

STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1984

EIGHTY-THIRD DAY

SAINT PAUL, MINNESOTA, FRIDAY, APRIL 20, 1984

The House of Representatives convened at 11:00 a.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Dr. Conrad Thompson, Former Speaker, Lutheran Vespers radio, Burnsville, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Dempsey, Hoberg and Quinn were excused.

Osthoff was excused until 11:35 a.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Rose moved that further reading of the Journal be dis-

pensed 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. 1686, 1994, 1766 and 2186 and S. F. Nos. 2010, 2133, 2108, 1821, 1662 and 433 have been placed in the members' files.

S. F. No. 433 and H. F. No. 347, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Murphy moved that the rules be so far suspended that S. F. No. 433 be substituted for H. F. No. 347 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. No. 433 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Scheid and Schreiber introduced:

H. F. No. 2341, A bill for an act relating to taxation; reducing the property tax assessment ratios on commercial industrial property; reducing income tax rates; repealing the unitary method of apportioning the income of multistate businesses; repealing the income tax surtax; amending Minnesota Statutes 1982, section 290.095, subdivision 3; Minnesota Statutes 1983 Supplement, sections 273.13, subdivision 9; 290.06, subdivisions 1 and 2c; 290.07, subdivision 1; 290.17, subdivision 2; 290.21, subdivision 4; 290.34, subdivision 2; repealing Minnesota Statutes 1982, section 290.06, subdivision 15; Minnesota Statutes 1983 Supplement, section 290.06, subdivision 2e; Laws 1982, chapter 523, article XXIX, section 6; and Laws 1983, chapter 342, article 1, section 8.

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

Knuth, Schoenfeld, Dempsey, Forsythe and Seaberg introduced:

H. F. No. 2342, A bill for an act relating to damages arising from personal injury in civil actions; providing for calculation

of the damage award; proposing new law coded in Minnesota Statutes, chapter 604.

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

Segal introduced:

H. F. No. 2343, A bill for an act relating to environment; superfund; providing that funds in the environmental response, compensation, and compliance fund may be used to reimburse certain property owners; amending Minnesota Statutes 1983 Supplement, section 115B.20, subdivision 2.

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

Shaver, Welle, Osthoff, Gutknecht and Redalen introduced:

H. F. No. 2344, A bill for an act relating to elections; providing for a presidential primary election; changing the state primary date; amending Minnesota Statutes 1982, sections 204D.03, subdivision 1, and by adding a subdivision; and 204D.08; Minnesota Statutes 1983 Supplement, section 204D.06; repealing Minnesota Statutes 1982, sections 202A.12; 202A.13; 202A.135; 202A.14, subdivisions 2 and 3; 202A.15; 202A.16; 202A.17; 202A.18; 202A.192; and Minnesota Statutes 1983 Supplement, sections 202A.14, subdivision 1; and 202A.19.

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

HOUSE ADVISORIES

The following House Advisories were introduced:

Sarna introduced:

H. A. No. 74, A proposal relating to tourism; fish spearing.

The advisory was referred to the Committee on Commerce and Economic Development.

Shaver introduced:

H. A. No. 75, A proposal to study child custody awards of marriage dissolution proceedings.

The advisory was referred to the Committee on Judiciary.

Clark, K.; Begich; Riveness and Staten introduced:

H. A. No. 76, A proposal to study Minnesota's Unemployment Compensation Law.

The advisory was referred to the Committee on Governmental Operations.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1386, A bill for an act relating to children; authorizing intervention by the juvenile court to protect children from abuse committed by family or household members; providing for prosecution by the county attorney of certain gross misdemeanors; amending Minnesota Statutes 1982, sections 260.015, by adding subdivisions; 260.111, by adding a subdivision; 260.191, by adding a subdivision; and Minnesota Statutes 1983 Supplement, section 388.051, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 260.

The Senate has appointed as such committee Mr. Petty, Ms. Reichgott and Mr. Ramstad.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1425, A bill for an act relating to agriculture; providing for alternative methods for establishing the value of milk purchased from producers; amending Minnesota Statutes 1982, section 32.25, subdivision 1.

The Senate has appointed as such committee Messrs. Wegscheid, Bernhagen and Stumpf.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1989, A bill for an act relating to commerce; removing preference for Minnesota made materials in state purchasing; clarifying definition of public contract for resident preference; amending Minnesota Statutes 1982, section 16.365; Minnesota Statutes 1983 Supplement, section 16.0721; repealing Minnesota Statutes 1982, section 16.073; Minnesota Statutes 1983 Supplement, section 16.072; and Laws 1983, chapter 336, section 3.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1149, A bill for an act relating to liens; providing a nonpossessory lien on personal property; amending Minnesota Statutes 1982, section 514.18.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2016, A bill for an act relating to financing and operation of government in this state; increasing the budget reserve account; repealing the income tax surtax; providing a tax amnesty; increasing the school agricultural credit; providing for distribution of proceeds from Minnesota breeders fund; changing notice provisions and qualifying debts under the revenue recapture capture act; clarifying the application of the mortgage registry tax to revolving lines of credit; changing refund procedure of motor fuels tax; abolishing the excise tax on boxing; changing the maximum property tax levy of Duluth port authority; exempting hot water heating from St. Paul

franchise tax; giving certain powers to the Ramsey-Washington metro watershed district; creating the Croft Historical Park board; giving the city of Cloquet power to contract and levy for public transporttaion; providing for the conveyance of certain lands in St. Louis County and Morrison County; authorizing levy limit increases for the cities of Breezy Point and Oakdale; abolishing rent capitalization and providing for study by the department of revenue; imposing requirements for disaster relief property tax credits; changing certain assessment ratios; changing eligibility for certain assessment ratios; changing homestead classification treatment; changing property tax statement requirements; delaying imposition of a property tax penalty; providing for notice of sale of certain tax forfeited lands; changing computation of payments in lieu; requiring tax clearance prior to issuance of certain licenses; restoring local government aid payments for 1984; modifying the computation formula for local government aids; providing for a local government aids study commission; changing designation and funding for enterprise zones; changing procedures and eligibility for certain business income tax credits; allowing or increasing income tax deductions for certain dividends and royalties; restricting tax exemptions for redevelopment companies; providing grants for plant expansions; adjusting the computation of taxes on taconite and iron ore and authorizing certain refunds and credits; modifying distributions from the proceeds of the taconite tax; changing computation of agricultural, homestead, and taconite homestead credits; allowing taxing districts to levy for certain purposes; changing the definition of political party for purposes of the political contribution credit; changing the income tax pension exclusion; altering certain gross income modifications; increasing the tuition deduction; providing for the adjustment of income under the farm loss modification; providing for the determination of sales within the state for income tax purposes; changing or eliminating withholding on parimutuel winnings and purses; reenacting rental registration provisions; establishing an agricultural resource loan guaranty program; regulating charitable gambling; requiring prompt payment by state agencies; providing that certain admission taxes are discretionary with the metropolitan sports facilities commission; changing certain transfers to the education aids increase account; exempting sales of candy by nonprofit youth organizations from the sales tax; changing certain provisions relating to sales ratios and property tax appeals; including logging equipment in the definition of farm machinery; providing a reduced sales tax rate on capital equipment and special tooling; exempting hot water and certain manufactured homes from the sales tax; exempting certain vehicles used in interstate commerce; providing that sales of certain leased vehicles are not exempt; simplifying hydropower lease procedures; clarifying certain exempt land; modifying the definition of wetlands; extending availability of confession of judgment procedures to certain nonhomestead

property; modifying and extending the targeting credit for certain years; providing property tax reimbursement for certain transit levies; changing certain procedures for valuing railroad property; providing certain refunds for railroad abatements; appropriating money; amending Minnesota Statutes 1982, sections 10A.31, subdivisions 3a and 5; 105.482, subdivisions 8 and 9; 124.2131, subdivision 1; 270.04, subdivision 2; 270.80, subdivision 4; 270.84, subdivision 1; 270.86; 270.87; 270A.03, subdivision 5; 270A.08, subdivisions 1 and 2; 271.01, subdivision 5; 271.06, subdivision 6; ~~272.02, by adding a subdivision~~; 273.123, by adding subdivisions; 273.13, subdivision 19; 273.135, subdivisions 2 and 5; 273.1391, subdivisions 2 and 4; 273.19, by adding a subdivision; 279.37, subdivisions 1 and 3; 287.05, by adding subdivisions; 290.06, by adding a subdivision; 290.08, by adding a subdivision; 290.19, subdivision 1a; 290.21, by adding a subdivision; 290.61; 290A.04, by adding a subdivision; 295.44, subdivision 1; 296.18, subdivisions 3 and 8; 297A.01, subdivision 15, and by adding subdivisions; 297A.15, by adding a subdivision; 297A.44, subdivision 1; 297B.035, subdivision 3; 298.01; 298.02, subdivision 1; 298.031, subdivision 2; 298.225; 298.24, subdivision 1, and by adding a subdivision; 298.40, by adding a subdivision; 299.012, subdivision 1; 341.05; 349.11; 349.12; 349.13; 349.14; 349.15; 349.16; 349.17; 349.18; 349.19; 349.20; 349.21; 349.22; 349.31, subdivision 1; 362A.01, subdivision 1; 362A.05; 458.14; 462.651, subdivision 1, and by adding a subdivision; 473.595, subdivision 1; 477A.13; Minnesota Statutes 1983 Supplement, sections 16A.15, subdivision 6; 124.2137, subdivision 1; 240.18; 272.02, subdivision 1; 273.11, subdivision 1; 273.13, subdivisions 6, 7, 9, 17, 17b, 17c, and 21; 273.1312, subdivision 4; 273.1314, subdivisions 6, 8, and 15; 275.125, subdivisions 11a, 11b, and 12a; 276.04; 278.01, subdivision 1; 278.05, subdivision 4; 279.01, subdivision 1; 290.01, subdivisions 20a and 20b; 290.06, subdivision 11; 290.069, subdivisions 1, 2, 4, 5, and by adding subdivisions; 290.089, subdivision 2; 290.09, subdivision 29; 290.18, subdivision 2; 290.21, subdivision 4; 290.92, subdivisions 27 and 28; 290A.04, subdivisions 2e and 2f; 296.14, subdivision 4; 296.18, subdivision 1; 297A.02, subdivision 2, and by adding a subdivision; 297A.14; 297A.25, subdivision 1; 297B.03; 298.28, subdivision 1; 340.14, subdivision 2; 473.446, subdivision 1; 477A.013, subdivisions 1 and 2; 477A.0131, subdivision 1; 609.75, subdivision 3; 609.761; amending Laws 1979, chapter 189, section 2; Laws 1982, Second Special Session, chapter 2, sections 12, as amended, and 14, as amended; Laws 1983, chapter 342, article 1, section 44; 1984 Regular Session, H. F. No. 1393, article 9, section 9; proposing new law coded as Minnesota Statutes, chapter 41A; proposing new law coded in Minnesota Statutes, chapters 16A; 270; 282; 349; 362A; 507; 508; repealing Minnesota Statutes 1982, sections 270.051; 290.06, subdivision 13; 295.44, subdivisions 2, 3, and 4; 349.26; 462.651, subdivision 2; Minnesota Statutes 1983 Supplement, sections 273.11, subdivision 7; 290.06, subdivision 2e; 462.651, subdivision 3; 477A.0131, subdivision 2; and 477A.03, subdivision 2; Laws 1983, chapter 342, article 1, section 8.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1393, A bill for an act relating to education; providing for aids to education, tax levies, and the distribution of tax revenues; modifying the foundation aid formula; granting certain powers and duties to school boards, school districts, the state board of education, the commissioner of education, the department of education, the state board of vocational technical education, the state director of vocational technical education, the higher education coordinating board, and others; providing for an equalized summer school aid and levy; increasing the community education aid and levy; providing for an equalized early childhood and family education aid and levy; establishing a programs of excellence program; requiring an arts education study; expanding in-service and instructional effectiveness training programs; improving the planning, evaluation, and reporting process; establishing assessment programs; establishing a research and development grant program; appropriating money; amending Minnesota Statutes 1982, sections 120.05, subdivision 2; 120.06; 121.09; 121.21; 121.212, subdivision 1; 121.213; 121.214; 121.215; 121.2155; 121.216; 121.218; 121.904, by adding a subdivision; 121.908, by adding a subdivision; 121.912, by adding a subdivision; 121.935, subdivisions 2 and 6; 121.936, subdivision 1; 123.36, subdivision 10; 123.74; 123.741, as amended; 123.742, as amended; 124.19, by adding a subdivision; 124.20; 124.201, subdivision 1; 124.214, subdivision 1; 124.245, subdivision 1; 124.564; 124.565, subdivisions 1, 6, and 7; 124.572, as amended; 124.573, subdivision 3; 125.12, subdivision 3; 125.17, subdivision 2; 125.611, by adding a subdivision; 125.185, subdivision 4; 136A.02, subdivision 6; 275.125, subdivision 9a, and by adding subdivisions; 465.721; 471.61, subdivisions 1 and 2a; and 475.61, subdivision 1; Minnesota Statutes 1983 Supplement, sections 120.17, subdivision 3b; 121.15, subdivision 1; 121.503, subdivision 5; 121.601; 121.608; 121.609; 121.904, subdivision 4a; 123.36, subdivision 13; 123.743; 124.155, subdivision 1; 124.195, subdivisions 1, 9, and by adding a subdivision; 124.201, subdivisions 2, 4, and 5; 124.2122, subdivisions 1 and 2; 124.2126, subdivision 3; 124.2138; 124.214, subdivision 2; 124.271, subdivision 2b; 124.5611; 124.5612; 124.5614; 124.5615; 124.5616; 124.5617; 124.5618; 124A.06, subdivision 1; 124A.12, subdivision 1; 124A.14; 124A.16; 125.032, subdivision 2a; 129B.02, subdivision 4; 129B.041, subdivisions 1 and 3; 129B.32, subdivision 3; 129B.36, subdivision 7; 136C.01; 136C.02, subdivision 3; 136C.04, subdivisions

7, 10, and by adding a subdivision; 275.125, subdivisions 2e, 2k, 8, 8a, 9b, 11a, 11b, and 11c; 298.28, subdivision 1; 466.06; and 475.61, subdivision 3; Laws 1976, chapter 20, section 5, subdivision 1; Laws 1983, chapter 314, article 6, section 34, subdivision 12; article 7, section 45; article 8, section 23; and article 9, section 14, subdivision 3; proposing new law coded in Minnesota Statutes, chapters 121; 123; 124; 126; 129B; and 136C; repealing Minnesota Statutes 1982, sections 121.217; 124.201, as amended; 124.212, subdivision 1; 124.245, subdivision 1a; 124.246, subdivisions 2a and 5; 124.26, subdivisions 1a and 5; 124.273, subdivisions 1a and 2a; 124.32, subdivisions 1a, 1e, and 2a; 124.565, subdivisions 3 and 4; 124.572, subdivisions 2a, 8, and 8a; 124.573, subdivisions 2a, 3b, 5, and 6; 124.574, subdivisions 2, 2a, 3a, and 8; 125.60, subdivision 2a; 129B.06; 129B.07; 129B.08; 129B.09, as amended; and 275.125, subdivisions 2g and 2h; Minnesota Statutes 1983 Supplement, sections 124.11, subdivisions 2a and 2b; 124.225, subdivision 12; 124.271, subdivision 6; 124.32, subdivision 5a; 124.5613, subdivision 1; 129B.041, subdivision 2; and 275.125, subdivisions 2i and 2j.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1814, A bill for an act relating to taxation; clarifying certain property tax credit provisions; providing that amounts to pay certain certificates are a special levy; providing for deduction of taconite aids from levy limit base; simplifying iron ore valuation hearing requirements; altering the process for determining flexible homestead brackets; allowing for the rounding of amounts of special assessments on tax statements; changing the date for the issuance of warrants for delinquent personal property taxes; providing for additional administrative procedures for cigarette tax collection; requiring annual payment of occupation taxes; changing payment method for production taxes; adopting certain procedures relating to liquor tax collections; amending Minnesota Statutes 1982, sections 273.1104, subdivision 2; 277.03; 298.09, subdivision 2; 298.27; 298.282, subdivision 3; 340.601; Minnesota Statutes 1983 Supplement, sections 273.13, subdivision 7; 273.1311; 273.1315; 275.50, subdivision 5; 275.51, subdivision 31; 276.04; 290A.03, subdivisions 8 and 13; 290A.05; and 298.28, subdivision 1; proposing new law coded in Minnesota Statutes, chapters 297 and 340; repealing Minnesota Statutes 1982, sections 298.045; 298.046; 298.047; and 298.048.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1466, A bill for an act relating to courts; providing procedures for collection of conciliation court judgments; requiring conciliation court clerks to explain procedures of conciliation court to litigants and to assist them in filling out forms; amending Minnesota Statutes 1982, sections 488A.13, subdivision 2; 488A.16, subdivision 8; 487.30, by adding subdivisions; 488A.30, subdivision 2; and 488A.33, subdivision 7.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 756, A bill for an act relating to notarial acts; authorizing appointment of out-of-state notaries; requiring designation of the clerk of district court of the county in which appointment is sought as agent for out-of-state notaries; changing the term of office for notaries public; increasing the bond amount; providing for transfer of notary public commissions; amending Minnesota Statutes 1982, sections 359.01; and 359.02; proposing new law coded in Minnesota Statutes, chapter 359.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1291, A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 8; removing the

constitutional restrictions on permanent school fund investments; establishing statutory restrictions; amending Minnesota Statutes 1982, section 11A.16, subdivision 4.

H. F. No. 1561, A bill for an act relating to health; health maintenance organizations; providing continued coverage upon replacement of an insurance carrier; including health maintenance organization contracts in certain statutorily mandated coverages; providing for the disclosure and reporting by the organization of detailed financial, administrative and ownership information; providing for reporting of changes in provider agreements; granting the commissioner authority to adopt rules regarding the content of provider and other agreements; requiring certain deposits against insolvency; authorizing organizations to enter into certain health services contracts; requiring certain consumer rights information in evidences of coverage and annual information statements; providing for reimbursement of, and direct payments to, enrollees; providing for examination by the commissioner of health; specifying the examination powers of the commissioner; classifying certain data used for review purposes; prescribing penalties; amending Minnesota Statutes 1982, sections 60A.082; 62A.041; 62A.042; 62A.044; 62A.14; 62A.147; 62D.02, subdivision 8, and by adding subdivisions; 62D.04; 62D.05, subdivision 3; 62D.07, subdivisions 1, 3, and by adding subdivisions; 62D.08, subdivisions 1, 3, and by adding subdivisions; 62D.09; 62D.10, subdivision 3, and by adding a subdivision; 62D.101, subdivisions 2 and 2a; 62D.12, subdivisions 1, 2, 4, 9, 10, and by adding subdivisions; 62D.14; 62D.15, subdivision 1; 62D.17, subdivisions 1 and 4; 62D.19; 62D.22, subdivision 5, and by adding a subdivision; amending Minnesota Statutes 1983 Supplement, sections 62A.17, subdivision 6; 62D.03, subdivision 4; proposing new law coded in Minnesota Statutes, chapter 62D; repealing Minnesota Statutes 1982, sections 62D.10, subdivision 2; 62D.12, subdivision 7; 62D.22, subdivision 9; and 62D.27.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1422, A bill for an act relating to corporations; regulating corporate take-overs; requiring certain disclosures; providing certain limitations on offerors; prescribing suspension powers of the commissioner; providing a hearing; regulating control share acquisitions of Minnesota business corporations; defining terms; prescribing penalties; amending Minnesota Statutes 1982, sections 80B.01; 80B.03, subdivisions 1, 2, and 5, and by adding subdivisions; 80B.05; 80B.06; 80B.07; 80B.08; 80B.10; 302A.011, by adding subdivisions; 302A.449, by adding a subdivision; 302A.461, subdivision 4; proposing new law coded in Minnesota Statutes, chapter 302A; repealing Minnesota Statutes 1982, sections 80B.02; 80B.03, subdivisions 3 and 4; and 80B.12, subdivisions 1 and 3.

H. F. No. 2006, A bill for an act relating to game and fish; authorizing reciprocity with Wisconsin in the purchase and sale of annual hunting and fishing licenses; proposing new law coded in Minnesota Statutes, chapter 98.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

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

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1655, A bill for an act relating to financial institutions; providing an expedited procedure for certain bank applications; providing a uniform examination cycle for all supervised institutions; extending the temporary removal of mortgage usury limits; providing a time period within which notices of the filing of applications for detached facilities must be published; providing prior notice to the commissioner of a change in the ownership of a state bank; bringing state law into conformity with federal law regarding limitations on loans to bank directors, officers, or employees; providing prior notification to the commissioner of the termination or cancellation of a fidelity bond to a bank; authorizing the commissioner, after notification, to order the bank to take action; clarifying the exclusion of bankers' acceptances from the restrictions upon total liabilities to a bank; extending the time period imposed on a bank for the filing of proof of publication of its quarterly report; modifying the definition of "demand deposits" in light of federal deregulation of interest rates; removing the photo identification requirement from the provisions regulating the opening of checking accounts; clarifying service charges on dishonored checks; making various technical changes; amending Minnesota Statutes 1982, sections 45.071, by adding a subdivision; 46.04, subdivision 1; 47.204, subdivision 1; 48.03, subdivision 4; 48.08; 48.13; 48.14; 48.24, subdivision 6; 48.48, subdivisions 1 and 2; 48.51; 51A.50; 52.06, subdivision 1; 53.03, subdivision 4; 53.09, subdivision 1; and 56.12; Minnesota Statutes 1983 Supplement, sections 45.04; 47.54, subdivision 1; 48.512, subdivision 2; 52.203; 53.01; 53.03, subdivisions 1 and 5; 53.04, subdivision 3a; 168.67; and 332.50, subdivision 2; repealing Minnesota Statutes 1982, sections 47.75, subdivision 2; and 51A.44, subdivision 3.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1427, A bill for an act relating to retirement; altering the investment authority for police and firefighter's relief associations; making various changes in the benefits for various retirement funds and plans; making conforming changes in benefit calculations; amending Minnesota Statutes 1982, sections 3.082; 69.775; 136.82, subdivision 1; 352.113, subdivision 3; 352.95, subdivision 1a; 352D.02, by adding a subdivision; 353.34,

by adding a subdivision; 354.62, subdivision 2; 422A.18, subdivision 3; 424.24, subdivision 2; 490.124, subdivision 3; and 490.129; Minnesota Statutes 1983 Supplement, sections 69.77, subdivision 2; 352.113, subdivision 2; 352.115, subdivision 8; and 356.61; Laws 1947, chapter 43, section 23, as amended; Laws 1963, chapter 643, section 20; Laws 1973, chapters 359, section 5, subdivision 2; and 432, section 4; Laws 1977, chapter 275, section 1; Laws 1980, chapter 600, section 17; and Laws 1981, chapter 68, section 43; proposing new law coded in Minnesota Statutes, chapter 423A; repealing Laws 1971, chapter 184; Laws 1973, chapter 283; Laws 1978, chapter 617; Laws 1981, chapter 224, sections 255 and 256; Laws 1982, chapter 578, article II, section 1, subdivision 7, and section 3.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1347, A bill for an act relating to crimes; prohibiting a person from depriving another of parental, custodial, or visitation rights; imposing penalties; providing for notification in custody or visitation orders of the deprivation of parental rights laws; requiring violations of the parental rights law to be reported under the child abuse reporting law; imposing a penalty; amending Minnesota Statutes 1982, sections 609.26; and 626.556, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 518.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 432, A bill for an act relating to soil and water conservation; prohibiting in certain counties practices which cause accelerated erosion or sedimentation; extending the joint legislative committee on agricultural land preservation and conservation; prescribing penalties; appropriating money; amending

Laws 1979, chapter 315, section 2, as amended; proposing new law coded in Minnesota Statutes, chapter 40.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1279, A bill for an act relating to crimes; clarifying the crime of contributing to the delinquency of a minor; providing for the admissibility of certain statements as evidence; expanding the definitions of sexual contact and coercion; increasing the age limit of minor victims protected under criminal sexual conduct offenses; clarifying certain terms; amending Minnesota Statutes 1982, sections 147.01, subdivision 4; 595.02; 609.341, subdivisions 11 and 14; 609.346; 609.347, subdivision 3; 609.364, subdivision 9; 626.556, subdivision 8; Minnesota Statutes 1983 Supplement, sections 260.315; 609.344; and 609.345; proposing new law coded in Minnesota Statutes, chapter 260.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 311.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 311

A bill for an act relating to public welfare; requiring licensure for adult day care facilities; amending Minnesota Statutes 1982, sections 245.782, subdivisions 2, 5, and by adding a subdivision; 245.783, by adding a subdivision; 245.791; 245.802, by adding a subdivision.

April 18, 1984

The Honorable Jerome M. Hughes
President of the Senate

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

We, the undersigned conferees for S. F. No. 311, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 311 be further amended as follows:

Page 1, line 14, delete the second "and" and insert a comma

Page 1, line 15, after the comma insert "*and supportive living residences,*"

Page 2, after line 1, insert:

"Sec. 3. Minnesota Statutes 1982, section 245.782, subdivision 6, is amended to read:

Subd. 6. "Residential facility" means any facility, public or private, which for gain or otherwise regularly provides one or more persons with a 24 hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include, but are not limited to: state institutions under the control of the commissioner of public welfare, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, *supportive living residences for functionally impaired adults*, or schools for handicapped children."

Page 3, delete lines 31 to 34 and insert:

"Subd. 1a. [STANDARDS FOR SUPPORTIVE LIVING RESIDENCES.] Standards for licensing supportive living residences shall include provisions concerning the referral of adults needing treatment to appropriate programs and the prevention of inappropriate placements in supportive living residences, a maximum bed limit of 40, and provisions discouraging the concentration of supportive living residences in any one region or neighborhood."

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

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "facilities" insert "and supportive living residences"

Page 1, line 4, after "5," insert "6,"

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

Senate Conferees: LINDA BERGLIN, MARILYN M. LANTRY and DUANE D. BENSON.

House Conferees: JOHN E. BRANDL, LEE GREENFIELD and TONY ONNEN.

Onnen moved that the report of the Conference Committee on S. F. No. 311 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 311, A bill for an act relating to public welfare; requiring licensure for adult day care facilities; amending Minnesota Statutes 1982, sections 245.782, subdivisions 2, 5, and by adding a subdivision; 245.783, by adding a subdivision; 245.791; 245.802, by adding a subdivision.

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

The question was taken on the repassage of the bill and the roll was called. There were 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

S. F. No. 1760.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVERN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1760

A bill for an act relating to governmental operations; requesting the regents of the University of Minnesota to conduct a job evaluation study and report to the legislature.

April 18, 1984

The Honorable Jerome M. Hughes
President of the Senate

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

We, the undersigned conferees for S. F. No. 1760, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment adopted April 13, 1984, and that S. F. No. 1760 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [COMPENSATION COMPARABILITY STUDY.]

The legislature requests the regents of the University of Minnesota to conduct an objective job evaluation study to determine the extent to which comparability of the value of work is reflected in the salaries of its nonacademic employees, including hospital employees. The study is to include an analysis of compensation comparability for male-dominated, female-dominated, and balanced classes of employees as those classes are defined in Minnesota Statutes, section 43A.02.

Sec. 2. [REPORT OF STUDY.]

The regents of the University of Minnesota are requested to compile and submit to the legislative commission on employee relations by April 1, 1985, a list showing those female-dominated classes for which a compensation inequity exists based on com-

parability of the value of the work, an estimate of the cost to provide comparability adjustments, and the steps taken to achieve pay equity."

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

Senate Conferees: EMBER D. REICHGOTT, DONNA C. PETERSON and NANCY BRATAAS.

House Conferees: LYNDON R. CARLSON, JAMES C. SWANSON and DAVID T. BISHOP.

Carlson, L., moved that the report of the Conference Committee on S. F. No. 1760 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1760, A bill for an act relating to governmental operations; requesting the regents of the University of Minnesota to conduct a job evaluation study and report to the legislature.

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

The question was taken on the repassage of the bill and the roll was called. There were 109 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Krueger	Pauly	Skoglund
Anderson, G.	Findlay	Kvam	Peterson	Solberg
Battaglia	Fjoslien	Larsen	Piepho	Sparby
Beard	Forsythe	Levi	Piper	Stadum
Beighch.	Grabá	Long	Price	Staten
Bennett	Greenfield	Mann	Redalen	Sviggum
Bergstrom	Gruenes	Marsh	Reif	Swanson
Bishop	Gustafson	McDonald	Rice	Tomlinson
Boo	Halberg	McEachern	Riveness	Tunheim
Brandl	Heap	Metzen	Rodosovich	Uphus
Brinkman	Heinitz	Minne	Rodriguez, C.	Valan
Burger	Hoffman	Munger	Rodriguez, F.	Valento
Carlson, L.	Hokr	Murphy	Rose	Vanasek
Clark, J.	Jacobs	Nelson, D.	St. Onge	Vellenga
Clark, K.	Jensen	Nelson, K.	Sarna	Voss
Clawson	Johnson	Neuenschwander	Scheid	Waltman
Cohen	Kahn	Norton	Schoenfeld	Welch
Coleman	Kalis	Ogren	Schreiber	Welle
Dimler	Kelly	Olsen	Seaberg	Wenzel
Eken	Knickerbocker	Omann	Segal	Wynia
Eliooff	Knuth	Onnen	Sherman	Speaker Sieben
Ellingson	Kostohryz	Otis	Simoneau	

Those who voted in the negative were:

DenOuden	Haukoos	Quist	Thiede	Wigley
Erickson	Jennings	Schafer	Welker	Zaffke
Gutknecht	Ludeman			

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

Mr. Speaker:

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

S. F. No. 1750.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1750

A bill for an act relating to commerce; providing for the classification of crime reports of the department of commerce; including certain financial institutions within the definition of broker-dealer of securities; broadening the securities transaction exemption for corporate transactions; providing for the receipt of applications for renewal of real estate broker and salesperson licenses; establishing certain fees relating to the regulation of real estate brokers and salespersons; providing for real estate salesperson licensing requirements after examination; clarifying a certain definition relating to recovery from the real estate education, research, and recovery fund; limiting recovery to cases involving judgments against licensed individuals; providing for the depositing of funds under the unclaimed property statutes; regulating sales of unclaimed property; appropriating money; amending Minnesota Statutes 1982, sections 13.81, subdivision 1; 13.82, subdivision 1; 80A.14, subdivision 4; 80A.15, subdivision 2; 80A.30, subdivision 2; 82.17, subdivision 3; 82.20, subdivisions 8 and 9; 82.21, subdivision 1; 82.22, subdivisions 2 and 5; 345.32; 345.47, subdivision 1; 345.48; 345.49; Minnesota Statutes 1983 Supplement, sections 82.22, subdivisions 6 and 13; and 82.34, subdivision 7; proposing new law coded in Minnesota Statutes, chapter 345.

April 18, 1984

The Honorable Jerome M. Hughes
President of the Senate

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

We, the undersigned conferees for S. F. No. 1750, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1750 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 13.81, subdivision 1, is amended to read:

Subdivision 1. [CRIME REPORTS.] When collected, created, or maintained by law enforcement agencies including municipal police departments, county sheriff departments, fire departments, the bureau of criminal apprehension, the Minnesota state patrol, *department of commerce*, or the peace officers standards and training board:

(a) Data contained on incident complaint reports, variously called logs or dockets, comprising a chronological record of events, shall be public; provided that data on individuals which could reasonably be used to determine the identity of an undercover agent, informant, or victim of criminal sexual conduct or intrafamilial sexual abuse shall be private data on individuals; provided further that any other data classified by law as private or confidential contained in incident complaint reports shall remain private or confidential data.

(b) Data in arrest warrant indices are classified as confidential pursuant to section 13.02, subdivision 3, until the defendant has been taken into custody, served with a warrant, or appears before the court except when the law enforcement agency determines that the public purpose is served by making the information public.

(c) Data which uniquely describes stolen, lost, confiscated, or recovered property or property described in pawn shop transaction records are classified as either private or nonpublic depending on the content of the specific data.

(d) To the extent that the release of program data would reveal the identity of an informant or adversely affect the integrity of the fund, financial records of a program which pays rewards to informants shall be protected nonpublic data in the case of data not on individuals or confidential data in the case of data on individuals.

Sec. 2. Minnesota Statutes 1982, section 13.82, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION.] This section shall apply to agencies which carry on a law enforcement function, including but not limited to municipal police departments, county sheriff departments, fire departments, the bureau of criminal apprehension, the Minnesota state patrol, and (THE SECURITIES AND REAL ESTATE DIVISION OF) the department of commerce.

Sec. 3. Minnesota Statutes 1983 Supplement, section 60A-1701, subdivision 8, is amended to read:

Subd. 8. [MINIMUM EDUCATION REQUIREMENT.] Each person subject to this section shall complete annually a minimum of 20 credit hours of courses accredited by the commissioner. *No person shall be granted more than ten credit hours per year toward the annual requirement as a result of attending accredited courses developed or offered by an insurer employing that person.* Any person teaching or lecturing at an accredited course qualifies for 1-1/2 times the number of credit hours that would be granted to a person completing the accredited course. Credit hours over 20 earned in any one year may be carried forward for the following two years. The commissioner may recognize accredited courses completed in 1983, 1984, or 1985 for the minimum education requirement for 1985.

Sec. 4. Minnesota Statutes 1982, section 80A.14, subdivision 4, is amended to read:

Subd. 4. [BROKER-DEALER.] "Broker-dealer" means any person engaged in the business of effecting transactions in securities for the account of others or for his own account. "Broker-dealer" does not include:

- (1) an agent;
- (2) an issuer;
- (3) a (BANK, SAVINGS INSTITUTION OR) trust company (,); or
- (4) *a bank, savings institution, savings and loan association*
 - (i) *acting for the account of others, provided that such activities are conducted in compliance with such rules and regulations as may be adopted by the commissioner;*
 - (ii) *acting for its own account; or*
 - (iii) *acting in a fiduciary capacity pursuant to the powers and privileges described by sections 48.36 to 48.49 or United States Code, title 12, section 92(a);*
- (4) (5) a person who has no place of business in this state if he effects transactions in this state exclusively with or through (i) the issuers of the securities involved in the transactions, (ii) other broker-dealers, or (iii) banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit sharing trusts, or other financial institutions or institutional buyers, or to broker-dealers, whether the purchaser is acting for itself or in some fiduciary capacity; or

((5)) (6) other persons not within the intent of this subsection whom the commissioner by rule or order designates.

Sec. 5. Minnesota Statutes 1982, section 80A.15, subdivision 2, is amended to read:

Subd. 2. The following transactions are exempted from sections 80A.08 and 80A.16:

(a) Any isolated sales, whether or not effected through a broker-dealer, provided that no person shall make more than five sales of securities of the same issuer pursuant to this exemption during any period of 12 consecutive months; provided further, that in the case of sales by an issuer, except sales of securities registered under the Securities Act of 1933 or exempted by section 3(b) of that act, (1) the seller reasonably believes that all buyers are purchasing for investment, and (2) the securities are not advertised for sale to the general public in newspapers or other publications of general circulation or otherwise, or by radio, television, or direct mailing.

(b) Any nonissuer distribution of an outstanding security if (1) either Moody's, Fitch's or Standard & Poor's Securities Manuals, or other recognized manuals approved by the commissioner contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date not more than 18 months prior to the date of the sale, and a profit and loss statement for the fiscal year preceding the date of the balance sheet, and (2) the issuer or its predecessor has been in active, continuous business operation for the five-year period next preceding the date of sale, and (3) if the security has a fixed maturity or fixed interest or dividend provision, the issuer has not, within the three preceding fiscal years, defaulted in payment of principal, interest, or dividends on the securities.

(c) The execution of any orders by a licensed broker-dealer for the purchase or sale of any security, pursuant to an unsolicited offer to purchase or sell; provided that the broker-dealer acts as agent for the purchaser or seller, and has no direct material interest in the sale or distribution of the security, receives no commission, profit, or other compensation from any source other than the purchaser and seller and delivers to the purchaser and seller written confirmation of the transaction which clearly itemizes his commission, or other compensation.

(d) Any nonissuer sale of notes or bonds secured by a mortgage lien if the entire mortgage, together with all notes or bonds secured thereby, is sold to a single purchaser at a single sale.

(e) Any judicial sale, exchange, or issuance of securities made pursuant to an order of a court of competent jurisdiction.

(f) The sale, by a pledge holder, of a security pledged with him in good faith as collateral for a bona fide debt.

(g) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

(h) Any sales by an issuer to the number of persons as, when aggregated with the number of persons to whom sales have been made pursuant to (CLUSES) clause (a) or (k), shall not exceed 25 persons in this state (other than those designated in clause (g)) during any period of 12 consecutive months, whether or not any of the purchasers is then present in this state, if (1) the issuer reasonably believes that all of the buyers in this state (other than those designated in clause (g)) are purchasing for investment, and (2) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer in this state (other than those designated in clause (g)), except reasonable and customary commissions paid by the issuer to a broker-dealer licensed under this chapter, and (3) the issuer has, ten days prior to any sale pursuant to this paragraph, supplied the commissioner with a statement of issuer on forms prescribed by the commissioner, containing the following information: (i) the name and address of the issuer, and the date and state of its organization; (ii) the number of units, price per unit, and a description of the securities to be sold; (iii) the amount of commissions to be paid and the persons to whom they will be paid; (iv) the names of all officers, directors and persons owning five percent or more of the equity of the issuer; (v) a brief description of the intended use of proceeds; (vi) a description of all sales of securities made by the issuer within the 12-month period next preceding the date of filing; and (vii) a copy of the investment letter, if any, intended to be used in connection with any sale. The commissioner may by rule or order as to any security or transaction or any type of security or transaction, withdraw or further condition this exemption, or increase the number or offers and sales permitted, or waive the conditions in (CLUSES) clause (1), (2), or (3) with or without the substitution of a limitation or remuneration.

(i) Any offer (but not a sale) of a security for which a registration statement has been filed under sections 80A.01 to 80A.31, if no stop order or refusal order is in effect and no public proceeding or examination looking toward an order is pending; and any offer of a security if the sale of the security is or would be exempt under this section. The commissioner may by rule exempt offers (but not sales) of securities for which a registration statement has been filed as he deems appropriate, consistent with the purposes of sections 80A.01 to 80A.31.

(j) The offer and sale by a cooperative association organized under chapter 308, of its securities when the securities are offered and sold only to its members, or when the purchase of the securities is necessary or incidental to establishing membership in such association, or when such securities are issued as patronage dividends.

(k) Any offer or sale of securities, including offers and sales pursuant to preorganization subscriptions for the securities of an issuer to be formed, by a corporation having its principal office in this state if, after giving effect thereto, the aggregate number of holders of all of the issuer's securities, all of whom shall have purchased for investment, does not exceed ten, exclusive of persons designated in clause (g), provided that no commission or other remuneration has been paid and no advertising has been published or circulated in connection with the sale, and all sales are consummated within 30 days after commencement of business by the issuer. The commissioner may by rule or order increase the number of persons to whom sales may be made under this exemption.

(l) The issuance and delivery of any securities of one corporation to another corporation or its security holders (IN EXCHANGE FOR THE ACQUISITION BY THE ISSUER OR A SUBSIDIARY OF THE ISSUER OF ALL OR SUBSTANTIALLY ALL OF THE ASSETS OF THE OTHER CORPORATION, OR) in connection with a (CONSOLIDATION OR) merger (OF THE CORPORATION), *exchange of shares, or transfer of assets whereby the approval of stockholders of the other corporation is required to be obtained*, provided, that the commissioner (OF SECURITIES AND REAL ESTATE) has been furnished with a general description of the transaction and with other information as he by rule prescribes not less than ten days prior to the issuance and delivery.

(m) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter or among underwriters.

(n) The distribution by a corporation of its or other securities to its own security holders as a stock dividend or as a dividend from earnings or surplus or as a liquidating distribution; or upon conversion of an outstanding convertible security; or pursuant to a stock split or reverse stock split.

(o) Any offer or sale of securities by an affiliate of the issuer thereof if: (1) a registration statement is in effect with respect to securities of the same class of the issuer and (2) the offer or sale has been exempted from registration by rule or order of the commissioner.

Sec. 6. Minnesota Statutes 1982, section 80A.30, subdivision 2, is amended to read:

Subd. 2. This section shall not apply to any isolated sale not made or occurring in the course of repeated or successive sale; nor to any judicial sale or any transaction lawfully ordered, authorized, or approved by a court of competent jurisdiction in this state; nor to any sale to a bank or financial institution under the supervision of any instrumentality or officer of the United States or of the commissioner of (BANKS OR OF THE COMMISSIONER OF INSURANCE) *commerce* of this state, or a licensed broker-dealer; nor to any sale made in compliance with the provisions of section 80A.15, subdivision 2, clause (g) or (h). In any complaint, information or indictment charging a sale in violation of this section, it shall not be necessary to specifically name or identify persons other than the complainant to whom like sales have been made.

Sec. 7. Minnesota Statutes 1982, section 82.17, subdivision 3, is amended to read:

Subd. 3. "Commissioner" means the commissioner of (SECURITIES AND REAL ESTATE) *commerce* or his designee.

Sec. 8. Minnesota Statutes 1982, section 82.20, subdivision 8, is amended to read:

Subd. 8. [RENEWALS.] (a) Persons whose applications have been properly and timely filed who have not received notice of denial of renewal are deemed to have been approved for renewal and may continue to transact business either as a real estate broker or salesperson whether or not the renewed license has been received on or before July 1. Application for renewal of a license shall be deemed to have been timely filed if received by the commissioner (ON OR BEFORE) *by, or mailed with proper postage and postmarked by*, June 15 in each year. Applications for renewal shall be deemed properly filed if made upon forms duly executed and sworn to, accompanied by fees prescribed by this chapter and contain any information which the commissioner may require. (AN APPLICATION MAILED SHALL BE DEEMED PROPER AND TIMELY RECEIVED IF ADDRESSED TO THE COMMISSIONER AND POSTMARKED PRIOR TO 12:01 A.M. ON JUNE 14;)

(b) Persons who have failed to make a timely application for renewal of a license and who have not received the renewal license as of July 1, shall be unlicensed until such time as the license has been issued by the commissioner and is received.

Sec. 9. Minnesota Statutes 1982, section 82.20, subdivision 9, is amended to read:

Subd. 9. [TERMINATIONS; TRANSFERS.] (a) Except as provided in paragraph (b), when a salesperson terminates

his activity on behalf of a broker, the salesperson's license shall be ineffective. Within ten days of the termination the broker shall notify the commissioner in writing, and shall return to the commissioner the license of the salesperson. The salesperson may apply for transfer of the license to another broker at any time during the remainder of the license period, on forms provided by the commissioner. If the application for transfer qualifies, the commissioner shall grant the application. Upon receipt of a transfer application and payment of the transfer fee, the commissioner may issue a 45 day temporary license. If an application for transfer is not made within the license period, the commissioner shall require that an application for a new license be filed.

(b) When a salesperson terminates his activity on behalf of a broker in order to begin association immediately with another broker, the commissioner shall permit the automatic transfer of the salesperson's license. The transfer shall be effective either upon the mailing of the required fee and the executed documents by certified mail or upon personal delivery of the fee and documents to the commissioner's office. The commissioner may adopt rules and prescribe forms as necessary to implement this paragraph.

(c) *When a broker terminates his activity in order to begin association with another broker, the commissioner shall permit the automatic transfer of the broker's license to a salesperson's license. If there are licensed salespersons working for the broker he shall certify that a broker will remain in the company he is leaving prior to issuance of the transfer. The transfer shall be effective either upon the mailing of the required fee and the executed documents by certified mail or upon personal delivery of the fee and documents to the commissioner's office.*

Sec. 10. Minnesota Statutes 1982, section 82.21, subdivision 1, is amended to read:

Subdivision 1. [AMOUNTS.] The following fees shall be paid to the commissioner:

(a) A fee of \$50 for each initial individual broker's license, and a fee of \$25 for each annual renewal thereof;

(b) A fee of \$25 for each initial salesperson's license, and a fee of \$10 for each annual renewal thereof;

(c) A fee of \$50 for each initial corporate or partnership license, and a fee of \$25 for each annual renewal thereof;

(d) A fee not to exceed \$40 per year for payment to the education, research and recovery fund in accordance with section 82.34;

- (e) *A fee of \$10 for each transfer;*
- (f) *A fee of \$25 for a corporation or partnership name change;*
- (g) *A fee of \$5 for an agent name change;*
- (h) *A fee of \$10 for a license history;*
- (i) *A fee of \$15 for a NSF check;*
- (j) *A fee of \$50 for an initial course approval;*
- (k) *A fee of \$10 for notices of repeat course offerings;*
- (l) *A fee of \$50 for instructor or coordinator approval; and*
- (m) *A fee of \$5 for a duplicate license.*

Sec. 11. Minnesota Statutes 1982, section 82.22, subdivision 2, is amended to read:

Subd. 2. [BROKER'S EXAMINATION.] (a) The examination for a real estate broker's license shall be more exacting than that for a real estate salesperson, and shall require a higher degree of knowledge of the fundamentals of real estate practice and law.

(b) Every application for a broker's examination shall be accompanied by proof that the applicant has had a minimum of two years of actual experience *within the previous five-year period prior to application* as a licensed real estate salesperson in this or in another state having comparable requirements or is, in the opinion of the commissioner, otherwise or similarly qualified by reason of education or practical experience. *The applicant shall have completed educational requirements in accordance with section 82.22, subdivision 6.* An applicant for a limited broker's license pursuant to section 82.20, subdivision 13, shall not be required to have a minimum of two years of actual experience as a real estate person in order to obtain a limited broker's license to act as principal only.

Sec. 12. Minnesota Statutes 1982, section 82.22, subdivision 5, is amended to read:

Subd. 5. [PERIOD FOR APPLICATION.] An applicant who obtains an acceptable score on a salesperson's examination must file an application (FOR) and obtain the license within one year of the date of successful completion of the examination or a second examination must be taken to qualify for the license. *If*

a new examination is required, prelicense education must be completed in accordance with section 82.22, subdivision 6.

Sec. 13. Minnesota Statutes 1983 Supplement, section 82.22, subdivision 6, is amended to read:

Subd. 6. [INSTRUCTION; NEW LICENSES.] (a) Every salesperson, licensed after July 1, 1973 and before July 1, 1976 shall, within two years of the date his license was first granted be required to successfully complete a course of study in the real estate field consisting of not less than 60 hours of instruction, approved by the commissioner. Upon appropriate showing of hardship by the licensee, or for persons licensed pursuant to section 82.20, subdivision 1, clause (b), the commissioner may waive or modify the requirements of this subdivision. Every salesperson licensed after July 1, 1976 and before July 1, 1978 shall, within three years of the date his license was first issued, be required to successfully complete a course of study in the real estate field consisting of not less than 90 hours of instruction, approved by the commissioner;

(b) After July 1, 1978, and before January 1, 1984, every applicant for a salesperson's license shall be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner before taking the examination specified in subdivision 1. Every salesperson licensed after July 1, 1978, and before January 1, 1984, shall, within one year of the date his license was first issued, be required to successfully complete a course of study in the real estate field consisting of 60 hours of instruction approved by the commissioner.

(c) After December 31, 1983, every applicant for a salesperson's license shall be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner before taking the examination specified in subdivision 1. After December 31, 1983, every applicant for a salesperson's license shall be required to successfully complete an additional course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner before filing an application for the license. Every salesperson licensed after December 31, 1983, shall, within one year of the date his license was first issued, be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner.

(d) The commissioner may approve courses of study in the real estate field offered in educational institutions of higher learning in this state or courses of study in the real estate field developed by and offered under the auspices of the national association of realtors, its affiliates, or private real estate schools (LICENSED BY THE STATE DEPARTMENT OF EDUCATION).

TION). The commissioner may by rule prescribe the curriculum and qualification of those employed as instructors.

Sec. 14. Minnesota Statutes 1983 Supplement, section 82.22, subdivision 13, is amended to read:

Subd. 13. [CONTINUING EDUCATION.] (a) After July 1, 1978, all real estate salespersons not subject to or who have completed the educational requirements contained in subdivision 6 and all real estate brokers shall be required to successfully complete 45 hours of real estate education, either as a student or a lecturer, in courses of study approved by the commissioner, within three years after their annual renewal date.

(b) For the purposes of administration, the commissioner shall classify by lot, the real estate brokers and salespersons subject to (a) above, in three classifications of substantially equal size. The first class shall complete 15 hours of approved real estate study between July 1, 1978 and June 30, 1979 inclusive. The second class shall complete 30 hours of approved real estate study between the dates of July 1, 1978 and June 30, 1980 inclusive. The third class shall complete 45 hours of approved real estate study between the dates of July 1, 1978 and June 30, 1981. After the first period, each class shall complete the prescribed educational requirements during successive three year periods.

(c) The commissioner shall adopt rules defining the standards for course and instructor approval, and may adopt rules for the proper administration of this subdivision.

(d) Any program approved by Minnesota Continuing Legal Education shall be approved by the commissioner of (SECURITIES AND REAL ESTATE) commerce for continuing education for real estate brokers and salespeople if the program or any part thereof relates to real estate.

Sec. 15. Minnesota Statutes 1983 Supplement, section 82.34, subdivision 7, is amended to read:

Subd. 7. When any aggrieved person obtains a final judgment in any court of competent jurisdiction against (ANY PERSON) an individual licensed under this chapter, on grounds of fraudulent, deceptive or dishonest practices, or conversion of trust funds arising directly out of any transaction when the judgment debtor was licensed and performed acts for which a license is required under this chapter, or performed acts permitted by section 327.55, subdivision 1a, and which cause of action occurred on or after July 1, 1973, the aggrieved person may, upon the judgment becoming final, and upon termination of all proceedings, including reviews and appeals, file a verified application in the court in which the judgment was entered for

an order directing payment out of the recovery portion of the fund of the amount of actual and direct out of pocket loss in the transaction, but excluding any attorney's fees, interest on the loss and on any judgment obtained as a result of the loss, up to the sum of \$20,000 of the amount unpaid upon the judgment, provided that nothing in this chapter shall be construed to obligate the fund for more than \$20,000 per transaction, subject to the limitations set forth in subdivisions 12 and 14, regardless of the number of persons aggrieved or parcels of real estate involved in the transaction. A copy of the verified application shall be served upon the commissioner and upon the judgment debtor, and a certificate or affidavit of service filed with the court. For the purpose of this section "aggrieved person" shall not include a real estate licensee (WHO IS SEEKING TO RECOVER A COMMISSION) unless (1) the licensee is acting in the capacity of principal in the sale of interests in real property owned by the licensee; or (2) the licensee is acting in the capacity of principal in the purchase of interests in real property to be owned by the licensee. Under no circumstances shall a real estate licensee be entitled to payment under this section for the loss of a commission.

Sec. 16. [345.25] [BONDS ISSUED BY RELIGIOUS ORGANIZATIONS.]

Bonds issued by religious organizations are exempt from sections 345.31 to 345.60 and are not otherwise subject to escheat.

Sec. 17. Minnesota Statutes 1982, section 345.32, is amended to read:

345.32 [PROPERTY HELD BY BANKING OR FINANCIAL ORGANIZATIONS OR BY BUSINESS ASSOCIATIONS.]

The following property held or owing by a banking or financial organization or by a business association is presumed abandoned:

(a) Any demand, savings or matured time deposit made in this state with a banking organization, together with any interest or dividend thereon, excluding contracted service charges which may be deducted for a period not to exceed one year, unless the owner has, within five years:

(1) increased or decreased the amount of the deposit, or presented the passbook or other similar evidence of the deposit for the crediting of interest; or

(2) corresponded in writing with the banking organization concerning the deposit; or

(3) otherwise indicated an interest in the deposit as evidenced by a memorandum on file with the banking organization; or

(4) received tax reports or regular statements of the deposit by mail from the banking or financial organization regarding the deposit. Receipt of the statement by the owner should be presumed if the statement is mailed first class by the banking or financial organization and not returned; or

(5) acted as provided in paragraphs (1), (2), (3) and (4) of this subsection in regard to another demand, savings or time deposit made with the banking or financial organization.

(b) Any funds or dividends deposited or paid in this state toward the purchase of shares or other interest in a business association where the stock certificates or other evidence of interest in the business have not been issued, or in a financial organization, and any interest or dividends thereon, excluding contracted service charges which may be deducted for a period not to exceed one year, unless the owner has within five years:

(1) increased or decreased the amount of the funds or deposit, or presented an appropriate record for the crediting of interest or dividends; or

(2) corresponded in writing with the financial organization concerning the funds or deposit; or

(3) otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the financial organization; or

(4) received tax reports or regular statements of the deposit or accounting by mail from the financial organization or business association regarding the deposit. Receipt of the statement by the owner should be presumed if the statement is mailed first class by the financial organization or business association and not returned.

(c) Any sum, excluding contracted service charges which may be deducted for a period not to exceed one year, payable on checks certified in this state or on written instruments issued in this state, or issued in any other state the law in which for any reason does not apply to the abandonment of sums payable on checks certified in that state or written instruments issued in that state, on which a banking or financial organization or business association is directly liable, including, by way of illustration but not of limitation, drafts, money orders and traveler's checks, that has been outstanding for more than five years from the date it was payable, or from the date of its issuance if payable on demand, or, in the case of traveler's checks, has been out-

standing for more than 15 years from the date of its issuance, or, in the case of money orders, has been outstanding for more than seven years from the date of its issuance, unless the owner has within five years, or within 15 years in the case of traveler's checks, or within seven years in the case of money orders, corresponded in writing with the banking or financial organization or business association concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization or business association.

(d) Any funds or other personal property, tangible or intangible, removed from a safe deposit box or any other safekeeping repository in this state on which the lease or rental period has expired due to nonpayment of rental charges or other reason, that have been unclaimed by the owner for more than five years from the date on which the lease or rental period expired.

(1) If the amount due for the use or rental of a safe deposit box has remained unpaid for a period of six months, the bank, savings bank, trust company, savings and loan, or safe deposit company shall, within 60 days of the expiration of that period, send by certified mail, addressed to the renter or lessee of the safe deposit box, directed to the address standing on its books, a written notice that, if the amount due for the use or rental of the safe deposit box is not paid within 60 days after the date of the mailing of the notice, it will cause the safe deposit box to be opened and its contents placed in one of its general safe deposit boxes.

(2) Upon the expiration of 60 days from the date of mailing the notice, and in default of payment within the 60 days of the amount due for the use or rental of the safe deposit box, the bank, savings bank, trust company, savings and loan, or safe deposit company, in the presence of its president, vice-president, secretary, treasurer, assistant secretary, assistant treasurer or superintendent, or such other person as specifically designated by its board of directors, and of a notary public not in its employ, shall cause the safe deposit box to be opened and the contents thereof, to be removed and sealed by the notary public in a package, *in which he shall enclose a detailed description of the contents of the safe deposit box and upon which he shall mark the name of the renter or lessee (AND ALSO THE ESTIMATED VALUE OF THE CONTENTS OF THE SAFE DEPOSIT BOX)* and, in the presence of one of the bank officers listed above, the notary public shall place the package in one of the bank's general safe deposit boxes and set out the proceedings in a certificate under his official seal, which shall be delivered to the bank, savings bank, trust company, savings and loan, or safe deposit company.

(3) The bank, savings bank, trust company, savings and loan, or safe deposit company shall hold the contents of abandoned safe deposit boxes until they are claimed by the owner

or the bank turns them over to the state treasurer pursuant to chapter 345.

Sec. 18. Minnesota Statutes 1982, section 345.47, subdivision 1, is amended to read:

Subdivision 1. Except as provided in subdivision 3, all abandoned property other than money delivered to the (STATE TREASURER) commissioner under sections 345.31 to 345.60 shall (WITHIN ONE YEAR AFTER THE DELIVERY) be sold by him to the highest bidder at public sale in whatever city in the state affords in his judgment the most favorable market for the property involved. *The commissioner shall hold the sale whenever he deems necessary but at least once every ten years.* The (STATE TREASURER) commissioner may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient. He need not offer any property for sale if, in his opinion, the probable cost of sale exceeds the value of the property.

Sec. 19. Minnesota Statutes 1982, section 345.48, is amended to read:

345.48 [DEPOSIT OF FUNDS.]

Subdivision 1. All funds received under sections 345.31 to 345.60, including the proceeds from the sale of abandoned property pursuant to section 345.47, shall forthwith be deposited by the state treasurer in the general fund of the state (, EXCEPT THAT HE SHALL RETAIN IN A SEPARATE TRUST FUND AN AMOUNT NOT EXCEEDING \$25,000 FROM WHICH HE SHALL MAKE PROMPT PAYMENT OF CLAIMS DULY ALLOWED BY HIM AS HEREINAFTER PROVIDED). Before making the deposit he shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and of the name and last known address of each policyholder, insured person, or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection at all reasonable business hours.

Sec. 20. Minnesota Statutes 1982, section 345.49, is amended to read:

345.49 [CLAIM FOR ABANDONED PROPERTY PAID OR DELIVERED.]

Subdivision 1. [FILING.] Any person claiming an interest in any property delivered to the state under sections 345.31 to 345.60 may file a claim thereto or to the proceeds from the sale thereof on the form prescribed by the (STATE TREASURER) commissioner.

Subd. 2. [APPROPRIATION.] There is hereby appropriated to the persons entitled to a refund, from the fund in the state treasury to which the money was credited, an amount sufficient to make the refund and payment.

Sec. 21. [EFFECTIVE DATE.]

Section 3 is effective July 1, 1985."

Delete the title and insert:

"A bill for an act relating to commerce; providing for the classification of crime reports of the department of commerce; providing a certain limitation on insurance agent continuing education requirements; including certain financial institutions within the definition of broker-dealer of securities; broadening the securities transaction exemption for corporate transactions; providing for the receipt of applications for renewal of real estate broker and salesperson licenses; establishing certain fees relating to the regulation of real estate brokers and salespersons; providing for real estate salesperson licensing requirements after examination; clarifying a certain definition relating to recovery from the real estate education, research, and recovery fund; limiting recovery to cases involving judgments against licensed individuals; providing for the depositing of funds under the unclaimed property statutes; regulating sales of unclaimed property; appropriating money; amending Minnesota Statutes 1982, sections 13.81, subdivision 1; 13.82, subdivision 1; 80A.14, subdivision 4; 80A.15, subdivision 2; 80A.30, subdivision 2; 82.17, subdivision 3; 82.20, subdivisions 8 and 9; 82.21, subdivision 1; 82.22, subdivisions 2 and 5; 345.32; 345.47, subdivision 1; 345.48; 345.49; Minnesota Statutes 1983 Supplement, sections 60A.1701, subdivision 8; 82.22, subdivisions 6 and 13; and 82.34, subdivision 7; proposing new law coded in Minnesota Statutes, chapter 345."

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

Senate Conferees: DARRIL WEGSCHEID, MICHAEL O. FREEMAN and RON SIELOFF.

House Conferees: GLORIA SEGAL, JAMES METZEN and JOHN SARNA.

Segal moved that the report of the Conference Committee on S. F. No. 1750 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1750, A bill for an act relating to commerce; providing for the classification of crime reports of the department of

commerce; including certain financial institutions within the definition of broker-dealer of securities; broadening the securities transaction exemption for corporate transactions; providing for the receipt of applications for renewal of real estate broker and salesperson licenses; establishing certain fees relating to the regulation of real estate brokers and salespersons; providing for real estate salesperson licensing requirements after examination; clarifying a certain definition relating to recovery from the real estate education, research, and recovery fund; limiting recovery to cases involving judgments against licensed individuals; providing for the depositing of funds under the unclaimed property statutes; regulating sales of unclaimed property; appropriating money; amending Minnesota Statutes 1982, sections 13.81, subdivision 1; 13.82, subdivision 1; 80A.14, subdivision 4; 80A.15, subdivision 2; 80A.30, subdivision 2; 82.17, subdivision 3; 82.20, subdivisions 8 and 9; 82.21, subdivision 1; 82.22, subdivisions 2 and 5; 345.32; 345.47, subdivision 1; 345.48; 345.49; Minnesota Statutes 1983 Supplement, sections 82.22, subdivisions 6 and 13; and 82.34, subdivision 7; proposing new law coded in Minnesota Statutes, chapter 345.

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

The question was taken on the repassage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 1966, A bill for an act relating to public welfare; providing for the collection of statistical data by the department of health on dissolutions and annulments; restricting the use of certain descriptive words to certain licensed facilities; providing for collection of health care cost information; limiting relative responsibility for state hospital costs; providing appeal rights for former recipients of public assistance; limiting medical assistance and general assistance reimbursements for chemical dependency treatment; extending temporary rulemaking authority for prospective payments for inpatient hospital services; expanding medical assistance eligibility for certain persons; eliminating the requirement that the commissioner seek a co-payment waiver for HMO enrollees under medical assistance; clarifying existing language relating to asset transfers; increasing the personal needs allowance; allowing reimbursement for additional services under general assistance medical care; providing for recoupment of overpayments in the general assistance and supplemental aid programs; requiring county investigations; requiring a cost-of-living adjustment to the schedule of contribution of a noninstitutionalized spouse; appropriating money; amending Minnesota Statutes 1982, sections 144.224; 144.695; 144.696; 144.698; 144.699; 144.701; 144.702; 144.703; 246.50, subdivision 6; 256.045, subdivisions 2, 4, 5, and 7; 256B.17, as amended; 256B.19, subdivision 1; 256B.35, subdivision 1; 256D.06, by adding a subdivision; 261.035; Minnesota Statutes 1983 Supplement, sections 256.045, subdivision 3; 256.968; 256.969, subdivisions 2 and 6; and 256B.06, subdivision 1; 256D.03, subdivision 4; proposing new law coded in Minnesota Statutes, chapters 144; 256D and 518; repealing Minnesota Statutes 1982, sections 144.7021; 144.704; and 144.705.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Greenfield moved that the House concur in the Senate amendments to H. F. No. 1966 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1966, A bill for an act relating to public welfare; providing for the collection of statistical data by the department of health on dissolutions and annulments; restricting the use of certain descriptive words to certain licensed facilities; providing for collection of health care cost information; limiting relative responsibility for state hospital costs; providing appeal rights

for former recipients of public assistance; limiting medical assistance and general assistance reimbursements for chemical dependency treatment; extending temporary rulemaking authority for prospective payments for inpatient hospital services; extending administrative aid to counties; expanding medical assistance eligibility for certain persons; eliminating the requirement that the commissioner seek a co-payment waiver for HMO enrollees under medical assistance; clarifying existing language relating to asset transfers; increasing the personal needs allowance; reimbursement for additional services under general assistance medical care; providing for recovery of supplemental aid; requiring county investigations; requiring a cost-of-living adjustment to the schedule of contribution of a noninstitutionalized spouse; appropriating money; amending Minnesota Statutes 1982, sections 144.224; 144.695; 144.696; 144.698; 144.699; 144.701; 144.702; 144.703; 246.50, subdivision 6; 256.045, subdivisions 2, 4, 5, and 7; 256B.17, as amended; 256B.19, subdivision 1; 256B.35, subdivision 1; 261.035; Minnesota Statutes 1983 Supplement, sections 256.045, subdivision 3; 256.968; 256.969, subdivisions 2 and 6; and 256B.06, subdivision 1; proposing new law coded in Minnesota Statutes, chapters 144; 256D and 518; repealing Minnesota Statutes 1982, sections 144.7021; 144.704; and 144.705.

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

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

Those who voted in the affirmative were:

Anderson, B.	Erickson	Kelly	Oinen	Skoglund
Anderson, G.	Evans	Knickerbocker	Otis	Solberg
Anderson, R.	Findlay	Knuth	Pauly	Sparby
Battaglia	Fjoslien	Kostohryz	Peterson	Stadum
Beard	Forsythe	Krueger	Piepho	Staten
Begich	Graba	Kvam	Piper	Swanson
Bennett	Greenfield	Larsen	Price	Tomlinson
Bergstrom	Gruenes	Levi	Quist	Tunheim
Bishop	Gustafson	Long	Redalen	Valan
Brandl	Gutknecht	Mann	Rodošovich	Valento
Burger	Halberg	McEachern	Rodriguez, C.	Vanasek
Carlson, D.	Haukoos	McKasy	Rodriguez, F.	Vellenga
Carlson, L.	Heap	Metzen	Rose	Voss
Clark, J.	Heinitz	Minne	St. Onge	Waltman
Clark, K.	Himle	Munger	Sarna	Welch
Clawson	Hoffman	Murphy	Scheid	Welle
Cohen	Hokr	Nelson, D.	Schoenfeld	Wenzel
Coleman	Jacobs	Nelson, K.	Schreiber	Wigley
DenOuden	Jensen	Neuenschwander	Segal	Wynia
Eken	Johnson	O'Connor	Shayer	Speaker Sieben
Eliooff	Kahn	Ogren	Sherman	
Ellingson	Kalis	Olsen	Simoneau	

Those who voted in the negative were:

Dimler	Jennings	McDonald	Seaberg	Welker
Frerichs	Ludeman	Schafer	Sviggum	

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

SPECIAL ORDERS

There being no objection the House advanced to S. F. No. 1243.

S. F. No. 1243, A resolution memorializing the President and Congress to establish a National Academy of Peace and Conflict Resolution.

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

The question was taken on the passage of the bill and the roll was called. There were 111 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2134, A resolution memorializing the governments of the United States and the Federal Republic of Germany that the State of Minnesota adopts the Land of Bayern as a sister state.

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 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 2109, 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.

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 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Burger	Erickson	Heap	Knuth
Anderson, G.	Carlson, D.	Evans	Heinitz	Kostohryz
Anderson, R.	Carlson, L.	Findlay	Himle	Krueger
Battaglia	Clark, J.	Fjoslien	Hoffman	Kvam
Beard	Clark, K.	Forsythe	Hokr	Larsen
Begich	Clawson	Frerichs	Jacobs	Levi
Bennett	Cohen	Graba	Jennings	Long
Bergstrom	Coleman	Greenfield	Jensen	Mann
Bishop	Dimler	Gruenes	Johnson	Marsh
Boo	Eken	Gustafson	Kalis	McDonald
Brandl	Eloff	Gutknecht	Kelly	McEachern
Brinkman	Ellingson	Halberg	Knickerbocker	McKasy

Metzen	Otis	Rodriguez, C.	Sherman	Valan
Minne	Pauly	Rodriguez, F.	Simoneau	Vanasek
Munger	Peterson	Rose	Skoglund	Vellenga
Murphy	Piepho	St. Onge	Solberg	Voss
Nelson, D.	Piper	Sarna	Sparby	Waltman
Nelson, K.	Price	Scheid	Stadum	Welch
Neuenschwander	Quist	Schoenfeld	Staten	Welle
Norton	Redalen	Schreiber	Sviggum	Wenzel
O'Connor	Reif	Seaberg	Tomlinson	Wigley
Ogren	Rice	Segal	Tunheim	Wynia
Olsen	Riveness	Shaver	Uphus	Zaffke
Omann	Rodosovich	Shea		Speaker Sieben

The bill was passed and its title agreed to.

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

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 2083, 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 third time and placed upon its final passage.

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

Those who voted in the affirmative were:

Anderson, B.	Evans	Kostohryz	Otis	Skoglund
Anderson, G.	Findlay	Krueger	Pauly	Solberg
Anderson, R.	Fjoslien	Kvam	Peterson	Sparby
Battaglia	Forsythe	Larsen	Piepho	Stadium
Beard	Frerichs	Levi	Piper	Staten
Begich	Graba	Long	Price	Sviggum
Bennett	Greenfield	Manna	Redalen	Swanson
Bergstrom	Gruenes	Marsh	Reif	Tomlinson
Bishop	Gustafson	McEachern	Rice	Tunheim
Boo	Gutknecht	McKasy	Riveness	Uphus
Brandl	Halberg	Metzen	Rodosovich	Valan
Brinkman	Haukoos	Minne	Rodriguez, F.	Vanasek
Carlson, D.	Heap	Munger	Rose	Vellenga
Carlson, L.	Himle	Murphy	St. Ong	Voss
Clark, J.	Hoffman	Nelson, D.	Scheid	Waltman
Clark, K.	Hokr	Nelson, K.	Schoenfeld	Welch
Clawson	Jacobs	Neuenschwander	Schreiber	Welle
Cohen	Jennings	Norton	Seaberg	Wenzel
Coleman	Jensen	Ogren	Segal	Wigley
Eken	Johnson	Olsen	Shaver	Wynia
Eloff	Kelly	Omann	Shea	Zaffke
Ellingson	Knickerbocker	Onnen	Sherman	Speaker Sieben
Erickson	Knuth	Osthoff	Simoneau	

The bill was passed and its title agreed to.

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 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 113 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Burger	Frerichs	Hokr	Levi
Anderson, G.	Carlson, L.	Graba	Jacobs	Long
Anderson, R.	Clark, J.	Greenfield	Jensen	Mann
Battaglia	Clawson	Gruenes	Johnson	Marsh
Beard	Cohen	Gustafson	Kahn	McKasy
Begich	Coleman	Gutknecht	Kelly	Minne
Bennett	Eken	Halberg	Knickerbocker	Munger
Bergstrom	Eloff	Haukoos	Knuth	Murphy
Bishop	Ellingson	Heap	Kostohryz	Nelson, D.
Boo	Erickson	Heinitz	Krueger	Nelson, K.
Brandl	Findlay	Himle	Kvam	Neuenschwander
Brinkman	Forsythe	Hoffman	Larsen	Norton

O'Connor	Price	Sarna	Sparby	Voss
Ogren	Quist	Scheid	Stadum	Waltman
Olsen	Redalen	Schoenfeld	Staten	Welch
Omann	Reif	Schreiber	Swiggum	Welle
Onnen	Rice	Seaberg	Swanson	Wenzel
Osthoff	Riveness	Segal	Tomlinson	Wigley
Otis	Redosovich	Shaver	Tunheim	Wynia
Pauly	Rodriguez, C.	Sherman	Uphus	Zaffke
Peterson	Rodriguez, F.	Simoneau	Valan	Speaker Sieben
Piepho	Rose	Skoglund	Vanasek	
Piper	St. Onge	Solberg	Vellenga	

The bill was passed and its title agreed to.

H. F. No. 2312 was reported to the House.

Graba moved to amend H. F. No. 2312, as follows:

Page 1, line 19, after "facilities" insert a period

The motion prevailed and the amendment was adopted.

H. F. No. 2312, A resolution memorializing the United States Congress to allow greater flexibility in the use of federal funds for veterans care facilities and programs.

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

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

MOTION FOR RECONSIDERATION

Sparby moved that the vote whereby H. F. No. 1502, as amended by the Senate, was not passed on Thursday, April 19, 1984, be now reconsidered.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

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

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

The Speaker called Brandl to the Chair.

The question was taken on the Sparby motion and the roll was called.

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

There were 59 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Beard	Boo	Clark, J.	Coleman
Anderson, R.	Begich	Carlson, D.	Clark, K.	Eken
Battaglia	Bergstrom	Carlson, L.	Clawson	Ellingson

Graba	Long	Norton	Rodriguez, F.	Tomlinson
Greenfield	Mann	Ogren	St. Onge	Tunheim
Gustafson	McEachern	Omann	Sarna	Vanasek
Hoffman	Metzen	Otis	Scheid	Vellenga
Jacobs	Minne	Piper	Sherman	Voss
Kahn	Munger	Rice	Solberg	Wynia
Kalis	Murphy	Riveness	Sparby	Zaffke
Knuth	Nelson, D.	Rodosovich	Staten	Speaker Sieben
Larsen	Neuenschwander	Rodriguez, C.	Siggum	

Those who voted in the negative were:

Anderson, G.	Forsythe	Kostohryz	Piepho	Stadium
Bennett	Frerichs	Krueger	Price	Thiede
Bishop	Gruenes	Kvam	Quist	Uphus
Blatz	Gutknecht	Levi	Redalen	Valan
Brandl	Halberg	Ludeman	Reif	Valento
Brinkman	Haukoos	Marsh	Rose	Waltman
Burger	Heap	McDonald	Schafer	Welch
Cohen	Heinitz	McKasy	Schoenfeld	Welker
DenOuden	Himle	Nelson, K.	Schreiber	Welle
Dimler	Hokr	O'Connor	Seaberg	Wenzel
Elioff	Jennings	Olsen	Segal	Wigley
Erickson	Jensen	Onnen	Shaver	
Evans	Johnson	Osthoff	Shea	
Findlay	Kelly	Pauly	Simoneau	
Fjoslien	Knickerbocker	Peterson	Skoglund	

The motion did not prevail.

The Speaker resumed the Chair.

CALL OF THE HOUSE LIFTED

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

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1386

A bill for an act relating to children; authorizing intervention by the juvenile court to protect children from abuse committed by family or household members; prohibiting public inspection of certain court records relating to the identity of criminal sexual conduct victims; clarifying a term in the child abuse reporting law; amending Minnesota Statutes 1982, sections 260-015, by adding subdivisions; 260.111, by adding a subdivision; and 260.191, by adding a subdivision; Minnesota Statutes 1983 Supplement, section 626.556, subdivision 2; proposing new law coded in Minnesota Statutes, chapters 260 and 609.

April 19, 1984

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1386, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 1386 be further amended as follows:

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:

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

(2) 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 alleged 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 subdivision to a referee to take and report the evidence in the action. If the respondent does not appear after service is 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 by 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. The court may grant relief as it deems proper, including an order:

- (1) restraining any party from committing acts of domestic child abuse; or
- (2) excluding the alleged abusing party from the dwelling which the family or household members share or from the residence of the child.

However, no order excluding the alleged 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.

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 per-

sonally 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 of 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, 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 or maintenance for a period of 30 days for minor children or a spouse;

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

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

Any relief granted by the order for protection shall be for a fixed period not to exceed one year.

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

Subd. 1b. [SUPPORT ORDERS.] If the court issues an order for protection pursuant to section 5 excluding an abusing party from the dwelling who is the parent of a minor family or household member, it shall transfer the case file to the court which has jurisdiction over proceedings under chapter 518 for the purpose of establishing support or maintenance for minor children or a spouse, as provided in chapter 518, during the effective period of the order for protection. The court to which the case file is transferred shall schedule and hold a hearing on the establishment of support or maintenance within 30 days of the issuance of the order for protection. After an order for support or maintenance has been granted or denied, the case file shall be returned to the juvenile court, and the order for support or maintenance, if any, shall be incorporated into the order for protection.

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 restrain-

ing 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 pursuant 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 the person violating the order shall be subject to the penalties for contempt.

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 an 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. 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 failure to perform a duty required by subdivision 2 of this section.

Sec. 8. Minnesota Statutes 1983 Supplement, section 388.051, subdivision 2, is amended to read:

Subd. 2. [SPECIAL PROVISION; GROSS MISDEMEANORS.] In Anoka, Carver, Dakota, Hennepin, Scott, and Washington counties, *only* the county attorney shall (ONLY) prosecute gross misdemeanor violations of sections 290.53, subdivisions 4 and 8; 290.92, subdivision 15; 290A.11, subdivision 2; 297A.08; 297A.39, subdivisions 4 and 8; 297B.10; 609.255, subdivision 3; 609.377; 609.378; (AND) 609.41; and 617.247.

Sec. 9. [609.3471] [RECORDS PERTAINING TO VICTIM IDENTITY CONFIDENTIAL.]

Notwithstanding any provision of law to the contrary, none of the records or reports relating to complaints or indictments issued pursuant to sections 609.342, clauses (a) or (b); 609.343, clauses (a) or (b); 609.344, clauses (a) or (b); 609.345, clauses (a) or (b); or 609.3641 to 609.3644, pertaining to the identity of the victim shall be open to public inspection, except by order of the court.

Sec. 10. 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, *or by a person in a position of authority, as defined in section 609.341, subdivision 10*, 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 *whether paid or unpaid*, 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, sanitorium, 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.

Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 7 apply to acts of domestic child abuse committed on or after August 1, 1984. Sections 8 to 10 are effective August 1, 1984."

Delete the title in its entirety and insert:

"A bill for an act relating to children; authorizing intervention by the juvenile court to protect children from abuse committed by family or household members; providing for prosecution by the county attorney of certain gross misdemeanors; prohibiting public inspection of certain court records relating to the identity of criminal sexual conduct victims; clarifying a term in the child abuse reporting law; amending Minnesota Statutes 1982, sections 260.015, by adding subdivisions; 260.111, by adding a subdivision; 260.191, by adding subdivisions; and Minnesota Statutes 1983 Supplement, sections 388.051, subdivision 2; and 626.556, subdivision 2; proposing new law coded in Minnesota Statutes, chapters 260 and 609."

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

House Conferees: JANET CLARK, LEE GREENFIELD and CONNIE LEVI.

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

Clark, J., moved that the report of the Conference Committee on H. F. No. 1386 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1386, A bill for an act relating to children; authorizing intervention by the juvenile court to protect children from abuse committed by family or household members; prohibiting public inspection of certain court records relating to the identity of criminal sexual conduct victims; clarifying a term in the child abuse reporting law; amending Minnesota Statutes 1982, sections 260.015, by adding subdivisions; 260.111, by adding a subdivision; and 260.191, by adding a subdivision; Minnesota Statutes 1983 Supplement, section 626.556, subdivision 2; proposing new law coded in Minnesota Statutes, chapters 260 and 609.

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

The question was taken on the repassage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1425

A bill for an act relating to agriculture; providing for alternative methods for establishing the value of milk purchased from producers; amending Minnesota Statutes 1982, section 32.25, subdivision 1.

April 19, 1984

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1425, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 1425 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 32.25, subdivision 1, is amended to read:

Subdivision 1. [MILK FAT, (AND NONFAT) PROTEIN, AND SOLIDS NOT FAT BASES OF PAYMENT; TESTS:] (ALL MILK AND CREAM PURCHASED FROM PRODUCERS, AND ALL MILK, CREAM, SKIM MILK, AND BUTTERMILK PURCHASED BY ONE DAIRY PLANT FROM ANOTHER DAIRY PLANT FOR THE PURPOSE OF RESALE AS SUCH, OR FOR MANUFACTURE INTO DAIRY PRODUCTS, SHALL BE PURCHASED BY WEIGHT AND PAYMENT SHALL BE MADE THEREFOR UPON THE BASIS OF MILK FAT THEREIN CONTAINED IN THE CASE OF MILK AND CREAM, AND ON THE BASIS OF NONFAT MILK SOLIDS CONTAINED THEREIN IN THE CASE OF SKIM MILK AND BUTTERMILK; PROVIDED, THAT IN PURCHASING WHOLE MILK THE PURCHASE PRICE OF SUCH MILK SHALL BE BASED UPON THE DECLARED PURCHASE PRICE OF 100 POUNDS OF WHOLE MILK: (1) CALCULATED AT THREE AND ONE-HALF POUNDS OF MILK FAT PER HUNDREDWEIGHT, OR (2) CALCULATED AT THREE AND ONE-HALF POUNDS OF MILK FAT PER HUNDREDWEIGHT AND THE NONFAT SOLIDS CONTAINED THEREIN. THE LATTER BASIS SHALL BE USED ONLY AFTER THE COMMISSIONER HAS PROMULGATED, AS PROVIDED IN THIS SUBDIVISION, RULES AND REGULATIONS FOR THE TESTING OF NONFAT SOLIDS. WHEN THE MILK FAT TEST OF SUCH WHOLE MILK VARIES FROM 3.5 PERCENT, A UNIFORM ADJUSTMENT IN THE DECLARED PURCHASE PRICE SHALL BE MADE FOR EACH ONE-TENTH OF ONE PERCENT OF MILK FAT ABOVE OR BELOW 3.5 PERCENT.)

(THE PERCENTAGE OF MILK FAT IN SUCH MILK AND CREAM SHALL BE DETERMINED AS FOLLOWS: (1) BY THE BABCOCK TEST AND BY EMPLOYING A STANDARD OFFICIAL METHOD FOR OPERATING THIS TEST, WHICH METHOD SHALL BE THAT ADOPTED, PRESCRIBED, AND SET FORTH, WITH SPECIFICATIONS IN DETAIL, IN THE RULES AND REGULATIONS FROM TIME TO TIME MADE AND PUBLISHED BY THE COMMISSIONER IN THE MANNER PROVIDED BY LAW; OR (2) BY ALTERNATIVE TESTS WHICH NOT ONLY DETERMINE THE PERCENTAGE OF MILK FAT BUT ALSO DETERMINE THE AMOUNT OF NONFAT SOLIDS, WHEN THE COMMISSIONER IS SATISFIED THAT THESE ALTERNATIVE TESTS ARE CONSISTENTLY AS ACCURATE AS THE BABCOCK TEST IN DETERMINING THE PERCENTAGE OF MILK FAT. THE AMOUNT OF NONFAT MILK SOLIDS IN SKIM MILK AND BUTTERMILK SHALL BE DETERMINED BY METHODS PROVIDED FOR HEREIN. THE TESTS SHALL BE PERFORMED IN THE MANNER AND WITH EQUIPMENT PRESCRIBED BY RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER IN THE MANNER PROVIDED BY LAW.)

All milk and cream purchased from producers shall be purchased by weight and one or more of the following methods:

(1) payment of a standard rate with uniform differentials for milk testing above or below 3.5 percent milk fat;

(2) payment of a standard rate with uniform differentials for milk testing above or below 3.5 percent milk fat and above or below a base percent protein;

(3) payment of a standard rate with uniform differentials for milk testing above or below 3.5 percent milk fat and above or below a base percent solids not fat.

In addition, an adjustment to the milk price may be made on the basis of milk quality, and the component price payment may be subject to the milk quality.

Testing procedures for determining the percentages of milk fat, protein, and milk solids not fat shall be adopted by rule.

Sec. 2. [EFFECTIVE DATE.]

Clauses (2) and (3) of Minnesota Statutes, section 32.25, subdivision 1, as amended by section 1, are effective upon adoption of the Upper Midwest (68), Eastern South Dakota (76), Chicago Area (30), and Iowa (79) Federal Milk Orders which would permit pricing by all purchasers from producers on a basis other than weight and milk fat content."

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

House Conferees: RICK KRUEGER, STEPHEN G. WENZEL and JERRY GRABA.

Senate Conferees: DARRIL WEGSCHEID, JOHN BERNHAGEN and LEROY A. STUMPF.

Krueger moved that the report of the Conference Committee on H. F. No. 1425 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1425, A bill for an act relating to agriculture; providing for alternative methods for establishing the value of milk purchased from producers; amending Minnesota Statutes 1982, section 32.25, subdivision 1.

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

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Welker

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

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

RECESS

RECONVENED

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

MESSAGES FROM THE SENATE, Continued

The following messages were received from the Senate:

Mr. Speaker:

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

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

H. F. No. 2134, A resolution memorializing the governments of the United States and the Federal Republic of Germany that the State of Minnesota adopts the Land of Bayern as a sister state.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1949, A bill for an act relating to insurance; automobile; requiring a premium reduction for certain persons who complete an accident prevention course; proposing new law coded in Minnesota Statutes, chapter 65B.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 229, A bill for an act relating to health; allowing any interested person to seek enforcement of certain patient rights; requiring disclosure of certain medical data or medical information for purposes of a lawful investigation; amending Minnesota Statutes 1982, sections 13.42, subdivision 2; 144.335; 254A.09; and Minnesota Statutes 1983 Supplement, section 144.651, subdivision 1.

The Senate has appointed as such committee Messrs. Spear, Merriam and Sieloff.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

The Speaker called Wynia to the Chair.

Mr. Speaker:

I hereby announce that the Senate has rejected the recommendations and Conference Committee Report on H. F. No. 1743 and requests that the Conference Committee be discharged and a new Conference Committee be appointed.

H. F. No. 1743, A bill for an act relating to occupations and professions; removing an auctioneer's exemption from real

estate brokers and salespersons licensing; amending Minnesota Statutes 1983 Supplement, section 82.18.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVERN, Secretary of the Senate

Sparby moved that the House accede to the request of the Senate and that the Speaker appoint a new Conference Committee of 3 members to confer with a like committee on the part of the Senate on H. F. No. 1743. 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. 1743:

Sparby, Heinitz and Metzen.

MESSAGES FROM THE SENATE, Continued

Mr. Speaker:

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

S. F. No. 1762.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVERN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1762

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, subdivision 3; 363.071, by adding a subdivision; 363.116; 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.

April 19, 1984

The Honorable Jerome M. Hughes
President of the Senate

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

We, the undersigned conferees for S. F. No. 1762, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment and that S. F. No. 1762 be further amended as follows:

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 written settlement of an existing, identified claim, whether by grievance, mediation, arbitration, or other settlement agreement.

Sec. 2. 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 unless the 300 days plus a period of time equal to the suspension period has passed.

Sec. 3. 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 determina-*

tion 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 14.68 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 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 hearing examiner shall adopt policies to provide sanctions for intentional and frivolous delay caused by any charging party or respondent in an investigation, hearing, or any other aspect of proceedings before the department under this chapter.*

Sec. 4. 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 probable cause nor of no 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. 5. 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, AND,) in an amount up to three times the actual damages sustained.* In all cases, *the examiner may also order the respondent to pay an aggrieved party, who has suffered discrimination, damages for mental anguish or suffering and reasonable attorney's fees, in addition to punitive damages in an amount not more than \$6,000.* Punitive damages shall be awarded pursuant to section 549.20. In any case where a political subdivision is a respondent the total of punitive damages awarded an aggrieved party may not exceed \$6,000 and in that case if there are two or more respondents the punitive damages may be apportioned among them. Punitive damages may only be assessed against a political subdivision in its capacity as a corporate entity and no regular or ex officio member of a governing body of a political subdivision shall be personally liable for payment of punitive damages pursuant to this subdivision. In addition to the aforesaid remedies, in a case involving discrimination in

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

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

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

Sec. 6. 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 review in accordance with chapter 14. *The attorney general shall represent on appeal, a charging party who prevailed at a hearing authorized by section 4, if the charging party requests representation within ten days after receipt of the petition for appeal.*

Sec. 7. 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. 8. 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 a copy of the summons and complaint to the commissioner, 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. 9. 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. 10. [EFFECTIVE DATE; APPLICATION.]

Sections 1 to 9 are effective August 1, 1984. Section 4 applies only to causes of action arising after the effective date of this act."

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

Senate Conferees: EMBER D. REICHGOTT, MICHAEL O. FREEMAN and DONALD A. STORM.

House Conferees: KAREN CLARK, TERRY DEMPSEY and RICHARD J. COHEN.

Clark, K., moved that the report of the Conference Committee on S. F. No. 1762 be adopted and that the bill be repassed as amended by the Conference Committee.

Bishop moved that the House refuse to adopt the Conference Committee report on S. F. No. 1762, and that the bill be returned to the Conference Committee.

A roll call was requested and properly seconded.

The question was taken on the Bishop motion and the roll was called. There were 56 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Heinitz	Marsh	Quist
Bennett	Findlay	Himle	McDonald	Redalen
Bishop	Forsythe	Hokr	McKasy	Reif
Blatz	Frerichs	Jennings	Munger	Riveness
Boo	Gruenes	Johnson	Olsen	Rose
Burger	Gutknecht	Knickerbocker	Omann	Schafer
Carlson, D.	Halberg	Kvam	Onnen	Schoenfeld
DenOuden	Haukoos	Levi	Pauly	Seaberg
Dimler	Heap	Ludeman	Piepho	Shaver

Sherman	Thiede	Valan	Waltman	Wenzel
Stadium	Uphus	Valento	Welker	Wigley
Sviggum				

Those who voted in the negative were:

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

The motion did not prevail.

The question recurred on the Clark, K., motion that the report of the Conference Committee on S. F. No. 1762 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1762, 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, subdivision 3; 363.071, by adding a subdivision; 363.116; 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.

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

The question was taken on the repassage of the bill and the roll was called. There were 73 yeas and 49 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Cohen	Jensen	Murphy	Rodosovich
Anderson, R.	Coleman	Kahn	Nelson, D.	Rodriguez, C.
Battaglia	Eken	Kalis	Nelson, K.	Rodriguez, F.
Beard	Eliooff	Kelly	Neuenschwander	St. Onge
Begich	Ellingson	Knuth	Norton	Sarna
Blatz	Evans	Kostohryz	O'Connor	Scheid
Boo	Fjoslien	Krueger	Ogren	Schoenfeld
Brandl	Graba	Long	Otis	Segal
Carlson, L.	Greenfield	McEachern	Peterson	Sherman
Clark, J.	Gustafson	Metzen	Price	Simoneau
Clark, K.	Hoffman	Minne	Rice	Skoglund
Clawson	Jacobs	Munger	Riveness	Solberg

Sparby	Tomlinson	Vellenga	Wenzel	Zaffke
Staten	Tunheim	Welch	Wynia	Speaker Sieben
Swanson	Vanasek	Welle		

Those who voted in the negative were:

Bishop	Gruenes	Knickerbocker	Onnen	Shayer
Brinkman	Gutknecht	Kvam	Osthoff	Sviggum
Burger	Halberg	Levi	Pauly	Thiede
Carlson, D.	Haukoos	Ludeman	Piepho	Uphus
DenOuden	Heap	Mann	Quist	Valan
Dimler	Heinitz	Marsh	Redalen	Valento
Erickson	Himle	McDonald	Reif	Waltman
Findlay	Hokr	McKasy	Rose	Welker
Forsythe	Jennings	Olsen	Schafer	Wigley
Frerichs	Johnson	Omanna	Seaberg	

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned.

H. F. No. 950, A bill for an act relating to state government; governing compensation of members of boards, councils, and committees who are public employees; providing for per diem compensation for attendance of commissioners of the Northwest Minnesota Multi-County Housing and Redevelopment Authority at meetings; amending Minnesota Statutes 1982, sections 15.059, subdivision 3; and 214.09, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 121.

PATRICK E. FLAHAVEN, Secretary of the Senate

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

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1257

A bill for an act relating to occupations and professions; regulating entertainment agencies; providing penalties; proposing new law coded as Minnesota Statutes, chapter 184A.

April 19, 1984

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1257, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 1257 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [184A.01] [DEFINITIONS.]

Subdivision 1. [TERMS DEFINED.] For the purposes of sections 2 to 20 and unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases have the meanings given them in this section.

Subd. 2. [ARTIST.] "Artist" refers to musical artists, musical organizations, musical directors, composers, lyricists, and arrangers.

Subd. 3. [DEPARTMENT.] "Department" means the department of labor and industry.

Subd. 4. [ENGAGEMENT.] "Engagement" means an engagement or employment of a person as a musician or musical artist.

Subd. 5. [ENTERTAINMENT AGENCY.] "Entertainment agency" means a person or persons who engage in the occupation of procuring, offering, promising, or attempting to procure employment or engagements under written contract for three or more artists or groups of artists at any one time, or who have a written contract or continuing verbal agreement with an establishment or an individual to provide artists or groups of artists for one or more engagements. Entertainment agencies may, in addition, counsel or direct artists in the development of their professional careers.

Subd. 6. [FEE.] "Fee" means money or other valuable consideration paid or promised to be paid for services rendered or to be rendered by a person conducting the business of an entertainment agency under this act.

Subd. 7. [LICENSE.] "License" means a license issued by the department of labor and industry to carry on the business of an entertainment agency under this act.

Subd. 8. [LICENSEE.] "Licensee" means an entertainment agency which holds a valid, unrevoked, and unforfeited license under this act.

Subd. 9. [PERSON.] "Person" includes an individual, firm, corporation, partnership, or association.

Sec. 2. [184A.02] [LICENSE REQUIREMENT.]

No person shall engage in or carry on the occupation of an entertainment agency without procuring a license from the department of labor and industry for each agency location. This license shall be posted in a conspicuous place in the office of the licensee.

Sec. 3. [184A.03] [EXISTING AGENCIES.]

Entertainment agents who are actually engaged in or acting as entertainment agents or counselors and members, shareholders, officers, and directors of a firm, partnership, association, or corporation actively engaged in the business of an entertainment agency on the effective date of this act shall be deemed to comply with its provisions provided they shall obtain a license as provided by sections 4 to 10 within a period of six months from the effective date of this act.

Sec. 4. [184A.04] [LICENSE APPLICATIONS.]

Subdivision 1. [CONTENTS.] Applicants for an entertainment agent's license or renewal shall file with the department a written application in a form prescribed by the department stating:

- (a) the name and address of the applicant;*
- (b) the street and number of the building or place where the business of the entertainment agency is to be conducted;*
- (c) the name of the person who is to have the general management of the office;*
- (d) the name under which the business of the office is to be carried on;*
- (e) whether or not the applicant has a financial interest in another business of a similar nature and, if so, where;*
- (f) the business or occupation of the applicant for at least two years immediately preceding the date of application;*
- (g) if the applicant is other than a corporation, the names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates, or profit sharers, in the operation of the entertainment agency in question, together with the amount of their respective interests; and*

(h) if the applicant is a corporation, the corporate name, the names, residential addresses, and telephone numbers of officers of the corporation, and the names and addresses of persons having a financial interest of ten percent or more in the business, and the percentage of financial interest owned by these persons.

Subd. 2. [SIGNATURES.] The application shall be signed and sworn to before a notary public by the applicant or, if a partnership, by all of the partners or, if a corporation, by the president and secretary.

Subd. 3. [AFFIDAVITS.] The application must be accompanied by affidavits of at least two reputable persons, neither of whom is related to the applicant.

Sec. 5. [184A.05] [FEE SCHEDULES.]

Applicants for a license to engage in the business of an entertainment agent shall, at the time of making application, file with the department a schedule of fees to be charged and collected in the conduct of this occupation, together with rules and regulations that may affect the fees charged or to be charged for service. Changes in the schedule may be made from time to time, but no change shall become effective until seven days after the date of its filing with the department. It shall be unlawful for an entertainment agency to charge, demand, collect, or receive a greater compensation for service performed than is specified in the schedule filed with the department.

Sec. 6. [184A.06] [CONTRACT FORM.]

Subdivision 1. [DEPARTMENT APPROVAL.] Entertainment agencies shall submit to the department a form or forms of contract to be utilized in entering into written contracts with artists for the employment of the services of the entertainment agency by the artists and the contract to be utilized for employment engagements secured by the agency for the artist. Approval by the department of the proposed contract form shall not be withheld unless the contract is unfair, unjust, or oppressive to the artist.

Subd. 2. [ARBITRATION.] Contract forms shall contain a provision setting forth a procedure for resolution of disputes before an arbitrator mutually agreed upon by the parties. The arbitrator's decision shall be final and binding upon the parties.

Subd. 3. [NOTIFICATION OF LICENSE.] There shall be printed on the face of the contract in prominent type the following: "This entertainment agency is licensed by the department of labor and industry of the state of Minnesota."

Sec. 7. [184A.07] [INVESTIGATION.]

Upon receipt of an application for a license, the department may cause an investigation to be made as to the character and responsibility of the applicant, and of the premises designated in the application as the place in which it is proposed to conduct the business of the entertainment agency.

Sec. 8. [184A.08] [TERM OF LICENSE; EXPIRATION.]

The license when first issued shall run to the next birthday of the applicant. The license shall then be renewed within the 30 days preceding the licensee's birthday and shall run from birthday to birthday. In case the applicant is a partnership, the license shall be renewed within the 30 days preceding the birthday of the oldest partner. If the applicant is a corporation, the license shall be renewed within the 30 days preceding the anniversary of the date the corporation was lawfully formed. Renewal shall require the filing of an application for renewal, a renewal bond, and the payment of the annual license fee, but the department may require that a new application or a new bond be submitted.

Sec. 9. [184A.09] [LICENSE FEES.]

Before a license shall be granted to an applicant, the applicant shall pay a filing fee of \$25 and a license fee of \$200.

An application for consent to transfer or assign a license shall be accompanied by a \$25 filing fee.

Sec. 10. [184A.10] [BONDS.]

Applications for an entertainment agency license shall be accompanied by a bond in the penal sum of \$10,000 with one or more sureties or a duly authorized surety company to be approved by the department and filed in the office of the secretary of state, conditioned that the entertainment agency and each member, shareholder, director, or officer of a firm, partnership, corporation, or association operating as an entertainment agency will conform to and not violate sections 2 to 19 or violate the covenants of a contract made by an entertainment agent in the conduct of business. Action on this bond may be brought by, and prosecuted in the name of, a person damaged by a breach of a condition of the bond. Successive actions may be maintained.

The secretary of state shall be paid a filing fee of \$5 per bond in addition to the fees outlined in section 9.

Sec. 11. [184A.11] [TRANSFER.]

No licensee shall sell, transfer, or give away an interest in, or the right to participate in the profits of, the entertainment agency without the written consent of the department. Consent may be withheld for any reason for which an original application for a license might have been rejected if the person in question had been mentioned in it.

Sec. 12. [184A.12] [ISSUANCE; REFUSAL; REVOCATION; SUSPENSION.]

The department shall issue a license as an entertainment agent, to a person who qualifies for the license under the terms of sections 4 to 10. The department may refuse to issue an entertainment agency license when, after due investigation, the department finds that the character of the applicant makes him unfit to be an entertainment agent, or when the premises for conducting the business of an entertainment agent is found upon investigation to be unfit for this use. No agency license shall be issued to a person, firm, corporation, or association that has, within the past three years, been convicted of fraud or felony. No license shall be issued to an attorney whose license to practice law has been suspended or revoked, for a period of three years after the date of the suspension or revocation. The department may refuse to issue a license to a person or may suspend or revoke the license of a entertainment agent when it finds that any of the following conditions exist:

- (a) the entertainment agent has violated a condition of the bond required by section 10;
- (b) the person or entertainment agent has personally engaged in a fraudulent, deceptive, or dishonest practice;
- (c) the person or entertainment agent has violated any provisions of sections 2 to 19; or
- (d) the person or entertainment agent has been legally adjudicated incompetent and has not been restored to capacity.

This section shall not be construed to relieve a person from civil liability or from criminal prosecution under the laws of this state. A violation of this section shall be treated as a violation of section 325F.69.

Sec. 13. [184A.13] [PROCEDURE FOR SUSPENSION OR REVOCATION.]

Subdivision 1. [INCOMPETENCY.] Upon an adjudication of incompetency, revocation shall be automatic and shall be permanent except that in the event of restoration to capacity a license may be reissued to such person on payment of all fees.

Subd. 2. [OTHER CASES.] In all other cases the department may not refuse to issue a license or suspend or revoke a license unless it furnishes the person or entertainment agent with a written statement of the charges against him and affords him an opportunity to be heard on the charges. He shall be given at least ten days' written notice of the date and time of the hearing. The notice shall be sent by certified mail to the address of the person as shown on his application for license or it may be served in the manner in which a summons is served in civil cases commenced in the district court.

Subd. 3. [HEARING.] At the hearing, the person or entertainment agent whose license application or continuance is in question shall have the right to appear personally and be represented by counsel, and to cross-examine witnesses against him and to produce evidence and witnesses in his defense, and shall have the right to have witnesses subpoenaed, which subpoena shall be issued by the commissioner.

Sec. 14. [184A.14] [APPEAL TO DISTRICT COURT.]

If the department refuses to grant a license, or suspends or revokes a license that has been granted, the applicant shall have the right of appeal to the district court of the county of the applicant's residence. If the applicant is not a resident of the state, he may appeal to the district court for Ramsey county. The court shall advance cases on their calendars for early disposition. In counties having continuous sessions of court, the cases shall be heard within 20 days after appeal is perfected. Appeal shall be perfected by the service of a written notice of appeal upon the commissioner of labor and industry within 60 days after notice to the applicant of the department's action.

Sec. 15. [184A.15] [RECORDS.]

Subdivision 1. [DEPARTMENT RECORDS.] The department shall keep a record of its proceedings which shall be open to the public for inspection at reasonable times, and a register of applicants for licenses. Records shall include the name and address of the applicants, the date of application, place of business, place of residence, whether the applicant was rejected or a license granted, and the date the license was granted.

Subd. 2. [ENTERTAINMENT AGENCY RECORDS.] Entertainment agencies shall keep records approved by the department in which shall be entered:

- (a) the name and address of each artist employing the agency;
- (b) the amount of fee received from the artist;
- (c) the employment in which the artist is engaged at the time of employing the agency, and the amount of the artist's compensation in the employment, if any; and
- (d) the employments subsequently secured by the artist during the term of the contract between the artist and the entertainment agency, and the amount of compensation received by the artist.

Sec. 16. [184A.16] [POWERS AND DUTIES OF THE DEPARTMENT.]

It is the duty of the department to administer the provisions of this act. The department shall have the power to compel the attendance of witnesses by the issuance of subpoenas, to administer oaths, and to take testimony and proofs concerning matters within its jurisdiction. The department shall affix an official seal to certificates or licenses granted and shall make rules not inconsistent with law needed to perform its duties.

Sec. 17. [SUPERVISORY AND INVESTIGATIVE AUTHORITY.]

The department shall have supervisory and investigative authority over entertainment agents. The department shall have the right to examine only those records required to be kept by this act.

Sec. 18. [AGENCY CONDUCT.]

Subdivision 1. [UNLAWFUL EMPLOYMENT.] No entertainment agent shall place or assist in placing a person in unlawful employment.

Subd. 2. [STRIKE OR LOCKOUT.] No entertainment agent shall fail to state in an advertisement, proposal, or contract for employment, that there is a strike or lockout at the place of proposed employment if he has knowledge that this condition exists.

Subd. 3. [REPAYMENT.] In the event that an entertainment agency shall collect from an artist a fee or expenses for obtaining employment for the artist, and the artist shall fail to procure the employment, or the artist shall fail to be paid

for the employment, the entertainment agency shall, upon demand, repay to the artist the full amount of the fee and expenses actually collected.

Subd. 4. [ACTIONS.] Actions brought in any court against a licensee may be brought in the name of the person damaged upon the bond deposited with the state by the licensee, and may be transferred and assigned as other claims for damages. The amount of damages claimed by plaintiff, and not the penalty named in the bond, determines the jurisdiction of the court in which the action is brought.

Subd. 5. [SERVICE ON DEPARTED LICENSEE.] When a licensee has departed from the state with intent to defraud creditors or to avoid service of summons in an action brought under this act, service shall be made upon the surety as prescribed in the rules of civil procedure. A copy of the summons shall be mailed to the licensee at the last known post office address of his residence and also at the place where the business of the entertainment agency was conducted as shown by the records of the department. Service is complete as to the licensee, after mailing, at the expiration of the time prescribed by the rules of civil procedure for service of summons in the particular court in which suit is brought.

Sec. 19. [ARBITRATION PURSUANT TO CONTRACT CLAUSE.]

A provision in a contract providing for the decision by arbitration of a controversy under the contract or as to its existence, validity, construction, performance, nonperformance, breach, operation, continuance, or termination, shall be valid if the provision is contained in a contract between an entertainment agency and a person for whom the agency under the contract undertakes to endeavor to secure employment.

Sec. 20. [PENALTY.]

A person, agent, or officer of an agent, who violates any provision of this act is guilty of a misdemeanor, punishable by a fine of not less than \$25 nor more than \$250 or imprisonment for a period of not more than 60 days, or both.

A person, firm, or corporation who shall split, divide, or share, directly or indirectly, a fee, charge, or compensation received from an employee with an employer, or person in any way connected with the business, shall be punished by a fine of not less than \$500, and not more than \$1,000, or, on failure to pay the fine, by imprisonment for a period not to exceed one year; or both, at the discretion of the court."

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

House Conferees: JAMES I. RICE, JOEL JACOBS and DAVID JENNINGS.

Senate Conferees: SAM G. SOLON, CONRAD M. VEGA and GEN OLSON.

Rice moved that the report of the Conference Committee on H. F. No. 1257 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1257, A bill for an act relating to occupations and professions; regulating entertainment agencies; providing penalties; proposing new law coded as Minnesota Statutes, chapter 184A.

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

The question was taken on the repassage of the bill and the roll was called. There were 68 yeas and 55 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bennett	Findlay	Jennings	Onnen	Shaver
Bishop	Fjoslien	Johnson	Pauly	Shea
Blatz	Forsythe	Knickerbocker	Piepho	Sherman
Brinkman	Frerichs	Kvam	Quist	Sviggum
Burger	Gruenes	Levi	Redalen	Thiede
Carlson, D.	Halberg	Ludeman	Reif	Uphus
Cohen	Haukoos	Marsh	Rodriguez, C.	Valento
DenOuden	Heap	McDonald	Rose	Waltman
Dimler	Heinitz	McKasy	Schafer	Weiker
Erickson	Himle	Olsen	Schreiber	Wigley
Evans	Hokr	Omann	Seaberg	Zaffke

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

The Speaker resumed the Chair.

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

RECESS

RECONVENED

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

MESSAGES FROM THE SENATE, Continued

The following message was received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has rejected recommendations and Conference Committee Report on S. F. No. 1349, and the Conference Committee has been discharged, and that a new Conference Committee has been appointed.

S. F. No. 1349, A bill for an act relating to liquor; abolishing prohibition on furnishing liquor to certain persons and exclusion of certain persons from liquor establishments after notice; amending Minnesota Statutes 1982, section 340.601; repealing Minnesota Statutes 1982, sections 340.73, subdivision 2; 340.78; and 340.81.

And the Senate respectfully requests that a new Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Spear, Dieterich, Storm, Novak and Waldorf.

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

PATRICK E. FLAHAVERN, Secretary of the Senate

Jacobs moved that the House accede to the request of the Senate and that the Speaker appoint a new Conference Committee of 5 members of the House to confer with a like committee on the part of the Senate on S. F. No. 1349. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1349:

Jacobs, O'Connor, Sarna, Metzen and Wigley.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 10:00 a.m., Tuesday, April 24, 1984. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Tuesday, April 24, 1984.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

