10A.28; 10A.30; 10A.31; 10A.33; 10A.335; and 290.06, subdivision 11; proposing new law coded in Minnesota Statutes, chapter 10A; repealing Minnesota Statutes 1982, section 10A.32.

Reported the same back with the following amendments:

Page 11, after line 4, insert:

"Sec. 3. Minnesota Statutes 1982, section 10A.24, is amended to read:

10A.24 [DISSOLUTION OR TERMINATION; TRANSFER OF DEBTS AND FUNDS.]

Subdivision 1. No political committee or political fund shall dissolve until it has settled all of its debts and disposed of all its assets in excess of \$100 and filed a termination report. The termination report may be made at any time and shall include all information required in periodic reports.

Subd. 2. Notwithstanding the provisions of subdivision 1, a candidate for one office who later seeks nomination or election to another office may terminate his previous principal campaign committee by transferring all funds and debts of that committee to his new principal campaign committee, provided that any outstanding unpaid bills or loans from the previous committee are assessed and continuously reported by the new committee until paid or forgiven."

Page 12, line 16, delete "\$1,500,000" and insert "\$2,500,000"

Page 12, line 17, delete "\$250,000" and insert "\$300,000"

Page 13, after line 8, insert:

"Subd. 5b. [CONGRESSIONAL CANDIDATES ACCEPTING PUBLIC SUBSIDY FACING OPPONENT NOT ACCEPTING PUBLIC SUBSIDY.] Notwithstanding the limits imposed by subdivision 2a, if a congressional candidate who has signed an agreement under section 13 to be bound by the expenditure limits imposed under that subdivision is running in a general election against an opponent who has chosen not to accept a public subsidy and whose party's congressional candidate for the same office in the last general election received more than ten percent of the vote, the congressional candidate who has signed an agreement is not bound by the expenditure limits in subdivision 2a."

Page 14, line 31, strike "whole dollar" and insert "multiple of \$25"

Page 20, lines 2, 5, 8, 11, 13, 15, and 32, delete "\$4" and insert "\$5"

Page 20, lines 17 and 22, delete "\$2" and insert "\$2.50"

Page 20, line 32, delete "\$8" and insert "\$10"

Page 21, lines 1, 7, and 10, delete "\$4" and insert "\$5"

Page 21, line 1, delete "\$8" and insert "\$10"

Page 24, line 1, delete "33-1/3" and insert "16-2/3" and before the semicolon insert "*for which an election will be held in 1984 and every six years thereafter;*"

(2) 16-2/3 percent for the office of United States senator for which an election will be held in 1988 and every six years thereafter"

Page 24, line 2, delete "(2)" and insert "(3)"

Page 25, line 29, before the period insert "FOR REPRESENTATIVE IN CONGRESS"

Page 25, line 30, delete "money" and insert "moneys from the state elections campaign fund"

Page 25, line 30, delete "from the" and insert "for the office of representative in congress"

Page 25, line 31, delete "state elections campaign fund"

Page 25, line 31, delete "money" and insert "moneys"

Page 25, line 32, delete "it was" and insert "they were"

Page 25, line 33, delete "money" and insert "those moneys"

Page 28, line 8, delete "12" and insert "13"

Page 29, line 8, delete "12" and insert "13"

Page 29, line 15, delete "to the following:" and insert "that"

Page 29, line 16, delete "(a)"

Page 29, line 18, delete "may" and insert "will"

Page 29, line 20, delete "; and" and insert a period

Page 29, delete lines 21 to 30

Page 29, line 34, delete "to the following:" and insert "that"

Page 29, line 35, delete "(a)"

Page 30, line 2, delete "; and" and insert a period

Page 30, delete lines 3 to 13

Page 31, delete lines 3 to 14

Page 31, line 25, after the semicolon insert "and"

Page 31, line 31, delete "; and" and insert a period

Page 31, delete lines 32 to 36

Page 32, delete lines 1 to 17

Page 32, line 27, after the semicolon insert "and"

Page 32, line 33, delete "; and" and insert a period

Page 32, delete lines 34 to 36

Page 33, delete lines 1 to 13

Page 34, lines 14 and 15, delete "11 to 14" and insert "12 to 15"

Page 34, line 31, delete "\$4" and insert "\$5"

Page 34, line 32, delete "\$8" and insert "\$10"

Page 35, line 7, after the period insert "If a candidate submits his signed agreement later than September 1 of a given tax year, the individuals who contribute to his principal campaign com-

mittee may not take a tax credit against their tax due for contributions made in that tax year."

Page 35, line 15, after the period insert *"If a congressional candidate submits his signed agreement later than September 1 of a given tax year, the individuals who contribute to his authorized committees may not take a tax credit against their tax due for contributions made in that tax year."*

Page 37, after line 19, insert:

"Sec. 20. [ALLOCATION OF 1983 AND 1984 TAX CHECK-OFF MONEYS FOR THE OFFICE OF UNITED STATES SENATOR.]

(a) Notwithstanding the provisions of section 11, subdivision 5, paragraph (b), the moneys in each party account and the general account of the state elections campaign fund representing taxpayer designations for the tax year 1983 shall be allocated as follows: 67-2/3 percent to the offices of representative in congress; 33-1/3 percent to the office of United States senator for which an election will be held in 1984.

(b) Notwithstanding the provisions of section 11, subdivision 5, paragraph (b), the moneys in each party account and the general account of the state elections campaign fund representing taxpayer designations for the tax year 1984 shall be allocated as follows: 67-2/3 percent to the offices of representative in congress; 33-1/3 percent to the office of United States senator for which an election will be held in 1988."

Renumber the sections

Page 37, line 23, delete "19" and insert "21"

Amend the title as follows:

Page 1, line 8, after the semicolon insert "providing for the transfer of debts and funds of a principal campaign committee under certain circumstances;"

Page 1, line 27, after the first semi-colon insert "10A.24;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

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

Reported the same back with the following amendments:

Page 1, after line 8 insert:

“Section 1. Minnesota Statutes 1982, section 116.082, is amended to read:

116.082 [OPEN BURNING OF LEAVES; LOCAL ORDINANCES.]

Subject to sections 88.16, 88.17, and 88.22, but notwithstanding any law or rule to the contrary, (A) *any* town or home rule charter or statutory city (LOCATED OUTSIDE THE METROPOLITAN AREA AS DEFINED IN SECTION 473.121, SUBDIVISION 2, BY ADOPTION OF AN ORDINANCE,) may *adopt an ordinance to permit the open burning of dried leaves within the boundaries of the town or city. The ordinance shall limit leaf burning to the period between (SEPTEMBER 15 AND) October 1 to December 1 and shall set forth limits and conditions on leaf burning to minimize air pollution and fire danger and any other hazards or nuisance conditions. No open burning of leaves shall take place during an air pollution alert, warning or emergency declared by the agency. Any town or city adopting an ordinance pursuant to this section shall submit a copy of the ordinance to the agency and the department of natural resources.*”

Page 2, line 4, delete the new language and reinstate the old language

Page 2, delete lines 8 to 11

Page 2, line 13, before “*Upon*” insert “*Section 1 is effective the day following final enactment.*”

Page 2, line 13, after “*section*” delete “1” and insert “2”

Page 2, line 14, delete “1980” and insert “1982”

Page 2, after line 14 insert:

“*However, claims made for grass fires in highway rights-of-way occurring between January 1, 1982 and May 31, 1983 must be postmarked and sent via certified mail no later than June 30, 1983, in order to qualify for reimbursement consideration.*”

Amend the title as follows:

Page 1, line 2, after "transportation;" insert "providing for the statewide open burning of leaves in the spring and fall as governed by local ordinances;"

Page 1, line 5, delete "section" and insert "sections 116.082 and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 512, A bill for an act relating to agriculture; requiring pseudorabies testing; appropriating money; proposing new law coded in Minnesota Statutes 1982, chapter 35.

Reported the same back with the following amendments:

Page 1, delete section 2

Page 1, line 25, delete "3" and insert "2"

Page 2, line 1, delete "Sections" and insert "Section", and delete "and 2 are" and insert "is"

Amend the title as follows:

Page 1, line 3, delete "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 625, A bill for an act relating to labor; providing funds for labor education; appropriating money.

Reported the same back with the following amendments:

Page 1, line 16, delete "\$280,000" and insert "There"

Page 1, line 17, after "industry" delete the new language and insert "in the fiscal years indicated:"

Page 1, delete lines 18 and 19 and insert:

"FY 1984	FY 1985
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\$125,000	\$125,000
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The appropriation provided is for a grant to the Minneapolis Urban League labor education advancement program. Prior to allotment of these funds, the department shall secure an approved contract which specifies the detailed budget to be submitted for use of the funds, the frequency and format of periodic reports on actual use of the funds, and audit requirements. The legislative auditor may conduct post-award audits of these funds as may be requested by the department and approved by the legislative audit commission.

Twenty percent of the funding in each year, or \$25,000, shall be available for allotment upon demonstration of a dollar for dollar match from nonstate contributions.

If continuation of state funding is anticipated in the 1985-1987 fiscal biennium, the department shall develop an application process by which organizations currently established or organizations seeking to become established as providers of labor education advancement programs may seek funding. The applications shall be reviewed and prioritized by the department, and a recommended level of funding shall be transmitted from the department to the 1985 legislature."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 666, A bill for an act relating to labor; providing funds for job training; appropriating money.

Reported the same back with the following amendments:

Page 1, delete line 21, and insert "*fiscal years indicated to the*"

Page 1, line 22, after "*industry*" delete the new language and insert a colon

Page 1, delete lines 23 to 24, and insert:

"FY 1984	FY 1985
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\$125,000	\$125,000
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The appropriation provided is for a grant to the St. Paul Urban League labor education advancement program. Prior to allotment of these funds, the department shall secure an approved contract which specifies the detailed budget to be submitted for use of the funds, the frequency and format of periodic reports on actual use of the funds, and audit requirements. The legislative auditor may conduct post-award audits of these funds as may be requested by the department and approved by the legislative audit commission.

Twenty percent of the funding in each year, or \$25,000, shall be available for allotment upon demonstration of a dollar for dollar match from nonstate contributions.

If continuation of state funding is anticipated in the 1985-1987 fiscal biennium, the department shall develop an application process by which organizations currently established or organizations seeking to become established as providers of labor education advancement programs may seek funding. The applications shall be reviewed and prioritized by the department, and a recommended level of funding shall be transmitted from the department to the 1985 legislature."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 674, A bill for an act relating to insurance; extending the insurance division revolving fund; providing for a program of continuing education; authorizing a continuing insurance education advisory task force; authorizing the commissioner of insurance to promulgate rules to implement the program; requiring certain disclosures on credit insurance policies and application; providing license and renewal fees for agents; increasing fees for insurance companies; regulating self-insurance plans and pools; amending Minnesota Statutes 1982, sections 60A.02, subdivision 7; 60A.03, subdivisions 5 and 6; 60A.17, subdivision 1 and by adding a subdivision; 60A.14, subdivision 1; 60A.198, subdivision 3; 60A.23, subdivision 8; 471.982, subdivision 2; and proposing new law coded in Minnesota Statutes, chapter 60A.

Reported the same back with the following amendments:

Page 3, line 1, delete "must be determined by the commissioner" and insert "may be"

Page 3, line 3, after "Commissioners" insert "or otherwise determined by the commissioner"

Pages 3 and 4, delete section 3

Page 7, lines 32 to 35, delete subdivision 3 and insert:

"Subd. 3. [EXEMPTIONS.] This section does not apply to:

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

(b) persons holding life and health, or property and casualty licenses who, by February 28 of each year, certify to the commissioner in writing that they will sell only credit life, credit health, and credit property insurance, during that year and do in fact so limit their sale of insurance."

Page 8, line 32, delete "insurance division"

Page 8, line 33, delete "revolving" and insert "general"

Page 11, line 3, delete "insurance division revolving" and insert "general"

Page 11, line 10, delete "insurance"

Page 11, line 11, delete "division revolving" and insert "general"

Page 12, delete lines 8 to 13

Page 17, after line 8, insert:

"Sec. 11. [APPROPRIATIONS: COMPLEMENT INCREASE.]

There is appropriated from the general fund to the department of commerce for its insurance division the sum of \$30,000 for fiscal year 1984 and \$30,000 for fiscal year 1985.

The approved complement of the insurance division of the department of commerce is increased by one."

Page 17, line 10, delete the first "7" and insert "6"

Page 17, line 10, delete "and 12; 8; 9; and 10;" and insert "7; 8; and 9;"

Page 17, line 11, delete ", 4,"

Page 17, line 12 delete "6" and insert "5"

Page 17, line 12, delete "7" and insert "6"

Page 17, line 13, delete "5 and 7" and insert "4 and 6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 2 and 3, delete "extending the insurance division revolving fund;"

Page 1, line 11, after "pools;" insert "appropriating money;"

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

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 737, A bill for an act relating to the collection and dissemination of data; requiring the bureau of criminal apprehension to compile criminal history data relating to misdemeanor assaults; requiring law enforcement agencies to collect and furnish misdemeanor assault data to the bureau; proposing new law coded in Minnesota Statutes, chapter 299C.

Reported the same back with the following amendments:

Page 2, after line 9, insert:

"Sec. 2. [APPROPRIATION.]

There is appropriated from the general fund to the bureau of criminal apprehension \$40,000 in the first year of the biennium and \$40,000 in the second year of the biennium for the purposes of section 1."

Amend the title as follows:

Page 1, line 7, after "bureau;" insert "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 768, A bill for an act relating to state departments and agencies; authorizing a study by the department of energy, planning and development of a possible merger of the departments of health and public welfare into a new state department to be called the department of human services; appropriating money.

Reported the same back with the following amendments:

Page 1, line 25, after the dollar sign insert "3,000"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 788, A bill for an act relating to economic development; creating the Minnesota enterprise fund; transferring certain powers from the department of energy, planning and development; naming the Minnesota small business finance agency an assignee of the rights of a state funded community development corporation; updating and rearranging the Minnesota area redevelopment act to reflect current practices; appropriating money; amending Minnesota Statutes 1982, sections 116J.62; 116J.65, by adding a subdivision; 116J.67, by adding a subdivision; 116J.88, subdivisions 4, 5, 6, 7, 8, and by adding subdivisions; 116J.89, subdivisions 1, 2, 7, 8, 10, and by adding subdivisions; 116J.90, subdivisions 2, 4, and 5; 116J.91, subdivisions 1, 4, 10, 11, 12, 14, 16, 19, and by adding a subdivision; 472.02, subdivisions 1 and 3; 472.03; 472.04, subdivisions 1 and 4; 472.06; 472.07; 472.08; 472.09; 472.12; 472.125; 472.13; 472.14; and 472.15; repealing Minnesota Statutes 1982, sections 116J.88, subdivision 3; 472.02, subdivision 2; 472.04, subdivisions 5 and 6; 472.05; 472.10; and 472.11.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [TRANSFER OF CERTAIN RESPONSIBILITIES FROM THE COMMISSIONER OF ENERGY, PLANNING AND DEVELOPMENT TO THE MINNESOTA SMALL BUSINESS FINANCE AGENCY AND THE MINNESOTA ENTERPRISE FUND.]

Subdivision 1. [AUTHORIZATION.] The Minnesota small business finance agency and the Minnesota enterprise fund are

the successors to the commissioner of energy, planning and development as regards all responsibilities vested in or imposed on the commissioner that relate to the following:

(a) community development corporation grants, as provided in 116J.65;

(b) the "503" certified state development company, as provided in section 116J.67;

(c) the issuance of industrial revenue bonds, as provided in chapter 474;

(d) the administration of the area redevelopment act and the federal revolving loan program as provided in chapter 472; and

(e) the authority to pass-through appropriations to the Duluth port authority, as provided by chapter 116J.

The responsibilities of the commissioner of energy, planning and development that relate to clauses (a) to (e) are transferred to, vested in, and imposed on the Minnesota small business finance agency and the Minnesota enterprise fund. The agency and the fund are deemed to be the successors to these responsibilities as they were constituted immediately prior to the effective date of sections 1 to 33.

Subd. 2. [EFFECT OF PENDING PROCEEDINGS.] Any proceeding, court action, prosecution, or other business or matter pending on the effective date of sections 1 to 33 and undertaken or commenced by the commissioner of energy, planning and development under the authority of any responsibility transferred by this section to the Minnesota small business finance agency may be conducted and completed by the Minnesota small business finance agency in the same manner, under the same terms and conditions, and with the same effect as though no transfer was made.

Subd. 3. [TRANSFER OF CUSTODY OF DOCUMENTS.] An individual responsible under law for administration of a function transferred by this section to the Minnesota small business finance agency shall, upon request by the Minnesota small business finance agency or by a designated employee, transfer custody of all books, maps, plans, papers, records, contracts, and other documents relating to the transferred function and necessary or convenient for the proper discharge of the Minnesota small business finance agency's new duties. The transfer shall be made in accordance with the directions of the Minnesota small business finance agency.

Subd. 4. [RULES.] Rules adopted pursuant to responsibilities that have been transferred in this section remain effective.

and shall be enforced by the Minnesota small business finance agency. Rulemaking authority that existed to implement the responsibilities that are transferred in this section is hereby transferred to the Minnesota small business finance agency.

Subd. 5. [APPROPRIATIONS.] All unexpended and unencumbered funds appropriated to the commissioner of energy, planning and development and the executive council for the purpose of performing the responsibilities that are transferred by this section to the Minnesota small business finance agency are transferred to the Minnesota small business finance agency. If an unexpended appropriation must be allocated between the Minnesota small business finance agency and another individual, office, division, agency, or department to accurately reflect the division of responsibilities between those individuals, divisions, agencies, or departments and the Minnesota small business finance agency after the effective date of sections 1 to 33, the commissioner of administration shall allocate the unexpended appropriation as deemed appropriate.

Subd. 6. [TRANSFER OF POSITIONS.] Prior to the effective date of sections 1 to 33, the commissioner of energy, planning and development shall identify for the Minnesota small business finance agency the positions necessary to carry out the responsibilities transferred. The incumbents of those positions in the classified service which the Minnesota small business finance agency determines are needed to carry out those responsibilities are transferred to the employment of the Minnesota small business finance agency. The positions of all persons in the classified service that the Minnesota small business finance agency determines are not needed to carry out its responsibilities are abolished. The positions of all persons who are employed in the unclassified service by the department of energy, planning and development to perform the responsibilities that are transferred by this section to the Minnesota small business finance agency are abolished. Persons in unclassified and classified positions which have been abolished shall receive preferential treatment for positions with the Minnesota small business finance agency. Nothing in this subdivision shall be construed as abrogating or modifying rights now enjoyed by affected employees under the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.

Sec. 2. Minnesota Statutes 1982, section 116J.62, is amended to read:

116J.62 [SMALL BUSINESS FINANCE AGENCY.]

The commissioner may enter into agreements or transactions with the small business finance agency created under section 116J.89 to perform any or all administrative tasks in connection with the exercise and implementation of the powers and pro-

grams of the small business finance agency. *The physical premises, equipment, and other office materials used by the commissioner of energy, planning and development to administer the responsibilities transferred in section 1 shall be used by the Minnesota small business finance agency to continue the administration of the transferred responsibilities.*

Sec. 3. Minnesota Statutes 1982, section 116J.65, is amended by adding a subdivision to read:

Subd. 8a. The Minnesota small business finance agency shall be named as an assignee of the rights of a state funded community development corporation on any loan or other evidence of debt provided by a community development corporation to a private enterprise. The assignment of rights shall provide that it will be effective upon the dormancy or cessation of existence of the community development corporation. "Dormancy" for the purpose of this section shall mean the continuation of the corporation in name only without any functioning officers or activities. Upon the cessation of the activities of a state funded community development corporation, any assigned moneys paid to the Minnesota small business finance agency shall be deposited into the community development corporation fund to be used for the purposes as set out in chapter 116J.

Sec. 4. Minnesota Statutes 1982, section 116J.67, is amended by adding a subdivision to read:

Subd. 3a. [BOARD OF DIRECTORS.] The board of directors of the certified development company shall consist of directors as required by the federal regulations governing certified development companies.

Sec. 5. Minnesota Statutes 1982, section 116J.88, subdivision 4, is amended to read:

Subd. 4. "*Eligible small business*" means an enterprise determined by the agency to constitute a small business concern as defined in regulations of the United States small business administration pursuant to (15 U. S. CODE) *United States Code, title 15, sections 631 to 647, as (IN EFFECT MARCH 1, 1980, WHICH IS ENGAGED IN ANY INDUSTRIAL OR COMMERCIAL ACTIVITY EXCEPT:)*

((A) BANKING OR OTHER FINANCIAL SERVICE;)

((B) REAL ESTATE BROKERAGE, MANAGEMENT, SALE, OWNERSHIP, OR LEASING;)

((C) LEGAL, MEDICAL, DENTAL, ACCOUNTING, ENGINEERING, OR ANY OTHER PROFESSIONAL OR CONSULTING SERVICE;)

((D) FURNISHING RECREATIONAL OR ATHLETIC FACILITIES, AND)

((E) SERVING FOOD OR BEVERAGES TO BE CONSUMED ON OR ADJACENT TO THE PREMISES WHERE THEY ARE SOLD) *amended through December 31, 1982 in effect from time to time.*

Sec. 6. Minnesota Statutes 1982, section 116J.88, subdivision 5, is amended to read:

Subd. 5. "(ELIGIBLE) *Targeted* small business" for the purpose of section 116J.90, subdivision 5, means a business entity organized for profit, including but not limited to any individual, partnership, corporation, joint venture, association or cooperative, which entity:

(a) has 20 or fewer full time employees or not more than the equivalent of \$1,000,000 in annual gross revenues in the preceding fiscal year; and

(b) is not at least 20 percent owned by a business dominant in its field of operation, or by partners, officers, directors, majority stockholders, or their equivalent, of a business dominant in its field of operation. For the purpose of this subdivision, "dominant in its field of operation" means having more than 20 full time employees and more than \$1,000,000 in annual gross revenues.

"Farm business" means a business entity engaged in farming, agricultural production or processing, or storage of agricultural products, which otherwise qualifies as (A) *an eligible* small business.

Sec. 7. Minnesota Statutes 1982, section 116J.88, subdivision 6, is amended to read:

Subd. 6. "Financial institution" means any bank (OR OTHER FINANCIAL CORPORATION DESCRIBED IN CHAPTER 47, ANY INSURANCE COMPANY LICENSED TO DO BUSINESS UNDER CHAPTER 60A, AND ANY SECURITIES BROKER-DEALER LICENSED UNDER CHAPTER 80A), *bank or trust company, trust company, mortgage company, mortgage banker, national banking association, savings bank, savings and loan association, building and loan association, insurance company, securities broker-dealer, financial organizations relating to commercial credit or venture capital, or any other financial or lending institution, whether organized under federal law or the laws of any state of the United States, which financial institution may be located within or without the state of Minnesota.*

Sec. 8. Minnesota Statutes 1982, section 116J.88, subdivision 7, is amended to read:

Subd. 7. "Business loan" means a loan, other than a pollution control loan, to the owner of (A) *an eligible* small business for the (INTERIM OR LONG TERM) financing of (a) capital expenditures, *on an interim or long-term basis*, for the acquisition or improvement of land, acquisition, construction, removal, or improvement of buildings, or acquisition and installation of fixtures and equipment useful for the conduct of the business; or (b) *short-term costs of conducting an eligible small business*.

Subd. 7a. "Farm loan" means a loan to a farm business for the acquisition, installation, improvement, construction or removal of buildings, or acquisition and installation of fixtures or equipment, useful for the conduct of a farm business.

Sec. 9. Minnesota Statutes 1982, section 116J.88, subdivision 8, is amended to read:

Subd. 8. "Pollution control loan" means a loan to (THE OWNER OF A) *an eligible* small business for the acquisition, construction, or improvement of pollution control facilities or operations. Pollution control facilities or operations may include real and personal property likely to help prevent, reduce, abate, or control noise, air, or water pollution or contamination by removing, altering, disposing, or storing pollutants, contaminants, wastes, or heat, and real and personal property to be used for the collection, storage, treatment, utilization, processing, or final disposal of solid or liquid waste.

Sec. 10. Minnesota Statutes 1982, section 116J.88, is amended by adding a subdivision to read:

Subd. 9. "*Fund*" means the Minnesota enterprise fund.

Sec. 11. Minnesota Statutes 1982, section 116J.88, is amended by adding a subdivision to read:

Subd. 10. "*Executive director*" means the executive director of the Minnesota small business finance agency.

Sec. 12. Minnesota Statutes 1982, section 116J.89, subdivision 1, is amended to read:

Subdivision 1. [CREATON: PURPOSES.] A small business finance agency is hereby created and is constituted as an authority to act on behalf of the state within the scope of the powers granted to it in sections (116J.63) 116J.62 and 116J.88 to 116J.91 to implement a loan program or loan programs and to provide financial assistance by means of the Minnesota enterprise fund by which, the agency alone or in cooperation with

cities, towns, counties, and private or public lenders, *may provide adequate funds (MAY BE PROVIDED) or incentives to financing such as guarantees or insurance on sufficiently favorable terms to assist and encourage the establishment, maintenance, and growth of eligible small (BUSINESS) businesses and employment opportunities in Minnesota and to reduce to a manageable level the cost of the control of pollution and disposal of waste resulting from the operations of eligible small (BUSINESS) businesses.*

Because of its ability to pool or combine loans to be funded from one or more issues of bonds, whether or not the interest on the bonds is exempt from federal income taxes, the agency will be able to spread its financing costs among the *eligible small businesses to which the agency (MAKES LOANS) provides financing, thereby reducing costs incurred by each eligible small business.*

Sec. 13. Minnesota Statutes 1982, section 116J.89, subdivision 2, is amended to read:

Subd. 2. [PUBLIC PURPOSES.] Sections (116J.63) 116J.-62 and 116J.88 to 116J.91 are enacted to promote the welfare and prosperity of the state by maintaining and increasing the career and job opportunities of its citizens (,); by reducing, controlling, and preventing environmental pollution and waste of resources; and by protecting and enhancing the tax base on which state and local governments depend for the financing of public services.

Sec. 14. Minnesota Statutes 1982, section 116J.89, subdivision 7, is amended to read:

Subd. 7. [TAXATION OF AGENCY NOTES AND BONDS.] The state covenants with the purchasers and all subsequent holders and transferees of notes and bonds issued by the agency in consideration of the acceptance of and payment for the notes and bonds, that the notes and bonds of the agency issued pursuant to sections 116J.88 to 116J.91 and the income therefrom and all its fees, charges, gifts, grants, revenues, receipts, and other moneys received or to be received, pledges to pay or secure the payment of such notes or bonds shall at all times be free and exempt from all state, city, county or other taxation provided by the laws of the state, except for estate and gift taxes and taxes on transfers, and except for the Minnesota corporate franchise tax measured by income, so long as the interest on (FEDERAL) bonds is included in the income by which such tax is measured.

Sec. 15. Minnesota Statutes 1982, section 116J.89, is amended by adding a subdivision to read:

Subd. 1a. In addition, the Minnesota small business finance agency may use the Minnesota enterprise fund to provide financial assistance to eligible small businesses as follows:

(a) to provide loan guarantees or insurance in whole or in part to eligible small businesses in connection with business loans or pollution control loans;

(b) to participate in other investment programs as appropriate under the terms of sections 1 to 33;

(c) to enter into or to pay fees on insurance contracts, letters of credit, municipal bond insurance, surety bonds, or similar obligations, other agreements, or contracts with financial institutions;

(d) to guarantee or insure bonds and notes issued by the agency in whole or in part; and

(e) for any legal purpose or program of the agency, including without limitation the payment of the cost of issuing agency bonds and notes and agency administrative costs and expenses.

The agency by resolution may create separate accounts within the fund for use in accordance with the separate purposes listed in this section and in section 1 and may irrevocably pledge and allocate moneys on deposit in the fund to these accounts for these purposes. The agency may enter into contracts with note and bond holders or any trustee therefor or financial institutions or other persons interested in the disposition of money in the fund or any accounts thereof with respect to the terms and conditions upon which the money in the fund or any accounts thereof are to be held, invested, applied, and disposed of and the use of the fund and any accounts thereof and the termination of any of these accounts. The agency may determine to leverage amounts in accounts to be used to guarantee or insure bonds and notes of the agency or loans to eligible small businesses and may covenant as to the rate of leveraging with holders of the agency's bonds and notes or any trustee therefor, financial institutions, or other persons. Money in the fund and any accounts thereof shall, to the extent not inconsistent with contracts with holders of the agency's bonds and notes or any trustee therefor, financial institutions, or other interested persons, be invested in accordance with section 116J.91, subdivision 15 and the investment income therefrom, absent contractual provisions to the contrary, shall be added to and retained in the fund or any accounts thereof if provided by resolution of the agency. The repayments to the agency of any direct loans made by the agency from the fund or any accounts thereof shall be paid by the agency into the fund or, as may be provided by resolution of the agency, into any fund account. The agency may collect fees, either initially or from time to time, or both, with respect to any direct loan it extends or any insurance or guarantee it

grants. The agency may enter into contracts and security instruments with eligible small businesses, with bond and note holders or any trustee therefor or financial institutions or other persons to provide for and secure the repayment to the agency of money provided by the agency from the fund or accounts thereof for direct loans or which have been paid by the agency from the fund or accounts under an agency guarantee or insurance.

The state hereby covenants with all holders of the agency's bonds and notes, financial institutions, and other persons interested in the disposition of the fund or any accounts thereof, which fund the agency has irrevocably pledged and allocated for any authorized purpose described in this subdivision, that the state will not take any action to limit the effect of this pledge and allocation and will not take any action to limit the effect of contracts entered into as authorized in this subdivision with respect to the pledge and allocation and will not limit or alter the rights vested in the agency or the state to administer the application of money under this pledge and allocation and to perform its obligations under contracts. The agency is authorized to include and recite this covenant of the state in any of its bonds or notes benefitting from this pledge and allocation or contracts or related documents or resolutions.

Sec. 16. Minnesota Statutes 1982, section 116J.89, is amended by adding a subdivision to read:

Subd. 1b. (a) The following eligible small businesses where reasonably feasible as determined by the agency have preference among business applicants;

(1) businesses located in areas of the state that are experiencing the most severe unemployment rates in the state;

(2) businesses that are likely to expand and provide additional permanent employment;

(3) businesses located in border communities that experience a competitive disadvantage due to location;

(4) businesses that have been unable to obtain traditional financial assistance due to a disadvantageous location, minority ownership, or other factors rather than due to the business having been considered a poor financial risk;

(5) businesses that utilize state resources, thereby reducing state dependence on outside resources, and that produce products or services consistent with the long-term social and economic needs of the state;

(6) businesses located in designated enterprise zones, as described in section 273.1312, subdivision 4; and

(7) *businesses located in federally-designated economically distressed areas.*

(b) *Direct equity or loan investments in particular businesses are not prohibited, but where reasonably feasible as determined by the agency, the agency shall prefer indirect investment such as loan, bond, or note guarantees or insurance or the purchase of loan packages. Except in the issuance of agency bonds or notes, the agency may not invest the fund in a program that does not have financial participation from the private sector, as determined by the agency.*

Sec. 17. Minnesota Statutes 1982, section 116J.89, is amended by adding a subdivision to read:

Subd. 1c. [MINNESOTA ENTERPRISE FUND.] There is created the Minnesota enterprise fund to be administered by the Minnesota small business finance agency. The fund consists of the appropriation provided in section 33 to be used to effectuate the agency's corporate purposes as provided in sections 116J.89 to 116J.91 and sections 1 to 33 and additional appropriations to the fund that the legislature may make from time to time. The legislature is under no obligation to make additional appropriations.

Sec. 18. Minnesota Statutes 1982, section 116J.89, subdivision 8, is amended to read:

Subd. 8. [BOARD OF DIRECTORS.] The members and governing body of the agency (SHALL BE THE COMMISSIONER AND SIX OTHER MEMBERS HOLDING NO OTHER ELECTIVE OR APPOINTIVE OFFICE OF THE STATE OR ANY LOCAL GOVERNMENT, APPOINTED BY THE GOVERNOR WITH ADVICE AND CONSENT OF THE SENATE. THE COMMISSIONER SHALL BE VICE CHAIRMAN, AND THE GOVERNOR SHALL DESIGNATE THE CHAIRMAN FROM AMONG THE OTHER MEMBERS, TO SERVE AS CHAIRMAN AT THE PLEASURE OF THE GOVERNOR. SECTION 15.0575, GOVERNS THE TERMS, COMPENSATION, REMOVAL AND FILLING OF VACANCIES IN THE OFFICES OF MEMBERS OTHER THAN THE COMMISSIONER) as of the effective date set forth in section 37 shall be a nine-member board of directors, including a chairperson, all of whom shall be appointed by the governor with the advice and consent of the senate, one member to be appointed from each of the eight congressional districts of the state and one member, the chairperson, to be appointed at large. The terms of the members shall be four years with the terms ending on the first Monday in January, except that the initial terms of the first three appointees to the board, including the chairperson, shall be for the remainder of a four-year term ending in 1987, the initial terms of the next two appointees shall be for the remainder of

the three-year term ending in 1986, the initial terms of the next two appointees shall be for the remainder of the two-year term ending in 1985 and the initial term of the final two appointees shall be the remainder of a one-year term ending in 1984. Notwithstanding the foregoing, the members of the agency's board in existence immediately prior to the effective date set forth in section 51, less the commissioner, shall constitute and shall continue as the members of the agency's board as of the effective date and shall be replaced as the governor shall appoint new members to the board with the advice and consent of the senate with old members to be replaced as new members are appointed to be at the discretion of the governor. To the extent not inconsistent with the foregoing, section 15.0575 governs the terms, compensation, renewal, and filling of vacancies in the offices of board members. Section 471.87 does not apply to a board member who acts in the member's official capacity for the agency. The board shall appoint a secretary from among its members or from among the employees of the agency.

Sec. 19. Minnesota Statutes 1982, section 116J.89, subdivision 10, is amended to read:

Subd. 10. [EXECUTIVE DIRECTOR; STAFF.] The commissioner shall (DESIGNATE) *appoint* an employee in the *unclassified service* as executive director of the agency and may appoint permanent and temporary employees necessary for the administration of the agency. The governing body of the agency may enter into agreements under which the department will provide administrative support for the agency.

Sec. 20. Minnesota Statutes 1982, section 116J.90, subdivision 2, is amended to read:

Subd. 2. The agency may *make or purchase or* participate with financial institutions in making or purchasing business loans not exceeding \$1,000,000 in principal amount (, TO BE SERVICED BY SUCH INSTITUTIONS, PROVIDED THAT:)

((A) THE AGENCY'S SHARE SHALL NOT EXCEED 90 PERCENT OF THE TOTAL PRINCIPAL AMOUNT, AND SHALL BE PAYABLE WITH INTEREST AT THE SAME TIMES BUT NOT NECESSARILY AT THE SAME INTEREST RATE AS THE SHARE OF THE FINANCIAL INSTITUTION, AND BOTH SHARES SHALL BE EQUALLY AND RATABLY SECURED BY A VALID MORTGAGE ON OR SECURITY INTEREST IN REAL OR PERSONAL PROPERTY OR BY ANY OTHER SECURITY SATISFACTORY TO THE AGENCY TO SECURE PAYMENT OF THE LOAN PROVIDED, THAT THE AGENCY'S SHARE MAY EQUAL 100 PERCENT OF THE TOTAL PRINCIPAL AMOUNT OF THE BUSINESS LOAN IF THE FINANCIAL INSTITUTION PARTICIPATING IN THE MAKING OR PURCHASING OF

THE BUSINESS LOAN BY SERVICING THE LOAN, PURCHASES 100 PERCENT OF THE TOTAL AMOUNT OF THE BONDS ISSUED BY THE AGENCY IN CONNECTION WITH THE LOAN;)

((B) THE TOTAL PRINCIPAL AMOUNT SHALL NOT EXCEED 90 PERCENT OF THE VALUE OF THE PROPERTY SECURING THE LOAN, UNLESS THE AMOUNT IN EXCESS OF 90 PERCENT IS:)

((1) LOANED FROM AVAILABLE FUNDS WHICH ARE NOT PROCEEDS RECEIVED DIRECTLY FROM THE SALE OF THE AGENCY'S BONDS OR NOTES AND ARE NOT RESTRICTED UNDER THE TERMS OF ANY RESOLUTION OR INDENTURE SECURING BONDS OR NOTES; OR)

((2) INSURED OR GUARANTEED BY A FEDERAL AGENCY OR BY A PRIVATE INSURER QUALIFIED TO WRITE SUCH INSURANCE IN THE STATE, INSURING A PERCENTAGE OF ANY CLAIM FOR LOSS AT LEAST EQUAL TO THAT PERCENTAGE OF THE VALUE BY WHICH THE LOAN EXCEEDS 90 PERCENT THEREOF;)

((C) THE VALUE OF THE PROPERTY SECURING THE LOAN SHALL BE CERTIFIED BY THE PARTICIPATING FINANCIAL INSTITUTION, ON THE BASIS OF SUCH APPRAISALS, BIDS, PURCHASE ORDERS, AND ENGINEERS' CERTIFICATES AS THE AGENCY MAY REQUIRE; PROVIDED THAT THE VALUE OF ITEMS PURCHASED AND CONSTRUCTED FROM THE PROCEEDS OF THE LOAN SHALL NOT BE DEEMED TO EXCEED THE CONTRACT PRICE OF PURCHASE OR CONSTRUCTION;)

((D) THE AGENCY SHALL NOT DISBURSE FUNDS UNDER A COMMITMENT TO PARTICIPATE IN A LOAN FOR THE CONSTRUCTION OR SUBSTANTIAL IMPROVEMENT OF PROPERTY UNTIL THE CONSTRUCTION OR IMPROVEMENT HAS BEEN COMPLETED, UNLESS A FINANCIAL INSTITUTION FURNISHES AN IRREVOCABLE LETTER OF CREDIT OR A QUALIFIED CORPORATE SURETY FURNISHES PAYMENT AND PERFORMANCE BONDS, SATISFACTORY TO THE AGENCY AND IN AN AGGREGATE AMOUNT EQUAL TO THE AMOUNT PAYABLE UNDER THE CONSTRUCTION CONTRACT; AND)

((E) NO OTHER INDEBTEDNESS MAY BE SECURED BY A MORTGAGE ON OR SECURITY INTEREST IN PROPERTY SECURING A BUSINESS LOAN MADE OR PURCHASED PURSUANT TO THIS SUBDIVISION WITHOUT

THE PRIOR EXPRESS WRITTEN AUTHORIZATION OF THE AGENCY) *with respect to the agency's share thereof in cases in which the agency participates in making or purchasing business loans.*

With respect to business loans which the agency makes or purchases or participates therein, the agency may determine or provide for the servicing thereof, the percentage of agency participation, if any, the times business loans or participations thereof shall be payable and the amounts of payment, the amount and interest rates of business loans or participations thereof, the security for business loans or participations thereof, if any, and other terms, conditions, and provisions as may be necessary or convenient in connection with business loans or participations thereof and may enter into all needful contracts and security instruments in connection therewith. In addition, the agency may provide for or require the insurance or guaranteeing of business loans or agency participations thereof in whole or in part by the federal government or a department, agency as instrumentality thereof, by an appropriate account created with respect to the Minnesota enterprise fund, or by a private insurer. In connection with making or purchasing business loans or participations thereof, the agency may enter into commitments to purchase or participate with financial institutions upon terms, conditions, and provisions as shall be determined by the agency. Business loans or participations thereof may be serviced by financial institutions or such other persons as may be designated by the agency.

Sec. 21. Minnesota Statutes 1982, section 116J.90, subdivision 3, is amended to read:

Subd. 3. The agency may make business loans or farm loans not exceeding \$100,000 in principal amount, *at rates of interest and subject to terms and conditions as determined by the agency provided that each loan shall be made (ONLY) from the proceeds of a bond or note (SOLD AND ISSUED TO A FINANCIAL INSTITUTION,) payable (EXCLUSIVELY) in whole or in part from the repayments of principal and interest on the loan (, WHICH SHALL BE ASSIGNED TO AND SERVICED BY THE FINANCIAL INSTITUTION).* *Loans on bonds or notes may in addition be guaranteed or insured by money on deposit in the Minnesota enterprise fund or any special account thereof, and may be secured by reserve funds and other collateral and available money as determined by the agency, and the agency may enter into all necessary contracts and security instruments in connection therewith.*

Sec. 22. Minnesota Statutes 1982, section 116J.90, subdivision 4, is amended to read:

Subd. 4. (THE AGENCY MAY MAKE POLLUTION CONTROL LOANS WHICH ARE FULLY SECURED BY

THE GUARANTEE OR INSURANCE OF ANY AGENCY OR INSTRUMENTALITY OF THE UNITED STATES OR BY A PRIVATE INSURER QUALIFIED TO WRITE THE INSURANCE IN THE STATE, OR BY RESERVES PROVIDED BY THE AGENCY OR ANY COMBINATION OF THE FOREGOING) *The agency may make or purchase or may participate in making or purchasing pollution control loans, which pollution control loans may be secured in whole or in part by the guarantee or insurance of the federal government or any department, agency, or instrumentality thereof, by a private insurer, from guarantees or insurance provided by the Minnesota enterprise fund or any special account thereof, by reserves, moneys, funds, or other collateral required by the agency or any combination of the foregoing. To the extent not inconsistent with this subdivision, the agency may make or purchase or participate in making or purchasing pollution control loans in the same manner as provided in either subdivision 2 or 3 with respect to business loans.*

Sec. 23. Minnesota Statutes 1982, section 116J.90, subdivision 5, is amended to read:

Subd. 5. The agency shall make every effort to assure that at least 50 percent of the principal amount of the loans made or purchased by the agency in each fiscal year consists of loans with a principal amount of \$100,000 or less to (ELIGIBLE) *targeted* small businesses as defined in section 116J.88, subdivision (4) 5, and shall provide technical assistance needed by (ELIGIBLE) *targeted* small (BUSINESS OWNERS) *businesses* to complete applications and meet other requirements for those loans. The agency shall report to the legislature annually on or before October 1 as to its compliance with the requirements of this subdivision during the preceding fiscal year. *The inability of the agency to comply with this subdivision shall not affect the validity of agency bonds and notes issued.*

Sec. 24. Minnesota Statutes 1982, section 116J.91, subdivision 1, is amended to read:

Subdivision 1. In implementing its corporate purposes and the programs described in sections (116J.63) *116J.62* and 116J.88 to 116J.91, the agency shall have the powers and duties set forth in this section.

Sec. 25. Minnesota Statutes 1982, section 116J.91, subdivision 4, is amended to read:

Subd. 4. It may adopt, amend and repeal rules not inconsistent with the provisions of sections (116J.63) *116J.62* and 116J.88 to 116J.91 as necessary to effectuate its corporate purposes.

Sec. 26. Minnesota Statutes 1982, section 116J.91, subdivision 9, is amended to read:

Subd. 9. It may procure insurance against any loss in connection with its property in such amounts, and from such insurers, as may be necessary or desirable. *In addition, it may obtain municipal bond insurance, letters of credit, surety obligations, or equivalent security for its bonds and notes.*

Sec. 27. Minnesota Statutes 1982, section 116J.91, subdivision 10, is amended to read:

Subd. 10. It may consent, whenever it deems it necessary or desirable in the fulfillment of its corporate purpose, to the modification of the rate of interest, time of payment, or any installment of principal or interest, or (ANY) other term, of (ANY MORTGAGE LOAN, MORTGAGE LOAN COMMITMENT, CONSTRUCTION LOAN, TEMPORARY LOAN,) a contract or agreement of any kind to which the agency is a party.

Sec. 28. Minnesota Statutes 1982, section 116J.91, subdivision 11, is amended to read:

Subd. 11. It may borrow money to carry out and effectuate its corporate purpose and may issue its negotiable bonds or notes as evidence of any such borrowing in accordance with sections 462A.08 to 462A.13, 462A.16 and 462A.17, all with the force and effect stated and the incidental powers granted and duties imposed in those sections; *which bonds and notes however may be issued under a trust indenture that shall be substantially identical to a resolution under which the agency issues bonds and notes as provided in sections 462A.08 to 462A.13, 462A.16, and 462A.17, except that the agency may pledge money and securities to a trustee for the benefit of the holders of bonds and notes. The agency may refund bonds and notes and may guarantee or insure its bonds and notes in whole or in part with money from the enterprise fund or an account thereof created by the agency therefor.* The aggregate principal amount of the agency's bonds and notes outstanding at any one time, excluding the amount satisfied and discharged by payment or provision for payment in accordance with their terms, and deducting amounts held in debt service reserve funds therefor and amounts used to make loans guaranteed or insured by (AN) *the federal government, or a department, agency, or instrumentality (OF THE FEDERAL GOVERNMENT) thereof or by private insurer or guarantor and acceptable to the agency;* shall not exceed \$30,000,000 unless authorized by another law.

Sec. 29. Minnesota Statutes 1982, section 116J.91, subdivision 12, is amended to read:

Subd. 12. It may issue and sell bonds, notes, and other obligations payable solely from particular moneys, assets, or rev-

venues derived from its programs or any business loans, farm loans, or pollution control loans notwithstanding section 462A.08, subdivision 3. Obligations issued to make or purchase business loans, farm loans, or pollution control loans may be issued pursuant to an indenture of trust or a resolution of the agency and the agency may pledge to holders of these obligations or to a trustee repayments from these loans any security or collateral therefor, contract rights with respect to these loans and any other funds or security specifically pledged by the agency therefor. Obligations issued to participate in making or purchasing business loans (PURSUANT TO SECTION 116J.90, SUBDIVISION 2,) or pollution control loans shall be payable solely from revenues derived by the agency from repayments of such loans and from enforcement of the security therefor, or from a debt service reserve fund or funds, or from a general reserve fund or from a segregated portion thereof, from other funds or security specifically pledged by the agency therefor, irrevocably pledged and appropriated to pay principal and interest due, for which other funds are not available. A general reserve fund is hereby created and is eligible to receive direct appropriations from the state treasury or a transfer from the enterprise fund as the agency may provide by resolution. The agency may irrevocably pledge and appropriate all or a segregated portion of the general reserve fund to pay principal and interest due on all or one or more series of its obligations for which other funds are not available, pursuant to the terms and conditions that the agency shall determine. Until so pledged and appropriated by the agency the general reserve fund shall not be available to pay principal and interest on the agency's obligations. (NO OBLIGATIONS SHALL BE ISSUED TO PARTICIPATE IN MAKING OR PURCHASING BUSINESS LOANS PURSUANT TO SECTION 116J.90, SUBDIVISION 2, UNLESS THE OBLIGATIONS ARE SECURED AT THE TIME OF ISSUANCE BY A DEBT SERVICE RESERVE FUND, A PORTION OF THE GENERAL RESERVE FUND SEGREGATED TO SECURE ONE OR MORE SERIES OF BONDS, OR THE PORTION OF THE GENERAL RESERVE FUND NOT SEGREGATED TO SECURE ONE OR MORE SERIES OF BONDS, AND UNLESS THE AMOUNT THEN HELD OR THEN DEPOSITED IN THE FUND OR SEGREGATED PORTION IS AT LEAST EQUAL TO TEN PERCENT OF THE AGGREGATE PRINCIPAL AMOUNT OF ALL OBLIGATIONS SECURED BY THE FUND OR SEGREGATED PORTION THEREOF) The agency may at its option provide by resolution that obligations issued to participate in making or purchasing business loans or pollution control loans be secured at the time of issuance in whole or in part by a debt service reserve fund or funds, a portion of the general reserve fund segregated to secure one or more series of bonds, or the portion of the general reserve fund not segregated to secure one or more series of bonds. The operation of the debt service reserve fund or funds or segregated portion of the general reserve fund and other relevant terms or provisions with respect thereto shall be determined by resolution or indenture of the agency.

Sec. 30. Minnesota Statutes 1982, section 116J.91, subdivision 14, is amended to read:

Subd. 14. It may establish and collect reasonable interest and amortization payments on loans, and in connection therewith may establish and collect or authorize the collection of reasonable fees and charges or require funds to be placed in escrow, sufficient to provide for the payment and security of its bonds, notes, commitments and other obligations and for the servicing thereof, to provide reasonable allowances for or insurance against losses which may be incurred and to cover the cost of issuance of obligations and technical, consultative, and project assistance services. (IT SHALL REQUIRE THE PAYMENT OF ALL PROCESSING, ADMINISTRATIVE AND GUARANTEE FEES AND THE DEPOSIT IN ESCROW OF ALL FUNDS REQUIRED BY THE SMALL BUSINESS ADMINISTRATION OR OTHER FEDERAL AGENCY OR INSTRUMENTALITY GUARANTEEING ANY LOAN AND SHALL COMPLY AND ENFORCE COMPLIANCE WITH ALL TERMS AND CONDITIONS OF EACH GUARANTEE, AND THE PROMPT FILING OF ALL CLAIMS WHICH MAY ARISE THEREUNDER.)

Sec. 31. Minnesota Statutes 1982, section 116J.91, subdivision 16, is amended to read:

Subd. 16. It may provide general consultative and technical services to assist in financing small business facilities for which loans may be made (PURSUANT TO SECTION 116J.90). It may enter into agreements or other transactions concerning the receipt or provision of those services.

Sec. 32. Minnesota Statutes 1982, section 116J.91, subdivision 19, is amended to read:

Subd. 19. (ALL) Proceeds of the agency's bonds, notes, and other obligations (, ANY); amounts granted or appropriated to the agency for the making or purchase or the insurance or guaranty of loans or for bond reserves (, ALL); income from (THEIR) investment ; *money in the enterprise fund*; and all revenues from loans, fees, and charges of the agency are annually appropriated to the agency for the accomplishment of its corporate purposes and shall be expended, administered, and accounted for in accordance with the applicable provisions of all bond and note resolutions, indentures, and other instruments, contracts, and agreements of the agency. Notwithstanding section 16A.28, these appropriations are available until expended.

Sec. 33. Minnesota Statutes 1982, section 116J.91, is amended by adding a subdivision to read:

Subd. 20. The agency may do all things necessary and proper to fulfill its purpose and the purposes of the enterprise fund as provided in sections 1 to 33.

Sec. 34. [APPROPRIATION.]

There is appropriated from the general fund to the Minnesota enterprise fund the sum of \$12,000,000 to hire staff, consultants, and other necessities of administration and costs of operation of the agency and for the purposes provided in sections 1 to 33. This appropriation shall not cancel and is available until expended. The complement of the small business finance agency is increased by . . . positions.

Sec. 35. [INSTRUCTION TO REVISOR.]

The revisor of statutes is directed to change the words "commissioner," "commissioner of energy, planning and development," "agency," "state agency," or similar terms to "the Minnesota small business finance agency" wherever it appears in sections 116J.65 and 116J.67; and in chapters 472 and 474.

Sec. 36. [REPEALER.]

Minnesota Statutes 1982, section 116J.88, subdivision 3 is repealed.

Sec. 37. [EFFECTIVE DATE.]

Sections 1 to 33 and 35 and 36 are effective the day after final enactment. Section 34 is effective July 1, 1984."

Delete the title and insert:

"A bill for an act relating to economic development; creating the Minnesota enterprise fund; transferring certain powers from the department of energy, planning and development; naming the Minnesota small business finance agency an assignee of the rights of a state funded community development corporation; appropriating money; amending Minnesota Statutes 1982, sections 116J.62; 116J.65, by adding a subdivision; 116J.67, by adding a subdivision; 116J.88, subdivisions 4, 5, 6, 7, 8, and by adding subdivisions; 116J.89, subdivisions 1, 2, 7, 8, 10, and by adding subdivisions; 116J.90, subdivisions 2, 3, 4, and 5; 116J.91, subdivisions 1, 4, 9, 10, 11, 12, 14, 16, 19, and by adding a subdivision; repealing Minnesota Statutes 1982, section 116J.88, subdivision 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 857, A bill for an act relating to labor; establishing the job skills partnership; creating a board; appropriating money; proposing new law coded as Minnesota Statutes, chapter 116K.

Reported the same back with the following amendments:

Page 1, lines 19, 22, and 25, after "*educational*" insert "*or other nonprofit*"

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

Page 2, line 8, after the semicolon insert "*one member appointed by the minority leader of the house;*"

Page 2, line 9, delete "*five*" and insert "*four*"

Page 2, line 9, after the semicolon insert "*one member appointed by the minority leader of the senate;*"

Page 2, lines 34 and 36, after "*educational*" insert "*or other nonprofit*"

Page 3, line 4, after "*educational*" insert "*or other nonprofit*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 872, A bill for an act relating to agriculture; making certain changes in the law relating to establishing a fertilizer inspection fund; prescribing penalties; appropriating money; amending Minnesota Statutes 1982, sections 17.713, subdivision 7; 17.714, subdivision 1; 17.715, subdivision 1; 17.717, subdivision 1; 17.718, subdivision 1; 17.725, subdivisions 1 and 2; and 17.723, subdivision 4; repealing Minnesota Statutes 1982, section 17.717, subdivisions 3, 4, 5, and 6.

Reported the same back with the following amendments:

Page 2, line 12, after "*fertilizer*" insert "*for resale*"

Pages 2 and 3, delete section 4

Page 3, lines 25 to 27, reinstate the stricken language

Page 5, delete section 10

Renumber the sections

Amend the title as follows:

Page 1, line 4, delete "appropriating money;"

Page 1, line 7, delete "17.717, subdivision 1;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 948, A bill for an act relating to state departments and agencies; creating an office of loan management; transferring the planning functions of the department of energy, planning and development to a newly created state planning agency; providing a director; establishing an advisory task force and council; appropriating money; amending Minnesota Statutes 1982, sections 116J.03, subdivision 1; and 116J.42; proposing new law coded as Minnesota Statutes, chapters 16A and 116K; repealing Minnesota Statutes 1982, sections 116J.02, subdivision 1; 116J.41; 116J.46; and 116J.47.

Reported the same back with the following amendments:

Page 3, line 5, after "OF" insert "DEBT AND"

Page 3, line 6, after "of" insert "debt and"

Page 3, line 7, delete "Professional" and insert "Administrative"

Page 3, line 18, delete "risk" and insert "debt and loan"

Page 3, line 22, after "office of" insert "debt and"

Page 3, line 27, after "of" insert "debt and"

Page 3, line 32, after "of" insert "debt and"

Page 10, line 18, delete "must" and insert "shall"

Page 10, line 22, delete "must" and insert "shall"

Page 10, line 25, delete "must" and insert "shall"

Page 10, line 29, delete "*must*" and insert "*shall*"

Page 11, line 25, after "*state*" insert "*if their positions meet the criteria established in section 43A.08, subdivision 1a*"

Page 11, delete lines 33 to 36

Page 12, delete lines 1 to 20

Page 13, delete lines 19 to 23

Renumber the sections accordingly

Further, amend the title as follows:

Page 1, line 6, delete "establishing an"

Page 1, delete line 7

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 955, A bill for an act relating to state contracts; providing for an increase in small business set-aside awards; providing for set aside of consultant, professional and technical contracts; providing for subcontracting of state construction contracts in certain cases; requiring a staff complement sufficient to facilitate the set-aside program; providing for a small business procurement advisory task force; requiring the commissioner of administration to promulgate rules; providing for certain reports to the governor, legislature, and small business procurement advisory council; appropriating money; increasing the approved complement of the department of administration; amending Minnesota Statutes 1982, sections 16.083, subdivisions 1, 4, and by adding subdivisions; 16.084; 16.085; 16.086, subdivision 1; 16.098, subdivision 4; and 16.28.

Reported the same back with the following amendments:

Page 4, line 1, reinstate the stricken "and"

Page 4, line 16, after the period, delete "*The*"

Page 4, delete lines 17 to 32

Page 4, line 33, delete "*program provided by section 15.0597.*"

Page 6, line 3, delete "\$500" and insert "\$5,000"

Page 9, line 22, delete "\$500" and insert "\$5,000"

Page 9, line 29, delete "\$200,000" and insert "\$100,000 in each fiscal year of the 1984-1985 biennium"

Page 9, line 30, delete "for the 1984-85 biennium"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 1025, A bill for an act relating to economic development; appropriating money.

Reported the same back with the following amendments:

Page 1, after line 10, delete section 2 and insert new sections as follows:

"Sec. 2. [GRANT.]

The department of energy, planning and development shall provide a grant to a non-profit corporation for the promotion of motion picture and television industry in the state. The grant shall be made only after the department has established criteria for grant proposals and has solicited proposals through an open application process by July 1, 1983.

Sec. 3. [ADVISORY COUNCIL; WORK PLANS.]

To provide appropriate review for the disbursement of the grant provided in section 2, the governor shall appoint five persons to a Minnesota motion picture and television advisory council. The governor shall designate one of the appointees as chairperson and liaison to the governor for all activities concerning the grant recipient. It shall be a condition of the grant that the grantee shall submit a work plan to the council in a form determined by the council. None of the money provided by the grant may be expended unless it is part of an approved work plan.

Sec. 4. [APPROPRIATION.]

The sum of \$60,000 in fiscal year 1984 and \$60,000 in fiscal year 1985 is appropriated from the general fund to the commissioner of the department of energy, planning and development

for the purposes of section 2. The appropriation for the second year shall be available only if the grantee can demonstrate the ability to match the amount on the basis of \$1 of funds from non-public sources for each \$1 of state funds."

Further, amend the title as follows:

Page 1, line 2, after "money" insert "for a grant for development of the motion picture and television industry; creating an advisory council"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 1042, A bill for an act relating to public welfare; establishing a medical assistance prepayment demonstration project; appropriating money; proposing new law coded in Minnesota Statutes, chapter 256B.

Reported the same back with the following amendments:

Page 1, line 12, delete "*stimulation of competitive market forces*" and insert "*better management of health care services*"

Page 5, line 12, delete "720" and insert "900"

Page 5, line 21, after the dollar sign insert "94,500"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 1089, A bill for an act relating to economic development; creating the world trade center commission; appropriating money.

Reported the same back with the following amendments:

Page 1, line 8, delete "*The commission shall consist*" and insert "*consisting*"

Page 1, delete lines 9 and 10

Page 1, line 11, delete "*president of the senate, and*"

Page 1, line 12, delete "persons"

Page 1, line 15, delete "Commissioners" and insert "Members"

Page 1, line 23, after "information." insert "The commission shall study and make recommendations on the inclusion of the administration of the world trade center in the export information office of the foreign trade agency."

Page 2, delete lines 4 to 6 and insert:

"Subd. 4. [APPROPRIATION.] The sum of \$25,000 is appropriated from the general fund to the world trade center commission for the purposes provided in subdivision 2 and is available until February 1, 1984. This appropriation is available only if matched on the basis of \$1 state to \$1 from nonpublic sources."

Page 2, line 10, delete everything after "effective" and insert "July 1, 1983."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

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

Reported the same back with the following amendments:

Page 2, line 28, after "energy facilities," insert "health care facilities,"

Page 2, line 36, delete "1985-1987" and insert "CAPITAL"

Page 2, line 36, after "BUDGET.]" insert "The report in subdivision 4 may include a recommendation that"

Page 3, line 1, delete "for the 1985-1987 biennium"

Page 3, line 2, delete "the" and insert "a"

Page 3, line 2, delete "beginning"

Page 3, line 3, delete "July 1, 1985, and"

Page 4, line 3, delete everything after the period

Page 4, delete lines 4 to 11

Page 4, line 12, delete "FEDERAL"

Page 4, line 12, delete "*If any federal money*" and insert "*The department of energy, planning and development may receive funds from other sources, public and private,*"

Page 4, line 13, delete "*becomes available to the state*"

Page 4, line 14, delete everything after "*section*" and insert a period

Page 4, delete line 15

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

S. F. No. 132, A bill for an act relating to state government; providing for chiropractic positions in state government civil service; providing for the provision of chiropractic services; proposing new law coded in Minnesota Statutes, chapters 43A and 148.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [43A.082] [CHIROPRACTOR POSITION CREATED.]

The commissioner shall establish a classification titled "chiropractor". A position allocated to the chiropractor classification may be in the classified or unclassified service.

Sec. 2. [148.081] [SERVICES PROVIDED UNDER STATE LAW.]

Whenever a Minnesota law or rule requires or permits the provision of medical services within the scope of chiropractic practice, the recipient of those services shall have the option to elect to have a chiropractor provide the service except for health maintenance organizations licensed under Minnesota Statutes, chapter 62D."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

S. F. No. 784, A bill for an act relating to public welfare; setting eligibility criteria for community social services; requiring information from users to be included in the planning process; prescribing duties of the commissioner; amending Minnesota Statutes 1982, sections 256E.03, subdivision 2; 256E.05, subdivision 3; and 256E.09, subdivisions 2 and 3.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 86, 397, 405, 424, 449, 450, 512, 625, 666, 674, 737, 768, 788, 857, 872, 948, 955, 1025, 1042, 1089 and 1222 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 863, 862, 132, 784 and 511 were read for the second time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Kahn moved that the rule therein be suspended and an urgency be declared so that S. F. No. 511 be given its third reading and be placed upon its final passage. The motion prevailed.

Kahn moved that the rules of the House be so far suspended that S. F. No. 511 be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 511 was reported to the House.

Kahn moved to amend S. F. No. 511, as follows:

Delete everything after the enacting clause and insert:

“Section 1. [116C.80] [MIDWEST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT.]

The midwest interstate low-level radioactive waste compact is enacted into law and entered into with all jurisdictions legally joining therein in the form substantially as follows:

ARTICLE I. POLICY AND PURPOSE

There is created the Midwest Interstate Low-Level Radioactive Waste Compact.

The states party to this compact recognize that the Congress of the United States, by enacting the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b to 2021d), as amended through December 31, 1982, has provided for and encouraged the development of low-level radioactive waste compacts as a tool for managing such waste. The party states acknowledge that the Congress has declared that each state is responsible for providing for the availability of capacity either within or outside the state for the disposal of low-level radioactive waste generated within its borders, except for waste generated as a result of certain defense activities of the federal government or federal research and development activities. The party states also recognize that the management of low-level radioactive waste is handled most efficiently on a regional basis; and, that the safe and efficient management of low-level radioactive waste generated within the region requires that sufficient capacity to manage such waste be properly provided.

a. It is the policy of the party states to enter into a regional low-level radioactive waste management compact for the purpose of:

1. Providing the instrument and framework for a cooperative effort;

2. Providing sufficient facilities for the proper management of low-level radioactive waste generated in the region;

3. Protecting the health and safety of the citizens of the region;

4. Limiting the number of facilities required to effectively and efficiently manage low-level radioactive waste generated in the region;

5. Encouraging the reduction of the amounts of low-level radioactive waste generated in the region;

6. Distributing the costs, benefits, and obligations of successful low-level radioactive waste management equitably among the party states, and among generators and other persons who use regional facilities to manage their waste; and

7. *Ensuring the ecological and economical management of low-level radioactive wastes.*

b. *Implicit in the Congressional consent to this compact is the expectation by the Congress and the party states that the appropriate federal agencies will actively assist the Compact Commission and the individual party states to this compact by:*

1. *Expeditious enforcement of federal rules, regulations and laws;*

2. *Imposition of sanctions against those found to be in violation of federal rules, regulations and laws; and*

3. *Timely inspection of their licensees to determine their compliance with these rules, regulations and laws.*

ARTICLE II. DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

a. *"Care" means the continued observation of a facility after closure for the purposes of detecting a need for maintenance, ensuring environmental safety, and determining compliance with applicable licensure and regulatory requirements and including the correction of problems which are detected as a result of that observation.*

b. *"Commission" means the Midwest Interstate Low-Level Radioactive Waste Commission.*

c. *"Decommissioning" means the measures taken at the end of a facility's operating life to assure the continued protection of the public from any residual radioactivity or other potential hazards present at a facility.*

d. *"Disposal" means the isolation of waste from the biosphere in a permanent facility designed for that purpose.*

e. *"Eligible state" means a state qualified to be a party state to this compact as provided in Article VIII.*

f. *"Facility" means a parcel of land or site, together with the structures, equipment and improvements on or appurtenant to the land or site, which is used or is being developed for the treatment, storage or disposal of low-level radioactive waste.*

g. *"Generator" means any person who produces or possesses low-level radioactive waste in the course of or incident to manufacturing, power generation, processing, medical diagnosis and*

treatment, research, or other industrial or commercial activity and who, to the extent required by law, is licensed by the U.S. Nuclear Regulatory Commission or a party state, to produce or possess such waste. Generator does not include a person who provides a service by arranging for the collection, transportation, treatment, storage or disposal of wastes generated outside the region.

h. "Host state" means any state which is designated by the Commission to host a regional facility.

i. "Low-level radioactive waste" or "waste" means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel or by-product material as defined in section 11(e)(2) of the Atomic Energy Act of 1954, (42 U.S.C. 2014).

j. "Management plan" means the plan adopted by the Commission for the storage, transportation, treatment, and disposal of waste within the region.

k. "Party state" means any eligible state which enacts the compact into law.

l. "Person" means any individual, corporation, business enterprise or other legal entity either public or private and any legal successor, representative, agent or agency of that individual, corporation, business enterprise, or legal entity.

m. "Region" means the area of the party states.

n. "Regional facility" means a facility which is located within the region and which is established by a party state pursuant to designation of that state as a host state by the Commission.

o. "Site" means the geographic location of a facility.

p. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands or any other territorial possession of the United States.

q. "Storage" means the temporary holding of waste for treatment or disposal.

r. "Treatment" means any method, technique or process, including storage for radioactive decay, designed to change the physical, chemical or biological characteristics or composition of any waste in order to render the waste safer for transport or management, amenable to recovery, convertible to another usable material, or reduced in volume.

s. "Waste management" means the storage, transportation, treatment, or disposal of waste.

ARTICLE III. THE COMMISSION

a. There is hereby created the Midwest Interstate Low-Level Radioactive Waste Commission. The Commission consists of one voting member from each party state. The Governor of each party state shall notify the Commission in writing of its member and any alternates. An alternate may act on behalf of the member only in that member's absence. The method for selection and the expenses of each Commission member shall be the responsibility of the member's respective state.

b. Each Commission member is entitled to one vote. No action of the Commission is binding unless a majority of the total membership cast their vote in the affirmative.

c. The Commission shall elect annually from among its members a chairperson. The Commission shall adopt and publish, in convenient form, bylaws, and policies which are not inconsistent with this compact, including procedures which substantially conform with the provisions of federal law on administrative procedure compiled at 5 U.S.C. 500 to 559, as amended through December 31, 1982, in regard to notice, conduct and recording of meetings; access by the public to records; provision of information to the public; conduct of adjudicatory hearings; and issuance of decisions.

d. The Commission shall meet at least once annually and shall also meet upon the call of the chairperson or a Commission member.

e. All meetings of the Commission shall be open to the public with reasonable advance notice. The Commission may, by majority vote, close a meeting to the public for the purpose of considering sensitive personnel or legal strategy matters. However, all Commission actions and decisions shall be made in open meetings and appropriately recorded.

f. The Commission may establish advisory committees for the purpose of advising the Commission on any matters pertaining to waste management.

g. The office of the Commission shall be in a party state. The Commission may appoint or contract for and compensate such limited staff necessary to carry out its duties and functions. The staff shall serve at the Commission's pleasure with the exception that staff hired as the result of securing federal funds shall be hired and governed under applicable federal statutes and regulations. In selecting any staff, the Commission shall assure that the

staff has adequate experience and formal training to carry out the functions assigned to it by the Commission.

h. The Commission may:

1. Enter into an agreement with any person, state, or group of states for the right to use regional facilities for waste generated outside of the region and for the right to use facilities outside the region for waste generated within the region. The right of any person to use a regional facility for waste generated outside of the region requires an affirmative vote of a majority of the Commission, including the affirmative vote of the member of the host state in which any affected regional facility is located.

2. Approve the disposal of waste generated within the region at a facility other than a regional facility.

3. Appear as an intervenor or party in interest before any court of law or any federal, state or local agency, board or commission in any matter related to waste management. In order to represent its views, the Commission may arrange for any expert testimony, reports, evidence or other participation.

4. Review the emergency closure of a regional facility, determine the appropriateness of that closure, and take whatever actions are necessary to ensure that the interests of the region are protected.

5. Take any action which is appropriate and necessary to perform its duties and functions as provided in this compact.

6. Suspend the privileges or revoke the membership of a party state by a two-thirds vote of the membership in accordance with article VIII.

i. The Commission shall:

1. Receive and act on the petition of a nonparty state to become an eligible state.

2. Submit an annual report to, and otherwise communicate with, the governors and the appropriate officers of the legislative bodies of the party states regarding the activities of the Commission.

3. Hear, negotiate, and, as necessary, resolve by final decision disputes which may arise between the party states regarding this compact.

4. Adopt and amend, by a two-thirds vote of the membership, in accordance with the procedures and criteria developed pursuant to Article IV, a regional management plan which desig-

notes host states for the establishment of needed regional facilities.

5. Adopt an annual budget.

j. Funding of the budget of the Commission shall be provided as follows:

1. Each state, upon becoming a party state, shall pay \$50,000 or \$1,000 per cubic meter of waste shipped from that state in 1980, whichever is lower, to the Commission which shall be used for the administrative costs of the Commission;

2. Each state hosting a regional facility shall levy surcharges on all users of the regional facility based upon its portion of the total volume and characteristics of wastes managed at that facility. The surcharges collected at all regional facilities shall:

a. Be sufficient to cover the annual budget of the Commission;

b. Represent the financial commitments of all party states to the Commission; and

c. Be paid to the Commission, provided, however, that each host state collecting surcharges may retain a portion of the collection sufficient to cover its administrative costs of collection, and that the remainder be sufficient only to cover the approved annual budget of the Commission.

k. The Commission shall keep accurate accounts of all receipts and disbursements. The Commission shall contract with an independent certified public accountant to annually audit all receipts and disbursements of Commission funds, and to submit an audit report to the Commission. The audit report shall be made a part of the annual report of the Commission required by this Article.

l. The Commission may accept for any of its purposes and functions and may utilize and dispose of any donations, grants of money, equipment, supplies, materials and services from any state or the United States (or any subdivision or agency thereof), or interstate agency, or from any institution, person, firm or corporation. The nature, amount and condition, if any, attendant upon any donation or grant accepted or received by the Commission together with the identity of the donor, grantor or lender, shall be detailed in the annual report of the Commission.

m. The Commission is not liable for any costs associated with any of the following:

1. The licensing and construction of any facility,

2. *The operation of any facility,*
3. *The stabilization and closure of any facility,*
4. *The care of any facility,*
5. *The extended institutional control, aftercare of any facility, or*
6. *The transportation of waste to any facility.*

n. 1. The Commission is a legal entity separate and distinct from the party states and is liable for its actions as a separate and distinct legal entity. Liabilities of the Commission are not liabilities of the party states. Members of the Commission are not personally liable for actions taken by them in their official capacity.

2. Except as provided under sections m. and n.1. of this article, nothing in this compact alters liability for any act, omission, course of conduct or liability resulting from any causal or other relationships.

o. Any person aggrieved by a final decision of the Commission may obtain judicial review of such decision in any court of competent jurisdiction by filing in such court a petition for review within 60 days after the Commission's final decision.

ARTICLE IV. REGIONAL MANAGEMENT PLAN

The Commission shall adopt a regional management plan designed to ensure the safe and efficient management of waste generated within the region. In adopting a regional waste management plan the Commission shall:

a. Adopt procedures for determining, consistent with considerations for public health and safety, the type and number of regional facilities which are presently necessary and which are projected to be necessary to manage waste generated within the region;

b. Develop and consider policies promoting source reduction of waste generated within the region;

c. Develop and adopt procedures and criteria for identifying a party state as a host state for a regional facility. In developing these criteria, the Commission shall consider all the following;

1. The health, safety, and welfare of the citizens of the party states.

2. *The existence of regional facilities within each party state.*
 3. *The minimization of waste transportation.*
 4. *The volumes and types of wastes generated within each party state.*
 5. *The environmental, economic, and ecological impacts on the air, land and water resources of the party states.*
- d. *Conduct such hearings, and obtain such reports, studies, evidence and testimony required by its approved procedures prior to identifying a party state as a host state for a needed regional facility;*
 - e. *Prepare a draft management plan, including procedures, criteria and host states, including alternatives, which shall be made available in a convenient form to the public for comment. Upon the request of a party state, the Commission shall conduct a public hearing in that state prior to the adoption of the management plan. The management plan shall include the commission's response to public and party state comment.*

ARTICLE V. RIGHTS AND OBLIGATIONS OF PARTY STATES

- a. *Each party state shall act in good faith in the performance of acts and courses of conduct which are intended to ensure the provision of facilities for regional availability and usage in a manner consistent with this compact.*
- b. *Each party state has the right to have all wastes generated within its borders managed at regional facilities subject to the provisions contained in Article IX. c. All party states have an equal right of access to any facility made available to the region by any agreement entered into by the Commission pursuant to Article III.*
- c. *Party states or generators may negotiate for the right of access to a facility outside the region and may export waste outside the region subject to Commission approval under Article III.*
- d. *To the extent permitted by federal law, each party state may enforce any applicable federal and state laws, regulations and rules pertaining to the packaging and transportation of waste generated within or passing through its borders. Nothing in this section shall be construed to require a party state to enter into any agreement with the U.S. Nuclear Regulatory Commission.*

e. Each party state shall provide to the Commission any data and information the Commission requires to implement its responsibilities. Each party state shall establish the capability to obtain any data and information required by the Commission.

ARTICLE VI. DEVELOPMENT AND OPERATION OF FACILITIES

a. Any party state may volunteer to become a host state, and the Commission may designate that state as a host state upon a two-thirds vote of its members.

b. If all regional facilities required by the regional management plan are not developed pursuant to section a., or upon notification that an existing regional facility will be closed, the Commission may designate a host state.

c. Each party state designated as a host state is responsible for determining possible facility locations within its borders. The selection of a facility site shall not conflict with applicable federal and host state laws, regulations and rules not inconsistent with this compact and shall be based on factors including, but not limited to, geological, environmental and economic viability of possible facility locations.

d. Any party state designated as a host state may request the Commission to relieve that state of the responsibility to serve as a host state. The Commission may relieve a party state of this responsibility only upon a showing by the requesting party state that no feasible potential regional facility site of the type it is designated to host exists within its borders.

e. After a state is designated a host state by the Commission, it is responsible for the timely development and operation of a regional facility.

f. To the extent permitted by federal and state law, a host state shall regulate and license any facility within its borders and ensure the extended care of that facility.

g. The Commission may designate a party state as a host state while a regional facility is in operation if the Commission determines that an additional regional facility is or may be required to meet the needs of the region. The Commission shall make this designation following the procedures established under Article IV.

h. Designation of a host state is for a period of 20 years or the life of the regional facility which is established under that designation, whichever is longer. Upon request of a host state, the Commission may modify the period of its designation.

i. A host state may establish a fee system for any regional facility within its borders. The fee system shall be reasonable and equitable. This fee system shall provide the host state with sufficient revenue to cover any costs, including but not limited to the planning, siting, licensure operation, decommissioning, extended care and long-term liability, associated with such facilities. This fee system may also include reasonable revenue beyond the costs incurred for the host state, subject to approval by the Commission. A host state shall submit an annual financial audit of the operation of the regional facility to the Commission. The fee system may include incentives for source reduction and may be based on the hazard of the waste as well as the volume.

j. A host state shall ensure that a regional facility located within its borders which is permanently closed is properly decommissioned. A host state shall also provide for the care of a closed or decommissioned regional facility within its borders so that the public health and safety of the state and region are ensured.

k. A host state intending to close a regional facility located within its borders shall notify the Commission in writing of its intention and the reasons. Notification shall be given to the Commission at least five years prior to the intended date of closure. This section shall not prevent an emergency closing of a regional facility by a host state to protect its air, land and water resources and the health and safety of its citizens. However, a host state which has an emergency closing of a regional facility shall notify the Commission in writing within three working days of its action and shall, within 30 working days of its action, demonstrate justification for the closing.

l. If a regional facility closes before an additional or new facility becomes operational, waste generated within the region may be shipped temporarily to any location agreed on by the Commission until a regional facility is operational.

m. A party state which is designated as a host state by the Commission and fails to fulfill its obligations as a host state may have its privileges under the compact suspended or membership in the compact revoked by the Commission.

ARTICLE VII. OTHER LAWS AND REGULATIONS

a. Nothing in this compact:

1. Abrogates or limits the applicability of any act of Congress or diminishes or otherwise impairs the jurisdiction of any federal agency expressly conferred thereon by the Congress;

2. Prevents the enforcement of any other law of a party state which is not inconsistent with this compact;

3. Prohibits any storage or treatment of waste by the generator on its own premises;

4. Affects any administrative or judicial proceeding pending on the effective date of this compact;

5. Alters the relations between and the respective internal responsibility of the government of a party state and its subdivisions;

6. Affects the generation, treatment, storage, or disposal of waste generated by the atomic energy defense activities of the Secretary of the U.S. Department of Energy or successor agencies or federal research and development activities as described in section 31 of the Atomic Energy Act of 1954 (42 U.S.C. 2051); or

7. Affects the rights and powers of any party state or its political subdivisions to the extent not inconsistent with this compact, to regulate and license any facility or the transportation of waste within its borders or affects the rights and powers of any party state and its political subdivisions to tax or impose fees on the waste managed at any facility within its borders;

8. Requires a party state to enter into any agreement with the U.S. Nuclear Regulatory Commission;

9. Alters or limits liability of transporters of waste, owners and operators of sites for their acts, omissions, conduct or relationships in accordance with applicable laws.

b. For purposes of this compact, all state laws or parts of laws in conflict with this compact are hereby superseded to the extent of the conflict.

c. No law, rule or regulation of a party state or of any of its subdivisions or instrumentalities may be applied in a manner which discriminates against the generators of another party state.

ARTICLE VIII. ELIGIBLE PARTIES, WITHDRAWAL, REVOCATION, ENTRY INTO FORCE, TERMINATION

a. Eligible parties to this compact are the states of Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Virginia and Wisconsin. Eligibility terminates on July 1, 1984.

b. Any state not eligible for membership in the compact may petition the Commission for eligibility. The Commission may establish appropriate eligibility requirements. These requirements may include, but are not limited to, an eligibility fee or designation as a host state. A petitioning state becomes eligible for membership in the compact upon the approval of the Commission, including the affirmative vote of all host states. Any state becoming eligible upon the approval of the Commission becomes a member of the compact in the same manner as any state eligible for membership at the time this compact enters into force.

c. An eligible state becomes a party state when the state enacts the compact into law and pays the membership fee required in Article III. j.1.

d. The Commission is formed upon the appointment of Commission members and the tender of the membership fee payable to the Commission by three party states. The Governor of the first state to enact this compact shall convene the initial meeting of the Commission. The Commission shall cause legislation to be introduced in the Congress which grants the consent of the Congress to this compact, and shall take action necessary to organize the Commission and implement the provisions of this compact.

e. Any party state may withdraw from this compact by repealing the authorizing legislation but no withdrawal may take effect until five years after the governor of the withdrawing state gives notice in writing of the withdrawal to the Commission and to the governor of each party state. Withdrawal does not affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal. Any host state which grants a disposal permit for waste generated in a withdrawing state shall void the permit when the withdrawal of that state is effective.

f. Any party state which fails to comply with the terms of this compact or fails to fulfill its obligations may have its privileges suspended or its membership in the compact revoked by the Commission in accordance with Article III. h.6. Revocation takes effect one year from the date the affected party state receives written notice from the Commission of its action. All legal rights of the affected party state established under this compact cease upon the effective date of revocation but any legal obligations of that party state arising prior to revocation continue until they are fulfilled. The chairperson of the Commission shall transmit written notice of a revocation of a party state's membership in the compact immediately following the vote of the Commission to the governor of the affected party state, all other governors of the party states and the Congress of the United States.

g. This compact becomes effective July 1, 1983, or at any date subsequent to July 1, 1983, upon enactment by at least three

eligible states. However, Article IX, section (b) shall not take effect until the Congress has by law consented to this compact. The Congress shall have an opportunity to withdraw such consent every five years. Failure of the Congress to affirmatively withdraw its consent has the effect of renewing consent for an additional five year period. The consent given to this compact by the Congress shall extend to any future admittance of new party states under sections b. and c. of this article and to the power of the Commission to ban the shipment of waste from the region pursuant to Article III.

h. The withdrawal of a party state from this compact under section e. of this article or the suspension or revocation of a state's membership in this compact under section f. of this article does not affect the applicability of this compact to the remaining party states.

i. A state which has been designated by the Commission to be a host state has 90 days from receipt by the Governor of written notice of designation to withdraw from the compact without any right to receive refund of any funds already paid pursuant to this compact, and without any further payment. Withdrawal becomes effective immediately upon notice as provided in section e. of this article. A designated host state which withdraws from the compact after 90 days and prior to fulfilling its obligations shall be assessed a sum the Commission determines to be necessary to cover the costs borne by the Commission and remaining party states as a result of that withdrawal.

ARTICLE IX. PENALTIES

a. Each party state shall prescribe and enforce penalties against any person who is not an official of another state for violation of any provision of this compact.

b. Unless otherwise authorized by the Commission pursuant to Article III. h. after January 1, 1986, it is a violation of this compact:

1. For any person to deposit at a regional facility waste not generated within the region;

2. For any regional facility to accept waste not generated within the region;

3. For any person to export from the region waste which is generated within the region; or

4. For any person to dispose of waste at a facility other than a regional facility.

c. Each party state acknowledges that the receipt by a host state of waste packaged or transported in violation of applicable laws, rules and regulations may result in the imposition of sanctions by the host state which may include suspension or revocation of the violator's right of access to the facility in the host state.

d. Each party state has the right to seek legal recourse against any party state which acts in violation of this compact.

ARTICLE X. SEVERABILITY AND CONSTRUCTION

The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared by a court of competent jurisdiction to be contrary to the Constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If any provision of this compact shall be held contrary to the Constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

Sec. 2. [116C.81] [DEFINITIONS.]

Subdivision 1. [TERMS DEFINED IN COMPACT.] The terms defined in Article II of the Midwest Interstate Low-Level Radioactive Waste Compact have the meanings given them for the purposes of sections 3 to 13.

Subd. 2. [ADVISORY COMMITTEE.] "Advisory committee" means the advisory committee established under section 9.

Subd. 3. [AGENCY.] "Agency" means the pollution control agency.

Subd. 4. [COMPACT.] "Compact" means the midwest interstate low-level radioactive waste compact.

Subd. 5. [DIRECTOR.] "Director" means the director of the pollution control agency.

Subd. 6. [INTERSTATE COMMISSION.] "Interstate commission" means the midwest interstate low-level radioactive waste commission.

Sec. 3. [116C.82] [COMPACT COMMISSION MEMBER.]

Subdivision 1. [DIRECTOR.] The director of the pollution control agency shall serve as Minnesota's voting member of the interstate commission.

Subd. 2. [SEMI-ANNUAL REPORT.] In addition to other duties specified in sections 3 to 13, the director shall report semi-annually to the governor and the legislature concerning the activities of the interstate commission. The report shall include any recommendations the director deems necessary to assure the protection of the interest of the state in the proper functioning of the compact. The director also shall report to the governor and the legislature any time there is a change in the status of a host state or other party states in the compact.

Sec. 4. [116C.83] [ASSESSMENT OF GENERATORS.]

Subdivision 1. [COSTS.] All costs incurred by the state to carry out its responsibilities under the compact and under sections 3 to 13 shall be paid by generators of low-level radioactive waste in this state through fees assessed by the pollution control agency. The agency shall assess the fees in the manner provided in section 16A.128. Fees may be reasonably assessed on the basis of volume or classification (pursuant to 10 Code of Federal Regulations Part 61.55 and amendments thereto) of the waste produced by a generator. Costs for which fees may be assessed include, but are not limited to:

- (a) the state contribution required to join the compact;*
- (b) the expenses of the commission member and costs incurred to support the work of the interstate commission;*
- (c) regulatory costs, including but not limited to costs of adopting and enforcing regulations if the state enters into a limited agreement with the U.S. Nuclear Regulatory Commission to assume state regulation of transportation and packaging, or disposal, of low-level radioactive wastes; and*
- (d) any liability the state may incur as a party state to the compact.*

Subd. 2. [COLLECTION AND DEPOSIT.] Fees assessed under subdivision 1 shall be collected by the commissioner of revenue. All money received pursuant to this subdivision shall be deposited in the general fund.

Sec. 5. [116C.84] [ENFORCEMENT OF COMPACT AND LAWS.]

Subdivision 1. [CRIMINAL PENALTIES.] Any person who willfully or negligently violates any provision of the compact upon conviction is guilty of a misdemeanor, and is subject

to a fine of not more than \$2,500 in the event of a willful violation or not more than \$300 in the event of a negligent violation. A second conviction of the same provision after a first conviction is punishable by a fine of not more than \$50,000, or by imprisonment for not more than two years, or both.

Any person who knowingly fails to provide information requested under section 10 or who knowingly makes any false statement, representation, or certification of any information requested under section 10 is subject to a fine of not more than \$10,000, or imprisonment for not more than six months, or both.

Subd. 2. [CIVIL PENALTIES.] Any person who violates any provision of the compact or of section 4 or 10 shall forfeit and pay to the state a penalty, in an amount to be determined by the court, of not more than \$10,000 per day of violation. The civil penalties provided in this subdivision may be recovered by a civil action brought by the attorney general in the name of the state.

Subd. 3. [INJUNCTION.] Any violation of the provisions of the compact may be enjoined as provided by law in an action, in the name of the state, brought by the attorney general.

Subd. 4. [ACTION TO COMPEL PERFORMANCE.] In any action to compel performance of an obligation created by the compact the court may require any person who is adjudged responsible to do and perform any and all acts and things within his power which are reasonably necessary to fulfill the obligation.

Subd. 5. [RECOVERY OF LITIGATION COSTS AND EXPENSES.] In any action brought by the attorney general, in the name of the state for civil penalties, injunctive relief, or in an action to compel compliance, if the state prevails and if the violation was willful, the state, in addition to other penalties provided in this section, may be allowed an amount determined by the court to be the reasonable value of all or a part of the litigation expenses incurred by the state. All amounts recovered by the state under the provisions of subdivisions 1 to 5 shall be deposited in the general fund.

Subd. 6. [EFFECT ON STATE.] Nothing in this section shall be construed to permit any action or remedy against the state for violation of any provision of the compact. The sole remedy for such a violation is the remedy provided in Article III, section h.6. and Article VIII, section f. of the compact.

Sec. 6. [116C.85] [ACTIONS CONCERNING INTER-STATE COMMISSION AND PARTY STATES.]

Subdivision 1. [ENFORCEMENT OF COMMISSION DECISIONS.] A final decision of the interstate commission in any

matter within its jurisdiction may be enforced by the attorney general in the name of the state in any court of competent jurisdiction.

Subd. 2. [PROCEEDINGS AGAINST PARTY STATE OR COMMISSION.] The attorney general, in the name of the state, may:

(a) initiate a proceeding against another party state in the manner provided in Article III, section i.3. of the compact, and may appeal the decision of the interstate commission as provided in Article III, section o.; or

(b) initiate a proceeding in any court of competent jurisdiction to review an action or decision of the interstate commission, or to require the commission to act or refrain from acting under the terms of the compact in any matter affecting the interest of the state.

Sec. 7. [116C.86] [REVIEW OF STATE AUTHORITY TO ENFORCE COMPACT.]

The advisory committee shall review the authority of the state to enforce the compact, including the control of shipment of waste under Article IX, section b of the compact. The governor shall report to the advisory committee any recommendations on possible agreement state status with the U.S. Nuclear Regulatory Commission in order to enforce the compact. The advisory committee shall recommend any legislative changes which it determines necessary and desirable to assure adequate state authority to enforce the compact.

Sec. 8. [116C.87] [EFFECT ON EXISTING STATE LAW.]

Except as otherwise provided in section 12, subdivision 4, it is the intent of this state as a party to the compact to apply and enforce its laws and rules relating to environmental review, siting of facilities, and protection of the environment and public health with respect to the location, construction, and regulation of any regional low-level radioactive waste facility in this state.

Sec. 9. [116C.88] [ADVISORY COMMITTEE.]

An advisory committee is created to consult with and advise the director, the governor, and the legislature on low-level radioactive waste issues. The advisory committee shall consist of three representatives chosen by the speaker of the house; three senators chosen by the senate committee on committees; the director; the commissioner of health; the commissioner of transportation; the commissioner of department of natural resources;

and the chairperson of the environmental quality board. The committee shall elect a chairperson from among its members.

The advisory committee may appoint a technical task force on low-level radioactive waste, including but not limited to any members of the public with special expertise in low-level radioactive waste, state agency personnel, and generators representing the medical, industrial, and commercial organizations in the state which ship wastes to regional facilities.

Sec. 10. [116C.89] [DUTY TO PROVIDE INFORMATION.]

Subdivision 1. [REQUIRED INFORMATION.] Any generators of low-level radioactive waste and any person engaged in transporting or disposing of low-level radioactive waste, when requested by the agency or any member, employee, or agent thereof who is authorized by the agency, shall furnish information needed by the agency to carry out its responsibilities under the compact and under sections 3 to 13.

Subd. 2. [CLASSIFICATION.] Except as otherwise provided in this subdivision, data obtained from any person pursuant to subdivision 1 is public data as defined in section 13.02. Upon certification by the generator that the data relates to sales figures, processes, or methods of production unique to that person, or information which would tend to affect adversely the competitive position of that person, the agency shall classify the data as nonpublic data as defined in section 13.02. The agency may disclose data classified as nonpublic under this subdivision to the interstate commission, when relevant in any proceeding under section 5, or when necessary to carry out its responsibilities under sections 3 to 13.

Subd. 3. [REVIEW BY ADVISORY COMMITTEE.] When the agency requests information under this section, it shall notify the advisory committee of the types of information requested and the parties to whom the request was made. The advisory committee may review the reasonableness of any request for information under this section and make recommendations to the agency.

Sec. 11. [116C.90] [AUDIT REVIEW.]

The legislative audit commission shall review the annual report prepared by the interstate commission regarding its audit activities and the annual financial audit of the operation of the low-level radioactive waste facility prepared by the host state, and shall present their review to the director, the governor, the legislature, and the advisory committee.

Sec. 12. [116C.91] [CONTINGENT PROVISIONS.]

Subdivision 1. [REPORT.] In the event Minnesota is designated by the interstate commission to be a host state for a regional low-level radioactive waste facility, the director within 14 days shall report to the governor, the legislature, and the advisory committee with recommendations for further action.

Subd. 2. [OPTION FOR WITHDRAWAL.] In the event Minnesota is designated by the interstate commission to be a host state for a regional low-level radioactive waste facility, the advisory committee shall report to the governor and the legislature within 30 days with its recommendations whether or not Minnesota should exercise its option to withdraw from the compact. It is the intent of the legislature that, if the legislature is not or will not be in session so that action cannot be taken in a timely manner and if the advisory committee recommends withdrawal from the compact, the governor shall convene a special legislative session for the purpose of acting on the advisory committee's recommendation.

Subd. 3. [DEVELOPMENT OF A SITING PROCESS.] In the event that Minnesota is designated by the interstate commission to be host state for a regional low-level radioactive waste facility, the agency shall develop a siting process and report to the governor, the advisory committee, and the legislature with recommendations for legislation including siting criteria, procedures for public participation, licensing, regulation, and bonding requirements. The siting process which is recommended shall include bonding requirements sufficient to cover any costs of monitoring the facility and providing for its safety and security in the event that the licensee discontinues operation, management, or supervision of the facility for so long as the materials stored or treated at the facility pose a threat to the public health.

Subd. 4. [CERTAIN LAW NOT APPLICABLE.] In the event that Minnesota is designated by the interstate commission to be a host state for a regional low-level radioactive waste facility, the provisions of sections 116C.71 to 116C.74 shall not apply to the authorization or siting of that facility, or transportation of wastes to that facility.

Sec. 13. [116C.92] [CONGRESSIONAL CONDITIONS ON COMPACT CONSENT.]

In the event that congressional consent to the compact carries with it conditions that materially change the provisions agreed to by the party states, the state reserves the option to terminate further participation in the compact.

Sec. 14. [APPROPRIATION.]

The sum of \$75,000 is appropriated from the general fund for the biennium ending June 30, 1985, to the pollution control

agency for the initial contribution required to join the compact and for other expenses made necessary by state participation in the compact."

Delete the title and insert:

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

The motion prevailed and the amendment was adopted.

Kahn moved to amend S. F. No. 511, as amended, as follows:

Page 18, line 19, after the period insert: *"The director shall tender the state's membership fee to the interstate commission by August 1, 1983, or, if the commission has not come into existence by August 1, 1983, when the first meeting of the commission is convened as provided in the compact."*

Page 18, line 36, after "or" delete the remainder of the line

Page 19, delete line 1 and insert *"degree of hazard"*

Page 19, line 2, delete *"thereto"*

The motion prevailed and the amendment was adopted.

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 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 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bergstrom	Carlson, D.	Coleman	Ellingson
Anderson, G.	Berkelman	Carlson, L.	Dempsey	Erickson
Battaglia	Bishop	Clark, J.	DenOuden	Evans
Beard	Brandl	Clark, K.	Dimler	Findlay
Begich	Brinkman	Clawson	Eken	Fjoslien
Bennett	Burger	Cohen	Elioff	Forsythe

Frerichs	Knuth	Ogren	Rose	Tunheim
Graba	Kostohryz	Olsen	St. Onge	Uphus
Greenfield	Krueger	Omann	Sarna	Valan
Gruenes	Larsen	Osthoff	Scheid	Valento
Gustafson	Levi	Otis	Schoenfeld	Vanasek
Gutknecht	Long	Pauly	Seaberg	Vellenga
Haukoos	Ludeman	Peterson	Segal	Voss
Heinitz	Mann	Piepho	Shaver	Waltman
Himle	McDonald	Piper	Shea	Welch
Hoffman	McEachern	Price	Sherman	Welker
Hokr	McKasy	Quinn	Simoneau	Welle
Jacobs	Metzen	Quist	Skoglund	Wenzel
Jennings	Minne	Redalen	Solberg	Wigley
Jensen	Munger	Reif	Sparby	Wynia
Johnson	Murphy	Rice	Staten	Zaffke
Kahn	Nelson, D.	Riveness	Sviggum	Speaker Sieben
Kalis	Nelson, K.	Rodosovich	Swanson	
Kelly	Neuenschwander	Rodriguez, C.	Thiede	
Knickerbocker	Norton	Rodriguez, F.	Tomlinson	

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Segal, Knuth, Long and Kahn introduced:

H. F. No. 1318, A bill for an act relating to health; directing the commissioner of health and the director of the pollution control agency to study the relationship between hazardous waste contamination of metropolitan water supplies and the incidence of cancer; appropriating money.

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

Forsythe; Clark, J.; Long; McKasy and Ellingson introduced:

H. F. No. 1319, A bill for an act relating to real estate; requiring storage of abstracts of title to be stored in Minnesota with certain exceptions.

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

Schafer and McKasy introduced:

H. F. No. 1320, A bill for an act relating to criminal procedure; repealing the law which requires a defendant to sign and receipt for a statement or confession as a condition of the statement's or confession's admissibility at trial; repealing Minnesota Statutes 1982, section 611.033.

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

Dempsey introduced:

H. F. No. 1321, A bill for an act relating to taxation; providing for a tax levy within certain types of districts to pay principal and interest on certain types of bonds; amending Minnesota Statutes 1982, section 462.545, subdivision 6.

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

Cohen introduced:

H. F. No. 1322, A bill for an act relating to taxation; providing for property and income tax relief for new or expanding businesses; proposing new law coded in Minnesota Statutes, chapters 272 and 290.

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

Jensen; Rodriguez, F.; Mann; Kalis and Anderson, G., introduced:

H. F. No. 1323, A bill for an act relating to utilities; pipelines; defining terms; requiring route alternatives; expanding certain notice and information requirements; authorizing the environmental quality board to require an additional fee; requiring distribution of and supplements to an information book before route approval and exercise of eminent domain power; requiring public notice and meetings; requiring public information books and meetings for interstate gas pipelines; exempting pipelines subject to certain federal regulations; providing state technical inspection assistance; authorizing staff, consultants, and cooperative agreements; authorizing promulgation of rules; authorizing power of waiver; providing for enforcement; transferring power

of eminent domain from the department of natural resources to the environmental quality board with conditions; setting fees; amending Minnesota Statutes 1982, sections 116I.01, by adding subdivisions; 116I.02; 116I.03; 116I.04; 116I.05; 116I.06, subdivisions 4, 5, 6, and 7, and by adding a subdivision; 116I.10; and 117.49; proposing new law coded in Minnesota Statutes, chapter 116I.

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

Blatz, Swanson, Brandl, Reif and McEachern introduced:

H. F. No. 1324, A bill for an act relating to health; requiring access to health information for seven years; amending Minnesota Statutes 1982, section 144.335, by adding a subdivision.

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

HOUSE ADVISORIES

The following House Advisories were introduced:

Clark, K.; Greenfield; Brandl and Wynia introduced:

H. A. No. 24, A proposal to study the effects of deinstitutionalization on mentally ill and chemically dependent persons.

The advisory was referred to the Committee on Health and Welfare.

Clark, K.; Vellenga; Schoenfeld; Reif and Swanson introduced:

H. A. No. 25, A proposal to study the health hazards associated with agricultural and horticultural activities.

The advisory was referred to the Committee on Agriculture.

Osthoff and Scheid introduced:

H. A. No. 26, A proposal to study amending liquor laws to allow grocery stores to sell wine.

The advisory was referred to the Committee on Regulated Industries.

Heap, Wigley, Hokr and Stadum introduced:

H. A. No. 27, A proposal to study the need for studies initiated by the state.

The advisory was referred to the Committee on Governmental Operations.

Heap, Wigley, Hokr and Stadum introduced:

H. A. No. 28, A proposal to study the financial impact of studies initiated in whole or in part by the state of Minnesota.

The advisory was referred to the Committee on Governmental Operations.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 218, A bill for an act relating to crimes; expanding the rights of victims of crime; 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, subdivision 5; 243.23, subdivision 3; 609.115, subdivision 1, and by adding subdivisions; 609.498; and 631.425, subdivision 5; proposing new law coded as Minnesota Statutes, chapter 611A.

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

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:

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

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:

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

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:

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, sections 65B.133, subdivision 5; and 169.685, subdivision 5.

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

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 102, A bill for an act relating to agricultural and residential real estate; requiring 60 days notice of default on a real estate mortgage, notice of termination of a real estate contract for deed, and eight weeks notice of commencement of a sale and foreclosure proceeding; providing that a court may order a delay in a foreclosure sale or contract termination under certain circumstances; limiting the right to maintain actions for deficiency judgments; amending Minnesota Statutes 1982, sections 47.20, by adding a subdivision; 559.21, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 550; proposing new law coded as Minnesota Statutes, chapter 583.

PATRICK E. FLAHAVEN, Secretary of the Senate

Bergstrom moved that the House refuse to concur in the Senate amendments to H. F. No. 102, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 435, A bill for an act relating to crimes; establishing degrees of burglary; prescribing penalties; providing mandatory

terms of incarceration; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, section 609.58.

PATRICK E. FLAHAVER, Secretary of the Senate

Clark, J., moved that the House refuse to concur in the Senate amendments to H. F. No. 435, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 314, A bill for an act relating to insurance; requiring certain disclosures in personal sales contacts; requiring direct deposit of premiums; requiring disclosure of certain limitations on medicare supplement insurance coverage; prohibiting the sale of more than two medicare supplement insurance policies to an individual; requiring copies of medicare supplement and life insurance applications to be provided to applicants; requiring applications for medicare supplement insurance to list health and accident insurance already maintained by applicant; providing rulemaking authority; imposing civil penalties for certain violations; providing a criminal penalty; amending Minnesota Statutes 1982, sections 60A.17, subdivisions 1, 1a, and 6c, and by adding subdivisions; 62A.31, subdivision 1; 62A.39; 62A.42; proposing new law coded in Minnesota Statutes, chapters 61A and 62A.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Wynia moved that the House concur in the Senate amendments to H. F. No. 314 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 314, A bill for an act relating to insurance; requiring insurance agents to maintain trust accounts; requiring certain disclosures in personal sales contacts; requiring disclosure of certain limitations on medicare supplement insurance coverage; prohibiting the sale of more than two medicare supplement insurance policies to an individual; requiring copies of medicare supplement and life insurance applications to be provided to applicants; requiring applications for medicare supplement insurance to list health and accident insurance already maintained by

applicant; providing for continuation and conversion of health and accident coverage for laid off employees; providing group coverage for handicapped dependents; allowing a deductible on certain medicare supplement insurance coverages; providing rulemaking authority; imposing civil penalties for certain violations; providing a criminal penalty; amending Minnesota Statutes 1982, sections 60A.17, subdivisions 1, 1a, and 6c, and by adding subdivisions; 62A.17; 62A.31; 62A.39; 62A.42; proposing new law coded in Minnesota Statutes, chapters 61A and 62A.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 115 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

DenOuden	Gutknecht	Schafer	Welker
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The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

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

S. F. No. 265.

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. 510, 1041, 1241 and 1151.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker :

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

S. F. No. 492.

PATRICK E. FLAHAVER, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 265, A bill for an act relating to public welfare; establishing limitations on the number of beds in the state program for mentally retarded persons; establishing reimbursement rates for residential, training and habilitation services; transferring certain appropriations to medical assistance; establishing case management services and screening teams; appropriating money; amending Minnesota Statutes 1982, sections 252.24, subdivision 1; 252.28; 256B.02, subdivision 8; 256B.19, by adding a subdivision; and 256E.06, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 252 and 256B.

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

S. F. No. 510, A bill for an act relating to housing; prohibiting certain rent control ordinances in cities, counties, and towns; proposing new law coded in Minnesota Statutes, chapter 471.

The bill was read for the first time.

Schoenfeld moved that S. F. No. 510 and H. F. No. 648, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1041, A bill for an act relating to the city of Plymouth; giving the city the powers of a port authority.

The bill was read for the first time.

Anderson, G., moved that S. F. No. 1041 and H. F. No. 938, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1241, A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

The bill was read for the first time.

Berkelman moved that S. F. No. 1241 and H. F. No. 1305, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1151, A bill for an act relating to taxation; imposing or altering certain income tax, withholding tax, sales, and excise tax penalties; extending the time limitations within which certain indictments may be filed; providing for apportionment of property taxes payable with respect to certain claims for property tax refunds; requiring a study; amending Minnesota Statutes 1982, sections 290.53, subdivision 4, and by adding a subdivision; 290.92, subdivision 15; 290A.03, subdivisions 8 and 13; 290A.05; 290A.11, subdivision 2; 297A.08; 297A.39, subdivision 4, and by adding a subdivision; and 297B.10.

The bill was read for the first time.

Vanasek moved that S. F. No. 1151 and H. F. No. 547, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 492, A bill for an act relating to financial institutions; regulating certain acquisitions by bank holding companies; defining terms; prescribing limitations; proposing new law coded in Minnesota Statutes, chapter 47.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 653

A bill for an act relating to elections; making numerous procedural changes in the election law; removing or clarifying obsolete and inappropriate language; rearranging certain provisions; amending Minnesota Statutes 1982, sections 201.061, subdivision 3; 203B.11; 203B.12, subdivision 2; 204B.31; 204B.33; 204B.36, subdivision 2; 204C.08, subdivision 1; 204C.10, subdivision 1; 204C.12, subdivisions 3 and 4; 204C.24, subdivision 1; 204C.25; 204C.35; 204D.11, subdivision 5; 204D.13, subdivision 3; 205.17, subdivisions 3 and 4; 206.11; 206.19, subdivision 1;

210A.39; proposing new law coded in Minnesota Statutes, chapter 204C; repealing Minnesota Statutes 1982, section 204B.06, subdivision 3.

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. 653, 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. 653 be amended as follows:

Page 2, after line 11 insert:

"Sec. 2. Minnesota Statutes 1982, section 203B.08, is amended by adding a subdivision to read:

Subd. 1a. [ELECTRONIC VOTING SYSTEM AUTHORIZED.] An electronic voting system approved and authorized for use under chapter 206 may be used for absentee voting when the voter applies in person to the municipal clerk for an absentee ballot and chooses to vote at the time of application. The municipal clerk designated under the provisions of section 203B.05 must give written notice to the county auditor prior to each state primary election that an electronic voting system will be used for absentee voting. Paper ballots must be used when applications for absentee ballots are submitted to the county auditor, when ballots are delivered to temporary or permanent residents or patients in a health care facility as provided in section 203B.11, or when applications are submitted by mail.

Sec. 3. Minnesota Statutes 1982, section 203B.08, is amended by adding a subdivision to read:

Subd. 3a. [PROCEDURES FOR SAFEGUARDING ELECTRONICALLY MARKED BALLOTS.] When the voter has completed marking the ballot as authorized under section 2, the voter shall remove the ballot card from the electronic voting device, insert it in a security envelope, and place the security envelope in an absentee ballot return envelope which is to be signed by the voter and witnessed as provided in section 203B.07, subdivision 2. The return envelope in which a ballot card is returned shall be dated and initialed by hand by the clerk and placed in a secure location with other absentee ballot cards marked under section 2."

Page 4, after line 8 insert:

"Sec. 6. Minnesota Statutes 1982, section 203B.12, subdivision 5, is amended to read:

Subd. 5. [ELECTRONIC VOTING SYSTEM PRECINCTS.]
(a) Paper absentee ballots delivered to the election judges in precincts which use an electronic voting system shall be counted in the manner provided in this section. No duplicate ballot cards shall be prepared. The paper ballot vote totals for each candidate and on each question shall be added to the results obtained from the electronic tabulating equipment in each precinct.

(b) Absentee ballot cards marked using electronic voting machines as authorized under section 2 shall be tabulated using the electronic tabulating equipment in each precinct.

Sec. 7. [203B.125] [SECRETARY OF STATE TO MAKE RULES.]

The secretary of state shall adopt rules establishing methods and procedures for issuing ballot cards and related absentee forms to be used as provided in section 2 and for the reconciliation of voters and ballot cards before tabulation under section 203B.12."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the first semicolon insert "203B.08, by adding subdivisions;"

Page 1, line 7, delete "subdivision 2" and insert "subdivisions 2 and 5"

Page 1, line 13, delete "chapter" and insert "chapters 203B and"

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

House Conferees: TOM OSTHOFF, LONA MINNE and BEN OMANN.

Senate Conferees: JEROME M. HUGHES, DONNA C. PETERSON and DEAN E. JOHNSON.

Osthoff moved that the report of the Conference Committee on H. F. No. 653 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 653, A bill for an act relating to elections; making numerous procedural changes in the election law; removing or clarifying obsolete and inappropriate language; rearranging certain provisions; amending Minnesota Statutes 1982, sections 201.061, subdivision 3; 203B.11; 203B.12, subdivision 2; 204B.31; 204B.33; 204B.36, subdivision 2; 204C.08, subdivision 1; 204C.10, subdivision 1; 204C.12, subdivisions 3 and 4; 204C.24, subdivision 1; 204C.25; 204C.35; 204D.11, subdivision 5; 204D.13, subdivision 3; 205.17, subdivisions 3 and 4; 206.11; 206.19, subdivision 1; 210A.39; proposing new law coded in Minnesota Statutes, chapter 204C; repealing Minnesota Statutes 1982, section 204B.06, subdivision 3.

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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDERS

S. F. No. 855, A bill for an act relating to motor vehicles; exempting certain vehicles from license fees; authorizing the use of certain state department vehicles without uniform coloring or marking; amending Minnesota Statutes 1982, sections 16.75, subdivision 7; and 168.012, subdivision 1.

The bill was read for the 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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1009 was reported to the House.

Dempsey moved to amend S. F. No. 1009, as follows:

Page 12, after line 33, insert:

"Subd. 2a. [PRIVATE AGRICULTURAL CARRIERS.] Notwithstanding the provisions of subdivision 2, private carriers operating vehicles transporting agricultural and other farm products within an area having a 50-mile radius from the business location of the private carrier must comply only with the commissioner's rules for safety of operations and equipment."

The motion prevailed and the amendment was adopted.

Jensen moved to amend S. F. No. 1009, as amended, as follows:

Page 8, after line 24, insert:

"Private carrier" does not include a person while engaged in transportation described in section 20."

Page 10, line 7, after "to" insert "*the transportation described below*"

Page 13, line 2, delete "*driver qualifications,*"

Page 13, line 2, after "*operations*" delete the comma

The motion prevailed and the amendment was adopted.

S. F. No. 1009, A bill for an act relating to transportation; defining certain terms relating to motor vehicle carriers; delineating exemptions; prescribing rules for operation of carriers; providing for investigation of carriers; providing for regulation of carriers of hazardous materials; providing for granting of certificates for operation; setting procedures for establishing rate schedules; providing for fees; providing for annual registration; requiring certificates of insurance; allowing permits to be assigned or transferred under certain conditions; providing hearing procedures regarding rate schedules; requiring shipping documents; providing for regulation of interstate carriers; authorizing suspension of operating authority under certain conditions; requiring refunds for overcharges; providing enforcement powers; providing penalties; providing for annual renewal of identification stamps; regulating local cartage carriers; assigning duties, functions, and powers to the public utilities commission until the transportation regulation board is established and appointed; amending Minnesota Statutes 1982, sections 168.013, subdivision 1e; 174.22, subdivision 2; 221.011, subdivisions 3, 9, 11, 12, 14, 15, 16, 19, 21, and 24, and by adding subdivisions; 221.021; 221.031; 221.041; 221.071; 221.111; 221.121; 221.131; 221.141, subdivision 1, and by adding a subdivision; 221.151; 221.161; 221.171; 221.181; 221.221; 221.251; 221.291; 221.296, subdivisions 2, 3, and 4; and 221.64; proposing new law coded in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1982, sections 221.011, subdivisions 4 and 22; 221.032; 221.141, subdivision 2; 221.292; 221.294; and 221.296, subdivision 1.

The bill was read for the 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 86 yeas and 28 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bishop	Clawson	Gustafson	Jensen
Anderson, G.	Blatz	Cohen	Haukoos	Kahn
Battaglia	Brandl	Coleman	Heinitz	Kalis
Beard	Brinkman	Dempsey	Himle	Kelly
Begich	Burger	Evans	Hoberg	Knickerbocker
Bennett	Carlson, L.	Forsythe	Hoffman	Knuth
Bergstrom	Clark, J.	Greenfield	Hokr	Kostohryz
Berkelman	Clark, K.	Gruenes	Jacobs	Krueger

Larsen	Neuenschwander	Quinn	Schoenfeld	Valan
Levi	Norton	Reif	Seaberg	Vellenga
Mann	Ogren	Rice	Segal	Welch
Marsh	Olsen	Riveness	Shaver	Wenzel
McEachern	Otis	Rodosovich	Solberg	Wynia
McKasy	Pauly	Rodriguez, F.	Sparby	Speaker Sieben
Metzen	Peterson	Rose	Staten	
Munger	Piepho	St. Onge	Swanson	
Nelson, D.	Piper	Sarna	Tomlinson	
Nelson, K.	Price	Scheid	Tunheim	

Those who voted in the negative were:

DenOuden	Gutknecht	Omann	Schafer	Waltman
Erickson	Halberg	Onnen	Sherman	Welker
Findlay	Jennings	Osthoff	Sviggum	Welle
Fjoslien	Johnson	Quist	Thiede	Zaffke
Frerichs	Ludeman	Redalen	Uphus	
Graba	McDonald	Rodriguez, C.	Valento	

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

S. F. No. 337 was reported to the House.

There being no objection, S. F. No. 337 was temporarily laid over on Special Orders.

The Speaker called Wynia to the Chair.

S. F. No. 338 was reported to the House.

Berkelman moved to amend S. F. No. 338, as follows:

Page 1, after line 23, insert a new section to read:

“Section 2. [169.041] [LIABILITY OF LEASED VEHICLE OWNER FOR VIOLATIONS OF ANOTHER.]

Notwithstanding the provisions of section 169.04, clause (1), the owner of a leased vehicle is not liable for a violation of an ordinance, regulation, or other provision of law governing the standing or parking of vehicles if the vehicle was in the possession or control of the lessee at the time of the violation.”

Re-number the remaining section.

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 338, A bill for an act relating to motor vehicles; maintaining the maximum interest rate on certain loans under the Motor Vehicle Retail Installment Sales Act at the current rate; amending Minnesota Statutes 1982, section 168.72, subdivision 2.

The bill was read for the 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 104 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Fjoslien	Krueger	Otis	Seaberg
Anderson, G.	Forsythe	Kvam	Pauly	Segal
Battaglia	Frerichs	Larsen	Peterson	Shaver
Beard	Graba	Levi	Piepho	Sherman
Begich	Gruenes	Long	Piper	Solberg
Bennett	Gustafson	Mann	Price	Sparby
Bergstrom	Gutknecht	Marsh	Quinn	Staten
Berkelman	Haukoos	McEachern	Quist	Sviggum
Bishop	Heinitz	McKasy	Redalen	Swanson
Blatz	Himle	Metzen	Reif	Tomlinson
Brinkman	Hoberg	Minne	Rice	Tunheim
Burger	Hoffman	Munger	Riveness	Uphus
Carlson, L.	Hokr	Nelson, D.	Rodosovich	Valan
Clark, J.	Jacobs	Nelson, K.	Rodriguez, C.	Vellenga
Clark, K.	Jensen	Neuenschwander	Rodriguez, F.	Welch
Clawson	Johnson	Norton	Rose	Welle
Coleman	Kahn	Ogren	St. Onge	Wenzel
Dempsey	Kalis	Olsen	Sarna	Wynia
Erickson	Knickerbocker	Omann	Schafer	Zaffke
Evans	Knuth	Onnen	Scheid	Speaker Sieben
Findlay	Kostohryz	Osthoff	Schoenfeld	

Those who voted in the negative were:

Brandl	Jennings	McDonald	Valento	Welker
DenOuden	Kelly	Skoglund		
Greenfield	Ludeman	Thiede		

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

S. F. No. 742 was reported to the House.

Clawson moved to amend S. F. No. 742, as follows:

Delete everything after the enacting clause and insert:

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

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

1. Goodhue, Dakota, Carver, LeSueur, McLeod, Scott, and Sibley; (SEVEN) 20 judges; and (FOUR) permanent chambers shall be maintained in Red Wing, Hastings, Shakopee, Gaylord, LeCenter, West St. Paul, Chaska, Burnsville, South St. Paul, and

Glencoe and one other shall be maintained at the place designated by the chief judge of the district;

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

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

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

5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood, Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; (FIVE) 21 judges; and permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm, St. Peter, St. James, Blue Earth, Jackson, Pipestone, Worthington, Slayton, Redwood Falls, and Mankato;

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

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

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

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

10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chicago, and Washington; (TEN) 23 judges; and permanent cham-

bers shall be maintained in Anoka, Stillwater, Buffalo, Elk River, Mora, Cambridge, Center City, Pine City, and other places designated by the chief judge of the district.

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

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

484.01 [JURISDICTION.]

There shall be one trial court, which shall be the district court. The district (COURTS SHALL HAVE) court has original jurisdiction in all civil actions within (THEIR RESPECTIVE DISTRICTS) its judicial district, in all cases of crime committed or triable (THEREIN,) in the district, in all juvenile proceedings, in all probate proceedings, including the administration of estates of deceased persons and trust estates and guardianship and incompetency proceedings, in all special proceedings not exclusively cognizable by some other court or tribunal, and in all other cases (WHEREIN SUCH) in which the jurisdiction is especially conferred upon (THEM) it by law. (THEY) It shall also have appellate jurisdiction in every case in which an appeal (THERETO) to it is allowed by law from any other court, officer, or body.

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

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

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

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

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

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

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

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

487.191 [MERGER WITH DISTRICT COURTS.]

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

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

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

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

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

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

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

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

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

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

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

Sec. 10. [EFFECTIVE DATE.]

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

Delete the title and insert:

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

The motion prevailed and the amendment was adopted.

POINT OF ORDER

Rice raised a point of order pursuant to rule 5.7 that S. F. No. 742, as amended, be re-referred to the Committee on Appropriations. The Speaker pro tem ruled the point of order well taken and S. F. No. 742, as amended, was re-referred to the Committee on Appropriations.

S. F. No. 891 was reported to the House.

Segal moved that S. F. No. 891 be continued on Special Orders for one day. The motion prevailed.

S. F. No. 911 was reported to the House.

There being no objection, S. F. No. 911 was continued on Special Orders for one day.

The Speaker resumed the Chair.

S. F. No. 699 was reported to the House.

Neuenschwander moved to amend S. F. No. 699, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 169.71, is amended by adding a subdivision to read:

Subd. 4. No person shall drive or operate any motor vehicle required to be registered in the state of Minnesota upon any street or highway under the following conditions:

(a) When the windshield is composed of, covered by, or treated with any material which has the effect of making the windshield more reflective or in any other way reducing light transmittance through the windshield;

(b) When any window on the vehicle is composed of, covered by, or treated with any material that has a highly reflective or mirrored appearance;

(c) When any side window or rear window is composed of or treated with any material so as to obstruct or substantially reduce the driver's clear view through the window or has a light transmittance of less than 50 percent plus or minus three percent in the visible light range or a luminous reflectance of more than 20 percent plus or minus three percent; or

(d) When any material has been applied after August 1, 1985, to any motor vehicle window without an accompanying permanent marking which indicates the percent of transmittance and the percent of reflectance afforded by the material. The marking must be in a manner so as not to obscure vision and be readable when installed on the vehicle.

This subdivision does not apply to glazing materials which:

(a) have not been modified since the original installation, nor to original replacement windows and windshields, that were originally installed or replaced in conformance with Federal Motor Vehicle Safety Standard 205;

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

(c) were applied to the rear windows of a pickup truck as defined in section 168.011, subdivision 29, or to the rear win-

dows or the side windows on either side behind the driver's seat of a van as defined in section 168.011, subdivision 28, or of any vehicle used to transport human remains by funeral establishments holding a permit under the provisions of section 149.08.

Sec. 2. [EFFECTIVE DATE.]

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

The motion prevailed and the amendment was adopted.

S. F. No. 699, A bill for an act relating to highway traffic regulations; regulating the use of materials on the windshields, side windows, and rear windows of motor vehicles; amending Minnesota Statutes 1982, section 169.71, by adding a subdivision.

The bill was read for the 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 115 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Beard	Carlson, D.	Krueger	Staten
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The bill was passed, as amended, and its title agreed to.

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

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

The question was taken on the passage of the bill and the roll was called. There were 103 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Kostohryz	Pauly	Solberg
Anderson, G.	Ellingson	Krueger	Peterson	Sparby
Battaglia	Evans	Levi	Piepho	Staten
Beard	Findlay	Long	Piper	Svigguin
Begich	Forsythe	Mann	Price	Swanson
Bennett	Greenfield	Marsh	Quinn	Tomlinson
Bergstrom	Gruenes	McEachern	Redalen	Tunheim
Berkelman	Gustafson	McKasy	Rice	Valan
Bishop	Gutknecht	Metzen	Riveness	Valento
Blatz	Haukoos	Minne	Rodosovich	Vanasek
Brandl	Himle	Munger	Rodriguez, C.	Vellenga
Brinkman	Hoberg	Murphy	Rodriguez, F.	Voss
Burger	Hoffman	Nelson, K.	Rose	Waltman
Carlson, L.	Jacobs	Neuenschwander	St. Onge	Welch
Clark, J.	Jensen	Norton	Sarna	Welle
Clark, K.	Johnson	Ogren	Scheid	Wenzel
Clawson	Kahn	Olsen	Schoenfeld	Wynia
Cohen	Kalis	Omann	Seaberg	Zaffke
Coleman	Kelly	Onnen	Segal	Speaker Sieben
Dempsey	Knickerbocker	Osthoff	Shaver	
Eken	Knuth	Otis	Skoglund	

Those who voted in the negative were:

DenOuden	Jennings	Quist	Welker	Wigley
Fjoslien	Ludeman	Schafer		
Graba	McDonald	Thiede		

The bill was passed and its title agreed to.

S. F. No. 616 was reported to the House.

Clark, K., moved to amend S. F. No. 616, as follows:

Page 3, line 4, after the period reinstate the stricken language

Page 3, line 4, after the reinstated "(SHALL)" insert "not"

Page 3, line 6, after "(15.059)" reinstate the period

The motion prevailed and the amendment was adopted.

S. F. No. 616, A bill for an act relating to the council for the handicapped; providing for appointment of members to the coun-

cil; decreasing the number of council members; making the council permanent; clarifying the purposes of committees within the council; describing duties; amending Minnesota Statutes 1982, sections 256.481; and 256.482; repealing Minnesota Statutes 1982, section 256.483.

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

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 856, A bill for an act relating to real property; requiring certification by the municipality prior to transfer by the county auditor of certain unplatted properties; amending Minnesota Statutes 1982, section 272.162, subdivisions 2 and 3.

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

The question was taken on the passage of the bill and the roll was called. There were 114 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bennett	Blatz	Clark, J.	Dempsey
Battaglia	Bergstrom	Brinkman	Clark, K.	DenOuden
Beard	Berkelman	Burger	Cohen	Dimler
Begich	Bishop	Carlson, L.	Coleman	Elioff

Evans	Johnson	Murphy	Rodriguez, C.	Swiggum
Findlay	Kahn	Nelson, K.	Rodriguez, F.	Swanson
Fjoslien	Kalis	Neuenschwander	Rose	Thiede
Forsythe	Knickerbocker	Norton	St. Onge	Tomlinson
Frerichs	Knuth	Ogren	Sarna	Tunheim
Gruenes	Kostohryz	Olsen	Schafer	Uphus
Gustafson	Krueger	Omann	Scheid	Valan
Gutknecht	Kvam	Onnen	Schoenfeld	Valento
Halberg	Larsen	Otis	Schreiber	Vellenga
Haukoos	Levi	Pauly	Seaberg	Waltman
Heap	Long	Peterson	Segal	Welch
Heinitz	Ludeman	Piepho	Shaver	Welker
Himle	Mann	Piper	Sherman	Welle
Hoberg	Marsh	Price	Simoneau	Wenzel
Hoffman	McDonald	Quinn	Skoglund	Wigley
Hokr	McEachern	Quist	Solberg	Wynia
Jacobs	McKasy	Reif	Sparby	Zaffke
Jennings	Minne	Riveness	Stadum	Speaker Sieben
Jensen	Munger	Rodosovich	Staten	

The bill was passed and its title agreed to.

S. F. No. 791 was reported to the House.

Knuth moved to amend S. F. No. 791, as follows:

Page 2, line 2, delete "nonuser" and insert "nonuse"

The motion prevailed and the amendment was adopted.

S. F. No. 791, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to convey to private persons, under certain circumstances, road easements across railroad rights-of-way acquired for trail purposes; proposing new law coded in Minnesota Statutes, chapter 84.

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

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

Those who voted in the affirmative were:

Anderson, B.	Cohen	Greenfield	Johnson	McDonald
Battaglia	Coleman	Gruenes	Kahn	McEachern
Beard	Dempsey	Gustafson	Kalis	McKasy
Begich	DenOuden	Gutknecht	Kelly	Metzen
Bennett	Dimler	Halberg	Knickerbocker	Minne
Bergstrom	Eken	Haukoos	Knuth	Munger
Berkelman	Elioff	Heap	Kostohryz	Murphy
Bishop	Ellingson	Heinitz	Krueger	Nelson, D.
Blatz	Erickson	Himle	Kvam	Nelson, K.
Brandl	Evans	Hoberg	Larsen	Neuenschwander
Brinkman	Findlay	Hoffman	Levi	Norton
Burger	Fjoslien	Hokr	Long	Ogren
Carlson, L.	Forsythe	Jacobs	Ludeman	Olsen
Clark, J.	Frerichs	Jennings	Mann	Omann
Clark, K.	Graba	Jensen	Marsh	Onnen

Osthoff	Rodosovich	Segal	Thiede	Welker
Otis	Rodriguez, C.	Shaver	Tomlinson	Welle
Pauly	Rodriguez, F.	Sherman	Tunheim	Wenzel
Peterson	Rose	Simoneau	Uphus	Wigley
Piepho	St. Onge	Skoglund	Valán	Wynia
Piper	Sarna	Solberg	Valento	Zaffke
Price	Schafer	Sparby	Vanasek	Speaker Sieben
Quinn	Scheid	Stadum	Velleng	
Quist	Schoenfeld	Staten	Voss	
Reif	Schreiber	Sviggum	Waltman	
Riveness	Seaberg	Swanson	Welch	

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

S. F. No. 964 was reported to the House.

Ellingson moved to amend S. F. No. 964, as follows:

Page 3, line 4, after "1979" delete the comma

Page 3, line 6, after "301,511" delete the comma

Page 3, line 7, after "1984" delete the comma

Page 3, line 10, after "1983" delete the comma

Page 5, line 1, after the first "use" insert "*for commercial purposes*"

Page 5, line 1, after the second "use" insert "*for commercial purposes, or shall use as a mailing list*"

Page 5, line 3, after "(a)" delete "or (b)"

The motion prevailed and the amendment was adopted.

Ellingson moved to amend S. F. No. 964, as amended, as follows:

Page 2, line 25, after "not" insert "*, and was not at the time of the acts or omissions complained of in the proceedings,*"

Page 2, after line 36, insert:

"Sec. 2. Minnesota Statutes 1982, section 302A.011 is amended by adding a subdivision to read:

Subd. 6a. [CLOSELY-HELD CORPORATION.] "Closely-held corporation" means a corporation which does not have more than 35 shareholders."

Renumber the remaining sections

Page 4, line 12, delete "or"

Page 4, delete line 13

Page 4, line 14, delete "(b)"

Page 7, line 13, after "not" insert ", and was not at the time of the acts or omissions complained of in the proceedings,"

Page 8, line 5, strike "minority"

Page 8, after line 27, insert:

"Sec. 10. Minnesota Statutes 1982, section 302A.751, subdivision 2, is amended to read:

Subd. 2. [BUY-OUT ON MOTION.] In an action under subdivision 1, clause (b), involving a (CORPORATION HAVING 25 OR FEWER SHAREHOLDERS) *closely-held corporation* at the time the action is commenced and in which one or more of the circumstances described in that clause is established, the court may, upon motion of a corporation or a shareholder or beneficial owner of shares of the corporation, order the sale by a plaintiff or a defendant of all shares of the corporation held by the plaintiff or defendant to either the corporation or the moving shareholders, whichever is specified in the motion, if the court determines in its discretion that an order would be fair and equitable to all parties under all of the circumstances of the case.

The purchase price of any shares so sold shall be the fair value of the shares as of the date of the commencement of the action or as of another date found equitable by the court, provided that, if the shares in question are then subject to sale and purchase pursuant to the bylaws of the corporation, a shareholder control agreement, the terms of the shares, or otherwise, the court shall order the sale for the price and on the terms set forth in them, unless the court determines that the price or terms are unreasonable under all the circumstances of the case.

Within five days after the entry of the order, the corporation shall provide each selling shareholder or beneficial owner with the information it is required to provide under section 302A.473, subdivision 5, paragraph (a).

If the parties are unable to agree on fair value within 40 days of entry of the order, the court shall determine the fair value of the shares under the provisions of section 302A.473, subdivision 7, and may allow interest or costs as provided in section 302A.473, subdivisions 1 and 8.

The purchase price shall be paid in one or more installments as agreed on by the parties, or, if no agreement can be reached within 40 days of entry of the order, as ordered by the court. Upon entry of an order for the sale of shares under this subdivision and provided that the corporation or the moving shareholders post a bond in adequate amount with sufficient sureties or otherwise satisfy the court that the full purchase price of the shares, plus such additional costs, expenses, and fees as may be awarded, will be paid when due and payable, the selling shareholders shall no longer have any rights or status as shareholders,

officers, or directors, except the right to receive the fair value of their shares plus such other amounts as might be awarded."

Renumber the remaining sections

Amend the title as follows:

Page 1, line 17, after the semicolon insert "302A.011, by adding a subdivision;"

Page 1, line 21, delete the first "subdivision" and insert "subdivisions"

Page 1, line 21, after "1," insert "2,"

The motion prevailed and the amendment was adopted.

S. F. No. 964, A bill for an act relating to corporations; providing for the determination of eligibility for the indemnification of certain persons; prohibiting the use of corporate information obtained improperly; authorizing the use of protective orders and other relief to prevent the premature disclosure of certain confidential information or the use of corporate information obtained improperly; permitting the use of corporate names of corporations not filing the active status report; restricting the right of a corporation to deny cumulative voting; protecting preemptive rights of shareholders; clarifying when equitable relief is available to minority stockholders; providing for the retention of cumulative voting and preemptive rights after incorporation; amending Minnesota Statutes 1982, sections 300.083, subdivision 6; 302A.115, by adding a subdivision; 302A.215; 302A.413, by adding a subdivision; 302A.461, subdivisions 4, 6, and by adding a subdivision; 302A.521, subdivision 6; and 302A.751, subdivision 1, and by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 110 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Battaglia	Carlson, D.	Erickson	Heap	Kalis
Beard	Carlson, L.	Evans	Heinitz	Kelly
Begich	Clark, J.	Fjoslien	Himle	Knickerbocker
Bennett	Clark, K.	Forsythe	Hoberg	Knuth
Bergstrom	Cohen	Graba	Hoffman	Kostohryz
Berkelman	Coleman	Greenfield	Hokr	Krueger
Bishop	Dempsey	Cruenes	Jacobs	Kvam
Blatz	Dimler	Gustafson	Jennings	Larsen
Brandl	Eken	Gutknecht	Jensen	Long
Brinkman	Elioff	Halberg	Johnson	Mann
Burger	Ellingson	Haukoos	Kahn	Marsh

McEachern	Osthoff	Rodosovich	Sherman	Valan
Metzen	Otis	Rodriguez, C.	Simoneau	Valento
Minne	Pauly	Rodriguez, F.	Skoglund	Vanasek
Munger	Peterson	Rose	Solberg	Vellenga
Murphy	Piepho	St. Onge	Sparby	Waltman
Nelson, K.	Piper	Sarna	Stadum	Welle
Norton	Price	Scheid	Staten	Wenzel
Ogren	Quinn	Schoenfeld	Sviggum	Wigley
Olsen	Redalen	Schreiber	Swanson	Wynia
Omann	Reif	Seaberg	Tomlinson	Zaffke
Onnen	Riveness	Segal	Tunheim	Speaker Sieben

Those who voted in the negative were:

DenOuden	Ludeman	McKasy	Schafer	Uphus
Findlay	McDonald	Quist	Thiede	Welker

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

The Speaker called Wynia to the Chair.

S. F. No. 337 temporarily laid over earlier today was again reported to the House.

Shea moved to amend S. F. No. 337, as follows:

Page 1, line 18, after "signature" insert "*and his or her date of birth*"

The motion prevailed and the amendment was adopted.

S. F. No. 337, A bill for an act relating to drivers' licenses; requiring licenses of a distinguishing color for persons under 19 years of age; amending Minnesota Statutes 1982, section 171.07, subdivision 1.

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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Carlson, L.	Evans	Hoberg	Krueger
Anderson, G.	Clark, J.	Findlay	Hoffman	Kvam
Battaglia	Clark, K.	Fjoslien	Hokr	Larsen
Beard	Clawson	Forsythe	Jacobs	Levi
Begich	Cohen	Frerichs	Jennings	Long
Bennett	Coleman	Graba	Jensen	Ludeman
Bergstrom	Dempsey	Gruenes	Johnson	Mann
Berkelman	DenOuden	Gustafson	Kahn	Marsh
Bishop	Dimler	Gutknecht	Kalis	McDonald
Blatz	Eken	Haukoos	Kelly	McEachern
Brinkman	Elioff	Heap	Knickerbocker	McKasy
Burger	Ellingson	Hejnitz	Knuth	Metzen
Carlson, D.	Erickson	Himle	Kostohryz	Minne

Munger	Peterson	Rose	Skoglund	Vanasek
Murphy	Piepho	St. Onge	Solberg	Vellenga
Nelson, D.	Piper	Sarna	Sparby	Waltman
Nelson, K.	Price	Schafer	Stadum	Welch
Neuenschwander	Quinn	Scheid	Staten	Welker
Norton	Quist	Schoenfeld	Sviggum	Welle
Ogren	Redalen	Schreiber	Swanson	Wenzel
Olsen	Reif	Seaberg	Thiede	Wigley
Omann	Rice	Segal	Tomlinson	Wynia
Onnen	Riveness	Shaver	Tunheim	Zaffke
Osthoff	Rodosovich	Shea	Uphus	Speaker Sieben
Otis	Rodriguez, C.	Sherman	Valan	
Pauly	Rodriguez, F.	Simonean	Valento	

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

S. F. No. 427 was reported to the House.

Thiede moved to amend S. F. No. 427, as follows:

Page 1, after line 7, insert:

“Section 1. Minnesota Statutes 1982, section 16.851, subdivision 3, is amended to read:

Subd. 3. Nothing in the state building code shall require that each door entering a sleeping *or patient's* room from a corridor in a nursing home *or hospital* with an approved complete standard automatic fire extinguishing system be constructed or maintained as self-closing or automatically closing.”

Renumber remaining sections in sequence

Further, amend the title as follows:

Page 1, line 2, delete “safety glazing material” and insert “the safety of buildings and structures”

Page 1, line 2, after the semicolon insert “regulating the application of the state building code to hospitals;”

Page 1, line 5, delete “section” and insert “sections 16.851, subdivision 3; and”

The motion prevailed and the amendment was adopted.

S. F. No. 427, A bill for an act relating to safety glazing material; establishing new requirements for the use of glazed safety glass in hazardous locations; amending Minnesota Statutes 1982, section 299G.13, subdivisions 3 and 10.

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 72 yeas and 41 nays as follows:

Those who voted in the affirmative were:

Battaglia	Elioff	Krueger	Price	Staten
Beard	Ellingson	Larsen	Quinn	Swanson
Begich	Evans	Long	Reif	Thiede
Bennett	Forsythe	Metzen	Rice	Tomlinson
Bergstrom	Graba	Minne	Rodosovich	Tunheim
Berkelman	Gruenes	Munger	Rodriguez, C.	Valan
Bishop	Gustafson	Murphy	Rodriguez, F.	Vanasek
Blatz	Halberg	Nelson, K.	Scheid	Vellenga
Carlson, L.	Himle	Neuenschwander	Seaberg	Welch
Clark, J.	Hoberg	Norton	Segal	Welle
Clark, K.	Hokr	Olsen	Shaver	Wynia
Clawson	Jacobs	Osthoff	Shea	Speaker Sieben
Cohen	Jensen	Otis	Simoneau	
Coleman	Kahn	Peterson	Skoglund	
Eken	Kostohryz	Piper	Solberg	

Those who voted in the negative were:

Burger	Heap	Marsh	St. Onge	Waltman
Dempsey	Heinitz	McDonald	Schafer	Welker
DenOuden	Hoffman	McKasy	Schoenfeld	Wenzel
Dimler	Jennings	Omann	Sherman	Wigley
Erickson	Johnson	Pauly	Sparby	Zaffke
Findlay	Kalis	Piepho	Stadium	
Fjoslien	Knickerbocker	Quist	Sviggun	
Gutknecht	Kvam	Redalen	Uphus	
Haukoos	Ludeman	Rose	Valento	

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

S. F. No. 597, A bill for an act relating to financial institutions; credit unions; requiring applicants to form a credit union to submit certain information to the commissioner of banks; expanding the class of persons who may become members; allowing certain small groups to join an existing credit union or form a separate credit union; amending Minnesota Statutes 1982, sections 52.01; 52.05; and 168.67.

The bill was read for the 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 102 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Berkelman	Clark, J.	Eken	Gruenes
Anderson, C.	Bishop	Clark, K.	Elioff	Gustafson
Battaglia	Blatz	Clawson	Ellingson	Halberg
Beard	Brandl	Cohen	Evans	Heap
Begich	Brinkman	Coleman	Fjoslien	Himle
Bennett	Burger	Dempsey	Graba	Hoberg
Bergstrom	Carlson, L.	DenOuden	Greenfield	Hoffman

Hokr	McEachern	Otis	Sarna	Tomlinson
Jacobs	McKasy	Pauly	Scheid	Tunheim
Jensen	Metzen	Peterson	Schoenfeld	Valento
Johnson	Minne	Piepho	Seaberg	Vanasek
Kahn	Munger	Piper	Segal	Vellenga
Kalis	Murphy	Price	Shaver	Waltman
Kelly	Nelson, D.	Quinn	Shea	Welch
Knuth	Nelson, K.	Reif	Sherman	Welle
Kostohryz	Neuenschwander	Rice	Simoneau	Wenzel
Krueger	Norton	Rivencss	Skoglund	Wynia
Larsen	Ogren	Rodosovich	Solberg	Speaker Sieben
Long	Olsen	Rodriguez, C.	Sparby	
Mann	Omann	Rodriguez, F.	Staten	
Marsh	Osthoff	St. Onge	Swanson	

Those who voted in the negative were:

Erickson	Heinitz	Ludeman	Uphus	Wigley
Findlay	Jennings	Quist	Welker	Zaffke
Gutknecht	Knickerbocker	Schafer		
Haukoos	Kvam	Thiede		

The bill was passed and its title agreed to.

Eken moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Eken, from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9, designated the following bills as Special Orders to be added to Special Orders pending for today, May 18, 1983:

S. F. Nos. 462, 159, 889, 679, 857, 218, 844, 278, 723 and 412.

SPECIAL ORDERS, Continued

S. F. No. 462, A bill for an act relating to liquor; authorizing employment of persons under 18 in establishments licensed to sell wine only; amending Minnesota Statutes 1982, section 340.14, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 108 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Coleman DenOuden Krueger Rodosovich

The bill was passed and its title agreed to.

S. F. No. 159 was reported to the House.

Rose moved to amend S. F. No. 159, as follows:

Page 3, after line 26, insert:

"This subdivision shall not apply to any person who has graduated from a school or college of chiropractic and who has initially made application for a certification of examination prior to January 1, 1984."

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

S. F. No. 159, A bill for an act relating to occupations and professions; regulating chiropractic practice; providing rulemaking authority for the board of chiropractic examiners; creating a legislative study commission; amending Minnesota Statutes 1982, sections 148.01; 148.06; and 148.08, and by adding a subdivision.

The bill was read for the 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 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 889 was reported to the House.

Berkelman moved to amend S. F. No. 889, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 474.03, is amended to read:

474.03 [POWERS.]

Subdivision 1. [GENERAL.] Any municipality or redevelopment agency, in addition to the powers prescribed elsewhere by the laws of this state, shall have (THE POWER TO:) all powers set forth in this section.

((1)) Subd. 2. [PROJECT ACQUISITION.] It may acquire, construct, and hold any lands, buildings, easements, water and air rights, improvements to lands and buildings, and capital equipment to be located permanently or used exclusively on a designated site and solid waste disposal and pollution control equipment, and alternative energy equipment and inventory, regardless of where located, which are deemed necessary in connection with a project to be situated within the state, whether wholly or partially within or without the municipality or redevelopment agency, and construct, reconstruct, improve, better, and extend the project (;). It may also pay part or all of the cost

of an acquisition and construction by a contracting party under a revenue agreement.

((2)) Subd. 3. [REVENUE BONDS.] *It may issue revenue bonds, in anticipation of the collection of revenues of the project, to finance, in whole or in part, the cost of the acquisition, construction, reconstruction, improvement, betterment, or extension thereof (AND, IN THE CASE OF AN ALTERNATIVE ENERGY PROJECT, IN ADDITION TO THE OTHER POWERS GRANTED BY THIS CHAPTER, TO FINANCE THE ACQUISITION AND LEASING OR SALE OF EQUIPMENT AND PRODUCTS TO OTHERS;).*

((3)) Subd. 4. [REFINANCING HEALTH FACILITIES.] *It may issue revenue bonds to pay, purchase, or discharge all or any part of the outstanding indebtedness of a contracting party engaged primarily in the operation of one or more nonprofit hospitals or nursing homes, theretofore incurred in the acquisition or betterment of its existing hospital or nursing home facilities, including, to the extent deemed necessary by the governing body of the municipality or redevelopment agency, any unpaid interest on the indebtedness accrued or to accrue to the date on which such indebtedness is finally paid (;), and any premium the governing body of the municipality or redevelopment agency determines to be necessary to be paid to pay, purchase, or defease the outstanding indebtedness (;). If revenue bonds are issued for this purpose, the refinancing and the existing properties of the contracting party shall be deemed to constitute a project under section 474.02, subdivision 1c. (INDUSTRIAL) Revenue bonds shall (ONLY) not be (AVAILABLE UNDER) issued pursuant to this (PROVISION IF THE COMMISSIONER OF ENERGY, PLANNING AND DEVELOPMENT HAS BEEN SHOWN) subdivision unless the application for approval of the project pursuant to section 474.01 shows that a reduction in debt service charges (TO PATIENTS AND THIRD PARTY PAYORS WILL OCCUR. ALL REDUCTIONS IN DEBT SERVICE CHARGES PURSUANT TO THIS PROGRAM SHALL BE PASSED ON) is estimated to result and will be reflected in charges to patients and third party payors. (THESE INDUSTRIAL) Proceeds of revenue bonds issued pursuant to this subdivision may not be used for any purpose (NOT CONSISTENT) inconsistent with the provisions of chapter 256B (.). Nothing in this subdivision (IS INTENDED TO PROHIBIT) prohibits the use of revenue bond proceeds to pay outstanding indebtedness of a contracting party to the extent (NOW) permitted by law (;) on March 28, 1978.*

((4)) Subd. 5. [REVENUE AGREEMENTS.] *It may enter into a revenue agreement with any person, firm, or public or private corporation or federal or state governmental subdivision or agency in such manner that payments required thereby to be made by the contracting party shall be fixed, and revised from time to time as necessary, so as to produce income*

and revenue sufficient to provide for the prompt payment of principal of and interest on all bonds issued hereunder when due, and the revenue agreement shall also provide that the contracting party shall be required to pay all expenses of the operation and maintenance of the project including, but without limitation, adequate insurance thereon and insurance against all liability for injury to persons or property arising from the operation thereof, and all taxes and special assessments levied upon or with respect to the project and payable during the term of the revenue agreement (,); during which term, *except as provided in subdivision 17*, a tax shall be imposed and collected *upon the project or*, pursuant to the provisions of section 272.01, subdivision 2, for the privilege of using and possessing the project, in the same amount and to the same extent as though the contracting party were the owner of all real and personal property comprising the project (,).

((5)) *Subd. 6. [PLEDGE OF REVENUES.] It may* pledge and assign to the holders of the bonds or a trustee therefor all or any part of the revenues of one or more projects and define and segregate the revenues or provide for the payment thereof to a trustee, whether or not the trustee is in possession of the project under a mortgage or otherwise (,).

((6)) *Subd. 7. [SECURITY INTERESTS.] It may* mortgage or otherwise encumber (THE PROJECTS) *or grant a security interest in any project and its revenues, or may permit a mortgage, encumbrance, or security interest to be granted by a contracting party to the revenue agreement, in favor of the municipality or redevelopment agency, the holders of the bonds, or a trustee therefor. provided that in creating any (THE MORTGAGES OR ENCUMBRANCES) mortgage, encumbrance, or security interest a municipality or redevelopment agency shall not have the power to obligate itself except with respect to the project (,) and its revenues, unless otherwise specifically provided by law.*

((7)) *Subd. 8. [IMPLEMENTATION OF POWERS AND COVENANTS; CONSTRUCTION AND ACQUISITION BY CONTRACTING PARTY.] It may* make all contracts, execute all instruments, and do all things necessary or convenient in the exercise of the powers herein granted, or in the performance of its covenants or duties, or in order to secure the payment of its bonds; including, but without limitation, a (CONTRACT ENTERED INTO PRIOR TO THE CONSTRUCTION OF THE PROJECT) *revenue agreement* authorizing the contracting party, subject to (SUCH) *any terms and conditions (AS) the municipality or redevelopment agency (SHALL) may find necessary or desirable and proper, to provide for the construction, acquisition, and installation of the buildings, improvements, and equipment to be included in the project by any means legally available to the contracting party and in the manner determined by the contracting party and without advertisement for bids (AS MAY BE REQUIRED FOR THE CONSTRUCTION OR*

ACQUISITION OF OTHER MUNICIPAL FACILITIES;) *unless advertisement by the contracting party is otherwise required by law.*

((8)) *Subd. 9.* [INTERGOVERNMENTAL AGREEMENTS.] *It may enter into and perform (SUCH) contracts and agreements with other municipalities, political subdivisions, and state agencies, authorities, and institutions as the (RESPECTIVE) governing (BODIES) body of the (SAME) municipality or redevelopment agency may deem proper and feasible for or concerning the planning, construction, lease, purchase, mortgaging or other acquisition, and the financing of a project, and the maintenance thereof, including an agreement whereby one municipality issues its revenue bonds in behalf of one or more other municipalities pursuant to revenue agreements with the same or different contracting parties, which contracts and agreements may establish a board, commission, or such other body as may be deemed proper for the supervision and general management of the facilities of the project; provided, no municipality or redevelopment agency shall enter into or perform any contract or agreement with any school district under which the municipality or redevelopment agency issues its revenue bonds or otherwise provides for the construction of school facilities and the school leases or otherwise acquires these facilities (;).*

((9)) *Subd. 10.* [FEDERAL LOANS AND GRANTS.] *It may accept from any authorized agency of the federal government loans or grants for the planning, construction, acquisition, leasing, purchase, or other provision of any project, and enter into agreements with the agency respecting the loans or grants (;).*

((10)) *Subd. 11.* [CONVEYANCE OF PROJECTS.] *It may sell and convey all properties acquired in connection with (THE) projects, including without limitation the sale and conveyance thereof subject to (THE) a mortgage (AS HEREIN PROVIDED), (AND) or the sale and conveyance thereof under an option granted to the lessee of the project, for such price, and at such time as the governing body of the municipality or redevelopment agency may determine, provided, however, that no sale or conveyance of the properties shall ever be made in such manner as to impair the rights or interests of the (HOLDER, OR) holders (,) of any bonds issued under the authority of this chapter (;).*

((11)) *Subd. 12.* [REFUNDING.] *It may issue revenue bonds to refund, in whole or in part, bonds previously issued by the municipality or redevelopment agency under authority of this chapter (;), and interest on them.*

((12)) *Subd. 13.* [TERMINATION OF REVENUE AGREEMENT.] *If so provided in the revenue agreement, it*

may terminate the agreement and re-enter or repossess the project upon the default of the contracting party, and operate, lease, or sell the project in such manner as may be authorized or required by the provisions of the revenue agreement or of the resolution or indenture securing the bonds issued for the project (,). Any revenue agreement which includes provision for a conveyance of real estate to the contracting party may be terminated in accordance with the revenue agreement, notwithstanding that the revenue agreement may constitute an equitable mortgage (PROVIDED THAT NO MUNICIPALITY OR REDEVELOPMENT AGENCY SHALL HAVE POWER OTHERWISE TO).

Subd. 14. [LIMITATIONS ON POWERS.] It may not operate any project referred to in this chapter as a business or in any manner whatsoever, (AND) except as authorized in subdivision 13. Nothing (HEREIN) in this section authorizes any municipality or redevelopment agency to expend any funds on any project herein described, other than the revenues of the (PROJECTS) project, or the proceeds of revenue bonds and notes issued hereunder, or other funds granted to the municipality or redevelopment agency for the purposes herein contemplated, except:

(1) as may be otherwise permitted by law (AND EXCEPT TO ENFORCE);

(2) to enforce any right or remedy under any revenue agreement or related agreement for the benefit of the bondholders or for the protection of any security given in connection with a revenue agreement (, PROVIDED THAT); or

(3) to pay without reimbursement part or all of the public cost of redevelopment of land (PAID BY A CITY OR ITS REDEVELOPMENT AGENCY) including the acquisition of the site of the project, which cost shall not be deemed part of the cost of (ANY) the project (SITUATED ON THE LAND);.

((13)) *Subd. 15. [INVESTMENT AND DEPOSIT OF FUNDS.] It may invest or deposit, or authorize a trustee to invest or deposit, any (MONEY ON HAND IN FUNDS OR ACCOUNTS ESTABLISHED IN CONNECTION WITH A PROJECT OR PAYMENT OF BONDS ISSUED THEREFOR, TO THE EXTENT THEY ARE NOT PRESENTLY NEEDED FOR THE PURPOSES FOR WHICH SUCH FUNDS OR ACCOUNTS WERE CREATED, IN ACCORDANCE WITH SECTION 471.56, AS AMENDED;) proceeds of revenue bonds or notes issued pursuant to this chapter, and income from the investment of the proceeds, in any manner and upon any terms and conditions agreed to by the contracting party under the related revenue agreement, resolution, or indenture, notwithstanding chapter 118 or section 471.56 or 475.56 (but subject to any statutory provisions which govern the deposit and investment of*

funds of a contracting party which is itself a governmental subdivision or agency).

((14)) Subd. 16. [CONTRACTOR'S BOND AND MECHANICS' LIENS.] *It may waive or require the furnishing of a (CONTRACTORS) contractor's payment and performance bond of the kind described in section 574.26 (whether or not the municipality or redevelopment agency is a party to the construction contract) and if the bond shall be required, then the provisions of chapter 514 relating to liens for labor and materials (,) shall not be applicable in respect of any work done or labor or materials supplied for the project, and if the bond be waived then the (SAID) provisions of chapter 514 shall apply in respect of work done or labor or materials supplied for the project (; AND).*

((15)) Subd. 17. [VALUATION OF UNFINISHED SALE OR RENTAL PROJECTS.] (EXEMPT FROM PROPERTY TAXES ON A NONRESIDENTIAL) *When a building is to be constructed for sale or rent (IN A PROJECT) to a contracting party, the building shall be exempt from taxation as public property exclusively used for a public purpose until the building is first (SOLD,) conveyed or first occupied (OR RENTED) by the lessee, in whole or in part, whichever occurs first, up to a maximum of four years from the date of issue of bonds or notes for the project, provided that the exemption must be (PROVIDED) applied for before October 10 of the (LEVY) year of the levy of the first taxes to which the exemption applies.*

Sec. 2. Minnesota Statutes 1982, section 474.06, is amended to read:

474.06 [MANNER OF ISSUANCE OF BONDS; INTEREST RATE.]

Bonds authorized under this chapter shall be issued in accordance with the provisions of chapter 475 relating to bonds payable from income of revenue producing conveniences, except that public sale shall not be required, and the bonds may mature at any time or times in such amount or amounts within 30 years from date of issue and may be sold at a price equal to such percentage of the par value thereof, plus accrued interest, and bearing interest at such rate or rates, as may be agreed by the contracting party, the purchaser, and the municipality or redevelopment agency, notwithstanding any limitation of interest rate or cost or of the amounts of annual maturities contained in any other law, and bonds issued to refund bonds previously issued pursuant to this chapter may be issued in amounts as may be agreed by the contracting party notwithstanding the provisions of section 475.67, subdivision 3. **(WHEN BONDS AUTHORIZED UNDER THIS CHAPTER ARE ISSUED, THEY SHALL STATE WHETHER THEY ARE ISSUED FOR A PROJECT DEFINED IN SECTION 474.02, SUBDIVISIONS 1,**

1A, 1B, OR 1C. THE RATE OF INTEREST PAYABLE ON BONDS ISSUED PURSUANT TO THIS SECTION AFTER DECEMBER 31, 1985, SHALL NOT EXCEED NINE PERCENT PER YEAR.)

Sec. 3. [VALIDATION.]

The amendment effected by section 1 is remedial in character, being adopted to clarify the powers intended to be granted to municipalities and redevelopment agencies in the undertaking, construction, and financing of projects under Minnesota Statutes, section 474.03. All proceedings and other actions taken heretofore by municipalities and redevelopment agencies which would be authorized under section 474.03 as amended by this act are validated and confirmed, and all obligations incurred and to be incurred and contracts made and to be made pursuant to those actions and proceedings are valid and binding.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day after final enactment."

The motion prevailed and the amendment was adopted.

Berkelman moved to amend S. F. No. 889, as amended, as follows:

Page 8, line 3, strike "agreed" and insert "determined"

Page 8, line 4, strike "contracting party, the purchaser, and the"

Page 8, lines 7 to 10, delete the new language and insert "and bonds issued to refund bonds previously issued pursuant to this chapter may be issued in amounts as may be determined by the municipality or redevelopment agency notwithstanding the provisions of section 475.67, subdivision 3"

The motion prevailed and the amendment was adopted.

Price moved to amend S. F. No. 889, as amended, as follows:

Page 8, after line 27, insert:

"Sec. 4. [WASHINGTON COUNTY LIBRARY BONDS.]

Subdivision 1. The Washington county board may levy a tax of not more than three-fourths of a mill on taxable property within the county outside of any city in which is situated a free public city library, to acquire, better, and construct county library buildings and to pay principal and interest on bonds issued

for that purpose. The tax shall be disregarded in the calculation of levies or limits on levies provided by Minnesota Statutes, sections 275.50 to 275.56, or other law.

Subd. 2. The Washington county board may, by resolution issue and sell general obligation bonds of the county in the amount of \$1,500,000 in the manner provided in Minnesota Statutes, chapter 475, to acquire, better, and construct county library buildings. The bonds shall not be subject to the requirements of Minnesota Statutes, sections 475.57 to 475.59. The maturity years and amounts and interest rates of each series of bonds shall be fixed so that the maximum amount of principal and interest to become due in any year, on the bonds of all outstanding series issued by the county pursuant to this section, shall not exceed an amount equal to three-fourths of a mill times the assessed value of all taxable property in the county, which was not taxed in 1981 by any city for the support of any free public city library, as last finally equalized before the issuance of the series. When the tax authorized by subdivision 1 is collected, it shall be appropriated and credited to a debt service fund for the bonds. The tax levy for the debt service fund under Minnesota Statutes, section 475.61, shall be reduced by the amount available or reasonably anticipated to be available in the fund to make payments otherwise payable from the levy pursuant to section 475.61.

Subd. 3. This section takes effect the day after the filing of a certificate of local approval by the Washington county board in compliance with Minnesota Statutes, section 645.021, subdivision 3."

Page 8, line 29, delete "This act is" and insert "Sections 1 to 3 are"

Renumber the section in sequence

Amend the title as follows:

Page 1, line 6, after "projects;" insert "authorizing Washington county library bonds;"

The motion prevailed and the amendment was adopted.

S. F. No. 889, A bill for an act relating to local government; clarifying powers of municipalities and redevelopment agencies with respect to acquisition, construction, leasing, selling, loan of funds, and issuance of revenue bonds for industrial development projects; amending Minnesota Statutes 1982, sections 474.03 and 474.06.

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 116 yeas and 8 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

DenOuden	Haukoos	Jennings	Thiede	Welker
Frerichs	Hokr	Ludeman		

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

The Speaker called Heinitz to the Chair.

S. F. No. 679, A bill for an act relating to redevelopment; authorizing the commissioner of iron range resources and rehabilitation to exercise certain powers and to issue bonds to finance certain projects and programs in tax relief areas; appropriating money; amending Minnesota Statutes 1982, section 298.292; proposing new law coded in Minnesota Statutes, chapter 298.

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

The question was taken on the passage of the bill and the roll was called. There were 94 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Bishop	Burger	Clark, K.	Eken
Beard	Blatz	Carlson, D.	Cohen	Elioff
Begich	Brandl	Carlson, L.	Coleman	Ellingson
Berkelman	Brinkman	Clark, J.	Dempsey	Evans

Fjoslien	Krueger	Olsen	Rose	Swanson
Forsythe	Larsen	Omann	St. Onge	Tomlinson
Graba	Long	Otis	Sarna	Tunheim
Greenfield	Mann	Pauly	Scheid	Uphus
Gustafson	Marsh	Peterson	Schoenfeld	Valan
Halberg	McEachern	Piepho	Schreiber	Vanasek
Himle	Metzen	Piper	Seaberg	Vellenga
Jacobs	Minne	Quinn	Shaver	Voss
Jensen	Munger	Quist	Shea	Welle
Johnson	Murphy	Redalen	Sherman	Wenzel
Kalis	Nelson, D.	Reif	Simoneau	Wigley
Kelly	Nelson, K.	Riveness	Sköglund	Wynia
Knickerbocker	Neuenschwander	Rodosovich	Solberg	Zaffke
Knuth	Norton	Rodriguez, C.	Sparby	Speaker Sieben
Kostohryz	Ogren	Rodriguez, F.	Staten	

Those who voted in the negative were:

DenOuden	Haukoos	Kvam	Svigum	Waltman
Findlay	Hokr	Ludeman	Thiede	Welker
Frerichs	Jennings	Schafer	Valento	

The bill was passed and its title agreed to.

S. F. No. 857, A bill for an act relating to agriculture; excluding pipeline companies from certain restrictions on acquisition of agricultural land; amending Minnesota Statutes 1982, section 500.221, subdivision 2.

The bill was read for the 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 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 218, A bill for an act relating to commitment of persons who are mentally ill, mentally retarded, or mentally ill and dangerous; requiring mental commitment proceedings for persons acquitted of a criminal charge pursuant to a verdict of not guilty by reason of mental illness or not guilty by reason of mental deficiency to be held in the court in which acquittal took place; modifying the burden of going forward with the evidence on the issues of mental illness, mental retardation, and mental illness and dangerousness in certain cases; amending Minnesota Statutes 1982, sections 253B.02, subdivision 4, and by adding subdivisions; 253B.07, subdivisions 1, 2, 3, and 7, and by adding a subdivision; 253B.08, subdivision 7; 253B.12, subdivision 4; 253B.18, subdivision 1; 253B.19, subdivision 1; 253B.21, subdivision 5; and 253B.23, subdivision 7.

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

The question was taken on the passage of the bill and the roll was called. There were 114 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 844, A bill for an act relating to crimes; changing the penalty for the theft of controlled substances; amending Minnesota Statutes 1982, section 609.52, subdivision 3.

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

The bill was passed and its title agreed to.

S. F. No. 278, A bill for an act relating to Hennepin County; providing for financing of motor vehicle parking facilities; authorizing the issuance of general obligation or revenue bonds of the county; authorizing the construction of one off-street parking facility within the city of Minneapolis; amending Laws 1969, chapter 1037, section 1, subdivisions 1 and 2, and by adding a subdivision.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

S. F. No. 723, A bill for an act relating to public welfare; providing guidelines for considering race and ethnic origin in foster care and adoption placement; requiring recruitment, periodic review, reporting, and recordkeeping; providing for a voluntary task force; amending Minnesota Statutes 1982, sections 257.01; 257.071, subdivision 2, and by adding subdivisions; 259.27, subdivisions 1 and 2; 259.28; 260.181, subdivision 3; 260.191, subdivision 1; 260.192; and 260.242, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 257 and 259.

The bill was read for the 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 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Krueger

The bill was passed and its title agreed to.

S. F. No. 412, A bill for an act relating to corrections; providing for the supervision and control of parolees and persons on supervised release by the commissioner of corrections; removing the limitation on contracts for temporary detention of pre-trial detainees; transferring functions and powers of the corrections board to the commissioner of corrections; providing for reimbursement of foster care costs for delinquent juveniles; adjusting the duration of certain sentences; defining second or subsequent violation or offense; providing for administration of Ramsey county corrections services; amending Minnesota Statutes 1982, sections 241.26, subdivisions 1, 3, and 4; 243.05; 243.51, subdivision 3; 244.04, subdivision 1; 244.05; 244.06; 244.065; 244.09, subdivision 11; 260.251, subdivision 1a; 383A.28, subdivision 2; 609.02, by adding a subdivision; 609.11, subdivision 6; Laws 1923, chapter 289, sections 1, as amended; and 2, as amended; proposing new law coded in chapter 383A; repealing Minnesota Statutes 1982, sections 241.045; 243.07; 243.09; 243.10; 243.12; and 243.14.

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 1 nay as follows:

Those who voted in the affirmative were:

Anderson, B.	Dempsey	Himle	Mann	Piper
Anderson, G.	DenOuden	Hoberg	Marsh	Price
Anderson, R.	Eken	Hoffman	McDonald	Quinn
Battaglia	Elihoff	Hokr	McEachern	Quist
Beard	Ellingson	Jacobs	Metzen	Redalen
Begich	Evans	Jennings	Munger	Reif
Bennett	Findlay	Jensen	Murphy	Rice
Bergstrom	Fjoslien	Johnson	Nelson, D.	Riveness
Berkelman	Forsythe	Kahn	Nelson, K.	Rodosovich
Bishop	Frerichs	Kalis	Neuenschwander	Rodriguez, C.
Blatz	Graba	Kelly	Norton	Rodriguez, F.
Brandl	Greenfield	Knickerbocker	Ogren	Rose
Brinkman	Gruenes	Knuth	Omann	St. Onge
Burger	Gustafson	Kostohryz	Onnen	Sarna
Carlson, L.	Gutknecht	Krueger	Osthoff	Schafer
Clark, J.	Halberg	Kvam	Otis	Scheid
Clark, K.	Haukoos	Larsen	Pauly	Schoenfeld
Clawson	Heap	Long	Peterson	Schreiber
Coleman	Heinitz	Ludeman	Piepho	Seaberg

Segal	Solberg	Thiede	Vanasek	Wenzel
Shaver	Sparby	Tomlinson	Vellenga	Wigley
Shea	Stadum	Tunheim	Voss	Wynia
Sherman	Staten	Uphus	Waltman	Zaffke
Simoneau	Swiggum	Valan	Welch	Speaker Sieben
Skoglund	Swanson	Valento	Welle	

Those who voted in the negative were:

Welker

The bill was passed and its title agreed to.

Eken moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by Heinitz acting as temporary Speaker.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Eken, from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9, designated the following bills as Special Orders to be added to Special Orders pending for today, May 18, 1983:

S. F. Nos. 932, 845, 782, 996, 87, 455, 591, 684, 769 and 954.

SPECIAL ORDERS, Continued

S. F. No. 932, A bill for an act relating to game and fish; removing the limitation on use of muzzle loading firearms to public lands only; amending Minnesota Statutes 1982, section 100.27, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 102 yeas and 15 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brandl	Dempsey	Gruenes	Hoffman
Battaglia	Brinkman	Dimler	Gustafson	Hokr
Beard	Burger	Eken	Gutknecht	Jacobs
Begich	Carlson, L.	Elioff	Halberg	Jensen
Bennett	Clark, J.	Ellingson	Haukoos	Kalis
Bergstrom	Clark, K.	Evans	Heap	Kelly
Berkelman	Clawson	Forsythe	Heinitz	Knickerbocker
Bishop	Cohen	Frerichs	Himle	Knuth
Blatz	Coleman	Greenfield	Hoberg	Kostohryz

Kvam	Nelson, K.	Quinn	Schoenfeld	Tunheim
Larsen	Norton	Quist	Seaberg	Uphus
Levi	Ogren	Reif	Sherman	Valento
Long	Olsen	Rice	Simoneau	Vanasek
Mann	Omman	Riveness	Skoglund	Voss
Marsh	Onnen	Rodosovich	Solberg	Wenzel
McDonald	Otis	Rodriguez, F.	Sparby	Wynia
McEachern	Pauly	Rose	Staten	Zaffke
Metzen	Peterson	St. Onge	Sviggum	Speaker Sieben
Munger	Piepho	Sarna	Swanson	
Murphy	Piper	Schafer	Thiede	
Nelson, D.	Price	Scheid	Tomlinson	

Those who voted in the negative were:

DenOuden	Graba	Krueger	Stadum	Welker
Findlay	Jennings	Ludeman	Vellenga	Welle
Fjoslien	Johnson	Redalen	Waltman	Wigley

The bill was passed and its title agreed to.

S. F. No. 845, A bill for an act relating to tort liability; providing for parallel exceptions for unimproved property of the state and municipalities; amending Minnesota Statutes 1982, section 466.03, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 782 was reported to the House.

Coleman moved that S. F. No. 782 be temporarily laid over on Special Orders. The motion prevailed.

S. F. No. 996, A bill for an act relating to financial institutions; authorizing the approval of applications for bank charters and detached facilities; establishing emergency procedures to prevent loss of banking services in a community as a result of a failing bank; amending Minnesota Statutes 1982, section 45.05; proposing new law coded in Minnesota Statutes, chapter 47.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 87 was reported to the House.

Levi moved to amend S. F. No. 87, the unofficial engrossment, as follows:

Page 5, after line 9, insert:

"Sec. 6. [617.245] [PURPOSE OF CHILD PORNOGRAPHY LAWS.]

For purposes of sections 617.246 and 617.247, the legislature declares that all persons who participate in the production, dissemination, or utilization of works depicting a minor in sexual performance or photographic representations of sexual conduct which involves a minor are equally culpable in creating and maintaining an industry and an environment which sexually exploits minors. Therefore, it is the legislative intent to provide for the same penalties for all crimes in sections 617.246 and 617.247 related to depiction of a minor in sexual performance or photographic representations of sexual conduct which involves a minor. The legislature intends that a court may, in determining the amount of any fine to be imposed, consider the amount of financial gain the defendant received as a result of the crime.

Sec. 7. Minnesota Statutes 1982, section 617.247, subdivision 3, is amended to read:

Subd. 3. [DISSEMINATION PROHIBITED.] A person who disseminates (AN OBSCENE) a photographic representation of *sexual conduct which involves a minor, knowing or with reason to know its content and character and that an actual minor is an actor or photographic subject in it, is guilty of a (GROSS MISDEMEANOR) felony and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$5,000, or both.*

Sec. 8. Minnesota Statutes 1982, section 617.247, subdivision 4, is amended to read:

Subd. 4. [POSSESSION PROHIBITED.] A person who has in possession (AN OBSCENE) a photographic representation of *sexual conduct which involves a minor, knowing or with reason to know its content and character and that an actual minor is an actor or photographic subject in it, is guilty of a (GROSS MISDEMEANOR) felony and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$5,000, or both.*"

Page 7, line 12, delete "7" and insert "10"

Page 10, line 7, delete "7" and insert "10"

Page 10, line 21, delete "7" and insert "10"

Page 10, line 30, delete "7" and insert "10"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "public" and insert "child"

Page 1, line 12, after the semicolon insert "increasing penalties for dissemination and possession of works depicting sexual conduct involving a minor;"

Page 1, line 18, before "and" insert "617.247, subdivisions 3 and 4;"

Page 1, line 19, before the period insert "; proposing new law coded in Minnesota Statutes, chapter 617"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 120 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, B.	Forsythe	Krueger	Piepho	Simoneau
Anderson, G.	Frerichs	Kvam	Piper	Skoglund
Battaglia	Graba	Larsen	Price	Solberg
Beard	Gruenes	Levi	Quinn	Sparby
Begich	Gustafson	Long	Quist	Stadum
Bennett	Gutknecht	Ludeman	Redalen	Sviggum
Bergstrom	Halberg	Mann	Reif	Swanson
Blatz	Haukoos	Marsh	Rice	Thiede
Brandl	Heap	McDonald	Riveness	Tunheim
Brinkman	Heinitz	McEachern	Redosovich	Uphus
Burger	Himle	McKasy	Rodriguez, C.	Valan
Carlson, L.	Hoberg	Metzen	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
DenOuden	Jensen	Neuenschwander	Scheid	Welch
Dimler	Johnson	Ogren	Schoenfeld	Welker
Eken	Kahn	Olsen	Schreiber	Welle
Elioff	Kalis	Omann	Seaberg	Wenzel
Ellingson	Kelly	Onnen	Segal	Wigley
Evans	Knickerbocker	Otis	Shaver	Wynia
Findlay	Knuth	Pauly	Shea	Zaffke
Fjoslien	Kostohryz	Peterson	Sherman	Speaker Sieben

Those who voted in the negative were:

Greenfield

The motion prevailed and the amendment was adopted.

S. F. No. 87, A bill for an act relating to public welfare; requiring reporting of abuse or neglect of children; exempting determinations of eligibility for day care and foster care licenses from application of the Minnesota criminal offenders rehabilitation law; requiring arrest information and reports to be made available to the commissioner of public welfare for the purpose of investigating applicants for a day care or residential facility

license; establishing the burden of proof in certain appeals; providing for appointment of guardianship of children whose parents are deceased; clarifying investigative authority of welfare agencies in making mandated investigations of physical or sexual abuse and neglect; amending Minnesota Statutes 1982, sections 245.783, subdivision 3; 245.801, subdivision 4; 260.011, subdivision 2; 260.242, subdivision 2, and by adding a subdivision; 364.09; and 626.556, subdivisions 2, 4, 7, and 10.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 455 was reported to the House.

Quinn moved to amend S. F. No. 455, the unofficial engrossment, as follows:

Page 1, line 21, delete "*and its effective date prior to its effective*" and insert "*prior to the signing by any of the directors*"

Page 1, line 22, delete "*date*"

The motion prevailed and the amendment was adopted.

S. F. No. 455, A bill for an act relating to nonprofit corporations; providing for approval of certain actions by boards of directors without formal board meetings; amending Minnesota Statutes 1982, section 317.20, subdivision 12.

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

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

Those who voted in the affirmative were:

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

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

S. F. No. 782 temporarily laid over earlier today was again reported to the House.

Welker moved to amend S. F. No. 782, as follows:

Page 1, line 13, reinstate the stricken "disregard of the rights"

Page 1, line 14, reinstate the stricken "of others,"

Page 1, line 14, before "a" insert "or in"

The motion prevailed and the amendment was adopted.

S. F. No. 782, A bill for an act relating to highway traffic regulations; providing a penalty for the operation of a vehicle in a manner that endangers or is likely to endanger property or persons; amending Minnesota Statutes 1982, section 169.13, subdivision 2.

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

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

Those who voted in the affirmative were:

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

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

The Speaker resumed the Chair.

S. F. No. 591 was reported to the House.

There being no objection, S. F. No. 591 was temporarily laid over on Special Orders.

S. F. No. 684, A bill for an act relating to mortgage registry tax; providing for a valid and recordable security in a variable debt instrument; waiving mortgage registry tax for marriage dissolution instruments; amending Minnesota Statutes 1982, sections 287.01, subdivision 3; 287.03; and 287.04.

The bill was read for the 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 769, A bill for an act relating to property exempt from attachment, garnishment, or levy of execution; requiring notice to judgment debtors prior to delivery of funds owed to the judgment debtor by any third party to satisfy a creditor's claim; providing for an exemption notice within certain time limits; providing penalties for failure to send the exemption notice; clarification of certain exempt funds; providing for an increase in the amount of household goods exempt; amending Minnesota Statutes 1982, sections 548.15; 550.041; 550.14; 550.141, by adding a subdivision; 550.37, subdivisions 4, 13, 14, 19, 20, and 24, and by adding a subdivision; 571.41, subdivisions 5 and 6, and by adding subdivisions; 571.42; and 571.67.

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

The question was taken on the passage of the bill and the roll was called. There were 111 yeas and 10 nays as follows:

Those who voted in the affirmative were:

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

Hoberg	Mann	Otis	Schafer	Tunheim
Hoffman	McDonald	Pauly	Schoenfeld	Uphus
Jacobs	McEachern	Peterson	Schreiber	Valan
Jensen	McKasy	Piepho	Seaberg	Vanasek
Johnson	Metzen	Piper	Segal	Voss
Kahn	Minne	Price	Shaver	Waltman
Kalis	Munger	Quinn	Sherman	Welch
Kelly	Murphy	Quist	Simoneau	Welle
Knickerbocker	Nelson, D.	Reif	Skoglund	Wenzel
Knuth	Nelson, K.	Rice	Solberg	Wigley
Kostohryz	Neuenschwander	Riveness	Sparby	Zaffke
Krueger	Norton	Rodosovich	Stadum	Speaker Sieben
Kvam	Ogren	Rodriguez, C.	Staten	
Larsen	Olsen	Rodriguez, F.	Sviggum	
Levi	Onnen	St. Onge	Swanson	
Long	Osthoff	Sarna	Tomlinson	

Those who voted in the negative were:

DenOuden	Forsythe	Hokr	Marsh	Thiede
Erickson	Gutknecht	Jennings	Rose	Welker

The bill was passed and its title agreed to.

S. F. No. 954 was reported to the House.

Ellingson moved to amend S. F. No. 954, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 514.011, subdivision 1, is amended to read:

Subdivision 1. [CONTRACTORS.] Every person who enters into a contract with the owner for the improvement of real property and who has contracted or will contract with any subcontractors or materialmen to provide labor, skill or materials for the improvement shall (GIVE) *include in any written contract with the owner the notice required in this subdivision and shall provide the owner with a copy of the written contract. If no written contract for the improvement is entered into, the notice (SHALL) must be prepared separately and delivered personally or by certified mail to the owner or his authorized agent within ten days after (THE CONTRACT FOR) the work of improvement is agreed upon. The notice (SHALL), whether included in a written contract or separately given, must be in at least 10-point bold type, if printed, or in capital letters, if typewritten and (SHALL) must state as follows:*

(a) persons or companies furnishing labor or materials for the improvement of real property may enforce a lien upon the improved land if they are not paid for their contributions, even if (SUCH) *the parties have no direct contractual relationship with the owner;*

(b) Minnesota law permits the owner to withhold from his contractor (SO) as much of the contract price as may be necessary to meet the demands of all other lien claimants, pay directly (SUCH) the liens and deduct the cost (THEREOF) of them from the contract price, or withhold amounts from his contractor until the expiration of (90) 120 days from the completion of (SUCH) the improvement unless the contractor furnishes to the owner waivers of claims for mechanics' liens signed by persons who furnished any labor or material for the improvement and who provided the owner with timely notice.

A person who fails to provide the notice shall not have the lien and remedy provided by this chapter.

The notice required by this subdivision is not required of any person who is (HIMSELF) an owner of the improved real estate, to any corporate contractor of which the owner of the improved real estate is an officer or controlling shareholder, to any contractor who is an officer or controlling shareholder of a corporation which is the owner of the improved real estate, or to any corporate contractor managed or controlled by substantially the same persons who manage or control a corporation which is the owner of the improved real estate.

Sec. 2. Minnesota Statutes 1982, section 514.011, subdivision 2, is amended to read:

Subd. 2. [SUBCONTRACTOR TO GIVE NOTICE.] Every person who contributes to the improvement of real property so as to be entitled to a lien pursuant to section 514.01, except a party under direct contract with the owner must, as a necessary prerequisite to the validity of any claim or lien, cause to be given to the owner or his authorized agent, either by personal delivery or by certified mail, not later than 45 days after the lien claimant has first furnished labor, skill or materials for the improvement, a written notice in at least 10-point bold type, if printed, or in capital letters, if typewritten, which shall state:

"Please take notice that persons or companies furnishing labor or materials for the improvement of real property may enforce a lien upon the improved land if they are not paid for their contributions, even if (SUCH) the parties have no direct contractual relationship with the owner.

We (name and address of subcontractor)

have been hired by your contractor (name of your contractor)

to provide (type of service) or (material) for

use in improving your property. We estimate our charges will

be
 (value of service or material)

If we are not paid by your contractor, we can file a claim against your property for the price of our services unless, prior to your receipt of this notice, you have paid to your contractor the full amount of all improvements furnished.

To protect yourself, Minnesota law permits you, as the owner, to withhold from your contractor (SO) as much of the contract price as may be necessary to meet our demands, pay us directly and deduct the cost (THEREOF) of them from the contract price, or withhold the amount of our claim from your contractor until the expiration of (90) 120 days from the completion of the improvement unless your contractor furnishes to you a waiver of claim for mechanics' liens signed by me (us)."

Sec. 3. Minnesota Statutes 1982, section 514.07, is amended to read:

514.07 [PAYMENTS WITHHELD; LIEN WAIVERS.]

The owner may withhold from his contractor (SO) as much of the contract price as may be necessary to meet the demands of all persons, other than (SUCH) the contractor, having a lien upon the premises for labor, skill, or material furnished for the improvement, and for which the contractor is liable (; AND). He may pay and discharge all (SUCH) these liens and deduct the cost (THEREOF) of them from (SUCH) the contract price. No owner shall be required to pay his contractor until the expiration of (90) 120 days from the completion of the improvement, except to the extent that the contractor (SHALL FURNISH) furnishes to the owner waivers of claims for mechanics' liens signed by persons who furnished labor, skill or material for the improvement and who have given the notice required by section 514.011, subdivision 2. The owner, within 15 days after the completion of the contract, may require any person having a lien hereunder, by written request therefor, to furnish to him an itemized and verified account of his lien claim, the amount (THEREOF) of it, and his name and address (; AND). No action or other proceeding (SHALL) may be commenced for the enforcement of (SUCH) the lien until ten days after (SUCH) the statement is (SO) furnished. The word "owner," as used in this section, includes any person interested in the premises (OTHERWISE) other than as a lienor (THEREUNDER).

Sec. 4. Minnesota Statutes 1982, section 514.08, subdivision 1, is amended to read:

Subdivision 1. [NOTICE REQUIRED.] The lien (SHALL CEASE) ceases at the end of (90) 120 days after doing the last of (SUCH) the work, or furnishing the last item of (SUCH) skill, material, or machinery, unless within (SUCH) this period:

(1) a statement of the claim (THEREFOR, BE) is filed for record with the county recorder of the county in which the improved premises are situated, or, if the claim (BE) is made under section 514.04, with the secretary of state; and

(2) a copy of (SUCH) the statement (BE) is served personally or by certified mail on the owner or his authorized agent or the person who entered into the contract with the contractor."

Delete the title and insert:

"A bill for an act relating to commerce; mechanics' liens; providing notice requirements for certain contractors; increasing the time periods relating to an owner's obligation to pay a contractor and the duration of the lien; amending Minnesota Statutes 1982, sections 514.011, subdivisions 1 and 2; 514.07; and 514.08, subdivision 1."

The motion prevailed and the amendment was adopted.

S. F. No. 954, A bill for an act relating to commerce; mechanics' liens; providing notice requirements for certain contractors; increasing the time periods relating to an owner's obligation to pay a contractor and the duration of the lien; providing penalties for falsely filing liens; amending Minnesota Statutes 1982, sections 514.011, subdivisions 1 and 2; 514.07; 518.08, subdivision 1, and by adding a subdivision; and 514.10.

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

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

Those who voted in the affirmative were:

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

Shea	Stadum	Tunheim	Waltman	Zaffke
Sherman	Staten	Uphus	Welch	Speaker Sieben
Simoneau	Sviggum	Valan	Welker	
Skoglund	Swanson	Valento	Welle	
Solberg	Thiede	Vanasek	Wenzel	
Sparby	Tomlinson	Vellenga	Wigley	

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

S. F. No. 591 temporarily laid over earlier today was again reported to the House.

Swanson moved to amend S. F. No. 591, the unofficial engrossment, as follows:

Page 1, line 17, after the period insert:

"Reimbursement will be according to the terms of the policy or contract and will be made only upon approval of the services or treatment by the admitting physician."

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 70 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Battaglia	Findlay	Jennings	Onnen	Sherman
Begich	Fjoslien	Johnson	Pauly	Sparby
Bennett	Forsythe	Knickerbocker	Piepho	Stadum
Bergstrom	Gruenes	Knuth	Price	Sviggum
Berkelman	Gustafson	Krueger	Quinn	Swanson
Bishop	Gutknecht	Kvam	Redalen	Thiede
Blatz	Halberg	Mann	Reif	Tunheim
Brinkman	Haukoos	Marsh	Rodosovich	Uphus
Carlson, L.	Heap	McDonald	Rose	Valento
DenOuden	Heinitz	Metzen	Schafer	Waltman
Dimler	Himle	Murphy	Schoenfeld	Welch
Elioff	Hoberg	Nelson, D.	Schreiber	Wenzel
Erickson	Hoffman	Neuenschwander	Segal	Wigley
Evans	Hokr	Olsen	Shaver	Zaffke

Those who voted in the negative were:

Anderson, G.	Eken	Minne	Piper	Skoglund
Beard	Ellingson	Nelson, K.	Quist	Solberg
Burger	Graba	Norton	Rice	Valan
Clark, J.	Greenfield	Ogren	Riveness	Vanasek
Clark, K.	Kahn	Omann	Rodriguez, C.	Vellenga
Clawson	Kelly	Osthoff	Scheid	Welker
Cohen	Larsen	Otis	Shea	Welle
Coleman	Long	Peterson	Simoneau	

The motion prevailed and the amendment was adopted.

S. F. No. 591, A bill for an act relating to insurance; health and accident; prohibiting provider discrimination in insurance policies covering mental health services; amending Minnesota Statutes 1982, section 62A.152, by adding a subdivision.

The bill was read for the 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 104 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Larsen	Price	Skoglund
Anderson, C.	Ellingson	Long	Quinn	Solberg
Battaglia	Evans	Ludeman	Quist	Sparby
Beard	Graba	Mann	Redalen	Stadum
Begich	Greenfield	McDonald	Rice	Staten
Bennett	Gustafson	McEachern	Riveness	Sviggum
Bergstrom	Halberg	McKasy	Rodosovich	Swanson
Berkelman	Heap	Metzen	Rodriguez, C.	Tomlinson
Bishop	Himle	Minne	Rodriguez, F.	Tunheim
Blatz	Hoberg	Murphy	Rose	Valan
Brandl	Hoffman	Nelson, D.	St. Onge	Valento
Brinkman	Jacobs	Nelson, K.	Sarna	Vanasek
Burger	Jensen	Neuenschwander	Scheid	Vellenga
Carlson, L.	Johnson	Norton	Schoenfeld	Waltman
Clark, J.	Kahn	Ogren	Schreiber	Welch
Clark, K.	Kalis	Omann	Seaberg	Welker
Clawson	Kelly	Osthoff	Segal	Welle
Cohen	Knuth	Otis	Shaver	Wenzel
Coleman	Kostohryz	Pauly	Shea	Wigley
Dimler	Krueger	Peterson	Sherman	Speaker Sieben
Eken	Kvam	Piper	Simoneau	

Those who voted in the negative were:

DenOuden	Forsythe	Heinitz	Marsh	Zaffke
Erickson	Gruenes	Hokr	Piepho	
Findlay	Gutknecht	Jennings	Schafer	
Fjoslien	Haukoos	Knickerbocker	Uphus	

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

H. F. No. 653, A bill for an act relating to elections; making numerous procedural changes in the election law; removing or clarifying obsolete and inappropriate language; rearranging certain provisions; amending Minnesota Statutes 1982, sections 201.061, subdivision 3; 203B.08, by adding subdivisions; 203B.11; 203B.12, subdivisions 2 and 5; 204B.31; 204B.33; 204B.36, subdivision 2; 204C.08, subdivision 1; 204C.10, subdivision 1; 204C.12, subdivisions 3 and 4; 204C.24, subdivision 1; 204C.25; 204C.35; 204D.11, subdivision 5; 204D.13, subdivision 3; 205.17, subdivisions 3 and 4; 206.11; 206.19, subdivision 1; 210A.39; proposing new law coded in Minnesota Statutes, chapters 203B and 204C; repealing Minnesota Statutes 1982, section 204B.06, subdivision 3.

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

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 553, A bill for an act relating to elections; changing certain election procedures, requirements, and time limits; amending Minnesota Statutes 1982, sections 201.071, subdivision 1; 203B.02, subdivision 1; 203B.04, subdivision 1; 203B.21, subdivision 2; 204B.12, subdivision 1; 204B.19, subdivision 1; 204B.21, subdivision 1; 204B.27, subdivision 1; 204B.34, subdivision 1; 204B.35, subdivision 4; 204C.03, by adding a subdivision; 204C.05, subdivision 1; 204C.32, subdivision 2; 204C.33, subdivision 2; 204D.06; 204D.11, subdivisions 1 and 5; 204D.14; 204D.15, subdivision 2; 205.03, subdivisions 1 and 3; and 209.02, subdivision 4; repealing Minnesota Statutes 1982, sections 201.091, subdivisions 6 and 7; 204B.12, subdivision 2; and 204B.36, subdivision 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

Minne moved that the House refuse to concur in the Senate amendments to H. F. No. 553, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 652, A bill for an act relating to retirement; public plans generally; providing for the fiduciary obligation of trustees; complying with federal limits on annual benefits; providing that moneys of public pension plans are for the exclusive benefit of eligible employees and their beneficiaries; amending Minnesota Statutes 1982, sections 356.61; 354A.021, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 356.

PATRICK E. FLAHAVEN, Secretary of the Senate

Rodriguez, F., moved that the House refuse to concur in the Senate amendments to H. F. No. 652, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 445, A bill for an act relating to the city of St. Paul; setting the maximum amounts of and other conditions for the issuance of capital improvement bonds; amending Laws 1971, chapter 773, sections 1, as amended, and 2, as amended.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Cohen moved that the House concur in the Senate amendments to H. F. No. 445 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 445, A bill for an act relating to the city of St. Paul; setting the maximum amounts of and other conditions for the issuance of capital improvement bonds; amending Laws 1971, chapter 773, sections 1, as amended, and 2, as amended.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 100 yeas and 15 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Kostohryz	Pauly	Shaver
Anderson, C.	Ellingson	Kvam	Peterson	Shea
Battaglia	Evans	Larsen	Piepho	Sherman
Beard	Findlay	Levi	Piper	Simoneau
Begich	Fjoslien	Long	Price	Skoglund
Bennett	Greenfield	Mann	Quinn	Solberg
Bergstrom	Gustafson	Marsh	Redalen	Sparby
Berkelman	Halberg	McEachern	Reif	Staten
Blatz	Heap	McKasy	Rice	Swanson
Brandl	Heinitz	Metzen	Riveness	Tomlinson
Brinkman	Himle	Minne	Rodosovich	Tunheim
Burger	Hoffman	Munger	Rodriguez, C.	Valan
Carlson, L.	Jacobs	Murphy	Rodriguez, F.	Vanasek
Clark, J.	Jensen	Nelson, D.	Rose	Vellenga
Clark, K.	Johnson	Neuenschwander	St. Onge	Waltman
Clawson	Kahn	Norton	Sarna	Welch
Cohen	Kalis	Ogren	Scheid	Welle
Coleman	Kelly	Onnen	Schoenfeld	Wenzel
Dempsey	Knickerbocker	Osthoff	Seaberg	Wigley
Eken	Knuth	Otis	Segal	Speaker Sieben

Those who voted in the negative were:

DenOuden	Gruenes	Jennings	Schafer	Thiede
Erickson	Guknecht	Krueger	Schreiber	Uphus
Graba	Haukoos	Olsen	Sviggunn	Welker

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

Mr. Speaker:

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

H. F. No. 973, A bill for an act relating to commerce; securities and real estate; modifying the definition of "investment adviser"; clarifying the definitions of "trust account" and investment metal contract; defining and regulating investment adviser representatives; expanding the regulation of investment advisers; exempting certain persons from the definition of real estate broker; modifying real estate education requirements; providing for the suspension of a broker's or salesperson's license

pending a hearing; clarifying the intent of certain language relating to the real estate education, research, and recovery fund; modifying an exemption from the registration and annual report requirements for social and charitable organizations; amending Minnesota Statutes 1982, sections 80A.02; 80A.04, subdivisions 2 and 3; 80A.07, subdivisions 1 and 3, and by adding a subdivision; 80A.09, subdivision 1; 80A.14, subdivisions 8, 9, 12, and by adding a subdivision; 82.17, subdivisions 4 and 6; 82.18; 82.22, subdivision 6; 82.27, subdivision 3; 82.34, subdivision 7; 309.515, subdivision 1; 309.53, subdivision 2, and by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Segal moved that the House concur in the Senate amendments to H. F. No. 973 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 973, A bill for an act relating to commerce; securities and real estate; modifying the definition of "investment adviser"; clarifying the definitions of "trust account" and investment metal contract; defining and regulating investment adviser representatives; expanding the regulation of investment advisers; exempting certain persons from the definition of real estate broker; modifying real estate education requirements; providing for the suspension of a broker's or salesperson's license pending a hearing; clarifying the intent of certain language relating to the real estate education, research, and recovery fund; modifying an exemption from the registration and annual report requirements for social and charitable organizations; amending Minnesota Statutes 1982, sections 80A.02; 80A.04, subdivisions 2 and 3; 80A.07, subdivisions 1 and 3, and by adding a subdivision; 80A.09, subdivision 1; 80A.14, subdivisions 9, 12, and by adding a subdivision; 82.17, subdivisions 4 and 6; 82.18; 82.22, subdivision 6; 82.27, subdivision 3; 82.34, subdivision 7; 309.515, subdivision 1; 309.53, subdivision 2, and by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 119 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bergstrom	Burger	Coleman	Erickson
Anderson, G.	Berkelman	Carlson, L.	Dempsey	Evans
Battaglia	Bishop	Clark, J.	Dimler	Findlav
Beard	Blatz	Clark, K.	Eken	Fjoslien
Begich	Brandl	Clawson	Elioff	Graba
Bennett	Brinkman	Cohen	Ellingson	Greenfield

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

Those who voted in the negative were:

DenOuden Jennings Ludeman Schafer Welker

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

Mr. Speaker:

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

H. F. No. 765, A bill for an act relating to insurance; permitting differing benefit payments for services by designated health care providers; amending Minnesota Statutes 1982, section 72A.20, subdivision 15.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Reif moved that the House concur in the Senate amendments to H. F. No. 765 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 765, A bill for an act relating to insurance; permitting differing benefit payments for services by designated health care providers; amending Minnesota Statutes 1982, section 72A.20, subdivision 15.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 558, A bill for an act relating to commerce; altering certain interest rate provisions on renegotiations of conventional and cooperative apartment loans and contracts for deed; amending Minnesota Statutes 1982, section 47.20, subdivision 4a.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Berkelman moved that the House concur in the Senate amendments to H. F. No. 558 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 558, A bill for an act relating to commerce; altering certain interest rate provisions on renegotiations of conventional

and cooperative apartment loans and contracts for deed; changing the index for determining the maximum lawful interest rate for conventional mortgages, cooperative apartment loans, and contracts for deed; clarifying the plain language requirement for mortgages; amending Minnesota Statutes 1982, sections 47.20, subdivisions 2, 4a, and 6a; and 325G.30, subdivision 3.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 102:

Bergstrom, Voss and Eken.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 435:

Clark, J.; Kelly; Staten; Seaberg and Bishop.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 553:

Osthoff, Minne and Piepho.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 652:

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

The Speaker announced the following change in the Conference Committee on S. F. No. 923:

Delete Halberg and add Ogren.

MOTIONS AND RESOLUTIONS

Staten moved that the name of Greenfield be added as an author on H. F. No. 288. The motion prevailed.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 1:00 p.m., Thursday, May 19, 1983. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Thursday, May 19, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

