

STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1984

SEVENTY-FIRST DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 4, 1984

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

Prayer was offered by Reverend Harold S. Reitz, North Heights Lutheran Church, Roseville, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Himle, Hoberg and Thiede were excused.

Stadum was excused until 2:35 p.m. Shaver was excused until 3:15 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Vanasek 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. 1371, 1401, 1502, 1753, 1778, 1813, 1819, 1822, 1860, 1872, 1903, 1961, 1985, 2085, 2093, 2124, 2141, 2150, 2196, 207, 322, 427, 1338, 1352, 1422, 1423, 1619, 1656, 1679, 1709, 1749, 1771, 1815, 1844, 1881, 1909, 1975, 1987, 2038, 2087, 2160, 2172, 2182, 1765, 1917, 1949, 1672, 735, 1991, 600, 1767, 1814 and 2023 and S. F. No. 1563 have been placed in the members' files.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Graba and Krueger introduced:

H. F. No. 2289, A resolution memorializing the President and Congress of the United States to adopt on an emergency basis a public policy of preserving the family farm as an invaluable natural resource.

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

Knuth introduced:

H. F. No. 2290, A resolution memorializing the Administrator of General Services of the United States of the development of a permanent operation plan for the distribution of federal surplus property.

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

Norton, Wynia, Gutknecht, Krueger and Ogren introduced:

H. F. No. 2291, A bill for an act relating to the open meeting law; providing revisions; proposing new law coded as Minnesota Statutes, chapter 469; repealing Minnesota Statutes 1982, section 471.705, as amended.

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

Schreiber introduced:

H. F. No. 2292, A bill for an act relating to taxation; property; changing the state school agricultural credit, homestead credits, and property classification ratios; abolishing class 3cc; amending Minnesota Statutes 1982, sections 273.13, subdivisions 2, 5a, 7b, 7c, 8a, 17d, and 19; and 273.42, subdivision 2; Minnesota Statutes 1983 Supplement, sections 124.2137, subdivision 1; and 273.13, subdivisions 4, 6, 6a, 7, 7d, 9, 14a, 16, 17, 17b, 17c, 20, and 21; 273.135, subdivision 1; and 273.1391, subdivision 1; repealing Minnesota Statutes 1983 Supplement, sections 273.1311; and 273.1315.

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

Nelson, D.; Skoglund; Redalen; Sparby and Onnen introduced:

H. F. No. 2293, A bill for an act relating to alcoholic beverages; restricting hours of sale on statewide election days; amending Minnesota Statutes 1983 Supplement, sections 340.034, subdivision 1; and 340.14, subdivision 1.

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

Rodriguez, F., introduced:

H. F. No. 2294, A bill for an act relating to public employees; permitting certain compensation arrangements for certain local government employees; amending Minnesota Statutes 1982, section 471.615.

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

Nelson, K.; Staten; Osthoff and Norton introduced:

H. F. No. 2295, A bill for an act relating to education; appropriating money to the University of Minnesota for the Institute of Technology minority program.

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

Graba; Anderson, R., and Kahn introduced:

H. F. No. 2296, A resolution memorializing the United States Veterans Administration to allow greater flexibility in the use of federal funds for veterans care facilities and programs.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Gustafson, Ogren, O'Connor, Munger and St. Onge introduced:

H. F. No. 2297, A bill for an act relating to commerce; prohibiting unfair, predatory, and discriminatory pricing practices by persons engaged in the refining, distribution, or sale of motor fuel; defining terms; providing remedies; proposing new law coded in Minnesota Statutes, chapter 325E.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Kahn introduced:

H. F. No. 2298, A bill for an act relating to marriage dissolution; allowing for a division of marital assets upon commencement of a legal separation or temporary order; amending Minnesota Statutes 1982, section 518.58.

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

Norton introduced:

H. F. No. 2299, A bill for an act relating to natural resources; eliminating duplicative appraisal reviews in land acquisition procedures; amending Minnesota Statutes 1982, section 84.0272; repealing Minnesota Statutes 1982, section 84.0271.

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

Dempsey introduced:

H. F. No. 2300, A bill for an act relating to arbitration; authorizing parties to submit dissolution of marriage or legal separation matters to arbitration; proposing new law coded in Minnesota Statutes, chapter 518.

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

Osthoff introduced :

H. F. No. 2301, A bill for an act relating to veterans; requiring veterans organizations to file reports to the commissioner of veterans affairs; proposing new law coded in Minnesota Statutes, chapter 197.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Norton introduced :

H. F. No. 2302, A bill for an act relating to state land; modifying certain procedures relating to sale of surplus state land; amending Minnesota Statutes 1982, section 94.10, subdivision 2.

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

Norton introduced :

H. F. No. 2303, A bill for an act relating to state monuments; adding the Roy Wilkins State Monument to the list of state monuments; appropriating money; amending Minnesota Statutes 1982, section 138.585, by adding a subdivision.

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

Wenzel introduced :

H. F. No. 2304, A bill for an act relating to taxation; income; conforming to federal law for treatment of contributions to individual retirement plans and other pension plans; amending Minnesota Statutes 1983 Supplement, section 290.01, subdivisions 20a and 20b.

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

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker :

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

which amendment the concurrence of the House is respectfully requested:

H. F. No. 1516, A bill for an act relating to local government; authorizing the levy of special assessments or service charges for fire protection systems; amending Minnesota Statutes 1982, sections 429.011, by adding a subdivision; 429.021, subdivision 1; 429.031, subdivision 3; 429.091, subdivisions 2 and 3; and 429.101, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Otis moved that the House refuse to concur in the Senate amendments to H. F. No. 1516, 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.

Onnen was excused between the hours of 2:10 p.m. and 3:20 p.m.

REPORTS FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Eken, for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

Resolved that the Rules of the House of Representatives for the 73rd Legislature be amended as follows:

(1) Rule 1.10 is amended to read:

"1.10 TAX AND APPROPRIATION BILLS GIVEN PRECEDENCE. (AT ANY TIME AFTER APRIL 11, 1983,) Any bill relating to taxes or raising revenue shall be acted upon whenever requested by the Chairman of the Committee on Taxes, and any appropriation bill shall be acted upon whenever requested by the Chairman of the Committee on Appropriations."

(2) Rule 1.16 is amended to read:

"1.16 TIME LIMIT FOR CONSIDERATION OF BILLS. If 20 legislative days after a bill has been referred to committee (other than a bill in Appropriations) no report has been made upon it by the committee, its chief author may request that it be returned to the House and the request shall be entered in the Journal for the day. The committee shall have ten calendar days thereafter in which to vote upon the bill requested. If the committee fails to vote upon it within the ten days, the chief author

may, at any time within five calendar days thereafter, present a written demand to the Speaker for its immediate return to the House. The demand shall be entered in the Journal for that day and shall constitute the demand of the House. The bill shall then be considered to be in the possession of the House, given its second reading and placed at the foot of General Orders.

Such bill is subject to re-reference by a majority vote of the whole House. If the motion to re-refer is made on the day of the demand or within one legislative day thereafter, the motion shall take precedence over all other motions except privileged motions and shall be in order at any time.

After (MAY 13, 1983) *Monday, April 16, 1984*, the House shall not act on bills other than those recommended by conference committee reports or the Committee on Rules and Legislative Administration, and those bills contained in messages from the Senate or from the Governor."

(3) Rule 3.4 is amended to read:

"3.4 MOTION FOR RECONSIDERATION. When a question has been decided either in the affirmative or negative, it shall be in order for any member who voted with the prevailing side to move its reconsideration, provided that such motion is made either on the same day the vote was taken or within the following two days of actual session of the House. A motion for reconsideration can be made at any time in the Order of Business and shall take precedence over all other questions except the motion to adjourn and the notice of intention to move reconsideration. Such motion or notice shall not be in order if the document, bill, resolution, message, report or other official action on which the vote was taken shall have left the possession of the House.

When a member gives notice of intention to move reconsideration of the final action of the House on any bill, resolution, message, report or other official action, the Chief Clerk shall retain the same until after the matter is disposed of or the time has expired during which the motion for reconsideration can be made.

On the last day allowed for the motion to reconsider, it shall be in order for any member who voted on the prevailing side to make the motion, unless the matter has been already disposed of.

A motion for reconsideration having been voted upon and lost shall not be renewed.

In (1983) *1984* notice of intention to move reconsideration shall not be in order after *Monday, (APRIL 25) April 9.*"

(4) Rule 6.11 is amended to read:

"6.11 CONFERENCE COMMITTEES. A conference committee may report at any time. No committee except a conference committee or the Committee on Rules and Legislative Administration shall sit during any daily session of the House without leave.

A conference committee report shall include only subject matter contained in the House or Senate versions of the bill for which that conference committee was appointed, or like subject matter contained in a bill passed by the House or Senate.

In (1983) 1984 except after (MAY 16) *Saturday, April 14*, a written copy of a report of a conference committee shall be placed on the desk of each member of the House twelve hours before action on the report by the House. If the report has been reprinted in the Journal of the House for a preceding day and is available to the members, the Journal copy shall serve as the written report."

(5) Rule 9.3 is amended to read:

"9.3 DEADLINES. In (1983) 1984, committee reports on bills favorably acted upon by a committee in the house of origin after Friday, (APRIL 8) *March 30* and committee reports on bills originating in the other house favorably acted upon by a committee after Monday, (APRIL 25) *April 9* shall be referred in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. Referral is not required when a committee after (APRIL 8) *Friday, March 30* and by (APRIL 25) *Monday, April 9* acts on a bill that is a companion to a bill that has then been acted upon by (APRIL 8) *Friday, March 30* in the Senate. This rule does not apply in the House Committees on Appropriations and on Taxes."

The motion prevailed and the Permanent Rules of the House for the Seventy-Third Session, as amended, were adopted.

Eken from the Committee on Rules and Legislative Administration to which was referred:

House Resolution No. 16, A house resolution commemorating the servicemen from Minnesota serving in the United States Marine Corps who served in Lebanon and died there as peace-keepers.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

Valan moved that House Resolution No. 16 be now adopted.

HOUSE RESOLUTION NO. 16

A house resolution commemorating the servicemen from Minnesota serving in the United States Marine Corps who served in Lebanon and died there as peacekeepers.

Whereas, the history of Lebanon is that of centuries of warfare and group hatred; and

Whereas, recent history has included the mass slaughter of thousands of defenseless people; and

Whereas, negotiations between some of the parties involved in Lebanon resulted in a fragile temporary agreement to end the bloodshed and stabilize the country and that gave the hope of a durable peace between all the parties in Lebanon; and

Whereas, to implement the agreement, troops of four countries, including a contingent of United States Marines, were sent to Lebanon; and

Whereas, the Marines were there not to seize territory but to protect others' territory, not to cause enslavement but to ensure freedom, not to cause terror but to end terror, and not to make war but to bring peace; and

Whereas, on October 23, 1983, 28 Marines from Minnesota were serving in Lebanon when a bomb-laden truck crashed into and exploded in a building used as a barracks and resulted in the death of 241 Marines including four from Minnesota; and

Whereas, the motives of persons who would kill those involved in this selfless mission is beyond the comprehension of all Minnesotans; and

Whereas, it is necessary for all Minnesotans to express their grief at the loss of their sons and to morally support the families of the men who died; *Now, Therefore*,

Be it resolved by the House of Representatives of the State of Minnesota that it commends to all Minnesotans the selfless service of all the Minnesotans who served in Lebanon but in particular:

Lance Corporal Kevin Paul Custard of Virginia

Lance Corporal Thomas Lamb of Coon Rapids

Lance Corporal John Olson of Sabin

Lance Corporal John Tishmack of Minneapolis

who died there in the service of their country and in the cause of humanity.

Be it further resolved that it earnestly hopes that the grief of the families of those who died might be lightened by the knowledge that they died in the cause of peace and that their grief is shared by all Minnesotans.

Be it further resolved that the Chief Clerk of the House of Representatives is directed to prepare enrolled copies of this resolution, to be authenticated by his signature and that of the Speaker, and that it be presented to the families of the Minnesota Marines that died in Lebanon.

The motion prevailed and House Resolution No. 16 was adopted.

Eken from the Committee on Rules and Legislative Administration to which was referred:

House Resolution No. 22, A house resolution congratulating Cy Carpenter on his election as President of the National Farmers Union.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

Wenzel moved that House Resolution No. 22 be now adopted.

HOUSE RESOLUTION NO. 22

A house resolution congratulating Cy Carpenter on his election as President of the National Farmers Union.

Whereas, agriculture is Minnesota's principle industry; and

Whereas, agriculture needs effective spokesmen to convey its interests to the government and the public; and

Whereas, the National Farmers Union is composed of over 250,000 farm families and is an effective representative of agricultural needs on the local, state, and national levels; and

Whereas, Cy Carpenter of Minnesota was recently elected President of the National Farmers Union; and

Whereas, Cy Carpenter has been President of the Minnesota Farmers Union since 1972, and is a widely respected spokesman for agriculture; and

Whereas, it is apparent that the National Farmers Union has chosen its president well; Now, Therefore,

Be it resolved by the House of Representatives of the State of Minnesota that it congratulates Cy Carpenter for being elected President of the National Farmers Union and the National Farmers Union for electing Cy Carpenter as president.

Be it further resolved that the Chief Clerk of the House is directed to enroll this resolution, to be authenticated by his signature and that of the Speaker, and present it to Cy Carpenter.

The motion prevailed and House Resolution No. 22 was adopted.

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

REPORTS OF STANDING COMMITTEES

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 29, A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; amending Minnesota Statutes 1982, section 2.021.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1983 Supplement, section 2.021, is amended to read:

2.021 [NUMBER OF MEMBERS.]

For each legislature, until a new apportionment shall have been made, the senate is composed of (67) 56 members and the house of representatives is composed of (134) 112 members.

Sec. 2. Minnesota Statutes 1983 Supplement, section 2.031, subdivision 1, is amended to read:

Subdivision 1. [LEGISLATIVE DISTRICTS.] The representatives in the senate and house of representatives are apportioned throughout the state in (67) 56 senate districts and (134) 112 house districts. Each senate district is entitled to elect one senator and each house district is entitled to elect one representative.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective January 1, 1993."

Amend the title as follows:

Page 1, line 4, delete "1982, section 2.021" and insert "1983 Supplement, sections 2.021 and 2.031, subdivision 1"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 229, A bill for an act relating to health; allowing any interested person to seek enforcement of certain patient rights; amending Minnesota Statutes 1982, section 144.651.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1983 Supplement, section 144.651, subdivision 1, is amended to read:

Subdivision 1. [LEGISLATIVE INTENT.] It is the intent of the legislature and the purpose of this section to promote the interests and well being of the patients and residents of health care facilities. No health care facility may require a patient or resident to waive these rights as a condition of admission to the facility. (ANY GUARDIAN OR CONSERVATOR OF A PATIENT OR RESIDENT OR, IN THE ABSENCE OF A GUARDIAN OR CONSERVATOR, AN) *Every patient and resident may seek enforcement of these rights. In addition, a family member, guardian, conservator, nursing home ombudsman, health facility staff person, or other interested person (,) may seek enforcement of these rights on behalf of a patient or resident. Pending the outcome of the enforcement proceeding the health care facility may in good faith comply with the instructions of a guardian or conservator. An interested person is someone who demonstrates a sincere and continuing interest in the welfare of the individual patient or resident. If the patient or*

resident has a guardian or conservator of the person, any other person named in this subdivision may seek enforcement of the patient's rights only in situations involving a violation of subdivision 14, imminent danger of physical harm, or where the guardian or conservator does not object to the other person's action. It is the intent of this section that every patient's civil and religious liberties, including the right to independent personal decisions and knowledge of available choices, shall not be infringed and that the facility shall encourage and assist in the fullest possible exercise of these rights."

Amend the title as follows:

Page 1, line 4, delete "1982" and insert "1983 Supplement"

Page 1, line 4, before the period insert ", subdivision 1"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 756, A bill for an act relating to notaries public; changing the term of office; increasing the required bond amount; amending Minnesota Statutes 1982, section 359.02.

Reported the same back with the following amendments:

Page 2, line 1, delete "1983" and insert "1984"

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 899, A bill for an act relating to courts; permitting the establishment of compulsory nonbinding arbitration programs for use in certain civil proceedings in Hennepin County; proposing new law coded in Minnesota Statutes, chapter 484.

Reported the same back with the following amendments:

Page 1, line 11, delete "the fourth" and insert "a"

Page 1, after line 20, insert:

"Subd. 2. [EXCLUSIONS.] Judicial arbitration may not be used to dispose of controversies within the jurisdiction of the family court division, matters relating to guardianship, conservatorship, or civil commitment, matters within the juvenile court jurisdiction involving neglect, dependency, or delinquency, matters involving termination of parental rights under sections 260.221 to 260.245, or matters arising under section 626.557 or sections 144.651 to 144.652."

Page 1, line 23, delete *"of the county of Hennepin"*

Renumber the subdivisions in sequence

Amend the title as follows:

Page 1, line 4, delete *"in Hennepin County"*

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 994, A bill for an act relating to mediation; providing for mediation of disputes; amending Minnesota Statutes 1982, section 595.02; proposing new law coded in Minnesota Statutes, chapter 572.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [572.31] [MINNESOTA CIVIL MEDIATION ACT, CITATION.]

Sections 1 to 10 may be cited as the "Minnesota Civil Mediation Act."

Sec. 2. [572.32] [PURPOSE.]

The legislature finds that:

(1) cost and delays of resolving disputes through litigation are a matter of social concern and are adversely affecting the attitude of our citizens toward our system of justice;

(2) *it is in the interest of improved human relations to promote use of dispute resolution processes where parties in conflict are engaged in a problem solving process rather than an adversarial process, except in situations where there has been violence against persons;*

(3) *it is important to allow parties in dispute an opportunity to have meaningful participation in resolving the dispute and to exercise responsibility and control over the resolution of their dispute; and*

(4) *utilization of mediation to resolve disputes can contribute to alleviation of these problems and promote these interests.*

It is the purpose of sections 1 to 10 to remove barriers and promote use of mediation to resolve disputes.

Sec. 3. [572.33] [DEFINITIONS.]

Subdivision 1. [SCOPE.] When used in sections 1 to 10 the terms defined in this section have the meanings given them.

Subd. 2. [MEDIATOR.] "Mediator" means a third party with no formal coercive power whose function is to promote and facilitate a voluntary settlement of a controversy identified in an agreement to mediate.

Subd. 3. [AGREEMENT TO MEDIATE.] "Agreement to mediate" means a written agreement which identifies a controversy between the parties to the agreement, states that the parties will seek to resolve the controversy through mediation, provides for termination of mediation upon written notice by either party or the mediator, is signed by the parties and mediator, and is dated.

Subd. 4. [MEDIATED SETTLEMENT AGREEMENT.] "Mediated settlement agreement" means a written agreement setting out the terms of a partial or complete settlement of a controversy identified in an agreement to mediate, signed by the parties, and dated.

Sec. 4. [572.34] [EFFECT OF MEDIATED SETTLEMENT AGREEMENT; CONFIRMATION.]

The effect of a mediated settlement agreement shall be determined under principles of law applicable to a contract. However, a mediated settlement agreement is not binding unless it contains a provision to the contrary and the parties were advised in writing that (a) the mediator has no duty to protect their interests or provide them with information about their legal

rights; (b) signing a mediated settlement agreement may affect their legal rights; and (c) they should consider consulting with a lawyer before signing a mediated settlement agreement.

Sec. 5. [572.35] [SETTING ASIDE A MEDIATED SETTLEMENT AGREEMENT.]

Upon application of a party, the court shall set aside a mediated settlement agreement if appropriate under the principles of law applicable to setting aside a contract, or if there was evident partiality, corruption, or misconduct by a mediator prejudicing the rights of a party. The fact that the relief was such that it could not or would not be granted by a court of law or equity is not a ground for setting aside the mediated settlement agreement unless it violates public policy.

Sec. 6. [572.36] [NOT A LIMITATION OF EFFECT.]

Sections 4 and 5 of this act are in addition to and not in limitation of the effect of any settlement agreement resulting from a mediation process.

Sec. 7. [572.37] [STATUS OF MEDIATOR.]

A mediator shall be immune from civil liability for his or her actions within the scope of his or her position as mediator unless there is proof of fraud by the mediator. A mediator has no duty to advise a party concerning law or to encourage or assist a party in preserving or establishing legal rights. This section is in addition to and not in limitation of immunity otherwise accorded to a mediator under law.

Sec. 8. [572.38] [STATUTES OF LIMITATION.]

The running of the limitation of time within which an action may be brought is suspended from the date of the agreement to mediate until termination of the mediation.

Sec. 9. [572.39] [SCOPE.]

Sections 1 to 8 do not apply to proceedings relating to the determination of criminal liability or proceedings brought under sections 518.002 to 518.66, 518A.01 to 518A.25, and 518B.01, or any matter relating to guardianship, conservatorship, or civil commitment.

Sec. 10. [572.40] [SEVERABILITY.]

If any provision of sections 1 to 10 or the application of a provision to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the

sections which can be given without the invalid provision or application, and to this end the provisions of sections 1 to 10 are severable.

Sec. 11. Minnesota Statutes 1982, section 595.02, is amended to read:

595.02 [COMPETENCY OF WITNESSES.]

Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as follows:

(1) A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, without the consent of the other, be examined as to any communication made by one to the other during the marriage. This exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other or against a child of either, nor to a criminal action or proceeding in which one is charged with homicide or an attempt to commit homicide and the date of the marriage of the defendant is subsequent to the date of the offense, nor to an action or proceeding for non-support, neglect, dependency, or termination of parental rights;

(2) An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him or his advice given thereon in the course of professional duty; nor can any employee of the attorney be examined as to the communication or advice, without the client's consent;

(3) A clergyman or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to him in his professional character, in the course of discipline enjoined by the rules or practice of the religious body to which he belongs; nor shall a clergyman or other minister of any religion be examined as to any communication made to him by any person seeking religious or spiritual advice, aid, or comfort or his advice given thereon in the course of his professional character, without the consent of the person;

(4) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent of his patient, be allowed to disclose any information or any opinion based thereon which he acquired in attending the patient in a professional capacity, and which was necessary to enable him to act in that capacity; after the decease of the patient, in an action to recover insurance benefits, where the insurance has been in existence two years or more, the beneficiaries shall be deemed to be the personal rep-

representatives of the deceased person for the purpose of waiving this privilege, and no oral or written waiver of the privilege shall have any binding force or effect except when made upon the trial or examination where the evidence is offered or received;

(5) A public officer shall not be allowed to disclose communications made to him in official confidence when the public interest would suffer by the disclosure;

(6) Persons of unsound mind; persons intoxicated at the time of their production for examination, and children under ten years of age, who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly, are not competent witnesses. This exception does not apply to a child under ten years of age, in a criminal proceeding for intrafamilial sexual abuse as defined in section 609.364, subdivision 10, or in a criminal proceeding under sections 609.342 clause (a), 609.343 clause (a), 609.344 clause (a), or 609.345 clause (a), who is able to describe or relate in language appropriate for a child of that age the events or facts respecting which the child is examined;

(7) A registered nurse, psychologist or consulting psychologist shall not, without the consent of his client, be allowed to disclose any information or opinion based thereon which he acquired in attending the client in a professional capacity, and which was necessary to enable him to act in that capacity;

(8) An interpreter for a person handicapped in communication shall not, without the consent of the person, be allowed to disclose any communication if the communication would, if the interpreter were not present, be privileged. For purposes of this section, a "person handicapped in communication" means a person who, because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language, is unable to understand the proceedings in which he is required to participate. The presence of an interpreter as an aid to communication does not destroy an otherwise existing privilege;

(9) A parent or his minor child may not be examined as to any communication made in confidence by the minor to his parent. A communication is confidential if made out of the presence of persons not members of the child's immediate family living in the same household. This exception may be waived by express consent to disclosure by a parent entitled to claim the privilege or by the child who made the communication, or by failure of the child or parent to object when the contents of a communication are demanded. This exception does not apply to a civil action or proceeding by one spouse against the other or by a parent or child against the other, nor to a proceeding to commit either the child or parent to whom the communication was made or to place the person or property or either under the control of another

because of his alleged mental or physical condition, nor to a criminal action or proceeding in which the parent is charged with a crime committed against the person or property of the communicating child, the parent's spouse, or a child of either the parent or the parent's spouse, or in which a child is charged with a crime or act of delinquency committed against the person or property of a parent or a child of a parent, nor to an action or proceeding for termination of parental rights, nor any other action or proceeding on a petition alleging child abuse, child neglect, abandonment or nonsupport by a parent;

(10) Sexual assault counselors may not be compelled to testify about any opinion or information received from or about the victim without the consent of the victim. However, a counselor may be compelled to identify or disclose information in investigations or proceedings related to neglect or termination of parental rights if the court determines good cause exists. In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the treatment relationship, and the treatment services if disclosure occurs. Nothing in this clause exempts sexual assault counselors from compliance with the provisions of sections 626.556 and 626.557.

"Sexual assault counselor" for the purpose of this section means a person who has undergone at least 40 hours of crisis counseling training and works under the direction of a supervisor in a crisis center, whose primary purpose is to render advice, counseling or assistance to victims of sexual assault.

(11) *No one can be examined as to any communication or document, including worknotes, made or used in the course of or because of mediation pursuant to an agreement to mediate. This restriction does not apply to the parties to the dispute in an application to a court by a party to have a mediated settlement agreement set aside or reformed. A communication or document otherwise not privileged does not become privileged because used in the course of mediation. "Mediated settlement agreement" shall have the meaning set out in section 3. This paragraph is in addition to and not in limitation of the privilege accorded to communication during mediation by the common law."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1293, A bill for an act relating to landlords and tenants; requiring landlords of residential rental units to notify

tenants of their rights and duties under state law; providing a penalty; proposing new law coded in Minnesota Statutes, chapter 504.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1983 Supplement, section 504.22, subdivision 1, is amended to read:

Subdivision 1. As used in this section,

(a) “tenant” shall have the meaning assigned to it in section 566.18, *but for purposes of section 2 does not include residents of manufactured home parks as defined in section 327C.01, subdivision 9*; and

(b) “owner” shall mean one or more persons, jointly or severally, in whom is vested a legal or beneficial interest in the premises.

Sec. 2. Minnesota Statutes 1982, section 504.22, is amended by adding a subdivision to read:

Subd. 2a. The attorney general shall prepare and make available to the public at cost, in a form and size suitable for posting and distributing pursuant to this section, a statement which describes the significant legal rights and obligations of owners and tenants of rental dwelling units. The statement shall include but not be limited to describing the significant provisions of chapters 504 and 566. The statement shall notify tenants in public housing to consult their leases for additional rights and obligations they may have under federal law. The statement shall include the telephone number and address of the attorney general for further information.

The attorney general shall annually revise the statement provided in this section as necessary to ensure that it continues accurately to describe the statutory and case law governing the rights and duties of owners and tenants of rental dwelling units. After preparing the statement for the first time and after each annual revision of the statement, the attorney general shall hold a public meeting to discuss the statement and receive comments on its contents before it is issued. When preparing the statement and evaluating public comment, the attorney general shall be guided by the legislature's intent that the statement be as accurate and complete in identifying significant legal rights and obligations, as is possible in a document which is written using words with common, everyday meanings and which is brief enough to be posted and distributed pursuant to this section.

Sec. 3. Minnesota Statutes 1982, section 504.22, is amended by adding a subdivision to read:

Subd. 2b. An owner who does not distribute the statement required by section 2 shall be liable to each tenant who does not receive the statement for a penalty of \$10 and shall be liable for an additional penalty of \$100 if he fails to post the statement as provided by section 4.

Sec. 4. Minnesota Statutes 1982, section 504.22, subdivision 3, is amended to read:

Subd. 3. A printed or typewritten notice containing the information which must be disclosed under subdivision 2 shall be placed in a conspicuous place on the premises. The owner shall also place a notice in a conspicuous place on the premises which states that a copy of the statement required by section 2 is available from the owner or manager to any tenant upon request and is not liable under section 3 if the notice is removed by another individual after being posted. This subdivision is complied with if notices posted in compliance with other statutes or ordinances contain the information required by subdivision 2 and this section. In addition, an owner shall distribute one copy of the statement required by section 2 to each tenant within 30 days after the statement becomes available from the attorney general. Thereafter, the owner shall distribute one copy of the statement to each tenant at the time an oral or written lease is entered into."

Amend the title as follows:

Page 1, delete lines 5 and 6 and insert "amending Minnesota Statutes 1982, section 504.22, subdivisions 1 and 3, and by adding subdivisions."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1206, A bill for an act relating to judges; providing for the election of incumbent judges by submitting to the voters whether they should succeed themselves; amending Minnesota Statutes 1982, sections 204B.06, subdivision 6, and by adding a subdivision; 204B.34, subdivision 3; 204B.36, subdivisions 4 and 5; 204D.08, subdivision 6; proposing new law coded in Minnesota Statutes, chapter 204C.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1983 Supplement, section 204E.34, subdivision 3, is amended to read:

Subd. 3. [JUDICIAL ELECTIONS.] When one or more justices of the supreme court or judges of the court of appeals or of a district, county or county municipal court are to be nominated at the same primary or elected at the same general election, *the notice of election shall be prepared as follows. If only an incumbent has filed an affidavit of candidacy, the notice shall state the name of the justice or judge whose name will be before the voters for retention in office. If the incumbent has not filed an affidavit of candidacy, or if the incumbent and any other individual have filed affidavits of candidacy, the notice of election shall state the name of each justice or judge whose successor is to be nominated or elected.*

Sec. 2. Minnesota Statutes 1983 Supplement, section 204B.36, subdivision 4, is amended to read:

Subd. 4. [CONTESTED JUDICIAL (CANDIDATES) OFFICES.] The official ballot shall contain the names of all candidates for each judicial office *where more than one candidate is seeking the office* and shall state the number of those candidates for whom a voter may vote. The title of each judicial office shall be printed on the official primary and general election ballot as follows:

(a) In the case of the supreme court:

"For the office of associate (or chief) justice of the supreme court to which (name of justice) was elected for the regular term" or "to which (name of justice) was appointed";

(b) In the case of the court of appeals:

"For the office of judge of the court of appeals to which (name of judge) was elected for the regular term" or "to which (name of judge) was appointed";

(c) In the case of the district court:

"For the office of judge of the district court of the (number) judicial district to which (name of judge) was elected for the regular term" or "to which (name of judge) was appointed"; or

(d) In the case of the county court:

“For the office of judge of the county court of the county (or counties) of to which (name of judge) was elected for the regular term” or “to which (name of judge) was appointed.”

For voting machine ballots on which the statements required by this subdivision cannot be printed because of length, the title of each judicial office shall be printed as follows:

“Successor to (name), elected (or appointed).”

Sec. 3. Minnesota Statutes 1982, section 204B.36, subdivision 5, is amended to read:

Subd. 5. [(DESIGNATION OF) *BALLOT FOR UNOPPOSED INCUMBENT* (; JUDICIAL OFFICES) *JUDGES*.] If a chief justice, associate justice, or judge is a candidate to succeed himself or herself without opposition, (THE WORD “INCUMBENT” SHALL BE PRINTED AFTER HIS NAME AS A CANDIDATE) *his or her name only shall be submitted to the voters in the area he or she serves on a ballot which reads:*

“Shall Judge (Justice) (name of judge or justice) of the (name of court) be returned to office?”

Yes

No”

Sec. 4. [204C.401] [CERTIFICATION IN UNOPPOSED JUDICIAL ELECTIONS.]

In the case of an election for a judicial office in which an incumbent is a candidate to succeed himself or herself without opposition, the incumbent shall receive a certificate of election if less than a majority of the voters voting on the office votes not to return him or her to office. If the incumbent is not returned to office the county auditor or secretary of state, as appropriate, shall certify to the governor that the incumbent will not succeed himself or herself and that upon the expiration of his or her term, a vacancy shall exist in the office.

Sec. 5. Minnesota Statutes 1983 Supplement, section 204D.08, subdivision 6, is amended to read:

Subd. 6. [STATE AND COUNTY NONPARTISAN PRIMARY BALLOT.] The state and county nonpartisan primary ballot shall be headed “State and County Nonpartisan Primary Ballot.” It shall be printed on canary paper. The names of candidates for nomination to (THE) supreme court, court of appeals, district, county and county municipal (COURTS) *court judicial*

offices where more than one candidate is seeking the office, the names of unopposed incumbent judges seeking to succeed themselves and all county offices shall be placed on this ballot.

No candidate whose name is placed on the state and county nonpartisan primary ballot shall be designated or identified as the candidate of any political party or in any other manner except as expressly provided by law.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective for the election of judges at the general election in 1984 and subsequent years."

Delete the title and insert:

"A bill for an act relating to judges; providing for the election of unopposed incumbent judges by submitting to the voters whether they should succeed themselves; amending Minnesota Statutes 1982, section 204B.36, subdivision 5; Minnesota Statutes 1983 Supplement, sections 204B.34, subdivision 3; 204B.36, subdivision 4; and 204D.08, subdivision 6; proposing new law coded in Minnesota Statutes, chapter 204C."

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1292, A bill for an act relating to environment; requiring a permit for test drilling of geologic structures for disposal of high level radioactive waste and notification of results; regulating transportation of high level radioactive waste through the state; providing penalties; proposing new law coded in Minnesota Statutes, chapter 116C.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [116C.705] [FINDINGS.]

The legislature finds that the disposal and transportation of high level radioactive waste is of vital concern to the health, safety, and welfare of the people of Minnesota, and to the economic and environmental resources of Minnesota. To ensure the health, safety, and welfare of the people, and to protect the air, land, water, and other natural resources in the state from pollu-

tion, impairment, or destruction, it is necessary for the state to regulate and control, under the laws of the United States, the exploration for high level radioactive waste disposal within the state of Minnesota. It is the intent of the legislature to exercise all legal authority for the purpose of regulating the disposal and transportation of high level radioactive waste.

Sec. 2. Minnesota Statutes 1982, section 116C.71, is amended by adding a subdivision to read:

Subd. 10. [AREA CHARACTERIZATION PLAN.] "Area characterization plan" means the official plan prepared by the department of energy for a specific geographic area outlining the proposed laboratory or field activities to be undertaken to establish the geologic, environmental, social, and economic characteristics of the area.

Sec. 3. Minnesota Statutes 1982, section 116C.71, is amended by adding a subdivision to read:

Subd. 11. [AREA RECOMMENDATION REPORT.] "Area recommendation report" means the official report prepared by the department of energy identifying specific geographic areas within a state for further evaluation as a repository for radioactive waste.

Sec. 4. Minnesota Statutes 1982, section 116C.71, is amended by adding a subdivision to read:

Subd. 12. [BOARD.] "Board" means the Minnesota environmental quality board.

Sec. 5. Minnesota Statutes 1982, section 116C.71, is amended by adding a subdivision to read:

Subd. 13. [CHAIRMAN.] "Chairman" means chairman of the board.

Sec. 6. Minnesota Statutes 1982, section 116C.71, is amended by adding a subdivision to read:

Subd. 14. [CONSULTATION AND COOPERATION AGREEMENT.] "Consultation and cooperation agreement" means the formal agreement, as defined in the Nuclear Waste Policy Act, United States Code, title 42, section 10137(c), between a state and the federal government setting forth procedures for information exchanges, state consultation, and other matters related to repository siting and construction.

Sec. 7. Minnesota Statutes 1982, section 116C.71, is amended by adding a subdivision to read:

Subd. 15. [DEPARTMENT OF ENERGY.] "Department of energy" means the United States department of energy.

Sec. 8. Minnesota Statutes 1982, section 116C.71, is amended by adding a subdivision to read:

Subd. 16. [DISPOSE, DISPOSAL.] "Dispose" or "disposal" means the permanent or temporary placement of high level radioactive waste at a site within the state other than a point of generation.

Sec. 9. Minnesota Statutes 1982, section 116C.71, is amended by adding a subdivision to read:

Subd. 17. [HIGH LEVEL RADIOACTIVE WASTE.] "High level radioactive waste" means:

- (1) irradiated reactor fuel;*
- (2) liquid wastes resulting from reprocessing irradiated reactor fuel;*
- (3) solids into which the liquid wastes have been converted;*
- (4) transuranic wastes, meaning any radioactive waste containing alpha emitting transuranic elements that is not acceptable for near-surface disposal as defined in the Code of Federal Regulations, title 10, section 61.55;*
- (5) any other highly radioactive materials that the nuclear regulatory commission or department of energy determines by law to require permanent isolation; or*
- (6) any byproduct material as defined in section 11e (2) of the Atomic Energy Act of 1954, United States Code, title 42, section 2014, as amended.*

Sec. 10. Minnesota Statutes 1982, section 116C.71, is amended by adding a subdivision to read:

Subd. 18. [POTENTIALLY IMPACTED AREA.] "Potentially impacted area" means the area designated or described in a draft or final area recommendation report or area characterization plan for study or consideration.

Sec. 11. [116C.721] [PUBLIC PARTICIPATION.]

Subdivision 1. [INFORMATION MEETINGS.] The board shall conduct public information meetings within an area designated in a draft area recommendation report, final area recommendation report, draft area characterization plan, or final

area characterization plan. Information meetings shall be held within 30 days after the board receives each of the reports.

Subd. 2. [NOTICE.] The board shall notify the public of information meetings and the availability of the area recommendation reports and the area characterization plans. Copies of the reports shall be made available for public review and distribution at the board office, the Minnesota geological survey office, regional development commission offices in regions that include a part of the potentially impacted areas, county courthouses in counties that include a part of a potentially impacted area, and other appropriate places determined by the board to provide public accessibility.

Subd. 3. [TRANSMITTAL OF PUBLIC CONCERNS.] The board shall transmit public concerns expressed at public information meetings to the department of energy.

Sec. 12 [116C.722] [LEGAL AND TECHNICAL ASSISTANCE TO INDIAN TRIBES.]

If an Indian tribal council that has jurisdiction over part of a potentially impacted area within the state requests legal or technical assistance, the board shall provide assistance.

Sec. 13. [116C.723] [DISPOSAL STUDIES.]

Unless the state has executed a consultation and cooperation agreement, a person may not make a study or test of a specific area or site related to disposal including an exploratory drilling, a land survey, an aerial mapping, a field mapping, a waste suitability study, or other surface or subsurface geologic, hydrologic, or environmental testing or mapping.

Sec. 14 [116C.724] [CONSULTATION AND COOPERATION AGREEMENT.]

Subdivision 1. [REQUIREMENT.] Upon notice from the department of energy that Minnesota contains a potentially impacted area, the board shall negotiate a consultation and cooperation agreement with the federal government.

Subd. 2. [CONDITIONS.] (a) The consultation and cooperation agreement shall include but not be limited to the conditions specified in this subdivision.

(b) A permit shall be required for all geologic and hydrologic drilling. Conditions of obtaining and retaining the permit shall require:

(1) compliance with state drilling and drill hole restoration regulations as an exploratory boring under chapter 156A;

(2) proof that access to the test site has been obtained by a negotiated agreement or other legal process;

(3) the permittee to pay a fee covering the costs of processing and monitoring drilling activities;

(4) unrestricted access by the commissioner of health, the commissioner of natural resources, the director of the pollution control agency, the director of the Minnesota geological survey, the county health officer, and their employees and agents to the drilling sites to inspect and monitor the drill holes, drilling operations, and abandoned sites, and to sample air and water that may be affected by drilling;

(5) submission of splits or portions of a core sample, requested by the commissioner of natural resources or director of the Minnesota geological survey, except that the commissioner or director may accept certified data on the sample in lieu of a sample if certain samples are required in their entirety by the permittee; and

(6) that a sample submitted may become property of the state.

(c) A person who conducts geologic, hydrologic, or geophysical testing or studies shall provide unrestricted access to both raw and interpretive data to the chairman and the director of the Minnesota geological survey or their designated representatives. The raw and interpretive data includes core samples, well logs, water samples and chemical analyses, survey charts and graphs, and predecisional reports. Studies and data shall be made available within 90 days of a formal request by the chairman.

(d) A person proposing to investigate shall hold at least one public meeting before a required permit is issued, and during the investigation at least once every six months, within the potentially impacted area. The meetings shall provide the public with current information on progress of the investigation. The person investigating shall respond in writing to the board about concerns and issues raised at the public meetings.

(e) Before a person engages in negotiations regarding property interests in land or water, or permitting activities, the person shall notify the chairman in writing. Copies of terms and agreements shall also be provided to the chairman.

Sec. 15. [116C.731] [TRANSPORTATION OF HIGH LEVEL RADIOACTIVE WASTE.]

Subdivision 1. [NOTIFICATION.] Before a shipment of high level radioactive waste is transported in the state, the ship-

per shall notify the commissioner of public safety. The notice shall include the route, date, and time of the shipment in addition to information required under Code of Federal Regulations, title 10, sections 71.5a and 73.37(f).

Subd. 2. [HIGHWAY ROUTE DETERMINATION.] Pursuant to Code of Federal Regulations, title 49, part 177, the commissioner may require preferred routes, dates, or times for transporting high level radioactive waste if the commissioner determines, in accordance with United States Department of Transportation "Guidelines for Selecting Preferred Highway Routes for Large Quantity Shipments of Radioactive Materials," that alternatives are safer than those proposed. On an annual basis the commissioner shall review federally approved highway routes for transporting high level radioactive waste in the state and select new state-designated routes in accordance with Code of Federal Regulations, title 49, part 177, if safety considerations indicate the alternate routes would be preferable. The state does not incur any liability by requiring the alternate routes, dates, or times to be used.

Subd. 3. [TRANSPORTATION FEE.] A person who intends to transport high level radioactive waste shall submit a transportation fee to the commissioner of public safety in the amount of \$1,000 for each vehicle carrying high level radioactive waste in each shipment with the information required in subdivision 1. The fees shall be deposited by the commissioner into the general fund.

Subd. 4. [EMERGENCY RESPONSE PLAN.] The commissioner of public safety shall consult with the commissioners of health and transportation, the director of the pollution control agency, and representatives of the federal nuclear regulatory commission, the federal emergency management agency, and the United States department of transportation and before December 1, 1984, shall prepare a plan for emergency response to a high level radioactive waste transportation accident, including plans for evacuation and cleanup. The commissioner of public safety shall report by January 1 of each year to the legislature on the status of the plan and the ability of the state to respond adequately to an accident.

Subd. 5. [APPLICABILITY.] This section does not apply to radioactive materials shipped by or for the United States government for military, national security, or national defense purposes. This section does not require disclosure of defense information or restricted data as defined in the Atomic Energy Act of 1954, United States Code, title 42, section 2014, as amended.

Sec. 16. Minnesota Statutes 1982, section 116C.74, is amended to read:

116C.74 [PENALTIES.]

Subdivision 1. [PENALTIES.] Any person who violates section 116C.72 or who causes radioactive wastes to be shipped in violation of section 116C.73 shall be guilty of a gross misdemeanor and subject to a fine of not more than \$10,000 or a sentence of imprisonment of not more than one year, or both.

Subd. 2. [VIOLATIONS; PENALTIES.] (a) A person who violates section 13, 14, or 15 is:

(1) guilty of a misdemeanor and is subject to a fine of not more than \$10,000; and

(2) subject to a civil penalty of not more than \$10,000 for each day of violation, payable to the state, and may be ordered by the court to pay to the state an additional sum as compensation for cleanup and for pollution, destruction, or impairment of the environment, including but not limited to contamination of water supplies or water aquifers.

(b) A violation of section 13, 14, or 15 may be enjoined as provided by law in an action in the name of the state brought by the attorney general.

(c) This subdivision does not limit other remedies otherwise available to either the state or private parties for violations of section 13, 14, or 15.

Sec. 17. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to the environment; requiring an agreement between the state and federal government prior to test drilling of geologic structures for disposal of high level radioactive waste and notification of results; regulating transportation of high level radioactive waste in the state; providing penalties; amending Minnesota Statutes 1982, sections 116C.71, subdivision 1, and by adding subdivisions; and 116C.74; proposing new law coded in Minnesota Statutes, chapter 116C."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1330, A bill for an act relating to drainage; reducing the bond required for appeal of benefits or damages in a drainage assessment proceeding; amending Minnesota Statutes 1982, section 106.631, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 106.631, subdivision 2, is amended to read:

Subd. 2. [PROCEDURE ON APPEAL.] (a) Any person appealing on the first or second ground named, may include and have considered and determined benefits or damages affecting property other than his own. Notice of such appeal shall be served upon the owner or occupant of such other property or upon the attorney who represents such owner in the proceedings. Such notice of appeal shall also be served upon the auditor or clerk.

(b) To render the appeal effectual, the appellant shall file with the auditor or clerk within 30 days after the filing of such final order a notice of appeal which shall state the particular benefits or damages appealed from and the ground upon which the appeal is taken. (THE NOTICE OF APPEAL SHALL BE ACCOMPANIED BY AN APPEAL BOND TO THE COUNTY WHERE THE PROPERTY IS LOCATED OF NOT LESS THAN \$10,000 WITH SUFFICIENT SURETY TO BE APPROVED BY THE AUDITOR OR CLERK, CONDITIONED THAT THE APPELLANT WILL DULY PROSECUTE THE APPEAL AND PAY ALL COSTS AND DISBURSEMENTS WHICH MAY BE ADJUDGED AGAINST HIM AND ABIDE THE ORDER OF THE COURT.) Within 30 days after such filing, the auditor, in case of a county drainage proceeding, shall return and file with the clerk of the district court the original notice (AND APPEAL BOND).

(c) The issues raised by the appeal shall stand for trial by jury and shall be tried and determined at the next term of the district court held within the county in which the proceedings were commenced, or in such other county in which the appeal shall be heard, beginning after the filing of the appeal; and shall take precedence of all other matters of a civil nature in court. If there be more than one appeal triable in one county, the court may, on its own motion or upon the motion of a party in interest, consolidate two or more appeals and try them together, but the rights of the appellants shall be separately determined. If the appellant fails to prevail, the cost of the trial shall be paid by the appellant. In case of appeal as to damages or benefits to

property situated in the county other than the county where the drainage proceedings are pending, and if the appellant so requests, the trial shall be held at the next term of the district court of the county wherein the lands are situated. In such case, the clerk of the district court where the appeal is filed, shall make, certify and file in the office of the clerk of the district court of the county where the trial is to be had, a transcript of the papers and documents on file in his office in the proceedings so far as they pertain to the matters on account of which the appeal is taken. After the final determination of such appeal, the clerk of the district court where the action is tried, shall certify and return the verdict to the district court of the county where the proceedings were instituted.

(d) The clerk of the district court shall file a certified copy of the final determination of any such appeal with the auditor of the county affected.

(e) An appeal on the third ground may be to the district court of any county wherein lands are affected. Such appeal shall be made within 30 days after the order allowing or disallowing the claim and shall be governed as far as applicable by the provisions of this subdivision."

Delete the title and insert:

"A bill for an act relating to drainage; eliminating the bond required for appeal of benefits or damages in a drainage assessment proceeding; amending Minnesota Statutes 1982, section 106.631, subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 1376, A bill for an act establishing an agricultural resource loan guaranty program, board, and fund, and the terms of guaranties by the state of project loans in the program; appropriating money, taxes, tax increments, and other governmental charges; authorizing the issuance of state bonds; amending Minnesota Statutes 1982, sections 297A.44, subdivision 1; 362A.01, subdivision 1; and 362A.05; proposing new law coded as Minnesota Statutes, chapter 41A; proposing new law coded in Minnesota Statutes, chapter 362A.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1386, A bill for an act relating to domestic abuse; authorizing intervention by the juvenile court to protect children from domestic abuse; amending Minnesota Statutes 1982, section 518B.01, subdivisions 3 and 4; and Minnesota Statutes 1983 Supplement, section 518B.01, subdivision 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 260.015, is amended by adding a subdivision to read:

Subd. 24. [DOMESTIC CHILD ABUSE.] "Domestic child abuse" means:

(a) Any physical injury to a minor family or household member inflicted by an adult family or household member other than by accidental means; or

(b) Subjection of a minor family or household member by an adult family or household member to any act which constitutes a violation of sections 609.321 to 609.324, 609.342, 609.343, 609.344, 609.345, 609.364 to 609.3644, or 617.246.

Sec. 2. Minnesota Statutes 1982, section 260.015, is amended by adding a subdivision to read:

Subd. 25. [FAMILY OR HOUSEHOLD MEMBERS.] "Family or household members" means spouses, former spouses, parents and children, persons related by blood, and persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time.

Sec. 3. Minnesota Statutes 1982, section 260.111, is amended by adding a subdivision to read:

Subd. 2a. [JURISDICTION OVER MATTERS RELATING TO DOMESTIC CHILD ABUSE.] The juvenile court has jurisdiction in proceedings concerning any person who is alleged to have committed acts of domestic child abuse. In a jurisdiction which utilizes referees in dependency and neglect actions, the court or judge may refer actions under this section to a referee to take and report the evidence therein. If the respondent does not appear after service duly made and proved the court may hear and determine the proceeding as a default matter. Proceedings under this subdivision shall be given docket priority by the court.

Sec. 4. [260.133] [PROCEDURE; DOMESTIC CHILD ABUSE.]

Subdivision 1. [PETITION.] The local welfare agency may bring an emergency petition on behalf of minor family or household members seeking relief from acts of domestic child abuse. The petition shall allege the existence of or immediate and present danger of domestic child abuse and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

Subd. 2. [TEMPORARY ORDER.] If it appears from the notarized petition or sworn affidavit that there are reasonable grounds to believe the child is in immediate and present danger of domestic child abuse, the court may grant an ex parte temporary order for protection, pending a full hearing, and granting relief as the court deems proper, including an order:

(1) restraining any party from committing acts of domestic child abuse; or

(2) excluding the abusing party from the dwelling which the family or household members share or from the residence of the child.

Provided, that no order excluding the abusing party from the dwelling may be issued unless the court finds that:

(a) The order is in the best interests of the child or children remaining in the dwelling;

(b) A remaining adult family or household member is able to care adequately for the child or children in the absence of the excluded party; and

(c) The local welfare agency has developed a plan to provide appropriate social services to the remaining family or household members.

An ex parte temporary order for protection shall be effective for a fixed period not to exceed 14 days. Within five days of the issuance of the temporary order the petitioner shall file a dependency and neglect petition with the court pursuant to section 260.131, and the court shall give docket priority to the petition.

The court may renew the temporary order for protection one time for a fixed period not to exceed 14 days if a dependency and neglect petition has been filed with the court and if the court determines, upon informal review of the case file, that the renewal is appropriate.

Subd. 3. [SERVICE AND EXECUTION OF ORDER.] Any order issued under this section or section 5 shall be served personally upon the respondent. Where necessary, the court shall order the sheriff or constable to assist in service or execution of the order.

Subd. 4. [MODIFICATION OF ORDER.] Upon application, notice to all parties, and hearing, the court may modify the terms of an existing order for protection issued under this section or section 5.

Subd. 5. [RIGHT TO APPLY FOR RELIEF.] The local welfare agency's right to apply for relief on behalf of a child shall not be affected by the child's leaving the dwelling or household to avoid abuse.

Subd. 6. [REAL ESTATE.] Nothing in this section or section 5 shall affect the title to real estate.

Subd. 7. [OTHER REMEDIES AVAILABLE.] Any relief ordered under this section or section 5 shall be in addition to other available civil or criminal remedies.

Subd. 8. [COPY TO LAW ENFORCEMENT AGENCY.] An order for protection granted pursuant to this section or section 5 shall be forwarded by the clerk of court within 24 hours to the local law enforcement agency with jurisdiction over the residence of the child.

Each appropriate law enforcement agency shall make available to other law enforcement officers through a system for verification, information as to the existence and status of any order for protection issued pursuant to this section or section 5.

Sec. 5. Minnesota Statutes 1982, section 260.191, is amended by adding a subdivision to read:

Subd. 1a. [DOMESTIC CHILD ABUSE.] If the court finds that the child is a victim of domestic child abuse, as defined in section 1, it may order any of the following dispositions of the case in addition to or as alternatives to the dispositions authorized under subdivision 1:

(1) restrain any party from committing acts of domestic child abuse;

(2) exclude the abusing party from the dwelling which the family or household members share or from the residence of the child;

(3) *on the same basis as is provided in chapter 518, award temporary custody or establish temporary visitation with regard to minor children of the adult family or household members;*

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

(5) *provide counseling or other social services for the family or household members;*

(6) *order the abusing party to participate in treatment or counseling services; or*

(7) *order, in its discretion, other relief as it deems necessary for the protection of a minor family or household member.*

Provided, that no order excluding the abusing party from the dwelling may be issued unless the court finds that:

(1) *the order is in the best interests of the child or children remaining in the dwelling;*

(2) *a remaining adult family or household member is able to care adequately for the child or children in the absence of the excluded party; and*

(3) *the local welfare agency has developed a plan to provide appropriate social services to the remaining family or household members.*

Sec. 6. [260.212] [ADMISSIBILITY OF TESTIMONY IN CRIMINAL PROCEEDING.]

Any testimony offered by a respondent in a hearing pursuant to section 5 is inadmissible in a criminal proceeding.

Sec. 7. [260.271] [VIOLATION OF AN ORDER FOR PROTECTION.]

Subdivision 1. [VIOLATION; PENALTY.] Whenever an order for protection is granted pursuant to section 4 or 5 restraining the person or excluding the person from the residence, and the respondent or person to be restrained knows of the order, violation of the order for protection is a misdemeanor.

Subd. 2. [ARREST.] A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order granted pur-

suant to section 4 or 5 restraining the person or excluding the person from the residence, if the existence of the order can be verified by the officer.

Subd. 3. [CONTEMPT.] A violation of an order for protection shall also constitute contempt of court and be subject to the penalties therefor.

Subd. 4. [ORDER TO SHOW CAUSE.] Upon the filing of an affidavit by the agency or any peace officer, alleging that the respondent has violated any order for protection granted pursuant to section 4 or 5, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days why he should not be found in contempt of court and punished therefor. The hearing may be held by the court in any county in which the child or respondent temporarily or permanently resides at the time of the alleged violation.

A peace officer is not liable under section 609.43, clause (1), for a failure to perform a duty required by subdivision 2 of this section.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective August 1, 1984, and apply to acts of domestic child abuse committed on or after that date."

Delete the title and insert:

"A bill for an act relating to the juvenile court; authorizing intervention by the court to protect children from abuse committed by family or household members; amending Minnesota Statutes 1982, sections 260.015, by adding subdivisions; 260.111, by adding a subdivision; and 260.191, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 260."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1407, A bill for an act relating to nonjudicial resolution of disputes; establishing community dispute resolution centers; creating a board of community dispute resolution to disburse funds to centers; providing for referral of civil, juvenile, and criminal matters to centers; appropriating money; proposing new law coded in Minnesota Statutes, chapters 13 and 494.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [494.01] [LEGISLATIVE FINDINGS.]

The legislature finds and declares that the resolution of certain civil, juvenile, and criminal matters in a traditional court proceeding can be costly and complex. Formal court actions are not always the most efficient and expeditious manner of resolving civil, juvenile, and criminal disputes. To assist in the resolution of certain disputes arising out of civil, juvenile, and criminal matters not involving violence against a person, there is a compelling need for the creation of an alternative in the form of community dispute resolution programs. Certain civil, juvenile, and criminal matters not involving violence against a person may be diverted to a dispute resolution program either before or after adjudication in civil, juvenile, or criminal court proceedings. Community dispute resolution programs can provide forums for individuals to voluntarily participate in the resolution of disputes in an atmosphere free of restraint and intimidation. Participation in dispute resolution will be effective and fair only when participation is voluntary. The use of volunteers and space in local public facilities can provide an accessible, cost-efficient means of dispute resolution.

Sec. 2. [494.02] [COMMUNITY DISPUTE RESOLUTION PROGRAM.]

Subdivision 1. [DEFINITION.] For the purposes of sections 1 to 5, “dispute resolution” means a process voluntarily entered by parties in disagreement using conciliation, mediation, or arbitration to reconcile the parties’ differences. An individual who has been adjudicated incompetent, is under judicial commitment pursuant to chapter 253B, or is under guardianship or conservatorship of the person may not participate in a dispute resolution process.

Subd. 2. [ESTABLISHMENT; ADMINISTRATION.] The community dispute resolution program shall be established and administered by the state court administrator’s office. The alternative service delivery/dispute resolution program in the state planning agency shall provide advice and technical assistance upon the request of any public agency or nonprofit organization engaged in establishing a community dispute resolution program.

Subd. 3. [GUIDELINES.] The state court administrator shall develop guidelines governing the establishment of community dispute resolution programs and training programs for mediators and arbitrators for those community dispute resolution programs. The guidelines shall provide a method for en-

uring that participation in dispute resolution is voluntary. The guidelines shall apply to dispute resolution programs seeking court referrals and include procedures for case processing and program certification criteria which must be met in order to receive court referrals. The guidelines shall require programs to exclude all matters involving violence against a person and shall include standards for training mediators to recognize such situations. Any guidelines developed under this subdivision shall be submitted to the chairmen of the judiciary committees in the house of representatives and senate by February 1, 1985, and shall take effect upon enactment by the legislature.

Subd. 4. [REPORTS.] By August 1 of each year, each community dispute resolution program established pursuant to this section shall provide the state court administrator with statistical data regarding the operation budget, the number of referrals, categories or types of cases referred, number of parties served, number of disputes resolved, nature of resolution, amount and type of awards, rate of compliance, returnees to the dispute resolution process, duration and estimated costs of proceedings, and any other information that is required.

Sec. 3. [494.03] [CONFIDENTIALITY OF COMMUNICATIONS.]

Any communication relating to the subject matter of the resolution process by any participant during dispute resolution shall not be used as evidence against a participant in a judicial or administrative proceeding. This shall not preclude the use of evidence obtained by other independent investigation.

Sec. 4. [494.04] [EXCLUSIONS.]

A community dispute resolution center may not accept for resolution, either before or after the effective date of guidelines adopted pursuant to section 2, any dispute involving violence against persons, including incidents arising out of situations that would support charges under sections 609.342 to 609.345, 609.3641 to 609.3644, or 609.365, any matter relating to guardianship, conservatorship, or civil commitment, any matter involving neglect or dependency arising under section 260.015, subdivisions 6, 7, 8, 10, 17, and 18, or termination of parental rights arising under sections 260.221 to 260.245, or any dispute subject to sections 518.002 to 518.66, 518A.01 to 518A.25, or 518B.01, whether or not a court action is pending. A department of court services may accept for resolution a dispute arising under sections 518.002 to 518.66 or 518A.01 to 518A.25. This shall not restrict the present authority of the court from referring disputes arising under sections 518.002 to 518.66, or 518A.01 to 518A.25, to for-profit mediation.

Sec. 5. [13.88] [COMMUNITY DISPUTE RESOLUTION CENTER DATA.]

All memoranda, agreements, files, and other work products relating to a community dispute resolution program case are classified as private data on individuals, pursuant to section 13.02, subdivision 12, with the following exceptions:

(a) When an agreement is between two parties either of whom has been formally charged with a criminal offense, the data are classified as public data on individuals, pursuant to section 13.02, subdivision 15.

(b) Dispute resolution program data relating to suspected neglect or physical or sexual abuse of children or vulnerable adults are subject to the reporting requirements of sections 626.556 and 626.557.

Sec. 6. [STATE COURT ADMINISTRATOR REPORT.]

By January 1, 1986, the state court administrator shall report to the chairmen of the judiciary committees in the house and in the senate the experience to date with dispute resolution programs established pursuant to section 2 and shall make recommendations for any changes that may be deemed desirable in the dispute resolution program.

Sec. 7. [APPROPRIATION.]

The sum of \$47,500 is appropriated from the general fund to the state court administrator for the fiscal year ending June 30, 1985, for the purposes of sections 1 to 6.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 6 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to voluntary nonjudicial resolution of disputes; establishing a community dispute resolution program; appropriating money; proposing new law coded in Minnesota Statutes, chapters 13; and 494."

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1452, A bill for an act relating to commerce; protecting individuals' expectations of privacy regarding financial records; proposing new law coded in Minnesota Statutes, chapter 13A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [13A.035] [RELEASE TO OTHERS RESTRICTED.]

Subdivision 1. [DEFINITION.] (a) For the purpose of this section, the following term has the meaning given it.

(b) "Person" means a person other than a government authority or an officer, employee, or agent of the financial institution holding a financial record of a customer.

Subd. 2. [RELEASE RESTRICTED.] No financial institution, or officer, employee, or agent of a financial institution, may provide to any person access to, or copies of, or the information contained in, the financial records of any customer unless the financial records are reasonably described and:

(1) the customer has specifically authorized the disclosure;
or

(2) the financial records are disclosed in the ordinary course of business of the financial institution.

Nothing in this section shall require a financial institution to inquire or determine that those seeking disclosure have duly complied with the requirements of this section, provided only that the inquiry or customer authorization shows compliance on its face.

Subd. 3. [NOTICE TO CUSTOMER.] A customer may request a financial institution to provide notice to the customer upon the release of information which relates to the customer to another, and where such request is made and within 30 days after a person obtains access to the financial records of a customer, the financial institution shall notify the customer of its action in writing. The notice shall be sufficient to inform the customer of the name of the person having had access to the rec-

ords, the financial records to which access was obtained, the purpose of the inquiry, and the date on which access was obtained."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1523, A bill for an act relating to peace officers; increasing the compensation for dependents of peace officers killed in the line of duty; amending Minnesota Statutes 1982, section 352E.04.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1556, A bill for an act relating to criminal justice; permitting misdemeanor arrests to be made at night in public places; amending Minnesota Statutes 1983 Supplement, section 629.31.

Reported the same back with the following amendments:

Page 1, line 10, after "felony" insert "*or a gross misdemeanor*"

Page 1, line 13, strike the first "9:00" and insert "10:00"

Page 1, line 13, strike the second "9:00" and insert "8:00"

Page 1, line 15, delete "*in a public place*" and insert "*on a public highway or street*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1568, A bill for an act relating to juveniles; providing for enhanced penalties for juveniles adjudicated for driv-

ing while under the influence of alcohol or a controlled substance; providing that the juvenile court has original jurisdiction of a child who commits both a traffic and nontraffic offense; amending Minnesota Statutes 1982, section 260.193, subdivisions 1, 2, 3, 4, 5, 7, and 8; and Minnesota Statutes 1983 Supplement, sections 169.121, subdivision 3; and 260.193, subdivision 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1983 Supplement, section 169.121, subdivision 3, is amended to read:

Subd. 3. [CRIMINAL PENALTIES.] A person who violates this section or an ordinance in conformity with it is guilty of a misdemeanor.

The following persons are guilty of a gross misdemeanor:

(a) a person who violates this section or an ordinance in conformity with it within five years of a prior conviction under this section, section 169.129, or an ordinance or statute from another state in conformity with it; (AND)

(b) a person who violates this section or an ordinance in conformity with it within ten years of two or more prior convictions under this section, section 169.129, or an ordinance or statute from another state in conformity with it; *and*

(c) *a person who violates this section or an ordinance in conformity with it within five years of a prior juvenile adjudication under this section, section 169.129, or an ordinance or statute from another state in conformity with either of them.*

The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

Sec. 2. Minnesota Statutes 1982, section 260.193, subdivision 8, is amended to read:

Subd. 8. If the juvenile court finds that the child is a juvenile major highway or water traffic offender, it may make any one or more of the following dispositions of the case:

(a) Reprimand the child and counsel with the child and his parents;

(b) Continue the case for a reasonable period under such conditions governing the child's use and operation of any motor vehicles or boat as the court may set;

(c) Require the child to attend a driver improvement school if one is available within the county;

(d) Recommend to the department of public safety suspension of the child's driver's license as provided in section 171.16;

(e) If the child is found to have committed two moving highway traffic violations or to have contributed to a highway accident involving death, injury, or physical damage in excess of \$100, the court may recommend to the commissioner of public safety or to the licensing authority of another state the cancellation of the child's license until he reaches the age of 18 years, and the commissioner of public safety is hereby authorized to cancel the license without hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of public safety, or to the licensing authority of another state, that the child's license *privileges* be (RETURNED TO HIM) *reinstated*, and the commissioner of public safety is authorized to (RETURN THE LICENSE) *reinstate the privileges*;

(f) Place the child under the supervision of a probation officer in his own home under conditions prescribed by the court including reasonable rules relating to his operation and use of motor vehicles or boats directed to the correction of his driving habits;

(g) Require the child to pay a fine of up to \$500. The court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child;

(h) *Transfer legal custody for a period not to exceed 30 days (1) to a county home school, if the county maintains a home school or enters into an agreement with a county home school, or (2) by commitment to the commissioner of corrections for confinement in a facility maintained or licensed by the commissioner for the detention or disposition of juveniles.*

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective August 1, 1984, and apply to offenses committed on or after that date."

Delete the title and insert:

"A bill for an act relating to juveniles; providing for enhanced penalties for adults convicted of driving while under the

influence of alcohol or a controlled substance if there are prior similar juvenile adjudications; providing an alternative disposition for juvenile major traffic offenders; amending Minnesota Statutes 1982, section 260.193, subdivision 8; and Minnesota Statutes 1983 Supplement, section 169.121, subdivision 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1602, A bill for an act relating to the human rights department; prohibiting waiver of legal rights; changing the statute of limitations; providing a sanction for intentional delays; changing damage awards; amending Minnesota Statutes 1982, sections 363.06, subdivisions 1 and 3; 363.071, by adding a subdivision; 363.117; 363.14, subdivision 1; Minnesota Statutes 1983 Supplement, sections 363.06, subdivision 4; and 363.071, subdivision 2; proposing new law coded in chapter 363.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [363.031] [WAIVER PROHIBITED.]

Any provision, whether oral or written, of a lease, contract, or other agreement or instrument, which purports to be a waiver by an individual of any right or remedy provided in chapter 363 is contrary to public policy and void. Nothing in this section shall be construed to prevent a waiver given in full and final settlement of an existing, identified claim.

Sec. 2. Minnesota Statutes 1982, section 363.06, subdivision 1, is amended to read:

Subdivision 1. [CHARGE FILING.] Any person aggrieved by a violation of this chapter may bring a civil action as provided in section 363.14, subdivision 1, clause (a), or may file a verified charge with the commissioner or his designated agent, stating the name and address of the person alleged to have committed an unfair discriminatory practice, setting out the details of the practice complained of and, if applicable, providing witnesses, documents, and any other information required by the commissioner. The commissioner may dismiss a charge when the charging party fails to provide required information. The commissioner within five days of the filing shall serve a copy of the charge and a request for a response upon the respondent personally or by (REGISTERED OR CERTIFIED) *first class* mail.

After the filing of a charge the commissioner shall notify the charging party in writing of any change in the status of the charge. A copy of the notice shall be mailed to the respondent.

Sec. 3. Minnesota Statutes 1982, section 363.06, subdivision 3, is amended to read:

Subd. 3. [TIME FOR FILING CLAIM.] A claim of an unfair discriminatory practice must be brought as a civil action pursuant to section 363.14, subdivision 1, clause (a), *filed in a charge with a local commission pursuant to section 363.116, or filed in a charge with the commissioner within (SIX MONTHS) 300 days after the occurrence of the practice. The running of the 300-day limitation period is suspended during the time a potential charging party and respondent are voluntarily engaged in a dispute resolution process involving a claim of unlawful discrimination under chapter 363, including arbitration, conciliation, mediation, or grievance procedures pursuant to a collective bargaining agreement or statutory, charter, or ordinance provisions for a civil service or other employment system. A potential respondent who participates in such a process with a potential charging party before a charge is filed or a civil action is brought shall notify the department and the charging party in writing of his or her participation in the process and the date the process commenced and shall also notify the department and the charging party of the ending date of the process. A respondent who fails to provide this notification is barred from raising the defense that the statute of limitations has run until the 300 days plus a period of time equal to the suspension period has passed.*

Sec. 4. Minnesota Statutes 1983 Supplement, section 363.06, subdivision 4, is amended to read:

Subd. 4. [INQUIRY INTO CHARGE.] (1) Consistent with clause (7), the commissioner shall promptly inquire into the truth of the allegations of the charge. The commissioner shall make an immediate inquiry when (NECESSARY TO PREVENT A CHARGING PARTY FROM SUFFERING IRREPARABLE LOSS IN THE ABSENCE OF IMMEDIATE ACTION) *a charge alleges actual or threatened physical violence.* The commissioner shall also make an immediate inquiry when it appears that a charge is frivolous or without merit and shall dismiss those charges.

The commissioner shall then give priority to investigating and processing those charges which the commissioner determines have one or more of the following characteristics:

(a) *there is evidence that the respondent has intentionally engaged in a reprisal;*

(b) *there is evidence of irreparable harm if immediate action is not taken;*

(c) *there is potential for broadly promoting the policies of this chapter;*

(d) *a significant number of recent charges have been filed against the respondent;*

(e) *the respondent is a government entity;*

(f) *the charge is supported by substantial documentation, witnesses, or other evidence.*

The commissioner shall inform charging parties of these priorities and shall tell each party if their charge is a priority case or not.

On other charges the commissioner shall make a determination within 12 months after the charge was filed as to whether or not there is probable cause to credit the allegation of unfair discriminatory practices, and

(2) If the commissioner determines after investigation that no probable cause exists to credit the allegations of the unfair discriminatory practice, the commissioner shall, within ten days of the determination, serve upon the charging party and respondent written notice of the determination. Within ten days after receipt of notice, the charging party may request in writing on forms prepared by the department that the commissioner reconsider his determination. The request shall contain a brief statement of the reasons for and new evidence in support of the request for reconsideration. At the time of submission of the request to the commissioner, the charging party shall deliver or mail to the respondent a copy of the request for reconsideration. The commissioner shall either reaffirm or reverse his determination of no probable cause within 20 days after receipt of the request for reconsideration, and he shall within ten days notify in writing the charging party and respondent of his decision to reaffirm or reverse.

A decision by the commissioner that no probable cause exists to credit the allegations of an unfair discriminatory practice shall not be appealed to the court of appeals pursuant to section 363.-072 or sections 14.63 to 14.68.

(3) If the commissioner determines after investigation that probable cause exists to credit the allegations of unfair discriminatory practices, the commissioner shall serve on the respondent and his attorney if he is represented by counsel, by first class mail, a notice setting forth a short plain written statement of the

alleged facts which support the finding of probable cause and an enumeration of the provisions of law allegedly violated. If the commissioner determines that attempts to eliminate the alleged unfair practices through conciliation pursuant to subdivision 5 have been or would be unsuccessful or unproductive, the commissioner shall issue a complaint and serve on the respondent, by (REGISTERED OR CERTIFIED) *first class* mail, a written notice of hearing together with a copy of the complaint, requiring the respondent to answer the allegations of the complaint at a hearing before a hearing examiner at a time and place specified in the notice, not less than ten days after service of said complaint. A copy of the notice shall be furnished to the charging party and the attorney general.

(4) If, at any time after the filing of a charge, the commissioner has reason to believe that a respondent has engaged in any unfair discriminatory practice, the commissioner may file a petition in the district court in a county in which the subject of the complaint occurs, or in a county in which a respondent resides or transacts business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this chapter, including an order or decree restraining him from doing or procuring an act tending to render ineffectual an order the commissioner may enter with respect to the complaint. The court shall have power to grant temporary relief or a restraining order as it deems just and proper, but no relief or order extending beyond ten days shall be granted except by consent of the respondent or after hearing upon notice to the respondent and a finding by the court that there is reasonable cause to believe that the respondent has engaged in a discriminatory practice. Except as modified by this section, the Minnesota rules of civil procedure shall apply to an application, and the district court shall have authority to grant or deny the relief sought on conditions as it deems just and equitable. All hearings under this section shall be given precedence as nearly as practicable over all other pending civil actions.

(5) If a lessor, after he has engaged in a discriminatory practice defined in section 363.03, subdivision 2, clause (1), (a), leases or rents a dwelling unit to a person who has no knowledge of the practice or of the existence of a charge with respect to the practice, the lessor shall be liable for actual damages sustained by a person by reason of a final order as provided in this section requiring the person to be evicted from the dwelling unit.

(6) In any complaint issued under this section, the commissioner may seek relief for a class of individuals affected by an unfair discriminatory practice occurring on or after a date (SIX MONTHS) *300 days* prior to the filing of the charge from which the complaint originates.

(7) The commissioner may adopt policies to determine which charges are processed and the order in which charges are

processed based on their particular social or legal significance, administrative convenience, difficulty of resolution, or other standard consistent with the provisions of this chapter.

(8) *The commissioner shall adopt sanctions for unreasonable delay caused by any charging party or respondent in an investigation, or any other aspect of proceedings before the department under this chapter. The sanctions adopted shall be exempt from the rulemaking provisions of chapter 14. In any proceeding before a judge or hearing examiner sanctions may be imposed against a charging party or respondent for unreasonable delay, including an increase or decrease in any award authorized under this chapter.*

Sec. 5. Minnesota Statutes 1982, section 363.071, is amended by adding a subdivision to read:

Subd. 1a [HEARINGS 180 DAYS AFTER CHARGE.] At any time after 180 days from the filing of a charge, if there has been neither a finding of no probable cause nor of probable cause, the charging party may file a request with the commissioner to appear at a hearing on his own behalf or through a private attorney. Upon receipt of the request, the commissioner shall review the documents and information held in the department's files concerning the charge and shall release to the charging party and respondent all documents and information that is accessible to the charging party and respondent under sections 13.01 to 13.87. The commissioner shall forward the request for hearing to the office of administrative hearings, which shall promptly set the matter for hearing. If the charging party prevails at this hearing, the hearing examiner may require the respondent to reimburse the charging party for reasonable attorney's fees.

Sec. 6. Minnesota Statutes 1983 Supplement, section 363.071, subdivision 2, is amended to read:

Subd. 2. [DETERMINATION OF DISCRIMINATORY PRACTICE.] The hearing examiner shall make findings of fact and conclusions of law, and if the hearing examiner finds that the respondent has engaged in an unfair discriminatory practice, the hearing examiner shall issue an order directing the respondent to cease and desist from the unfair discriminatory practice found to exist and to take such affirmative action as in the judgment of the examiner will effectuate the purposes of this chapter. Such order shall be a final decision of the department. The examiner shall order any respondent found to be in violation of any provision of section 363.03 to pay a civil penalty to the state. This penalty is in addition to compensatory and punitive damages to be paid to an aggrieved party. The hearing examiner shall determine the amount of the civil penalty to be paid, taking into account the seriousness and extent of the violation, the public harm occasioned by the violation, whether the

violation was intentional, and the financial resources of the respondent. Any penalties imposed under this provision shall be paid into the general fund of the state. In all cases *where the examiner (MAY) finds that the respondent has engaged in an unfair discriminatory practice the examiner shall order the respondent to pay an aggrieved party, who has suffered discrimination, compensatory damages, including damages for mental anguish or suffering, in an amount three times the actual damages sustained; and, in all cases, may also order the respondent to pay an aggrieved party, who has suffered discrimination, punitive damages in an amount not more than \$6,000. Punitive damages shall be awarded pursuant to section 549.20. In any case where a political subdivision is a respondent the total of punitive damages awarded an aggrieved party may not exceed \$6,000 and in that case if there are two or more respondents the punitive damages may be apportioned among them. Punitive damages may only be assessed against a political subdivision in its capacity as a corporate entity and no regular or ex officio member of a governing body of a political subdivision shall be personally liable for payment of punitive damages pursuant to this subdivision. In addition to the aforesaid remedies, in a case involving discrimination in*

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

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

The examiner shall cause the findings of fact, conclusions of law, and order to be served on the respondent (PERSONALLY,) and the charging party by (REGISTERED OR CERTIFIED) first class-mail, and shall furnish copies to the attorney general and the commissioner.

Sec. 7. Minnesota Statutes 1983 Supplement, section 363.072, subdivision 1, is amended to read:

Subdivision 1. [APPEAL.] The commissioner or a person aggrieved by a final decision of the department reached after a hearing held pursuant to section 363.071 may seek judicial re-

view in accordance with chapter 14. *The attorney general shall represent on appeal a charging party who prevailed at a hearing authorized by section 5, if the charging party requests representation within ten days after receipt of the petition for appeal.*

Sec. 8. Minnesota Statutes 1982, section 363.116, is amended to read:

363.116 [TRANSFER TO COMMISSIONER.]

A local commission may refer a matter under its jurisdiction to the commissioner.

The charging party has the option of filing a charge either with a local commission or the department. *Notwithstanding the provisions of any ordinance to the contrary, a charge may be filed with a local commission within 300 days after the occurrence of the practice.* The exercise of such choice in filing a charge with one agency shall preclude the option of filing the same charge with the other agency. At the time a charge comes to the attention of a local agency, the agency or its representative shall inform the charging party of this option, and of his rights under Laws 1967, Chapter 897.

The term "local commission" as used in this section has the same meaning given the term in section 363.115.

Sec. 9. Minnesota Statutes 1982, section 363.117, is amended to read:

363.117 [WITHDRAWAL FROM A LOCAL COMMISSION.]

Notwithstanding the provisions of any law or ordinance to the contrary, a person who has filed a charge with a local commission may bring a civil action as provided in section 363.14 at the following times:

(a) Within 45 days after the local commission has determined that there is no probable cause to credit the allegations contained in the charge; or

(b) After 45 days from the filing of the charge if a hearing has not been held or if the local commission has not entered into a conciliation agreement to which the charging party is a signator. The charging party shall notify the local commission of his intention to bring a civil action, which shall be commenced within 90 days of giving the notice.

A charging party bringing a civil action shall (MAIL BY REGISTERED OR CERTIFIED MAIL) *send a copy of the summons and complaint to the local commission by first class*

mail and upon their receipt the local commission shall terminate all proceedings before the local commission relating to the charge. No charge shall be filed or reinstated with the local commission after a civil action relating to the same unfair discriminatory practice has been brought unless the civil action has been dismissed without prejudice.

Sec. 10. Minnesota Statutes 1982, section 363.14, subdivision 1, is amended to read:

Subdivision 1. [COURT ACTIONS, SUITS BY PRIVATE PARTIES, INTERVENTION.] A person may bring a civil action seeking redress for an unfair discriminatory practice:

(a) Directly to district court; or

(b) Notwithstanding the provisions of any law to the contrary, (1) within 45 days after the commissioner has dismissed a charge because it is frivolous or without merit, because the charging party has failed to provide required information, *because the commissioner has determined that further use of department resources is not warranted*, or because the commissioner has determined that there is no probable cause to credit the allegations contained in a charge filed with the commissioner; (2) *within 45 days after the commissioner has reaffirmed his determination of no probable cause if the charging party requested a reconsideration of the probable cause determination*; or ((2)). (3) after 45 days from the filing of a charge pursuant to section 363.06, subdivision 1 if a hearing has not been held pursuant to section 363.071 or if the commissioner has not entered into a conciliation agreement to which the charging party is a signator. The charging party shall notify the commissioner of his intention to bring a civil action, which shall be commenced within 90 days of giving the notice;

(c) The commissioner may dismiss, without prejudice to the charging party, any case filed with the department on or before June 30, 1978. The commissioner shall notify a charging party by regular mail sent before August 1, 1981, that he has a right to bring a civil action pursuant to this section. Upon giving this notice the commissioner shall end all proceedings in the department relating to the charge. Notwithstanding any statutory period of limitation to the contrary, an individual notified pursuant to this clause may bring a civil action relating to his charge; provided that the action is filed on or before February 1, 1982.

A charging party bringing a civil action shall (MAIL BY REGISTERED OR CERTIFIED MAIL) *send* a copy of the summons and complaint to the commissioner *by first class mail*, and upon their receipt the commissioner shall terminate all proceedings in the department relating to the charge. No

charge shall be filed or reinstated with the commissioner after a civil action relating to the same unfair discriminatory practice has been brought unless the civil action has been dismissed without prejudice.

Upon application by the complaining party to the district court at a special term and under circumstances the court deems just, the court may appoint an attorney for the person and may authorize the commencement of the action without payment of fees, costs, or security.

Upon timely application, the court may permit the department to intervene in a civil action brought pursuant to this section upon certification that the case is of general public importance.

Sec. 11. Minnesota Statutes 1982, section 363.14, subdivision 2, is amended to read:

Subd. 2. [DISTRICT COURT JURISDICTION.] Any action brought pursuant to this section shall be filed in the district court of the county wherein the unlawful discriminatory practice is alleged to have been committed or where the respondent resides or has his principal place of business.

Any action brought pursuant to this chapter shall be heard and determined by a judge sitting without a jury.

If the court finds that the respondent has engaged in an unfair discriminatory practice, it shall issue an order directing (SUCH) *appropriate* relief (AS IT DEEMS APPROPRIATE AND WHICH EFFECTUATES THE PURPOSE OF THIS CHAPTER. SUCH RELIEF SHALL BE LIMITED TO THAT PERMITTED) *as provided* by section 363.071, subdivision 2.

Sec. 12. [EFFECTIVE DATE; APPLICATION.]

Sections 1 to 11 are effective August 1, 1984. Section 5 applies only to charges filed with the department after the effective date of this act."

Delete the title and insert:

"A bill for an act relating to the human rights department; prohibiting waiver of legal rights; changing the statute of limitations; providing sanctions for intentional delays; permitting award of attorney fees in administrative hearings; changing damage awards; amending Minnesota Statutes 1982, sections 363.06, subdivisions 1 and 3; 363.071, by adding a subdivision; 363.116; 363.117; 363.14, subdivisions 1 and 2; Minnesota Statutes 1983 Supplement, sections 363.06, subdivision 4; 363.071,

subdivision 2; and 363.072, subdivision 1; proposing new law coded in chapter 363.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred :

H. F. No. 1618, A bill for an act relating to elections; improving the accessibility of the election process to certain elderly and handicapped persons; amending Minnesota Statutes 1982, sections 201.071, subdivision 2; 201.091, subdivision 8; 203B.07; 204B.17; 204B.18, subdivision 1; 204B.27, subdivisions 3 and 4; 204C.06, subdivision 2; 204C.15, subdivision 1; 206.19, subdivision 2; 206.20; and Minnesota Statutes 1983 Supplement, sections 203B.02, subdivision 1; 204B.16; and 206.09; proposing new law coded in Minnesota Statutes, chapter 206.

Reported the same back with the following amendments :

Delete everything after the enacting clause and insert :

“Section 1. Minnesota Statutes 1982, section 201.071, subdivision 2, is amended to read :

Subd. 2. [INSTRUCTIONS.] A registration card shall be accompanied by instructions specifying the manner and method of registration, the qualifications for voting, (AND) the penalties for false registration, *and the availability of registration and voting assistance for elderly and handicapped individuals and residents of health care facilities and hospitals. If, prior to election day, a person requests the instructions in Braille, on cassette tape, or in a version printed in 16-point bold type with heavy leading, the county auditor shall provide them in the form requested. The secretary of state shall prepare Braille and cassette copies and make them available.*

Sec. 2. Minnesota Statutes 1982, section 201.091, subdivision 8, is amended to read :

Subd. 8. [REGISTRATION PLACES.] Each county auditor shall designate a number of public buildings in those political subdivisions of the county where preregistration of voters is allowed as provided in section 201.061, subdivision 1, where eligible voters may register to vote. At least one public building shall be designated for each 30,000 residents of the (POLITICAL SUBDIVISION) *county. Every county seat shall have at least one telecommunications device for the deaf for voter registration information.*

An adequate supply of registration cards (SHALL) *and instructions must be maintained at each designated location, and a designated individual (SHALL) must be available there to accept registration cards and transmit them to the county auditor.*

A person who, because of handicap, needs assistance in order to determine eligibility or to register shall be assisted by a designated individual. Assistance includes but is not limited to reading the registration form and instructions and filling out the registration form as directed by the eligible voter.

Sec. 3. Minnesota Statutes 1983 Supplement, section 203B.02, subdivision 1, is amended to read:

Subdivision 1. [UNABLE TO GO TO POLLING PLACE.] Any eligible voter who reasonably anticipates he will be unable to go to the polling place on election day in the precinct where the individual maintains residence because of absence from the precinct, illness, (PHYSICAL) disability, religious discipline, observance of a religious holiday, or service as an election judge in another precinct may vote by absentee ballot as provided in sections 203B.04 to 203B.15.

Sec. 4. Minnesota Statutes 1982, section 203B.07, is amended to read:

203B.07 [RETURN AND BALLOT ENVELOPES; DIRECTIONS TO VOTERS.]

Subdivision 1. [DELIVERY OF ENVELOPES; DIRECTIONS.] The county auditor or the municipal clerk shall prepare, print, and transmit a return envelope, a ballot envelope, and a copy of the directions for casting an absentee ballot to each applicant whose application for absentee ballots is accepted pursuant to section 203B.04. *The directions for casting an absentee ballot shall be printed in at least 14-point bold type with heavy leading. When a person requests the directions in Braille or on cassette tape, the county auditor or municipal clerk shall provide them in the form requested. The secretary of state shall prepare Braille and cassette copies and make them available.*

When a voter registration card is sent to the applicant as provided in section 203B.06, subdivision 4, the directions or registration card shall include instructions for registering to vote.

Subd. 2. [DESIGN OF ENVELOPES.] The return envelope shall be of sufficient size to conveniently enclose and contain the ballot envelope and a voter registration card folded along its perforations. The return envelope shall be designed to open on the left hand end. A certificate of eligibility to vote by

absentee ballot shall be printed on the right hand three-fourths of the back of the envelope. The certificate shall contain a statement to be signed and sworn by the voter indicating that the voter meets all of the requirements established by law for voting by absentee ballot. The certificate shall also contain a statement signed by an eligible voter of the county in which the absent voter maintains residence or by a notary public, United States postmaster, assistant postmaster, postal supervisor, clerk of a postal service contract station or other individual authorized to administer oaths stating that:

- (a) the ballots were displayed to that individual unmarked;
- (b) the voter marked the ballots in that individual's presence without showing how they were marked, or, *if the voter was physically unable to mark them, that the voter directed another individual to mark them*; and
- (c) if the voter was not previously registered, that the voter has provided proof of residence as required by section 201.061, subdivision 3.

The county auditor or municipal clerk shall affix first class postage to the return envelopes.

Sec. 5. Minnesota Statutes 1983 Supplement, section 204B.16, is amended to read:

204B.16 [POLLING PLACES; DESIGNATION.]

Subdivision 1. [AUTHORITY; LOCATION.] The governing body of each municipality and of each county with precincts in unorganized territory shall designate by ordinance or resolution a polling place for each election precinct. The polling place for a precinct in a municipality shall be located within the boundaries of the precinct or within 1500 feet of one of those boundaries unless a single polling place is designated for a city pursuant to subdivision 2. *The polling place for a precinct may be located up to 3,000 feet outside one of the boundaries of the precinct if necessary to locate a polling place that is accessible to and usable by elderly and handicapped individuals as required in subdivision 5.* The polling place for a precinct in unorganized territory may be located outside the precinct at a place which is convenient to the voters of the precinct.

Subd. 2. [SINGLE POLLING PLACE PERMITTED.] The governing body of any city of the third or fourth class having more than one precinct or of any city with territory in more than one county may by ordinance or resolution designate a single, *accessible*, centrally located polling place where all the voters of the city shall cast their ballots. A single board of election judges may be appointed to serve at this polling place. The

number of election judges appointed shall be determined by considering the number of voters in the entire city as if they were voters in a single precinct. Separate ballot boxes shall be provided and separate returns made for each precinct in the city.

Subd. 3. [DESIGNATION EFFECTIVE UNTIL CHANGED.] The designation of a polling place pursuant to this section shall remain effective until a different polling place is designated for that precinct. No designation of a new or different polling place shall become effective less than 30 days prior to an election.

Subd. 4. [PROHIBITED LOCATIONS.] No polling place shall be designated in any place where intoxicating liquors or non-intoxicating malt beverages are served or in any adjoining room. No polling place shall be designated in any place in which substantial compliance with the requirements of this chapter cannot be attained.

Subd. 5. [ACCESS BY ELDERLY AND HANDICAPPED.] Each polling place shall be accessible to and usable by elderly and physically handicapped individuals. A polling place is deemed to be accessible and usable if it complies with the (FOLLOWING) standards (:) in (a) to (f).

(a) At least one set of doors (SHALL) *must* have a minimum width of 31 inches if the doors must be used to enter or leave the polling place.

(b) Any curb adjacent to the main entrance to a polling place (SHALL) *must* have curb cuts or temporary ramps. *Where the main entrance is not the accessible entrance, any curb adjacent to the accessible entrance must also have curb cuts or temporary ramps.*

(c) *Where the main entrance is not the accessible entrance, a sign shall be posted at the main entrance giving directions to the accessible entrance.*

((C)) (d) At least one set of stairs (SHALL) *must* have a temporary handrail and ramp if stairs must be used to enter or leave the polling place.

((D)) (e) No barrier in the polling place (SHALL) *may* impede the path of the physically handicapped to the voting booth.

(f) *At least one handicapped parking space, which may be temporarily so designated by the municipality for the day of the election, must be available near the accessible entrance.*

The doorway, handrails, ramps, and handicapped parking provided pursuant to this subdivision must conform to the standards

specified in the state building code for accessibility by handicapped persons.

A governing body shall designate as polling places only those places which meet the standards prescribed in this subdivision unless no available place within a precinct *is accessible or can be made accessible.*

Subd. 6. [PUBLIC FACILITIES.] Every statutory city, home rule charter city, county, town, school district, and other public agency, including the University of Minnesota and other public colleges and universities, shall make their facilities, including parking, available for the holding of city, county, state, and federal elections. A charge for the use of the facilities may be imposed in an amount that does not exceed the lowest amount charged to any public or private group.

Sec. 6. Minnesota Statutes 1982, section 204B.17, is amended to read:

204B.17 [CHANGE OF POLLING PLACE BY ELECTION JUDGES.]

When a designated polling place does not comply with the requirements of this chapter the election judges of that precinct, on or before the opening of the polls on election day and upon approval by the municipal clerk in municipalities or the county auditor in unorganized territory, shall procure a polling place which is as near the designated polling place as possible and which does comply with those requirements.

When a new polling place is procured by the election judges, they shall meet on election day at the original polling place where they shall fill any vacancies in their number, publicly announce the change in polling place to the voters who are present and post a notice *in large print* of the change in a conspicuous place. *They shall also post a notice in a location visible by voters who vote from their motor vehicles as provided in 204C.15, subdivision 2.* Upon completing these duties the election judges shall adjourn to the new polling place, where they shall post a similar notice of the change in polling place. The election judges shall certify to the appropriate governing body the expenses incurred because of the change. These expenses shall be paid as part of the expenses of the election.

Sec. 7. Minnesota Statutes 1982, section 204B.18, subdivision 1, is amended to read:

Subdivision 1. [BOOTHES.] Each polling place (SHALL) *must* contain a number of voting booths in proportion to the number of individuals eligible to vote in the precinct. Each booth (SHALL) *must* be at least six feet high, three feet deep and two feet wide with a shelf at least two feet long and one foot wide

placed at a convenient height for writing. The booth shall be provided with a door or (CURTAIN AND SHALL) *curtains*. *Each accessible polling place must have at least one accessible voting booth or other accessible voting station. All booths or stations must be constructed so that a voter is free from observation while marking ballots. In all other polling places every effort must be made to provide at least one accessible voting booth or other accessible voting station.* During the hours of voting, the booths (SHALL BE PROVIDED WITH) *must have instructions, a pencil, and other supplies needed to mark the ballots. If needed, a chair must be provided for elderly and handicapped voters to use while in the voting booth.* All ballot boxes, voting booths, and election judges (SHALL) *must be in open public view in the polling place.*

Sec. 8. Minnesota Statutes 1982, section 204B.27, subdivision 3, is amended to read:

Subd. 3. [INSTRUCTION POSTERS.] At least 15 days before every state election the secretary of state shall prepare and furnish to the county auditor of each county in which paper ballots are used, voter instruction posters printed in large type upon cards or heavy paper. The instruction posters (SHALL) *must contain the information needed to enable the voters to cast their paper ballots quickly and correctly and indicate the types of assistance available for elderly and handicapped voters.* Two instruction posters shall be furnished for each precinct in which paper ballots are used.

Sec. 9. Minnesota Statutes 1982, section 204B.27, subdivision 4, is amended to read:

Subd. 4. [PAMPHLETS.] The secretary of state (MAY) *shall prepare and distribute to election officials pamphlets for voters containing impartial instructions relating to voter registration and election procedures. The pamphlets must indicate the types of registration and voting assistance available for elderly and handicapped individuals and residents of health care facilities and hospitals.*

Sec. 10. Minnesota Statutes 1982, section 204C.06, subdivision 2, is amended to read:

Subd. 2. [INDIVIDUALS ALLOWED IN POLLING PLACE.] Representatives of the secretary of state's office, the county auditor's office, and the municipal clerk's office may be present at the polling place to observe election procedures. Except for these representatives, election judges, sergeants-at-arms, and challengers, an individual may remain inside the polling place during voting hours only while voting or registering to vote, providing proof of residence for an individual who is registering to vote, or assisting a (PHYSICALLY) handicapped voter

or a voter who is unable to read English. During voting hours no one except individuals receiving, marking, or depositing ballots shall approach within six feet of a voting booth, unless lawfully authorized to do so by an election judge.

Sec. 11. Minnesota Statutes 1982, section 204C.15, subdivision 1, is amended to read:

Subdivision 1. [INTERPRETERS; PHYSICAL ASSISTANCE IN MARKING BALLOTS.] A voter who states under oath that he is in need of assistance because he cannot read English or is physically unable to mark a ballot may obtain the aid of two election judges who are members of different major political parties. The election judges shall mark the ballots as directed by the voter and in as secret a manner as circumstances permit. If the voter *is deaf or cannot speak English or understand it when it is spoken*, the election judges may select two individuals who are members of different major political parties to act as interpreters. The interpreters shall take an oath similar to that taken by election judges, and shall assist the individual in marking the ballots. A voter in need of assistance may alternatively obtain the assistance of (A VOTER OF THE SAME PRECINCT WHO) *any individual the voter chooses. The individual who assists the voter shall take an oath that he or she is eligible to do so. Only the following persons may not provide assistance to a voter: the voter's employer, an agent of the voter's employer, an officer or agent of the voter's union, or a candidate for election. The person who assists the voter shall, unaccompanied by an election judge, (SHALL) retire with that voter to a booth and mark the ballot as directed by the voter. No (VOTER) person who assists another voter as provided in the preceding sentence shall mark the ballots of more than three voters at one election. Before the ballots are deposited, the voter may show them privately to an election judge to ascertain that they are marked as the voter directed. An election judge or other individual assisting a voter shall not in any manner request, persuade, induce, or attempt to persuade or induce the voter to vote for any particular political party or candidate. The election judges or other individuals who assist the voter shall not reveal to anyone the name of any candidate for whom the voter has voted or anything that took place while assisting the voter.*

Sec. 12. Minnesota Statutes 1982, section 204C.15, is amended by adding a subdivision to read:

Subd. 2a. [LEVER MACHINE PRECINCTS.] An individual who is unable to enter a polling place where a lever voting system is used may register and vote without leaving his motor vehicle. Two election judges who are members of different political parties shall assist the voter to register. They shall provide the voter with the necessary ballots, a ballot envelope, and an absentee ballot return envelope, which shall be completed by the

voter, returned to the election judge, and processed pursuant to section 203B.12.

An individual who is unable to enter a voting machine booth in a precinct where a lever voting system is used shall be provided with the necessary ballots, a ballot envelope, and an absentee ballot return envelope, which shall be completed by the voter and returned to the election judge and processed pursuant to section 203B.12.

Sec. 13. [206.065] [VOTING MACHINES; ACCESSIBILITY OF BALLOT.]

Items appearing on the ballot on a voting machine must be positioned as low as possible on the machine so that individuals not able to reach the voting levers at the top of the machine may vote to the greatest extent possible without assistance.

Sec. 14. Minnesota Statutes 1983 Supplement, section 206.09, is amended to read:

206.09 [BALLOT LABELS; DIAGRAMS FOR VOTING MACHINES.]

The same authorities as are charged with providing paper ballots when such are used shall be required to provide all ballots, ballot labels and ballot cards, diagrams, sample ballots, return sheets and all other necessary supplies needed for the voting machines or electronic voting systems.

In state and county general elections the county auditor of each county in which voting machines or electronic voting systems are used shall provide all ballots, ballot labels, ballot cards, and other necessary printed forms and supplies needed for the voting machines, including all such forms needed for placing on such voting machines, all officers, candidates and constitutional amendments and other questions and propositions which are required by the election laws to be placed on the white, pink, and canary ballots.

Except as herein provided all ballots (or ballot labels) shall be printed in black ink on clear white material of such size as will fit the ballot frame of the voting machine or as will conform to the requirements of electronic voting systems where used, and in as plain clear type as the space will reasonably permit. In primaries where electronic voting systems are used, the ballot pages for the partisan primary ballots may be different colors or may be otherwise distinctively differentiated as between parties and all pages of the partisan primary ballot of a single party shall be consecutive without the intervention of any pages of any other party. In a prominent place on such ballots there shall be conspicuously printed a notice stating in substance the effect of

attempting to vote in more than one partisan primary. Preparation of separate ballots for use on separate marking devices, each ballot containing the partisan primary ballot of only one party, shall also be permitted. Candidates' names may be set in as large type as the length of the majority of such names of all candidates on the ballot permits and the remaining candidates' names may be set in such smaller sizes or styles of type as the length of each such name requires based upon the available space in the frame of the voting machine or upon the space available on any card, paper, booklet, or pages. Ballots (or ballot labels) for constitutional amendments or that portion of the ballot containing constitutional amendments shall be printed on material tinted pink. In a prominent place on such ballots, there shall be conspicuously printed a notice stating in substance that if a voter fails to vote on a constitutional amendment he votes, in effect, in the negative. Ballots (or ballot labels) for other questions shall be printed on material so tinted as to conform with the laws relating to paper ballots.

The authorities charged with the duty of providing ballots for any polling place where voting machines are used shall provide therefor at least two sample ballots which shall be arranged in the form of a diagram showing such part of the face of the voting machine as shall be in use at that election for voting for all candidates whose names are entitled to be placed on the ballot at such election and shall also show such part of the face of the voting machine as shall be in use for voting for all referendum questions, constitutional amendments, or other propositions; the proper authorities shall provide at least two sample ballots, ballot cards, or ballot labels which shall be arranged in the form of a diagram showing the ballot label containing the names of all candidates and propositions to be voted upon at that election in each polling place. Candidates' names shall not be rotated on such sample ballots but shall be arranged in alphabetical order for all offices where rotation of names on the official ballots on the voting machines is required by law. Such sample ballots shall be either in full or (REDUCED) *enlarged* size and shall contain suitable illustrated directions for voting on the voting machine, or for operating a marking device, or such illustrated instructions shall be provided on a separate poster, to be posted adjacent to each sample ballot. Not less than two such sample ballots shall be posted in a prominent place in the polling place and shall remain open to inspection by the voters throughout the election day. *The instructions shall be printed in at least 14-point bold type with heavy leading.*

The county auditor may use a one inch or more space between partisan and nonpartisan ballots, but in all cases a canary yellow color shall be used as background color on the nonpartisan ballots.

Sec. 15. Minnesota Statutes 1982, section 206.19, subdivision 2, is amended to read:

Subd. 2. The authorities in charge of elections shall provide adequate facilities for the instruction of voters prior to an election and cause to be placed in one or more convenient locations a voting machine with sample ballot labels affixed for the purpose of instructing voters in the operation of the machine. *The facilities for the instruction of voters and the location of the voting machine so far as practicable shall be accessible to elderly and handicapped individuals.* If the ballot labels that are used for this purpose are the same that will be used for the succeeding election the counting mechanism of the machine shall be concealed from view until the machine is prepared for the election and if the machine or machines are not used at the election the counting mechanism shall remain concealed from view until after the election.

Sec. 16. Minnesota Statutes 1982, section 206.20, is amended to read:

206.20 [ACCESSIBILITY; INSTRUCTIONS; ASSISTANCE TO VOTERS.]

Subdivision 1. The voting machine or machines shall be so placed and protected that each machine shall be accessible to only one voter at a time and in full view of all of the election officers and watchers at the polling place. An election judge shall inspect the face of each voting machine after each voter has voted to see that the ballot labels are in their proper places and that the machine has not been injured or tampered with. During elections the door or other compartment of the machine shall not be unlocked or opened or the counters exposed except by a custodian or other authorized person, a statement of which shall be made and signed by the custodian or authorized person and attached to the returns.

Subd. 2. For the instruction of the voters there shall be, so far as practicable in each polling place, at least one mechanical model being a mechanical reproduction of a portion of the face of the voting machine. The model shall be located during the election in some *accessible* place which the voter must pass to reach the machine. Every voter before entering the booth shall be instructed regarding its operation. The instruction shall be illustrated on the model and the voter given the opportunity to personally operate the model. The voter's attention shall also be called to the diagram of the face of the machine so that the voter becomes familiar with the location of the questions and the names of the offices and candidates. At least one election judge shall remain in constant attendance at the instruction model and diagram and occupy himself at all times with the duties of instructing the voters. If any voter after entering the voting machine booth asks for additional instruction in operating the machine the instruction shall be given him by two election judges who are members of different major political parties, if such there be. After giving instruction the election judges shall

retire from the voting machine booth and the voter shall thereafter proceed to vote alone and in secrecy. If any voter at a primary after entering the voting machine booth and setting the primary lever of a major political party so as to release the candidates of that party for voting, and turning down levers over the names of candidates, but before recording the votes for any candidates, states to the election judges that he wishes to enter the primary of a different major political party, the entire election board shall go to the machine and shall see that all voting levers have been returned to the unvoted position so that no votes may be cast for any candidates or for or against any questions or other propositions, and the voter shall then be permitted to return the operating lever to its original position and start from the beginning once more. In each such case the entire election board shall sign a certificate stating what was done and the certificate shall be returned with the official returns of the primary.

Subd. 3. When any voter states under oath that he cannot read English, or that he is physically unable to operate the voting machine in order to record his vote thereon, he may call to his aid two of the election judges of different major political party affiliation, who shall prepare his ballot on the machine as he may desire, and in as secret a manner as circumstances permit. (WHEN HE ALSO STATES THAT HE) *If the voter is deaf or cannot speak the English language or understand it when spoken, the election judges may select two persons from different major political parties to act as interpreters, who shall take an oath similar to that taken by the election judges, and assist such person in voting.* (WHEN THE VOTER SHALL PREFER) *Alternatively, (HE) the voter may (CALL TO HIS AID ANY VOTER OF THE SAME PRECINCT, WHO) obtain the assistance of any individual the voter chooses. The individual who assists the voter shall take an oath that he or she is eligible to do so. Only the following persons may not provide assistance to a voter: the voter's employer, an agent of the voter's employer, an officer or agent of the voter's union, or a candidate for election. The person who assists the voter shall, unaccompanied by an election judge, (MAY) retire with (HIM) the voter to the voting machine booth and prepare (SUCH) the voter's ballot on (SUCH) the voting machine for (HIM) the voter; but no such person shall prepare the ballot of more than three such voters at one election. Before registering his vote such voter may show his ballot, as prepared for recording, privately to an election judge to ascertain that it is prepared as directed. No election judge or other person so assisting a voter shall in any manner request, persuade, or induce, or attempt to persuade such voter to vote for or against any particular major political party, candidate or question, but shall prepare the ballot as requested, and shall not reveal to any other person the name of any candidate for whom the voter has voted, or anything that took place while so assisting him.*

Subd. 4. The election judges shall admit but one voter to the voting machine at one time and only after it has been ascertained that he is entitled to vote. The voting on the voting machine shall be secret except as herein provided for voters needing assistance and no voter shall remain within the voting machine booth longer than three minutes and if he shall refuse to leave it after the lapse of three minutes he shall be removed by the election judges. *If necessitated by the length of the ballot or the handicap of the voter, election judges may allow a voter to remain in the voting booth longer than three minutes.*

Subd. 5. If the official ballots at a precinct at which a voting machine is to be used are not delivered at the time required, or if after delivery they shall become lost, destroyed or stolen the election judges shall immediately notify the clerk or other authority under whose direction the ballots are printed who shall cause other ballots to be prepared, printed, or written as nearly in the form of the official ballot as practicable. The election judges shall cause such substituted ballots to be used in the same manner as the official ballots.

Subd. 6. Ballots cast for persons not nominated by the use of the machine device provided for that purpose shall be designated irregular ballots.

Subd. 7. If any voting machine being used in any election shall become out of order during such election it shall be repaired if possible or another machine substituted as promptly as possible. In case such substitution or repair cannot be made, paper ballots printed or written, and of any suitable form may be used for the taking of votes and for such purpose voting machine sample ballots may be used.

Sec. 17. [EFFECTIVE DATE; APPLICATION.]

Sections 1 to 16 are effective August 1, 1984, except that election materials printed before the effective date of sections 1 to 16 may be used until July 1, 1985."

Delete the title and insert:

"A bill for an act relating to elections; improving the accessibility of the election process to certain elderly and handicapped persons; amending Minnesota Statutes 1982, sections 201.071, subdivision 2; 201.091, subdivision 8; 203B.07; 204B.17; 204B.18, subdivision 1; 204B.27, subdivisions 3 and 4; 204C.06, subdivision 2; 204C.15, subdivision 1, and by adding a subdivision; 206.19, subdivision 2; 206.20; and Minnesota Statutes 1983 Supplement, sections 203B.02, subdivision 1; 204B.16; and 206.09; proposing new law coded in Minnesota Statutes, chapter 206."

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1630, A bill for an act relating to natural resources; authorizing hunters and trappers to wear blaze orange camouflage; amending Minnesota Statutes 1983 Supplement, section 100.29, subdivision 8.

Reported the same back with the following amendments:

Delete lines 10 to 18 and insert:

"Subd. 8. It shall be unlawful to hunt or trap, or assist therein, in any zone open for the taking of deer with the use of firearms, during such open season, unless the visible portion of the hunter's or trapper's cap and outer garments, above the waist excluding sleeves if any and excluding gloves, shall be bright red or blaze orange or covered therewith. *Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each foot square.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1667, A bill for an act relating to the operation of the department of economic security; funding sheltered workshop and work activity programs based on evaluated effectiveness; defining sheltered employee; requiring rulemaking and a report to the legislature; amending Minnesota Statutes 1982, sections 129A.01 and 129A.08.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 129A.01, is amended to read:

129A.01 [DEFINITIONS.]

For the purposes of this chapter, the following terms shall have the meanings given them:

(a) "Department" means the department of economic security;

(b) "Commissioner" means the commissioner of economic security;

(c) "Vocational rehabilitation services" means those services and goods so defined in the federal Rehabilitation Act of 1973 and section 3, clause (b);

(d) "Handicapped person" means a person who because of a substantial physical, mental or emotional disability or dysfunction requires special services in order to enjoy the benefits of society;

(e) "Long-term sheltered workshop" means a facility where any manufacture or handiwork is carried on and which is operated for the primary purpose of providing remunerative employment to those handicapped persons who, as a result of physical or mental disability, are unable to participate in competitive employment. A long-term sheltered workshop shall supply such employment (1) as a step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market, or (2) during such time as employment opportunities for them in the competitive labor market do not exist;

(f) "Work activity program" means a program which utilizes manufacturing activities and other production work for the primary purpose of providing basic vocational skills development for the handicapped;

(g) *"Sheltered employee" means a handicapped person working for pay while participating in a long-term sheltered workshop program.*

Sec. 2. Minnesota Statutes 1982, section 129A.08, is amended to read:

129A.08 [(COMMISSIONER'S DUTIES; LONG-TERM SHELTERED) EVALUATION AND FUNDING OF WORKSHOPS AND WORK ACTIVITY PROGRAMS.]

Subdivision 1. [GRANTS.] The commissioner may make grants to assist cities, towns, counties, nonprofit corporations, or any combination thereof in the establishment, operation and expansion of long-term sheltered workshops or work activity programs. The commissioner may accept federal grants or aids and shall cooperate with federal agencies in any reasonable manner necessary to qualify for federal grants or aids for long-term sheltered workshops or work activity programs.

Subd. 2. [EVALUATION; STATE FUNDING.] At the beginning of each fiscal year, the commissioner shall allocate available funds to long-term sheltered workshops and work activity programs for disbursement during the fiscal year in accordance with approved plans or budgets. *The commissioner shall study and recommend to the legislature by March 1, 1985, new allocation formulas which take into consideration effectiveness of the workshop. In its recommendation the commissioner shall calculate the fiscal impact of the various formulas on each workshop and the extent to which a workshop can utilize new allocation formulas. The commissioner shall develop forms to assist the workshops in collecting data necessary to complete the evaluation. Information needed to conduct the evaluations must be submitted by the workshops along with the annual requests for funding. Failure to submit documentation requested by the commissioner shall result in the withdrawal of all state funding for the workshop.*

The commissioner shall from time to time during the fiscal year review the budgets and expenditures of the (VARIOUS) workshops and programs (AND). If funds are not needed for the workshop or program to which they were allocated, (HE) the commissioner may, after reasonable notice and opportunity for hearing, withdraw such funds as are unencumbered and reallocate them to other workshops or programs. (HE) The commissioner may withdraw funds from any workshop or program which is not being administered in accordance with its approved plan and budget (AND WITH RELEVANT DEPARTMENT RULES) unless a modified plan and budget is submitted to and approved by the commissioner, and implemented within a reasonable time.

The commissioner shall also withdraw funds from a workshop or program not being administered according to department rules, or not meeting mandatory standards for certification, unless a plan bringing the workshop or program into compliance with the rules and standards is submitted to and approved by the commissioner and implemented within a reasonable time.

Subd. 3. [OPERATING COSTS FUNDED.] The grant may not exceed an amount equal to 75 percent of the normal operating expenses of the long-term sheltered workshop or work activity program. Wages paid (CLIENTS) sheltered employees or (LONG-TERM WORKERS) work activity program participants are to be excluded in determining operating cost. In the event that there are inadequate funds appropriated to meet the foregoing provisions in full, they shall be prorated proportionately.

Subd. 4. [EVALUATION OF WORKSHOPS.] *The workshop evaluation must include, but not be limited to, the following considerations:*

(a) *Wages and benefits paid to sheltered employees and number of hours worked;*

(b) *Rate of placement in competitive employment;*

(c) *Opportunities for sheltered employees to participate in decisions affecting their employment;*

(d) *Workshop responsiveness to sheltered employees grievances;*

(e) *Increases in individual sheltered employee productivity;*

(f) *Implementing innovative ways to increase placement and retention of sheltered employees in competitive employment, or in sheltered positions with competitive employers, or innovative ways that increase sheltered employee wages;*

(g) *Efficiency of the workshops; and*

(h) *Types and levels of disability of the sheltered employees and willingness of the workshop to accept and assist persons with serious behavioral, mental, sensory or physical disabilities.*

The evaluation must take into account the disability levels of the sheltered employees, the geographic location and size of the workshop and the economic conditions of the surrounding community.

Subd. (4) 5. [RULE AUTHORITY.] In addition to the powers already conferred on him by law, the commissioner shall promulgate rules (IN REGARD TO THE FOLLOWING MATTERS) on:

(a) state certification of all long-term sheltered workshops and work activity programs;

(b) eligibility of community long-term sheltered workshops and work activity programs to receive state grants;

(c) standards for qualification of personnel and quality of professional service and for in-service training and education leave programs for personnel;

(d) eligibility for service so that no person will be denied service on the basis of race, creed or color;

(e) regulatory fees for consultation services; and

(f) standards and criteria by which handicapped persons are to be judged eligible for the services;

(g) *evaluation criteria for long-term sheltered workshops; and*

(h) *program evaluation criteria for work activity programs in order to determine the extent to which these programs meet the goals and objectives established in state and federal law relating to work activity programs.*

The rules on evaluation criteria for long-term sheltered workshops must be in effect by July 1, 1985. The rules must be used in making allocations for fiscal years beginning after June 30, 1986.

Subd. 6. The commissioner shall provide technical assistance within available resources to workshops and programs based on the need reflected in an evaluation.

Sec. 3. [REPORT TO LEGISLATURE.]

The commissioner shall report to the legislature by March 1, 1985 on the progress in implementing sections 1 and 2. The report shall include a draft of the proposed rule and current information on the status of rule development."

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1686, A bill for an act relating to dogs; protecting leader dogs; imposing penalties; proposing new law coded in Minnesota Statutes 1982, chapter 347.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1982, section 35.71, subdivision 3, is amended to read:

Subd. 3. [ESTABLISHMENT DEFINED, POWERS, STRAY ANIMALS, SEIZURE, DISPOSITION.] "Establishment" shall include any public or private agency, person, society

or corporation having custody of animals which are seized under the authority of the state or any political subdivision of the state. All animals seized by public authority shall be held for redemption by the owner for a period not less than five regular business days of the impounding agency, or for a longer period of time specified by municipal ordinance. For the purpose of this subdivision, the term "regular business day" means any day during which the establishment having custody of an animal is open to the public not less than four consecutive hours between the hours of 8:00 A.M. and 7:00 P.M. These establishments shall maintain the following records of the animals in custody, and preserve the records for a minimum of six months:

- (a) The description of the animal, by species, breed, sex, approximate age, and other distinguishing traits;
- (b) The location at which the animal was seized;
- (c) The date of seizure;
- (d) The name and address of the person from whom any animal three months of age or over was received;
- (e) The name and address of the person to whom any animal three months of age or over was transferred.

The records shall be maintained in a form permitting easy perusal by the public. A person may view the records and may view any and all animals in custody at any time during which the establishment is open to the public. At the end of this five day period all animals which remain unredeemed by their owners or any other person entitled to do so (SHALL) *may* be made available to any institution licensed hereunder which has submitted a prior request for the numbers which the institution requests. *Every municipality which operates its own establishment or which contracts with another entity, public or private, for animal control services may, by ordinance, state whether animals seized in that municipality shall be made available to any institution.* However, if a tag affixed to the animal, or a statement by the animal's owner after seizure, specifies that an animal shall not be used for research, the animal shall not be made available to any institution (BUT MAY, IN THE DISCRETION OF THE ESTABLISHMENT,) *and shall* be destroyed after the expiration of the five day period. If a request is made by a licensed institution to an establishment for a larger number of animals than are available at the time of the request, the establishment shall withhold from destruction, all unclaimed and unredeemed animals until the request has been filled, provided that the actual expense of holding animals beyond the time of notice to the institution of their availability, shall be borne by the institution receiving them. Any establishment which fails or refuses to comply with these provisions shall become immediately ineligible for

any further public funds from any county or municipality. Upon receipt of a sworn statement by an authorized officer or employee of any institution licensed hereunder of noncompliance by any establishment with these provisions, it shall be unlawful for the treasurer of any municipality or other political subdivision of the state to pay any public funds to an establishment until the complainant withdraws its statement of noncompliance or until the board shall either determine that the complaint of noncompliance was without foundation or that the establishment has given adequate assurance of future compliance, and the treasurer of the municipality or other political subdivision has been notified of the determination in writing. If it appears upon the complaint of any person that any officer, agent, or employee of an establishment is violating or failing to carry out the provisions of this section, the attorney general or county attorney of the county in which the establishment is located, in addition to any other remedies, may bring an action in the name of the state of Minnesota against any establishment, officer, agent or employee thereof to enjoin compliance with this section."

Page 1, line 10, after "*visually*" insert "*or physically*"

Page 1, line 23, after "*against*" insert "*the owner of*" and delete "*which*" and insert "*if the dog*"

Renumber the subsequent section

Amend the title as follows:

Page 1, line 2, delete the first "dogs" and insert "animals"

Page 1, line 2, after the first semicolon insert "disposition of stray animals;"

Page 1, line 3, after the semicolon insert "amending Minnesota Statutes 1982, section 35.71, subdivision 3;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1695, A bill for an act relating to courts; accelerating the effective date of judicial reorganization in the third judicial district; amending Minnesota Statutes 1982, section 487.191.

Reported the same back with the following amendments:

Page 1, line 11, delete "*judicial district*" and insert "*and seventh judicial districts*"

Page 1, line 17, delete "*judicial district*" and insert "*and seventh judicial districts*"

Page 1, line 22, delete "*judicial district*" and insert "*and seventh judicial districts*"

Page 2, line 11, after "reelection" insert "*district-wide*"

Amend the title as follows:

Page 1, lines 3 and 4, delete "judicial district" and insert "and seventh judicial districts"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1735, A bill for an act relating to crimes; requiring the court to impose a stay of execution of sentence with a 90-day period of incarceration as a condition of probation for certain offenders convicted of a first offense of burglary of a dwelling; amending Minnesota Statutes 1983 Supplement, section 609.583.

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1755, A bill for an act relating to crimes; prohibiting interfering with emergency communications over a citizen's band radio channel; prescribing penalties; proposing new law coded in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [609.781] [UNLAWFUL INTERFERENCE WITH EMERGENCY COMMUNICATIONS OVER CITIZEN'S BAND RADIO CHANNELS.]

Whoever intentionally or recklessly interrupts, disrupts, impedes, or otherwise interferes with the transmission of a citizen's band radio channel communication, the purpose of which is to inform or inquire about a medical emergency or an emergency in which property is or is reasonably believed to be in imminent danger of damage or destruction, is guilty of a misdemeanor.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1984, and applies to crimes committed on or after that date."

Amend the title as follows:

Page 1, line 4, delete "penalties" and insert "a penalty"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1791, A bill for an act relating to waters; legislative approval of a certain diversion by the North Kittson Rural Water District.

Reported the same back with the following amendments:

Page 1, line 9, delete "for sale"

Page 1, line 10, delete "municipal" and insert "domestic"

With the recommendation that when so amended the bill pass.

The report was adopted.

Eken from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1800, A resolution memorializing Congress and the President to continue their efforts to halt the persecution of the Baha'i minority in Iran.

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

The report was adopted.

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

H. F. No. 1806, A bill for an act relating to public welfare; amending the reporting of maltreatment of minors act; clarifying the roles of law enforcement and local welfare agencies; clarifying language; amending Minnesota Statutes 1982, section 626.556, subdivision 11; amending Minnesota Statutes 1983 Supplement, section 626.556, subdivisions 1, 2, 4, and 10.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1983 Supplement, section 626.556, subdivision 1, is amended to read:

Subdivision 1. [PUBLIC POLICY.] The legislature hereby declares that the public policy of this state is to protect children whose health or welfare may be jeopardized through physical abuse, neglect or sexual abuse; to strengthen the family and make the home, school, and community safe for children by promoting responsible child care in all settings; and to provide, when necessary, a safe temporary or permanent home environment for physically or sexually abused children.

In addition, it is the policy of this state to require the reporting of suspected neglect, physical or sexual abuse of children in the home, school, and community settings; to provide for the voluntary reporting of abuse or neglect of children; to require the *assessment and* investigation of the reports; and to provide protective and counseling services in appropriate cases.

Sec. 2. Minnesota Statutes 1983 Supplement, section 626.556, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection by a person responsible for the child's care, to any act which constitutes a violation of sections 609.342, 609.343, 609.344, or 609.345, or sections 609.364 to 609.3644. Sexual abuse also includes any act which involves a minor which constitutes a violation of sections 609.321 to 609.324 or 617.246.

(b) "Person responsible for the child's care" means a parent, guardian, teacher, school administrator, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, baby sitting, counseling, teaching, and coaching.

(c) "Neglect" means failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so or failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so. Nothing in this section shall be construed to (i) mean that a child is neglected solely because the child's parent, guardian or other person responsible for his care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, or (ii) impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter or medical care, a duty to provide that care.

(d) "Physical abuse" means:

(i) Any physical injury inflicted by a person responsible for the child's care on a child other than by accidental means; or

(ii) Any physical injury that cannot reasonably be explained by the child's history of injuries.

(e) "Report" means any report received by the local welfare agency, police department or county sheriff pursuant to this section.

(f) "Facility" means a day care facility, residential facility, agency, hospital, sanatorium, or other facility or institution required to be licensed pursuant to sections 144.50 to 144.58, 241.021, or 245.781 to 245.812.

(g) "Operator" means an operator or agency as defined in section 245.782.

(h) "Commissioner" means the commissioner of public welfare.

(i) "Assessment" means interviewing the child, the person or persons responsible for the child's care, the alleged perpetrator of the alleged abuse or neglect, or any other person with knowledge of the alleged abuse or neglect for the purpose of gathering the facts or assessing the risk to the child and formulating a treatment plan.

Sec. 3. Minnesota Statutes 1982, section 626.556, subdivision 3, is amended to read:

Subd. 3. [PERSONS MANDATED TO REPORT.] A professional or his delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, or law en-

forcement who has knowledge of or reasonable cause to believe a child is being neglected or physically or sexually abused shall immediately report the information to the local welfare agency, *the appropriate licensing agency, the police department or the county sheriff. A person mandated to report suspected physical or sexual child abuse or neglect occurring within a licensed facility shall report the information to the agency responsible for licensing the facility. A health or corrections agency receiving a report may request the local welfare agency to provide assistance pursuant to subdivisions 10, 10a, and 10b.* The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency. The local welfare agency *or the appropriate licensing agency*, upon receiving a report, shall immediately notify the local police department or the county sheriff. Nothing in this subdivision shall be construed to require more than one report from any institution, facility, school or agency.

Any person not required to report under the provisions of this subdivision may voluntarily report to the local welfare agency, police department or the county sheriff if he has knowledge of or reasonable cause to believe a child is being neglected or subjected to physical or sexual abuse. The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency.

Any person who makes a report shall, upon request to the local welfare agency, receive a concise summary of the disposition of the report, unless release would be detrimental to the best interests of the child.

Sec. 4. Minnesota Statutes 1983 Supplement, section 626.556, subdivision 4, is amended to read:

Subd. 4. [IMMUNITY FROM LIABILITY.] (a) Any person, including those voluntarily making reports and those required to make reports under subdivision 3, participating in good faith and exercising due care in the making of a report *or assisting in the assessment* pursuant to this section has immunity from any liability, civil or criminal, that otherwise might result by reason of his action.

(b) A supervisor or social worker employed by a local welfare agency, who in good faith exercises due care when complying with subdivisions 10 and 11 or any related rule or provision of law, shall have immunity from any civil liability that otherwise might result by reason of his action.

Any public or private school, facility as defined in subdivision 2, or the employee of any public or private school or facility who permits access by a local welfare agency and assists in good faith in an (INVESTIGATION) *assessment interview* pursuant to

subdivision 10 has immunity from any liability, civil or criminal, that otherwise might result by reason of that action.

This subdivision does not provide immunity to any person for failure to make a required report or for committing neglect, physical abuse, or sexual abuse of a child.

Sec. 5. Minnesota Statutes 1983 Supplement, section 626.556, subdivision 10, is amended to read:

Subd. 10. [DUTIES OF LOCAL WELFARE AGENCY UPON RECEIPT OF A REPORT.] (a) If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian, or individual functioning within the family unit as a person responsible for the child's care, the local welfare agency shall immediately (INVESTIGATE) *conduct an assessment* and offer protective social services for purposes of preventing further abuses, safeguarding and enhancing the welfare of the abused or neglected minor, and preserving family life whenever possible. When necessary the local welfare agency shall seek authority to remove the child from the custody of his parent, guardian or adult with whom he is living. In performing any of these duties, the local welfare agency shall maintain appropriate records.

(b) Authority of the local welfare agency responsible for (INVESTIGATING) *assessing* the child abuse report includes, but is not limited to, authority to interview, without parental consent, the alleged victim and any other minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school or any facility or other place where the alleged victim or other minors might be found and may take place outside the presence of the perpetrator or parent, legal custodian, or guardian. Except as provided in this clause, the parent, legal custodian, or guardian shall be notified, no later than the conclusion of the (INVESTIGATION) *assessment*, that this interview has occurred. Notwithstanding rule 49.02 of the Minnesota Rules of Procedure for Juvenile Courts, the juvenile court may, after hearing on an ex parte motion by the local welfare agency, order that, where reasonable cause exists, notification of this interview be withheld from the parent, legal custodian, or guardian.

(c) When the local welfare agency determines that an interview should take place on school property, written notification must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property. The notification shall be signed by the chairman of the county welfare board or his designee. The time, place, and manner of the interview on school premises shall be within the discretion of school officials. The conditions as to time, place, and manner of the

interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is deemed necessary by agreement between the school officials and the local welfare agency. School officials shall not disclose to the parent, legal custodian, guardian, or perpetrator that a request to interview the child has been made until after the (ABUSE INVESTIGATION) *assessment interview* has been concluded. Every effort shall be made to reduce the disruption of the educational program of the child, other students, or school staff when an interview is conducted on school premises.

(d) Where the perpetrator or a person responsible for the care of the alleged victim or other minor prevents access to the victim or other minor by the local welfare agency, the juvenile court may order the parents, legal custodian, or guardian to produce the alleged victim or other minor for questioning by the local welfare agency outside the presence of the perpetrator or any person responsible for the child's care at reasonable places and times as specified by court order.

(e) Before making an order under paragraph (d), the court shall issue an order to show cause, either upon its own motion or upon a verified petition, specifying the basis for the requested interviews and fixing the time and place of the hearing. The order to show cause shall be served personally and shall be heard in the same manner as provided in other cases in the juvenile court. The court shall consider the need for appointment of a guardian ad litem to protect the best interests of the child. If a guardian ad litem is appointed, he shall be present at the hearing on the order to show cause.

(f) The commissioner and the local welfare agencies responsible for investigating reports have the right to enter facilities as defined in subdivision 2 and to inspect and copy the facility's records as part of the investigation. Notwithstanding the provisions of chapter 13, they also have the right to inform the facility under investigation that they are conducting an investigation, to disclose to the facility the names of the individuals under investigation for abusing or neglecting a child, and to provide the facility with a copy of the report and the investigative findings.

Sec. 6. Minnesota Statutes 1982, section 626.556, subdivision 11, is amended to read:

Subd. 11. [RECORDS.] All records maintained by a local welfare agency under this section, including any written reports filed under subdivision 7, shall be private data on individuals, except insofar as copies of reports are required by subdivision 7 to be sent to the local police department or the county sheriff. Report records maintained by any police

department or the county sheriff shall be private data on individuals except the reports shall be made available to the investigating, petitioning, or prosecuting authority *and to the local welfare agency*. The welfare board shall make available to the investigating, petitioning, or prosecuting authority any records which contain information relating to a specific incident of neglect or abuse which is under investigation, petition, or prosecution and information relating to any prior incidents of neglect or abuse involving any of the same persons. The records shall be collected and maintained in accordance with the provisions of chapter 13. An individual subject of a record shall have access to the record in accordance with those sections, except that the name of the reporter shall be confidential while the report is under *assessment or investigation*. After the *assessment or investigation* is completed, the name of the reporter shall be confidential but shall be accessible to the individual subject of the record upon court order.

Records maintained by local welfare agencies, the police department or county sheriff under this section shall be destroyed as described in clauses (a) to (c):

(a) If upon *assessment or investigation* a report is found to be unsubstantiated, notice of intent to destroy records of the report shall be mailed to the individual subject of the report. At the subject's request the records shall be maintained as private data. If no request from the subject is received within 30 days of mailing the notice of intent to destroy, the records shall be destroyed.

(b) All records relating to reports which, upon *assessment or investigation*, are found to be substantiated shall be destroyed seven years after the date of the final entry in the case record.

(c) All records of reports which, upon initial *assessment or investigation*, cannot be substantiated or disproved to the satisfaction of the local welfare agency, local police department or county sheriff may be kept for a period of one year. If the local welfare agency, local police department or county sheriff is unable to substantiate the report within that period, each agency unable to substantiate the report shall destroy its records relating to the report in the manner provided by clause (a).

Sec. 7. [EFFECTIVE DATE.]

This act is effective August 1, 1984."

Delete the title and insert:

"A bill for an act relating to public welfare; amending the reporting of maltreatment of minors act; clarifying the roles of law enforcement and local welfare agencies; clarifying lan-

guage; amending Minnesota Statutes 1982, section 626.556, subdivisions 3 and 11; amending Minnesota Statutes 1983 Supplement, section 626.556, subdivisions 1, 2, 4, and 10."

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1828, A bill for an act relating to local government; setting authority to regulate firearms and related matters; amending Minnesota Statutes 1982, sections 624.7132, subdivision 16; and 624.717; proposing new law coded in Minnesota Statutes, chapter 471; repealing Minnesota Statutes 1982, section 624.718.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [624.719] [LOCAL REGULATION LIMITED.]

Notwithstanding any contrary provision in sections 624.711 to 624.718 or any other law, no municipality or county shall, by ordinance or other regulation, prohibit the ownership of guns.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to crimes; providing that a municipality or county shall not ban the ownership of guns; proposing new law coded in Minnesota Statutes, chapter 624."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1850, A bill for an act relating to statutes; conforming various laws to judicial decisions of unconstitutionality; amending Minnesota Statutes 1982, sections 297A.25, subdivi-

sion 4; and 609.341, subdivision 11; repealing Minnesota Statutes 1982, section 238.07.

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

The report was adopted.

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

H. F. No. 1852, A bill for an act relating to state departments and agencies; providing for a study of expanding long-term care ombudsman responsibilities to include community-based care for persons 65 years of age or older.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [STUDY.]

The director of the state planning agency shall study the need for further development of mechanisms to help assure quality of care for persons age 60 or older who receive community-based care services. Community-based services are those services which are provided in order to maintain older disabled individuals in residential settings that are noninstitutional in nature. They may be provided in the person's own home or similar living arrangement, such as homemaker services, or in settings to which the client travels, such as adult day care.

The study shall utilize existing reports and studies in progress in the completion of its work.

The study shall identify current mechanisms for quality assurance for community-based care, including the interrelationships of the various agencies involved and the scope of their responsibilities. The study shall examine:

(1) *the estimated need for additional or new quality assurance controls for community-based care programs, including projected utilization rates under the alternative care grants program;*

(2) *quality assurance issues relating to regulating both publicly and privately funded community-based care services, especially as they relate to unlicensed services;*

(3) *any evidence of current quality assurance problems in community-based care and data collection;*

(4) *the advisability of expanding the responsibilities of the long-term care ombudsman program to include recipients of community-based care services and the estimated state costs of expanding the long-term care ombudsman's responsibilities to adequately respond to consumer complaints about community-based care; and*

(5) *the relationship between the quality assurance system for persons age 60 or over and quality assurance mechanisms for other persons using community-based care, including people who are mentally retarded or mentally ill.*

The study may also examine alternatives to existing quality assurance mechanisms, including increased involvement by citizen monitoring groups. The study may also recommend criteria for determining where state regulation is indicated. If the study recommends expanding the current quality assurance system to include community-based care, or if an alternative quality assurance mechanism is recommended, the study shall also recommend methods for regular evaluation of the quality assurance mechanism's effectiveness.

The director shall report to the legislature on its progress by January 31, 1985."

Delete the title and insert:

"A bill for an act relating to state departments and agencies; providing for a study of the need for further development of mechanisms to help assure quality of care for persons age 60 or older who receive community-based care services."

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

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1871, A bill for an act relating to elections; making procedural changes; correcting erroneous and obsolete provisions; amending Minnesota Statutes 1982, sections 200.02, subdivision 7; 201.021; 201.061, subdivision 2; 203B.04, subdivision 4; 203B.06, subdivision 4; 204B.27, subdivisions 2 and 3; 204B.28, subdivision 2; 204B.29, subdivision 1; 204C.27; and 208.04; Minnesota Statutes 1983 Supplement, sections 203B.12, subdivision 2; 204B.36, subdivision 2; 204C.10, subdivision 1; 204C.32, subdivision 2; and 204D.11, subdivisions 1 and 5; repealing Minnesota Statutes 1982, sections 201.018, subdivision 1; 204C.11; and 204C.30, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 200.02, subdivision 7, is amended to read:

Subd. 7. [MAJOR POLITICAL PARTY.] “Major political party” means a political party that maintains a party organization in the state, political division or precinct in question and:

(a) Which has presented at least one candidate for election to a partisan office at the last preceding state general election, which candidate received votes in each county in that election and received votes from not less than five percent of the total number of individuals who voted in that election; or

(b) Whose members present to the (COUNTY AUDITOR) *secretary of state* a petition for a place on the state partisan primary ballot, which petition contains signatures of a number of the party members equal to at least five percent of the total number of individuals who voted in the preceding state general election (IN THE COUNTY WHERE THE APPLICATION IS SUBMITTED).

Sec. 2. Minnesota Statutes 1982, section 201.021, is amended to read:

201.021 [PERMANENT REGISTRATION SYSTEM.]

A permanent system of voter registration by county is established. (ANY COUNTY NOT CONTAINING A CITY WITH A POPULATION OF 10,000 OR MORE MAY EXEMPT ITSELF FROM THE PROVISIONS OF LAWS 1981, CHAPTER 29, ARTICLE II, SECTIONS 5 TO 24.) The county auditor shall be chief registrar of voters and the chief custodian of the official registration records in each county.

Sec. 3. Minnesota Statutes 1982, section 201.061, subdivision 2, is amended to read:

Subd. 2. [POLITICAL SUBDIVISION WITHOUT (PERMANENT SYSTEM) *PREREGISTRATION*.] Subdivision 1 does not apply to eligible voters in any political subdivision which does not on (JULY 1, 1973 HAVE A PERMANENT SYSTEM OF VOTER REGISTRATION) *August 1, 1984 allow prereregistration* unless the governing body of that political subdivision by ordinance or resolution elects to come under the provisions of subdivision 1. The decision to allow prereregistration may not be rescinded.

Sec. 4. Minnesota Statutes 1982, section 203B.04, subdivision 4, is amended to read:

Subd. 4. [REGISTRATION AT TIME OF APPLICATION.] (IN COUNTIES WITH A PERMANENT SYSTEM OF VOTER REGISTRATION,) An eligible voter who is not registered to vote but who is otherwise eligible to vote by absentee ballot may register by including a completed voter registration card with the absentee ballot. The individual shall present proof of residence as required by section 201.061, subdivision 3, to the individual who witnesses the marking of the absentee ballots.

Sec. 5. Minnesota Statutes 1982, section 203B.06, subdivision 4, is amended to read:

Subd. 4. [REGISTRATION CHECK.] (IN COUNTIES WITH A PERMANENT SYSTEM OF VOTER REGISTRATION,) Upon receipt of an application for ballots, the county auditor, municipal clerk, or election judge acting pursuant to section 203B.11, who receives the application shall determine whether the applicant is a registered voter. If the applicant is not registered to vote, the county auditor, municipal clerk or election judge shall include a voter registration card among the election materials provided to the applicant.

Sec. 6. Minnesota Statutes 1983 Supplement, section 203B.12, subdivision 2, is amended to read:

Subd. 2. [EXAMINATION OF RETURN ENVELOPES.] Two or more election judges shall examine each return envelope and shall mark it accepted or rejected in the manner provided in this subdivision. The election judges shall remove the ballot envelope from the return envelope; mark the ballot envelope "Accepted" and initial or sign the ballot envelope below the word "Accepted" if the election judges or a majority of them are satisfied that:

(a) the voter's signature on the return envelope is the genuine signature of the individual who made the application for ballots and the certificate has been completed as prescribed in the directions for casting an absentee ballot;

(b) (IN PRECINCTS WITH A PERMANENT VOTER REGISTRATION SYSTEM,) the voter is registered and eligible to vote in the precinct or has included a properly completed registration card in the return envelope (OR, IN PRECINCTS WITH NO PERMANENT VOTER REGISTRATION SYSTEM, THE ADDRESS OF THE VOTER LIES WITHIN THE PRECINCT); and

(c) the voter has not already voted at that election, either in person or by absentee ballot.

The return envelope from accepted ballots shall be preserved and returned to the county auditor with the voters' certificates.

If all or a majority of the election judges examining return envelopes find that an absent voter has failed to meet one of the requirements prescribed in clauses (a) to (c), they shall mark the return envelope "Rejected," initial or sign it below the word "Rejected," and return it to the county auditor with the unused ballots.

Sec. 7. Minnesota Statutes 1982, section 204B.27, subdivision 2, is amended to read:

Subd. 2. [ELECTION LAW AND INSTRUCTIONS.] The secretary of state shall prepare and publish a volume containing all state general laws relating to elections. The attorney general shall provide annotations to the secretary of state for this volume. On or before July 1 of every even numbered year the secretary of state shall furnish to the county auditors and municipal clerks (SUFFICIENT) *enough* copies of this volume so that each county auditor (,) *and* municipal clerk (AND ELECTION PRECINCT) will have at least one copy. *The secretary of state shall prepare an extract of this volume containing all the election laws related to the duties of election judges. On or before August 1 of every even-numbered year, the secretary of state shall furnish to the county auditors and municipal clerks enough copies of this extract so that each election precinct will have at least one copy.* The secretary of state shall determine the manner in which the volume (IS) *and extract are* distributed. The secretary of state may prepare and transmit to the county auditors and municipal clerks detailed written instructions for complying with election laws relating to the conduct of elections, conduct of voter registration and voting procedures.

Sec. 8. Minnesota Statutes 1982, section 204B.27, subdivision 3, is amended to read:

Subd. 3. [INSTRUCTION POSTERS.] At least (15) *25* days before every state election the secretary of state shall prepare and furnish to the county auditor of each county in which paper ballots are used, voter instruction posters printed in large type upon cards or heavy paper. The instruction posters shall contain the information needed to enable the voters to cast their paper ballots quickly and correctly. Two instruction posters shall be furnished for each precinct in which paper ballots are used.

Sec. 9. Minnesota Statutes 1982, section 204B.28, subdivision 2, is amended to read:

Subd. 2. [ELECTION SUPPLIES; DUTIES OF COUNTY AUDITORS AND CLERKS.] Except as otherwise provided for absentee ballots in section 204B.35, subdivision 4, the county

auditor shall complete the preparation of the election materials for which he is responsible at least one week before every state primary and state general election. At any time after all election materials are available from the county auditor but not later than one week before the election each municipal clerk shall secure from the county auditor:

(a) The forms that are required for the conduct of the election;

(b) Any printed voter instruction materials furnished by the secretary of state;

(c) Any other instructions for election officers; and

(d) A sufficient quantity of the official ballots, ballot boxes, (REGISTERS,) registration files, envelopes for ballot returns, and other supplies and materials required for each precinct in order to comply with the provisions of the Minnesota election law. The county auditor may furnish the election supplies to the municipal clerks in the same manner as the supplies are furnished to precincts in unorganized territory pursuant to section 204B.29, subdivision 1.

Sec. 10. Minnesota Statutes 1982, section 204B.29, subdivision 1, is amended to read:

Subdivision 1. [SECURING ELECTION MATERIALS.] Before 9:00 p.m. on the day preceding an election, at least one election judge from each precinct in each municipality shall secure (ELECTION REGISTERS OR) voter registration files, ballots, forms, envelopes and other required supplies from the municipal clerk or other legal custodian. The election judge shall deliver the materials to the polling place before the time when voting is scheduled to begin on election day. The county auditor shall send or deliver the election supplies enumerated in this section to the election judges in the precincts in unorganized territory. The election supplies may be sent by certified mail, parcel post, express mail or any other postal service providing assured delivery by no later than the day before the election. If the election supplies are delivered by any other means, they shall be delivered by no later than the day before the election.

Each precinct shall be furnished with 100 ballots of each kind for every 85 individuals who voted in that precinct at the last election for the same office or on similar questions, or with ballots of each kind in an amount at least ten percent greater than the number of votes which are reasonably expected to be cast in that precinct in that election, whichever supply of ballots is greater. No precinct shall be furnished with any ballots containing the name of any candidate who cannot properly be voted for in that precinct.

The election judges shall be responsible for the preservation of all election materials received by them until returned to the appropriate election officials after the voting has ended.

Sec. 11. Minnesota Statutes 1983 Supplement, section 204B.-36, subdivision 2, is amended to read:

Subd. 2. [CANDIDATES AND OFFICES.] The name of each candidate shall be printed at a right angle to the length of the ballot. At a general election the name of the political party or the political principle of each candidate for partisan office shall be printed above or below the name of the candidate. The name of a political party or a political principle shall be printed in capital and lower case letters of the same type, with the capital letters at least one-half the height of the capital letters used for names of the candidates. At a general election, blank lines shall be printed below the name of the last candidate for each office, or below the title of the office if no candidate has filed for that office, so that a voter may write in the names of individuals whose names are not on the ballot. One blank line shall be printed for each officer of that kind to be elected. At a primary election, no blank lines shall be provided for writing in the names of individuals whose names do not appear on the primary ballot.

On the left side of the ballot at the same level with the name of each candidate and each blank line shall be printed a square in which the voter may designate his vote by a mark (X). Each square shall be the same size. Above the first name on each ballot shall be printed the words, "Put an (X) in the square opposite the name of each candidate you wish to vote for." At the same level with these words and directly above the squares shall be printed a small arrow pointing downward. Directly underneath the official title of each office shall be printed the words "Vote for one" (or more, according to the number to be elected). ("

Sec. 12. Minnesota Statutes 1983 Supplement, section 204C.-10, subdivision 1, is amended to read:

Subdivision 1. (IN ELECTION PRECINCTS WITH A PERMANENT REGISTRATION SYSTEM.) An individual seeking to vote shall print his name and address on a certificate which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, certifies that he resides at the address shown, is not under guardianship of the person, has not been found by a court of law to be legally incompetent to vote or convicted of a felony without having civil rights restored, is registered and (WILL BE VOTING ONLY IN THAT PRECINCT) *has not already voted in the election.* The individual shall then sign the certificate.

An election judge shall compare the signature on the voter's certificate with the signature as it appears on the duplicate

registration card and the address with the address on the duplicate registration card. If the election judge is satisfied that the signatures are the same, the election judge shall initial the certificate and record the fact of voting on the back of the duplicate registration card. The initialed certificate shall be handed to the voter, who shall deliver it to the election judge in charge of ballots as proof of the right to vote.

Sec. 13. Minnesota Statutes 1982, section 204C.27, is amended to read:

204C.27 [DELIVERY OF RETURNS TO COUNTY AUDITORS.]

One or more of the election judges in each precinct shall deliver two sets of summary statements; all unused and spoiled white, pink, and canary ballots; (ONE ELECTION REGISTER IN COUNTIES WITH NO PERMANENT VOTER REGISTRATION SYSTEM;) and the envelopes containing the white, pink, and canary ballots either directly to the municipal clerk for transmittal to the county auditor's office or directly to the county auditor's office within 24 hours after the end of the hours for voting. One or more election judges shall deliver the remaining set of summary statements and returns, all unused and spoiled municipal ballots, (THE REMAINING ELECTION REGISTER IN COUNTIES WITHOUT A PERMANENT VOTER REGISTRATION SYSTEM,) the envelopes containing municipal ballots, and all other things furnished by the municipal clerk, to the municipal clerk's office within 24 hours after the end of the hours for voting.

Sec. 14. Minnesota Statutes 1983 Supplement, section 204C.-32, subdivision 2, is amended to read:

Subd. 2. [STATE CANVASS.] The state canvassing board shall meet at the secretary of state's office on the second Tuesday after the state primary to canvass the certified copies of the county canvassing board reports received from the county auditors. *No later than* two days after the canvassing board declares the results, the secretary of state shall certify the names of the nominees to the county auditors and shall mail to each nominee a notice of nomination.

Sec. 15. Minnesota Statutes 1983 Supplement, section 204D.-11, subdivision 1, is amended to read:

Subdivision 1. [WHITE BALLOT; RULES; REIMBURSEMENT.] The names of the candidates for all partisan offices voted on at the state general election shall be placed on a single ballot printed on white paper which shall be known as the "white ballot." This ballot shall be prepared by the county auditor subject to the rules of the secretary of state. The state shall

contribute to the cost of preparing the white ballot and the envelopes required for the returns of that ballot. The secretary of state shall adopt rules for preparation and time of delivery of the white ballot and for establishing a basis for distributing to the counties the money appropriated by the state for white ballot costs. *The appropriation shall be available both years of the biennium and shall be used for all state general and special elections. The secretary of state shall report to the chairmen of the senate finance and house appropriations committees on all money used for special elections.*

Sec. 16. Minnesota Statutes 1982, section 204D.11, subdivision 3, is amended to read:

Subd. 3. [CANARY BALLOT; GRAY BALLOT.] All questions and the names of all candidates for offices to be voted on at the state general election which are not placed on the white ballot shall be placed on a single ballot printed on canary paper which shall be known as the "canary ballot". The canary ballot shall be prepared by the county auditor.

When the length of the canary ballot would exceed 30 inches, all the judicial offices that are to be placed on the canary ballot may be placed instead on a single separate ballot printed on gray paper. Separate ballot boxes must be provided for these gray ballots.

Sec. 17. Minnesota Statutes 1983 Supplement, section 204D.11, subdivision 5, is amended to read:

Subd. 5. [BALLOT HEADINGS.] The white, pink and special federal white ballot shall be headed with the words "State General Election Ballot." The canary ballot shall be headed with the words "(BALLOT OF) County and Judicial District Nonpartisan (CANDIDATES) General Election Ballot." *When the canary ballot is divided into two separate ballots as provided in subdivision 3, the ballot printed on canary paper must be headed "County Nonpartisan General Election Ballot" and the ballot printed on gray paper must be headed "Judicial District Nonpartisan General Election Ballot."*

Sec. 18. Minnesota Statutes 1983 Supplement, section 205.175, subdivision 1, is amended to read:

Subdivision 1. [CITIES.] In all statutory and home rule charter city elections the governing body of the city, by resolution adopted prior to giving notice of the election, may designate the time, in no event less than three hours, during which the polling places will remain open for voting at the next succeeding and all subsequent municipal elections, until the resolution is revoked. *Cities covered by this subdivision shall certify their election hours to the county auditor upon adoption of the resolution giving notice of the election.*

Sec. 19. Minnesota Statutes 1983 Supplement, section 205.175, subdivision 3, is amended to read:

Subd. 3. [OTHER TOWNS.] In any election of town officers in a town other than a town described in subdivision 2, the town board, by resolution adopted prior to giving notice of the election, may designate the time, in no event less than three hours, during which the polling places will remain open for voting at the next succeeding and all subsequent town elections. The resolution shall remain in force until it is revoked by the town board. *Towns covered by this subdivision shall certify their election hours to the county auditor in January of each year.*

Sec. 20. Minnesota Statutes 1982, section 206.15, is amended to read:

206.15 [MAY BE USED AT ALL ELECTIONS.]

Subdivision 1. [GENERAL.] Where voting machines shall be provided in the manner permitted by law, such voting machines may be used at all elections, insofar as the use of the same is applicable, and not inconsistent with this chapter. If the mechanism of such machines will not permit the voter to record his vote in the manner provided by this chapter said machines may be used in the manner now provided by law so far as is applicable, and as to offices to which such voting machines will not apply, separate paper ballots conforming with the law shall be used. All votes on voting machines shall be recorded and counted and the results thereof ascertained, canvassed and returned as provided by this chapter. When voting machines are used in an election, a reasonable supply of paper ballots and ballot boxes shall be maintained in the possession of the authority charged with the duty of providing ballots for any polling place where voting machines are used. If one or more of the voting machines in any such polling place fails to function during the election, such authority may dispatch paper ballots and ballot boxes to the polling place in such quantity as the authority deems necessary to avoid undue delay occasioned by the machine failure. If paper ballots are used in an election pursuant to this section, they shall be handled, counted, and canvassed in the same manner as absentee ballots. At such time as notification of machine failure is received the officer in charge of supplying ballots shall notify the county headquarters of all major political parties with an office therein or the county chairman of said parties without delay and before said paper ballots are distributed.

Subd. 2. [GRAY BALLOTS.] If the number of offices to be voted on exceeds the number that can be accommodated on the voting machine, all the judicial offices to be voted on must be placed on a single separate paper ballot prepared according to law. The separate paper ballot must be headed "Judicial Dis-

strict Nonpartisan General Election Ballot" and printed on gray paper. Gray ballots must be distributed to voters, handled, counted, and canvassed in the manner provided by law for precincts using only paper ballots, so far as is practicable. The canvass of the gray paper ballots must not delay the canvass of votes recorded on the voting machines. A separate summary statement may be provided for reporting of the canvass of the gray paper ballots. The returns from the voting machines may be filed as provided in section 206.21 before the canvass of the gray paper ballots is completed. Additional or replacement election judges may be appointed to count the gray paper ballots.

Sec. 21. Minnesota Statutes 1982, section 208.04, subdivision 2, is amended to read:

Subd. 2. The rules for preparation, *state contribution to the cost of printing*, and delivery of presidential ballots (SHALL BE) are the same as the rules for white ballots under section 204D.11, subdivision 1. (THE SECRETARY OF STATE SHALL REIMBURSE THE COUNTIES FOR THE COST OF THE PREPARATION OF THE PRESIDENTIAL BALLOT.)

Sec. 22. [REPEALER.]

Minnesota Statutes 1982, sections 201.018, subdivision 1; 204C.11; and 204C.30, subdivision 2 are repealed."

Amend the title as follows:

Page 1, line 8, after "204C.27;" insert "204D.11, subdivision 3; 206.15;"

Page 1, line 11, delete "and"

Page 1, line 12, after "5;" insert "and 205.175, subdivisions 1 and 3;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1893, A bill for an act relating to commerce; regulating the sale and operation of video gambling devices; defining terms; providing for the licensing of distributors and operators; requiring location agreements; establishing certain fees; pro-

viding for record keeping; prescribing penalties; appropriating money; proposing new law coded in Minnesota Statutes, chapter 349.

Reported the same back with the following amendments:

Page 1, line 21, delete "*gambling devices*" and insert "*games of chance*"

Page 1, line 24, delete "*gambling devices*" and insert "*games of chance*"

Page 1, line 26, delete "*gambling devices*" and insert "*games of chance*" and delete "*these devices*" and insert "*them*"

Page 2, line 2, delete "*gambling devices*" and insert "*games of chance*"

Page 2, line 4, delete "GAMBLING DEVICE" and insert "GAME OF CHANCE"

Page 2, line 4, delete "*gambling device*" and insert "*game of chance*"

Page 2, line 5, delete everything after "*means*"

Page 2, delete lines 6 and 7

Page 2, line 8, delete "*without limitation,*"

Page 2, line 9, delete "*or*"

Page 2, line 10, after "*roulette*" insert "*, or other common gambling forms, though not offering any type of pecuniary award or gain to players*"

Page 2, line 17, delete the semicolon and insert a period

Page 2, delete lines 18 to 20

Page 2, after line 20, insert:

"Subd. 9. [PRIVATE CLUBS.] "*Private clubs are clubs holding club on-sale licenses issued under section 340.11, subdivision 11.*"

Page 2, line 23, delete "*gambling*"

Page 2, line 24, delete "*devices*" and insert "*games of chance*"

Page 3, line 13, delete "*gambling device*" and insert "*game of chance*"

Page 3, line 19, delete "*gambling devices*" and insert "*games of chance*"

Page 4, line 7, delete "GAMBLING" and insert "GAME OF CHANCE"

Page 4, line 11, delete "*gambling device*" and insert "*game of chance*"

Page 4, line 11, delete the second "*device*" and insert "*game*"

Page 4, line 14, delete "*gambling device*" and insert "*game of chance*"

Page 4, line 17, delete "*device*" and insert "*game*"

Page 4, line 20, delete "GAMBLING" and insert "GAMING"

Page 4, line 22, delete "*gambling*" and insert "*gaming*"

Page 4, line 24, delete everything after the period

Page 4, delete lines 25 to 27 and insert "*The commissioner shall, by January 10 of each year, certify to the state treasurer the number of video games of chance located in each city, and in each county outside of incorporated areas, on December 31 of the previous year. Within ten days of receiving this certification the state treasurer shall pay from the video gaming license account to each city and county \$30 for each video game of chance located in the city or in the county outside city limits. After making these payments he shall transfer the unexpended balance in the account to the general fund.*"

Page 4, line 28, delete "*must*" and insert "*may*"

Page 4, line 29, delete "*gambling devices*" and insert "*games of chance*"

Page 4, line 33, delete "*gambling devices*" and insert "*games of chance*"

Page 4, line 36, delete "*gambling devices*" and insert "*games of chance*"

Page 5, line 3, delete "*gambling devices*" and insert "*games of chance*"

Page 5, line 18, delete "DEVICES" and insert "GAMES"

Page 5, line 20, delete "*gambling devices*" and insert "*games of chance*" and delete the second "*devices*" and insert "*games*"

Page 5, line 22, delete "DEVICE" and insert "GAME"

Page 5, line 24, delete "*device*" and insert "*game or in connection with the operation of any device*"

Page 5, line 25, delete "*device*" and insert "*game*"

Page 5, line 26, after the period insert "*Any game canceling replays or credits must cancel them no more than one at a time.*"

Page 5, line 29, delete "*device*" and insert "*game*"

Page 5, line 30, delete "*device*" and insert "*game*"

Page 5, line 36, delete the first "*the*" and insert "*each*"

Page 6, line 6, delete "*gambling devices*" and insert "*games of chance*"

Page 6, line 7, delete "*gambling devices*" and insert "*games of chance*"

Page 6, line 8, after "*on-sale*" insert "*intoxicating*"

Page 6, line 16, delete "*gambling devices*" and insert "*games of chance*"

Page 6, line 18, delete "*gambling devices*" and insert "*games of chance*"

Page 6, line 19, delete "*gambling devices*" and insert "*games of chance*"

Page 6, line 22, delete "*device*" and insert "*game*"

Page 6, line 24, delete "*gambling devices*" and insert "*games of chance*"

Page 6, line 26, delete "*gambling devices*" and insert "*games of chance*"

Page 7, after line 26, insert:

"Sec. 11. [349.60] [CONSTRUCTION; OTHER ACTIONS.]

Subdivision 1. [CONSTRUCTION.] Nothing in sections 1 to 11 authorizes any activity in connection with video games of

chance which violates sections 349.30 to 349.31 or 609.75 to 609.76.

Subd. 2. [OTHER ACTIONS.] Nothing in sections 1 to 11 precludes civil or criminal actions under any other applicable law or precludes any agency of government from investigating or prosecuting violations of sections 1 to 11 or any law relating to gambling."

Amend the title as follows:

Page 1, line 3, delete "gambling devices" and insert "games of chance"

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1896, A bill for an act relating to insurance; regulating insurance claims settlement; defining terms; prescribing penalties; providing for the venue for certain injunction proceedings; amending Minnesota Statutes 1982, sections 72A.20, subdivisions 11 and 12; 72A.23, subdivision 1; and 72A.25, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 72A.

Reported the same back with the following amendments:

Page 1, line 15, strike "10" and insert "15"

Page 1, line 20, delete the new language

Pages 1 and 2, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 1982, section 72A.20, subdivision 12, is amended to read:

Subd. 12. [UNFAIR SERVICE.] Causing or permitting with such frequency to indicate a general business practice (THE CLAIMS AND COMPLAINTS OF INSURED TO BE PROCESSED IN AN UNREASONABLE LENGTH OF TIME, OR IN AN UNFAIR, DECEPTIVE, OR FRAUDULENT MANNER, OR IN VIOLATION OF SUCH RULES AS THE COMMISSIONER OF INSURANCE SHALL MAKE IN THE PUBLIC INTEREST TO INSURE THE PROMPT, FAIR, AND HONEST PROCESSING OF SUCH CLAIMS AND COM-

PLAINTS, SHALL CONSTITUTE AN UNFAIR METHOD OF COMPETITION AND AN UNFAIR AND DECEPTIVE ACT OR PRACTICE) *any unfair, deceptive, or fraudulent act concerning any claim or complaint of an insured or claimant including, but not limited to, the following practices:*

(1) *misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue;*

(2) *failing to acknowledge and act reasonably promptly upon communications with respect to claims arising under insurance policies;*

(3) *failing to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies;*

(4) *refusing to pay claims without conducting a reasonable investigation based upon all available information;*

(5) *failing to affirm or deny coverage of claims within a reasonable time after proof of loss statements have been completed;*

(6) *not attempting in good faith to effectuate prompt, fair, and equitable settlements of claims in which liability has become reasonably clear;*

(7) *compelling insureds to institute litigation to recover amounts due under an insurance policy by offering substantially less than the amounts ultimately recovered in actions brought by the insureds;*

(8) *attempting to settle a claim for less than the amount to which a reasonable person would have believed he or she was entitled by reference to written or printed advertising material accompanying or made part of an application;*

(9) *attempting to settle claims on the basis of an application which was altered without notice to, or knowledge or consent of, the insured;*

(10) *making claims payments to insureds or beneficiaries not accompanied by a statement setting forth the coverage under which the payments are being made;*

(11) *making known to insureds or claimants a policy of appealing from arbitration awards in favor of insureds or claimants for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration;*

(12) *delaying the investigation or payment of claims by requiring an insured, claimant, or the physician of either to*

submit a preliminary claim report and then requiring the subsequent submission of formal proof of loss forms, both of which submissions contain substantially the same information;

(13) failing to promptly settle claims, where liability has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage;

(14) failing to promptly provide a reasonable explanation of the basis in the insurance policy in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement."

Page 2, delete line 5 and insert:

"Sec. 3. Minnesota Statutes 1982, section 72A.20, is amended by adding a subdivision to read:

Subd. 12a. [CLAIMS SETTLEMENT.] (a) [ADMINISTRATIVE ENFORCEMENT.] The commissioner may, in accordance with chapter 14, adopt rules to ensure the prompt, fair, and honest processing of claims and complaints. The commissioner may, in accordance with sections 72A.22 to 72A.25, seek and impose appropriate administrative remedies, including fines, for (1) a violation of this subdivision or the rules adopted pursuant to this subdivision; or (2) a violation of section 72A.20, subdivision 12. The commissioner need not show a general business practice in taking an administrative action for these violations.

No individual violation constitutes an unfair, discriminatory, or unlawful practice in business, commerce, or trade for purposes of section 8.31."

Page 2, line 6, delete "Subdivision 1." and insert "(b)"

Page 2, line 8, delete "section" and insert "subdivision,"

Page 2, line 8, delete "the effect and"

Page 2, delete lines 9 and 10 and insert "all pertinent facts and circumstances in determining the severity and appropriateness of the action to be taken in regard to any violation of this subdivision.

The magnitude of the harm to the claimant or insured, and any actions by the insured, claimant, or insurer that mitigate or exacerbate the impact of the violation may be considered.

Actions of the claimant or insured which impeded the insurer in processing or settling the claim, and actions of the insurer

which increased the detriment to the claimant or insured may also be considered in determining the appropriate administrative action to be taken."

Page 2, line 11, delete "Subd. 2." and insert "(c)"

Page 2, line 11, delete "section" and insert "subdivision"

Page 2, line 13, delete "(a)" and insert "(1)"

Page 2, line 15, delete "(b)" and insert "(2)"

Page 2, line 18, delete "(c)" and insert "(3)"

Page 2, line 27, delete "(d)" and insert "(4)"

Page 2, line 33, delete "(e)" and insert "(5)"

Page 3, line 2, delete "(f)" and insert "(6)"

Page 3, line 4, delete "(g)" and insert "(7)"

Page 3, line 11, delete "(h)" and insert "(8)"

Page 3, line 17, delete "(i)" and insert "(9)"

Page 3, line 22, delete "(j)" and insert "(10)"

Page 3, line 25, delete "(k)" and insert "(11)"

Page 3, line 31, delete "(l)" and insert "(12)"

Page 3, line 34, delete "(m)" and insert "(13)"

Page 4, line 2, delete "(n)" and insert "(14)"

Page 4, line 13, delete "Subd. 3." and insert "(d)"

Page 4, delete lines 17 to 27 and insert:

"(1) except for claims made under a health insurance policy, after receiving notification of claim from an insured or a claimant, failing to acknowledge receipt of the notification of the claim within ten business days, and failing to promptly provide all necessary claim forms and instructions to process the claim, unless the claim is settled within ten business days. The acknowledgment must include the telephone number of the company representative who can assist the insured or the claimant in providing information and assistance that is reasonable so that the insured or claimant can comply with the policy conditions and

the insurer's reasonable requirements. If an acknowledgment is made by means other than writing, an appropriate notation of the acknowledgment must be made in the claim file of the insurer and dated. An appropriate notation must include at least the following information where the acknowledgment is by telephone or oral contact:

(i) the telephone number called, if any;

(ii) the name of the person making the telephone call or oral contact;

(iii) the name of the person who actually received the telephone call or oral contact;

(iv) the time of the telephone call or oral contact; and

(v) the date of the telephone call or oral contact;"

Page 4, line 34, after "30" insert "business"

Page 5, line 4, before the semicolon insert ". For claims made under a health policy the notification of claim must be in writing"

Page 5, delete lines 15 to 17

Renumber the remaining clauses in sequence

Page 5, line 32, before the semicolon insert ". For the purposes of this clause, any claim on which the insurer has received no communication from the insured or claimant for a period of two years preceding the expiration of the applicable statute of limitations shall not be considered to be known to be unresolved and notice need not be sent pursuant to this clause"

Page 6, line 11, after "falsified" insert "by the agent or insurer"

Page 6, line 22, delete "Subd. 4." and insert "(e)"

Page 7, line 26, delete "Subd. 5." and insert "(f)"

Page 7, line 28, delete "subdivisions 3, 4, 6, 7, and 8" and insert "paragraphs (d), (e), (g), (h), and (i)"

Page 10, line 17, delete "Subd. 6." and insert "(g)"

Page 10, line 28, delete "Subd. 7." and insert "(h)"

Page 10, line 33, delete "specific"

Page 11, line 9, delete "(a)" and insert "(i)"

Page 11, line 10, delete "(b)" and insert "(ii)"

Page 11, line 14, delete "(c)" and insert "(iii)"

Page 11, line 17, delete "(a)" and insert "(i)" and delete "after"

Page 11, line 18, delete "proof of loss was submitted"

Page 11, line 20, delete "(b)" and insert "(ii)"

Page 11, line 22, delete "Subd. 8." and insert "(i)"

Page 12, line 14, delete "Subd. 9." and insert "(j)"

Page 12, line 14, delete "section" and insert "subdivision"

Page 12, line 15, delete "section" and insert "subdivision"

Page 12, after line 19, insert "Whenever it appears to the commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of this chapter or any rule or order hereunder:

(a) He may issue and cause to be served upon the person an order requiring the person to cease and desist from violations of section 72A.19 or 72A.20. The order must be calculated to give reasonable notice of the rights of the person to request a hearing thereon and must state the reasons for the entry of the order. A hearing must be held not later than seven days after the request for the hearing is received by the commissioner after which and within 20 days of the date of the hearing the commissioner shall issue a further order vacating the cease and desist order or making it permanent as the facts require. If no hearing is requested within 30 days of service of the order, the order will become final and will remain in effect until it is modified or vacated by the commissioner. All hearings must be conducted in accordance with chapter 14. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the person shall be deemed in default, and the proceeding may be determined against him upon consideration of the cease and desist order, the allegations of which may be deemed to be true. The commissioner may adopt rules of procedure concerning all proceedings conducted pursuant to this subdivision; and

(b)"

Page 12, line 22, delete the new comma

Page 12, line 23, delete "72A.201"

Page 12, line 23, delete the first comma and insert "or" and delete the second comma

Page 12, line 24, delete "or 72A.201"

Page 12, line 33, delete "or 72A.201,"

Amend the title as follows:

Page 1, line 6, delete "and" and insert a comma and after "12" insert ", and by adding a subdivision"

Page 1, line 7, delete "; proposing"

Page 1, line 8, delete everything before the period

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1910, A bill for an act relating to agriculture; regulating the bulk sale of food; proposing new law coded in Minnesota Statutes, chapter 31.

Reported the same back with the following amendments:

Page 1, line 9, delete "12" and insert "11"

Page 1, line 12, after "unprocessed" insert", frozen or unfrozen"

Page 3, line 6, after "used" insert "in a manner as"

Page 3, line 20, delete the second "and"

Page 3, line 21, delete the period and insert "; and"

Page 3, after line 21, insert:

"(4) dispensing by store personnel."

Page 4, line 12, delete everything after the period

Page 4, delete lines 13 to 18

Page 5, line 5, delete everything after "sanitized" and insert "at least daily or at more frequent intervals based on the type of food and the"

Page 5, line 6, delete "subject to"

Page 5, delete lines 20 to 23

Page 5, delete section 11 and renumber the following section

Page 6, line 2, after "disease" insert "or foreign matter"

Page 6, lines 4, 6, and 9, delete "11" and insert "10"

Page 6, line 5, after "adopt" insert "temporary or permanent"

Page 6, line 7, after "diseases" insert "or foreign matter"

Page 6, after line 9, insert:

"Sec. 12. [31.895] [LOCAL STANDARDS.]

No local unit of government may adopt standards governing persons, facilities, or activities covered by sections 1 to 11 which are more stringent than those set in sections 1 to 11."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1914, A bill for an act relating to public welfare; clarifying the commissioner's rulemaking authority; amending Minnesota Statutes 1983 Supplement, section 256.01, subdivision 2.

Reported the same back with the following amendments:

Page 4, delete lines 27 to 29 and insert:

"(15) The commissioner may adopt permanent rules under chapter 14 that are necessary to carry out the duties of the department of public welfare. The commissioner shall notify the

legislature of intent to promulgate a rule under this section. The notice shall state the subject matter of the rule and the duties of the department of public welfare to be carried out by promulgation of the rule. The appropriate standing committees of each house of the legislature may conduct public hearings for the purposes of examining the need for the rule and providing advice with respect to the policies to be promoted by the rule. If the appropriate standing committee of either house determines that the subject matter of the rule is such that a specific grant of rule-making authority by the legislature should be required, the commissioner shall not promulgate the rule under this section."

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1929, A bill for an act relating to agriculture; changing procedures for weighing livestock; imposing a penalty; appropriating money; amending Minnesota Statutes 1982, sections 17A.03, by adding subdivisions; 17A.04, subdivisions 1, 6, 7, and 8; 17A.05; 17A.07; 17A.10; 17A.11; and 17A.12; Minnesota Statutes 1983 Supplement, section 17A.06, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 17A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 17A.03, is amended by adding a subdivision to read:

Subd. 13. [STATE LIVESTOCK WEIGHMASTER.] "State livestock weighmaster" means a person employed by the department and appointed by the commissioner to weigh livestock and issue official certificates of state weight.

Sec. 2. Minnesota Statutes 1982, section 17A.03, is amended by adding a subdivision to read:

Subd. 14. [PUBLIC LIVESTOCK WEIGHER.] "Public livestock weigher" means a person employed by the company and registered with the commissioner to be responsible and accountable for weighing and recording the weights of livestock.

Sec. 3. Minnesota Statutes 1982, section 17A.03, is amended by adding a subdivision to read:

Subd. 15. [COMMERCIAL LIVESTOCK SCALE.] "Commercial livestock scale" means a livestock scale or monorail scale used in the purchase or sale of livestock or livestock carcasses. For purposes of this subdivision, "livestock scale" means a scale equipped with stock racks and gates and adapted to weighing single or multiple heads of livestock standing on the scale platform, and "monorail scale" means a scale, also called an abattoir scale, a track scale, or a rail scale, the load receiving element of which is part of a monorail conveyor system and which is used primarily for the weighing of livestock carcasses.

Sec. 4. Minnesota Statutes 1982, section 17A.04, subdivision 1, is amended to read:

Subdivision 1. [LICENSING PROVISIONS.] Licenses shall be issued to livestock market agencies and public stockyards annually and shall expire on December 31 each year, renewable annually thereafter. The license issued to a livestock market agency and public stockyard shall be conspicuously posted at the licensee's place of business. Licenses shall be required for livestock dealers and their agents for the period beginning July 1 each year and ending June 30. The license issued to a livestock dealer or the agent of a livestock dealer shall be carried by the person so licensed. The livestock dealer shall be responsible for the acts of his agents. *Licensed livestock market agencies, public stockyards, and livestock dealers shall be responsible for the faithful performance of duty of the public livestock weighers at their places of business.* The license issued to a livestock market agency, public stockyard or a livestock dealer or agent of a livestock dealer is not transferable. The operation of livestock market agencies, livestock dealers, agents and packers at a public stockyard are exempt from sections 17A.01 to 17A.09, 17A.12 to 17A.15, and 239.27.

Sec. 5. Minnesota Statutes 1982, section 17A.04, subdivision 6, is amended to read:

Subd. 6. [REFUSAL TO LICENSE.] The commissioner shall refuse to issue a *livestock market agency or livestock dealer* license if the applicant has not filed a surety bond in the form and amount required under sections 17A.04 and 17A.05; the commissioner may refuse to issue a license if the applicant (1) has not satisfactorily demonstrated by a current balance sheet and financial statement that the applicant's assets exceed his liabilities; (2) has been found by the department to have failed to pay, without reasonable cause, obligations incurred in connection with livestock transactions; (OR) (3) has failed to *maintain and operate livestock or monorail scales in a manner to ensure accurate and correct weights; or (4) has failed to comply with*

other statutes (OR), rules, or regulations enforced by the commissioner (OR), the board of animal health, *the division of weights and measures of the department of public service, or the federal Packers and Stockyards Administration.*

Sec. 6. Minnesota Statutes 1982, section 17A.04, subdivision 7, is amended to read:

Subd. 7. [REVOCATION OF LICENSE.] Whenever the commissioner finds that any livestock market agency or livestock dealer has violated the provisions of (SECTIONS 17A.04, 17A.05, 17A.07, or 17A.08) *this chapter, or has failed to comply with other laws, rules, or regulations enforced by the board of animal health, the division of weights and measures of the department of public service, or the federal Packers and Stockyards Administration, the commissioner may, by order, pursuant to the provisions of chapter 14, and this subdivision, revoke the license of the offender. Before any such license shall be revoked, the licensee shall be furnished with a statement of the complaints made against him, and a hearing shall be had before the commissioner upon at least ten days notice to the licensee to determine whether such license shall be revoked, which notice may be served either by certified mail addressed to the address of the licensee as shown in his application or in the manner provided by law for the service of a summons. At the time and place fixed for hearing, the commissioner or any official, employee or agent of the department authorized by the commissioner, shall receive evidence, administer oaths, examine witnesses, hear the testimony and thereafter file an order either dismissing the proceedings or revoking the license.*

Sec. 7. Minnesota Statutes 1982, section 17A.04, subdivision 8, is amended to read:

Subd. 8. [SUSPENSION OF LICENSE.] Whenever the commissioner finds that the licensee has violated (THE) provisions of (SECTIONS 17A.04, 17A.05, 17A.07, OR 17A.08) *this chapter, or has failed to comply with other laws, rules, or regulations enforced by the board of animal health, the division of weights and measures of the department of public service, or the Federal Packers and Stockyards Administration, and that the continued activity of a licensee may cause irreparable injury or loss to persons engaged in business with the licensee, the commissioner may, without hearing, suspend the license of the licensee, provided that when a license is so suspended, the commissioner shall immediately initiate procedures to afford the licensee a hearing pursuant to subdivision 7 except that the ten days notice required in subdivision 7 may be waived by the licensee.*

Sec. 8. Minnesota Statutes 1982, section 17A.05, is amended to read:

17A.05 [AMOUNT OF BONDS.]

Subdivision 1. [LIVESTOCK MARKET AGENCIES.] The amount of each livestock market agency bond filed with the commissioner shall be not less than \$10,000 or such larger amount as required, based on the commissioner's consideration of the principal's financial statement, the volume of business he reports, or any other factor the commissioner deems pertinent for the protection of the public. Each such bond shall be executed on a Packers and Stockyards Act form and shall contain the condition clause applicable when the principal sells on commission. A bond equivalent (IN THE FORM OF A TRUST FUND AGREEMENT) executed in accordance with the Packers and Stockyards Act, 1921, as amended, (7 U.S.C. 181 et seq.) (SHALL BE) is acceptable.

Subd. 2. [LIVESTOCK DEALERS.] The amount of each livestock dealer bond filed with the commissioner shall be not less than \$5,000 or such larger amount as required, based on the commissioner's consideration of the principal's financial statement, the volume of business he reports, or any other factor the commissioner deems pertinent for the protection of the public. Each such bond shall contain the condition clause applicable when the principal buys on commission or as a dealer. A livestock dealer's bond shall be executed on a form furnished by the commissioner or in accordance with the Packers and Stockyards Act, 1921, as amended, (7 U.S.C. 181 et seq.).

(IF THE) *When a bond is executed on a state form furnished by the commissioner, the bond shall be for the protection of both the buyer and the seller named in the transaction when the principal fails to pay when due for livestock purchased or sold for his own account or the account of others and shall be limited to the protection of claimants whose residence or principal place of livestock business is in the state of Minnesota at the time of the transaction. If the bond is filed on a form in accordance with the Packers and Stockyards Act, the bond shall cover claimants regardless of place of residence.*

Sec. 9. Minnesota Statutes 1983 Supplement, section 17A.06, subdivision 3, is amended to read:

Subd. 3. [(LEGAL) PUBLIC NOTICE.] Prior to a hearing, the commissioner shall (NOTIFY BY CERTIFIED MAIL ALL KNOWN POTENTIAL CLAIMANTS AND) publish a notice setting forth the default of the licensee and requiring all claimants to file proof of claim with the commissioner within (THREE MONTHS) *45 days* of the date such notice is published or be barred from participating in the proceeds of the bond. Such publication shall be made (FOR THREE CONSECUTIVE WEEKS) in a newspaper published (AT THE COUNTY SEAT OF) *in* the county in which the licensee has his principal place of business. The commissioner shall also fulfill any notice requirements prescribed by chapter 14 and rules of the office of administrative hearings. No claim shall be allowed unless it is filed with the commissioner within one year of the date of the

transaction. If a livestock market agency or livestock dealer has on file a Packers and Stockyards Act bond and is registered with the Packers and Stockyards Administration, the terms of the bond or that federal agency's regulations will control (IN DETERMINING THE TIME FOR FILING CLAIMS).

Sec. 10. Minnesota Statutes 1982, section 17A.07, is amended to read:

17A.07 [PROHIBITED CONDUCT.]

It shall be unlawful for any person to (1) carry on the business of a livestock market agency (OR), livestock dealer, or *public stockyard* without a valid and effective license issued by the commissioner under the provisions of section 17A.04; (2) carry on the business of a livestock market agency or livestock dealer without filing and maintaining a valid and effective surety bond in conformity with sections 17A.04 and 17A.05; (3) carry on the business of a livestock market agency or livestock dealer if he cannot pay his debts as they become due or ceases to pay his debts in the ordinary course of business as they become due; (4) *use or allow to be used any livestock scale or monorail scale which has not been certified and approved for official use or has been found to be inaccurate;* (5) *fail to maintain and operate livestock or monorail scales in a manner to ensure accurate and correct weights;* (6) *weigh livestock or carcasses at other than true and correct weights or issue accounts and records on the basis of inaccurate or incorrect weights;* (7) engage in or use any unfair or deceptive practice or device in connection with marketing of livestock; ((5)) (8) willfully make or cause to be made any false entry or statement of fact in any application, financial statement or report filed with the department under (THE PROVISIONS OF SECTIONS 17A.04, 17A.05 AND 17A.08) *this chapter.*

Sec. 11. Minnesota Statutes 1982, section 17A.10, is amended to read:

17A.10 [(PACKING PLANTS,) LIVESTOCK (MARKET AGENCIES) SCALES AND (STOCKYARDS; WEIGHERS) WEIGHING.]

Subdivision 1. [COMMERCIAL LIVESTOCK SCALES.] All livestock scales and monorail scales used for the purpose of buying or selling livestock or livestock carcasses within the state must meet the construction, maintenance, testing, and certification requirements of the division of weights and measures of the department of public service, and be in compliance with the scales and weighing regulations of the Packers and Stockyards Administration of the United States Department of Agriculture and be tested and certified by the state division of weights and measures. The division of weights and measures or an authorized

scale company shall test all livestock scales at least twice per year. The department of agriculture shall perform scale maintenance inspections at least twice per year at intervals that will provide alternate testing or inspection of each scale every 90 days. Special tests may be required as necessary. The basic maintenance tolerance for livestock scales is one pound per 1,000 pounds of test load. The responsibility for compliance of a scale with these requirements rests with the owner or manager of the scale.

Subd. 2. [STATE LIVESTOCK WEIGHMASTERS.] The commissioner shall appoint (AT PUBLIC STOCKYARDS, PACKING PLANTS, SLAUGHTERING HOUSES, BUYING STATIONS, OR LIVESTOCK MARKET AGENCIES WHERE THE AVERAGE DAILY NUMBER OF LIVESTOCK WEIGHED FOR THE PURPOSE OF ESTABLISHING A BASIS FOR SALE IS 500 HEAD OR MORE, AND THE COMMISSIONER MAY APPOINT) state employees as necessary to provide state weighing service at public stockyards, packing plants, slaughtering houses, buying stations, or livestock market agencies on application from (SUCH FACILITIES WHERE THE AVERAGE DAILY NUMBER OF LIVESTOCK WEIGHED FOR THE PURPOSE OF ESTABLISHING A BASIS FOR SALE IS LESS THAN 500 HEAD, SUCH WEIGHERS AS MAY BE NECESSARY FOR WEIGHING LIVESTOCK, PROVIDED THAT NO WEIGHERS SHALL BE REQUIRED AT FACILITIES WHERE THE ONLY LIVESTOCK HANDLED HAS BEEN PREVIOUSLY PURCHASED OR ACQUIRED, AND TITLE OR TERMS OF OWNERSHIP ALREADY ESTABLISHED. THE COMMISSIONER SHALL PRESCRIBE AND FOLLOW SUCH REASONABLE REGULATIONS AS HE DEEMS NECESSARY FOR DETERMINING SUCH DAILY AVERAGE. SUCH WEIGHERS) the business entity requesting official state livestock weighing. State livestock weighmasters shall weigh all livestock coming to these places for sale, (AND) keep a record (THEREOF. UPON REQUEST, THE WEIGHERS SHALL) of the weights, and furnish the interested parties a certificate (SETTING FORTH) of state weight stating the number of animals weighed and the (ACTUAL) weight of (SUCH ANIMAL OR) the animals. (SUCH) The certificate (SHALL BE) is prima facie evidence of the facts (THEREIN) certified. (THE SCALES AT ALL SUCH PLACES ON WHICH LIVESTOCK IS WEIGHED SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STATE DIVISION OF WEIGHTS AND MEASURES, AND BE TESTED UP TO THE MAXIMUM DRAFT THAT MAY BE WEIGHED THEREON, AT LEAST ONCE EVERY 90 DAYS, AND BE IN COMPLIANCE WITH ALL THE STATUTORY REQUIREMENTS AND REGULATIONS ADOPTED BY THE STATE DIVISION OF WEIGHTS AND MEASURES PERTAINING TO LIVESTOCK SCALES AND WEIGHING.) An application for official state livestock weighing constitutes an agreement between the business entity requesting state weigh-

ing and the commissioner. The agreement is for one year beginning July 1 and ending the following June 30th. The agreement automatically renews each year unless a written notice of intent to terminate is given to the commissioner at least 90 days prior to July 1. Otherwise the commissioner shall continue to provide state weighing services in accordance with this chapter.

Whenever the management of a facility under state weighing exercises its option to terminate state weighing service, the state livestock weighmasters must be given the opportunity to continue in their livestock weighing positions with the company until those positions become vacated or terminated.

Subd. 3. [SUPERVISION AND ENFORCEMENT.] State livestock weighmasters have charge over the scales on which official certificates of state weight are issued to ensure compliance with scale maintenance and testing requirements and proper weighing procedures.

The commissioner shall appoint law compliance personnel as necessary to provide maintenance inspections, check-weighing, comparison weighing, and record audits and to investigate complaints in order to enforce this chapter.

The regulations pertaining to livestock and monorail scales adopted by the Packers and Stockyards Administration of the United States Department of Agriculture are applicable in Minnesota, and a memorandum of understanding with the Packers and Stockyards Administration provides for a cooperative state and federal enforcement program.

Sec. 12. Minnesota Statutes 1982, section 17A.11, is amended to read:

17A.11 [FEES FOR LIVESTOCK WEIGHING.]

The commissioner shall prescribe the fee necessary to cover the cost of (SUCH) state weighing, to be assessed and collected from the seller in (SUCH) the manner (AS) the commissioner may prescribe (; PROVIDED, THAT). The fee assessed *must* be the same, and the manner of collection (THEREOF) of the fee *must* be uniform at all facilities (, AND PROVIDED, FURTHER, THAT IF). At any location, except a public stockyard, where state weighing is performed in accordance with (LAWS 1974, CHAPTER 347) *this chapter* and the total annual fees collected are insufficient to pay the cost of (SUCH) the weighing, the annual deficit shall be assessed and collected in (SUCH) the manner (AS) the commissioner may prescribe. Additional (MONEYS) *money* arising from the weighing of animals by the commissioner, which (HAVE) *has* been collected and retained by any person, shall be paid on demand to the commissioner. All (MONEYS) *money* collected by the commissioner shall be deposited in the state treasury and credited

to the livestock weighing fund, and shall be paid out only on the order of the commissioner and the state's warrant.

Sec. 13. Minnesota Statutes 1982, section 17A.12, is amended to read:

17A.12 [QUALIFICATIONS.]

No (WEIGHER) *state livestock weighmaster* shall, during (HIS) *the weighmaster's term of service*, be in any manner financially interested in the handling, shipping, purchase, or sale of livestock (, NOR) *or in the employment of any person engaged therein.*

Public livestock weighers must be at least 18 years of age, be of good character, and possess the knowledge and ability to assume the responsibility to determine and accurately record the weight of livestock drafts without prejudice or favor to any person or agency and without regard for livestock ownership, price, condition, fill, shrink, or other considerations, in accordance with the scale and weighing instructions of the Packers and Stockyards Administration of the United States Department of Agriculture and the rules adopted by the commissioner.

Any public stockyard, packing plant or slaughtering house, buying station, livestock market agency, livestock dealer, or owner of commercial livestock scales not having state livestock weighmasters shall appoint public livestock weighers, register them with the commissioner, and provide the commissioner with a signed copy of the United States Department of Agriculture, Packers and Stockyards Administration, "Weighers Acknowledgement and Agreement."

Sec. 14. [17A.17] [AUDIT BY DEPARTMENT.]

The department may audit records, including incoming purchase records of a livestock packer and shipping weights or transfer of weight invoices, in order to ensure there are no weight discrepancies in hot weight or grade and yield transactions.

Sec. 15. [APPROPRIATION.]

There is appropriated from the general fund to the commissioner of agriculture the additional sum of \$60,000 for the biennium ending June 30, 1985, for purposes of enforcement and implementation of this act. The complement of the livestock licensing and weighing division is increased by two.

Sec. 16. [EFFECTIVE DATE.]

This act is effective July 1, 1984."

Delete the title and insert:

"A bill for an act relating to agriculture; changing procedures for weighing livestock; imposing a penalty; appropriating money; amending Minnesota Statutes 1982, sections 17A.03, by adding subdivisions; 17A.04, subdivisions 1, 6, 7, and 8; 17A.05; 17A.07; 17A.10; 17A.11; and 17A.12; Minnesota Statutes 1983 Supplement, section 17A.06, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 17A."

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1930, A bill for an act relating to agriculture; providing for an additional extension agent; proposing new law coded in Minnesota Statutes, chapter 38.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1.

The dean of the institute of agriculture of the University of Minnesota or his delegated representative shall, in accordance with county and university personnel administration procedures, employ a suitable and qualified person to work as full-time county extension agent in Grant County.

Sec. 2.

County extension agents shall be appointed to work half time in the counties of Lake of the Woods, Pennington, Red Lake, Steele, and Waseca.

Sec. 3.

One full-time county extension agent shall be appointed to serve Benton and Stearns counties.

Sec. 4.

One full-time county extension agent shall be appointed to develop and implement an educational and applied research

program for Chisago, Isanti, Kanabec, Mille Lacs, Pine, and Sherburne counties.

Sec. 5.

One irrigation engineer shall be reinstated at the Staples AVTI and one irrigation engineer shall be reinstated in Pope County.

Sec. 6. [APPROPRIATIONS.]

\$10,000 is appropriated from the general fund in the state treasury to the University of Minnesota for the purposes of section 1. \$. is appropriated from the general fund in the state treasury to the University of Minnesota for the purposes of sections 2 to 5. These appropriations are for the fiscal year ending June 30, 1985."

Amend the title as follows:

Page 1, line 2, delete "an"

Page 1, line 3, delete everything after "extension" and insert "agents"

Page 1, line 4, delete everything before the period

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

The report was adopted.

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

H. F. No. 1967, A bill for an act relating to public welfare; setting licensing, planning and zoning provisions with respect to licensed residential and day care facilities; providing that certain facilities are permitted multi-family uses; allowing municipalities to require conditional use permits for certain other facilities; requiring counties to engage in planning to promote dispersal of residential facilities; providing that certain facilities are permitted single family uses; amending Minnesota Statutes 1982, sections 245.812, subdivisions 4 and 7, and by adding subdivisions; and 462.357, subdivisions 7, 8, and by adding subdivisions.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 245.783, is amended by adding a subdivision to read:

Subd. 7. When issuing new licenses pursuant to this section, the commissioner shall implement a policy preference for residential facilities serving less than 17 individuals who are mentally retarded.

Sec. 2. Minnesota Statutes 1982, section 245.812, is amended by adding a subdivision to read:

Subd. 2a. It is the policy of this state that handicapped persons and children should not be excluded by municipal zoning ordinances or other land use regulations from the benefits of normal residential surroundings.

Sec. 3. Minnesota Statutes 1982, section 245.812, subdivision 3, is amended to read:

Subd. 3. A licensed residential facility serving six or fewer persons or a licensed day care facility serving (TEN) 12 or fewer persons shall be considered a permitted single family residential use of property for the purposes of zoning.

Sec. 4. Minnesota Statutes 1982, section 245.812, subdivision 4, is amended to read:

Subd. 4. (UNLESS OTHERWISE PROVIDED IN ANY TOWN, MUNICIPAL OR COUNTY ZONING REGULATION,) A licensed (DAY CARE OR) residential facility serving from seven through sixteen persons or a licensed day care facility serving from 13 through 16 persons shall be considered a permitted multi-family residential use of property for purposes of zoning. (A TOWNSHIP, MUNICIPAL OR COUNTY ZONING AUTHORITY MAY REQUIRE A CONDITIONAL USE OR SPECIAL USE PERMIT IN ORDER TO ASSURE PROPER MAINTENANCE AND OPERATION OF A FACILITY, PROVIDED THAT NO CONDITIONS SHALL BE IMPOSED ON THE HOMES WHICH ARE MORE RESTRICTIVE THAN THOSE IMPOSED ON OTHER CONDITIONAL USES OR SPECIAL USES OF RESIDENTIAL PROPERTY IN THE SAME ZONES, UNLESS SUCH ADDITIONAL CONDITIONS ARE NECESSARY TO PROTECT THE HEALTH AND SAFETY OF THE RESIDENTS OF THE FACILITY. NOTHING HEREIN SHALL BE CONSTRUED TO EXCLUDE OR PROHIBIT RESIDENTIAL HOMES FROM SINGLE FAMILY ZONES IF OTHERWISE PERMITTED BY A LOCAL ZONING REGULATION.)

Sec. 5. Minnesota Statutes 1982, section 245.812, is amended by adding a subdivision to read:

Subd. 4a. Unless otherwise provided in any town, municipal, or county zoning regulation as authorized by this subdivision, a licensed day care or residential facility serving from 17 through 25 persons shall be considered a permitted multi-family residential use of property for purposes of zoning. A township, municipal, or county zoning authority may require a conditional use or special use permit, provided that no standards shall be used which are more restrictive than those used with respect to other uses of residential property in the same zones. The zoning authority may require a periodic review of the permit if required of all conditional use or special use permits. Nothing in this subdivision shall be construed to exclude or prohibit residential facilities from any zoning district if otherwise permitted by a local zoning regulation.

Sec. 6. Minnesota Statutes 1982, section 245.812, subdivision 7, is amended to read:

Subd. 7. (a) Residential facilities for adult mentally ill persons established on or before July 1, 1980, are exempt from the requirements of this section until July 1, (1984) 1985. (THE COMMISSIONER SHALL DEVELOP A MECHANISM FOR ENSURING FULL COMPLIANCE WITH THIS SECTION BY RESIDENTIAL FACILITIES FOR ADULT MENTALLY ILL PERSONS BY JULY 1, 1984.)

(b) Before January 1, 1985, each county having one or more group residential facilities within 1,320 feet of any existing group residential facility shall submit to the department of public welfare a plan to promote dispersal of group residential facilities. In formulating its plan, the county shall solicit the participation of affected persons, facilities, municipalities having highly concentrated residential facility populations, and advocacy groups. For purposes of this subdivision, "highly concentrated" means having a population in residential facilities serving seven or more persons that exceeds one-half of one percent of the population of a recognized planning district or other administrative subdivision.

(c) Within 45 days after submission of the plan by the county, the commissioner shall certify whether the plan fulfills the purposes and requirements of this subdivision including the following requirements.

(1) No new facility serving seven or more persons shall be located in any recognized planning district or other administrative subdivision where the population in residential facilities is highly concentrated.

(2) The county plan shall promote dispersal of highly concentrated residential facility populations.

(3) *The county plan shall promote the development of residential facilities in areas that are not highly concentrated.*

(4) *No person in a residential facility shall be displaced as a result of this section until a relocation plan has been implemented that provides for an acceptable alternative placement.*

(5) *If the plan provides for the relocation of residential facilities, the relocation shall be completed by January 1, 1990.*

If the commissioner certifies that the plan does not do so, he shall state the reasons, and the county shall have 30 days to submit a plan amended to comply with the requirements of the commissioner.

(d) *After July 1, 1985, the commissioner may reduce grants pursuant to section 245.73 to a county required to have an approved plan under clause (b) if the county does not have a plan approved by the commissioner. The county board has the right to be provided with advance notice and to appeal the commissioner's decision. If the county requests a hearing within 30 days of the notification of intent to reduce grants, the commissioner shall not certify any reduction in grants until a hearing is conducted and a decision rendered in accordance with the contested case provisions of chapter 14.*

Sec. 7. Minnesota Statutes 1982, section 462.357, is amended by adding a subdivision to read:

Subd. 6a. It is the policy of this state that handicapped persons and children should not be excluded by municipal zoning ordinances or other land use regulations from the benefits of normal residential surroundings. For purposes of subdivisions 6a through 9, "person" has the meaning given in section 245.782, subdivision 2.

Sec. 8. Minnesota Statutes 1982, section 462.357, subdivision 7, is amended to read:

Subd. 7. [PERMITTED SINGLE FAMILY USE.] (IN ORDER TO IMPLEMENT THE POLICY OF THIS STATE THAT MENTALLY RETARDED AND PHYSICALLY HANDICAPPED PERSONS SHOULD NOT BE EXCLUDED BY MUNICIPAL ZONING ORDINANCES FROM THE BENEFITS OF NORMAL RESIDENTIAL SURROUNDINGS,) A state licensed (GROUP HOME OR FOSTER HOME) residential facility serving six or fewer (MENTALLY RETARDED OR PHYSICALLY HANDICAPPED) persons or a licensed day care facility serving 12 or fewer persons shall be considered a permitted single family residential use of property for the purposes of zoning.

Sec. 9. Minnesota Statutes 1982, section 462.357, subdivision 8, is amended to read:

Subd. 8. [PERMITTED MULTI-FAMILY USE.] (UNLESS OTHERWISE PROVIDED IN ANY TOWN, MUNICIPAL OR COUNTY ZONING REGULATION AS AUTHORIZED BY THIS SUBDIVISION,) A state licensed residential facility serving from 7 through 16 (MENTALLY RETARDED OR PHYSICALLY HANDICAPPED) persons or a licensed day care facility serving from 13 through 16 persons shall be considered a permitted multi-family residential use of property for purposes of zoning. (A TOWNSHIP, MUNICIPAL OR COUNTY ZONING AUTHORITY MAY REQUIRE A CONDITIONAL USE OR SPECIAL USE PERMIT IN ORDER TO ASSURE PROPER MAINTENANCE AND OPERATION OF A FACILITY, PROVIDED THAT NO CONDITIONS SHALL BE IMPOSED ON THE HOMES WHICH ARE MORE RESTRICTIVE THAN THOSE IMPOSED ON OTHER CONDITIONAL USES OR SPECIAL USES OF RESIDENTIAL PROPERTY IN THE SAME ZONES, UNLESS THE ADDITIONAL CONDITIONS ARE NECESSARY TO PROTECT THE HEALTH AND SAFETY OF THE RESIDENTS OF THE RESIDENTIAL FACILITY FOR THE MENTALLY RETARDED OR THE PHYSICALLY HANDICAPPED. NOTHING HEREIN SHALL BE CONSTRUED TO EXCLUDE OR PROHIBIT RESIDENTIAL HOMES FOR THE MENTALLY RETARDED OR PHYSICALLY HANDICAPPED FROM SINGLE FAMILY ZONES IF OTHERWISE PERMITTED BY A LOCAL ZONING REGULATION.)

Sec. 10. Minnesota Statutes 1982, section 462.357, is amended by adding a subdivision to read:

Subd. 9. Unless otherwise provided in any town, municipal, or county zoning regulation as authorized by this subdivision, a licensed day care or residential facility serving from 17 through 25 persons shall be considered a permitted multi-family residential use of property for purposes of zoning. A township, municipal, or county zoning authority may require a conditional use or special use permit, provided that no standards shall be used which are more restrictive than those used with respect to other uses of residential property in the same zones. The zoning authority may require a periodic review of the permit if required of all conditional use or special use permits. Nothing in this subdivision shall be construed to exclude or prohibit residential facilities from any zoning district if otherwise permitted by a local zoning regulation.

Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 10 are effective the day after final enactment."

Amend the title as follows:

Page 1, line 11, after "sections" insert "245.783, by adding a subdivision;"

Page 1, line 12, after the first "subdivisions" insert "3,"

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

The report was adopted.

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

H. F. No. 1977, A bill for an act relating to public welfare; clarifying the calculation of rates paid to health maintenance organizations; requiring the use of certain presentation materials; amending Minnesota Statutes 1982, sections 256.966, subdivision 2; and 256B.05, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 15, after "the" insert "*projected*"

Page 1, lines 19 to 21, delete the new language

Page 2, line 1, after "*present*" insert "*all of*"

Page 2, line 4, after the period insert "*The state agency shall monitor county agency presentations.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1994, A bill for an act relating to judges; providing for the manner of filling vacancies in the office of judge; proposing new law coded as Minnesota Statutes, chapter 480B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [480B.01] [COMMITTEE ON JUDICIAL VACANCIES.]

Subdivision 1. [JUDICIAL VACANCIES.] When a justice of the supreme court, a judge of the court of appeals, or a judge of the district, county, or county municipal court dies, resigns, retires, or is removed during his term of office, the resulting vacancy shall be filled by the governor in the manner provided in this section.

Subd. 2. [COMMITTEE ESTABLISHED; MEMBERS.] A committee on judicial vacancies is established. It shall be composed of permanent members chosen as follows:

(1) four members appointed by the governor to a four-year term, which shall end on the same day the governor's term of office ends;

(2) four members appointed by the chief justice to a four-year term, which shall end on the same day the governor's term of office ends;

(3) one attorney residing in each judicial district elected by the attorneys residing in the district to a four-year term, which shall end on the same day the governor's term of office ends; and

(4) one district, county, or county municipal judge elected by the district, county, and county municipal judges in the district to a four-year term, which shall end on the same day the governor's term of office ends.

Individuals elected pursuant to clause (3) shall be chosen at elections administered by the bar associations serving each judicial district. Individuals elected pursuant to clauses (3) and (4) shall be permanent members of the committee but shall participate in committee meetings and deliberations only when the committee is considering applicants to fill a vacancy on the district, county, or county municipal court in the judicial district from which those individuals were elected.

A member appointed pursuant to clause (1), serves at the pleasure of the governor.

If a vacancy occurs on the committee by reason of the death or resignation of any permanent member or by the removal of a member appointed pursuant to clause (1), the appointing or electing authority shall appoint or elect an individual to fill the vacancy for the remainder of the unexpired term.

Each time a vacancy occurs on the district, county, or county municipal court, in addition to the permanent members provided in clauses (1) to (4), two residents of the judicial district shall be appointed by the governor as special members of the committee and shall serve only while the vacancy in that district is being filled.

The appointing or electing authorities shall ensure that the permanent members of the committee include attorneys who are women and members of minority races.

The governor shall designate the chairman of each committee, who shall call meetings and preside at them. A quorum of the committee shall be seven members when considering district, county, or county municipal court vacancies and five members when considering supreme court or court of appeals vacancies.

Both permanent and special members of the committee who would otherwise be eligible to hold judicial office shall not be considered or appointed to fill any judicial vacancy while they are members of the committee or for six months following the end of their membership on the committee.

Subd. 3. [COMMITTEE MEETINGS; NOTICE; TIME.]

Within ten days after a judicial vacancy occurs or after the governor has been notified that a vacancy will occur on a specified date, the governor shall notify the chairman of the committee on judicial vacancies. The governor shall advise the chairman of the names of the persons appointed to serve as special members of the committee on judicial vacancies for the purpose of considering candidates to fill that vacancy or anticipated vacancy. The chairman shall notify the appropriate permanent and special members of the committee that a vacancy has occurred or is anticipated and shall call a meeting of the committee to consider the candidates for the vacancy. The meeting shall be held not less than 30 days nor more than 42 days after the governor provides notification of the vacancy.

Subd. 4. [NOTICE TO THE PUBLIC.] *Upon receiving notice from the governor that a judicial vacancy has occurred or will occur at a definite future date, the chairman shall provide notice of the following information:*

- (1) the office which is or will be vacant;*
- (2) that applications from qualified persons are being accepted by the committee;*
- (3) that application forms may be obtained from the committee at a specified address; and*
- (4) that application forms must be returned to the committee by a specified date, which shall be three days before the first meeting of the committee called by the chairman to consider candidates.*

If the vacancy has occurred or will occur on the supreme court or court of appeals, the notice shall be provided to the bar association in each judicial district and to at least one newspaper of

general circulation in each county in the state. If the vacancy has occurred or will occur in the district, county, or county municipal court, notice shall be provided to the bar association in the judicial district where the vacancy has occurred or will occur and to at least one newspaper of general circulation in each county in the district.

Subd. 5. [CANDIDATE EVALUATION.] In the case of all vacancies, the committee shall evaluate the extent to which candidates possess the following qualifications for judicial office: integrity, maturity, health, judicial temperament, diligence, legal knowledge, ability and experience, and community service. The committee shall give consideration to female candidates and to male candidates who are Blacks, Hispanics, Asians, or American Indians. The committee may establish procedures for evaluating candidates.

Subd. 6. [NOMINEES TO GOVERNOR.] Within 30 days after the first meeting of the committee to consider candidates, the committee shall recommend to the governor no fewer than three and no more than five nominees for each judicial vacancy. The nominees shall not be ranked in any preference order. The names of the nominees shall be made public. The governor shall fill the vacancy from the nominees recommended by the committee within 15 days after receiving the recommendations unless he rejects all the nominees and requests new nominees from the committee in writing.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1984, for judicial vacancies occurring on and after January 1, 1985. The initial permanent members of the committee shall be appointed or elected to terms which shall end on the first Sunday of January 1987."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2004, A bill for an act relating to health; requiring the commissioner of health to publish information about hazardous substances; proposing new law coded in Minnesota Statutes, chapter 144.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [144.054] [ENVIRONMENTAL HEALTH INFORMATION.]

Subdivision 1. [LEGISLATIVE PURPOSE.] A large number of individuals are exposed to hazardous substances in the community or at the workplace. This exposure is frequently at low levels and individuals, communities, employers, and employees are not aware of the health and safety effects of exposure. It is the responsibility of the state to provide information and education to individuals, communities, employers, and employees concerning the risks of exposure in relation to other health and safety risks.

Subd. 2. [DEFINITION.] “Hazardous substance” means harmful physical agents and infectious agents that are regulated under the Employee Right to Know Act of 1983, including chemicals commonly used, inhaled, or consumed away from the workplace.

Subd. 3. [ENVIRONMENTAL HEALTH EDUCATION PROGRAM.] The commissioner of health shall establish and maintain an environmental education and information program. As part of the program the commissioner shall:

(1) provide information regarding epidemiologic, genetic, and other scientific studies proposed, underway, or completed that pertain to adverse health effects that may be associated with exposure to hazardous substances;

(2) monitor and report on the activities and policies of the United States government relating to the exposure of communities, workers, or individuals to hazardous substances;

(3) respond, within the scope of the powers and duties established under chapters 144 and 145, to other issues of concern to communities, employees, workers, and individuals relating to exposure to hazardous substances;

(4) provide medical information to health professionals and others in the state regarding the detection, diagnosis, and treatment of acute and chronic symptoms that may be associated with exposure to hazardous substances; and

(5) compile and publish by January 1, 1985, a list of the leading causes of death in Minnesota. To the extent possible, the list shall include references to hazardous substances to which individuals may have been exposed.

Subd. 4. [SPECIAL STUDIES.] The commissioner may conduct studies regarding the prevalence of adverse health con-

ditions in individuals exposed to certain hazardous substances and previous exposure of selected individuals who are terminally ill or deceased.

Subd. 5. [ANNUAL REPORT.] The commissioner shall prepare an annual report to the standing committees of the legislature having jurisdiction over public health and hazardous substances. The report shall include:

(1) a review and summary analysis of the scientific literature concerning new research on the effects of exposure to hazardous substances;

(2) a list of hazardous substances indicating their general importance in terms of toxicity, exposure of the public or special groups, and impact upon the health of the state;

(3) a summary of the activities undertaken by the commissioner to inform and assist communities, individuals, employees, and employers who may have been exposed to hazardous substances;

(4) a description and interpretation of the results of studies undertaken pursuant to this section; and

(5) comments or recommendations the commissioner may consider appropriate.

Sec. 2. [APPROPRIATION.]

There is appropriated from the general fund to the commissioner of health \$112,500 for purposes of section 1.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective July 1, 1984."

Amend the title as follows:

Page 1, line 3, delete "publish" and insert "conduct studies and disseminate"

Page 1, line 4, after the semicolon insert "appropriating money;"

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

The report was adopted.

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

H. F. No. 2017, A bill for an act relating to commitment; defining provisional discharge; prohibiting the provisional release of a mentally ill and dangerous patient from secure confinement; amending Minnesota Statutes 1982, sections 253B.02, by adding a subdivision; and 253B.18, subdivision 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 253B.02, is amended by adding a subdivision to read:

Subd. 21. [PASS.] "Pass" means any authorized temporary, unsupervised absence from the treatment facility.

Sec. 2. Minnesota Statutes 1982, section 253B.02, is amended by adding a subdivision to read:

Subd. 22. [PASS PLAN.] "Pass plan" means a part of a treatment plan of a person who has been committed as mentally ill and dangerous which specifies the terms and conditions under which the patient may be released on a pass.

Sec. 3. Minnesota Statutes 1982, section 253B.02, is amended by adding a subdivision to read:

Subd. 23. [PASS-ELIGIBLE STATUS.] "Pass-eligible status" means the status in which persons committed as mentally ill and dangerous may be released on passes upon approval of a pass plan by the head of the treatment facility.

Sec. 4. Minnesota Statutes 1982, section 253B.18, is amended by adding a subdivision to read:

Subd. 4a. [PASSES.] Patients who have been committed as mentally ill and dangerous and who are confined at the Minnesota security hospital shall not be released on a pass unless the pass is part of a pass plan that has been approved by the medical director of the Minnesota security hospital. At least ten days prior to his determination on the plan, the medical director shall notify the county attorney of the county of commitment of the plan, the nature of the passes proposed and the county attorney's right to object to the plan. If the county attorney objects prior to the proposed date of implementation, the county attorney shall have the opportunity to appear, personally or in writing, before the medical director, within ten days of this objection, to present his grounds for opposing the plan. The pass plan shall not be implemented until the county attorney has been furnished that opportunity.

Sec. 5. Minnesota Statutes 1982, section 253B.18, is amended by adding a subdivision to read:

Subd. 4b. [PASS-ELIGIBLE STATUS.] Patients who have been committed as mentally ill and dangerous, who are confined at the Minnesota security hospital, and who were acquitted of a crime against the person pursuant to a verdict of not guilty by reason of mental illness, or who were convicted of a crime against the person, or who are subject to a commitment to the commissioner of corrections, shall not be placed on pass-eligible status unless the status has been approved by the medical director of the Minnesota security hospital. At least ten days prior to his determination on the status, the medical director shall notify the county attorney of the county of commitment of the proposed status, and the county attorney's right to request review by the special review board. If the county attorney requests review by the special review board within ten days of the date of the notice, by filing a notice of objection with the commissioner and the head of the treatment facility, the status shall not be implemented unless it is approved by the commissioner after a hearing before the special review board and a favorable recommendation of majority of the board. The status shall be deemed approved by the commissioner unless he orders otherwise within 30 days of the request for a review by the county attorney. Any patient aggrieved by the head of the treatment facility's failure to approve a pass-eligible status may seek approval of the status by petitioning the special review board. The order of the commissioner is appealable as provided in section 253B.19."

Amend the title as follows:

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

Page 1, line 7, delete "subdivision 7" and insert "by adding subdivisions"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2050, A bill for an act relating to public welfare; allowing reimbursement for certain services under the state general assistance medical care program; amending Minnesota Statutes 1983 Supplement, section 256D.03, subdivision 4.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 2067, A bill for an act relating to occupations and professions; prohibiting the boards of medical examiners and psychology from using evidence of the previous sexual conduct of a patient or client in board proceedings concerning unprofessional conduct; proposing new law coded in Minnesota Statutes, chapters 147 and 148.

Reported the same back with the following amendments:

Page 1, line 12, delete "*of the board*"

Page 1, line 14, after "*board*" insert "*or hearing examiner*"

Page 1, line 17, delete "*of the board*" and insert "*, except by motion of the complainant*"

Page 1, line 20, delete "*of the board*"

Page 1, line 22, after "*board*" insert "*or hearing examiner*"

Page 1, line 24, delete "*of the*" and insert "*, except by motion of the complainant.*"

Page 1, delete line 25

Amend the title as follows:

Page 1, delete line 3

Page 1, line 4, delete "*using*"

Page 1, line 5, delete "*board*"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2091, A bill for an act relating to public welfare; authorizing the commissioner of public welfare to establish a special revenue account; expanding the commissioner's duties; appropriating money; amending Minnesota Statutes 1983 Supplement, section 256.01, subdivision 2.

Reported the same back with the following amendments:

Page 5, delete lines 5 to 8 and renumber the remaining section

Amend the title as follows:

Page 1, line 5, delete "appropriating money;"

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 2097, A bill for an act relating to persons handicapped in communication; requiring the arresting officer to immediately obtain a qualified interpreter for a person handicapped in communication who has been arrested; amending Minnesota Statutes 1982, section 611.32.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 546.42, is amended to read:

546.42 [PERSONS HANDICAPPED IN COMMUNICATION; INTERPRETERS.]

For the purposes of sections 546.42 to 546.44 a person handicapped in communication is one who, because of a hearing, speech or other communication disorder, or because of (THE INABILITY TO SPEAK OR COMPREHEND) *difficulty in speaking or comprehending* the English language, is unable to *fully* understand the proceedings in which he is required to participate, or when named as a party to a legal proceeding, is unable by reason of the deficiency to obtain due process of law.

Sec. 2. Minnesota Statutes 1982, section 611.31, is amended to read:

611.31 [HANDICAPPED PERSON.]

For the purposes of sections 611.30 to 611.34, "person handicapped in communication" means a person who: (a) because of a hearing, speech or other communication disorder, or (b) be-

cause of (THE INABILITY TO SPEAK OR COMPREHEND) *difficulty in speaking or comprehending* the English language, cannot *fully* understand the proceedings or any charges made against him, or is incapable of presenting or assisting in the presentation of his defense.

Sec. 3. Minnesota Statutes 1982, section 611.32, is amended to read:

611.32 [PROCEEDINGS WHERE INTERPRETER APPOINTED.]

Subdivision 1. [PROCEEDINGS AND PRELIMINARY PROCEEDINGS INVOLVING POSSIBLE CRIMINAL SANCTIONS OR CONFINEMENT.] In any proceeding (WHEREIN) *in which* a (HANDICAPPED) person *handicapped in communication* may be subjected to confinement or criminal sanction, or in any proceeding preliminary (THERE TO) *to that proceeding*, including coroner's inquest, grand jury proceedings, and proceedings relating to mental health commitments, the presiding judicial officer shall appoint a qualified interpreter to assist the (HANDICAPPED) person *handicapped in communication and any witness handicapped in communication* throughout the proceedings.

Subd. 2. [PROCEEDINGS AT TIME OF APPREHENSION OR ARREST.] (UPON) *Following* the apprehension or arrest of a person *handicapped in communication* for an alleged violation of a criminal law (AND), *the arresting officer, sheriff, or other law enforcement official shall immediately make necessary contacts to obtain a qualified interpreter and shall obtain an interpreter at the earliest possible time at the place of detention. A law enforcement officer shall, with the assistance of the interpreter, explain to the person handicapped in communication all charges filed against him or her and all procedures relating to his or her detainment and release. The interpreter shall also assist the person with all other communications, including communications relating to needed medical attention. Prior to interrogating or taking the statement of (A) the (HANDICAPPED) person handicapped in communication, the arresting officer, sheriff, or other law enforcement official shall make available to (SAID) the person (, AT THE EARLIEST POSSIBLE TIME,) a qualified interpreter to assist (SUCH) the person throughout (SUCH) the interrogation or taking of a statement."*

Amend the title as follows:

Page 1, line 6, delete "section" and insert "sections 546.42; 611.31; and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 2099, A bill for an act relating to insurance; no-fault auto; providing uninsured and underinsured motorist coverages; defining terms; amending Minnesota Statutes 1982, sections 65B.43, by adding subdivisions; and 65B.49, subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 65B.43, is amended by adding a subdivision to read:

Subd. 15. “Uninsured motor vehicle” means a motor vehicle or motorcycle for which a plan of reparation security meeting the requirements of sections 65B.41 to 65B.71 is not in effect.

Sec. 2. Minnesota Statutes 1982, section 65B.43, is amended by adding a subdivision to read:

Subd. 16. “Uninsured motorist coverage” means coverage for the protection of persons insured thereunder who are legally entitled to recover damages, because of bodily injury, from owners or operators of uninsured motor vehicles and motor vehicles or motorcycles whose owner or operator cannot be identified.

Sec. 3. Minnesota Statutes 1982, section 65B.43, is amended by adding a subdivision to read:

Subd. 17. “Underinsured motorist coverage” means coverage for the protection of persons insured thereunder who are legally entitled to recover damages, because of bodily injury, from owners or operators of motor vehicles or motorcycles, but which damages are uncompensated because the total damages exceed the available bodily injury liability coverage applicable to the other vehicle. The maximum liability of the insurer under the underinsured motorist coverage provided shall be the lesser of:

- (1) the limit of underinsured motorist coverage; or*
- (2) the amount of damages sustained, but not recovered.*

Sec. 4. Minnesota Statutes 1982, section 65B.49, subdivision 4, is amended to read:

Subd. 4. [UNINSURED (OR HIT-AND-RUN MOTOR VEHICLE) AND UNDERINSURED MOTORIST COVER-

AGE.] (1) No plan of reparation security may be renewed, delivered or issued for delivery, or executed in this state with respect to any motor vehicle registered or principally garaged in this state unless *uninsured motorist coverage (IS) and underinsured motorist coverage are provided therein (OR SUPPLEMENTAL THERETO, IN THE AMOUNTS). Each coverage, as a minimum, must provide limits of \$25,000 because of injury to or the death of one person in any accident (,) and (SUBJECT TO THE SAID LIMIT FOR ONE PERSON,) \$50,000 because of (BODILY) injury to or the death of two or more persons in any (ONE) accident (, FOR THE PROTECTION OF PERSONS INSURED THEREUNDER WHO ARE LEGALLY ENTITLED TO RECOVER DAMAGES FROM OWNERS OR OPERATORS OF UNINSURED MOTOR VEHICLES AND HIT-AND-RUN MOTOR VEHICLES BECAUSE OF INJURY). In the case of injury to, or the death of, two or more persons in any accident, the amount available to any one person must not exceed the coverage limit provided for injury to, or the death of, one person in any accident.*

(2) Every owner of a motor vehicle registered or principally garaged in this state shall maintain uninsured (MOTOR VEHICLE) *motorist coverage and underinsured motorist coverage as provided in this subdivision.*

(3) ("UNINSURED MOTOR VEHICLE" MEANS ANY MOTOR VEHICLE OR MOTORCYCLE FOR WHICH A PLAN OF REPARATION SECURITY MEETING THE REQUIREMENTS OF SECTIONS 65B.41 TO 65B.71 IS NOT IN EFFECT) *No reparation obligor shall be required to provide limits of uninsured motorist coverage or underinsured motorist coverage in excess of the bodily injury limit provided by the applicable plan of reparation security.*

(4) No recovery shall be permitted under the uninsured (MOTOR VEHICLE PROVISIONS OF THIS SECTION) *motorist coverage nor the underinsured motorist coverage for basic economic loss benefits paid or payable, or which would be payable but for any applicable deductible.*

(5) *Notwithstanding the provisions of this section, an insurer may make underinsured motorist coverage a part of uninsured motorist coverage with the limit of liability applying separately to each coverage.*

(6) *After selection of limits by the insured, no insurer nor any affiliated insurer shall be required to notify any policyholder in any renewal or replacement policy, as to the availability of such optional limits. However, the insured may, subject to the limitations expressed in this section, make a written request for coverage more extensive than that provided on a prior policy."*

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2131, A bill for an act relating to the city of Duluth; changing the boundaries of the tracts of land administered by the Spirit Mountain recreation area authority; amending Laws 1973, chapter 327, section 2, subdivision 1.

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

The report was adopted.

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

H. F. No. 2154, A bill for an act relating to civil commitment; providing for status review of persons residing in state facilities pursuant to an order of guardianship; amending Laws 1982, chapter 581, section 26, as amended.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1983 Supplement, section 253B.07, subdivision 7, is amended to read:

Subd. 7. [PRELIMINARY HEARING.] (a) No proposed patient may be held pursuant to subdivision 6 for longer than 72 hours, exclusive of Saturdays, Sundays, and legal holidays, unless the court holds a preliminary hearing and determines that probable cause exists to continue to hold him.

(b) The proposed patient, his counsel, the petitioner, the county attorney, and any other persons as the court directs shall be given at least 24 hours written notice of the preliminary hearing. The notice shall include the alleged grounds for confinement. The proposed patient shall be represented at the preliminary hearing by counsel. If the court finds it to be reliable, it may admit hearsay evidence, including written reports.

(c) *The court, on its motion or on motion of any party, may, in extreme circumstances, exclude a respondent who is seriously disruptive or who is totally incapable of comprehending and participating in the proceedings. In such instances, the court shall, with specificity on the record, state the behavior of respondent or other circumstances justifying proceeding in the absence of the respondent.*

(d) The court may order the continued holding of the proposed patient if it finds, by a preponderance of the evidence, that serious imminent physical harm to the patient or others is likely if the proposed patient is not confined. The fact that a proposed patient was acquitted of a crime against the person under section 611.026 immediately preceding the filing of the petition constitutes evidence that serious imminent physical harm to the patient or others is likely if the proposed patient is not confined and shifts the burden of going forward in the presentation of evidence to the proposed patient; provided that the standard of proof remains as required by this chapter.

Sec. 2. Minnesota Statutes 1982, section 253B.08, subdivision 5, is amended to read:

Subd. 5. [ABSENCE PERMITTED.] (a) The court may permit the proposed patient to waive his right to attend the hearing if it determines that the waiver is freely given. All waivers shall be on the record. At the time of the hearing the patient shall not be so under the influence or suffering from the effects of drugs, medication, or other treatment so as to be hampered in participating in the proceedings. When in the opinion of the licensed physician or licensed consulting psychologist attending the patient the discontinuance of drugs, medication, or other treatment is not in the best interest of the patient, the court, at the time of the hearing, shall be presented a record of all drugs, medication or other treatment which the patient has received during the 48 hours immediately prior to the hearing.

(b) *The court, on its own motion or on motion of any party, may, in extreme circumstances, exclude a respondent who is seriously disruptive or who is totally incapable of comprehending and participating in the proceedings. In such instances, the court shall, with specificity on the record, state the behavior of respondent or other circumstances justifying proceeding in the absence of the respondent.*

Sec. 3. Minnesota Statutes 1983 Supplement, section 525.619, is amended to read:

525.619 [POWERS AND DUTIES OF GUARDIAN OF MINOR.]

A guardian of a minor has the powers and responsibilities of a parent who has not been deprived of custody of his minor and unemancipated child, except that a guardian is not legally obligated to provide from his own funds for the ward. In particular, and without qualifying the foregoing, a guardian has the following powers and duties:

(a) He must take reasonable care of his ward's personal effects and commence protective proceedings if necessary to protect other property of the ward.

(b) He may receive money payable for the support of the ward to the ward's parent, guardian or custodian under the terms of any statutory benefit or insurance system, or any private contract, devise, trust, conservatorship or custodianship. He also may receive money or property of the ward paid or delivered by virtue of section 525.6196. Any sums so received shall be applied to the ward's current needs for support, care and education. He must exercise due care to conserve any excess for the ward's future needs unless a conservator has been appointed for the estate of the ward, in which case the excess shall be paid over at least annually to the conservator. Sums so received by the guardian are not to be used for compensation for his services except as approved by order of court or as determined by a duly appointed conservator other than the guardian. A guardian may institute proceedings to compel the performance by any person of a duty to support the ward or to pay sums for the welfare of the ward.

(c) The guardian is empowered to facilitate the ward's education, social, or other activities and to authorize medical or other professional care, treatment or advice. A ward *who is less than 16 years of age may be admitted to a treatment facility as an informal patient according to section 253B.04* but may not be committed to any state institution except pursuant to chapter 253B (AND). No guardian may give consent for psychosurgery, electroshock, sterilization or experimental treatment of any kind unless the procedure is first approved by the order of the court, after a hearing as prescribed by section 525.56, subdivision 2.

A guardian is not liable by reason of his consent for injury to the ward resulting from the negligence or acts of third persons unless it would have been illegal for a parent to have consented, or unless he fails to comply with the requirements of this section which provide that a court order is necessary for commitment and for certain types of medical procedures. A guardian may consent to the marriage or adoption of his ward.

(d) A guardian must report the condition of his ward and of the ward's estate which has been subject to his possession or control, as ordered by the court on its own motion or on petition of any person interested in the minor's welfare and as required by court rule.

Sec. 4. Laws 1982, chapter 581, section 26, as amended by Laws 1983, chapter 251, section 27, is amended to read:

Sec. 26. [EFFECTIVE DATE.]

This act is effective August 1, 1982 and applies to any conduct, transaction, or proceeding within its terms which occurs after August 1, 1982. A proceeding for the commitment of a person to a treatment facility commenced before August 1, 1982, is governed by the law existing at the time the proceeding was com-

menced; provided, however, that if the proceedings are not terminated by August 1, 1983, they shall thereafter be governed by the provisions of sections 1 to 23. Any person, other than a person committed as mentally ill and dangerous, who was committed pursuant to chapter 253A and whose term of commitment is indeterminate shall have his status reviewed pursuant to the provisions of section 12 prior to February 1, 1984.

For persons 16 years or older, involuntarily residing in a treatment facility pursuant to an order of guardianship, and not committed pursuant to an order issued under chapter 253B or Minnesota Statutes 1980, chapter 253A, the following review procedures will apply:

(a) *The person shall have a commitment hearing according to section 253B.08 prior to August 1, 1985. The head of the treatment facility shall initiate the petition for commitment.*

(b) *The person shall be deemed to be legally committed to the head of the treatment facility until the committing court issues an appropriate judgment according to section 253B.09, or until August 1, 1985, whichever date occurs first.*

(c) *A finding by the committing court that the individual does not satisfy the commitment criteria of chapter 253B shall not terminate the guardianship or constitute a restoration to capacity. An order of restoration to capacity may only be obtained under section 525.61.*

If the committing court finds that the individual does not satisfy the commitment criteria set forth in section 253B, the court, by order shall immediately notify the county welfare board. The designated agency shall locate an appropriate community placement within 90 days of notification by the guardian. Until an appropriate placement is available, the ward may continue to reside in the treatment facility in which the ward resided prior to the commitment hearing.

Sec. 5. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to civil commitment; permitting respondents to be absent from hearings under certain conditions; clarifying the conditions under which a guardian may place a minor ward in certain treatment facilities; providing for status review of persons residing in state facilities pursuant to an order of guardianship; amending Minnesota Statutes 1982, section 253B.08, subdivision 5; Minnesota Statutes 1983 Supple-

ment, sections 253B.07, subdivision 7; and 525.619; and Laws 1982, chapter 581, section 26, as amended."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 2161, A bill for an act relating to statutes; revising the text of certain laws to remove redundant and obsolete language, to simplify grammar and syntax, and to improve the style of language without causing changes in the meaning of the laws affected; requiring the revisor of statutes to editorially change criminal fines in a manner consistent with 1983 regular session changes made in maximum authorized fines; amending Minnesota Statutes 1982, chapters 1, as amended; 16, as amended; 16A, as amended; 177, as amended; and 300, as amended; and Minnesota Statutes 1982, sections 10.39; 15.375; 80A.22, subdivision 1; 152.15, subdivision 1; 609.20; Minnesota Statutes 1983 Supplement, sections 609.21; 609.52, subdivision 3; 609.582; 617.246, subdivisions 2, 3, and 4; repealing Minnesota Statutes 1982, sections 10.02; 10.03; 16A.02; 16A.04, subdivisions 2 and 3; 16A.07; 16A.08; 16A.125, subdivision 6; 16A.132; 16A.52; 16A.55; 16A.65, subdivision 3; and Minnesota Statutes 1983 Supplement, section 609.0341, subdivision 3.

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 2162, A bill for an act relating to Minnesota Statutes; providing for the replacement of gender-specific references with neutral or equal references to gender; imposing duties on the revisor of statutes and other legislative staff; setting goals; providing for the accomplishment of goals within existing resources.

Reported the same back with the following amendments:

Page 2, delete lines 14 to 17

Page 2, lines 28 and 29, delete "*try to file this revision by January 1, 1986, but may*"

Page 2, line 29, delete "*as late as*" and insert "*not later than*"

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

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 2188, A bill for an act relating to Indians; providing for partial settlement of Indian land claims on the White Earth Reservation; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 2189, A resolution memorializing the International Joint Commission, the President and Congress to effectuate an agreement between Minnesota and Ontario on joint management of their border waters.

Reported the same back with the following amendments:

Page 1, line 21, after "Commission" insert "and existing treaties"

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 2192, A bill for an act relating to agriculture; milk quality standards; refining procedures and deadlines for investment reimbursement; amending Minnesota Statutes 1983 Supplement, section 32.417.

Reported the same back with the following amendments:

Page 2, line 11, delete the new language and reinstate the stricken language

Page 2, delete lines 13 to 17

Renumber the section in sequence

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 2207, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted, and obsolete references and text; eliminating certain redundant, conflicting, and superseded provisions; reenacting certain laws; amending Minnesota Statutes 1982, sections 14.40; 97.433, subdivision 3; 116C.73; 116D.06, subdivision 1; 123.78, subdivision 1; 156A.04; 161.16, subdivision 4; 169.45; 256C.02; 302A.115, subdivision 3; 327C.02, subdivision 3; 356.23; 356.25; 383A.09, subdivision 5; 412.022, subdivision 1; 501.78, subdivision 4; 524.3-1201; 609.-346, subdivision 2; 609.487, subdivision 4; Minnesota Statutes 1983 Supplement, sections 3.9222, subdivision 6; 14.115, subdivisions 5 and 6; 16.872, subdivision 4; 38.04; 41.61, subdivision 1; 51A.51, subdivisions 2 and 3a; 53.03, subdivision 6; 53.04, subdivision 3a; 60A.17, subdivision 6c; 88.644; 102.26, subdivision 3c; 115.071, subdivision 2b; 116J.28, subdivision 3; 124.195, subdivision 10; 124.272, subdivision 3; 124A.14, subdivision 1; 144A.071, subdivision 5; 168.126, subdivision 1; 176.111, subdivision 18; 240.08, subdivision 2; 241.64, subdivisions 1 and 3; 256B.431, subdivisions 2 and 3; 260.185, subdivision 1; 268.04, subdivision 25; 272.02, subdivision 1; 273.118; 290.01, subdivision 19; 290.09, subdivision 5; 290.10; 290.17, subdivision 2; 290A.03, subdivision 3; 297A.01, subdivision 3; 297A.02, subdivision 3; 297A.25, subdivision 1; 325F.09; 393.07, subdivision 1; 420.13; 505.04; 507.235, subdivision 2; 508.421, subdivision 1; 514.221, subdivision 3; 515A.1-102; 518.17, subdivision 5; 543.20, subdivision 2; 558.215; 629.341, subdivision 1; Laws 1980, chapter 451, section 2; Laws 1983, chapters 128, section 36; 289, section 114, subdivision 1; reenacting Minnesota Statutes 1983 Supplement, sections 45.04, subdivision 1; 116J.28; 256.482, subdivision 2; repealing Minnesota Statutes 1982, sections 156A.031, subdivision 2; 377.06; and 480.059, subdivision 3; repealing Minnesota Statutes 1983 Supplement, section 116D.05; Laws 1982, chapter 501, section 20; Laws 1983, chapters 142, sections 5 and 8; 207, sections 6 and 42; 248, section 3; 253, section

22; 259, section 6; 260, sections 15, 47, and 56, subdivision 2; 277, section 2, subdivision 2; 289, section 16; 293, sections 66, 80, and 83; 301, section 66; 312, article 8, section 6.

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

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 2238, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell certain lands in Koochiching County; appropriating money.

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

The report was adopted.

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

H. F. No. 2255, A bill for an act relating to local government; permitting a land transfer between Ramsey County and the city of Shoreview.

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

The report was adopted.

Eken from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2276, A resolution memorializing Congress to enact H. R. 5081, the Fair Trade in Steel Act of 1984.

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

S. F. No. 7, A bill for an act relating to St. Louis County; providing for the tort liability of the St. Louis County Promotional Bureau.

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

The report was adopted.

Eken from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 751, A resolution memorializing the Commission on Wartime Relocation and Internment of Civilians to recommend to the United States Congress to provide adequate compensation to internees.

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

The report was adopted.

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

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

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 29, 229, 756, 899, 994, 1203, 1206, 1292, 1330, 1386, 1452, 1556, 1568, 1602, 1618, 1630, 1686, 1695, 1735, 1755, 1791, 1800, 1828, 1850, 1871, 1896, 1910, 1977, 1994, 2017, 2067, 2097, 2099, 2131, 2154, 2161, 2162, 2192, 2207, 2238, 2255 and 2276 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 7, 751 and 1041 were read for the second time.

CONSENT CALENDAR

S. F. No. 1757 was reported to the House.

There being no objection S. F. No. 1757 was continued on the Consent Calendar for one day.

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

There being no objection H. F. No. 427 was continued on the Consent Calendar for one day.

H. F. No. 1338, A bill for an act relating to elections; clarifying certain provisions relating to voting machines; amending Minnesota Statutes 1982, section 123.32, subdivision 7; and Minnesota Statutes 1983 Supplement, section 204C.24, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 206; repealing Minnesota Statutes 1982, sections 206.01 to 206.23; and Minnesota Statutes 1983 Supplement, sections 206.08, subdivision 3; 206.09; 206.11; 206.19, subdivision 1; and 206.21, 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 120 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dimler

The bill was passed and its title agreed to.

H. F. No. 1371, A bill for an act relating to state government; providing for a day care center for state employees in the capitol complex; amending Minnesota Statutes 1982, section 16.02, 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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1672, A bill for an act relating to retirement; authorizing benefit increases for retired Eveleth police officers, firefighters, and surviving spouses.

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

The bill was passed and its title agreed to.

H. F. No. 1813, A bill for an act relating to hospital districts; providing for loans to students in health-related educational programs; amending Minnesota Statutes 1982, section 447.331.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

Schoenfeld was excused between the hours of 2:25 p.m. and 2:50 p.m.

H. F. No. 1819, A bill for an act relating to health; requiring that hearing aid sellers give buyers a right to cancel their purchase; amending Minnesota Statutes 1982, section 145.43, by adding a subdivision; repealing Minnesota Statutes 1982, sections 145.43, subdivision 2; and 145.44.

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 13 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Kvam	Otis	Skoglund
Anderson, G.	Elioff	Larsen	Pauly	Solberg
Anderson, R.	Ellingson	Levi	Peterson	Sparby
Battaglia	Findlay	Long	Piepho	Staten
Beard	Forsythe	Mann	Piper	Sviggum
Begich	Graba	Marsh	Price	Swanson
Bennett	Greenfield	McDonald	Quist	Tomlinson
Bergstrom	Gruenes	McEachern	Redalen	Tunheim
Bishop	Gustafson	McKasy	Reif	Uphus
Blatz	Gutknecht	Metzen	Riveness	Valento
Boo	Halberg	Minne	Rodosovich	Vanasek
Brandl	Heinitz	Munger	Rodriguez, C.	Vellenga
Brinkman	Hoffman	Murphy	Rodriguez, F.	Voss
Burger	Hokr	Nelson, D.	Rose	Waltman
Carlson, D.	Jacobs	Nelson, K.	St. Onge	Welch
Carlson, L.	Jensen	Neuenschwander	Sarna	Welle
Clark, J.	Johnson	Norton	Scheid	Wenzel
Clark, K.	Kalis	O'Connor	Seaberg	Wynia
Clawson	Kelly	Ogren	Segal	Zaffke
Cohen	Knuth	Olsen	Shea	Speaker Sieben
Coleman	Kostohryz	Omman	Sherman	
Dimler	Krucger	Osthoff	Simoneau	

Those who voted in the negative were:

Dempsey	Evans	Jennings	Schafer	Welker
DenOuden	Frerichs	Knickerbocker	Schreiber	Wigley
Erickson	Haukoos	Ludeman		

The bill was passed and its title agreed to.

H. F. No. 1822 was reported to the House.

Carlson, D., moved that H. F. No. 1822 be returned to the bottom of General Orders. The motion prevailed.

H. F. No. 1860, A bill for an act relating to horse racing; providing for the distribution of proceeds from the Minnesota Breeders Fund; amending Minnesota Statutes 1983 Supplement, section 240.18.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1909 was reported to the House.

Upon objection of ten members H. F. No. 1909 was stricken from the Consent Calendar and returned to General Orders.

H. F. No. 1917, A bill for an act relating to elections; limiting membership on a county canvassing board; amending Minnesota Statutes 1982, section 204C.31, 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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1961, A bill for an act relating to state departments and agencies; changing the composition and powers of the board of private detective and protective agent services; changing requirements for obtaining a license; amending Minnesota Statutes 1982, sections 326.33; 326.331; 326.332, subdivision 1; and 326.333; repealing Minnesota Statutes 1982, section 299C.01, 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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

H. F. No. 1975, A bill for an act relating to transportation; allowing entire portions of former trunk highways to revert to counties under certain circumstances; discontinuing a trunk highway route; amending Minnesota Statutes 1982, section 161.16, subdivision 4.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1985, A bill for an act relating to occupations and professions; regulating the licensing of salons for estheticians; amending Minnesota Statutes 1982, section 155A.08, 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 126 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Rice

The bill was passed and its title agreed to.

H. F. No. 2038, A bill for an act relating to local government; providing procedures for making certain contracts; amending Minnesota Statutes 1983 Supplement, section 471.345, subdivision 5.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2087, A bill for an act relating to health; requiring disclosure of certain medical data or medical information for the purpose of a lawful investigation; amending Minnesota Statutes 1982, sections 13.42, subdivision 2; 144.335; and 254A.09.

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

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

Those who voted in the affirmative were:

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

Omann	Reif	Schreiber	Sviggum	Waltman
Osthoff	Rice	Segal	Swanson	Welch
Otis	Riveness	Shea	Tomlinson	Welker
Pauly	Rodosovich	Sherman	Tunheim	Welle
Peterson	Rodriguez, F.	Simoneau	Uphus	Wenzel
Piepho	Rose	Skoglund	Valan	Wigley
Piper	St. Onge	Solberg	Valento	Wynia
Price	Sarna	Sparby	Vanasek	Zaffke
Quist	Schafer	Stadum	Vellenga	Speaker Sieben
Redalen	Scheid	Staten	Voss	

The bill was passed and its title agreed to.

H. F. No. 2141, A bill for an act relating to commerce; modifying the definition of "franchise" for purposes of franchise regulation; amending Minnesota Statutes 1982, section 80C.01, subdivision 4.

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

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

Those who voted in the affirmative were:

Anderson, B.	Erickson	Knuth	Otis	Skoglund
Anderson, G.	Evans	Kostohryz	Pauly	Solberg
Anderson, R.	Findlay	Krueger	Peterson	Sparby
Battaglia	Fjoslien	Kvam	Piper	Stadum
Beard	Forsythe	Larsen	Price	Staten
Begich	Frerichs	Levi	Quinn	Sviggum
Bennett	Graba	Long	Quist	Swanson
Bergstrom	Greenfield	Ludeman	Redalen	Tomlinson
Bishop	Gruenes	Mann	Reif	Tunheim
Blatz	Gustafson	Marsh	Rice	Uphus
Boo	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.	Hoffman	Murphy	St. Onge	Waltman
Clark, J.	Hokr	Nelson, D.	Sarna	Welch
Clark, K.	Jacobs	Nelson, K.	Schafer	Welker
Cohen	Jennings	Neuenschwander	Scheid	Welle
Coleman	Jensen	Norton	Schreiber	Wenzel
DenOuden	Johnson	O'Connor	Seaberg	Wynia
Dimler	Kahn	Ogren	Segal	Zaffke
Eken	Kalis	Olsen	Shea	Speaker Sieben
Elioff	Kelly	Omann	Sherman	
Ellingson	Knickerbocker	Osthoff	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 2150, A bill for an act relating to newspapers; making certain publications legal newspapers; proposing new law coded in Minnesota Statutes, chapter 331.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2196, A bill for an act relating to local government; providing for the conveyance of certain tax forfeited land in Morrison County.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Brinkman	Eken	Gruenes	Jensen
Anderson, R.	Burger	Elioff	Gustafson	Johnson
Battaglia	Carlson, D.	Ellingson	Gutknecht	Kahn
Beard	Carlson, L.	Erickson	Halberg	Kalis
Begich	Clark, J.	Evans	Haukoos	Kelly
Bennett	Clark, K.	Findlay	Heap	Knickerbocker
Bergstrom	Clawson	Fjoslien	Heinitz	Knuth
Bishop	Cohen	Forsythe	Hoffman	Kostohryz
Blatz	Coleman	Frerichs	Hokr	Krueger
Boo	DenOuden	Graba	Jacobs	Kvam
Brandl	Dimler	Greenfield	Jennings	Larsen

Levi	Neuenschwander	Quist	Segal	Valan
Long	Norton	Redalen	Shea	Valento
Ludeman	O'Connor	Reif	Sherman	Vanasek
Mann	Ogren	Riveness	Simoneau	Vellenga
Marsh	Olsen	Rodosovich	Skoglund	Voss
McDonald	Omann	Rodriguez, C.	Solberg	Waltman
McEachern	Osthoff	Rodriguez, F.	Sparby	Welch
McKasy	Otis	Rose	Stadum	Welker
Metzen	Pauly	St. Onge	Staten	Welle
Minne	Peterson	Sarna	Sviggum	Wenzel
Munger	Piepho	Schafer	Swanson	Wigley
Murphy	Piper	Scheid	Tomlinson	Wynia
Nelson, D.	Price	Schreiber	Tunheim	Zaffke
Nelson, K.	Quinn	Seaberg	Uphus	Speaker Sieben

The bill was passed and its title agreed to.

S. F. No. 1453, A bill for an act relating to public welfare; making county of residence financially responsible for detoxification services provided to chemical dependency facility clients; amending Minnesota Statutes 1983 Supplement, section 256E.08, 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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1475, A bill for an act relating to communications; permitting a municipality to be represented by its designee on a joint cable communication commission; amending Minnesota Statutes 1982, section 238.08, subdivision 5.

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

Those who voted in the negative were:

Osthoff

The bill was passed and its title agreed to.

CALENDAR

H. F. No. 1528, A bill for an act relating to taxation; updating references to the internal revenue code; simplifying certain income tax and property tax refund provisions; increasing the interest rate on refunds; making technical corrections and administrative changes to income tax, inheritance tax, and property tax refund provisions; amending Minnesota Statutes 1982, sections 10A.31, subdivision 1; 62E.11, subdivision 8; 270A.07, subdivision 5; 271.12; 271.19; 290.01, subdivision 20e; 290.05, subdivision 4; 290.06, subdivisions 3e, and 3f; 290.095, subdivision

11; 290.17, subdivision 1a; 290.23, subdivision 3; 290.311, subdivision 1; 290.41, subdivision 2, and by adding a subdivision; 290.56, subdivisions 4 and 5; 290.61; 290.92, subdivision 11; 290.931, subdivision 1; 290.936; and 290A.07, subdivision 2a; 291.18; 294.09, subdivision 1; 298.09, subdivision 4; 299.05; and 600.21; Minnesota Statutes 1983 Supplement, sections 290.01, subdivisions 20, 20a, 20b, and 20f; 290.032, subdivision 2; 290.06, subdivisions 2c, 3d, 11, 13, and 14; 290.067, subdivisions 1 and 2; 290.077, subdivision 4; 290.089, subdivisions 2 and 3; 290.09, subdivisions 5 and 29; 290.091; 290.10; 290.17, subdivisions 1 and 2; 290.174; 290.175; 290.18, subdivision 1; 290.21, subdivision 3; 290.37, subdivision 1; 290.431; 290.45, subdivision 1; 290.46; 290.50, subdivision 1; 290.92, subdivisions 13 and 26; 290.93, subdivisions 9 and 10; 290.9726, subdivision 5; 290A.03, subdivisions 3, 6, 11, 12, and 14; 290A.04, subdivisions 1 and 2; 290A.07, subdivision 3; and 296.18, subdivision 1; 297A.35, subdivision 1; and Laws 1980, chapter 439, section 36; proposing new law coded in Minnesota Statutes, chapter 270; repealing Minnesota Statutes 1982, sections 290.011; 290.311, subdivision 2; Minnesota Statutes 1983 Supplement, section 290A.16; and Laws 1983, chapter 207, section 6.

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

Those who voted in the negative were:

Kvam

The bill was passed and its title agreed to.

H. F. No. 735, A bill for an act relating to insurance; providing for certain unfair or deceptive acts or practices; prescribing penalties; amending Minnesota Statutes 1982, section 72A.20, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 72A.

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 70 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elihoff	Long	Piper	Skoglund
Battaglia	Ellingson	Mann	Price	Solberg
Beard	Graba	Metzen	Quinn	Sparby
Begich	Greenfield	Minne	Quist	Staten
Bergstrom	Gustafson	Munger	Riveness	Swanson
Bishop	Halberg	Murphy	Rodosovich	Tomlinson
Brandl	Hoffman	Nelson, D.	Rodriguez, C.	Tunheim
Carlson, L.	Jacobs	Nelson, K.	Rodríguez, F.	Vanasek
Clark, J.	Jensen	Neuenschwander	St. Onge	Vellenga
Clark, K.	Kahn	Norton	Sarna	Voss
Clawson	Kelly	O'Connor	Scheid	Welch
Cohen	Knuth	Ogren	Scheenfeld	Wenzel
Coleman	Kostohryz	Otis	Segal	Wynia
Eken	Larsen	Peterson	Shea	Speaker Sieben

Those who voted in the negative were:

Anderson, B.	Evans	Johnson	Omann	Sviggum
Anderson, R.	Findlay	Kalis	Pauly	Uphus
Bennett	Fjoslien	Knickerbocker	Piepho	Valan
Blatz	Forsythe	Krueger	Redalen	Valento
Boo	Frerichs	Kvam	Reif	Waltman
Brinkman	Gruenes	Levi	Rose	Welker
Burger	Gutknecht	Ludeman	Schafer	Welle
Carlson, D.	Haukoos	Marsh	Schreiber	Wigley
Dempsey	Heap	McDonald	Seaberg	Zaffke
DenOuden	Heinitz	McEachern	Sherman	
Dimler	Hokr	McKasy	Simoneau	
Erickson	Jennings	Olsen	Stadum	

The bill was passed and its title agreed to.

Knuth and Norton were excused at 4:30 p.m.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole with Sieben in the Chair for the consideration of bills pending on General Orders of the Day. Wynia presided during a portion of the meeting of the Committee of the Whole. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 1655, 1761, 1786 and 1856 which it recommended to pass.

S. F. Nos. 1350 and 1127 which it recommended to pass.

H. F. Nos. 1557, 347 and 1345 which it recommended progress.

S. F. No. 214 which it recommended progress.

H. F. No. 1562 which it recommended to pass with the following amendments:

Offered by Blatz:

Delete everything after the enacting clause and insert:

“Section 1. [181.145] [PROMPT PAYMENT OF COMMISSIONS TO COMMISSION SALESPERSONS.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, “commission salesperson” means a person who is paid on the basis of commissions for sales and who is not covered by sections 181.13 and 181.14 because he or she is an independent contractor. For the purposes of this section, the phrase “commissions earned through the last day of employment” means commissions due for services or merchandise which have actually been delivered to and accepted by the customer by the final day of the salesperson’s employment.

Subd. 2. [PROMPT PAYMENT REQUIRED.] (a) When any person, firm, company, association, or corporation employing a commission salesperson in this state terminates the salesperson, or when the salesperson resigns his or her position, the employer shall promptly pay the salesperson, at the usual place of payment, his or her commissions earned through the last day

of employment or be liable to the salesperson for the penalty provided under subdivision 3 in addition to any earned commissions.

(b) If the employer terminates the salesperson or if the salesperson resigns giving at least five days written notice, the employer shall pay the salesperson's commissions earned through the last day of employment on demand no later than three working days after the salesperson's last day of work.

(c) If the salesperson resigns without giving at least five days written notice, the employer shall pay the salesperson's commissions earned through the last day of employment on demand no later than six working days after the salesperson's last day of work.

(d) Notwithstanding the provisions of paragraphs (b) and (c), if the terminated or resigning salesperson was, during his or her employment, entrusted with the collection, disbursement, or handling of money or property, the employer has ten working days after the termination of employment to audit and adjust the accounts of the salesperson before the salesperson can demand his or her commissions earned through the last day of employment. In such cases, the penalty provided in subdivision 3 shall apply only from the date of demand made after the expiration of the ten working day audit period.

Subd. 3. [PENALTY FOR NON-PROMPT PAYMENT.]

If the employer fails to pay the salesperson his or her commissions earned through the last day of employment on demand within the applicable period as provided under subdivision 2, the employer shall be liable to the salesperson, in addition to his or her earned commissions, for a penalty for each day, not exceeding 15 days, which the employer is late in making full payment or satisfactory settlement to the salesperson for the commissions earned through the last day of employment. The daily penalty shall be in an amount equal to one-fifteenth of the salesperson's commissions earned through the last day of employment which are still unpaid at the time that the penalty will be assessed.

Subd. 4. [AMOUNT OF COMMISSION DISPUTED.]

(a) When there is a dispute concerning the amount of the salesperson's commissions earned through the last day of employment or whether the employer has properly audited and adjusted the salesperson's account, the penalty provided in subdivision 3 shall not apply if the employer pays the amount it in good faith believes is owed the salesperson for commissions earned through the last day of employment within the applicable period as provided under subdivision 2; except that, if the dispute is later adjudicated and it is determined that the salesperson's commissions earned through the last day of employment were greater than the amount paid by the employer, the penalty provided in subdivision 3 shall apply.

(b) If a dispute under this subdivision is later adjudicated and it is determined that the salesperson was not promptly paid commissions earned through the last day of employment as provided under subdivision 2, the employer shall pay reasonable attorney's fees incurred by the salesperson.

Subd. 5. [COMMISSIONS EARNED AFTER LAST DAY OF EMPLOYMENT.] Nothing in this section shall be construed to impair a commission salesperson from collecting commissions on merchandise ordered prior to the last day of employment but delivered and accepted after termination of employment. However, the penalties prescribed in subdivision 3 apply only with respect to the payment of commissions earned through the last day of employment."

Further, delete the title and insert:

"A bill for an act relating to labor; providing for the prompt payment of commissions to commission salespersons who leave or lose their job; providing civil penalties for non-prompt payment; proposing new law coded in Minnesota Statutes, chapter 181."

Offered by Seaberg:

Page 1, after line 2 of the Blatz amendment, insert:

"Section 1. Minnesota Statutes 1982, section 181.13, is amended to read:

181.13 [PENALTY FOR FAILURE TO PAY WAGES PROMPTLY.]

When any person, firm, company, association, or corporation employing labor within this state discharges a servant or employee (FROM HIS EMPLOYMENT), the wages or commissions actually earned and unpaid at the time of (SUCH) the discharge shall become immediately due and payable upon demand of (SUCH) the employee (, AT THE USUAL PLACE OF PAYMENT, AND). If the employee's earned wages and commissions are not paid within 24 hours after such demand, whether (SUCH) the employment was by the day, hour, week, month, or piece or by commissions, (SUCH) the discharged employee may charge and collect the amount of his or her average daily earnings at the rate agreed upon in the contract of employment, for such period, not exceeding 15 days, after the expiration of the 24 hours, as the employer is in default, until full payment or other settlement, satisfactory to the discharged employee, is made. *The wages and commissions must be paid at the usual place of payment unless the employee requests that the wages and commissions be sent to him or her through the mails. If, in accordance with a request by the employee, the employee's wages and commissions are sent to the employee through the*

mail, the wages and commissions shall be deemed to have been paid as of the date of their postmark for the purposes of this section.

Sec. 2. Minnesota Statutes 1982, section 181.14, is amended to read:

181.14. [NOTICE TO BE GIVEN; SETTLEMENT OF DISPUTES.]

When any such employee, not having a contract for a definite period of service, quits or resigns his or her employment, the wages or commissions earned and unpaid at the time (OF SUCH QUITTING OR RESIGNATION) *the employee quits or resigns* shall become due and payable within five days thereafter (, AT THE USUAL PLACE OF PAYMENT, AND). Any (SUCH) employer failing or refusing to pay such wages or commissions, after they (SO) become due, upon the demand of (SUCH) *the employee*, (AT SUCH PLACE OF PAYMENT,) shall be liable to (SUCH) *the employee* from the date of (SUCH) *the demand* for an additional sum equal to the amount of (HIS) *the employee's* average daily earnings provided in the contract of employment, for every day, not exceeding 15 days in all, until such payment or other settlement satisfactory to the employee is made (; PROVIDED, THAT). If any employee having such a contract gives not less than five days' written notice to (HIS) *the employer* of his or her intention to quit (SUCH EMPLOYMENT), the wages or commissions of the employee giving (SUCH) notice *may be demanded and* shall become due (AT THE USUAL PLACE OF PAYMENT) 24 hours after (HE SO) *the employee* quits or resigns (AND PAYMENT THEREOF MAY BE DEMANDED ACCORDINGLY), and the penalty herein provided shall apply (IN SUCH CASE) from the date of (SUCH) demand (; PROVIDED, THAT). If the employer disputes the amount of wages or commissions claimed by (SUCH) *the employee* under the provisions of this section or section 181.13, and the employer (IN SUCH CASE) makes a legal tender of the amount which (HE) *the employer* in good faith claims to be due, (HE) *the employer* shall not be liable for any sum greater than the amount so tendered and interest thereon at the legal rate, unless, in an action brought in a court having jurisdiction, (SUCH) *the employee* recovers a greater sum than the amount so tendered with (SUCH) interest thereon; and if, in (SUCH) *the suit*, the employee fails to recover a greater sum than that so tendered, with interest (AS AFORESAID), (HE) *the employee* shall pay the cost of (SUCH) *the suit*, otherwise the cost (THEREOF) shall be paid by the employer (; PROVIDED, THAT). In cases where (SUCH) *the discharged or quitting employee* was, during his or her employment, entrusted with the collection, disbursement, or handling of money or property, the employer shall have ten secular days after the termination of the employment to audit and adjust the accounts of (SUCH) *the employee* before (HIS) *the em-*

ployee's wages or commissions shall become due and payable, and the penalty herein provided shall apply in such case only from the date of demand made after the expiration of (SUCH) the period allowed for (SUCH) audit and adjustment (; AND). If, upon such audit and adjustment of the accounts of (SUCH) the employee, it is found that any money or property entrusted to (HIM) the employee by (HIS) the employer has not been properly accounted for or paid over to the employer, as provided by the terms of the contract of employment, (SUCH) the employee shall not be entitled to the benefit of sections 181.13 to 181.17, but the claim for unpaid wages or commissions of such employee, if any, shall be disposed of as provided by existing law. Wages and commissions paid under this section shall be paid at the usual place of payment unless the employee requests that the wages and commissions be sent to him or her through the mails. If, in accordance with a request by the employee, the employee's wages and commissions are sent to the employee through the mail, the wages and commissions shall be deemed to have been paid as of the date of their postmark for the purposes of this section."

Page 1, line 3 of the Blatz amendment, delete "Section 1" and insert "Sec. 3"

Page 1, line 22 of the Blatz amendment, before the period insert: "*unless the employee requests that the commissions be sent to him or her through the mails. If, in accordance with a request by the employee, the employee's commissions are sent to the employee through the mail, the commissions shall be deemed to have been paid as of the date of their postmark for the purposes of this section"*

Further, amend the title as follows:

Page 3, line 16 of the Blatz amendment, after the semi-colon insert: "providing that wages can be promptly paid through the mail at the request of the employee or salesperson; amending Minnesota Statutes 1982, sections 181.13; and 181.14;"

H. F. No. 1801 which it recommended to pass with the following amendments:

Offered by Jensen:

Page 5, delete lines 29 to 33 and insert:

"(c) *The requirements as to driver qualifications and maximum hours of service for drivers do not apply to private carriers who are (1) public utilities as defined in section 216B.02, subdivision 4; (2) cooperative electric associations organized under chapter 308; (3) telephone companies as defined in section 237.01, subdivision 2; or (4) engaged in transportation of construction materials, tools and equipment from shop to job site or job*

site to job site, for use by the private carrier in the new construction, remodeling or repair of buildings, structures or their appurtenances."

Page 6, delete lines 26 to 30 and insert:

"The vehicle identification rule of the commissioner may not be more stringent than the marking requirements imposed on private carriers by the United States department of transportation under 49 C.F.R., section 397.21, clauses (b) and (c)."

Offered by Jensen:

Page 8, line 17, delete "1" and insert "3"

On the motion of Eken the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Marsh moved to amend H. F. No. 1761, the first engrossment, as follows:

Page 2, strike lines 9 to 13

The question was taken on the Marsh amendment and the roll was called. There were 11 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Erickson	Gruenes	Marsh	Staten
Dempsey	Evans	Kalis	Minne	Vanasek
Eken				

Those who voted in the negative were:

Anderson, G.	Cohen	Hoffman	Metzen	Quist
Battaglia	Coleman	Jacobs	Munger	Redalen
Beard	DenOuden	Jensen	Murphy	Riveness
Begich	Dimler	Johnson	Nelson, D.	Rodosovich
Bergstrom	Elioff	Knuth	O'Connor	Rodriguez, C.
Blatz	Ellingson	Kostohryz	Olsen	Rodrigucz, F.
Boo	Findlay	Krueger	Omann	Rose
Brandl	Fjoslien	Kvam	Onnen	St. Onge
Brinkman	Forsythe	Larsen	Otis	Sarna
Burger	Graba	Long	Pauly	Schafer
Carlson, D.	Gustafson	Ludeman	Peterson	Schoenfeld
Carlson, L.	Gutknecht	Mann	Piepho	Seaberg
Clark, K.	Heinitz	McDonald	Piper	Segal

Sherman
Solberg
Sparby
Sviggum

Swanson
Tomlinson
Tunheim
Uphus

Valan
Waltman
Welker

Welle
Wenzel
Wigley

Wynia
Zaffke
Speaker Sieben

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

Onnen moved to amend H. F. No. 1761, the first engrossment, as follows:

Page 1, line 22, after "soil" insert "*from a county which imposes the tax*"

Page 2, strike lines 9 to 13

Page 2, delete lines 14 to 16 and insert:

"Sec. 2. Minnesota Statutes 1983 Supplement, section 298.75, subdivision 2, is amended to read:

Subd. 2. A county (SHALL) *may* impose upon every importer and operator a production tax equal to ten cents per cubic yard or seven cents per ton of aggregate material removed (EXCEPT THAT THE COUNTY BOARD MAY DECIDE NOT TO IMPOSE THIS TAX IF IT DETERMINES THAT IN THE PREVIOUS YEAR OPERATORS REMOVED LESS THAN 20,000 TONS OR 14,000 CUBIC YARDS OF AGGREGATE MATERIAL FROM THAT COUNTY). The tax shall be imposed on aggregate material produced in the county when the aggregate material is transported from the extraction site or sold, when in the case of storage the stockpile is within the state of Minnesota and the highways are not used for transporting the aggregate material. The tax shall be imposed on an importer when the aggregate material is imported into the county that imposes the tax.

If the aggregate material is transported directly from the extraction site to a waterway, railway, or another mode of transportation other than a highway, road or street, the tax imposed by this section shall be apportioned equally between the county where the aggregate material is extracted and the county to which the aggregate material is originally transported. If that destination is not located in Minnesota *or the county to which the aggregate material is originally transported does not impose a tax under this section*, then the county where the aggregate material was extracted shall receive all of the proceeds of the tax. *If the county where the aggregate material was extracted does not impose a tax under this section, no tax shall be imposed by or apportioned to the county to which the aggregate material is originally transported.*

Sec 3. Minnesota Statutes 1983 Supplement, section 298.75, subdivision 7, is amended to read:

Subd. 7. All moneys collected as taxes under this section *except as provided in subdivision 8* shall be deposited in the county treasury and credited as follows, for expenditure by the county board:

(a) Sixty percent to the county road and bridge fund for expenditure for the maintenance, construction and reconstruction of roads, highways and bridges;

(b) Thirty percent to the road and bridge fund of those towns as determined by the county board and to the general fund or other designated fund of those cities as determined by the county board, to be expended for maintenance, construction and reconstruction of roads, highways and bridges; and

(c) Ten percent to a special reserve fund which is hereby established, for expenditure for the restoration of abandoned pits, quarries, or deposits located upon public and tax forfeited lands within the county.

If there are no abandoned pits, quarries or deposits located upon public or tax forfeited lands within the county, this portion of the tax shall be deposited in the county road and bridge fund for expenditure for the maintenance, construction and reconstruction of roads, highways and bridges.

Sec. 4. Minnesota Statutes 1983 Supplement, section 298.75, is amended by adding a subdivision to read:

Subd. 8. If the county board does not impose the aggregate removal tax pursuant to subdivision 2, a city or town may impose upon every operator, engaged in the business of removing aggregate material for sale, from an extraction site within the city or town, a production tax equal to three cents per cubic yard or two cents per ton of aggregate material removed from that city or town. All moneys collected as taxes under this subdivision shall be deposited in the city or town's road and bridge fund or other similar designated fund to be expended for maintenance, construction and reconstruction of roads, highways and bridges within the city or town. The reporting procedures, payment dates, and penalties as provided in subdivisions 3 to 6 shall also be applicable to the taxes imposed under this subdivision except that the operator shall file his report and pay the taxes to the city or town where the aggregate material is removed. For purposes of this subdivision, city means a statutory or home rule charter city."

Amend the title as follows:

Page 1, line 5, after "subdivision 1" insert ", 2 and 7, and by adding a subdivision"

The question was taken on the Onnen amendment and the roll was called. There were 15 yeas and 89 nays as follows:

Those who voted in the affirmative were:

Bergstrom	Findlay	Marsh	McKasy	St. Onge
DenOuden	Gruenes	McDonald	Onnen	Valento
Dimler	Cutknecht	McEachern	Osthoff	Welker

Those who voted in the negative were:

Anderson, G.	Eken	Kostohryz	Otis	Sparby
Anderson, R.	Elioff	Krueger	Pauly	Staten
Battaglia	Ellingson	Kvam	Peterson	Sviggum
Beard	Erickson	Larsen	Piepho	Swanson
Begich	Fjoslien	Long	Piper	Tomlinson
Bennett	Forsythe	Ludeman	Quist	Tunheim
Bishop	Graba	Mann	Redalen	Uphus
Blatz	Greenfield	Metzen	Rice	Valan
Boo	Halberg	Minne	Rodosovich	Vanasek
Brandl	Heinitz	Munger	Rodriguez, C.	Vellenga
Brinkman	Hoffman	Murphy	Rodriguez, F.	Waltman
Burger	Jacobs	Nelson, D.	Rose	Welle
Carlson, D.	Jensen	Neuenschwander	Sarna	Wenzel
Carlson, L.	Johnson	Norton	Scheid	Wigley
Clark, K.	Kahn	O'Connor	Schoenfeld	Wynia
Clawson	Kalis	Ogren	Seaberg	Zaffke
Cohen	Kelly	Olsen	Segal	Speaker Sieben
Dempsey	Knuth	Omann	Solberg	

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

The question was taken on the motion to recommend passage of H. F. No. 1345 and the roll was called. There were 36 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Battaglia	Forsythe	Mann	Osthoff	St. Onge
Beard	Gustafson	McEachern	Peterson	Sarna
Begich	Hoffman	Metzen	Piepho	Solberg
Bergstrom	Jacobs	Minne	Piper	Speaker Sieben
Coleman	Jensen	Murphy	Price	
Dempsey	Kelly	Norton	Quinn	
Eken	Kostohryz	O'Connor	Redalen	
Elioff	Larsen	Ogren	Rodriguez, F.	

Those who voted in the negative were:

Anderson, B.	Bishop	Brinkman	Clark, J.	Dimler
Anderson, G.	Blatz	Burger	Clark, K.	Erickson
Anderson, R.	Boo	Carlson, D.	Clawson	Evans
Bennett	Brandl	Carlson, L.	DenOuden	Findlay

Fjoslien	Johnson	Nelson, K.	Scheid	Uphus
Frerichs	Kalis	Olsen	Seaberg	Valan
Graba	Knickerbocker	Omann	Shaver	Valento
Greenfield	Krueger	Onnen	Sherman	Vellenga
Gruenes	Kvam	Otis	Simoneau	Waltman
Gutknecht	Levi	Pauly	Skoglund	Welch
Halberg	Long	Quist	Sparby	Welker
Haukoos	Ludeman	Reif	Staten	Wenzel
Heap	Marsh	Rodosovich	Sviggum	Wigley
Heinitz	McDonald	Rodriguez, C.	Swanson	Wynia
Hokr	McKasy	Rose	Tomlinson	Zaffke
Jennings	Nelson, D.	Schafer	Tunheim	

The motion did not prevail.

MOTIONS AND RESOLUTIONS

Eken offered the following resolution and moved its adoption:

Resolved, that an invitation be extended to The Honorable Douglas K. Amdahl, Chief Justice of the Supreme Court of the State of Minnesota, to address a Joint Convention of the Legislature on the "State of the Judiciary" at 1:00 p.m., Thursday, April 5, 1984, and

Be It Further Resolved, that the Chief Clerk be instructed to invite the Senate to meet with the House in Joint Convention at 12:50 p.m., Thursday, April 5, 1984, to receive an address on the "State of the Judiciary" by the Honorable Douglas K. Amdahl, Chief Justice of the Supreme Court of the State of Minnesota.

The motion prevailed and the resolution was adopted.

Waltman moved that H. F. No. 1603 be recalled from the Committee on Taxes and be re-referred to the Committee on Appropriations. The motion prevailed.

Vellenga moved that H. F. No. 2041 be recalled from the Committee on Transportation and be re-referred to the Committee on Governmental Operations. The motion prevailed.

Brandl moved that the names of Blatz and Rodosovich be added as authors on H. F. No. 1554. The motion prevailed.

Blatz moved that the names of Begich, Battaglia and Gutknecht be added as authors on H. F. No. 1562. The motion prevailed.

Vanasek moved that the name of Kelly be stricken and the name of Schoenfeld be added as an author on H. F. No. 1665. The motion prevailed.

Segal moved that the name of McKasy be added as an author on H. F. No. 1919. The motion prevailed.

Greenfield moved that the name of Swanson be added as an author on H. F. No. 1947. The motion prevailed.

Greenfield moved that the name of Swanson be added as an author on H. F. No. 1966. The motion prevailed.

Schreiber moved that the name of Redalen be shown as chief author and the name of Schreiber be shown as second author and the names of Wenzel, Sparby and Graba be added as authors on H. F. No. 1976. The motion prevailed.

Greenfield moved that the name of Swanson be added as an author on H. F. No. 2050. The motion prevailed.

Greenfield moved that the names of Swanson, Brandl and Sviggum be added as authors on H. F. No. 2128. The motion prevailed.

McEachern moved that the names of Sparby and Schoenfeld be added as authors on H. F. No. 2173. The motion prevailed.

Tunheim moved that the names of Battaglia and Neuenchwander be added as authors on H. F. No. 2189. The motion prevailed.

Vanasek moved that the name of Halberg be added as an author on H. F. No. 2249. The motion prevailed.

Norton moved that the name of Krueger be added as chief author and the name of Norton be shown as second author on H. F. No. 2264. The motion prevailed.

Graba moved that the name of Olsen be added as an author on H. F. No. 2289. The motion prevailed.

Nelson, K., moved that the name of Segal be added as an author on H. F. No. 2295. The motion prevailed.

Wenzel moved that the name of Neuenchwander be added as an author on H. F. No. 2304. The motion prevailed.

Anderson, B., moved that H. F. No. 44 be returned to its author. The motion prevailed.

Osthoff moved that H. F. No. 1434 be returned to its author. The motion prevailed.

Findlay moved that H. F. No. 1442 be returned to its author. The motion prevailed.

Anderson, B., moved that H. F. No. 1637 be returned to its author. The motion prevailed.

Otis moved that H. F. No. 1811 be returned to its author. The motion prevailed.

Gustafson moved that H. F. No. 2297 be returned to its author. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1516:

Otis, Scheid and Evans.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 12:45 p.m., Thursday, April 5, 1984. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:45 p.m., Thursday, April 5, 1984.

EDWARD A. BURDICK, Chief Clerk, House of Representatives